



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5525

Introduced 2/15/2012, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11.5

Amends the Illinois Public Aid Code. In regard to unlicensed child care providers receiving funds from the Department of Human Services' child care assistance program, requires such providers to, as a condition of eligibility under the program, authorize in writing a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history record check, a check of the Department of State Police's Statewide Sex Offender Database, and a check of the Department of State Police's Statewide Murderer and Violent Offender Against Youth Database to determine if the child care provider's current address matches that of a convicted felon whether on parole or probation. Provides that the Department of Human Services shall by rule set standards for determining when to disqualify an unlicensed child care provider for payment because the provider's current address matches the address of a person listed in the Law Enforcement Agencies Data System (LEADS). Adds a provision requiring the Department to submit a report to the General Assembly by January 1, 2014 and the year thereafter regarding the Department's compliance with these new investigation requirements.

LRB097 16543 KTG 65305 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 has been determined to be
17 a perpetrator in an indicated report of child abuse or neglect.
18 The Department of Children and Family Services shall conduct an
19 investigation of the Central Register at the request of the
20 Department.

21 (b) Any child care provider, other than a relative of the
22 child, receiving funds from the child care assistance program
23 under this Code who is not required to be licensed under the

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

1 outside the Department except as required in this Section or
2 (ii) to anyone within the Department except as needed for the
3 purposes of determining participation in the child care
4 assistance program. A copy of the criminal history record check
5 obtained from the Department of State Police shall be provided
6 to the unlicensed child care provider.

7 (b-1) Any child care provider, other than a relative of the
8 child, receiving funds from the child care assistance program
9 under this Code who is not required to be licensed under the
10 Child Care Act of 1969 shall, as a condition of eligibility to
11 participate in the child care assistance program under this
12 Code, authorize in writing a Department of State Police and
13 Federal Bureau of Investigation fingerprint-based criminal
14 history record check, a check of the Department of State
15 Police's Statewide Sex Offender Database, and a check of the
16 Department of State Police's Statewide Murderer and Violent
17 Offender Against Youth Database to determine if the child care
18 provider's current address matches that of a convicted felon
19 whether on parole or probation. Upon this authorization, the
20 Department shall request and receive information and
21 assistance from any federal or State governmental agency as
22 part of the authorized criminal history record check, sex
23 offender registry check, and murderer and violent offender
24 against youth registry check. The Department of State Police
25 shall provide information concerning any conviction of a child
26 care provider that has not been overturned and with respect to

1 which the criminal records have not been sealed or expunged,
2 whether the conviction occurred before or on or after the
3 effective date of this amendatory Act of the 97th General
4 Assembly, upon the request of the Department when the request
5 is made in the form and manner required by the Department of
6 State Police. The Department of State Police shall charge a fee
7 not to exceed the cost of processing the criminal history
8 record check, the sex offender registry check, or the murderer
9 and violent offender against youth registry check. The fee
10 shall be deposited into the State Police Services Fund. Any
11 information concerning convictions that have not been
12 overturned and with respect to which the criminal records have
13 not been sealed or expunged obtained by the Department is
14 confidential and may not be transmitted (i) outside the
15 Department except as required in this Section or (ii) to anyone
16 within the Department except as needed for the purposes of
17 determining participation in the child care assistance
18 program.

19 (b-2) The Department shall submit a report to the General
20 Assembly by January 1, 2014 and the year thereafter regarding
21 the Department's compliance with subsections (a), (b), and
22 (b-1) of this Section.

23 (c) The Department shall by rule set standards for
24 determining when to disqualify an unlicensed child care
25 provider for payment because (i) there is an indicated finding
26 against the provider based on the results of the Central

1 Register search or (ii) there is a disqualifying criminal
2 charge pending against the provider or the provider has a
3 disqualifying criminal conviction that has not been overturned
4 and with respect to which the criminal records have not been
5 expunged or sealed based on the results of the
6 fingerprint-based Department of State Police and Federal
7 Bureau of Investigation criminal history record check or the
8 results of the Department of State Police's Sex Offender
9 Database check or the results of the Department of State
10 Police's Statewide Murderer and Violent Offender Against Youth
11 Database check, or (iii) the provider's current address matches
12 the address of a person listed in the Law Enforcement Agencies
13 Data System (LEADS). In determining whether to disqualify an
14 unlicensed child care provider for payment under this
15 subsection, the Department shall consider the nature and
16 gravity of any offense or offenses; the time that has passed
17 since the offense or offenses or the completion of the criminal
18 sentence or both; and the relationship of the offense or
19 offenses to the responsibilities of the child care provider.

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