
RULE 385, BACKGROUND CHECKS

Proposed Amendments to Background Check Rules

From: Shontée Blankenship, Deputy Director of Licensing

Date: May 16, 2025

The following is a summary of the proposed amendments to Rule 385, Background Checks:

Updated Definitions and New Definitions – Proposed language includes updates to some existing definitions, including but not limited to expanding definitions of Child, Conviction, Illinois Sex Offender Registry, National Sex Offender Registry, and State Central Registry; adds new definitions for: Background Check, Background Check Clearance, Child Welfare Contributing Agency, Congregate Care Facility, Host Homes, Initial Background Check, National Sex Offender Public Website, Pre-Hire Offer of Employment, and Probationary Day Care Employee.

The proposed rulemaking creates new Subparts and Sections.

SUBPART B: DAY CARE FACILITIES:

Background Checks for Day Care Homes, Group Day Care Homes, and Day Care Centers:

Lists all components of a day care background check, including persons subject to partial background checks, persons subject to comprehensive background checks, and frequency of background checks

Probationary Day Care Employees: Allows for the use of probationary employees in day care facilities

Parental Involvement: Does not require a background check, but parents may only be left alone unsupervised with their own children

Non-Licensed Service Providers that Operate Within a Family Home: Must meet Background Check requirements

Additional Restrictions for Day Care Facilities: Convictions listed in the federal Child Care and Development Block Grant Act (45 CFR 98.43) that prevent licensure, employment, member of the household, and volunteer service in a day care facility.

SUBPART C: FOSTER FAMILY HOMES AND HOST HOMES

Background Checks for Foster Family Homes and Host Homes: Lists all components of a foster family home or host home background check, including persons subject to partial background checks, and persons subject to comprehensive background checks

Placement Decisions in Foster Family Homes: Convictions listed in the Children and Family Services Act [20 ILCS 505] that prevent placement of children in a foster family home or host home.

SUBPART D: CHILD WELFARE AGENCIES AND CONGREGATE CARE FACILITIES

Background Checks for Child Welfare Agencies and Congregate Care Facilities: Lists all components of a comprehensive background check, and persons subject to background checks

Pre-Hire Offer of Employment: Allows a Child Welfare Agency or Congregate Facility to offer a pre-hire offer of employment once an individual has authorized a background check

SUBPART E: AUTHORIZATION AND RESULTS OF BACKGROUND CHECK

This Subpart lists requirements for all facility types for completion of an Authorization for Background Check form, Transfers Between Licensed Facilities, Foreign Nationals, Responsibility for Cooperation, and Persons Not Required to Authorize a Background Check

This Subpart also includes for all facility types, the assessment of Indicated Child Abuse/Neglect Reports, the assessment of Criminal Convictions and Pending Criminal Convictions, and hiring decisions. Written consent must be obtained from the individual who is the subject of an indicated report to obtain pertinent child abuse/neglect reports. Written consent must be obtained from the individual who is the subject of a criminal conviction in order to obtain pertinent criminal records.

Presumption of Unsuitability language has been expanded for clarification purposes

Disposition of Background Checks – has been revised to include when persons subject to background checks are ineligible for licensure, employment, or volunteer service, or be a member of a household

SUBPART F: RECORDS MAINTENANCE AND CONFIDENTIALITY

Clarifying language was added regarding records kept of the results of the background checks

Please note: The above is a summary of proposed changes and does not include all changes or proposed rule language in its entirety. See the full context of proposed changes at the link listed below:

FIRST NOTICE COMMENT PERIOD

On April 25, 2025, the Secretary of State published proposed amendments in Volume 49, Issue 17, of the *Illinois Register*. Copies are available in local libraries and on the Secretary of State's website at:

<https://www.ilsos.gov/departments/index/register/home.html>

Copies are also available at the DCFS website at:

<https://dcfs.illinois.gov/about-us/notices/pr-policy-rulemaking.html>

Copies may be requested from, and comments may be sent to:

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Comments will be accepted until June 9, 2025.