

OCFP Office of Rules and Procedures	Department of Children and Family Services	
	Index No: 99-19 “corrected”	Issuance Date: August 19, 1999
	Origin of Request: Central Office of Licensing	
	Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)	
	Key Words: 89 IAC 408, Licensing Standards for Group Day Care Homes, Requirements for State Fire Marshal Inspection for Facilities with 12 or More Children	
	Approved by:	

Interpretation

Applicable To: Licensed Group Day Care Homes

Policy Citation: 408.5 Definitions:

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])

408.30(a)(6): A facility in which a wood-burning stove or fireplace has been installed and which is used during the hours that day care is provided shall furnish a written statement certifying its safety from the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Such statement shall be provided upon initial application for licensure and subsequent applications for license renewal.

408.30(a)(7): In one and two-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas which the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.

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408.30(a)(9): When the basement area may be used for child care, two exits shall be provided. At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway which allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than eight feet high. A second exit may be a window operable from the inside without the use of tools which provides a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. If a window is used as a second exit, the bottom of the window opening shall be not more than 44 inches above the floor. When the bottom of a window opening used as a second exit is more than 24 inches from the floor, there should be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency. If the basement area does not meet these requirements, the basement may be used for day care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Basements which have been approved for day care use in currently licensed group day care homes are permitted one year from the effective date of these amendments to comply with these basement exiting requirements.

408.65(e): In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four additional children who are attending school full-time if a part-time before and/or after school assistant is employed and the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf approves the group day home for acceptance of the expanded capacity. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

Question: **Group Day Care Homes with the capacity of 12 or more are required to have a clearance from the Office of the State Fire Marshal for initial licensure. Is a fire clearance required annually? Is a fire clearance needed at the time of license renewal?**

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Discussion: A State Fire Marshal inspection is required when a group day care home is licensed for more than 12 children. The inspection requirement is not specifically at the time of initial licensure, but anytime the capacity is established at a higher number than 12 children. The need for an inspection is based on the number of children in the group day care home.

Once the State Fire Marshal inspection has been completed for facilities with more than 12 children, it does not need to be repeated unless the following occurs:

- X the home has or adds a wood burning fireplace or wood burner according to subsection 408.30(a)(6), or
- X the group day care home accepts children under the age of 30 months according to subsection 408.30(a)(7), or
- X the group day care home begins to use a basement that does not meet the exit guidelines of subsection 408.30(a)(9) and requires an inspections as defined in the same subsection.

Response: A State Fire Marshal clearance is required when a group day care home establishes a capacity more than 12 children and in accordance with subsections 408.30(a)(6), (7) and (9).

Note: Please disregard Policy Interpretation 99-19 that was issued on August 3, 1999 and replace with this “corrected” Policy Interpretation. This “corrected” Policy Interpretation was issued because of clerical errors.