



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3129

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Temporary Assistance for Needy Families Article of the Illinois Public Aid Code. Removes a provision requiring the Department of Human Services to increase TANF grant amounts in effect on June 30, 2008 by 15%. Provides that TANF grant amounts shall be apportioned as follows: 75% shall be designated for the child or children of the assistance unit; and 25% shall be designated for the adult member or members of the assistance unit. Removes a provision that permits the discontinuance of all or a part of a TANF recipient's grant amount as a penalty for noncompliance with TANF education, training, and employment programs. Requires the Department to, by rule, impose a 30% reduction of the portion of the grant amount designated for the adult member or members of an assistance unit when a member is found to be in noncompliance with program requirements without good cause. Provides that no sanction shall reduce the portion of the grant amount that is designated for any child of the assistance unit. Requires the full grant amount to be restored when an adult member or members are determined to be in compliance with program requirements. Provides that homelessness, receipt of an eviction notice, discontinued utilities, and other specified circumstances shall constitute good cause for failure to participate in required TANF education, training, and employment programs. Provides that beginning October 1, 2019, and each October 1 thereafter, the maximum TANF benefit levels shall be annually adjusted to remain equal to at least 30% of the most recent poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services for each family size. Effective immediately.

LRB101 07343 KTG 52383 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 Sections 4-2, 4-21, 9A-7, and 12-4.11 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 to  
12 the income, money contributions and other support and resources  
13 available, from whatever source. However, the amount and nature  
14 of any financial aid is not affected by the payment of any  
15 grant under the "Senior Citizens and Persons with Disabilities  
16 Property Tax Relief Act" or any distributions or items of  
17 income described under subparagraph (X) of paragraph (2) of  
18 subsection (a) of Section 203 of the Illinois Income Tax Act.  
19 The aid shall be sufficient, when added to all other income,  
20 money contributions and support to provide the family with a  
21 grant in the amount established by Department regulation.

22 ~~Subject to appropriation, beginning on July 1, 2008, the~~  
23 ~~Department of Human Services shall increase TANF grant amounts~~

1 ~~in effect on June 30, 2008 by 15%. The Department is authorized~~  
2 ~~to administer this increase but may not otherwise adopt any~~  
3 ~~rule to implement this increase.~~

4 (a-5) For the purposes of this subsection, TANF grant  
5 amounts shall consist of the following portions:

6 (1) 75% shall be designated for the child or children  
7 of the assistance unit; and

8 (2) 25% shall be designated for the adult member or  
9 members of the assistance unit.

10 (b) The Illinois Department may conduct special projects,  
11 which may be known as Grant Diversion Projects, under which  
12 recipients of financial aid under this Article are placed in  
13 jobs and their grants are diverted to the employer who in turn  
14 makes payments to the recipients in the form of salary or other  
15 employment benefits. The Illinois Department shall by rule  
16 specify the terms and conditions of such Grant Diversion  
17 Projects. Such projects shall take into consideration and be  
18 coordinated with the programs administered under the Illinois  
19 Emergency Employment Development Act.

20 (c) The amount and nature of the financial aid for a child  
21 requiring care outside his own home shall be determined in  
22 accordance with the rules and regulations of the Illinois  
23 Department, with due regard to the needs and requirements of  
24 the child in the foster home or institution in which he has  
25 been placed.

26 (d) If the Department establishes grants for family units

1 consisting exclusively of a pregnant woman with no dependent  
2 child or including her husband if living with her, the grant  
3 amount for such a unit shall be equal to the grant amount for  
4 an assistance unit consisting of one adult, or 2 persons if the  
5 husband is included. Other than as herein described, an unborn  
6 child shall not be counted in determining the size of an  
7 assistance unit or for calculating grants.

8 Payments for basic maintenance requirements of a child or  
9 children and the relative with whom the child or children are  
10 living shall be prescribed, by rule, by the Illinois  
11 Department.

12 Grants under this Article shall not be supplemented by  
13 General Assistance provided under Article VI.

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

19 (f) Subject to subsection (f-5), an assistance unit,  
20 receiving financial aid under this Article or temporarily  
21 ineligible to receive aid under this Article under a penalty  
22 imposed by the Illinois Department for failure to comply with  
23 the eligibility requirements or that voluntarily requests  
24 termination of financial assistance under this Article and  
25 becomes subsequently eligible for assistance within 9 months,  
26 shall not receive any increase in the amount of aid solely on

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

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

26 In making the transfers authorized by this subsection, the

1 Illinois Department shall first determine, pursuant to  
2 regulations adopted by the Illinois Department for this  
3 purpose, the amount of savings attributable to not increasing  
4 the grants due to the births of additional children. Transfers  
5 may be made from General Revenue Fund appropriations for  
6 distributive purposes authorized by Article IV of this Code  
7 only to General Revenue Fund appropriations for employability  
8 development services including operating and administrative  
9 costs and related distributive purposes under Article IXA of  
10 this Code. The Director, with the approval of the Governor,  
11 shall certify the amount and affected line item appropriations  
12 to the State Comptroller.

