**Section 385.70 Disposition of Background Checks**

a) Notice of Findings

When the subject of the background check is the director, administrator or other chief executive officer of the facility, the Department will notify in writing the presiding officer of the governing body of the results of the check, and the presiding officer shall take those actions required by this Part. In the case of a group home or a child care facility that operates in a family home, the Department will notify in writing the supervising agency for the facility of the results of the check.

b) Child Care Facility Decision Regarding Employment

It shall be the responsibility of the governing body or operator of the facility to determine whether to hire or continue the employment of a conditional employee or to reassign the individual in question to a position that does not allow access to children, to provide the individual an opportunity for a review in accordance with the facility's personnel policies, and to notify the Department in writing of its employment decision within 30 days after receipt of the information from the Department. The decision of the employer is final, subject to review under the personnel policies of its governing body. These hiring decisions may not be appealed to the Department.

c) Request for Subsequent Background Check

The employer of a person who has been relieved of child-related duties pursuant to this Part may request another background check if the circumstances leading to the relieving of child care duties have changed. A change of circumstances may include, but is not limited to:

1) pending criminal charges have been dismissed or have resulted in an acquittal or conviction for a lesser charge;

2) a conviction is reversed on appeal;

3) the indicated finding of abuse or neglect is expunged, amended to another allegation, or amended to "unfounded";

4) a pending child protection investigation of abuse or neglect is "unfounded"; or

5) the records of the circuit court or local or State Police, if relied upon to reach the decision, have been amended.

d) Delinquent Child Support

If a license applicant has been denied, or the Department has refused to renew, a license because the applicant is more than 30 days delinquent in child support, the applicant may reapply after submitting proof that the child support has been paid in full or that a payment schedule has been arranged with the Department of Healthcare and Family Services (Title IV-D support cases) or the court of jurisdiction (all other child support cases).

(Source: Amended at 45 Ill. Reg. 12963, effective September 28, 2021)