**Section 404.28 Child Care Groupings**

a) Groupings and supervision of children shall provide for individual attention and consideration of each child. Groups shall consist of a maximum of 15 children.

b) Child care staff shall provide appropriate supervision to children at all times.

c) There shall be:

1) no more than 12 children when there are children between 6 and 12 years of age in the group;

2) no more than 5 children when there are children between 2 and 6 years of age in the group; and

3) no more than 6 children when there are children under 2 years of age in the group.

d) In case of an emergency the institution must be able to provide for the safety of the children.

e) Two or more groups may share common programs and living accommodations but sufficient numbers of child care workers shall be maintained.

f) Children under 18 years of age whose parents serve as staff members maintaining a residence in the institution shall be included in determining the license capacity if they:

1) live in the same quarters as children accepted for care; and

2) have been admitted for direct care by the institution on the same basis as other children.

g) The institution shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while in their living quarters.

h) For night time supervision, there shall be at least one person on duty and awake for each two groups occupying common or attached living quarters. Girls shall be under the direct supervision of adult female staff during the night. Additional staff shall be on call in case of emergency or other need.

1) The awake night staff requirements may be waived in writing by the Director of the Department or his designee for an institution, or that portion of an institution, wherein groups of up to ten children are the responsibility of child care staff who share family style living quarters.

2) A request for a waiver of the night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children will be protected by other means. No waiver may be granted for a group wherein one or more children has been diagnosed as mentally retarded, developmentally disabled or physically incapacitated.

1. Each child shall be assigned to a group and shall be provided his own bed and readily accessible storage space where he may keep his personal belongings and possessions.

j) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent/guardian, staff, resource personnel and the Department.

k) Maternity centers where mothers have their children residing with them at the center shall consider the age of the mother, her cognitive abilities and the age and number of children residing with the mother when considering staffing ratios in the facility program plan. The Department shall approve ratios.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)