

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 Criminal Identification Act is amended by
5 changing Section 2.1 and by adding Section 3.4 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 (Text of Section before amendment by P.A. 104-459)

8 Sec. 2.1. For the purpose of maintaining complete and
9 accurate criminal records of the Illinois State Police, it is
10 necessary for all policing bodies of this State, the clerk of
11 the circuit court, the Illinois Department of Corrections, the
12 sheriff of each county, and State's Attorney of each county to
13 submit certain criminal arrest, charge, and disposition
14 information to the Illinois State Police for filing at the
15 earliest time possible. Unless otherwise noted herein, it
16 shall be the duty of all policing bodies of this State, the
17 clerk of the circuit court, the Illinois Department of
18 Corrections, the sheriff of each county, and the State's
19 Attorney of each county to report such information as provided
20 in this Section, both in the form and manner required by the
21 Illinois State Police and within 30 days of the criminal
22 history event. Specifically:

23 (a) Arrest Information. All agencies making arrests

1 for offenses which are required by statute to be
2 collected, maintained or disseminated by the Illinois
3 State Police shall be responsible for furnishing daily to
4 the Illinois State Police fingerprints, charges and
5 descriptions of all persons who are arrested for such
6 offenses. All such agencies shall also notify the Illinois
7 State Police of all decisions by the arresting agency not
8 to refer such arrests for prosecution. With approval of
9 the Illinois State Police, an agency making such arrests
10 may enter into arrangements with other agencies for the
11 purpose of furnishing daily such fingerprints, charges and
12 descriptions to the Illinois State Police upon its behalf.

13 (b) Charge Information. The State's Attorney of each
14 county shall notify the Illinois State Police of all
15 charges filed and all petitions filed alleging that a
16 minor is delinquent, including all those added subsequent
17 to the filing of a case, and whether charges were not filed
18 in cases for which the Illinois State Police has received
19 information required to be reported pursuant to paragraph
20 (a) of this Section. With approval of the Illinois State
21 Police, the State's Attorney may enter into arrangements
22 with other agencies for the purpose of furnishing the
23 information required by this subsection (b) to the
24 Illinois State Police upon the State's Attorney's behalf.

25 (c) Disposition Information. The clerk of the circuit
26 court of each county shall furnish the Illinois State

1 Police, in the form and manner required by the Supreme
2 Court, with all final dispositions of cases for which the
3 Illinois State Police has received information required to
4 be reported pursuant to paragraph (a) or (d) of this
5 Section. Such information shall include, for each charge,
6 all (1) judgments of not guilty, judgments of guilty
7 including the sentence pronounced by the court with
8 statutory citations to the relevant sentencing provision,
9 findings that a minor is delinquent and any sentence made
10 based on those findings, discharges and dismissals in the
11 court; (2) reviewing court orders filed with the clerk of
12 the circuit court which reverse or remand a reported
13 conviction or findings that a minor is delinquent or that
14 vacate or modify a sentence or sentence made following a
15 trial that a minor is delinquent; (3) continuances to a
16 date certain in furtherance of an order of supervision
17 granted under Section 5-6-1 of the Unified Code of
18 Corrections or an order of probation granted under Section
19 10 of the Cannabis Control Act, Section 410 of the
20 Illinois Controlled Substances Act, Section 70 of the
21 Methamphetamine Control and Community Protection Act,
22 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
23 the Criminal Code of 1961 or the Criminal Code of 2012,
24 Section 10-102 of the Illinois Alcoholism and Other Drug
25 Dependency Act, Section 40-10 of the Substance Use
26 Disorder Act, Section 10 of the Steroid Control Act, or

1 Section 5-615 of the Juvenile Court Act of 1987; (4)
2 judgments or court orders terminating or revoking a
3 sentence to or juvenile disposition of probation,
4 supervision or conditional discharge and any resentencing
5 or new court orders entered by a juvenile court relating
6 to the disposition of a minor's case involving delinquency
7 after such revocation; and (5) in any case in which a
8 firearm is alleged to have been used in the commission of
9 an offense, the serial number of any firearm involved in
10 the case, or if the serial number was obliterated, as
11 provided by the State's Attorney to the clerk of the
12 circuit court at the time of disposition.

