

SB0222



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0222

Introduced 1/22/2025, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Child Care Act of 1969. Defines "conditional employee" as an employee who has completed a background check and is waiting for confirmation from the Department of Children and Family Services. Provides that a conditional employee may work in a child care facility, including, but not limited to, a child welfare agency, if the conditional employee is supervised by a licensed employee, does not have contact with children who are under the care and control of the child care facility, and does not have access to records containing information regarding children who are under the care and control of the child care facility. Provides that an applicant is determined to have completed the criminal background investigation when he or she has completed and submitted authorization for the performance of a criminal background investigation by the Department.

LRB104 06046 AAS 16079 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.

9 (a) In this Section, "conditional employee" means an
10 employee who has completed a background check and is waiting
11 for confirmation from the Department.

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

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

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

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

26 A child care facility, including, but not limited to, a

1 child welfare agency, may hire, on a probationary basis, any
2 employee or volunteer of a child care facility or non-licensed
3 service provider completing ~~authorizing~~ a criminal background
4 investigation under this Section, pending the result of such
5 investigation. A conditional employee may work in a child care
6 facility, including, but not limited to, a child welfare
7 agency, if the conditional employee is supervised by a
8 licensed employee, does not have contact with children who are
9 under the care and control of the child care facility, and does
10 not have access to records containing information regarding
11 children who are under the care and control of the child care
12 facility. Employees and volunteers of a child care facility or
13 non-licensed service provider shall be notified prior to
14 hiring that such employment may be terminated on the basis of
15 criminal background information obtained by the facility. An
16 applicant is determined to have completed the criminal
17 background investigation when he or she has completed and
18 submitted authorization for the performance of a criminal
19 background investigation by the Department.

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

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

22 Sec. 4.1. Criminal background investigations.

23 (a) In this Section, "conditional employee" means an
24 employee who has completed a background check and is waiting
25 for confirmation from the Department.

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

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

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

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

20 A child care facility, including, but not limited to, a
21 child welfare agency, may hire, on a probationary basis, any
22 employee or volunteer of a child care facility or non-licensed
23 service provider completing ~~authorizing~~ a criminal background
24 investigation under this Section, pending the result of such
25 investigation. A conditional employee may work in a child care
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1 agency, if the conditional employee is supervised by a
2 licensed employee, does not have contact with children who are
3 under the care and control of the child care facility, and does
4 not have access to records containing information regarding
5 children who are under the care and control of the child care
6 facility. Employees and volunteers of a child care facility or
7 non-licensed service provider shall be notified prior to
8 hiring that such employment may be terminated on the basis of
9 criminal background information obtained by the facility. An
10 applicant is determined to have completed the criminal
11 background investigation when he or she has completed and
12 submitted authorization for the performance of a criminal
13 background investigation by the Department.

14 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
15 103-594, eff. 7-1-26.)

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