

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2018.11**

**Replaces PG 2016.11  
RULE 385 BACKGROUND CHECKS**

**DATE:** July 20, 2018  
**TO:** DCFS and Private Agency Licensing Staff  
**FROM:** Beverly J. Walker, Acting Director  
**EFFECTIVE:** Immediately

**I. PURPOSE**

This Policy Guide applies only to employee, conditional employee, volunteers or non-licensed service provider fingerprint searches.

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, that all employees for a licensed child care facility, including child welfare agencies, shall be fingerprinted, per the Illinois Child Care Act and Children & Family Services Act. An employee or applicant for employment shall be defined for the purpose of this policy guide as one of the following: Employee, Conditional Employee, Volunteer or Non-licensed service provider.

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**

The Child Care Act and the Children and Family Services Act, without exception, require a fingerprint background search of the FBI Database to be completed for all employees of a licensed child care facility, including child welfare agencies. These statutes have authority over Rule 385.30 c) 4) that states persons who have not lived out-of-state over the past 3 years do not need a fingerprint background search of the National Crime Information Database. The following information does not change any requirements or procedures in place regarding the identification of criminal background history through a check conducted by the Illinois State Police.



#### **IV. INSTRUCTIONS**

When a fingerprint search results in the identification of a criminal bar to employment in a licensed childcare facility, the private agency and/or license holder shall receive notice of the bar to employment for that individual; no other information related to the fingerprint search shall be disclosed to the employer by the Department. The notice shall include a waiver form for the employer to complete should there be pursuance of a waiver to employment for the employee. The employer has the option to pursue a waiver, or not.

The employee or applicant for employment shall receive a notice from the Department when the individual has a criminal bar to employment in a childcare facility. The notice sent to the employee or applicant shall provide information related to how they can receive a copy of their fingerprint search record. The notice to the employee or applicant shall include the type of bar and where to go to resolve any mistakes they believe have occurred within their record. In addition, the notice shall include language that the applicant or employee may approach their employer or prospective employer and share the information in an effort to secure a waiver recommendation from said employer. The employer shall have the option to meet, or not to meet with the employee or potential employee to pursue a bar that can be waived. If the employer pursues a waiver so the individual can be employed, they would need to meet with the individual and complete the questions received as part of the initial notice to the employer. No other changes in the licensing background checks requirements or processes shall occur.

#### **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 DCFS.Policy. Non Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

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

Remove and replace Policy Guide 2016.11 with this Policy Guide immediately after **Part 385, Background Checks**