

SB0869



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0869

Introduced 2/7/2017, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11.5

Amends the Illinois Public Aid Code. In provisions requiring child care providers to authorize in writing a State and Federal Bureau of Investigation fingerprint-based criminal history record check as a condition of eligibility to participate in the child care assistance program, removes a provision exempting a child care provider who is a relative of the child from the criminal history record check requirement. Effective January 1, 2018.

LRB100 00342 KTG 10346 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 State and Federal Bureau of
4 Investigation fingerprint-based criminal history record check
5 to determine if the child care provider has ever been convicted
6 of a crime with respect to which the conviction has not been
7 overturned and the criminal records have not been sealed or
8 expunged. Upon this authorization, the Department shall
9 request and receive information and assistance from any federal
10 or State governmental agency as part of the authorized criminal
11 history record check. The Department of State Police shall
12 provide information concerning any conviction that has not been
13 overturned and with respect to which the criminal records have
14 not been sealed or expunged, whether the conviction occurred
15 before or on or after the effective date of this amendatory Act
16 of the 96th General Assembly, of a child care provider upon the
17 request of the Department when the request is made in the form
18 and manner required by the Department of State Police. The
19 Department of State Police shall charge a fee not to exceed the
20 cost of processing the criminal history record check. The fee
21 is to be deposited into the State Police Services Fund. Any
22 information concerning convictions that have not been
23 overturned and with respect to which the criminal records have
24 not been sealed or expunged obtained by the Department is
25 confidential and may not be transmitted (i) outside the
26 Department except as required in this Section or (ii) to anyone

1 within the Department except as needed for the purposes of
2 determining participation in the child care assistance
3 program. A copy of the criminal history record check obtained
4 from the Department of State Police shall be provided to the
5 unlicensed child care provider.

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

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

25 Section 99. Effective date. This Act takes effect January
26 1, 2018.