

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Child Care Act of 1969 is amended by changing Sections 4.1 and 7.10 as follows:

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

(Text of Section before amendment by P.A. 103-594)

Sec. 4.1. Criminal background investigations. The Department shall require that each child care facility license applicant as part of the application process, and each employee and volunteer of a child care facility or non-licensed service provider, as a condition of employment, authorize an investigation to determine if such applicant, employee, or volunteer has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. An employee or volunteer of a day care center, day care home, or group day care home shall authorize an investigation every 5 years, as required under the Child Care and Development Block Grant. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant, employee, or

volunteer of a child care facility or non-licensed service provider shall submit the applicant's, employee's, or volunteer's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant, employee, or volunteer of a child care facility or non-licensed service provider upon request of the Department of Children and Family Services when the request is made in the form and manner required by the Illinois State Police.

Information concerning convictions of a license applicant, employee, or volunteer of a child care facility or non-licensed service provider investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant, employee, or volunteer of a child care facility or non-licensed service provider prior to final action by the Department on the

application. State conviction information provided by the Illinois State Police regarding employees, prospective employees, or volunteers of non-licensed service providers and child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee, prospective employee, or volunteer of a child care facility or non-licensed service provider. Any information concerning criminal charges and the disposition of such charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or an employee or volunteer of a child care facility or non-licensed service provider. Only information and standards which bear a reasonable and rational relation to the performance of a child care facility shall be used by the Department or any licensee. Any employee of the Department of Children and Family Services, Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of an applicant, employee, or volunteer of a child care facility or non-licensed service provider, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

The Department of Children and Family Services, through

June 30, 2026, or the Department of Early Childhood, on and after July 1, 2026, shall allow day care centers, day care homes, and group day care homes to ~~A child care facility may hire, on a probationary basis, any employee or volunteer of a child care facility or non-licensed service provider~~ authorizing a criminal background investigation under this Section after receiving a qualifying result, as determined by the Department of Children and Family Services or the Department of Early Childhood, whichever is applicable, pursuant to this Act, from either: ~~pending the result of such investigation.~~

(1) the Federal Bureau of Investigation fingerprint criminal background check; or

(2) the Illinois State Police fingerprint criminal background check and a criminal record check of the criminal repository of each state in which the employee or volunteer resided during the preceding 5 years.

Pending full clearance of all background check requirements, the prospective employee or volunteer must be supervised at all times by an individual who received a qualifying result on all background check components. Employees and volunteers of a day care center, day care home, or group day care home ~~child care facility or non-licensed service provider~~ shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

(Text of Section after amendment by P.A. 103-594)

Sec. 4.1. Criminal background investigations. The Department of Children and Family Services or the Department of Early Childhood shall require that each child care facility license applicant under the agencies' respective authority as part of the application process, and each employee and volunteer of a child care facility or non-licensed service provider, as a condition of employment, authorize an investigation to determine if such applicant, employee, or volunteer has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. An employee or volunteer of a day care center, day care home, or group day care home shall authorize an investigation every 5 years, as required under the Child Care and Development Block Grant. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant, employee, or volunteer of a child care facility or non-licensed service provider shall submit the applicant's, employee's, or volunteer's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records

now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant, employee, or volunteer of a child care facility or non-licensed service provider upon request of the Department of Children and Family Services or the Department of Early Childhood when the request is made in the form and manner required by the Illinois State Police.

Information concerning convictions of a license applicant, employee, or volunteer of a child care facility or non-licensed service provider investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant, employee, or volunteer of a child care facility or non-licensed service provider prior to final action by the Department of Children and Family Services or the Department of Early Childhood under the agencies' respective authority on the application. State conviction information provided by the Illinois State Police regarding employees, prospective employees, or volunteers of non-licensed service providers and child care facilities

licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee, prospective employee, or volunteer of a child care facility or non-licensed service provider. Any information concerning criminal charges and the disposition of such charges obtained by the Department of Children and Family Services or the Department of Early Childhood shall be confidential and may not be transmitted outside the Department of Children and Family Services or the Department of Early Childhood, except as required herein, and may not be transmitted to anyone within the Department of Children and Family Services or the Department of Early Childhood except as needed for the purpose of evaluating an application or an employee or volunteer of a child care facility or non-licensed service provider. Only information and standards which bear a reasonable and rational relation to the performance of a child care facility shall be used by the Department of Children and Family Services or the Department of Early Childhood or any licensee. Any employee of the Department of Children and Family Services, Department of Early Childhood, Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of an applicant, employee, or volunteer of a child care facility or non-licensed service provider, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

The Department of Children and Family Services, through June 30, 2026, or the Department of Early Childhood, on and after July 1, 2026, shall allow day care centers, day care homes, and group day care homes to ~~A child care facility may hire, on a probationary basis, any employee or volunteer of a child care facility or non-licensed service provider~~ authorizing a criminal background investigation under this Section after receiving a qualifying result, as determined by the Department of Children and Family Services or the Department of Early Childhood, whichever is applicable, pursuant to this Act, from either: ~~pending the result of such investigation.~~

(1) the Federal Bureau of Investigation fingerprint criminal background check; or

(2) the Illinois State Police fingerprint criminal background check and a criminal record check of the criminal repository of each state in which the employee or volunteer resided during the preceding 5 years.

Pending full clearance of all background check requirements, the prospective employee or volunteer must be supervised at all times by an individual who received a qualifying result on all background check components. Employees and volunteers of a day care center, day care home, or group day care home ~~child care facility or non-licensed service provider~~ shall be notified prior to hiring that such employment may be terminated on the basis of criminal

background information obtained by the facility.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23; 103-594, eff. 7-1-26.)