13 (d) Fingerprints After Sentencing.

14 (1) After the court pronounces sentence, sentences
15 a minor following a trial in which a minor was found to
16 be delinquent or issues an order of supervision or an
17 order of probation granted under Section 10 of the
18 Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, Section 70 of the
20 Methamphetamine Control and Community Protection Act,
21 Section 12-4.3 or subdivision (b)(1) of Section
22 12-3.05 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section
25 40-10 of the Substance Use Disorder Act, Section 10 of
26 the Steroid Control Act, or Section 5-615 of the

1 Juvenile Court Act of 1987 for any offense which is
2 required by statute to be collected, maintained, or
3 disseminated by the Illinois State Police, the State's
4 Attorney of each county shall ask the court to order a
5 law enforcement agency to fingerprint immediately all
6 persons appearing before the court who have not
7 previously been fingerprinted for the same case. The
8 court shall so order the requested fingerprinting, if
9 it determines that any such person has not previously
10 been fingerprinted for the same case. The law
11 enforcement agency shall submit such fingerprints to
12 the Illinois State Police daily.

13 (2) After the court pronounces sentence or makes a
14 disposition of a case following a finding of
15 delinquency for any offense which is not required by
16 statute to be collected, maintained, or disseminated
17 by the Illinois State Police, the prosecuting attorney
18 may ask the court to order a law enforcement agency to
19 fingerprint immediately all persons appearing before
20 the court who have not previously been fingerprinted
21 for the same case. The court may so order the requested
22 fingerprinting, if it determines that any so sentenced
23 person has not previously been fingerprinted for the
24 same case. The law enforcement agency may retain such
25 fingerprints in its files.

26 (e) Corrections Information. The Illinois Department

1 of Corrections and the sheriff of each county shall
2 furnish the Illinois State Police with all information
3 concerning the receipt, escape, execution, death, release,
4 pardon, parole, commutation of sentence, granting of
5 executive clemency or discharge of an individual who has
6 been sentenced or committed to the agency's custody for
7 any offenses which are mandated by statute to be
8 collected, maintained or disseminated by the Illinois
9 State Police. For an individual who has been charged with
10 any such offense and who escapes from custody or dies
11 while in custody, all information concerning the receipt
12 and escape or death, whichever is appropriate, shall also
13 be so furnished to the Illinois State Police.

14 (f) Confidentiality of information. Information
15 reported to the Illinois State Police under this Act is
16 confidential and shall not be released unless expressly
17 permitted by State or federal law.

18 (Source: P.A. 104-5, eff. 1-1-26.)

19 (Text of Section after amendment by P.A. 104-459)

20 Sec. 2.1. For the purpose of maintaining complete and
21 accurate criminal records of the Illinois State Police, it is
22 necessary for all policing bodies of this State, the clerk of
23 the circuit court, the Illinois Department of Corrections, the
24 sheriff of each county, and State's Attorney of each county to
25 submit certain criminal arrest, charge, and disposition

1 information to the Illinois State Police for filing at the
2 earliest time possible. Unless otherwise noted herein, it
3 shall be the duty of all policing bodies of this State, the
4 clerk of the circuit court, the Illinois Department of
5 Corrections, the sheriff of each county, and the State's
6 Attorney of each county to report such information as provided
7 in this Section, both in the form and manner required by the
8 Illinois State Police and within 30 days of the criminal
9 history event. Specifically:

10 (a) Arrest Information. All agencies making arrests
11 for offenses which are required by statute to be
12 collected, maintained or disseminated by the Illinois
13 State Police shall be responsible for furnishing daily to
14 the Illinois State Police fingerprints, charges and
15 descriptions of all persons who are arrested for such
16 offenses. All such agencies shall also notify the Illinois
17 State Police of all decisions by the arresting agency not
18 to refer such arrests for prosecution. With approval of
19 the Illinois State Police, an agency making such arrests
20 may enter into arrangements with other agencies for the
21 purpose of furnishing daily such fingerprints, charges and
22 descriptions to the Illinois State Police upon its behalf.

