

**HB2908**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**HB2908**

Introduced 2/6/2025, by Rep. Suzanne M. Ness

**SYNOPSIS AS INTRODUCED:**

225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Child Care Act of 1969. Provides that day care homes, group day care homes, and day care centers may hire on a probationary basis any employee or volunteer who authorizes a criminal background investigation and who meets the initial requirements set out by the Department of Children and Family Services or the Department of Early Childhood and any applicable federal laws or regulations. Provides that, pending completion of all of the background check requirements, the probationary employee or volunteer must be supervised at all times by an individual who received a qualifying result on all background check components.

LRB104 10799 AAS 20880 b

**A BILL FOR**

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 as follows:

6           (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

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

8           Sec. 4.1. Criminal background investigations. The  
9           Department shall require that each child care facility license  
10           applicant as part of the application process, and each  
11           employee and volunteer of a child care facility or  
12           non-licensed service provider, as a condition of employment,  
13           authorize an investigation to determine if such applicant,  
14           employee, or volunteer has ever been charged with a crime and  
15           if so, the disposition of those charges; this authorization  
16           shall indicate the scope of the inquiry and the agencies which  
17           may be contacted. Upon this authorization, the Director shall  
18           request and receive information and assistance from any  
19           federal, State or local governmental agency as part of the  
20           authorized investigation. Each applicant, employee, or  
21           volunteer of a child care facility or non-licensed service  
22           provider shall submit the applicant's, employee's, or  
23           volunteer's fingerprints to the Illinois State Police in the

1 form and manner prescribed by the Illinois State Police. These  
2 fingerprints shall be checked against the fingerprint records  
3 now and hereafter filed in the Illinois State Police and  
4 Federal Bureau of Investigation criminal history records  
5 databases. The Illinois State Police shall charge a fee for  
6 conducting the criminal history records check, which shall be  
7 deposited in the State Police Services Fund and shall not  
8 exceed the actual cost of the records check. The Illinois  
9 State Police shall provide information concerning any criminal  
10 charges, and their disposition, now or hereafter filed,  
11 against an applicant, employee, or volunteer of a child care  
12 facility or non-licensed service provider upon request of the  
13 Department of Children and Family Services when the request is  
14 made in the form and manner required by the Illinois State  
15 Police.

16 Information concerning convictions of a license applicant,  
17 employee, or volunteer of a child care facility or  
18 non-licensed service provider investigated under this Section,  
19 including the source of the information and any conclusions or  
20 recommendations derived from the information, shall be  
21 provided, upon request, to such applicant, employee, or  
22 volunteer of a child care facility or non-licensed service  
23 provider prior to final action by the Department on the  
24 application. State conviction information provided by the  
25 Illinois State Police regarding employees, prospective  
26 employees, or volunteers of non-licensed service providers and

1 child care facilities licensed under this Act shall be  
2 provided to the operator of such facility, and, upon request,  
3 to the employee, prospective employee, or volunteer of a child  
4 care facility or non-licensed service provider. Any  
5 information concerning criminal charges and the disposition of  
6 such charges obtained by the Department shall be confidential  
7 and may not be transmitted outside the Department, except as  
8 required herein, and may not be transmitted to anyone within  
9 the Department except as needed for the purpose of evaluating  
10 an application or an employee or volunteer of a child care  
11 facility or non-licensed service provider. Only information  
12 and standards which bear a reasonable and rational relation to  
13 the performance of a child care facility shall be used by the  
14 Department or any licensee. Any employee of the Department of  
15 Children and Family Services, Illinois State Police, or a  
16 child care facility receiving confidential information under  
17 this Section who gives or causes to be given any confidential  
18 information concerning any criminal convictions of an  
19 applicant, employee, or volunteer of a child care facility or  
20 non-licensed service provider, shall be guilty of a Class A  
21 misdemeanor unless release of such information is authorized  
22 by this Section.

23 Day care homes, group day care homes, and day care centers  
24 may hire on a probationary basis any employee or volunteer who  
25 authorizes a criminal background investigation under this  
26 Section and who meets the initial requirements set out by the

1       Department and any applicable federal laws or regulations.  
2       Pending completion of all of the background check  
3       requirements, the probationary employee or volunteer must be  
4       supervised at all times by an individual who received a  
5       qualifying result on all background check components.

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

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

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

17       Sec. 4.1. Criminal background investigations. The  
18       Department of Children and Family Services or the Department  
19       of Early Childhood shall require that each child care facility  
20       license applicant under the agencies' respective authority as  
21       part of the application process, and each employee and  
22       volunteer of a child care facility or non-licensed service  
23       provider, as a condition of employment, authorize an  
24       investigation to determine if such applicant, employee, or  
25       volunteer has ever been charged with a crime and if so, the

1 disposition of those charges; this authorization shall  
2 indicate the scope of the inquiry and the agencies which may be  
3 contacted. Upon this authorization, the Director shall request  
4 and receive information and assistance from any federal, State  
5 or local governmental agency as part of the authorized  
6 investigation. Each applicant, employee, or volunteer of a  
7 child care facility or non-licensed service provider shall  
8 submit the applicant's, employee's, or volunteer's  
9 fingerprints to the Illinois State Police in the form and  
10 manner prescribed by the Illinois State Police. These  
11 fingerprints shall be checked against the fingerprint records  
12 now and hereafter filed in the Illinois State Police and  
13 Federal Bureau of Investigation criminal history records  
14 databases. The Illinois State Police shall charge a fee for  
15 conducting the criminal history records check, which shall be  
16 deposited in the State Police Services Fund and shall not  
17 exceed the actual cost of the records check. The Illinois  
18 State Police shall provide information concerning any criminal  
19 charges, and their disposition, now or hereafter filed,  
20 against an applicant, employee, or volunteer of a child care  
21 facility or non-licensed service provider upon request of the  
22 Department of Children and Family Services or the Department  
23 of Early Childhood when the request is made in the form and  
24 manner required by the Illinois State Police.

25 Information concerning convictions of a license applicant,  
26 employee, or volunteer of a child care facility or

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

1 relation to the performance of a child care facility shall be  
2 used by the Department of Children and Family Services or the  
3 Department of Early Childhood or any licensee. Any employee of  
4 the Department of Children and Family Services, Department of  
5 Early Childhood, Illinois State Police, or a child care  
6 facility receiving confidential information under this Section  
7 who gives or causes to be given any confidential information  
8 concerning any criminal convictions of an applicant, employee,  
9 or volunteer of a child care facility or non-licensed service  
10 provider, shall be guilty of a Class A misdemeanor unless  
11 release of such information is authorized by this Section.

12 Day care homes, group day care homes, and day care centers  
13 may hire on a probationary basis any employee or volunteer who  
14 authorizes a criminal background investigation under this  
15 Section and who meets the initial requirements set out by the  
16 Department of Children and Family Services or the Department  
17 of Early Childhood and any applicable federal laws or  
18 regulations. Pending completion of all of the background check  
19 requirements, the probationary employee or volunteer must be  
20 supervised at all times by an individual who received a  
21 qualifying result on all background check components.

22 ~~A child care facility may hire, on a probationary basis,~~  
23 ~~any employee or volunteer of a child care facility or~~  
24 ~~non-licensed service provider authorizing a criminal~~  
25 ~~background investigation under this Section, pending the~~  
26 ~~result of such investigation. Employees and volunteers of a~~

1 ~~child care facility or non licensed service provider shall be~~  
2 ~~notified prior to hiring that such employment may be~~  
3 ~~terminated on the basis of criminal background information~~  
4 ~~obtained by the facility.~~

5 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
6 103-594, eff. 7-1-26.)

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