**Section 408.40 Background Checks**

a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to the children cared for in a group day care home, or any employee of the group day care home, has not authorized the background check required by 89 Ill. Adm. Code 385, Background Checks and been cleared in accordance with the requirements of Part 385.

b) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check has been received.

c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a group day care home, be a member of the household of a family home in which a group day care home operates, or be an employee or volunteer in a group day care home. These allegations/criminal convictions are listed in Appendix E of this Part.

d) Group day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representative(s). Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

1) death in the family of the person;

2) serious illness of the person or illness in the person's immediate family; or

3) weather or transportation emergency.

e) As a condition of licensure, each licensee or license applicant must *certify under penalty of perjury that he or she is not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]

f) If the licensee(s) or license applicant(s) acknowledge that they are currently more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensee(s) or license applicant(s) are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensee(s) or license applicant(s) arrange for payment of past due and current child support and pay child support in accordance with that agreement.

(Source: Amended at 21 Ill. Reg. 4563, effective April 1, 1997)