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

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

1 (g) (Blank).

2 (h) Notwithstanding any other provision of this Code, the  
3 Illinois Department is authorized to reduce payment levels used  
4 to determine cash grants under this Article after December 31  
5 of any fiscal year if the Illinois Department determines that  
6 the caseload upon which the appropriations for the current  
7 fiscal year are based have increased by more than 5% and the  
8 appropriation is not sufficient to ensure that cash benefits  
9 under this Article do not exceed the amounts appropriated for  
10 those cash benefits. Reductions in payment levels may be  
11 accomplished by emergency rule under Section 5-45 of the  
12 Illinois Administrative Procedure Act, except that the  
13 limitation on the number of emergency rules that may be adopted  
14 in a 24-month period shall not apply and the provisions of  
15 Sections 5-115 and 5-125 of the Illinois Administrative  
16 Procedure Act shall not apply. Increases in payment levels  
17 shall be accomplished only in accordance with Section 5-40 of  
18 the Illinois Administrative Procedure Act. Before any rule to  
19 increase payment levels promulgated under this Section shall  
20 become effective, a joint resolution approving the rule must be  
21 adopted by a roll call vote by a majority of the members  
22 elected to each chamber of the General Assembly.

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 (305 ILCS 5/4-21)

25 Sec. 4-21. Sanctions.

1           (a) The Illinois Department shall, by rule, establish a  
2 system of sanctions for persons who fail to cooperate, without  
3 good cause, with employment and training programs or other  
4 programs under this Article or Article IXA or who fail to  
5 cooperate with child support programs under this Article,  
6 Article X, or Title IV of the federal Social Security Act. ~~The~~  
7 ~~sanctions may discontinue all or part of the cash grant~~  
8 ~~provided under this Article.~~ The sanctions may be time limited  
9 or continue until the person cooperates in the program. The  
10 sanctions may be progressive in that a second, third, or  
11 further sanction may be progressively more severe or last  
12 longer.

13           (a-1) The Illinois Department shall, by rule, impose a 30%  
14 reduction of the portion of the grant amount designated for the  
15 adult member or members of the assistance unit when an adult  
16 member is found to be in noncompliance without good cause.

17           (a-2) No sanction shall reduce the portion of the grant  
18 amount that is designated for the child or children of the  
19 assistance unit.

20           (a-3) The full grant amount must be restored on the first  
21 day of the month following a determination that the adult  
22 member or members of the assistance unit are in compliance with  
23 program requirements and are otherwise eligible for  
24 assistance.

25           (b) The Illinois Department shall, by rule, define what  
26 constitutes failure to cooperate and what constitutes good



1 cause which would excuse that failure.

2 (Source: P.A. 90-17, eff. 7-1-97.)

3 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

4 Sec. 9A-7. Good Cause and Pre-Sanction Process.

5 (a) The Department shall establish by rule what constitutes  
6 good cause for failure to participate in education, training  
7 and employment programs, failure to accept suitable employment  
8 or terminating employment or reducing earnings.

9 The Department shall establish, by rule, a pre-sanction  
10 process to assist in resolving disputes over proposed sanctions  
11 and in determining if good cause exists. Good cause shall  
12 include, but not be limited to:

13 (1) temporary illness for its duration;

14 (2) court required appearance or temporary  
15 incarceration;

16 (3) (blank);

17 (4) death in the family;

18 (5) (blank);

19 (6) (blank);

20 (7) (blank);

21 (8) (blank);

22 (9) extreme inclement weather;

23 (10) (blank);

24 (11) lack of any support service even though the  
25 necessary service is not specifically provided under the

1 Department program, to the extent the lack of the needed  
2 service presents a significant barrier to participation;

3 (12) if an individual is engaged in employment or  
4 training or both that is consistent with the employment  
5 related goals of the program, if such employment and  
6 training is later approved by Department staff;

7 (13) (blank);

8 (14) failure of Department staff to correctly forward  
9 the information to other Department staff;

