



Pat Quinn, Governor

Illinois Department of Human Services

Carol L. Adams, Ph.D., Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

**Date:** February 5, 2009  
**To:** All BCCD staff, All CCR&R staff  
**From:** Linda Saterfield, Bureau Chief  
Bureau of Child Care & Development  
**Subject:** **Policy Clarification - License Exempt Homes  
BCCD Program Manual #05.01.01**  
**Log #:** **2009-01**

---

At our last telenet meeting, we discussed the number of children in care at a license exempt home. Many of you indicated that you would approve more than 3 children as long as the child care schedules do not overlap and there are not more than 3 children in care at any one time.

We have confirmed with DCFS that this is not the correct interpretation of their policy.

The Child Care Act states:

*(225 ILCS 10/2.18) (from Ch. 23, par. 2212.18)*

*Sec. 2.18. "Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.*

*(Source: P.A. 87 674.)*

Part 377.3, Facilities and Programs Exempt from Licensing states:

*d) Family homes that care for no more than 3 children under the age of 12 or that receive only children from a single household, for less than 24 hours per day, are exempt from licensure as day care homes. The three children to whom this exemption applies includes the family's natural or adopted children and any other persons under the age of 12 whether related or unrelated to the operator of the day care home.*

DCFS' interpretation of the policy is as follows: "To be exempt, a person cannot care for more than 3 children under age 12 within a 24 hour period regardless of how many shifts of 3 children are cared in the 24 hours period. Therefore a provider who cares for more than 3 children in a

24-hour period must be licensed.”

In addition, a license exempt home may care for all of the children from a single household. A household shall be comprised of the adults who have child(ren) in common, the child(ren) those adults have in common and the other child(ren) of each such adult who reside together. When adults, other than spouses, reside together and do not have a child in common, each adult along with his or her child will be considered a separate household.

**The Bureau of Child Care & Development is adopting a more stringent interpretation. For the Child Care Assistance Program, a license exempt day care home provider may care for 3 children or may care for all of the children from a single household.**

Effective immediately, all new applications shall be processed using the more stringent guidelines.

For existing cases, CCR&R staff shall notify all parents and providers who appear on the Over Capacity Report of the correct interpretation and work with them to come into compliance. Parents should be diligent in their search for a new provider, but will be given to the end of their current eligibility period to obtain a new one.

[Signed Copy on File]

---

Linda Saterfield, Bureau Chief  
Bureau of Child Care & Development