



Rep. Litesa E. Wallace

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10000HB3540ham001

LRB100 09739 KTG 24468 a

1 AMENDMENT TO HOUSE BILL 3540

2 AMENDMENT NO. _____. Amend House Bill 3540 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with
9 children need child care in order to work. Child care is
10 expensive and families with low incomes, including those who
11 are transitioning from welfare to work, often struggle to pay
12 the costs of day care. The General Assembly understands the
13 importance of helping low income working families become and
14 remain self-sufficient. The General Assembly also believes
15 that it is the responsibility of families to share in the costs
16 of child care. It is also the preference of the General

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois Department
4 shall provide child care services to parents or other relatives
5 as defined by rule who are working or participating in
6 employment or Department approved education or training
7 programs. At a minimum, the Illinois Department shall cover the
8 following categories of families:

9 (1) recipients of TANF under Article IV participating
10 in work and training activities as specified in the
11 personal plan for employment and self-sufficiency;

12 (2) families transitioning from TANF to work;

13 (3) families at risk of becoming recipients of TANF;

14 (4) families with special needs as defined by rule; and

15 (5) working families with very low incomes as defined
16 by rule.

17 The Department shall specify by rule the conditions of
18 eligibility, the application process, and the types, amounts,
19 and duration of services. Eligibility for child care benefits
20 and the amount of child care provided may vary based on family
21 size, income, and other factors as specified by rule.

22 In determining income eligibility for child care benefits,
23 the Department annually, at the beginning of each fiscal year,
24 shall establish, by rule, one income threshold for each family
25 size, in relation to percentage of State median income for a
26 family of that size, that makes families with incomes below the

1 specified threshold eligible for assistance and families with
2 incomes above the specified threshold ineligible for
3 assistance. Through and including fiscal year 2007, the
4 specified threshold must be no less than 50% of the
5 then-current State median income for each family size.
6 Beginning in fiscal year 2008, the specified threshold must be
7 no less than 185% of the then-current federal poverty level for
8 each family size.

9 The Department shall provide child care services to all
10 children who are eligible for assistance and are:

11 (A) under age 13; or

12 (B) under age 19 and (i) are under court supervision or
13 (ii) have physical or mental incapacities as documented by
14 a statement from a local health provider or other health
15 professional.

16 In determining eligibility for assistance, the Department
17 shall not give preference to any category of recipients or give
18 preference to individuals based on their receipt of benefits
19 under this Code.

20 The Department shall allocate \$7,500,000 annually for a
21 test program for families who are income-eligible for child
22 care assistance, who are not recipients of TANF under Article
23 IV, and who need child care assistance to participate in
24 education and training activities. The Department shall
25 specify by rule the conditions of eligibility for this test
26 program.

1 Nothing in this Section shall be construed as conferring
2 entitlement status to eligible families.

3 ~~The Illinois Department is authorized to lower income~~
4 ~~eligibility ceilings, raise parent co-payments, create waiting~~
5 ~~lists, or take such other actions during a fiscal year as are~~
6 ~~necessary to ensure that child care benefits paid under this~~
7 ~~Article do not exceed the amounts appropriated for those child~~
8 ~~care benefits. These changes may be accomplished by emergency~~
9 ~~rule under Section 5-45 of the Illinois Administrative~~
10 ~~Procedure Act, except that the limitation on the number of~~
11 ~~emergency rules that may be adopted in a 24-month period shall~~
12 ~~not apply.~~

13 The Illinois Department may contract with other State
14 agencies or child care organizations for the administration of
15 child care services.

16 (c) Payment shall be made for child care that otherwise
17 meets the requirements of this Section and applicable standards
18 of State and local law and regulation, including any
19 requirements the Illinois Department promulgates by rule in
20 addition to the licensure requirements promulgated by the
21 Department of Children and Family Services and Fire Prevention
22 and Safety requirements promulgated by the Office of the State
23 Fire Marshal and is provided in any of the following:

- 24 (1) a child care center which is licensed or exempt
25 from licensure pursuant to Section 2.09 of the Child Care
26 Act of 1969;

1 (2) a licensed child care home or home exempt from
2 licensing;

3 (3) a licensed group child care home;

4 (4) other types of child care, including child care
5 provided by relatives or persons living in the same home as
6 the child, as determined by the Illinois Department by
7 rule.

