

1 AN ACT concerning State government.

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) foster parents or caregivers of youth in care as
14 defined in Section 4d of the Children and Family Services
15 Act, regardless of whether they are working or
16 participating in Department-approved employment or
17 education or training programs. Assistance provided under
18 this paragraph shall be for the care of the youth in care;

19 (8) youth in care, as defined in Section 4d of the
20 Children and Family Services Act, who are parents,
21 regardless of whether they are working or participating in
22 Department-approved employment or education or training
23 programs. Any family that receives child care assistance
24 in accordance with this paragraph shall receive one
25 additional 12-month child care eligibility period after
26 the parenting youth in care's case with the Department of

1 Children and Family Services is closed, regardless of
2 whether they are working or participating in
3 Department-approved employment or education or training
4 programs;

5 (9) parents who have custody of their children and
6 their children are the subjects of pending cases under
7 Article II of the Juvenile Court Act of 1987, regardless
8 of whether they are working or participating in
9 Department-approved employment or education or training
10 programs. Any family that receives child care assistance
11 in accordance with this paragraph shall remain eligible
12 for child care assistance 6 months after the child's case
13 under Article II of the Juvenile Court Act of 1987 is
14 closed, regardless of whether the child's parents are
15 working or participating in Department-approved employment
16 or education or training programs;

17 (10) ~~(7)~~ families with children ~~under the age of 5~~ who
18 have an open intact family services case with the
19 Department of Children and Family Services. Any family
20 that receives child care assistance in accordance with
21 this paragraph shall remain eligible for child care
22 assistance 6 months after the child's intact family
23 services case is closed, regardless of whether the child's
24 parents or other relatives as defined by rule are working
25 or participating in Department approved employment or
26 education or training programs. The Department of Human

1 Services, in consultation with the Department of Children
2 and Family Services, shall adopt rules to protect the
3 privacy of families who are the subject of an open intact
4 family services case when such families enroll in child
5 care services. Additional rules shall be adopted to offer
6 children who have an open intact family services case the
7 opportunity to receive an Early Intervention screening and
8 other services that their families may be eligible for as
9 provided by the Department of Human Services; and -

10 (11) families receiving Extended Family Support
11 Program services from the Department of Children and
12 Family Services, regardless of whether they are working or
13 participating in Department-approved employment or
14 education or training programs.

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

20 The Department shall update the Child Care Assistance
21 Program Eligibility Calculator posted on its website to
22 include a question on whether a family is applying for child
23 care assistance for the first time or is applying for a
24 redetermination of eligibility.

25 A family's eligibility for child care services shall be
26 redetermined no sooner than 12 months following the initial

1 determination or most recent redetermination. During the
2 12-month periods, the family shall remain eligible for child
3 care services regardless of (i) a change in family income,
4 unless family income exceeds 85% of State median income, or
5 (ii) a temporary change in the ongoing status of the parents or
6 other relatives, as defined by rule, as working or attending a
7 job training or educational program.

8 In determining income eligibility for child care benefits,
9 the Department annually, at the beginning of each fiscal year,
10 shall establish, by rule, one income threshold for each family
11 size, in relation to percentage of State median income for a
12 family of that size, that makes families with incomes below
13 the specified threshold eligible for assistance and families
14 with incomes above the specified threshold ineligible for
15 assistance. Through and including fiscal year 2007, the
16 specified threshold must be no less than 50% of the
17 then-current State median income for each family size.
18 Beginning in fiscal year 2008, the specified threshold must be
19 no less than 185% of the then-current federal poverty level
20 for each family size. Notwithstanding any other provision of
21 law or administrative rule to the contrary, beginning in
22 fiscal year 2019, the specified threshold for working families
23 with very low incomes as defined by rule must be no less than
24 185% of the then-current federal poverty level for each family
25 size. Notwithstanding any other provision of law or
26 administrative rule to the contrary, beginning in State fiscal

1 year 2022, the specified income threshold shall be no less
2 than 200% of the then-current federal poverty level for each
3 family size.

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

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

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

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

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

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

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

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

10 (3) a licensed group child care home;

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

15 (c-5) Solely for the purposes of coverage under the
16 Illinois Public Labor Relations Act, child and day care home
17 providers, including licensed and license exempt,
18 participating in the Department's child care assistance
19 program shall be considered to be public employees and the
20 State of Illinois shall be considered to be their employer as
21 of January 1, 2006 (the effective date of Public Act 94-320),
22 but not before. The State shall engage in collective
23 bargaining with an exclusive representative of child and day
24 care home providers participating in the child care assistance
25 program concerning their terms and conditions of employment
26 that are within the State's control. Nothing in this

1 subsection shall be understood to limit the right of families
2 receiving services defined in this Section to select child and
3 day care home providers or supervise them within the limits of
4 this Section. The State shall not be considered to be the
5 employer of child and day care home providers for any purposes
6 not specifically provided in Public Act 94-320, including, but
7 not limited to, purposes of vicarious liability in tort and
8 purposes of statutory retirement or health insurance benefits.
9 Child and day care home providers shall not be covered by the
10 State Employees Group Insurance Act of 1971.

11 In according child and day care home providers and their
12 selected representative rights under the Illinois Public Labor
13 Relations Act, the State intends that the State action
14 exemption to application of federal and State antitrust laws
15 be fully available to the extent that their activities are
16 authorized by Public Act 94-320.

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

25 (d-5) The Illinois Department, in consultation with its
26 Child Care and Development Advisory Council, shall develop a

1 plan to revise the child care assistance program's co-payment
2 scale. The plan shall be completed no later than February 1,
3 2008, and shall include:

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

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

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

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

17 (e) (Blank).

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

21 (1) arranging the child care through eligible
22 providers by use of purchase of service contracts or
23 vouchers;

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

26 (3) (blank); or

1 (4) adopting such other arrangements as the Department
2 determines appropriate.

3 (f-1) Within 30 days after June 4, 2018 (the effective
4 date of Public Act 100-587), the Department of Human Services
5 shall establish rates for child care providers that are no
6 less than the rates in effect on January 1, 2018 increased by
7 4.26%.

8 (f-5) (Blank).

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

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

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

26 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;

1 102-491, eff. 8-20-21; revised 11-8-21.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2023.