

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2018.04**

**RULE 385 BACKGROUND CHECKS**

**DATE:** January 31, 2018  
**TO:** DCFS and Private Agency Licensing Staff  
**FROM:** Beverly J. Walker, Acting Director  
**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Services licensing staff, as well as holders of a child care facility license, of policy changes related to when a conditional employee shall be allowed to have unsupervised access to children within a licensed childcare facility. The Department will propose amendments to **Rule 385, Background Checks**, to reflect the changes in this Policy Guide.

This Policy Guide is effective immediately.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department Licensing Staff, POS Licensing Staff and license holders.

**III. BACKGROUND AND SUMMARY**

Department Rule 385 currently has language that allows a conditional employee to have unsupervised access to children in their care, after being cleared through the cursory background checks for history of abuse and/or neglect and the Illinois Sex Offender Registry.

**Section 385.40 Authorization for Background Checks**

- g) **Conditional Employment** Individuals hired to begin employment who have authorized the background check required by this Part may be employed by a child care facility on a conditional basis pending the outcome of the required background check. The form authorizing such a background check shall be submitted to Department of Children and Family Services as indicated in Section 385.30(d)(2).



- h) Limitations on the Use of Conditional Employees** Conditional employees shall not be left alone with children outside the visual and auditory supervision of staff until they have cleared a check of CANTS/SACWIS and the Illinois Sex Offender Registry. (Source: Amended at 39 Ill. Reg., effective March 25, 2015)

#### **IV. NEW REQUIREMENTS FOR COMPLIANCE TO BACKGROUND CHECKS IN RELATIONSHIP TO CONDITIONAL EMPLOYEES**

The Title IV-E Federal Reviewers and the Department's Division of Budget & Finance have directed the Department to adopt standards that include conditional employees having no unsupervised access to children, until all background checks requested have been received and assessed for clearance.

Effective immediately, conditional employees may not have unsupervised access with children served through a licensed facility, until all required background checks have been received and cleared.

#### **V. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@illinois.gov](mailto:cfpolicy@illinois.gov).

#### **VI. FILING INSTRUCTIONS**

File this Policy Guide immediately following **Part 385, Background Checks**