23 (b) Charge Information. The State's Attorney of each
24 county shall notify the Illinois State Police of all
25 charges filed and all petitions filed alleging that a
26 minor is delinquent, including all those added subsequent

1 to the filing of a case, and whether charges were not filed
2 in cases for which the Illinois State Police has received
3 information required to be reported pursuant to paragraph
4 (a) of this Section. With approval of the Illinois State
5 Police, the State's Attorney may enter into arrangements
6 with other agencies for the purpose of furnishing the
7 information required by this subsection (b) to the
8 Illinois State Police upon the State's Attorney's behalf.

9 (c) Disposition Information. The clerk of the circuit
10 court of each county shall furnish the Illinois State
11 Police, in the form and manner required by the Supreme
12 Court, with all final dispositions of cases for which the
13 Illinois State Police has received information required to
14 be reported pursuant to paragraph (a) or (d) of this
15 Section. Such information shall include, for each charge,
16 all (1) judgments of not guilty, judgments of guilty
17 including the sentence pronounced by the court with
18 statutory citations to the relevant sentencing provision,
19 findings that a minor is delinquent and any sentence made
20 based on those findings, discharges and dismissals in the
21 court; (2) reviewing court orders filed with the clerk of
22 the circuit court which reverse or remand a reported
23 conviction or findings that a minor is delinquent or that
24 vacate or modify a sentence or sentence made following a
25 trial that a minor is delinquent; (3) continuances to a
26 date certain in furtherance of an order of supervision

1 granted under Section 5-6-1 of the Unified Code of
2 Corrections or an order of probation granted under Section
3 10 of the Cannabis Control Act, Section 410 of the
4 Illinois Controlled Substances Act, Section 70 of the
5 Methamphetamine Control and Community Protection Act,
6 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
7 the Criminal Code of 1961 or the Criminal Code of 2012,
8 Section 10-102 of the Illinois Alcoholism and Other Drug
9 Dependency Act, Section 40-10 of the Substance Use
10 Disorder Act, Section 10 of the Steroid Control Act, or
11 Section 5-615 of the Juvenile Court Act of 1987; (4)
12 judgments or court orders terminating or revoking a
13 sentence to or juvenile disposition of probation,
14 supervision or conditional discharge, judgment or court
15 orders of discharge from probation or conditional
16 discharge, and any resentencing or new court orders
17 entered by a juvenile court relating to the disposition of
18 a minor's case involving delinquency after such
19 revocation; and (5) in any case in which a firearm is
20 alleged to have been used in the commission of an offense,
21 the serial number of any firearm involved in the case, or
22 if the serial number was obliterated, as provided by the
23 State's Attorney to the clerk of the circuit court at the
24 time of disposition. The Illinois State Police may provide
25 reports of cases with missing disposition information to
26 the clerk of the circuit court. Each clerk of the circuit

1 court receiving a report of cases with missing disposition
2 information shall respond within 30 days after receiving
3 the report unless the volume of records in the report
4 renders that timeline impracticable.

5 (d) Fingerprints After Sentencing.

6 (1) After the court pronounces sentence, sentences
7 a minor following a trial in which a minor was found to
8 be delinquent or issues an order of supervision or an
9 order of probation granted under Section 10 of the
10 Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b)(1) of Section
14 12-3.05 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, Section 10-102 of the Illinois
16 Alcoholism and Other Drug Dependency Act, Section
17 40-10 of the Substance Use Disorder Act, Section 10 of
18 the Steroid Control Act, or Section 5-615 of the
19 Juvenile Court Act of 1987 for any offense which is
20 required by statute to be collected, maintained, or
21 disseminated by the Illinois State Police, the State's
22 Attorney of each county shall ask the court to order a
23 law enforcement agency to fingerprint immediately all
24 persons appearing before the court who have not
25 previously been fingerprinted for the same case. The
26 court shall so order the requested fingerprinting, if

1 it determines that any such person has not previously
2 been fingerprinted for the same case. The law
3 enforcement agency shall submit such fingerprints to
4 the Illinois State Police daily.

5 (2) After the court pronounces sentence or makes a
6 disposition of a case following a finding of
7 delinquency for any offense which is not required by
8 statute to be collected, maintained, or disseminated
9 by the Illinois State Police, the prosecuting attorney
10 may ask the court to order a law enforcement agency to
11 fingerprint immediately all persons appearing before
12 the court who have not previously been fingerprinted
13 for the same case. The court may so order the requested
14 fingerprinting, if it determines that any so sentenced
15 person has not previously been fingerprinted for the
16 same case. The law enforcement agency may retain such
17 fingerprints in its files.