(225 ILCS 10/7.10)

(Text of Section before amendment by P.A. 103-594)

Sec. 7.10. Licensing orientation program and progress report.

(a) For the purposes of this Section, "child day care licensing" or "day care licensing" means licensing of day care centers, day care homes, and group day care homes.

(a-5) In addition to current day care ~~daycare~~ training and subject to appropriations, the Department or any State agency that assumes day care center licensing responsibilities shall host licensing orientation programs to help educate potential day care center, day care home, and group day care home providers about the child day care licensing process. The programs shall be made available in person and virtually. The Department or its successor shall offer to host licensing orientation programs at least twice annually in each Representative District in the State. Additionally, if one or more persons request that a program be offered in a language other than English, then the Department or its successor must accommodate the request.

(b) No later than September 30th of each year, the Department shall provide the General Assembly with a

comprehensive report on its progress in meeting performance measures and goals related to child day care licensing.

(c) The report shall include:

(1) details on the funding for child day care licensing, including:

(A) the total number of full-time employees working on child day care licensing;

(B) the names of all sources of revenue used to support child day care licensing;

(C) the amount of expenditures that is claimed against federal funding sources;

(D) the identity of federal funding sources; and

(E) how funds are appropriated, including appropriations for line staff, support staff, supervisory staff, and training and other expenses and the funding history of such licensing since fiscal year 2010;

(2) current staffing qualifications of day care licensing representatives and day care licensing supervisors in comparison with staffing qualifications specified in the job description;

(3) data history for fiscal year 2010 to the current fiscal year on day care licensing representative caseloads and staffing levels in all areas of the State;

(4) per the DCFS Child Day Care Licensing Advisory Council's work plan, quarterly data on the following

measures:

(A) the number and percentage of new applications disposed of within 90 days;

(B) the percentage of licenses renewed on time;

(C) the percentage of day care centers receiving timely annual monitoring visits;

(D) the percentage of day care homes receiving timely annual monitoring visits;

(E) the percentage of group day care homes receiving timely annual monitoring visits;

(F) the percentage of provider requests for supervisory review;

(G) the progress on adopting a key indicator system;

(H) the percentage of complaints disposed of within 30 days;

(I) the average number of days a day care center applicant must wait to attend a licensing orientation;

(J) the number of licensing orientation sessions available per region in the past year; and

(K) the number of Department trainings related to licensing and child development available to providers in the past year; and

(5) efforts to coordinate with the Department of Human Services and the State Board of Education on professional development, credentialing issues, and child developers,

including training registry, child developers, and Quality Rating and Improvement Systems (QRIS).

(d) The Department shall work with the Governor's appointed Early Learning Council on issues related to and concerning child day care.

(Source: P.A. 103-805, eff. 1-1-25; revised 10-10-24.)

(Text of Section after amendment by P.A. 103-594)

Sec. 7.10. Licensing orientation program and progress report.

(a) For the purposes of this Section, "child day care licensing" or "day care licensing" means licensing of day care centers, day care homes, and group day care homes.

(a-5) In addition to current day care ~~daycare~~ training and subject to appropriations, the Department or any State agency that assumes day care center licensing responsibilities shall host licensing orientation programs to help educate potential day care center, day care home, and group day care home providers about the child day care licensing process. The programs shall be made available in person and virtually. The Department or its successor shall offer to host licensing orientation programs at least twice annually in each Representative District in the State. Additionally, if one or more persons request that a program be offered in a language other than English, then the Department or its successor must accommodate the request.

(b) No later than September 30th of each year, the Department of Early Childhood shall provide the General Assembly with a comprehensive report on its progress in meeting performance measures and goals related to child day care licensing.

(c) The report shall include:

(1) details on the funding for child day care licensing, including:

(A) the total number of full-time employees working on child day care licensing;

(B) the names of all sources of revenue used to support child day care licensing;

(C) the amount of expenditures that is claimed against federal funding sources;

(D) the identity of federal funding sources; and

(E) how funds are appropriated, including appropriations for line staff, support staff, supervisory staff, and training and other expenses and the funding history of such licensing since fiscal year 2010;

(2) current staffing qualifications of day care licensing representatives and day care licensing supervisors in comparison with staffing qualifications specified in the job description;

(3) data history for fiscal year 2010 to the current fiscal year on day care licensing representative caseloads

and staffing levels in all areas of the State;

(4) per the DCFS Child Day Care Licensing Advisory Council's work plan, quarterly data on the following measures:

(A) the number and percentage of new applications disposed of within 90 days;

(B) the percentage of licenses renewed on time;

(C) the percentage of day care centers receiving timely annual monitoring visits;

(D) the percentage of day care homes receiving timely annual monitoring visits;

(E) the percentage of group day care homes receiving timely annual monitoring visits;

(F) the percentage of provider requests for supervisory review;

(G) the progress on adopting a key indicator system;

(H) the percentage of complaints disposed of within 30 days;

(I) the average number of days a day care center applicant must wait to attend a licensing orientation;

(J) the number of licensing orientation sessions available per region in the past year; and

(K) the number of Department of Early Childhood trainings related to licensing and child development available to providers in the past year; and

(5) efforts to coordinate with the Department of Human Services and the State Board of Education on professional development, credentialing issues, and child developers, including training registry, child developers, and Quality Rating and Improvement Systems (QRIS).

(d) The Department of Early Childhood shall work with the Governor's appointed Early Learning Council on issues related to and concerning child day care.

(Source: P.A. 103-594, eff. 7-1-26; 103-805, eff. 1-1-25; revised 11-26-24.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.