

# SB1251



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1251

Introduced 2/6/2019, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Makes a technical change in a Section regarding child care assistance.

LRB101 08011 KTG 53072 b

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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 ~~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 ~~low-income~~ working families  
14 become and remain self-sufficient. The General Assembly also  
15 believes that it is the responsibility of families to share in  
16 the costs of child care. It is also the preference of the  
17 General Assembly that all working poor families should be  
18 treated equally, regardless of their welfare status.

19 (b) To the extent resources permit, the Illinois Department  
20 shall provide child care services to parents or other relatives  
21 as defined by rule who are working or participating in  
22 employment or Department approved education or training  
23 programs. At a minimum, the Illinois Department shall cover the

1 following categories of families:

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

5 (2) families transitioning from TANF to work;

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

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

8 (5) working families with very low incomes as defined  
9 by rule;

10 (6) families that are not recipients of TANF and that  
11 need child care assistance to participate in education and  
12 training activities; and

13 (7) families with children under the age of 5 who have  
14 an open intact family services case with the Department of  
15 Children and Family Services. Any family that receives  
16 child care assistance in accordance with this paragraph  
17 shall remain eligible for child care assistance 6 months  
18 after the child's intact family services case is closed,  
19 regardless of whether the child's parents or other  
20 relatives as defined by rule are working or participating  
21 in Department approved employment or education or training  
22 programs. The Department of Human Services, in  
23 consultation with the Department of Children and Family  
24 Services, shall adopt rules to protect the privacy of  
25 families who are the subject of an open intact family  
26 services case when such families enroll in child care

1 services. Additional rules shall be adopted to offer  
2 children who have an open intact family services case the  
3 opportunity to receive an Early Intervention screening and  
4 other services that their families may be eligible for as  
5 provided by the Department of Human Services.

6 The Department shall specify by rule the conditions of  
7 eligibility, the application process, and the types, amounts,  
8 and duration of services. Eligibility for child care benefits  
9 and the amount of child care provided may vary based on family  
10 size, income, and other factors as specified by rule.

11 A family's eligibility for child care services shall be  
12 redetermined no sooner than 12 months following the initial  
13 determination or most recent redetermination. During the  
14 12-month periods, the family shall remain eligible for child  
15 care services regardless of (i) a change in family income,  
16 unless family income exceeds 85% of State median income, or  
17 (ii) a temporary change in the ongoing status of the parents or  
18 other relatives, as defined by rule, as working or attending a  
19 job training or educational program.

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

1 assistance. Through and including fiscal year 2007, the  
2 specified threshold must be no less than 50% of the  
3 then-current State median income for each family size.  
4 Beginning in fiscal year 2008, the specified threshold must be  
5 no less than 185% of the then-current federal poverty level for  
6 each family size. Notwithstanding any other provision of law or  
7 administrative rule to the contrary, beginning in fiscal year  
8 2019, the specified threshold for working families with very  
9 low incomes as defined by rule must be no less than 185% of the  
10 then-current federal poverty level for each family size.

11 In determining eligibility for assistance, the Department  
12 shall not give preference to any category of recipients or give  
13 preference to individuals based on their receipt of benefits  
14 under this Code.

15 Nothing in this Section shall be construed as conferring  
16 entitlement status to eligible families.

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

1           The Illinois Department may contract with other State  
2 agencies or child care organizations for the administration of  
3 child care services.

4           (c) Payment shall be made for child care that otherwise  
5 meets the requirements of this Section and applicable standards  
6 of State and local law and regulation, including any  
7 requirements the Illinois Department promulgates by rule in  
8 addition to the licensure requirements promulgated by the  
9 Department of Children and Family Services and Fire Prevention  
10 and Safety requirements promulgated by the Office of the State  
11 Fire Marshal, and is provided in any of the following:

12           (1) a child care center which is licensed or exempt  
13 from licensure pursuant to Section 2.09 of the Child Care  
14 Act of 1969;

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

17           (3) a licensed group child care home;

18           (4) other types of child care, including child care  
19 provided by relatives or persons living in the same home as  
20 the child, as determined by the Illinois Department by  
21 rule.

