

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 Children and Family Services Act is amended  
5 by changing Section 5a as follows:

6 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

7 Sec. 5a. Reimbursable services for which the Department of  
8 Children and Family Services shall pay 100% of the reasonable  
9 cost pursuant to a written contract negotiated between the  
10 Department and the agency furnishing the services (which shall  
11 include but not be limited to the determination of reasonable  
12 cost, the services being purchased and the duration of the  
13 agreement) include, but are not limited to:

14 SERVICE ACTIVITIES

- 15 Adjunctive Therapy;
- 16 Child Care Service, including day care;
- 17 Clinical Therapy;
- 18 Custodial Service;
- 19 Field Work Students;
- 20 Food Service;
- 21 Normal Education;
- 22 In-Service Training;

1 Intake or Evaluation, or both;  
2 Medical Services;  
3 Recreation;  
4 Social Work or Counselling, or both;  
5 Supportive Staff;  
6 Volunteers.

7 OBJECT EXPENSES

8 Professional Fees and Contract Service Payments;  
9 Supplies;  
10 Telephone and Telegram;  
11 Occupancy;  
12 Local Transportation;  
13 Equipment and Other Fixed Assets, including amortization  
14 of same;  
15 Miscellaneous.

16 ADMINISTRATIVE COSTS

17 Program Administration;  
18 Supervision and Consultation;  
19 Inspection and Monitoring for purposes of issuing  
20 licenses;  
21 Determination of Children who are eligible  
22 for federal or other reimbursement;  
23 Postage and Shipping;  
24 Outside Printing, Artwork, etc.;

1 Subscriptions and Reference Publications;

2 Management and General Expense.

3 Reimbursement of administrative costs other than inspection  
4 and monitoring for purposes of issuing licenses may not exceed  
5 20% of the costs for other services.

6 The Department may offer services to any child or family  
7 with respect to whom a report of suspected child abuse or  
8 neglect has been called in to the hotline after completion of a  
9 family assessment as provided under subsection (a-5) of  
10 Section 7.4 of the Abused and Neglected Child Reporting Act  
11 and the Department has determined that services are needed to  
12 address the safety of the child and other family members and  
13 the risk of subsequent maltreatment. Acceptance of such  
14 services shall be voluntary.

15 All Object Expenses, Service Activities and Administrative  
16 Costs are allowable.

17 If a survey instrument is used in the rate setting  
18 process:

19 (a) with respect to any day care centers, it shall be  
20 limited to those agencies which receive reimbursement from  
21 the State;

22 (b) the cost survey instrument shall be promulgated by  
23 rule;

24 (c) any requirements of the respondents shall be  
25 promulgated by rule;

26 (d) all screens, limits or other tests of

1           reasonableness, allowability and reimbursability shall be  
2           promulgated by rule;

3           (e) adjustments may be made by the Department to rates  
4           when it determines that reported wage and salary levels  
5           are insufficient to attract capable caregivers in  
6           sufficient numbers.

7           The Department of Children and Family Services may pay  
8           100% of the reasonable costs of research and valuation focused  
9           exclusively on services to youth in care. Such research  
10          projects must be approved, in advance, by the Director of the  
11          Department.

12          In addition to reimbursements otherwise provided for in  
13          this Section, the Department of Human Services shall, in  
14          accordance with annual written agreements, make advance  
15          quarterly disbursements to local public agencies for child day  
16          care services with funds appropriated from the Local Effort  
17          Day Care Fund.

18          Neither the Department of Children and Family Services nor  
19          the Department of Human Services shall pay or approve  
20          reimbursement for day care in a facility which is operating  
21          without a valid license or permit, except in the case of day  
22          care homes or day care centers which are exempt from the  
23          licensing requirements of the "Child Care Act of 1969".

24          The rates paid to day care providers by the Department of  
25          Children and Family Services shall match the rates paid to  
26          child care providers by the Department of Human Services under

1 the child care assistance program, including base rates and  
2 any relevant rate enhancements.

3 (Source: P.A. 100-159, eff. 8-18-17.)

4 Section 10. 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  
24 shall cover the following categories of families:

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

4 (2) families transitioning from TANF to work;

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

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

7 (5) working families with very low incomes as defined  
8 by rule;

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

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

25 (8) families receiving Extended Family Support Program  
26 services from the Department of Children and Family

1 Services, regardless of income or whether they are working  
2 or participating in Department-approved employment or  
3 education or training programs; and

4 (9) ~~(7)~~ families with children under the age of 5 who  
5 have an open intact family services case with the  
6 Department of Children and Family Services. Any family  
7 that receives child care assistance in accordance with  
8 this paragraph shall remain eligible for child care  
9 assistance 6 months after the child's intact family  
10 services case is closed, regardless of whether the child's  
11 parents or other relatives as defined by rule are working  
12 or participating in Department approved employment or  
13 education or training programs. The Department of Human  
14 Services, in consultation with the Department of Children  
15 and Family Services, shall adopt rules to protect the  
16 privacy of families who are the subject of an open intact  
17 family services case when such families enroll in child  
18 care services. Additional rules shall be adopted to offer  
19 children who have an open intact family services case the  
20 opportunity to receive an Early Intervention screening and  
21 other services that their families may be eligible for as  
22 provided by the Department of Human Services.