10 (15) failure of the participant to cooperate because of  
11 attendance at a test or a mandatory class or function at an  
12 educational program (including college), when an education  
13 or training program is officially approved by the  
14 Department;

15 (16) failure of the participant due to his or her  
16 illiteracy;

17 (17) failure of the participant because it is  
18 determined that he or she should be in a different  
19 activity;

20 (18) non-receipt by the participant of a notice  
21 advising him or her of a participation requirement. If the  
22 non-receipt of mail occurs frequently, the Department  
23 shall explore an alternative means of providing notices of  
24 participation requests to participants;

25 (19) (blank);

26 (20) non-comprehension of English, either written or

1 oral or both;

2 (21) (blank);

3 (22) (blank);

4 (23) child care (or day care for an incapacitated  
5 individual living in the same home as a dependent child) is  
6 necessary for the participation or employment and such care  
7 is not available for a child under age 13;

8 (24) failure to participate in an activity due to a  
9 scheduled job interview, medical appointment for the  
10 participant or a household member, or school appointment;

11 (25) if an individual or family is experiencing  
12 homelessness; an individual or family is experiencing  
13 homelessness if the individual or family: (i) lacks a  
14 fixed, regular, and adequate nighttime residence, or  
15 shares the housing of other persons due to the loss of  
16 housing, economic hardship, or a similar reason; (ii) is  
17 living in a motel, hotel, trailer park, or camping ground  
18 due to the lack of alternative accommodations; (iii) is  
19 living in an emergency or transitional shelter; (iv)  
20 resides in a primary nighttime residence that is a public  
21 or private place not designed for or ordinarily used as a  
22 regular sleeping accommodation for human beings; or (v) is  
23 living in a car, park, public space, abandoned building,  
24 substandard housing, bus, train station, or similar  
25 settings; ~~the individual is homeless. Homeless individuals~~  
26 ~~(including the family) have no current residence and no~~

1 ~~expectation of acquiring one in the next 30 days. This~~  
2 ~~includes individuals residing in overnight and~~  
3 ~~transitional (temporary) shelters. This does not include~~  
4 ~~individuals who are sharing a residence with friends or~~  
5 ~~relatives on a continuing basis;~~

6 (26) circumstances beyond the control of the  
7 participant which prevent the participant from completing  
8 program requirements; ~~or~~

9 (27) (blank); ~~or~~

10 (28) if an individual or family receives an eviction  
11 notice;

12 (29) if an individual's or family's utilities are  
13 disconnected;

14 (30) if an individual or family receives an utility  
15 disconnection notice; or

16 (31) if an individual is exiting a publicly funded  
17 institution or system of care (such as a health-care  
18 facility, a mental health facility, foster care or other  
19 youth facility, or correction program or institution)  
20 without an option to move to a fixed, adequate night time  
21 residence.

22 (b) (Blank).

23 (c) (1) The Department shall establish a reconciliation  
24 procedure to assist in resolving disputes related to any  
25 aspect of participation, including exemptions, good cause,  
26 sanctions or proposed sanctions, supportive services,

1 assessments, responsibility and service plans, assignment  
2 to activities, suitability of employment, or refusals of  
3 offers of employment. Through the reconciliation process  
4 the Department shall have a mechanism to identify good  
5 cause, ensure that the client is aware of the issue, and  
6 enable the client to perform required activities without  
7 facing sanction.

8 (2) A participant may request reconciliation and  
9 receive notice in writing of a meeting. At least one  
10 face-to-face meeting may be scheduled to resolve  
11 misunderstandings or disagreements related to program  
12 participation and situations which may lead to a potential  
13 sanction. The meeting will address the underlying reason  
14 for the dispute and plan a resolution to enable the  
15 individual to participate in TANF employment and work  
16 activity requirements.

17 (2.5) If the individual fails to appear at the  
18 reconciliation meeting without good cause, the  
19 reconciliation is unsuccessful and a sanction shall be  
20 imposed.

21 (3) The reconciliation process shall continue after it  
22 is determined that the individual did not have good cause  
23 for non-cooperation. Any necessary demonstration of  
24 cooperation on the part of the participant will be part of  
25 the reconciliation process. Failure to demonstrate  
26 cooperation will result in immediate sanction.

1           (4) For the first instance of non-cooperation, if the  
2           client reaches agreement to cooperate, the client shall be  
3           allowed 30 days to demonstrate cooperation before any  
4           sanction activity may be imposed. In any subsequent  
5           instances of non-cooperation, the client shall be provided  
6           the opportunity to show good cause or remedy the situation  
7           by immediately complying with the requirement.

