

HB5989



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5989

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Provides that beginning July 1, 2019, the Department of Human Services shall increase the reimbursement rates for all child care services to the 75th percentile of the 2018 child care market rates for each geographic region (rather than the Department shall, by rule, set rates to be paid for the various types of child care).

LRB100 23592 KTG 42634 b

FISCAL NOTE ACT
MAY APPLY

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 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
17 Assembly that all working poor families should be treated
18 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; and

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

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

18 In determining income eligibility for child care benefits,
19 the Department annually, at the beginning of each fiscal year,
20 shall establish, by rule, one income threshold for each family
21 size, in relation to percentage of State median income for a
22 family of that size, that makes families with incomes below the
23 specified threshold eligible for assistance and families with
24 incomes above the specified threshold ineligible for
25 assistance. Through and including fiscal year 2007, the
26 specified threshold must be no less than 50% of the

1 then-current State median income for each family size.
2 Beginning in fiscal year 2008, the specified threshold must be
3 no less than 185% of the then-current federal poverty level for
4 each family size.

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

9 Nothing in this Section shall be construed as conferring
10 entitlement status to eligible families.

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

21 The Illinois Department may contract with other State
22 agencies or child care organizations for the administration of
23 child care services.

24 (c) Payment shall be made for child care that otherwise
25 meets the requirements of this Section and applicable standards
26 of State and local law and regulation, including any

1 requirements the Illinois Department promulgates by rule in
2 addition to the licensure requirements promulgated by the
3 Department of Children and Family Services and Fire Prevention
4 and Safety requirements promulgated by the Office of the State
5 Fire Marshal and is provided in any of the following:

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

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

11 (3) a licensed group child care home;

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

16 (c-5) Solely for the purposes of coverage under the
17 Illinois Public Labor Relations Act, child and day care home
18 providers, including licensed and license exempt,
19 participating in the Department's child care assistance
20 program shall be considered to be public employees and the
21 State of Illinois shall be considered to be their employer as
22 of the effective date of this amendatory Act of the 94th
23 General Assembly, but not before. The State shall engage in
24 collective bargaining with an exclusive representative of
25 child and day care home providers participating in the child
26 care assistance program concerning their terms and conditions

1 of employment that are within the State's control. Nothing in
2 this subsection shall be understood to limit the right of
3 families receiving services defined in this Section to select
4 child and day care home providers or supervise them within the
5 limits of this Section. The State shall not be considered to be
6 the employer of child and day care home providers for any
7 purposes not specifically provided in this amendatory Act of
8 the 94th General Assembly, including but not limited to,
9 purposes of vicarious liability in tort and purposes of
10 statutory retirement or health insurance benefits. Child and
11 day care home providers shall not be covered by the State
12 Employees Group Insurance Act of 1971.

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

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

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

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

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

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

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

19 (e) (Blank).

20 (f) Beginning July 1, 2019, the Department of Human
21 Services shall increase the reimbursement rates for all child
22 care services to the 75th percentile of the 2018 child care
23 market rates for each geographic region. ~~The Illinois~~
24 Department shall, by rule, set rates to be paid for the various
25 types of child care. Child care may be provided through one of
26 the following methods:

1 (1) arranging the child care through eligible
2 providers by use of purchase of service contracts or
3 vouchers;

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

6 (3) (blank); or

7 (4) adopting such other arrangements as the Department
8 determines appropriate.

9 (f-5) (Blank).

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

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

16 (2) if space is available, enrolling the child with a
17 child care provider that has a purchase of service contract
18 with the Department or a subcontractor of the Department
19 for the provision of child care and development services.
20 The Department may identify particular priority
21 populations for whom they may request special
22 consideration by a provider with purchase of service
23 contracts, provided that the providers shall be permitted
24 to maintain a balance of clients in terms of household
25 incomes and families and children with special needs, as
26 defined by rule.

1 (Source: P.A. 100-387, eff. 8-25-17.)