



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4412**

Introduced 1/16/2024, by Rep. Dave Vella and Tony M. McCombie

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Child Care Act of 1969. In provisions concerning criminal background investigations, provides that a child care facility may authorize the Department of Children and Family Services or a third-party vendor to complete the investigation. 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 either the Department or a third party contracted to perform the criminal background investigation. Makes conforming changes.

LRB103 36073 SPS 66161 b

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 Sec. 4.1. Criminal background investigations. The  
8 Department shall require that each child care facility license  
9 applicant as part of the application process, and each  
10 employee and volunteer of a child care facility or  
11 non-licensed service provider, as a condition of employment,  
12 authorize an investigation to determine if such applicant,  
13 employee, or volunteer has ever been charged with a crime and  
14 if so, the disposition of those charges; this authorization  
15 shall indicate the scope of the inquiry and the agencies which  
16 may be contacted. A child care facility may authorize the  
17 Department or a third-party vendor to complete the  
18 investigation. If the Department conducts the investigation,  
19 upon ~~Upon~~ this authorization, the Director shall request and  
20 receive information and assistance from any federal, State or  
21 local governmental agency as part of the authorized  
22 investigation. Each applicant, employee, or volunteer of a  
23 child care facility or non-licensed service provider shall

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

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

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

25 A child care facility may hire, on a probationary basis,  
26 any employee or volunteer of a child care facility or

1 non-licensed service provider completing ~~authorizing~~ a  
2 criminal background investigation under this Section, pending  
3 the result of such investigation. Employees and volunteers of  
4 a child care facility or non-licensed service provider shall  
5 be notified prior to hiring that such employment may be  
6 terminated on the basis of criminal background information  
7 obtained by the facility. An applicant is determined to have  
8 completed the criminal background investigation when he or she  
9 has completed and submitted authorization for the performance  
10 of a criminal background investigation by either the  
11 Department or a third party contracted to perform the criminal  
12 background investigation.

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