

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 and by adding Section 9A-2a as follows:

6 (305 ILCS 5/9A-2a new)

7 Sec. 9A-2a. Federal poverty level; definition. As used in
8 this Article, "federal poverty level" means the poverty
9 guidelines updated periodically in the Federal Register by the
10 U.S. Department of Health and Human Services under the
11 authority of 42 U.S.C. 9902(2).

12 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

13 Sec. 9A-11. Child care.

14 (a) The General Assembly recognizes that families with
15 children need child care in order to work. Child care is
16 expensive and families with low incomes, including those who
17 are transitioning from welfare to work, often struggle to pay
18 the costs of day care. The General Assembly understands the
19 importance of helping low-income working families become and
20 remain self-sufficient. The General Assembly also believes
21 that it is the responsibility of families to share in the costs
22 of child care. It is also the preference of the General

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois
4 Department shall provide child care services to parents or
5 other relatives as defined by rule who are working or
6 participating in employment or Department approved education
7 or training programs. At a minimum, the Illinois Department
8 shall cover the following categories of families:

9 (1) recipients of TANF under Article IV participating
10 in work and training activities as specified in the
11 personal plan for employment and self-sufficiency;

12 (2) families transitioning from TANF to work;

13 (3) families at risk of becoming recipients of TANF;

14 (4) families with special needs as defined by rule;

15 (5) working families with very low incomes as defined
16 by rule;

17 (6) families that are not recipients of TANF and that
18 need child care assistance to participate in education and
19 training activities; and

20 (7) families with children under the age of 5 who have
21 an open intact family services case with the Department of
22 Children and Family Services. Any family that receives
23 child care assistance in accordance with this paragraph
24 shall remain eligible for child care assistance 6 months
25 after the child's intact family services case is closed,
26 regardless of whether the child's parents or other

1 relatives as defined by rule are working or participating
2 in Department approved employment or education or training
3 programs. The Department of Human Services, in
4 consultation with the Department of Children and Family
5 Services, shall adopt rules to protect the privacy of
6 families who are the subject of an open intact family
7 services case when such families enroll in child care
8 services. Additional rules shall be adopted to offer
9 children who have an open intact family services case the
10 opportunity to receive an Early Intervention screening and
11 other services that their families may be eligible for as
12 provided by the Department of Human Services.

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 A family's eligibility for child care services shall be
19 redetermined no sooner than 12 months following the initial
20 determination or most recent redetermination. During the
21 12-month periods, the family shall remain eligible for child
22 care services regardless of (i) a change in family income,
23 unless family income exceeds 85% of State median income, or
24 (ii) a temporary change in the ongoing status of the parents or
25 other relatives, as defined by rule, as working or attending a
26 job training or educational program.

1 In determining income eligibility for child care benefits,
2 the Department annually, at the beginning of each fiscal year,
3 shall establish, by rule, one income threshold for each family
4 size, in relation to percentage of State median income for a
5 family of that size, that makes families with incomes below
6 the specified threshold eligible for assistance and families
7 with incomes above the specified threshold ineligible for
8 assistance. Through and including fiscal year 2007, the
9 specified threshold must be no less than 50% of the
10 then-current State median income for each family size.
11 Beginning in fiscal year 2008, the specified threshold must be
12 no less than 185% of the then-current federal poverty level
13 for each family size. Notwithstanding any other provision of
14 law or administrative rule to the contrary, beginning in
15 fiscal year 2019, the specified threshold for working families
16 with very low incomes as defined by rule must be no less than
17 185% of the then-current federal poverty level for each family
18 size. Notwithstanding any other provision of law or
19 administrative rule to the contrary, beginning in State fiscal
20 year 2022, the specified income threshold shall be no less
21 than 200% of the then-current federal poverty level for each
22 family size.

23 In determining eligibility for assistance, the Department
24 shall not give preference to any category of recipients or
25 give preference to individuals based on their receipt of
26 benefits under this Code.

