

1 AN ACT concerning children.

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.

9 (a) In this Section, "third-party vendor" means a
10 third-party fingerprinting vendor who is licensed by the
11 Department of Financial and Professional Regulation and
12 regulated by 68 Ill. Adm. Code 1240.600.

13 (b) The Department shall require that each child care
14 facility license applicant as part of the application process,
15 and each employee and volunteer of a child care facility or
16 non-licensed service provider, as a condition of employment,
17 authorize an investigation to determine if such applicant,
18 employee, or volunteer has ever been charged with a crime and
19 if so, the disposition of those charges; this authorization
20 shall indicate the scope of the inquiry and the agencies which
21 may be contacted. An employee or volunteer of a day care
22 center, day care home, or group day care home shall authorize
23 an investigation every 5 years, as required under the Child

1 Care and Development Block Grant. A child care facility,
2 non-licensed service provider, day care center, group day care
3 home, or day care home may authorize the Department or a
4 third-party vendor to collect fingerprints for the
5 investigation. If a third-party vendor is used for
6 fingerprinting, then the child care facility, non-licensed
7 service provider, day care center, group day care home, or day
8 care home shall pay the third-party vendor for that service
9 directly. If a child care facility, non-licensed service
10 provider, day care center, group day care home, or day care
11 home authorizes the Department or a third-party vendor to
12 collect fingerprints for the investigation, the Director shall
13 request and receive information and assistance from any
14 federal, State, or local governmental agency as part of the
15 authorized investigation. Each applicant, employee, or
16 volunteer of a child care facility or non-licensed service
17 provider shall submit the applicant's, employee's, or
18 volunteer's fingerprints to the Illinois State Police in the
19 form and manner prescribed by the Illinois State Police. These
20 fingerprints shall be checked against the fingerprint records
21 now and hereafter filed in the Illinois State Police and
22 Federal Bureau of Investigation criminal history records
23 databases. The Illinois State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited into ~~in~~ the State Police Services Fund and shall not
26 exceed the actual cost of the records check. The Illinois

1 State Police shall provide information concerning any criminal
2 charges, and their disposition, now or hereafter filed,
3 against an applicant, employee, or volunteer of a child care
4 facility or non-licensed service provider upon request of the
5 Department of Children and Family Services when the request is
6 made in the form and manner required by the Illinois State
7 Police.

8 Information concerning convictions of a license applicant,
9 employee, or volunteer of a child care facility or
10 non-licensed service provider investigated under this Section,
11 including the source of the information and any conclusions or
12 recommendations derived from the information, shall be
13 provided, upon request, to such applicant, employee, or
14 volunteer of a child care facility or non-licensed service
15 provider prior to final action by the Department on the
16 application. State conviction information provided by the
17 Illinois State Police regarding employees, prospective
18 employees, or volunteers of non-licensed service providers and
19 child care facilities licensed under this Act shall be
20 provided to the operator of such facility, and, upon request,
21 to the employee, prospective employee, or volunteer of a child
22 care facility or non-licensed service provider. Any
23 information concerning criminal charges and the disposition of
24 such charges obtained by the Department shall be confidential
25 and may not be transmitted outside the Department, except as
26 required herein, and may not be transmitted to anyone within

1 the Department except as needed for the purpose of evaluating
2 an application or an employee or volunteer of a child care
3 facility or non-licensed service provider. Only information
4 and standards which bear a reasonable and rational relation to
5 the performance of a child care facility shall be used by the
6 Department or any licensee. Any employee of the Department of
7 Children and Family Services, Illinois State Police, or a
8 child care facility receiving confidential information under
9 this Section who gives or causes to be given any confidential
10 information concerning any criminal convictions of an
11 applicant, employee, or volunteer of a child care facility or
12 non-licensed service provider, shall be guilty of a Class A
13 misdemeanor unless release of such information is authorized
14 by this Section.