18 (e) Corrections Information. The Illinois Department
19 of Corrections and the sheriff of each county shall
20 furnish the Illinois State Police with all information
21 concerning the receipt, escape, execution, death, release,
22 pardon, parole, commutation of sentence, granting of
23 executive clemency or discharge of an individual who has
24 been sentenced or committed to the agency's custody for
25 any offenses which are mandated by statute to be
26 collected, maintained or disseminated by the Illinois

1 State Police. For an individual who has been charged with
2 any such offense and who escapes from custody or dies
3 while in custody, all information concerning the receipt
4 and escape or death, whichever is appropriate, shall also
5 be so furnished to the Illinois State Police.

6 (f) Any entity required to report information
7 concerning criminal arrests, charges, and dispositions
8 pursuant to Section 2.1 or 5 of this Act shall respond to
9 any notice advising the entity of missing or incomplete
10 information or an error in the reporting of the
11 information as follows:

12 (1) Responses shall be made within 30 days after
13 the notice from the Illinois State Police unless the
14 volume of records in the report renders that timeline
15 impracticable.

16 (2) Responses shall include the missing or
17 incomplete information, correction of the error or an
18 explanation detailing the reason the information
19 cannot be provided or corrected, and an estimated
20 timeframe for compliance.

21 (g) Confidentiality of information. Information
22 reported to the Illinois State Police under this Act is
23 confidential and shall not be released unless expressly
24 permitted by State or federal law.

25 (Source: P.A. 104-5, eff. 1-1-26; 104-459, eff. 6-1-26.)

1 (20 ILCS 2630/3.4 new)

2 Sec. 3.4. Criminal history background checks for qualified
3 entities.

4 (a) The National Child Protection Act of 1993, as amended
5 by the Volunteers for Children Act and the Child Protection
6 Improvements Act of 2018, authorizes states to allow
7 nationwide background checks for individuals who have access
8 to children through qualified entities, including businesses
9 and organizations under contract with qualified entities to
10 work with vulnerable populations. It is hereby declared as a
11 matter of legislative determination that in order to promote
12 and protect the health, safety, and welfare of children, the
13 elderly, and individuals with disabilities, it is necessary
14 and in the public interest to allow nationwide background
15 checks as authorized by the National Child Protection Act of
16 1993, as amended by the Volunteers for Children Act and the
17 Child Protection Improvements Act of 2018.

18 (b) As used in this Section:

19 "Applicant" includes any person who:

20 (1) is employed by or seeks employment with a
21 qualified entity;

22 (2) is licensed or seeks licensure with a qualified
23 entity;

24 (3) volunteers or seeks to volunteer with a qualified
25 entity; or

26 (4) is contracted with or seeks to contract with a

1 qualified entity to provide care or care placement
2 services.

3 "Care" means the provision of care, treatment, education,
4 training, instruction, supervision, or recreation to children,
5 the elderly, or individuals with disabilities.

6 "Qualified entity" means a business or organization,
7 whether public, private, operated for profit, operated not for
8 profit, or voluntary, which provides care or care placement
9 services, including a business, organization, or governmental
10 agency that licenses or certifies others to provide care or
11 care placement services for children, the elderly, or
12 individuals with disabilities.

13 (c) The Illinois State Police shall conduct a State and
14 national criminal history background check on an applicant if
15 a qualified entity submits:

16 (1) a request to the Illinois State Police to perform
17 a State and national background check on the applicant in
18 a form and manner prescribed by the Illinois State Police,
19 which includes a statement containing the name, address,
20 and date of birth appearing on a valid identification card
21 or document issued by the State to the applicant;

22 (2) a waiver on a form approved by the Illinois State
23 Police that is signed by the applicant allowing the
24 release of the State and national criminal history record
25 information to the qualified entity;

26 (3) the applicant's fingerprints in an electronic

1 format that complies with the form and manner for
2 requesting and furnishing criminal history record
3 information prescribed by the Illinois State Police; and
4 (4) any fee prescribed by the Illinois State Police.

