



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Tom Cross

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Child Care Act of 1969. Makes a technical change in a Section concerning criminal background investigations.

LRB093 15540 AMC 41147 b

1 AN ACT concerning child care.

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 of Children and Family Services shall require that
9 each child care facility license applicant as part of the
10 application process, and each employee of a child care facility
11 as a condition of employment, authorize an investigation to
12 determine if such applicant or employee has ever been charged
13 with a crime and if so, the disposition of those charges; this
14 authorization shall indicate the scope of the inquiry and the
15 agencies which may be contacted. Upon this authorization, the
16 Director shall request and receive information and assistance
17 from any federal, State or local governmental agency as part of
18 the authorized investigation. Each applicant shall submit his
19 or her fingerprints to the Department of State Police in the
20 form and manner prescribed by the Department of State Police.
21 These fingerprints shall be checked against the fingerprint
22 records now and hereafter filed in the Department of State
23 Police and Federal Bureau of Investigation criminal history
24 records databases. The Department of State Police shall charge
25 a fee for conducting the criminal history records check, which
26 shall be deposited in the State Police Services Fund and shall
27 not exceed the actual cost of the records check. The Department
28 of State Police shall provide information concerning any
29 criminal charges, and their disposition, now or hereafter
30 filed, against an applicant or child care facility employee
31 upon request of the Department of Children and Family Services
32 when the request is made in the form and manner required by the

1 Department of State Police.

2 Information concerning convictions of a license applicant
3 investigated under this Section, including the source of the
4 information and any conclusions or recommendations derived
5 from the information, shall be provided, upon request, to such
6 applicant prior to final action by the Department on the
7 application. State conviction information provided by the
8 Department of State Police regarding employees or prospective
9 employees of child care facilities licensed under this Act
10 shall be provided to the operator of such facility, and, upon
11 request, to the employee or prospective employee. Any
12 information concerning criminal charges and the disposition of
13 such charges obtained by the Department shall be confidential
14 and may not be transmitted outside the Department, except as
15 required herein, and may not be transmitted to anyone within
16 the Department except as needed for the purpose of evaluating
17 an application or a child care facility employee. Only
18 information and standards which bear a reasonable and rational
19 relation to the performance of a child care facility shall be
20 used by the Department or any licensee. Any employee of the
21 Department of Children and Family Services, Department of State
22 Police, or a child care facility receiving confidential
23 information under this Section who gives or causes to be given
24 any confidential information concerning any criminal
25 convictions of a child care facility applicant, or child care
26 facility employee, shall be guilty of a Class A misdemeanor
27 unless release of such information is authorized by this
28 Section.

29 A child care facility may hire, on a probationary basis,
30 any employee authorizing a criminal background investigation
31 under this Section, pending the result of such investigation.
32 Employees shall be notified prior to hiring that such
33 employment may be terminated on the basis of criminal
34 background information obtained by the facility.

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