

1 AN ACT in relation to 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 4-2 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

8 (a) The amount and nature of financial aid shall be  
9 determined in accordance with the grant amounts, rules and  
10 regulations of the Illinois Department. Due regard shall be  
11 given to the self-sufficiency requirements of the family and  
12 to the income, money contributions and other support and  
13 resources available, from whatever source. However, the  
14 amount and nature of any financial aid is not affected by the  
15 payment of any grant under the "Senior Citizens and Disabled  
16 Persons Property Tax Relief and Pharmaceutical Assistance  
17 Act" or any distributions or items of income described under  
18 subparagraph (X) of paragraph (2) of subsection (a) of  
19 Section 203 of the Illinois Income Tax Act. The aid shall be  
20 sufficient, when added to all other income, money  
21 contributions and support to provide the family with a grant  
22 in the amount established by Department regulation.

23 (b) The Illinois Department may conduct special  
24 projects, which may be known as Grant Diversion Projects,  
25 under which recipients of financial aid under this Article  
26 are placed in jobs and their grants are diverted to the  
27 employer who in turn makes payments to the recipients in the  
28 form of salary or other employment benefits. The Illinois  
29 Department shall by rule specify the terms and conditions of  
30 such Grant Diversion Projects. Such projects shall take into  
31 consideration and be coordinated with the programs

1 administered under the Illinois Emergency Employment  
2 Development Act.

3 (c) The amount and nature of the financial aid for a  
4 child requiring care outside his own home shall be determined  
5 in accordance with the rules and regulations of the Illinois  
6 Department, with due regard to the needs and requirements of  
7 the child in the foster home or institution in which he has  
8 been placed.

9 (d) If the Department establishes grants for family  
10 units consisting exclusively of a pregnant woman with no  
11 dependent child or including her husband if living with her,  
12 the grant amount for such a unit shall be equal to the grant  
13 amount for an assistance unit consisting of one adult, or 2  
14 persons if the husband is included. Other than as herein  
15 described, an unborn child shall not be counted in  
16 determining the size of an assistance unit or for calculating  
17 grants.

18 Payments for basic maintenance requirements of a child or  
19 children and the relative with whom the child or children are  
20 living shall be prescribed, by rule, by the Illinois  
21 Department.

22 Grants under this Article shall not be supplemented by  
23 General Assistance provided under Article VI.

24 (e) Grants shall be paid to the parent or other person  
25 with whom the child or children are living, except for such  
26 amount as is paid in behalf of the child or his parent or  
27 other relative to other persons or agencies pursuant to this  
28 Code or the rules and regulations of the Illinois Department.

29 (f) Subject to subsection (f-5), an assistance unit,  
30 receiving financial aid under this Article or temporarily  
31 ineligible to receive aid under this Article under a penalty  
32 imposed by the Illinois Department for failure to comply with  
33 the eligibility requirements or that voluntarily requests  
34 termination of financial assistance under this Article and

1 becomes subsequently eligible for assistance within 9 months,  
2 shall not receive any increase in the amount of aid solely on  
3 account of the birth of a child; except that an increase is  
4 not prohibited when the birth is (i) of a child of a pregnant  
5 woman who became eligible for aid under this Article during  
6 the pregnancy, or (ii) of a child born within 10 months after  
7 the date of implementation of this subsection, or (iii) of a  
8 child conceived after a family became ineligible for  
9 assistance due to income or marriage and at least 3 months of  
10 ineligibility expired before any reapplication for  
11 assistance. This subsection does not, however, prevent a  
12 unit from receiving a general increase in the amount of aid  
13 that is provided to all recipients of aid under this Article.

14 The Illinois Department is authorized to transfer funds,  
15 and shall use any budgetary savings attributable to not  
16 increasing the grants due to the births of additional  
17 children, to supplement existing funding for employment and  
18 training services for recipients of aid under this Article  
19 IV. The Illinois Department shall target, to the extent the  
20 supplemental funding allows, employment and training services  
21 to the families who do not receive a grant increase after the  
22 birth of a child. In addition, the Illinois Department shall  
23 provide, to the extent the supplemental funding allows, such  
24 families with up to 24 months of transitional child care  
25 pursuant to Illinois Department rules. All remaining  
26 supplemental funds shall be used for employment and training  
27 services or transitional child care support.

28 In making the transfers authorized by this subsection,  
29 the Illinois Department shall first determine, pursuant to  
30 regulations adopted by the Illinois Department for this  
31 purpose, the amount of savings attributable to not increasing  
32 the grants due to the births of additional children.  
33 Transfers may be made from General Revenue Fund  
34 appropriations for distributive purposes authorized by

1 Article IV of this Code only to General Revenue Fund  
2 appropriations for employability development services  
3 including operating and administrative costs and related  
4 distributive purposes under Article IXA of this Code. The  
5 Director, with the approval of the Governor, shall certify  
6 the amount and affected line item appropriations to the State  
7 Comptroller.

8 Nothing in this subsection shall be construed to prohibit  
9 the Illinois Department from using funds under this Article  
10 IV to provide assistance in the form of vouchers that may be  
11 used to pay for goods and services deemed by the Illinois  
12 Department, by rule, as suitable for the care of the child  
13 such as diapers, clothing, school supplies, and cribs.

14 (f-5) Subsection (f) shall not apply to affect the  
15 monthly assistance amount of any family as a result of the  
16 birth of a child on or after January 1, 2004. As resources  
17 permit after January 1, 2004, the Department may cease  
18 applying subsection (f) to limit assistance to families  
19 receiving assistance under this Article on January 1, 2004,  
20 with respect to children born prior to that date. In any  
21 event, subsection (f) shall be completely inoperative on and  
22 after July 1, 2007.

23 (g) (Blank).

24 (h) Notwithstanding any other provision of this Code,  
25 the Illinois Department is authorized to reduce payment  
26 levels used to determine cash grants under this Article after  
27 December 31 of any fiscal year if the Illinois Department  
28 determines that the caseload upon which the appropriations  
29 for the current fiscal year are based have increased by more  
30 than 5% and the appropriation is not sufficient to ensure  
31 that cash benefits under this Article do not exceed the  
32 amounts appropriated for those cash benefits. Reductions in  
33 payment levels may be accomplished by emergency rule under  
34 Section 5-45 of the Illinois Administrative Procedure Act,

1       except that the limitation on the number of emergency rules  
2       that may be adopted in a 24-month period shall not apply and  
3       the provisions of Sections 5-115 and 5-125 of the Illinois  
4       Administrative Procedure Act shall not apply. Increases in  
5       payment levels shall be accomplished only in accordance with  
6       Section 5-40 of the Illinois Administrative Procedure Act.  
7       Before any rule to increase payment levels promulgated under  
8       this Section shall become effective, a joint resolution  
9       approving the rule must be adopted by a roll call vote by a  
10       majority of the members elected to each chamber of the  
11       General Assembly.

12       (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

13       Section 99. Effective date. This Act takes effect upon  
14       becoming law.