5 (d) The Illinois State Police may charge a fee for
6 conducting a background check under this Section. The fee
7 shall be deposited into the State Police Services Fund and
8 shall not exceed the actual cost of the records check.

9 (e) The Illinois State Police shall ensure that the
10 applicant is provided written notice of the applicant's right
11 to obtain a copy of all records that the Illinois State Police
12 shall provide to the qualified entity. If the Illinois State
13 Police receives notice from the applicant that the applicant
14 wants a copy of the records provided to the qualified entity,
15 then the Illinois State Police shall provide the applicant
16 with a copy of all the records that the Illinois State Police
17 provided to the qualified entity.

18 (f) The Illinois State Police shall ensure that the
19 applicant is provided written notice of the applicant's right
20 to challenge any records that the Illinois State Police shall
21 provide to the qualified entity and the procedures for
22 correcting or updating the records. The Illinois State Police
23 shall make a determination of the validity of a challenge
24 concerning Illinois records made by the applicant. If the
25 Illinois State Police determines that the Illinois records
26 provided to a qualified entity were inaccurate, then the

1 Illinois State Police shall provide updated records to the
2 qualified entity and the applicant.

3 (g) A criminal background check conducted under this
4 Section does not constitute compliance with any background
5 check required by law.

6 (h) Upon positive identification, the Illinois State
7 Police shall provide the qualified entity with records of the
8 applicant's conviction of or entry of a plea of guilty or nolo
9 contendere, finding of guilt, jury verdict, or entry of
10 judgment or sentencing, including, but not limited to,
11 convictions, preceding sentences of supervision, conditional
12 discharge, or first offender probation, under the laws of any
13 jurisdiction of the United States that is a felony or crime
14 directly related to providing care.

15 (i) Nothing in this Section shall be interpreted to
16 require the Illinois State Police to make an eligibility
17 determination on behalf of any qualified entity.

18 (j) Any information received by a qualified entity under
19 this Section shall be used solely for internal purposes in
20 determining the suitability of an applicant. The dissemination
21 of criminal history information from the Federal Bureau of
22 Investigation beyond the authorized state agency or qualified
23 entity is prohibited. All criminal record check information
24 shall be confidential.

25 (k) Nothing in this Section shall be interpreted to expand
26 a government agency's or qualified entity's authority to

1 access juvenile, sealed, or expunged records as established by
2 State and federal law.

3 (l) Fingerprints submitted under this Section shall be
4 transmitted through a livescan fingerprint vendor licensed by
5 the Department of Financial and Professional Regulation. The
6 fingerprints submitted under this Section shall be checked
7 against the records, now and hereafter filed, in the Illinois
8 State Police and Federal Bureau of Investigation criminal
9 history databases, including, but not limited to, civil,
10 criminal, and latent fingerprint databases. The fingerprints
11 shall be checked against the records in the Illinois State
12 Police databases prior to being submitted to the Federal
13 Bureau of Investigation.

14 (m) Contractors who have or seek to have a contract with a
15 qualified entity to provide care or care placement services
16 meet the definition of "employed by" for the purposes of the
17 National Child Protection Act of 1993, as amended by the
18 Volunteers for Children Act and the Child Protection
19 Improvements Act of 2018.

20 (n) The Illinois State Police may adopt rules to implement
21 this Section.

22 Section 10. The Child Care Act of 1969 is amended by
23 changing Section 4.1 as follows:

24 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

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

2 Sec. 4.1. Criminal background investigations.

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

7 (b) The Department shall require that each child care
8 facility license applicant as part of the application process,
9 and each employee and volunteer of a child care facility or
10 non-licensed service provider, as a condition of employment,
11 authorize an investigation to determine if such applicant,
12 employee, or volunteer has ever been charged with a crime and
13 if so, the disposition of those charges; this authorization
14 shall indicate the scope of the inquiry and the agencies which
15 may be contacted. An employee or volunteer of a day care
16 center, day care home, or group day care home shall authorize
17 an investigation every 5 years, as required under the Child
18 Care and Development Block Grant. A child care facility,
19 non-licensed service provider, day care center, group day care
20 home, or day care home may authorize the Department or a
21 third-party vendor to collect fingerprints for the
22 investigation. If a third-party vendor is used for
23 fingerprinting, then the child care facility, non-licensed
24 service provider, day care center, group day care home, or day
25 care home shall pay the third-party vendor for that service
26 directly. If a child care facility, non-licensed service