8 (c-5) Solely for the purposes of coverage under the
9 Illinois Public Labor Relations Act, child and day care home
10 providers, including licensed and license exempt,
11 participating in the Department's child care assistance
12 program shall be considered to be public employees and the
13 State of Illinois shall be considered to be their employer as
14 of the effective date of this amendatory Act of the 94th
15 General Assembly, but not before. The State shall engage in
16 collective bargaining with an exclusive representative of
17 child and day care home providers participating in the child
18 care assistance program concerning their terms and conditions
19 of employment that are within the State's control. Nothing in
20 this subsection shall be understood to limit the right of
21 families receiving services defined in this Section to select
22 child and day care home providers or supervise them within the
23 limits of this Section. The State shall not be considered to be
24 the employer of child and day care home providers for any
25 purposes not specifically provided in this amendatory Act of
26 the 94th General Assembly, including but not limited to,

1 purposes of vicarious liability in tort and purposes of
2 statutory retirement or health insurance benefits. Child and
3 day care home providers shall not be covered by the State
4 Employees Group Insurance Act of 1971.

5 In according child and day care home providers and their
6 selected representative rights under the Illinois Public Labor
7 Relations Act, the State intends that the State action
8 exemption to application of federal and State antitrust laws be
9 fully available to the extent that their activities are
10 authorized by this amendatory Act of the 94th General Assembly.

11 (d) The Illinois Department shall establish, by rule, a
12 co-payment scale that provides for cost sharing by families
13 that receive child care services, including parents whose only
14 income is from assistance under this Code. The co-payment shall
15 be based on family income and family size and may be based on
16 other factors as appropriate. Co-payments may be waived for
17 families whose incomes are at or below the federal poverty
18 level.

19 (d-5) The Illinois Department, in consultation with its
20 Child Care and Development Advisory Council, shall develop a
21 plan to revise the child care assistance program's co-payment
22 scale. The plan shall be completed no later than February 1,
23 2008, and shall include:

24 (1) findings as to the percentage of income that the
25 average American family spends on child care and the
26 relative amounts that low-income families and the average

1 American family spend on other necessities of life;

2 (2) recommendations for revising the child care
3 co-payment scale to assure that families receiving child
4 care services from the Department are paying no more than
5 they can reasonably afford;

6 (3) recommendations for revising the child care
7 co-payment scale to provide at-risk children with complete
8 access to Preschool for All and Head Start; and

9 (4) recommendations for changes in child care program
10 policies that affect the affordability of child care.

11 (e) (Blank).

12 (f) The Illinois Department shall, by rule, set rates to be
13 paid for the various types of child care. Child care may be
14 provided through one of the following methods:

15 (1) arranging the child care through eligible
16 providers by use of purchase of service contracts or
17 vouchers;

18 (2) arranging with other agencies and community
19 volunteer groups for non-reimbursed child care;

20 (3) (blank); or

21 (4) adopting such other arrangements as the Department
22 determines appropriate.

23 (f-5) (Blank).

24 (g) Families eligible for assistance under this Section
25 shall be given the following options:

26 (1) receiving a child care certificate issued by the

1 Department or a subcontractor of the Department that may be
2 used by the parents as payment for child care and
3 development services only; or

4 (2) if space is available, enrolling the child with a
5 child care provider that has a purchase of service contract
6 with the Department or a subcontractor of the Department
7 for the provision of child care and development services.
8 The Department may identify particular priority
9 populations for whom they may request special
10 consideration by a provider with purchase of service
11 contracts, provided that the providers shall be permitted
12 to maintain a balance of clients in terms of household
13 incomes and families and children with special needs, as
14 defined by rule.

15 (Source: P.A. 97-422, eff. 8-16-11.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2017."