



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2894

Introduced 2/23/2011, by Rep. Jil Tracy

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Child Care Act of 1969. Provides that if an employee has authorized a criminal background investigation, but the investigation has not been completed, then the employee may work directly with the children if another employee who has completed a criminal background investigation is present at all times. Effective immediately.

LRB097 08334 CEL 48461 b

1 AN ACT concerning regulation.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4.1 as follows:

6 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

7 Sec. 4.1. Criminal Background Investigations. The
8 Department shall require that each child care facility license
9 applicant as part of the application process, and each employee
10 of a child care facility as a condition of employment,
11 authorize an investigation to determine if such applicant or
12 employee has ever been charged with a crime and if so, the
13 disposition of those charges; this authorization shall
14 indicate the scope of the inquiry and the agencies which may be
15 contacted. Upon this authorization, the Director shall request
16 and receive information and assistance from any federal, State
17 or local governmental agency as part of the authorized
18 investigation. Each applicant shall submit his or her
19 fingerprints to the Department of State Police in the form and
20 manner prescribed by the Department of State Police. These
21 fingerprints shall be checked against the fingerprint records
22 now and hereafter filed in the Department of State Police and
23 Federal Bureau of Investigation criminal history records

1 databases. The Department of State Police shall charge a fee
2 for conducting the criminal history records check, which shall
3 be deposited in the State Police Services Fund and shall not
4 exceed the actual cost of the records check. The Department of
5 State Police shall provide information concerning any criminal
6 charges, and their disposition, now or hereafter filed, against
7 an applicant or child care facility employee upon request of
8 the Department of Children and Family Services when the request
9 is made in the form and manner required by the Department of
10 State Police.

11 Information concerning convictions of a license applicant
12 investigated under this Section, including the source of the
13 information and any conclusions or recommendations derived
14 from the information, shall be provided, upon request, to such
15 applicant prior to final action by the Department on the
16 application. State conviction information provided by the
17 Department of State Police regarding employees or prospective
18 employees of child care facilities licensed under this Act
19 shall be provided to the operator of such facility, and, upon
20 request, to the employee or prospective employee. Any
21 information concerning criminal charges and the disposition of
22 such charges obtained by the Department shall be confidential
23 and may not be transmitted outside the Department, except as
24 required herein, and may not be transmitted to anyone within
25 the Department except as needed for the purpose of evaluating
26 an application or a child care facility employee. Only

1 information and standards which bear a reasonable and rational
2 relation to the performance of a child care facility shall be
3 used by the Department or any licensee. Any employee of the
4 Department of Children and Family Services, Department of State
5 Police, or a child care facility receiving confidential
6 information under this Section who gives or causes to be given
7 any confidential information concerning any criminal
8 convictions of a child care facility applicant, or child care
9 facility employee, shall be guilty of a Class A misdemeanor
10 unless release of such information is authorized by this
11 Section.

12 A child care facility may hire, on a probationary basis,
13 any employee authorizing a criminal background investigation
14 under this Section, pending the result of such investigation.
15 If an employee has authorized a criminal background
16 investigation under this Section, but the investigation has not
17 been completed, then the employee may work directly with the
18 children if another employee who has completed a criminal
19 background investigation is present at all times. Employees
20 shall be notified prior to hiring that such employment may be
21 terminated on the basis of criminal background information
22 obtained by the facility.

23 (Source: P.A. 93-418, eff. 1-1-04.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.