1 provider, day care center, group day care home, or day care
2 home authorizes the Department or a third-party vendor to
3 collect fingerprints for the investigation, the Director shall
4 request and receive information and assistance from any
5 federal, State, or local governmental agency as part of the
6 authorized investigation. Each applicant, employee, or
7 volunteer of a child care facility or non-licensed service
8 provider shall submit the applicant's, employee's, or
9 volunteer's fingerprints to the Illinois State Police in the
10 form and 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 into ~~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 when the request is
23 made in the form and manner required by the Illinois State
24 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 on the
7 application. State conviction information provided by the
8 Illinois State Police regarding employees, prospective
9 employees, or volunteers of non-licensed service providers and
10 child care facilities licensed under this Act shall be
11 provided to the operator of such facility, and, upon request,
12 to the employee, prospective employee, or volunteer of a child
13 care facility or non-licensed service provider. Any
14 information concerning criminal charges and the disposition of
15 such charges obtained by the Department shall be confidential
16 and may not be transmitted outside the Department, except as
17 required herein, and may not be transmitted to anyone within
18 the Department except as needed for the purpose of evaluating
19 an application or an employee or volunteer of a child care
20 facility or non-licensed service provider. Only information
21 and standards which bear a reasonable and rational relation to
22 the performance of a child care facility shall be used by the
23 Department or any licensee. Any employee of the Department of
24 Children and Family Services, Illinois State Police, or a
25 child care facility receiving confidential information under
26 this Section who gives or causes to be given any confidential

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

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

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

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

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

1 such employment may be terminated on the basis of criminal
2 background information obtained by the facility.

3 (Source: P.A. 103-22, eff. 8-8-23; 103-1072, eff. 1-1-26;
4 104-307, eff. 1-1-26; revised 10-27-25.)

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

6 Sec. 4.1. Criminal background investigations.

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

11 (b) The Department of Children and Family Services or the
12 Department of Early Childhood shall require that each child
13 care facility license applicant under the agencies' respective
14 authority as part of the application process, and each
15 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
24 Care and Development Block Grant. A child care facility,
25 non-licensed service provider, day care center, group day care

1 home, or day care home may authorize the Department of
2 Children and Family Services, the Department of Early
3 Childhood, or a third-party vendor to collect fingerprints for
4 the investigation. If a third-party vendor is used for
5 fingerprinting, then the child care facility, non-licensed
6 service provider, day care center, group day care home, or day
7 care home shall pay the third-party vendor for that service
8 directly. If a child care facility, non-licensed service
9 provider, day care center, group day care home, or day care
10 home authorizes the Department of Children and Family
11 Services, the Department of Early Childhood, or a third-party
12 vendor to collect fingerprints for the investigation, the
13 Director of Children and Family Services or the Secretary of
14 Early Childhood shall request and receive information and
15 assistance from any federal, State, or local governmental
16 agency as part of the authorized investigation. Each
17 applicant, employee, or volunteer of a child care facility or
18 non-licensed service provider shall submit the applicant's,
19 employee's, or volunteer's fingerprints to the Illinois State
20 Police in the form and manner prescribed by the Illinois State
21 Police. These fingerprints shall be checked against the
22 fingerprint records now and hereafter filed in the Illinois
23 State Police and Federal Bureau of Investigation criminal
24 history records databases. The Illinois State Police shall
25 charge a fee for conducting the criminal history records
26 check, which shall be deposited into ~~in~~ the State Police

1 Services Fund and shall not exceed the actual cost of the
2 records check. The Illinois State Police shall provide
3 information concerning any criminal charges, and their
4 disposition, now or hereafter filed, against an applicant,
5 employee, or volunteer of a child care facility or
6 non-licensed service provider upon request of the Department
7 of Children and Family Services or the Department of Early
8 Childhood when the request is made in the form and manner
9 required by the Illinois State Police.

