



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4194

Introduced 10/29/2025, by Rep. Lilian Jiménez - Maura Hirschauer - Maurice A. West, II - Laura Faver Dias - Hoan Huynh

SYNOPSIS AS INTRODUCED:

225 ILCS 10/3.8 new

Amends the Child Care Act of 1969. Provides that a licensed day care center shall not disclose or threaten to disclose to any other person, entity, or agency information regarding or relating to the actual or perceived citizenship or immigration status of a child or an associated person, unless disclosure is required by State or federal law. Requires the Department of Children and Family Services or the Department of Early Childhood, as is applicable, to make available on its website specified resources for families. Provides that, if a child's parent or guardian directly faces immigration enforcement action, a licensed day care center shall use the child's emergency contact information and release the child to the persons designated as the child's emergency contacts or into the custody of an individual who presents a properly executed appointment of short-term guardian form on behalf of the child. Sets forth provisions requiring a licensed day care center to adopt certain policies concerning consent to disclosure. Provides that the policies shall not have the effect of excluding or discouraging a child from any program at the licensed day care center because of the actual or perceived immigration status of the child or the child's parent or guardian. Establishes enforcement provisions for violations of disclosure provisions. Effective immediately.

LRB104 16121 AAS 29454 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by adding
5 Section 3.8 as follows:

6 (225 ILCS 10/3.8 new)

7 Sec. 3.8. Licensed day care centers; immigration
8 enforcement.

9 (a) As used in this Section:

10 "Immigration enforcement action" includes any arrests or
11 detentions conducted by agents or officers of the United
12 States Department of Homeland Security, United States
13 Immigration and Customs Enforcement, or United States Customs
14 and Border Protection or any other individual or entity with
15 the power to arrest or detain individuals or manage custody of
16 detained individuals for the purposes of civil immigration
17 enforcement.

18 "Law enforcement agent" means an agent of federal, State,
19 or local law enforcement authorized with the power to arrest
20 or detain individuals or manage the custody of detained
21 individuals for a law enforcement purpose, including civil
22 immigration enforcement.

23 (b) A licensed day care center shall not disclose or

1 threaten to disclose to any other person, entity, or agency
2 information regarding or relating to the actual or perceived
3 citizenship or immigration status of a child or an associated
4 person, unless disclosure is required by State or federal law.
5 Nothing in this Section shall be construed to prohibit or
6 restrict a licensed day care center from sending to or
7 receiving from the United States Department of Homeland
8 Security or any other federal, State, or local governmental
9 entity information regarding the citizenship or immigration
10 status of an individual pursuant to 8 U.S.C. 1373 and 8 U.S.C.
11 1644.

12 (c) This Section does not affect a licensed day care
13 center's obligation as a mandated reporter or to otherwise
14 respond to instances of suspected crime on the premises. This
15 Section does not prohibit a licensed day care center from
16 interacting with law enforcement agents for the purposes of
17 hotline emergency calls or incidents arising out of mandated
18 reporting.

19 (d) The Department of Children and Family Services or the
20 Department of Early Childhood, whichever is applicable, shall
21 make available on its website resources for families,
22 including, but not limited to, resources regarding the
23 constitutional rights of families, family preparedness plans,
24 and a copy of the Department of Children and Family Services'
25 appointment of short-term guardian form (Form CFS 444-2 or its
26 predecessor or successor form).

1 (e) If a child's parent or guardian directly faces
2 immigration enforcement action, a licensed day care center
3 shall use the child's emergency contact information and
4 release the child to the persons designated as the child's
5 emergency contacts or into the custody of an individual who
6 presents a properly executed appointment of short-term
7 guardian form on behalf of the child.

8 (f) A licensed day care center shall adopt policies by
9 January 1, 2026 to comply with this Section and shall ensure
10 that all staff members are trained on the adopted policies.
11 The policies shall not have the effect of excluding or
12 discouraging a child from any program at the licensed day care
13 center because of the actual or perceived immigration status
14 of the child or the child's parent or guardian. The policies
15 shall require the following:

16 (1) a written plan of action for interacting with law
17 enforcement agents to be shared with a child's parent or
18 guardian and include the following:

19 (A) a designation of spaces deemed to be private
20 within the facility;

21 (B) a designation of the day care center director
22 or the day care center director's designee as the
23 primary point of contact for interacting with law
24 enforcement agents; and

25 (C) procedures that a day care center's primary
26 point of contact must follow when responding and

1 reviewing a request for entry by law enforcement,
2 including a judicial warrant or order or a subpoena;

3 (2) procedures for notifying and seeking written
4 consent from a child's parents or guardian if a law
5 enforcement agent requests access to personally
6 identifiable information from the child's records, unless
7 such access is in compliance with a judicial warrant or
8 order or a subpoena that restricts the disclosure of the
9 information to the child's parents or guardian;

10 (3) families enrolled at the licensed day care center
11 to update their emergency contact list biannually; and

12 (4) notification to be given, within a reasonable time
13 period, to parents or guardians and the Department if
14 immigration enforcement action occurs at the licensed day
15 care center or its environs.

16 A licensed day care center's late pick-up policy shall be
17 updated to include the degree of diligence the licensed day
18 care center will use to reach a child's emergency contacts,
19 including the number of attempted phone calls to parents and
20 emergency contacts and any requests for police assistance in
21 finding a child's emergency contact.

22 (g) Failure to comply with subsection (b) of this Section
23 shall result in a formal licensing violation. Failure to
24 comply with any other provision of this Section may result in a
25 licensing violation.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.