22           (c-5) Solely for the purposes of coverage under the  
23 Illinois Public Labor Relations Act, child and day care home  
24 providers, including licensed and license exempt,  
25 participating in the Department's child care assistance  
26 program shall be considered to be public employees and the

1 State of Illinois shall be considered to be their employer as  
2 of January 1, 2006 (the effective date of Public Act 94-320)  
3 ~~this amendatory Act of the 94th General Assembly~~, but not  
4 before. The State shall engage in collective bargaining with an  
5 exclusive representative of child and day care home providers  
6 participating in the child care assistance program concerning  
7 their terms and conditions of employment that are within the  
8 State's control. Nothing in this subsection shall be understood  
9 to limit the right of families receiving services defined in  
10 this Section to select child and day care home providers or  
11 supervise them within the limits of this Section. The State  
12 shall not be considered to be the employer of child and day  
13 care home providers for any purposes not specifically provided  
14 in Public Act 94-320 ~~this amendatory Act of the 94th General~~  
15 ~~Assembly~~, including, but not limited to, purposes of vicarious  
16 liability in tort and purposes of statutory retirement or  
17 health insurance benefits. Child and day care home providers  
18 shall not be covered by the State Employees Group Insurance Act  
19 of 1971.

20 In according child and day care home providers and their  
21 selected representative rights under the Illinois Public Labor  
22 Relations Act, the State intends that the State action  
23 exemption to application of federal and State antitrust laws be  
24 fully available to the extent that their activities are  
25 authorized by Public Act 94-320 ~~this amendatory Act of the 94th~~  
26 ~~General Assembly~~.

1 (d) The Illinois Department shall establish, by rule, a  
2 co-payment scale that provides for cost sharing by families  
3 that receive child care services, including parents whose only  
4 income is from assistance under this Code. The co-payment shall  
5 be based on family income and family size and may be based on  
6 other factors as appropriate. Co-payments may be waived for  
7 families whose incomes are at or below the federal poverty  
8 level.

9 (d-5) The Illinois Department, in consultation with its  
10 Child Care and Development Advisory Council, shall develop a  
11 plan to revise the child care assistance program's co-payment  
12 scale. The plan shall be completed no later than February 1,  
13 2008, and shall include:

14 (1) findings as to the percentage of income that the  
15 average American family spends on child care and the  
16 relative amounts that low-income families and the average  
17 American family spend on other necessities of life;

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

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

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



1 (e) (Blank).

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

5 (1) arranging the child care through eligible  
6 providers by use of purchase of service contracts or  
7 vouchers;

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

10 (3) (blank); or

11 (4) adopting such other arrangements as the Department  
12 determines appropriate.

13 (f-1) Within 30 days after June 4, 2018 (the effective date  
14 of Public Act 100-587) ~~this amendatory Act of the 100th General~~  
15 ~~Assembly~~, the Department of Human Services shall establish  
16 rates for child care providers that are no less than the rates  
17 in effect on January 1, 2018 increased by 4.26%.

18 (f-5) (Blank).

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

21 (1) receiving a child care certificate issued by the  
22 Department or a subcontractor of the Department that may be  
23 used by the parents as payment for child care and  
24 development services only; or

25 (2) if space is available, enrolling the child with a  
26 child care provider that has a purchase of service contract

1 with the Department or a subcontractor of the Department  
2 for the provision of child care and development services.  
3 The Department may identify particular priority  
4 populations for whom they may request special  
5 consideration by a provider with purchase of service  
6 contracts, provided that the providers shall be permitted  
7 to maintain a balance of clients in terms of household  
8 incomes and families and children with special needs, as  
9 defined by rule.

10 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;  
11 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.  
12 8-17-18; revised 10-9-18.)