10 Information concerning convictions of a license applicant,
11 employee, or volunteer of a child care facility or
12 non-licensed service provider investigated under this Section,
13 including the source of the information and any conclusions or
14 recommendations derived from the information, shall be
15 provided, upon request, to such applicant, employee, or
16 volunteer of a child care facility or non-licensed service
17 provider prior to final action by the Department of Children
18 and Family Services or the Department of Early Childhood under
19 the agencies' respective authority on the application. State
20 conviction information provided by the Illinois State Police
21 regarding employees, prospective employees, or volunteers of
22 non-licensed service providers and child care facilities
23 licensed under this Act shall be provided to the operator of
24 such facility, and, upon request, to the employee, prospective
25 employee, or volunteer of a child care facility or
26 non-licensed service provider. Any information concerning

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

23 The Department of Children and Family Services, through
24 June 30, 2027 ~~2026~~, or the Department of Early Childhood, on
25 and after July 1, 2027 ~~2026~~, shall allow day care centers, day
26 care homes, and group day care homes to hire, on a probationary

1 basis, any employee or volunteer authorizing a criminal
2 background investigation under this Section after receiving a
3 qualifying result, as determined by the Department of Children
4 and Family Services or the Department of Early Childhood,
5 whichever is applicable, pursuant to this Act, from either:

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

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

12 Pending full clearance of all background check
13 requirements, the prospective employee or volunteer must be
14 supervised at all times by an individual who received a
15 qualifying result on all background check components.
16 Employees and volunteers of a day care center, day care home,
17 or group day care home shall be notified prior to hiring that
18 such employment may be terminated on the basis of criminal
19 background information obtained by the facility.

20 Beginning July 1, 2027, the authority and responsibility
21 to conduct a fingerprint-based criminal history check on
22 providers of day care at day care centers defined under
23 Section 2.09, part day child care facilities defined under
24 Section 2.10, day care homes defined under Section 2.18, and
25 group day care homes defined under Section 2.20 shall transfer
26 to the Department of Early Childhood in accordance with

1 Section 80-5 of the Department of Early Childhood Act.

2 (Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;
3 103-1072, eff. 1-1-26; 104-307, eff. 1-1-26; revised
4 10-27-25.)

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

7 (325 ILCS 3/10-15)

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

9 (a) "Eligible infants and toddlers" means infants and
10 toddlers under 36 months of age with any of the following
11 conditions:

12 (1) Developmental delays.

13 (2) A physical or mental condition which typically
14 results in developmental delay.

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

17 (4) Either (A) having entered the program under any of
18 the circumstances listed in paragraphs (1) through (3) of
19 this subsection but no longer meeting the current
20 eligibility criteria under those paragraphs, and
21 continuing to have any measurable delay, or (B) not having
22 attained a level of development in each area, including
23 (i) cognitive, (ii) physical (including vision and
24 hearing), (iii) language, speech, and communication, (iv)

1 social or emotional, or (v) adaptive, that is at least at
2 the mean of the child's age equivalent peers; and, in
3 addition to either item (A) or item (B), (C) having been
4 determined by the multidisciplinary individualized family
5 service plan team to require the continuation of early
6 intervention services in order to support continuing
7 developmental progress, pursuant to the child's needs and
8 provided in an appropriate developmental manner. The type,
9 frequency, and intensity of services shall differ from the
10 initial individualized family services plan because of the
11 child's developmental progress, and may consist of only
12 service coordination, evaluation, and assessments.

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

17 (b) "Developmental delay" means a delay in one or more of
18 the following areas of childhood development as measured by
19 appropriate diagnostic instruments and standard procedures:
20 cognitive; physical, including vision and hearing; language,
21 speech and communication; social or emotional; or adaptive.
22 The term means a delay of 30% or more below the mean in
23 function in one or more of those areas.

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

26 (1) a diagnosed medical disorder or exposure to a

1 toxic substance bearing a relatively well known expectancy
2 for developmental outcomes within varying ranges of
3 developmental disabilities; or

4 (2) a history of prenatal, perinatal, neonatal or
5 early developmental events suggestive of biological
6 insults to the developing central nervous system and which
7 either singly or collectively increase the probability of
8 developing a disability or delay based on a medical
9 history.

10 (d) "Informed clinical opinion" means both clinical
11 observations and parental participation to determine
12 eligibility by a consensus of a multidisciplinary team of 2 or
13 more members based on their professional experience and
14 expertise.

