

1 AN ACT in relation to aging.

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

4 Section 1. Short title. This Act may be cited as the
5 Lifespan Respite Program Act.

6 Section 5. Legislative intent. The Lifespan Respite
7 Program is designed to provide funding for caregivers to
8 purchase respite services. Respite is a service that is
9 designed to give caregivers a break from the demands of
10 providing ongoing care for another individual. The basic
11 intent of respite is to:

- 12 (1) Prevent or postpone out-of-home placements.
- 13 (2) Reduce family and caregiver stress.
- 14 (3) Enhance the family and caregiver's coping
15 abilities.
- 16 (4) Strengthen the family and caregiver's ability
17 to meet the challenging demands of caring for family
18 members.
- 19 (5) Reduce the risk of abuse or neglect of
20 children, the elderly, and other vulnerable groups.

21 Section 10. Definitions. In this Act:

22 "Caregiver" means a friend, family member, or legal
23 guardian residing with and providing ongoing care for an
24 individual unable to care for himself or herself.

25 "Client" means an individual who has been referred to,
26 has applied for, or has been authorized to receive respite
27 services through the program.

28 "Department" means the Department on Aging.

29 "Ongoing care" means continuous, full-time supervision or
30 care for a person with special needs.

1 "Program" means the Lifespan Respite Program.

2 "Reside", when used with reference to a caregiver, means
3 that the caregiver lives with the person with special needs
4 in the same house or apartment.

5 "Respite" means the provision, to primary caregivers, of
6 short-term relief from the demands of ongoing care for an
7 individual with special needs.

8 "Special needs", when used with reference to a person,
9 means a person of any age with needs resulting from an
10 emotional, behavioral, cognitive, physical, or other
11 condition that necessitates receipt of care or supervision
12 in order to meet the person's basic needs or to prevent harm
13 from occurring to the person. These conditions include, but
14 are not limited to: (1) developmental disabilities; (2)
15 physical disabilities; (3) chronic illness; (4) physical,
16 mental or emotional conditions that require supervision;
17 (5) special health care needs; (6) cognitive impairments;
18 and (7) situations in which a high risk of abuse or neglect
19 exists.

20 "Vulnerable", when used with respect to an individual,
21 means an individual who is susceptible to physical injury
22 due to a substantial mental or functional impairment.

23 "Waiting list" means a list of applications for
24 individuals who cannot receive benefits due to limited
25 funding availability.

26 Section 15. Department's responsibilities.

27 (a) The Department shall establish a statewide Lifespan
28 Respite Program, to be administered through at least 6 local
29 offices. Each local office shall do the following in
30 administering the program:

- 31 (1) Assess the specific need for respite services
32 in the community the office serves and determine whether
33 enough providers exist to handle that need.

1 (2) Conduct marketing targeted toward families,
2 providers, and businesses to increase awareness of the
3 program and the benefits of respite care.

4 (3) Recruit more providers of respite services,
5 particularly those that will participate in the program
6 of medical assistance under the Illinois Public Aid Code.

7 (4) Develop and administer comprehensive training
8 programs for caregivers, whether they are professional
9 service providers or family members of a person with
10 special needs.

11 (5) Conduct evaluations to determine the program's
12 effectiveness.

13 (b) Subject to appropriations, the Department may do the
14 following to implement the program:

15 (1) Determine the maximum monthly subsidy amount to
16 be paid to each eligible person or family, which may not
17 exceed \$125.

18 (2) Determine the number of persons or families to
19 be served through the program, based on available
20 funding for the program.

21 (3) Establish waiting lists.

22 (4) Establish priorities based on needs and
23 population.

24 (5) Transfer appropriated moneys between the
25 respite service populations set forth in subsection (c)
26 for the purpose of ensuring that all available moneys are
27 utilized.

28 (c) The Department shall allocate program funding
29 between the following populations:

30 (1) Birth through age 18.

31 (2) Age 19 through age 59.

32 (3) Age 60 and above.

33 Section 20. Eligibility; status.

1 (a) Assistance under the program is only for those
2 individuals not eligible for respite funding through any
3 other government administered respite program.

4 (b) To be eligible for assistance under the program, a
5 person must:

- 6 (1) Reside in this State.
- 7 (2) Reside in a non-institutional setting.
- 8 (3) Have a special need.
- 9 (4) Meet the financial criteria for the program.

10 (c) A caregiver must:

- 11 (1) Be providing care or supervision of the
12 individual with special needs without reimbursement or
13 payment.
- 14 (2) Need a break from the ongoing care of a client.
- 15 (3) Reside in the same home as the client. Respite
16 is not a substitute to allow the caregiver to work. The
17 caregiver may maintain a separate residence but must be
18 residing with or staying with the client on an ongoing
19 basis.