15 The Department of Children and Family Services, through
16 June 30, 2026, or the Department of Early Childhood, on and
17 after July 1, 2026, shall allow day care centers, day care
18 homes, and group day care homes to hire, on a probationary
19 basis, any employee or volunteer authorizing a criminal
20 background investigation under this Section after receiving a
21 qualifying result, as determined by the Department of Children
22 and Family Services or the Department of Early Childhood,
23 whichever is applicable, pursuant to this Act, from either:

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

26 (2) the Illinois State Police fingerprint criminal

1 background check and a criminal record check of the
2 criminal repository of each state in which the employee or
3 volunteer resided during the preceding 5 years.

4 Pending full clearance of all background check
5 requirements, the prospective employee or volunteer must be
6 supervised at all times by an individual who received a
7 qualifying result on all background check components.
8 Employees and volunteers of a day care center, day care home,
9 or group day care home shall be notified prior to hiring that
10 such employment may be terminated on the basis of criminal
11 background information obtained by the facility.

12 (Source: P.A. 103-22, eff. 8-8-23; 103-1072, eff. 1-1-26;
13 104-307, eff. 1-1-26; revised 10-27-25.)

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

15 Sec. 4.1. Criminal background investigations.

16 (a) In this Section, "third-party vendor" means a
17 third-party fingerprinting vendor who is licensed by the
18 Department of Financial and Professional Regulation and
19 regulated by 68 Ill. Adm. Code 1240.600.

20 (b) Except as provided in Section 20-25 of the Department
21 of Early Childhood Act, the ~~The~~ Department of Children and
22 Family Services or the Department of Early Childhood shall
23 require that each child care facility license applicant under
24 the agencies' respective authority as part of the application
25 process, and each employee and volunteer of a child care

1 facility or non-licensed service provider, as a condition of
2 employment, authorize an investigation to determine if such
3 applicant, employee, or volunteer has ever been charged with a
4 crime and if so, the disposition of those charges; this
5 authorization shall indicate the scope of the inquiry and the
6 agencies which may be contacted. An employee or volunteer of a
7 day care center, day care home, or group day care home shall
8 authorize an investigation every 5 years, as required under
9 the Child Care and Development Block Grant. A child care
10 facility, non-licensed service provider, day care center,
11 group day care home, or day care home may authorize the
12 Department of Children and Family Services, the Department of
13 Early Childhood, or a third-party vendor to collect
14 fingerprints for the investigation. If a third-party vendor is
15 used for fingerprinting, then the child care facility,
16 non-licensed service provider, day care center, group day care
17 home, or day care home shall pay the third-party vendor for
18 that service directly. If a child care facility, non-licensed
19 service provider, day care center, group day care home, or day
20 care home authorizes the Department of Children and Family
21 Services, the Department of Early Childhood, or a third-party
22 vendor to collect fingerprints for the investigation, the
23 Director of Children and Family Services or the Secretary of
24 Early Childhood shall request and receive information and
25 assistance from any federal, State, or local governmental
26 agency as part of the authorized investigation. Each

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

20 Information concerning convictions of a license applicant,
21 employee, or volunteer of a child care facility or
22 non-licensed service provider investigated under this Section,
23 including the source of the information and any conclusions or
24 recommendations derived from the information, shall be
25 provided, upon request, to such applicant, employee, or
26 volunteer of a child care facility or non-licensed service

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

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

7 The Department of Children and Family Services, through
8 June 30, 2026, or the Department of Early Childhood, on and
9 after July 1, 2026, shall allow day care centers, day care
10 homes, and group day care homes to hire, on a probationary
11 basis, any employee or volunteer authorizing a criminal
12 background investigation under this Section after receiving a
13 qualifying result, as determined by the Department of Children
14 and Family Services or the Department of Early Childhood,
15 whichever is applicable, pursuant to this Act, from either:

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

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

22 Pending full clearance of all background check
23 requirements, the prospective employee or volunteer must be
24 supervised at all times by an individual who received a
25 qualifying result on all background check components.
26 Employees and volunteers of a day care center, day care home,

1 or group day care home shall be notified prior to hiring that
2 such employment may be terminated on the basis of criminal
3 background information obtained by the facility.

4 Beginning July 1, 2026, the authority and responsibility
5 to conduct a fingerprint-based criminal history check on
6 providers of day care at day care centers defined under
7 Section 2.09, part day child care facilities defined under
8 Section 2.10, day care homes defined under Section 2.18, and
9 group day care homes defined under Section 2.20 shall transfer
10 to the Department of Early Childhood in accordance with
11 Section 80-5 of the Department of Early Childhood Act.