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

16 (1) are designed to meet the developmental needs of
17 each child eligible under this Act and the needs of his or
18 her family;

19 (2) are selected in collaboration with the child's
20 family;

21 (3) are provided under public supervision;

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

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

1 (A) physical development, including vision and
2 hearing,

3 (B) cognitive development,

4 (C) communication development,

5 (D) social or emotional development, or

6 (E) adaptive development;

7 (6) meet the standards of the State, including the
8 requirements of this Act;

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

10 (A) family training,

11 (B) social work services, including counseling,
12 and home visits,

13 (C) special instruction,

14 (D) speech, language pathology and audiology,

15 (E) occupational therapy,

16 (F) physical therapy,

17 (G) psychological services,

18 (H) service coordination services,

19 (I) medical services only for diagnostic or
20 evaluation purposes,

21 (J) early identification, screening, and
22 assessment services,

23 (K) health services specified by the lead agency
24 as necessary to enable the infant or toddler to
25 benefit from the other early intervention services,

26 (L) vision services,

- 1 (M) transportation,
2 (N) assistive technology devices and services,
3 (O) nursing services,
4 (P) nutrition services, and
5 (Q) sign language and cued language services;
6 (8) are provided by qualified personnel, including but
7 not limited to:
8 (A) child development specialists or special
9 educators, including teachers of children with hearing
10 impairments (including deafness) and teachers of
11 children with vision impairments (including
12 blindness),
13 (B) speech and language pathologists and
14 audiologists,
15 (C) occupational therapists,
16 (D) physical therapists,
17 (E) social workers,
18 (F) nurses,
19 (G) dietitian nutritionists,
20 (H) vision specialists, including ophthalmologists
21 and optometrists,
22 (I) psychologists, and
23 (J) physicians;
24 (9) are provided in conformity with an Individualized
25 Family Service Plan;
26 (10) are provided throughout the year; and

1 (11) are provided in natural environments, to the
2 maximum extent appropriate, which may include the home and
3 community settings, unless justification is provided
4 consistent with federal regulations adopted under Sections
5 1431 through 1444 of Title 20 of the United States Code.

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

10 (g) "Local interagency agreement" means an agreement
11 entered into by local community and State and regional
12 agencies receiving early intervention funds directly from the
13 State and made in accordance with State interagency agreements
14 providing for the delivery of early intervention services
15 within a local community area.

16 (h) "Council" means the Illinois Interagency Council on
17 Early Intervention established under Section 10-30.

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

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

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

26 (k) "Regional intake entity" means the lead agency's

1 designated entity responsible for implementation of the Early
2 Intervention Services System within its designated geographic
3 area.

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

8 (m) "Fully credentialed early intervention provider" means
9 an individual who has met the standards in the State
10 applicable to the relevant profession, and has met such other
11 qualifications as the lead agency has determined are suitable
12 for personnel providing early intervention services, including
13 pediatric experience, education, and continuing education. The
14 lead agency shall establish these qualifications by rule filed
15 no later than 180 days after the effective date of this Act.

16 (n) "Telehealth" has the meaning given to that term in
17 Section 5 of the Telehealth Act.

18 (o) "Department" means Department of Early Childhood
19 unless otherwise specified.

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

21 (325 ILCS 3/20-25)

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

23 (a) Beginning July 1, 2024, the Department of Early
24 Childhood and the Department of Children and Family Services
25 shall collaborate and plan for the transition of

1 administrative responsibilities related to licensing day care
2 centers, day care homes, and group day care homes as
3 prescribed throughout the Child Care Act of 1969.

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

8 (c) Beginning July 1, 2027, the authority and
9 responsibility to conduct a fingerprint-based criminal history
10 check on providers of day care at day care centers defined
11 under Section 2.09 of the Child Care Act of 1969, part day
12 child care facilities defined under Section 2.10 of the Child
13 Care Act of 1969, day care homes defined under Section 2.18 of
14 the Child Care Act of 1969, and group day care homes defined
15 under Section 2.20 of the Child Care Act of 1969 shall transfer
16 to the Department of Early Childhood in accordance with
17 Section 80-5 of this Act.

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law, except that Section 10 takes effect July 1, 2026
3 and Section 15 takes effect July 1, 2027.