20 Section 25. Eligibility; financial.

21 (a) To be eligible for assistance under the program, a
22 person's gross income minus allowable disregards must be
23 equal to or less than 312% of the poverty guidelines updated
24 annually in the Federal Register by the United States
25 Department of Health and Human Services under authority of
26 section 673(2) of the Omnibus Budget Reconciliation Act of
27 1981. In determining eligibility under this subsection, the
28 Department shall consider each of the following a separate
29 family:

- 30 (1) Related adults other than spouses and unrelated
31 adults who reside together.
- 32 (2) Children living with non-legally responsible
33 relatives.

1 (3) Emancipated minors.

2 (4) A minor parent.

3 (5) Children placed outside the home and who are
4 not residing full-time with the biological parents or
5 usual caretaker.

6 (b) In determining a person's gross income for purposes
7 of this Act, the Department shall exclude the following:

8 (1) Any monies received from Indian or Alaska
9 Native Claims Commission or Court of Claims or per capita
10 payments to tribes.

11 (2) Bank withdrawals or loans.

12 (3) Money received from the sale of property such
13 as stocks, bonds, a house, or a car (unless the person
14 was engaged in the business of selling such property in
15 which case the net proceeds would be counted as income
16 from self-employment.

17 (4) Tax refunds, capital gains, earned income
18 credits and Advanced Earned Income Credits.

19 (5) Lump sum payments from any source, including
20 but not limited to, gifts, inheritances, insurance
21 payments, child support, or Social Security
22 Administration payments.

23 (6) The value of Food Stamps, USDA-donated foods or
24 food commodities, or food or reimbursements received
25 under the Child Nutrition Act of 1966 or the National
26 School Lunch Act.

27 (7) Funds or reimbursement benefits from any
28 program administered by the Department.

29 (8) Medicare premiums.

30 (9) In-kind income.

31 (10) Any student financial assistance including
32 work study for an undergraduate student.

33 (11) Payments made to any individual from any claim
34 or class action suits or from any funds established by

1 legislative acts due to harm from any act of war,
2 disaster, or health condition.

3 (12) Payments made under any program for education
4 or training.

5 (13) Earnings of a child age 18 or younger.

6 (14) Any payment received under the federal Uniform
7 Relocation Assistance and Real Property Acquisition
8 Policies Act of 1970.

9 (15) Housing assistance provided by Housing and
10 Urban Development or by a local housing program.

11 (16) Home produce used for household consumption.

12 (17) Vendor payments of any kind, including but not
13 limited to, payments made by an absent parent for child
14 care, or rent.

15 (18) Reimbursement benefits received to purchase
16 items or services, such as Veterans Aide and Attendant.

17 (19) Payments for services or reimbursement of
18 expenses to volunteers serving as foster grandparents,
19 senior health aides, or Senior Companions, Service Corps
20 of Retired Executives (SCORE), Active Corps of Executives
21 (ACE), or any other similar program.

22 (c) In determining financial eligibility for assistance
23 under the program, the Department may disregard income in an
24 amount equal to disability-related expenses that exceed those
25 incurred in households where no people with disabilities
26 reside. These expenses must actually be incurred by the
27 family or client and not be paid or reimbursed by any other
28 source. These expenses include but are not limited to:

29 (1) Additional cost of health insurance due to a
30 disability, for example, Comprehensive Health Insurance
31 Plan (CHIP) premiums.

32 (2) Transportation for medical services (for
33 example, an automobile modification or payment for
34 ambulance travel if required by the disability or special

1 needs).

2 (3) Medical costs, including over-the-counter
3 remedies related to client's special needs.

4 (4) Attendant care costs.

5 (5) Cost of special equipment.

6 (6) Cost of home modifications.

7 (7) Other health or medical expense related to the
8 client's special need.

9 Section 30. Application for assistance; decision on
10 application.

11 (a) An applicant for assistance under the program must:

12 (1) Submit current program plans if currently
13 receiving support from a service program, as requested.

14 (2) Describe any support received in the past from
15 any service program.

16 (3) Report any instance when an application for
17 service was denied.

18 (4) Apply to all appropriate resources not
19 previously explored.

20 (5) Accept any appropriate support offered through
21 another program.

22 (b) The Department shall adopt rules specifying other
23 matters to be included in an application for assistance
24 under the program.

25 (c) The Department may determine that an applicant is
26 eligible for assistance under the program but is to be
27 placed on the waiting list due to insufficient funding.

28 (c) The Department shall give each applicant written
29 notice of its decision on the applicant's application. The
30 Department must afford each applicant an opportunity to
31 request a hearing and present oral or written evidence, or
32 both, to contest the Department's adverse decision on an
33 application. The Department's decision is subject to review

1 under the Administrative Review Law.

2 Section 35. Period of eligibility. The Department must
3 review a recipient's eligibility for assistance at least
4 every 12 months. The Department may review a recipient's
5 eligibility more often if circumstances indicate to a prudent
6 person that a review should be conducted.

7 Section 40. Location of respite services. The program
8 may not cover the cost of respite services provided by a
9 person located outside this State unless the Department
10 determines that the necessary services are not available
11 within a reasonable driving distance from the client's home.

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