12 (Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;
13 103-1072, eff. 1-1-26; 104-307, eff. 1-1-26; revised
14 10-27-25.)

15 Section 10. The Department of Early Childhood Act is
16 amended by changing Sections 10-15 and 20-25 as follows:

17 (325 ILCS 3/10-15)

18 Sec. 10-15. Definitions. As used in this Act:

19 (a) "Eligible infants and toddlers" means infants and
20 toddlers under 36 months of age with any of the following
21 conditions:

22 (1) Developmental delays.

23 (2) A physical or mental condition which typically
24 results in developmental delay.

1 (3) Being at risk of having substantial developmental
2 delays based on informed clinical opinion.

3 (4) Either (A) having entered the program under any of
4 the circumstances listed in paragraphs (1) through (3) of
5 this subsection but no longer meeting the current
6 eligibility criteria under those paragraphs, and
7 continuing to have any measurable delay, or (B) not having
8 attained a level of development in each area, including
9 (i) cognitive, (ii) physical (including vision and
10 hearing), (iii) language, speech, and communication, (iv)
11 social or emotional, or (v) adaptive, that is at least at
12 the mean of the child's age equivalent peers; and, in
13 addition to either item (A) or item (B), (C) having been
14 determined by the multidisciplinary individualized family
15 service plan team to require the continuation of early
16 intervention services in order to support continuing
17 developmental progress, pursuant to the child's needs and
18 provided in an appropriate developmental manner. The type,
19 frequency, and intensity of services shall differ from the
20 initial individualized family services plan because of the
21 child's developmental progress, and may consist of only
22 service coordination, evaluation, and assessments.

23 "Eligible infants and toddlers" includes any child under
24 the age of 3 who is the subject of a substantiated case of
25 child abuse or neglect as defined in the federal Child Abuse
26 Prevention and Treatment Act.

1 (b) "Developmental delay" means a delay in one or more of
2 the following areas of childhood development as measured by
3 appropriate diagnostic instruments and standard procedures:
4 cognitive; physical, including vision and hearing; language,
5 speech and communication; social or emotional; or adaptive.
6 The term means a delay of 30% or more below the mean in
7 function in one or more of those areas.

8 (c) "Physical or mental condition which typically results
9 in developmental delay" means:

10 (1) a diagnosed medical disorder or exposure to a
11 toxic substance bearing a relatively well known expectancy
12 for developmental outcomes within varying ranges of
13 developmental disabilities; or

14 (2) a history of prenatal, perinatal, neonatal or
15 early developmental events suggestive of biological
16 insults to the developing central nervous system and which
17 either singly or collectively increase the probability of
18 developing a disability or delay based on a medical
19 history.

20 (d) "Informed clinical opinion" means both clinical
21 observations and parental participation to determine
22 eligibility by a consensus of a multidisciplinary team of 2 or
23 more members based on their professional experience and
24 expertise.

25 (e) "Early intervention services" means services which:

26 (1) are designed to meet the developmental needs of

1 each child eligible under this Act and the needs of his or
2 her family;

3 (2) are selected in collaboration with the child's
4 family;

5 (3) are provided under public supervision;

6 (4) are provided at no cost except where a schedule of
7 sliding scale fees or other system of payments by families
8 has been adopted in accordance with State and federal law;

9 (5) are designed to meet an infant's or toddler's
10 developmental needs in any of the following areas:

11 (A) physical development, including vision and
12 hearing,

13 (B) cognitive development,

14 (C) communication development,

15 (D) social or emotional development, or

16 (E) adaptive development;

17 (6) meet the standards of the State, including the
18 requirements of this Act;

19 (7) include one or more of the following:

