

Effective date: March 10, 2009

1/21/2009
1/7/2009
12/2/2008
10/15/2008

113-0-08

AN ORDINANCE

**Amending Title 8, Chapter 18, Section 3
of the Evanston City Code,
"Child Day Care Homes; Application for Permit"**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 8-18-3 of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

8-18-3: APPLICATION FOR PERMIT:

Application for such registration permit shall be made to the Health and Human Services Department of the City in such form and manner as may be prescribed by said Department. The application shall be under oath and shall contain:

- (A) The location of the day care home for which a permit is sought;
- (B) The number of children to be cared for;
- (C) The name and address of the applicant if an individual, and if a firm, partnership or association, the principal address of the corporation and name and address of its officers;
- (D) The name of the person(s) under whose management or supervision the day care home will be conducted;
- (E) A health certificate indicating that the applicant is free of communicable diseases;
- (F) 1. Written authorization from the applicant, employee, care-giver, or anyone else over the age of thirteen (13) residing in the home or having direct contact with the children, for an investigation to determine if such person has ever been convicted or found guilty of a crime listed in Subsection 8-18-5(B) of this Chapter. This authorization shall indicate the scope of the inquiry and the agencies which may be contacted, and, in the case of persons other than the applicant himself or herself, shall include a written release authorizing release of any information obtained on convictions and findings of

guilty to the applicant. The Director shall request information and assistance from any appropriate Federal, State, or local governmental agency as part of the authorized investigation.

2. Information concerning convictions or findings of guilty of a permit applicant investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant prior to final action by the Department on the application. Such information on convictions or findings of guilty shall be provided to the operator of such home, and, upon request, to the person investigated. Any information concerning criminal convictions or findings of guilty obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or a child day care home employee, care-giver, or other person investigated pursuant to this Section. Only information and standards which bear a reasonable and rational relation to the performance of a child day care home shall be used by the Department or any permittee or permit applicant. Any employee of the Department or a child day care home receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions or findings of guilty of a child day care home applicant, employee, care-giver, or other person investigated shall be guilty of a violation of the City Code unless a release of such information is authorized by this Section, or by a court of competent jurisdiction, or by the person investigated.

3. A statement that the applicant will not knowingly employ or permit to reside on the premises for which a permit is sought or to give direct care to the children served, anyone who has been adjudicated as a delinquent minor who has committed any offense(s) set forth in Section 8-18-5 of this Chapter under the *Illinois Juvenile Court Act*, who has been declared a sexually dangerous person, or who has been similarly adjudicated under the laws of any other state.

4. A written statement from the applicant and from employees, prospective employees, care-givers, and anyone else over the age of thirteen (13) years residing in the home or having direct contact with the children, that such person has never abused alcohol or drugs.

5. A child day care home may hire, on a probationary basis, any employee or care-giver authorizing an investigation of criminal convictions or findings of guilty under this Section, pending the result of such investigation. Employees and/or care-givers shall be notified prior to hiring that such employment may be terminated on the basis of criminal history information received by the home pursuant to this Section.

(G) 1. All child day care home permit applicants and all current and prospective employees and care-givers of a child day care home, as a condition of employment, shall authorize in writing on a form prescribed by the Department, an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to

ascertain if such applicant, employee, or care-giver has been determined to be a perpetrator in an indicated report of child abuse or neglect.

2. All child day care homes as a condition of receiving a permit pursuant to this Chapter shall maintain such information which demonstrates that all current employees, care-givers, applicants for employment, and persons over the age of thirteen (13) years residing in the home or having direct contact with the children cared for, have authorized an investigation of the Central Register as hereinabove required.

3. Such information concerning a permit applicant, employee, care-giver, prospective employee, or person over the age of thirteen (13) years residing in the home or having direct contact with the children cared for, obtained by the Department, shall be confidential and exempt from public inspection and copying as provided under Section 7 of the *Freedom of Information Act*, and such information shall not be transmitted to anyone within the Department except as needed for the purposes of evaluation of an applicant for a permit or for consideration by a child day care home of an employee or care-giver. Any employee of the Department who gives or causes to be given any confidential information concerning any child abuse or neglect reports about a child day care home applicant, or child day care home employee, or care-giver, or person over thirteen (13) years residing in the home or having direct contact with the children cared for, shall be guilty of a violation of this Section unless release of such information is authorized by Section 11.1 of the *Abused and Neglected Child Reporting Act*, by a court of competent jurisdiction, or as otherwise authorized by law.

(H) Such other information as the Director may request.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

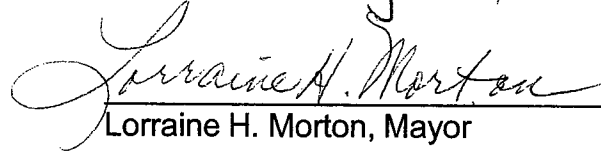
SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 9, 2009

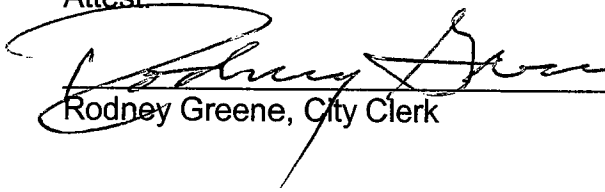
Adopted: February 23, 2009

Approved:

February 24, 2009


Lorraine H. Morton, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel