

OCFP Office of Child and Family Policy	Department of Children and Family Services	
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	Origin of Request: Central Office of Licensing	
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	Key Words: Firearm, Ammunition, Premises, Inspect, Locked Storage, Day Care Home, Group Day Care Home	
	Approved by:	

Interpretation

Question: If a firearm is kept locked in a home licensed for child care, is a Department licensing representative required to physically inspect the entire premises to affirm that any firearm or ammunition is stored in compliance with 406.8(13), (14) and (15)?

Applicable To: Licensed Day Care Homes and Licensed Group Day Care Homes

Policy Citation: Section 406.8 General Requirements for Day Care Homes

406.8(a)

- 13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*
- 14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 15) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children. [Child Care Act, 225 ILCS 10/7] Such notification need not disclose the location where the firearms and ammunition are stored.*



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Section 406.2 Definitions

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, and any other outbuildings.

See also Section 408.30 General Requirements for Group Day Care Homes and the Child Care Act of 1969, Section 10/7.

Discussion:

The Child Care Act mandates that the Department assure that firearms on the premises of a day care home be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that any ammunition should be kept in locked storage separate from that of disassembled firearms, inaccessible to children.

The intent of Departmental policy, as well as the law it complies with, is to assure that children being cared for in a child care home are safe. The public has entrusted the Department with the job of ensuring, through on site verification, that each child care home complies with that expectation of safety.

The "premises" of the day care home is where the family resides and includes the attic, basement, and other parts of the residence that may or may not be included in the license. The fact that the license only prescribes a limited area, does not change or limit the Department's duty to inspect the entire premises.

Response:

If a firearm is kept anywhere on the premises of a home licensed to provide day care, a Department licensing representative is required to physically inspect the entire premises to assure that any firearm or ammunition is kept in accordance with the requirements of the Child Care Act and Subsection 406.8(a)13-15.