20 (A) family training,

21 (B) social work services, including counseling,
22 and home visits,

23 (C) special instruction,

24 (D) speech, language pathology and audiology,

25 (E) occupational therapy,

26 (F) physical therapy,

- 1 (G) psychological services,
2 (H) service coordination services,
3 (I) medical services only for diagnostic or
4 evaluation purposes,
5 (J) early identification, screening, and
6 assessment services,
7 (K) health services specified by the lead agency
8 as necessary to enable the infant or toddler to
9 benefit from the other early intervention services,
10 (L) vision services,
11 (M) transportation,
12 (N) assistive technology devices and services,
13 (O) nursing services,
14 (P) nutrition services, and
15 (Q) sign language and cued language services;

16 (8) are provided by qualified personnel, including but
17 not limited to:

- 18 (A) child development specialists or special
19 educators, including teachers of children with hearing
20 impairments (including deafness) and teachers of
21 children with vision impairments (including
22 blindness),
23 (B) speech and language pathologists and
24 audiologists,
25 (C) occupational therapists,
26 (D) physical therapists,

1 (E) social workers,
2 (F) nurses,
3 (G) dietitian nutritionists,
4 (H) vision specialists, including ophthalmologists
5 and optometrists,
6 (I) psychologists, and
7 (J) physicians;

8 (9) are provided in conformity with an Individualized
9 Family Service Plan;

10 (10) are provided throughout the year; and

11 (11) are provided in natural environments, to the
12 maximum extent appropriate, which may include the home and
13 community settings, unless justification is provided
14 consistent with federal regulations adopted under Sections
15 1431 through 1444 of Title 20 of the United States Code.

16 (f) "Individualized Family Service Plan" or "Plan" means a
17 written plan for providing early intervention services to a
18 child eligible under this Act and the child's family, as set
19 forth in Section 10-65.

20 (g) "Local interagency agreement" means an agreement
21 entered into by local community and State and regional
22 agencies receiving early intervention funds directly from the
23 State and made in accordance with State interagency agreements
24 providing for the delivery of early intervention services
25 within a local community area.

26 (h) "Council" means the Illinois Interagency Council on

1 Early Intervention established under Section 10-30.

2 (i) "Lead agency" means the Department of Early Childhood
3 which is the State agency responsible for administering this
4 Act and receiving and disbursing public funds received in
5 accordance with State and federal law and rules.

6 (i-5) "Central billing office" means the central billing
7 office created by the lead agency under Section 10-75.

8 (j) "Child find" means a service which identifies eligible
9 infants and toddlers.

10 (k) "Regional intake entity" means the lead agency's
11 designated entity responsible for implementation of the Early
12 Intervention Services System within its designated geographic
13 area.

14 (l) "Early intervention provider" means an individual who
15 is qualified, as defined by the lead agency, to provide one or
16 more types of early intervention services, and who has
17 enrolled as a provider in the early intervention program.

18 (m) "Fully credentialed early intervention provider" means
19 an individual who has met the standards in the State
20 applicable to the relevant profession, and has met such other
21 qualifications as the lead agency has determined are suitable
22 for personnel providing early intervention services, including
23 pediatric experience, education, and continuing education. The
24 lead agency shall establish these qualifications by rule filed
25 no later than 180 days after the effective date of this Act.

26 (n) "Telehealth" has the meaning given to that term in

1 Section 5 of the Telehealth Act.

2 (o) "Department" means Department of Early Childhood
3 unless otherwise specified.

4 (Source: P.A. 103-594, eff. 6-25-24.)

5 (325 ILCS 3/20-25)

6 Sec. 20-25. Licensing day care facilities.

7 (a) Beginning July 1, 2024, the Department of Early
8 Childhood and the Department of Children and Family Services
9 shall collaborate and plan for the transition of
10 administrative responsibilities related to licensing day care
11 centers, day care homes, and group day care homes as
12 prescribed throughout the Child Care Act of 1969.

13 (b) Beginning July 1, 2026, the Department of Early
14 Childhood shall manage all facets of licensing for day care
15 centers, day care homes, and group day care homes as
16 prescribed throughout the Child Care Act of 1969.

