

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Child Care Act of 1969 is amended by changing Section 4.1 as follows:

(225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

Sec. 4.1. Criminal background investigations.

(a) In this Section, "third-party vendor" means a third-party fingerprinting vendor who is licensed by the Department of Financial and Professional Regulation and regulated by 68 Ill. Adm. Code 1240.600.

(b) The Department shall require that each child care facility license applicant as part of the application process, and each employee and volunteer of a child care facility or non-licensed service provider, as a condition of employment, authorize an investigation to determine if such applicant, employee, or volunteer has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. A child care facility, non-licensed service provider, day care center, group day care home, or day care home may authorize the Department or a third-party vendor to collect fingerprints for the investigation. If a third-party

vendor is used for fingerprinting, then the child care facility, non-licensed service provider, day care center, group day care home, or day care home shall pay the third-party vendor for that service directly. If a child care facility, non-licensed service provider, day care center, group day care home, or day care home authorizes the Department or a third-party vendor to collect fingerprints for the investigation, ~~Upon this authorization,~~ the Director shall request and receive information and assistance from any federal, State, or local governmental agency as part of the authorized investigation. Each applicant, employee, or volunteer of a child care facility or non-licensed service provider shall submit the applicant's, employee's, or volunteer's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant, employee, or volunteer of a child care facility or non-licensed service provider upon request of the

Department of Children and Family Services when the request is made in the form and manner required by the Illinois State Police.

Information concerning convictions of a license applicant, employee, or volunteer of a child care facility or non-licensed service provider investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant, employee, or volunteer of a child care facility or non-licensed service provider prior to final action by the Department on the application. State conviction information provided by the Illinois State Police regarding employees, prospective employees, or volunteers of non-licensed service providers and child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee, prospective employee, or volunteer of a child care facility or non-licensed service provider. Any information concerning criminal charges and the disposition of such charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or an employee or volunteer of a child care facility or non-licensed service provider. Only information and standards which bear a reasonable and rational relation to

the performance of a child care facility shall be used by the Department or any licensee. Any employee of the Department of Children and Family Services, Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of an applicant, employee, or volunteer of a child care facility or non-licensed service provider, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

A child care facility may hire, on a probationary basis, any employee or volunteer of a child care facility or non-licensed service provider authorizing a criminal background investigation under this Section, pending the result of such investigation. Employees and volunteers of a child care facility or non-licensed service provider shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility.

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