**Section 357.30 Purchase of Day Care Services**

a) The Department may purchase day care services for an eligible child in any legal child care arrangement including, but not limited to, licensed day care facilities, facilities exempt from licensing, and relatives and individuals who provide care in the children's homes.

b) As a condition of receiving payment for day care services from the Department, each in-home day caregiver, license exempt day care provider and assistant, and all adult members of the household in which a day care home exempt from licensing operates shall:

1) complete and submit to the Department on a form prescribed by the Department a certification under penalty of perjury whether the person has been convicted of a crime, other than a minor traffic violation, or has been indicated as a perpetrator of child abuse and neglect; and

2) complete and submit to the Department an authorization for a background check which may include, solely at the discretion of the Department, a criminal history check, a check of the Statewide Automated Child Welfare Information System (SACWIS) and a check of the Illinois Sex Offender Registry; and

3) if requested, submit his or her fingerprints to the Department within 30 days after the Department's written request for such fingerprints.

c) The Department shall conduct a check of SACWIS and the Sex Offender Registry on all individuals listed in subsection (b) of this Section when:

1) care is being given to a child for whom the Department is legally responsible;

2) a child is a member of an intact family that is receiving Department services; or

3) one of the individuals required to complete the authorization for background checks as provided in subsection (b) of this Section acknowledges that he or she has been indicated as a perpetrator of child abuse or neglect.

d) The Department shall conduct a check of SACWIS and the Illinois Sex Offender Registry on a random basis for all other individuals required to complete the authorization for background checks in subsection (b) of this Section.

e) The Department shall send a notice to the individuals in subsection (b) of this Section requiring them to submit to fingerprinting whenever he or she acknowledges that he or she has been convicted of a crime, other than a minor traffic violation, as defined in Section 357.20.

f) The Department may, in its sole discretion and on a random basis, require fingerprints of not more than 15% of all other individuals in subsection (b) of this Section and submit the fingerprints to the Illinois State Police.

g) Authorization for payment for day care services shall be denied or withdrawn whenever an individual in subsection (b) of this Section:

1) failed or refused to submit the authorization for background checks and fingerprints (if requested), as required by subsection (b) of this Section; or

2) is found to have been convicted of any of the criminal acts listed in Appendix A of 89 Ill. Adm. Code 385 (Background Checks), or to have been indicated as the perpetrator of child abuse or neglect, or is listed in the Illinois Sex Offender Registry.

h) In addition, if the Department learns one of the individuals in subsection (b) of this Section has falsified information on the certification form, the Department may deny or withdraw authorization for payment for day care services to that provider.

(Source: Amended at 29 Ill. Reg. 8706, effective June 8, 2005)