

SB3987



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3987

Introduced 1/21/2022, by Sen. Cristina H. Pacione-Zayas

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. In provisions concerning the child care assistance program, provides that beginning in State Fiscal Year 2023, the specified income threshold shall be no less than 250% of the then-current federal poverty level for each family size and eligible families shall receive another 12-month eligibility period at the time of redetermination. Effective immediately.

LRB102 24254 KTG 33485 b

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

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

25 In determining income eligibility for child care benefits,
26 the Department annually, at the beginning of each fiscal year,

1 shall establish, by rule, one income threshold for each family
2 size, in relation to percentage of State median income for a
3 family of that size, that makes families with incomes below
4 the specified threshold eligible for assistance and families
5 with incomes above the specified threshold ineligible for
6 assistance. Through and including fiscal year 2007, the
7 specified threshold must be no less than 50% of the
8 then-current State median income for each family size.
9 Beginning in fiscal year 2008, the specified threshold must be
10 no less than 185% of the then-current federal poverty level
11 for each family size. Notwithstanding any other provision of
12 law or administrative rule to the contrary, beginning in
13 fiscal year 2019, the specified threshold for working families
14 with very low incomes as defined by rule must be no less than
15 185% of the then-current federal poverty level for each family
16 size. Notwithstanding any other provision of law or
17 administrative rule to the contrary, beginning in State fiscal
18 year 2022, the specified income threshold shall be no less
19 than 200% of the then-current federal poverty level for each
20 family size. Notwithstanding any other provision of law or
21 administrative rule to the contrary, beginning in State Fiscal
22 Year 2023, the specified income threshold shall be no less
23 than 250% of the then-current federal poverty level for each
24 family size and eligible families shall receive another
25 12-month eligibility period at the time of redetermination.

26 In determining eligibility for assistance, the Department

1 shall not give preference to any category of recipients or
2 give preference to individuals based on their receipt of
3 benefits under this Code.

4 Nothing in this Section shall be construed as conferring
5 entitlement status to eligible families.

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

16 The Illinois Department may contract with other State
17 agencies or child care organizations for the administration of
18 child care services.

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

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

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

6 (3) a licensed group child care home;

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

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

1 employer of child and day care home providers for any purposes
2 not specifically provided in Public Act 94-320, including, but
3 not limited to, purposes of vicarious liability in tort and
4 purposes of statutory retirement or health insurance benefits.
5 Child and day care home providers shall not be covered by the
6 State Employees Group Insurance Act of 1971.

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

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

21 (d-5) The Illinois Department, in consultation with its
22 Child Care and Development Advisory Council, shall develop a
23 plan to revise the child care assistance program's co-payment
24 scale. The plan shall be completed no later than February 1,
25 2008, and shall include:

26 (1) findings as to the percentage of income that the

1 average American family spends on child care and the
2 relative amounts that low-income families and the average
3 American family spend on other necessities of life;

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

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

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

13 (e) (Blank).

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

17 (1) arranging the child care through eligible
18 providers by use of purchase of service contracts or
19 vouchers;

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

22 (3) (blank); or

23 (4) adopting such other arrangements as the Department
24 determines appropriate.

25 (f-1) Within 30 days after June 4, 2018 (the effective
26 date of Public Act 100-587), the Department of Human Services

1 shall establish rates for child care providers that are no
2 less than the rates in effect on January 1, 2018 increased by
3 4.26%.

4 (f-5) (Blank).

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

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

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.