



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3936

Introduced 2/17/2023, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4.3

from Ch. 23, par. 2214.3

Amends the Child Care Act of 1969. Requires child care facility license applicants and current and prospective employees of a child care facility who might have contact with children to authorize an investigation of the Central Register to ascertain if they have been the subject of a child abuse or neglect investigation (without regard to whether the Department of Children and Family Services determined the report of child abuse or neglect to be indicated or unfounded).

LRB103 30214 KTG 56642 b

1 AN ACT concerning regulations.

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 4.3 as follows:

6 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

7 Sec. 4.3. Child Abuse and Neglect Reports. All child care
8 facility license applicants and all current and prospective
9 employees of a child care facility who have any possible
10 contact with children in the course of their duties, as a
11 condition of such licensure or employment, shall authorize in
12 writing on a form prescribed by the Department an
13 investigation of the Central Register, as defined in the
14 Abused and Neglected Child Reporting Act, to ascertain if such
15 applicant or employee (i) has been the subject of a child abuse
16 or neglect investigation (without regard to whether the
17 Department determined the report of child abuse or neglect to
18 be indicated or unfounded) or (ii) has been determined to be a
19 perpetrator in an indicated report of child abuse or neglect.

20 All child care facilities as a condition of licensure
21 pursuant to this Act shall maintain such information which
22 demonstrates that all current employees and other applicants
23 for employment who have any possible contact with children in

1 the course of their duties have authorized an investigation of
2 the Central Register as hereinabove required. Only those
3 current or prospective employees who will have no possible
4 contact with children as part of their present or prospective
5 employment may be excluded from provisions requiring
6 authorization of an investigation.

7 Such information concerning a license applicant, employee
8 or prospective employee obtained by the Department shall be
9 confidential and exempt from public inspection and copying as
10 provided under Section 7 of The Freedom of Information Act,
11 and such information shall not be transmitted outside the
12 Department, except as provided in the Abused and Neglected
13 Child Reporting Act, and shall not be transmitted to anyone
14 within the Department except as provided in the Abused and
15 Neglected Child Reporting Act, and shall not be transmitted to
16 anyone within the Department except as needed for the purposes
17 of evaluation of an application for licensure or for
18 consideration by a child care facility of an employee. Any
19 employee of the Department of Children and Family Services
20 under this Section who gives or causes to be given any
21 confidential information concerning any child abuse or neglect
22 reports about a child care facility applicant, child care
23 facility employee, shall be guilty of a Class A misdemeanor,
24 unless release of such information is authorized by Section
25 11.1 of the Abused and Neglected Child Reporting Act.

26 Additionally, any licensee who is informed by the

1 Department of Children and Family Services, pursuant to
2 Section 7.4 of the Abused and Neglected Child Reporting Act,
3 approved June 26, 1975, as amended, that a formal
4 investigation has commenced relating to an employee of the
5 child care facility or any other person in frequent contact
6 with children at the facility, shall take reasonable action
7 necessary to insure that the employee or other person is
8 restricted during the pendency of the investigation from
9 contact with children whose care has been entrusted to the
10 facility.

11 When a foster family home is the subject of an indicated
12 report under the Abused and Neglected Child Reporting Act, the
13 Department of Children and Family Services must immediately
14 conduct a re-examination of the foster family home to evaluate
15 whether it continues to meet the minimum standards for
16 licensure. The re-examination is separate and apart from the
17 formal investigation of the report. The Department must
18 establish a schedule for re-examination of the foster family
19 home mentioned in the report at least once a year.

20 (Source: P.A. 91-557, eff. 1-1-00.)