

NOTICE TO DAY CARE PROVIDERS

Revised Authorization for Background Check Form

From: Shontée Blankenship, Deputy Director of Licensing

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AUTHORITY: 45 CFR 98.43 Child Care and Development Block Grant Act (CCDBG)

CRIMINAL BACKGROUND CHECKS

Sec. 98.43. Criminal Background Checks.

(a) States, Territories, and Tribes, through coordination of the Lead agency with other State, territorial, and tribal agencies, shall have in effect:

(1) Requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of all licensed, regulated, or registered child care providers eligible to deliver services for which assistance is provided under this part as described in paragraph (a)(2) of this section;

(2) In this section;

(i) Child care provider means a center based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that:

(A) Is not an individual who is related to all children for whom child care services are provided; and

(B) Whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or

(C) Any individual residing in a family child care home who is age 18 and older.

(b) A criminal background check for a child care staff member under paragraph (a) of this section shall include:

(1) A Federal Bureau of Investigation fingerprint check using Next Generation Identification;

(2) A search of the National Crime Information Center's National Sex Offender Registry; and

(3) A search of the following registries, repositories, or databases in the State where the child care staff member resides and each State where such staff member resided during the preceding five years:

(i) State criminal registry or repository, with the use of fingerprints being:

(A) Required in the State where the staff member resides;

(B) Optional in other States;

(ii) State sex offender registry or repository; and

(iii) State-based child abuse and neglect registry and database

[45 CFR 98.43]

All new and existing day care staff who are employed by a day care provider for compensation, or whose activities involve unsupervised access to children, must have comprehensive background checks. In Illinois, this includes employees 14 – 17 years of age whose employment or activities at the facility follow the Illinois Child Labor Law [820 ILCS 205] and the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 214). The comprehensive background check also includes janitors, cooks, and other employees who may not regularly engage with children but whose positions at the facility gives them the opportunity for unsupervised access to children.

Volunteers who provide infrequent or irregular service that is supervised or parent volunteers who are supervised (i.e., help with a classroom party) are not considered to be caring for or supervising children, therefore, are not required to complete background checks. However, they must be supervised at all times by an employee with a cleared comprehensive background check within the previous five years.

Volunteers who have unsupervised access to children must have comprehensive background checks completed.

Fingerprint background checks are not required for members of a household under the age of 18 in a day care home or group day care home except for youth 14 – 17 years of age who are both a member of the household and employed or provide volunteer child care assistance in the home-based day care in which they reside.

PROBATIONARY EMPLOYEES

(d)(4) A prospective staff member may begin work for a child care provider described in paragraph (a)(2)(i) above after completing either the check described at paragraph (b)(1) or (b)(3)(i) above in the State where the prospective staff member resides. Pending completion of all background check components in paragraph (b) listed above, the staff member must be supervised at all times by an individual who received a qualifying result on a background check described in paragraph (b) above within the past five years.

(45 CFR 98.43)

Both the Child Care Act of 1969 and the Child Care and Development Block Grant Act permit probationary/prospective employment of child care staff pending completion of all background check components.

Under the federal regulations, a prospective staff member may begin work for a child care provider after completing either:

- FBI fingerprint criminal background check; or
- ISP fingerprint criminal background check, and a criminal record check of each state criminal repository where such staff member resided during the preceding 5 years.

NEW, REVISED AND/OR OBSOLETE FORMS

A new **CFS 718-B-DC - AUTHORIZATION FOR BACKGROUND CHECK for Day Care** has been developed for day care facility (day care homes/group day care homes/day care centers) use only. The new form includes language in the authorization section to clarify that persons 13 through 17 years of age signing the form are not subject to fingerprinting, with the exception of youth who are employed or volunteer at a day care facility. In addition, the revised form updates requirements for probationary employees.

The **CFS 718-B-DC** can be accessed on the Department's website, or by request through your DCFS Licensing Representative.

The **CFS 718-B AUTHORIZATION FOR BACKGROUND CHECK for Child Care** is obsolete. The remaining supply of these forms should be recycled and replaced with the newly revised **CFS 718-B-DC**.

Proposed amendments to Rule 385, Background Checks are forthcoming.