17 (c) Beginning July 1, 2026, the authority and
18 responsibility to conduct a fingerprint-based criminal history
19 check on providers of day care at day care centers defined
20 under Section 2.09 of the Child Care Act of 1969, part day
21 child care facilities defined under Section 2.10 of the Child
22 Care Act of 1969, day care homes defined under Section 2.18 of
23 the Child Care Act of 1969, and group day care homes defined
24 under Section 2.20 of the Child Care Act of 1969 shall transfer
25 to the Department of Early Childhood in accordance with

1 Section 80-5 of this Act.

2 (d) Criminal background investigations. As it pertains to
3 providers as set forth in subsection (c), the Department of
4 Early Childhood shall require that each day care license
5 applicant, as a condition of licensure, and, each applicant,
6 employee, and volunteer of a licensed day care facility, as a
7 condition of employment, authorize an investigation to
8 determine if such applicant, employee, or volunteer has ever
9 been charged with a crime and if so, the disposition of those
10 charges. This authorization shall indicate the scope of the
11 inquiry and the agencies which may be contacted. Upon this
12 authorization, the Secretary shall request and receive
13 information and assistance from any federal, State, or local
14 governmental agency as part of the authorized investigation.
15 Each license applicant and each employee or volunteer of a
16 licensed day care facility shall submit the applicant's,
17 employee's, or volunteer's fingerprints to the Illinois State
18 Police in the form and manner prescribed by the Illinois State
19 Police. Such fingerprints shall be transmitted through a live
20 scan fingerprint vendor licensed by the Department of
21 Financial and Professional Regulation. The fingerprints
22 submitted in accordance with this Section shall be checked
23 against the Illinois State Police and Federal Bureau of
24 Investigation criminal history record databases, now and
25 hereafter filed, including, but not limited to, civil,
26 criminal, and latent fingerprint databases. The fingerprints

1 shall be checked against the Illinois State Police criminal
2 history databases prior to their submission to the Federal
3 Bureau of Investigation. The Illinois State Police shall
4 charge a fee for conducting the criminal history records
5 check, which shall be deposited into the State Police Services
6 Fund and shall not exceed the actual cost of the records check.
7 The Illinois State Police shall furnish, pursuant to positive
8 identification, records of Illinois criminal charges, and
9 their disposition, against an applicant, employee, or
10 volunteer and shall forward the national criminal history
11 record information to the lead agency.

12 Information concerning convictions of a license applicant,
13 employee, or volunteer of a day care center defined under
14 Section 2.09 of the Child Care Act of 1969, part day child care
15 facility defined under Section 2.10 of the Child Care Act of
16 1969, day care home defined under Section 2.18 of the Child
17 Care Act of 1969, or group day care home defined under Section
18 2.20 of the Child Care Act of 1969, investigated under this
19 Section, including the source of the information and any
20 conclusions or recommendations derived from the information,
21 shall be provided, upon request, to such applicant, employee,
22 or volunteer prior to final action by the Department of Early
23 Childhood. Any information concerning criminal charges and the
24 disposition of such charges obtained by the Department of
25 Early Childhood shall be confidential and may not be
26 transmitted outside the Department of Early Childhood, except

1 as required herein, and may not be transmitted to anyone
2 within the Department of Early Childhood except as needed for
3 the purpose of evaluating providers of day care at day care
4 centers, part day child care facilities, day care homes, and
5 group day care homes. Only information and standards which
6 bear a reasonable and rational relation to the performance of
7 a day care center, part day child care facility, day care home,
8 or group day care home shall be used by the Department of Early
9 Childhood. Any employee of the Department of Early Childhood
10 or Illinois State Police receiving confidential information
11 under this Section who gives or causes to be given any
12 confidential information concerning any criminal convictions
13 of an applicant, employee, or volunteer of a day care center,
14 part day child care facility, day care home, or group day care
15 home shall be guilty of a Class A misdemeanor unless release of
16 such information is authorized under this Section.

17 A licensed day care facility may hire, on a probationary
18 basis, any employee or volunteer of a licensed day care
19 provider authorizing a criminal background investigation under
20 this Section, pending the result of such investigation.
21 Employees and volunteers of a licensed day care provider shall
22 be notified prior to hiring that such employment may be
23 terminated on the basis of criminal background information
24 obtained by the licensed day care.

25 (Source: P.A. 103-594, eff. 6-25-24.)

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

8 Section 99. Effective date. This Act takes effect July 1,
9 2026.