



City of Chicago



O2018-6417

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 7/23/2018

Sponsor(s): Burke (14)
Solis (25)
Reboyras (30)

Type: Ordinance

Title: Amendment of Municipal Code Sections 4-75-010, 4-75-040 and 4-75-100 regarding addition of child welfare agencies to institutions or agencies requiring Child Services Facility license

Committee(s) Assignment: Committee on Finance

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ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, a core City power, function, and interest is to ensure the safety of structures throughout the City in general, and of those which serve vulnerable populations in particular; and

WHEREAS, it is now widely known that Chicago is at least a temporary home to children who have been forcibly separated from their parents at the U.S. and Mexico border and placed in shelters by federal authorities; and

WHEREAS, news reports of distressing abuse and mistreatment allegations at a state-licensed Chicago shelter have brought into focus the duties and responsibilities that the City has to protect the health, safety, and welfare of these children; and

WHEREAS, shelter conditions have come to the forefront of public awareness in the aftermath of a “zero tolerance” federal immigration policy that led to the separation of 2,000 migrant children from their parents over a six-week period between April 18 and May 31, 2018; and

WHEREAS, although a federal judge has since ordered reunifications by specific deadlines, these have not been met and the order does not eliminate the long-standing existence of these shelters for unaccompanied migrant children; and

WHEREAS, since 2003, the U.S. Department of Health and Human Services has awarded nearly \$5 billion in grants through the Office of Refugee Resettlement (ORR), mostly to religious and nonprofit organizations in eighteen (18) states, to house children who arrive in the country unaccompanied; and

WHEREAS, ORR affiliated shelters are not designed for long-term residency, they are meant to serve as intermediaries, usually placing children with a parent, a close family member, a family friend, or, in rare cases, in a foster home within a month and typically provide an array of social services, such as education, food, clothing, and mental health services; and

WHEREAS, Heartland Alliance, an Illinois-licensed child welfare agency, is under contract with ORR as the sole provider of these services in the City of Chicago, serving seventy-three (73) children recently separated from their parents at the border; and

WHEREAS, recently United States Senator Richard Durbin wrote a letter to the U.S. Department of Health and Human Services Office of the Inspector General, requesting an investigation into a facility run by Heartland Alliance, Casa Guadalupe, after the *Washington Post* reported there had been allegations of abuse at this facility; and

WHEREAS, the Illinois Department of Children and Family Services (DCFS), which licenses the agency, has launched an investigation due to the claims; and

WHEREAS, DCFS licenses child welfare agencies such as Heartland Alliance pursuant to the Child Care Act of 1969, under which day care agencies are also licensed; and

WHEREAS, the City of Chicago licenses day care facilities but not child welfare agencies; and

WHEREAS, the current political climate has brought to light both the ever-expanding role of these migrant children shelters and the extent to which the resources and capabilities of those charged with their oversight is increasingly burdened and strained; and

WHEREAS, the members of this City Council therefore find a need to deploy the City's own health and safety standards and oversight to ensure that these facilities offer safe and suitable conditions for children in their care; and

WHEREAS, requiring City licensing of the facilities is a direct and effective manner of ensuring that the City meets its responsibility to secure the health and well-being of these children who, regardless of the circumstances that brought them here, and notwithstanding the length of their stay, are now also Chicago's children; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 4-75 of the Municipal Code of Chicago is hereby amended by inserting the underscored language as follows:

4-75-010 Definitions.

For purposes of this chapter the following definitions shall apply:

(Omitted text is unaffected by this ordinance.)

“Children's play center” means any institution or place, regardless of nomenclature, where the primary business activity is to provide recreational activities to children who are apart from their parent or guardian. The term “children's play center” does not include the following: (1) any program operated by private entities on the grounds of public or private elementary schools or secondary schools; (2) any program operated by a public or private school or secondary level school; (3) any program operated by the State Board of Education or the Board of Education of Chicago; (4) any program operated by government agencies or conducted on government premises; (5) any program operated by or conducted on the premises of a college or university; (6) any program operated primarily for religious instruction; (7) any program operated by a hospital or other health care facility; (8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Article III of Chapter 4-156 of this Code; or (9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17-0248, in which the person or child resides.

“Child welfare agency” means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement or free care of the child or

children in foster family homes apart from the custody of the child's or children's parents and as further defined in Section 2.08 of the Child Care Act of 1969, codified at 225 ILCS 10/1 et seq., and includes any agency licensed as a child welfare agency facility under the provisions of the Child Care Act of 1969.

“Children's services facility” means a “day care center” or “children's play center” or “child welfare agency” as those terms are defined in this section.

(Omitted text is unaffected by this ordinance.)

4-75-040 License issuance and renewal – Prohibited when.

(a) No license under this chapter shall be issued to the following persons:

(Omitted text is unaffected by this ordinance.)

(6) In the case of an initial application for a license under this chapter, any applicant or licensee, as applicable, unless the fire department or department of buildings, pursuant to a coordinated inspection schedule, inspect the premises identified in the license application and determine that such premises are in compliance with all applicable requirements of this Code. If the facility identified in the license application is a child welfare agency, day care center or child care facility, the department of health shall also inspect such facility for compliance with the requirements of this Code. If within the 12-month period prior to the date of submission of an initial license application, the subject premises were inspected either by the fire department or department of buildings in connection with a permit inspection, periodic inspection, code compliance inspection or certificate of occupancy, such inspection shall be deemed to meet the inspection requirement herein. The fire department, department of buildings and health department are authorized to conduct such additional inspections as they deem necessary to maintain health and safety;

(Omitted text is unaffected by this ordinance.)

4-75-100 Prohibited activities and amusements.

No licensee under this chapter shall:

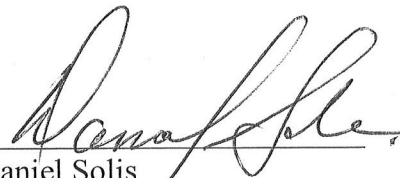
- (1) Hold a liquor license for the sale of alcohol at the licensed facility;
- (2) Hold a license for the sale of tobacco products at the licensed facility;
- (3) Permit the consumption of alcohol at the licensed facility; or
- (4) Hold or conduct any amusement at the licensed facility, other than those amusements authorized under Section 4-75-090, provided however a licensee may conduct an amusement if authorized under Section 4-156-060 of this Code.

(Omitted text is unaffected by this ordinance.)

SECTION 2. This ordinance shall take effect upon passage.



Edward M. Burke
Alderman, 14th Ward



Daniel Solis
Alderman, 25th Ward