8           (5) The Department shall document in the case record  
9           the proceedings of the reconciliation and provide the  
10          client in writing with a reconciliation agreement.

11          (6) If reconciliation resolves the dispute, no  
12          sanction shall be imposed. If the client fails to comply  
13          with the reconciliation agreement, the Department shall  
14          then immediately impose the original sanction. If the  
15          dispute cannot be resolved during reconciliation, a  
16          sanction shall not be imposed until the reconciliation  
17          process is complete.

18          (Source: P.A. 95-331, eff. 8-21-07.)

19          (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

20          Sec. 12-4.11. Grant amounts. The Department, with due  
21          regard for and subject to budgetary limitations, shall  
22          establish grant amounts for each of the programs, by  
23          regulation. The grant amounts may vary by program, size of  
24          assistance unit and geographic area. Grant amounts under the  
25          Temporary Assistance for Needy Families (TANF) program may not

1 vary on the basis of a TANF recipient's county of residence.

2 Aid payments shall not be reduced except: (1) for changes  
3 in the cost of items included in the grant amounts, or (2) for  
4 changes in the expenses of the recipient, or (3) for changes in  
5 the income or resources available to the recipient, or (4) for  
6 changes in grants resulting from adoption of a consolidated  
7 grant amount.

8 The maximum benefit levels provided to TANF recipients  
9 shall increase as follows: beginning October 1, 2018, the  
10 Department of Human Services shall increase TANF grant amounts  
11 in effect on September 30, 2018 to at least 30% of the most  
12 recent United States Department of Health and Human Services  
13 Federal Poverty Guidelines for each family size. Beginning  
14 October 1, 2019, and each October 1 thereafter, the maximum  
15 benefit levels shall be annually adjusted to remain equal to at  
16 least 30% of the most recent poverty guidelines updated  
17 periodically in the Federal Register by the U.S. Department of  
18 Health and Human Services under the authority of 42 U.S.C.  
19 9902(2) for each family size.

20 TANF grants for child-only assistance units shall be at  
21 least 75% of TANF grants for assistance units of the same size  
22 that consist of a caretaker relative with children.

23 In fixing standards to govern payments or reimbursements  
24 for funeral and burial expenses, the Department shall establish  
25 a minimum allowable amount of not less than \$1,000 for  
26 Department payment of funeral services and not less than \$500

1 for Department payment of burial or cremation services. On  
2 January 1, 2006, July 1, 2006, and July 1, 2007, the Department  
3 shall increase the minimum reimbursement amount for funeral and  
4 burial expenses under this Section by a percentage equal to the  
5 percentage increase in the Consumer Price Index for All Urban  
6 Consumers, if any, during the 12 months immediately preceding  
7 that January 1 or July 1. In establishing the minimum allowable  
8 amount, the Department shall take into account the services  
9 essential to a dignified, low-cost (i) funeral and (ii) burial  
10 or cremation, including reasonable amounts that may be  
11 necessary for burial space and cemetery charges, and any  
12 applicable taxes or other required governmental fees or  
13 charges. If no person has agreed to pay the total cost of the  
14 (i) funeral and (ii) burial or cremation charges, the  
15 Department shall pay the vendor the actual costs of the (i)  
16 funeral and (ii) burial or cremation, or the minimum allowable  
17 amount for each service as established by the Department,  
18 whichever is less, provided that the Department reduces its  
19 payments by the amount available from the following sources:  
20 the decedent's assets and available resources and the  
21 anticipated amounts of any death benefits available to the  
22 decedent's estate, and amounts paid and arranged to be paid by  
23 the decedent's legally responsible relatives. A legally  
24 responsible relative is expected to pay (i) funeral and (ii)  
25 burial or cremation expenses unless financially unable to do  
26 so.



1           Nothing contained in this Section or in any other Section  
2 of this Code shall be construed to prohibit the Illinois  
3 Department (1) from consolidating existing standards on the  
4 basis of any standards which are or were in effect on, or  
5 subsequent to July 1, 1969, or (2) from employing any  
6 consolidated standards in determining need for public aid and  
7 the amount of money payment or grant for individual recipients  
8 or recipient families.

9           (Source: P.A. 100-587, eff. 6-4-18.)

10           Section 99. Effective date. This Act takes effect upon  
11 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

305 ILCS 5/4-2

from Ch. 23, par. 4-2

4

305 ILCS 5/4-21

5

305 ILCS 5/9A-7

from Ch. 23, par. 9A-7

6

305 ILCS 5/12-4.11

from Ch. 23, par. 12-4.11