

Rights & Responsibilities of Licensed Child Care Providers

Purpose

The Illinois Department of Children and Family Services (DCFS) oversees child day care licensing requirements for the State of Illinois. The purpose of child care licensing is to protect young children by reducing risks and supporting health, safety, and development.

This document is an accumulation of information taken from "Know Your Rights in Licensing" training developed by Providers in Action with the support of Illinois Action for Children and information developed by the DCFS Day Care Advisory Council. The purpose of providing this information to licensed child care providers and day care licensing representatives is to highlight some of the rights and responsibilities of child care providers and day care licensing representatives.

What is the role of DCFS in child day care licensing?

- Determine and administer Illinois' minimum day care licensing standards in accordance with The Child Care Act of 1969. While local municipalities may have additional or more stringent rules or codes, DCFS will only monitor and enforce the state licensing standards.
- Provide orientation meetings and technical assistance for individuals who want to apply for a child care license.
- Answer questions and concerns of individuals in relationship to day care licensing standards
- Renew day care licenses every three years.
- Assign a Day Care Licensing Representative to complete initial, renewal, and change of address studies, various monitoring visits (including unannounced annual monitoring required by the Illinois Child Care Act) and investigate complaints of licensing violations and complaints of unlicensed care.

What is the role of the DCFS Licensing Representative (DCLR)?

- Insure children are in a safe, healthy environment while attending the child care facility, as directed by the Child Care Act of 1969 and day care licensing facility rules.
- Share information with child care providers and parents about quality child care, safety, health, and child development.
- Connect child care providers to resources and answer questions relative to providing quality child care.
- Investigate and follow up on complaints regarding child care programs and work with providers to correct any outstanding violations.
- Monitor licensed child care facilities to help insure they are meeting minimal day care licensing rules.
- Conduct unannounced monitoring visits yearly. Additional unannounced visits may be determined as necessary by the Department.
- Work collaboratively with other inspection authorities when required.

How long should it take to get a license, permit or license renewal?

- How quickly an applicant can be recommended for a license or permit depends upon a number of factors. Fingerprinting, background check histories that must be assessed, State Fire Marshal clearance, Health Department clearance and/or further information needed by the Department may cause a delay in licensure. It is the applicant's responsibility to insure that all requirements are in place and ready for inspection when the initial site visit is scheduled.
- It is the responsibility of DCFS to send a renewal application packet to the provider, six months prior to the expiration date of their license.
- It is the responsibility of the provider to submit to the Department a complete renewal application packet 90 days prior to the expiration date of their license.

What are the rights and responsibilities of Child Care Providers during and after Day Care Licensing Representative's site visits?

- Licensees have the right to require DCFS staff to identify themselves and show proper identification.
- Licensees have the right to be advised of the type of visit being conducted.
- Licensees have the right to be treated as a professional, with dignity and respect.
- Licensees have a right to receive an accurate report of the licensing representative's findings for each observed deficiency at the time of the visit for an unannounced annual monitoring visit, all other visits (pre-licensing consultation, complaint and renewal visits are documented in letter form and mailed).
- Licensees have a right to an impartial investigation of all complaints.
- Licensees have a right to receive a written citation that explains any violation and be provided a correction plan with a reasonable length of time to come into compliance.

- Licensees and their employees have a responsibility to comply with all the applicable Statutes and Rules.
- Licensees have a responsibility to treat day care licensing representative as a professional with dignity and respect.
- Licensees have the responsibility to allow DCLR's into their facility during the hours of operation of the license.
- Licensees have the responsibility to review licensing laws, regulations and policies.

What is a Supervisory Review?

Supervisory Reviews are meetings with a licensee, licensing representative, and licensing supervisor to review compliance issues, violations, documentation, correction plans, and consultation. There are two types of Supervisory Reviews:

Supervisory Review Requested by Provider:

- The first type of Supervisory Review can be requested by the provider if they do not agree with a violation that was cited, if there is a disagreement on the interpretation of a licensing standard, or if the provider has ongoing difficulty in communicating with their licensing representative.
 - The provider can contact the supervisor about the issue prior to requesting a Supervisory Review. Whenever cited, the Licensee will receive instructions on the CFS 596-01 Notice of Substantiated Violation and Offer of Supervisory Review letter.
 - The provider can ask for a written report summarizing the decision of each violation they are challenging.

Supervisory Review Requested by DCFS:

- At the second type of Supervisory Review, the licensing representative and their supervisor ask the day care provider to come in. This type of Supervisory Review is usually requested because;
 - The provider has failed to correct past violations
 - The provider has continued recurring violations that may put children at risk
 - The violations cited are of a serious nature where children may be at risk
 - The licensing representative and supervisor want to address practices or behaviors in order to prevent future violations.

What happens during a Supervisory Review?

- The provider, the day care licensing representative and the day care licensing supervisor will meet to discuss the issues or the licensing violations. The provider will be asked to show evidence to verify that they did not violate noted licensing Rules, or a licensing rule was misapplied by the licensing representative.
- There are three possible outcomes from the Supervisory Review. Following the review, the supervisor may decide to:
 - uphold the cited violations and require the child care provider to correct the violations.
 - alter the correction plan or change the timelines set for the completion of the correction plan.
 - Overturn one or more of the violations.

Who is the correct person to contact?

- If an applicant or licensee feels that there are unresolved issues with their licensing representative, they can contact day care licensing representative's supervisor.
 - The substantiated violation letter DCFS CFS 596-01 will have the supervisor's name and phone number.
 - The licensing representative is required to provide the contact information for their supervisor.
- If after discussions with the Day Care Licensing Supervisor, issues are still not resolved, the applicant or licensee can contact the Regional Licensing Administrator (RLA).
 - The licensing representative or licensing supervisor must provide the name and phone number of the Regional Licensing Administrator.
- If the applicant or licensee believes they have been treated unfairly or there is failed communication with the licensing department, after they have moved up the chain of command above, they may contact the Associate Deputy Director for Day Care Licensing.
 - When all other avenues have been exhausted, the provider may contact the DCFS Advocacy Office toll-free at 1-800-232-3798 or 217-524-2029.
- In extreme measures where the applicant or licensee feels there has been an abuse of authority, intimidation, or discrimination, they can contact the Office of the Inspector General (OIG).
 - The Office of the Inspector General investigates complaints against state agencies for complaints of intimidation, abuse of authority, or discrimination.
 - The Office of the Inspector General's toll-free hotline number is 1- 800-722-9124.