

HB3468



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3468

Introduced 2/22/2021, 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, 2021, 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). Effective immediately.

LRB102 04286 KTG 14304 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
20 Department shall provide child care services to parents or
21 other relatives as defined by rule who are working or
22 participating in employment or Department approved education
23 or training programs. At a minimum, the Illinois Department

1 shall cover the 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;

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

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

1 services. Additional rules shall be adopted to offer
2 children who have an open intact family services case the
3 opportunity to receive an Early Intervention screening and
4 other services that their families may be eligible for as
5 provided by the Department of Human Services.

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

11 A family's eligibility for child care services shall be
12 redetermined no sooner than 12 months following the initial
13 determination or most recent redetermination. During the
14 12-month periods, the family shall remain eligible for child
15 care services regardless of (i) a change in family income,
16 unless family income exceeds 85% of State median income, or
17 (ii) a temporary change in the ongoing status of the parents or
18 other relatives, as defined by rule, as working or attending a
19 job training or educational program.

20 In determining income eligibility for child care benefits,
21 the Department annually, at the beginning of each fiscal year,
22 shall establish, by rule, one income threshold for each family
23 size, in relation to percentage of State median income for a
24 family of that size, that makes families with incomes below
25 the specified threshold eligible for assistance and families
26 with incomes above the specified threshold ineligible for

1 assistance. Through and including fiscal year 2007, the
2 specified threshold must be no less than 50% of the
3 then-current State median income for each family size.
4 Beginning in fiscal year 2008, the specified threshold must be
5 no less than 185% of the then-current federal poverty level
6 for each family size. Notwithstanding any other provision of
7 law or administrative rule to the contrary, beginning in
8 fiscal year 2019, the specified threshold for working families
9 with very low incomes as defined by rule must be no less than
10 185% of the then-current federal poverty level for each family
11 size.

12 In determining eligibility for assistance, the Department
13 shall not give preference to any category of recipients or
14 give preference to individuals based on their receipt of
15 benefits under this Code.

16 Nothing in this Section shall be construed as conferring
17 entitlement status to eligible families.

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

1 not apply.

2 The Illinois Department may contract with other State
3 agencies or child care organizations for the administration of
4 child care services.

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

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

16 (2) a licensed child care home or home exempt from
17 licensing;

18 (3) a licensed group child care home;

19 (4) other types of child care, including child care
20 provided by relatives or persons living in the same home
21 as the child, as determined by the Illinois Department by
22 rule.

23 (c-5) Solely for the purposes of coverage under the
24 Illinois Public Labor Relations Act, child and day care home
25 providers, including licensed and license exempt,
26 participating in the Department's child care assistance

1 program shall be considered to be public employees and the
2 State of Illinois shall be considered to be their employer as
3 of January 1, 2006 (the effective date of Public Act 94-320),
4 but not before. The State shall engage in collective
5 bargaining with an exclusive representative of child and day
6 care home providers participating in the child care assistance
7 program concerning their terms and conditions of employment
8 that are within the State's control. Nothing in this
9 subsection shall be understood to limit the right of families
10 receiving services defined in this Section to select child and
11 day care home providers or supervise them within the limits of
12 this Section. The State shall not be considered to be the
13 employer of child and day care home providers for any purposes
14 not specifically provided in Public Act 94-320, including, but
15 not limited to, purposes of vicarious liability in tort and
16 purposes of statutory retirement or health insurance benefits.
17 Child and day care home providers shall not be covered by the
18 State Employees Group Insurance Act of 1971.

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

25 (d) The Illinois Department shall establish, by rule, a
26 co-payment scale that provides for cost sharing by families

1 that receive child care services, including parents whose only
2 income is from assistance under this Code. The co-payment
3 shall be based on family income and family size and may be
4 based on other factors as appropriate. Co-payments may be
5 waived for families whose incomes are at or below the federal
6 poverty level.

7 (d-5) The Illinois Department, in consultation with its
8 Child Care and Development Advisory Council, shall develop a
9 plan to revise the child care assistance program's co-payment
10 scale. The plan shall be completed no later than February 1,
11 2008, and shall include:

12 (1) findings as to the percentage of income that the
13 average American family spends on child care and the
14 relative amounts that low-income families and the average
15 American family spend on other necessities of life;

16 (2) recommendations for revising the child care
17 co-payment scale to assure that families receiving child
18 care services from the Department are paying no more than
19 they can reasonably afford;

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

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

25 (e) (Blank).

26 (f) Beginning July 1, 2021, the Department of Human

1 Services shall increase the reimbursement rates for all child
2 care services to the 75th percentile of the 2018 child care
3 market rates for each geographic region. ~~The Illinois~~
4 ~~Department shall, by rule, set rates to be paid for the various~~
5 ~~types of child care.~~ Child care may be provided through one of
6 the following methods:

7 (1) arranging the child care through eligible
8 providers by use of purchase of service contracts or
9 vouchers;

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

12 (3) (blank); or

13 (4) adopting such other arrangements as the Department
14 determines appropriate.

15 (f-1) Within 30 days after June 4, 2018 (the effective
16 date of Public Act 100-587), the Department of Human Services
17 shall establish rates for child care providers that are no
18 less than the rates in effect on January 1, 2018 increased by
19 4.26%.

20 (f-5) (Blank).

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

23 (1) receiving a child care certificate issued by the
24 Department or a subcontractor of the Department that may
25 be used by the parents as payment for child care and
26 development services only; or

1 (2) if space is available, enrolling the child with a
2 child care provider that has a purchase of service
3 contract with the Department or a subcontractor of the
4 Department for the provision of child care and development
5 services. The Department may identify particular priority
6 populations for whom they may request special
7 consideration by a provider with purchase of service
8 contracts, provided that the providers shall be permitted
9 to maintain a balance of clients in terms of household
10 incomes and families and children with special needs, as
11 defined by rule.

12 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;
13 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.
14 8-17-18; 101-81, eff. 7-12-19.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.