



Sen. Richard J. Winkel Jr.

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09400HB4135sam001

LRB094 14037 DRJ 57504 a

1 AMENDMENT TO HOUSE BILL 4135

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4135 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 5c as follows:

6 (20 ILCS 505/5c)

7 Sec. 5c. Direct child welfare service employee license.

8 (a) By January 1, 2000, the Department, in consultation  
9 with private child welfare agencies, shall develop and  
10 implement a direct child welfare service employee license. By  
11 January 1, 2001 all child protective investigators and  
12 supervisors and child welfare specialists and supervisors  
13 employed by the Department or its contractors shall be required  
14 to demonstrate sufficient knowledge and skills to obtain and  
15 maintain the license. The Direct Child Welfare Service Employee  
16 License Board of the Department shall have the authority to  
17 revoke or suspend the license of anyone who after a hearing is  
18 found to be guilty of misfeasance. The Department shall  
19 promulgate such rules as necessary to implement this Section.

20 (b) If a direct child welfare service employee licensee is  
21 expected to transport a child or children with a motor vehicle  
22 in the course of performing his or her duties, the Department  
23 must verify that the licensee meets the requirements set forth  
24 in Section 5.1 of the Child Care Act of 1969. The Department

1 must make that verification as to each such licensee every 2  
2 years. Upon the Department's request, the Secretary of State  
3 shall provide the Department with the information necessary to  
4 enable the Department to make the verifications required under  
5 this subsection. If the Department discovers that a direct  
6 child welfare service employee licensee has engaged in  
7 transporting a child or children with a motor vehicle without  
8 having a valid driver's license, the Department shall  
9 immediately revoke the individual's direct child welfare  
10 service employee license.

11 (c) On or before January 1, 2000, and every year  
12 thereafter, the Department shall submit an annual report to the  
13 General Assembly on the implementation of this Section.

14 (Source: P.A. 92-471, eff. 8-22-01.)

15 Section 10. The Child Care Act of 1969 is amended by  
16 changing Section 5.1 as follows:

17 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

18 Sec. 5.1. (a) The Department shall ensure ~~assure~~ that no  
19 day care center, group home or child care institution as  
20 defined in this Act shall on a regular basis transport a child  
21 or children with any motor vehicle unless such vehicle is  
22 operated by a person who ~~that~~ complies with the following  
23 requirements:

24 1. is 21 years of age or older;

25 2. currently holds a valid driver's license, which has  
26 not been revoked or suspended for one or more traffic  
27 violations during the 3 years immediately prior to the date  
28 of application;

29 3. demonstrates physical fitness to operate vehicles  
30 by submitting the results of a medical examination  
31 conducted by a licensed physician;

32 4. has not been convicted of more than 2 offenses

1 against traffic regulations governing the movement of  
2 vehicles within a twelve month period;

3 5. has not been convicted of reckless driving or  
4 driving under the influence or manslaughter or reckless  
5 homicide resulting from the operation of a motor vehicle  
6 within the past 3 years;

7 6. has signed and submitted a written statement  
8 certifying that he has not, through the unlawful operation  
9 of a motor vehicle, caused an accident which resulted in  
10 the death of any person within the 5 years immediately  
11 prior to the date of application.

12 However, such day care centers, group homes and child care  
13 institutions may provide for transportation of a child or  
14 children for special outings, functions or purposes that are  
15 not scheduled on a regular basis without verification that  
16 drivers for such purposes meet the requirements of this  
17 Section.

18 (a-5) As a means of ensuring compliance with the  
19 requirements set forth in subsection (a), the Department shall  
20 implement appropriate measures to verify that every individual  
21 who is employed at a group home or child care institution meets  
22 those requirements.

23 For every individual employed at a group home or child care  
24 institution who regularly transports children in the course of  
25 performing his or her duties, the Department must make the  
26 verification every 2 years. Upon the Department's request, the  
27 Secretary of State shall provide the Department with the  
28 information necessary to enable the Department to make the  
29 verifications required under subsection (a).

30 In the case of an individual employed at a group home or  
31 child care institution who becomes subject to subsection (a)  
32 for the first time after the effective date of this amendatory  
33 Act of the 94th General Assembly, the Department must make that  
34 verification with the Secretary of State before the individual

1 operates a motor vehicle to transport a child or children under  
2 the circumstances described in subsection (a).

3 In the case of an individual employed at a group home or  
4 child care institution who is subject to subsection (a) on the  
5 effective date of this amendatory Act of the 94th General  
6 Assembly, the Department must make that verification with the  
7 Secretary of State within 30 days after that effective date.

8 If the Department discovers that an individual fails to  
9 meet the requirements set forth in subsection (a), the  
10 Department shall promptly notify the appropriate group home or  
11 child care institution.

12 (b) Any individual who holds a valid Illinois school bus  
13 driver permit issued by the Secretary of State pursuant to The  
14 Illinois Vehicle Code, and who is currently employed by a  
15 school district or parochial school, or by a contractor with a  
16 school district or parochial school, to drive a school bus  
17 transporting children to and from school, shall be deemed in  
18 compliance with the requirements of subsection (a).

19 (c) The Department may, pursuant to Section 8 of this Act,  
20 revoke the license of any day care center, group home or child  
21 care institution that fails to meet the requirements of this  
22 Section.

23 (d) A group home or child care institution that fails to  
24 meet the requirements of this Section is guilty of a petty  
25 offense and is subject to a fine of not more than \$1,000. Each  
26 day that a group home or child care institution fails to meet  
27 the requirements of this Section is a separate offense.

28 (Source: P.A. 88-612, eff. 7-1-95.)"