23 Beginning October 1, 2023, and every October 1 thereafter,  
24 the Department of Children and Family Services shall report to  
25 the General Assembly on the number of children who received  
26 child care via vouchers paid for by the Department of Children

1 and Family Services during the preceding fiscal year. The  
2 report shall include the ages of children who received child  
3 care, the type of child care they received, and the number of  
4 months they received child care.

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

10 The Department shall update the Child Care Assistance  
11 Program Eligibility Calculator posted on its website to  
12 include a question on whether a family is applying for child  
13 care assistance for the first time or is applying for a  
14 redetermination of eligibility.

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

24 In determining income eligibility for child care benefits,  
25 the Department annually, at the beginning of each fiscal year,  
26 shall establish, by rule, one income threshold for each family



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

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

24 Nothing in this Section shall be construed as conferring  
25 entitlement status to eligible families.

26 The Illinois Department is authorized to lower income

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

10 The Illinois Department may contract with other State  
11 agencies or child care organizations for the administration of  
12 child care services.

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

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

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

26 (3) a licensed group child care home;

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

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

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

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

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

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

24           (2) recommendations for revising the child care  
25 co-payment scale to assure that families receiving child  
26 care services from the Department are paying no more than

1           they can reasonably afford;

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

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

7           (e) (Blank).

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

11          (1) arranging the child care through eligible  
12          providers by use of purchase of service contracts or  
13          vouchers;

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

16          (3) (blank); or

17          (4) adopting such other arrangements as the Department  
18          determines appropriate.

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

24          (f-5) (Blank).

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

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

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

16 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;  
17 102-491, eff. 8-20-21; revised 11-8-21.)

18           Section 15. The Early Intervention Services System Act is  
19 amended by changing Section 3 as follows:

20           (325 ILCS 20/3) (from Ch. 23, par. 4153)

21           Sec. 3. Definitions. As used in this Act:

22           (a) "Eligible infants and toddlers" means infants and  
23 toddlers under 36 months of age with any of the following  
24 conditions:

1 (1) Developmental delays.

2 (2) A physical or mental condition which typically  
3 results in developmental delay.

4 (3) Being at risk of having substantial developmental  
5 delays based on informed clinical opinion.

6 (4) Either (A) having entered the program under any of  
7 the circumstances listed in paragraphs (1) through (3) of  
8 this subsection but no longer meeting the current  
9 eligibility criteria under those paragraphs, and  
10 continuing to have any measurable delay, or (B) not having  
11 attained a level of development in each area, including  
12 (i) cognitive, (ii) physical (including vision and  
13 hearing), (iii) language, speech, and communication, (iv)  
14 social or emotional, or (v) adaptive, that is at least at  
15 the mean of the child's age equivalent peers; and, in  
16 addition to either item (A) or item (B), (C) having been  
17 determined by the multidisciplinary individualized family  
18 service plan team to require the continuation of early  
19 intervention services in order to support continuing  
20 developmental progress, pursuant to the child's needs and  
21 provided in an appropriate developmental manner. The type,  
22 frequency, and intensity of services shall differ from the  
23 initial individualized family services plan because of the  
24 child's developmental progress, and may consist of only  
25 service coordination, evaluation, and assessments.

26 "Eligible infants and toddlers" includes any child under

1 the age of 3 who is the subject of a substantiated case of  
2 child abuse or neglect as defined in the federal Child Abuse  
3 Prevention and Treatment Act.

4 (b) "Developmental delay" means a delay in one or more of  
5 the following areas of childhood development as measured by  
6 appropriate diagnostic instruments and standard procedures:  
7 cognitive; physical, including vision and hearing; language,  
8 speech and communication; social or emotional; or adaptive.  
9 The term means a delay of 30% or more below the mean in  
10 function in one or more of those areas.

11 (c) "Physical or mental condition which typically results  
12 in developmental delay" means:

13 (1) a diagnosed medical disorder or exposure to a  
14 toxic substance bearing a relatively well known expectancy  
15 for developmental outcomes within varying ranges of  
16 developmental disabilities; or

17 (2) a history of prenatal, perinatal, neonatal or  
18 early developmental events suggestive of biological  
19 insults to the developing central nervous system and which  
20 either singly or collectively increase the probability of  
21 developing a disability or delay based on a medical  
22 history.