1 Nothing in this Section shall be construed as conferring
2 entitlement status to eligible families.

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

13 The Illinois Department may contract with other State
14 agencies or child care organizations for the administration of
15 child care services.

16 (c) Payment shall be made for child care that otherwise
17 meets the requirements of this Section and applicable
18 standards of State and local law and regulation, including any
19 requirements the Illinois Department promulgates by rule in
20 addition to the licensure requirements promulgated by the
21 Department of Children and Family Services and Fire Prevention
22 and Safety requirements promulgated by the Office of the State
23 Fire Marshal, and is provided in any of the following:

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

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

3 (3) a licensed group child care home;

4 (4) other types of child care, including child care
5 provided by relatives or persons living in the same home
6 as the child, as determined by the Illinois Department by
7 rule.

8 (c-5) Solely for the purposes of coverage under the
9 Illinois Public Labor Relations Act, child and day care home
10 providers, including licensed and license exempt,
11 participating in the Department's child care assistance
12 program shall be considered to be public employees and the
13 State of Illinois shall be considered to be their employer as
14 of January 1, 2006 (the effective date of Public Act 94-320),
15 but not before. The State shall engage in collective
16 bargaining with an exclusive representative of child and day
17 care home providers participating in the child care assistance
18 program concerning their terms and conditions of employment
19 that are within the State's control. Nothing in this
20 subsection shall be understood to limit the right of families
21 receiving services defined in this Section to select child and
22 day care home providers or supervise them within the limits of
23 this Section. The State shall not be considered to be the
24 employer of child and day care home providers for any purposes
25 not specifically provided in Public Act 94-320, including, but
26 not limited to, purposes of vicarious liability in tort and

1 purposes of statutory retirement or health insurance benefits.
2 Child and day care home providers shall not be covered by the
3 State Employees Group Insurance Act of 1971.

4 In according child and day care home providers and their
5 selected representative rights under the Illinois Public Labor
6 Relations Act, the State intends that the State action
7 exemption to application of federal and State antitrust laws
8 be fully available to the extent that their activities are
9 authorized by Public Act 94-320.

10 (d) The Illinois Department shall establish, by rule, a
11 co-payment scale that provides for cost sharing by families
12 that receive child care services, including parents whose only
13 income is from assistance under this Code. The co-payment
14 shall be based on family income and family size and may be
15 based on other factors as appropriate. Co-payments may be
16 waived for families whose incomes are at or below the federal
17 poverty level.

18 (d-5) The Illinois Department, in consultation with its
19 Child Care and Development Advisory Council, shall develop a
20 plan to revise the child care assistance program's co-payment
21 scale. The plan shall be completed no later than February 1,
22 2008, and shall include:

23 (1) findings as to the percentage of income that the
24 average American family spends on child care and the
25 relative amounts that low-income families and the average
26 American family spend on other necessities of life;

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

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

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

10 (e) (Blank).

11 (f) The Illinois Department shall, by rule, set rates to
12 be paid for the various types of child care. Child care may be
13 provided through one of the following methods:

14 (1) arranging the child care through eligible
15 providers by use of purchase of service contracts or
16 vouchers;

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

19 (3) (blank); or

20 (4) adopting such other arrangements as the Department
21 determines appropriate.

22 (f-1) Within 30 days after June 4, 2018 (the effective
23 date of Public Act 100-587), the Department of Human Services
24 shall establish rates for child care providers that are no
25 less than the rates in effect on January 1, 2018 increased by
26 4.26%.

1 (f-5) (Blank).

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

4 (1) receiving a child care certificate issued by the
5 Department or a subcontractor of the Department that may
6 be used by the parents as payment for child care and
7 development services only; or

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

19 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;
20 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.
21 8-17-18; 101-81, eff. 7-12-19.)

22 Section 99. Effective date. This Act takes effect July 1,
23 2021.