

Child Care Advertising and Disclaimer

When an advertisement is placed for child care, the care giver or facility must be licensed by the State of Illinois. The license number must run in the newspaper advertisement. The details of child care advertisements are set forth in the Child Care Act of 1969 (225 ILCS 10). Advertisement of services by licensed facilities; a child care facility that is licensed or operating under a permit issued by the Illinois Department of Children and Family Services may publish advertisements of the services for which it is specifically licensed or issued a permit. No individual, unless licensed or holding a permit as a child care facility, may cause to be published any advertisement soliciting a child care services.

Section 10/2.06 of the Act defines a child care institution as the following:

“Child care institution” means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term child care institution includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- (a) Any State-operated institution for child care established by legislative action;
- (b) Any juvenile detention or shelter care home established and operated by any county or child protection district established under the Child Protection Act
- (c) Any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act;
- (d) Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis; or
- (e) Any facility licensed as a group home as defined in this Act.

Newspapers commonly encounter ads for day care centers, day care homes and group day care homes. A day care center means any child care facility which regularly provides day care for less than 24 hours per day for:

- (1) more than 8 children in a family home, or
- (2) more than 3 children in a facility other than a family home. This term does not include
 - (a) programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning serving children who shall have attained the age of 3 years;
 - (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;
 - (c) educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multistate educational organization or association which regularly recognizes or accredits schools;
 - (d) programs which exclusively serve or that portion of the program which

serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;

(e) facilities operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;

(f) any type of day care center that is conducted on federal government premises;

(g) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;

(h) part day child care facilities, as defined in Section 2.10 of this Act; or

(i) programs or that portion of the program which (1) serves children who shall have attained the age of 3 years, (2) is operated by churches or religious institutions as described in Section 501(c)(3) of the federal Internal Revenue Code, (3) receives no governmental aid, (4) is operated as a component of a religious, nonprofit elementary school, (5) operates primarily to provide religious education, and (6) meets appropriate State or local health and fire safety standards. For purposes of (a), (b), (c), (d) and (i) of this Section, children who shall have attained the age of 3 years shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program. **A day care home is defined as** a family home that receives more than 3 and up to a maximum of 12 children for less than 24 hours per day. The licensed capacity of 12 children means the maximum number of day care children under the age of 12 in the home at any one time. Children age 12 and over on the premises are not considered in determining the licensed capacity. The maximum 12 children include the family's natural, foster, or adopted children and all other persons under the age of 12. This does not include facilities that receive only children from a single household.

A group day care home is defined as a family home which receives more than 3 up to 16 children for less than 24 hours per day. The licensed capacity of 16 children means the maximum number of day care children under age 12 permitted in the group home at any one time. Children age 12 and over on the premises are not considered in determining the licensed capacity. The number includes the family's natural, foster, or adopted children and all other persons under the age of 12.

Recommended IPA Childcare Disclaimer

The following disclaimer was developed by the IPA Government Relations Office for use when running ads featuring child care:

No individual, unless licensed or holding a permit as a childcare facility, may cause to be published any advertisement soliciting a child care service.* A childcare facility that is licensed or operating under a permit issued by the Illinois Department of Children and Family Services may publish advertisements of the services for which it is specifically licensed or issued a permit. The (name of newspaper) strongly urges any parent or guardian to verify the validity of the license of any facility before placing a child in it's

care. *Family homes that care for no more than three (3) children under the age of twelve or which 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 Rule, Part 377.3 (c))

Links:

Child Care Act of 1969

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1293&ChapAct=225%A0ILCS%A010/&ChapterID=24&ChapterName=PROFESSIONS%20AND%20OCCUPATIONS&ActName=Child%20Care%20Act%20of%201969>.