

# SB3561



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3561

Introduced 2/9/2024, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Expands the categories of families eligible for child care assistance to include families with a parent or guardian who is employed as a mental health care worker, teacher, or health care provider and has income below the specified income threshold established for such families. Provides that notwithstanding any other provision of law or administrative rule to the contrary, beginning in State Fiscal Year 2025, for families with a parent or guardian who is employed as a mental health care worker, teacher, or health care provider, the specified income threshold shall be no less than 300% of the then-current federal poverty level for each family size. Defines terms. Effective July 1, 2024.

LRB103 38347 KTG 68482 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 General Assembly recognizes that families with  
9 children need child care in order to work. Child care is  
10 expensive and families with limited access to economic  
11 resources, including those who are transitioning from welfare  
12 to work, often struggle to pay the costs of day care. The  
13 General Assembly understands the importance of helping working  
14 families with limited access to economic resources become and  
15 remain self-sufficient. The General Assembly also believes  
16 that it is the responsibility of families to share in the costs  
17 of child care. It is also the preference of the General  
18 Assembly that all working families with limited access to  
19 economic resources should be treated equally, regardless of  
20 their welfare status.

21 (b) To the extent resources permit, the Illinois  
22 Department shall provide child care services to parents or  
23 other relatives as defined by rule who are working or

1 participating in employment or Department approved education  
2 or training programs or are otherwise employed as specified in  
3 this subsection. At a minimum, the Illinois Department shall  
4 cover the following categories of families:

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

8 (2) families transitioning from TANF to work;

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

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

11 (5) working families with very low incomes as defined  
12 by rule;

13 (6) families that are not recipients of TANF and that  
14 need child care assistance to participate in education and  
15 training activities;

16 (7) youth in care, as defined in Section 4d of the  
17 Children and Family Services Act, who are parents,  
18 regardless of income or whether they are working or  
19 participating in Department-approved employment or  
20 education or training programs. Any family that receives  
21 child care assistance in accordance with this paragraph  
22 shall receive one additional 12-month child care  
23 eligibility period after the parenting youth in care's  
24 case with the Department of Children and Family Services  
25 is closed, regardless of income or whether the parenting  
26 youth in care is working or participating in

1 Department-approved employment or education or training  
2 programs;

3 (8) families receiving Extended Family Support Program  
4 services from the Department of Children and Family  
5 Services, regardless of income or whether they are working  
6 or participating in Department-approved employment or  
7 education or training programs; ~~and~~

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

1           (10) families with a parent or guardian who is  
2           employed as a mental health care worker and has income  
3           below the specified income threshold established for such  
4           families under this subsection. As used in this paragraph,  
5           "mental health care worker" mean a professional counselor,  
6           clinical professional counselor, clinical psychologist,  
7           social worker, clinical social worker, or other mental  
8           health professional who is licensed or otherwise  
9           authorized to deliver health care services under the laws  
10           of this State and is actively engaged in his or her  
11           profession;

12           (11) families with a parent or guardian who is  
13           employed as a teacher and has income below the specified  
14           income threshold established for such families under this  
15           subsection. As used in this paragraph, "teacher" means a  
16           teacher licensed under Article 21B of the School Code or a  
17           teacher employed at a private elementary or secondary  
18           school in Illinois; and

19           (12) families with a parent or guardian who is  
20           employed as a health care provider and has income below  
21           the specified income threshold established for such  
22           families under this subsection. As used in this Section,  
23           "health care provider" means any health care professional  
24           who is licensed or otherwise authorized to deliver health  
25           care services under the laws of this State and is actively  
26           engaged in his or her profession.

1           Beginning October 1, 2023, and every October 1 thereafter,  
2 the Department of Children and Family Services shall report to  
3 the General Assembly on the number of children who received  
4 child care via vouchers paid for by the Department of Children  
5 and Family Services during the preceding fiscal year. The  
6 report shall include the ages of children who received child  
7 care, the type of child care they received, and the number of  
8 months they received child care.

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

14           The Department shall update the Child Care Assistance  
15 Program Eligibility Calculator posted on its website to  
16 include a question on whether a family is applying for child  
17 care assistance for the first time or is applying for a  
18 redetermination of eligibility.

19           A family's eligibility for child care services shall be  
20 redetermined no sooner than 12 months following the initial  
21 determination or most recent redetermination. During the  
22 12-month periods, the family shall remain eligible for child  
23 care services regardless of (i) a change in family income,  
24 unless family income exceeds 85% of State median income, or  
25 (ii) a temporary change in the ongoing status of the parents or  
26 other relatives, as defined by rule, as working or attending a

1 job training or educational program.

