

SB2260



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2260

Introduced 2/7/2025, by Sen. Laura Fine

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. Effective immediately.

LRB104 11147 AAS 21229 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.

14 Section 999. Effective date. This Act takes effect upon
15 becoming law.