

1 AN ACT concerning regulation.

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 and by adding Sections 2.28 and 2.29 as  
6 follows:

7 (225 ILCS 10/2.28 new)

8 Sec. 2.28. Non-licensed service provider. "Non-licensed  
9 service provider" means an individual or entity that contracts  
10 with the Department to provide child welfare services that  
11 enable the Department to perform its duties under the Abused  
12 and Neglected Child Reporting Act, the Child Care Act of 1969,  
13 and the Children and Family Services Act. "Non-licensed service  
14 provider" includes an entity offering a service to the  
15 Department through a signed contract.

16 (225 ILCS 10/2.29 new)

17 Sec. 2.29. Volunteer. "Volunteer" means a person who  
18 performs a service willingly and without pay.

19 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

20 Sec. 4.1. Criminal Background Investigations. The  
21 Department shall require that each child care facility license

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

1 Family Services when the request is made in the form and manner  
2 required by the Department of State Police.

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

1 Department of State Police, or a child care facility receiving  
2 confidential information under this Section who gives or causes  
3 to be given any confidential information concerning any  
4 criminal convictions of a child care facility applicant, ~~or~~  
5 child care facility employee, non-licensed service providers,  
6 or volunteers shall be guilty of a Class A misdemeanor unless  
7 release of such information is authorized by this Section.

8 A child care facility may hire, on a probationary basis,  
9 any employee, non-licensed service provider, or volunteer  
10 authorizing a criminal background investigation under this  
11 Section, pending the result of such investigation. Employees, non-licensed service providers, and volunteers shall be  
12 notified prior to hiring that such employment may be terminated  
13 on the basis of criminal background information obtained by the  
14 facility.

15  
16 (Source: P.A. 93-418, eff. 1-1-04.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.