2 In determining income eligibility for child care benefits,  
3 the Department annually, at the beginning of each fiscal year,  
4 shall establish, by rule, one income threshold for each family  
5 size, in relation to percentage of State median income for a  
6 family of that size, that makes families with incomes below  
7 the specified threshold eligible for assistance and families  
8 with incomes above the specified threshold ineligible for  
9 assistance. Through and including fiscal year 2007, the  
10 specified threshold must be no less than 50% of the  
11 then-current State median income for each family size.  
12 Beginning in fiscal year 2008, the specified threshold must be  
13 no less than 185% of the then-current federal poverty level  
14 for each family size. Notwithstanding any other provision of  
15 law or administrative rule to the contrary, beginning in  
16 fiscal year 2019, the specified threshold for working families  
17 with very low incomes as defined by rule must be no less than  
18 185% of the then-current federal poverty level for each family  
19 size. Notwithstanding any other provision of law or  
20 administrative rule to the contrary, beginning in State fiscal  
21 year 2022 through State fiscal year 2023, the specified income  
22 threshold shall be no less than 200% of the then-current  
23 federal poverty level for each family size. Beginning in State  
24 fiscal year 2024, the specified income threshold shall be no  
25 less than 225% of the then-current federal poverty level for  
26 each family size. Notwithstanding any other provision of law

1 or administrative rule to the contrary, beginning in State  
2 Fiscal Year 2025, for families with a parent or guardian who is  
3 employed as a mental health care worker, teacher, or health  
4 care provider, as defined in paragraphs (10), (11), and (12)  
5 respectively, the specified income threshold shall be no less  
6 than 300% of the then-current federal poverty level for each  
7 family size.

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

12 Nothing in this Section shall be construed as conferring  
13 entitlement status to eligible families.

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

24 The Illinois Department may contract with other State  
25 agencies or child care organizations for the administration of  
26 child care services.



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

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

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

14 (3) a licensed group child care home;

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

19 (c-5) Solely for the purposes of coverage under the  
20 Illinois Public Labor Relations Act, child and day care home  
21 providers, including licensed and license exempt,  
22 participating in the Department's child care assistance  
23 program shall be considered to be public employees and the  
24 State of Illinois shall be considered to be their employer as  
25 of January 1, 2006 (the effective date of Public Act 94-320),  
26 but not before. The State shall engage in collective

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

15 In according child and day care home providers and their  
16 selected representative rights under the Illinois Public Labor  
17 Relations Act, the State intends that the State action  
18 exemption to application of federal and State antitrust laws  
19 be fully available to the extent that their activities are  
20 authorized by Public Act 94-320.

21 (d) The Illinois Department shall establish, by rule, a  
22 co-payment scale that provides for cost sharing by families  
23 that receive child care services, including parents whose only  
24 income is from assistance under this Code. The co-payment  
25 shall be based on family income and family size and may be  
26 based on other factors as appropriate. Co-payments may be

1 waived for families whose incomes are at or below the federal  
2 poverty level.

3 (d-5) The Illinois Department, in consultation with its  
4 Child Care and Development Advisory Council, shall develop a  
5 plan to revise the child care assistance program's co-payment  
6 scale. The plan shall be completed no later than February 1,  
7 2008, and shall include:

8 (1) findings as to the percentage of income that the  
9 average American family spends on child care and the  
10 relative amounts that low-income families and the average  
11 American family spend on other necessities of life;

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

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

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

21 (e) (Blank).

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

25 (1) arranging the child care through eligible  
26 providers by use of purchase of service contracts or

1 vouchers;

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

4 (3) (blank); or

5 (4) adopting such other arrangements as the Department  
6 determines appropriate.

7 (f-1) Within 30 days after June 4, 2018 (the effective  
8 date of Public Act 100-587), the Department of Human Services  
9 shall establish rates for child care providers that are no  
10 less than the rates in effect on January 1, 2018 increased by  
11 4.26%.

12 (f-5) (Blank).

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

15 (1) receiving a child care certificate issued by the  
16 Department or a subcontractor of the Department that may  
17 be used by the parents as payment for child care and  
18 development services only; or

19 (2) if space is available, enrolling the child with a  
20 child care provider that has a purchase of service  
21 contract with the Department or a subcontractor of the  
22 Department for the provision of child care and development  
23 services. The Department may identify particular priority  
24 populations for whom they may request special  
25 consideration by a provider with purchase of service  
26 contracts, provided that the providers shall be permitted

1           to maintain a balance of clients in terms of household  
2           incomes and families and children with special needs, as  
3           defined by rule.

4           (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;  
5           102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

6           Section 99. Effective date. This Act takes effect July 1,  
7           2024.