

# HB4432



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4432

Introduced 1/16/2024, by Rep. Harry Benton

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. In a provision concerning the child care assistance program, provides that beginning in State fiscal year 2025, the specified income threshold shall be no less than 400% of the then current federal poverty level for each family size. Effective July 1, 2024.

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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 limited access to economic  
11 resources, including those who are transitioning from welfare  
12 to work, often struggle to pay the costs of day care. The  
13 General Assembly understands the importance of helping working  
14 families with limited access to economic resources become and  
15 remain self-sufficient. The General Assembly also believes  
16 that it is the responsibility of families to share in the costs  
17 of child care. It is also the preference of the General  
18 Assembly that all working families with limited access to  
19 economic resources should be treated equally, regardless of  
20 their welfare status.

21 (b) To the extent resources permit, the Illinois  
22 Department shall provide child care services to parents or  
23 other relatives as defined by rule who are working or

1 participating in employment or Department approved education  
2 or training programs. At a minimum, the Illinois Department  
3 shall cover the following categories of families:

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

7 (2) families transitioning from TANF to work;

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

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

10 (5) working families with very low incomes as defined  
11 by rule;

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

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

1 programs;

2 (8) families receiving Extended Family Support Program  
3 services from the Department of Children and Family  
4 Services, regardless of income or whether they are working  
5 or participating in Department-approved employment or  
6 education or training programs; and

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

26 Beginning October 1, 2023, and every October 1 thereafter,

1 the Department of Children and Family Services shall report to  
2 the General Assembly on the number of children who received  
3 child care via vouchers paid for by the Department of Children  
4 and Family Services during the preceding fiscal year. The  
5 report shall include the ages of children who received child  
6 care, the type of child care they received, and the number of  
7 months they received child care.

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

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

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 through State fiscal year 2023, the specified income  
21 threshold shall be no less than 200% of the then-current  
22 federal poverty level for each family size. ~~In Beginning in~~  
23 State fiscal year 2024, the specified income threshold shall  
24 be no less than 225% of the then-current federal poverty level  
25 for each family size. Beginning in State fiscal year 2025, the  
26 specified income threshold shall be no less than 400% of the

1 then-current federal poverty level for each family size.

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

6 Nothing in this Section shall be construed as conferring  
7 entitlement status to eligible families.

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

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

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

1 and Safety requirements promulgated by the Office of the State  
2 Fire Marshal, and is provided in any of the following:

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

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

8 (3) a licensed group child care home;

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

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



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

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

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

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

1 2008, and shall include:

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

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

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

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

15 (e) (Blank).

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

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

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

24 (3) (blank); or

25 (4) adopting such other arrangements as the Department  
26 determines appropriate.

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

6 (f-5) (Blank).

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

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

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

24 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;  
25 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

26 Section 99. Effective date. This Act takes effect July 1,

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