



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1244

Introduced 02/08/11, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11.5

Amends the Illinois Public Aid Code. Requires any child care provider who receives funds from the child care assistance program and who is not required to be licensed to authorize in writing periodic investigations of the Central Register to ascertain if any child care provider or any member of the provider's household age 13 or older has been determined to be a perpetrator in an indicated report of child abuse or neglect. Requires the Department of Children and Family Services to conduct an investigation of the Central Register, the Illinois Sex Offender Registry, and the National Sex Offender Registry at the request of the Department of Human Services. Removes a provision requiring the Department of Human Services to provide an unlicensed child care provider with a copy of the criminal history record check obtained from the Department of State Police. Removes provisions concerning disqualifying criminal charges and criteria the Department of Human Services shall consider when making a determination as to terminating payments to an unlicensed child care provider. Effective immediately.

LRB097 02926 KTG 42950 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 9A-11.5 as follows:

6 (305 ILCS 5/9A-11.5)

7 Sec. 9A-11.5. Investigate child care providers.

8 (a) Any child care provider receiving funds from the child
9 care assistance program under this Code who is not required to
10 be licensed under the Child Care Act of 1969 shall, as a
11 condition of eligibility to participate in the child care
12 assistance program under this Code, authorize in writing on a
13 form prescribed by the Department of Children and Family
14 Services, periodic investigations of the Central Register, as
15 defined in the Abused and Neglected Child Reporting Act, to
16 ascertain if the child care provider or any member of the
17 provider's household age 13 or older has been determined to be
18 a perpetrator in an indicated report of child abuse or neglect.
19 The Department of Children and Family Services shall conduct an
20 investigation of the Central Register, the Illinois Sex
21 Offender Registry, and the National Sex Offender Registry at
22 the request of the Department.

23 (b) Any child care provider, ~~other than a relative of the~~

1 ~~child,~~ receiving funds from the child care assistance program
2 under this Code who is not required to be licensed under the
3 Child Care Act of 1969 shall, as a condition of eligibility to
4 participate in the child care assistance program under this
5 Code, authorize in writing a State and Federal Bureau of
6 Investigation fingerprint-based criminal history record check
7 to determine if the child care provider has ever been convicted
8 of a crime with respect to which the conviction has not been
9 overturned and the criminal records have not been sealed or
10 expunged. Upon this authorization, the Department shall
11 request and receive information and assistance from any federal
12 or State governmental agency as part of the authorized criminal
13 history record check. The Department of State Police shall
14 provide information concerning any conviction that has not been
15 overturned and with respect to which the criminal records have
16 not been sealed or expunged, ~~whether the conviction occurred~~
17 ~~before or on or after the effective date of this amendatory Act~~
18 ~~of the 96th General Assembly,~~ of a child care provider upon the
19 request of the Department when the request is made in the form
20 and manner required by the Department of State Police. The
21 Department of State Police shall charge a fee not to exceed the
22 cost of processing the criminal history record check. The fee
23 is to be deposited into the State Police Services Fund. Any
24 information concerning convictions that have not been
25 overturned and with respect to which the criminal records have
26 not been sealed or expunged obtained by the Department is

1 confidential and may not be transmitted (i) outside the
2 Department except as required in this Section or (ii) to anyone
3 within the Department except as needed for the purposes of
4 determining participation in the child care assistance
5 program. ~~A copy of the criminal history record check obtained
6 from the Department of State Police shall be provided to the
7 unlicensed child care provider.~~

8 (c) The Department shall by rule set standards for
9 determining when to disqualify an unlicensed child care
10 provider for payment because (i) there is an indicated finding
11 against the provider based on the results of the Central
12 Register search or (ii) there is a disqualifying criminal
13 ~~charge pending against the provider or the provider has a
14 disqualifying criminal~~ conviction that has not been overturned
15 and with respect to which the criminal records have not been
16 expunged or sealed based on the results of the
17 fingerprint-based Department of State Police and Federal
18 Bureau of Investigation criminal history record check. ~~In
19 determining whether to disqualify an unlicensed child care
20 provider for payment under this subsection, the Department
21 shall consider the nature and gravity of any offense or
22 offenses; the time that has passed since the offense or
23 offenses or the completion of the criminal sentence or both;
24 and the relationship of the offense or offenses to the
25 responsibilities of the child care provider.~~

26 (Source: P.A. 96-632, eff. 8-24-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.