23 (d) "Informed clinical opinion" means both clinical  
24 observations and parental participation to determine  
25 eligibility by a consensus of a multidisciplinary team of 2 or  
26 more members based on their professional experience and



1 expertise.

2 (e) "Early intervention services" means services which:

3 (1) are designed to meet the developmental needs of  
4 each child eligible under this Act and the needs of his or  
5 her family;

6 (2) are selected in collaboration with the child's  
7 family;

8 (3) are provided under public supervision;

9 (4) are provided at no cost except where a schedule of  
10 sliding scale fees or other system of payments by families  
11 has been adopted in accordance with State and federal law;

12 (5) are designed to meet an infant's or toddler's  
13 developmental needs in any of the following areas:

14 (A) physical development, including vision and  
15 hearing,

16 (B) cognitive development,

17 (C) communication development,

18 (D) social or emotional development, or

19 (E) adaptive development;

20 (6) meet the standards of the State, including the  
21 requirements of this Act;

22 (7) include one or more of the following:

23 (A) family training,

24 (B) social work services, including counseling,  
25 and home visits,

26 (C) special instruction,

- 1 (D) speech, language pathology and audiology,  
2 (E) occupational therapy,  
3 (F) physical therapy,  
4 (G) psychological services,  
5 (H) service coordination services,  
6 (I) medical services only for diagnostic or  
7 evaluation purposes,  
8 (J) early identification, screening, and  
9 assessment services,  
10 (K) health services specified by the lead agency  
11 as necessary to enable the infant or toddler to  
12 benefit from the other early intervention services,  
13 (L) vision services,  
14 (M) transportation,  
15 (N) assistive technology devices and services,  
16 (O) nursing services,  
17 (P) nutrition services, and  
18 (Q) sign language and cued language services;

19 (8) are provided by qualified personnel, including but  
20 not limited to:

21 (A) child development specialists or special  
22 educators, including teachers of children with hearing  
23 impairments (including deafness) and teachers of  
24 children with vision impairments (including  
25 blindness),

26 (B) speech and language pathologists and

1           audiologists,  
2                   (C) occupational therapists,  
3                   (D) physical therapists,  
4                   (E) social workers,  
5                   (F) nurses,  
6                   (G) dietitian nutritionists,  
7                   (H) vision specialists, including ophthalmologists  
8           and optometrists,  
9                   (I) psychologists, and  
10                  (J) physicians;

11           (9) are provided in conformity with an Individualized  
12   Family Service Plan;

13           (10) are provided throughout the year; and

14           (11) are provided in natural environments, to the  
15   maximum extent appropriate, which may include the home and  
16   community settings, unless justification is provided  
17   consistent with federal regulations adopted under Sections  
18   1431 through 1444 of Title 20 of the United States Code.

19           (f) "Individualized Family Service Plan" or "Plan" means a  
20   written plan for providing early intervention services to a  
21   child eligible under this Act and the child's family, as set  
22   forth in Section 11.

23           (g) "Local interagency agreement" means an agreement  
24   entered into by local community and State and regional  
25   agencies receiving early intervention funds directly from the  
26   State and made in accordance with State interagency agreements

1 providing for the delivery of early intervention services  
2 within a local community area.

3 (h) "Council" means the Illinois Interagency Council on  
4 Early Intervention established under Section 4.

5 (i) "Lead agency" means the State agency responsible for  
6 administering this Act and receiving and disbursing public  
7 funds received in accordance with State and federal law and  
8 rules.

9 (i-5) "Central billing office" means the central billing  
10 office created by the lead agency under Section 13.

11 (j) "Child find" means a service which identifies eligible  
12 infants and toddlers.

13 (k) "Regional intake entity" means the lead agency's  
14 designated entity responsible for implementation of the Early  
15 Intervention Services System within its designated geographic  
16 area.

17 (l) "Early intervention provider" means an individual who  
18 is qualified, as defined by the lead agency, to provide one or  
19 more types of early intervention services, and who has  
20 enrolled as a provider in the early intervention program.

21 (m) "Fully credentialed early intervention provider" means  
22 an individual who has met the standards in the State  
23 applicable to the relevant profession, and has met such other  
24 qualifications as the lead agency has determined are suitable  
25 for personnel providing early intervention services, including  
26 pediatric experience, education, and continuing education. The

1 lead agency shall establish these qualifications by rule filed  
2 no later than 180 days after the effective date of this  
3 amendatory Act of the 92nd General Assembly.

4 (n) "Telehealth" has the meaning given to that term in  
5 Section 5 of the Telehealth Act.

6 (Source: P.A. 101-10, eff. 6-5-19; 102-104, eff. 7-22-21.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law, except that Section 5 takes effect on July 1,  
9 2023.