



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5154

Introduced 2/9/2024, by Rep. La Shawn K. Ford

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 notwithstanding any other law or rule to the contrary, on and after the effective date of the amendatory Act, the Department of Human Services shall include all federal holidays as paid days that are eligible for reimbursement under any purchase of service contract or voucher payment agreement the Department enters into, renews, or extends with a child care provider under the child care assistance program.

LRB103 37646 KTG 67773 b

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. Beginning in State
23 fiscal year 2024, the specified income threshold shall be no
24 less than 225% of the then-current federal poverty level for
25 each family size.

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 Notwithstanding any other law or rule to the contrary, on
26 and after the effective date of this amendatory Act of the

1 103rd General Assembly, the Department shall include all
2 federal holidays as paid days that are eligible for
3 reimbursement under any purchase of service contract or
4 voucher payment agreement the Department enters into, renews,
5 or extends with a child care provider under the child care
6 assistance program.

7 (f-1) Within 30 days after June 4, 2018 (the effective
8 date of Public Act 100-587), the Department of Human Services
9 shall establish rates for child care providers that are no
10 less than the rates in effect on January 1, 2018 increased by
11 4.26%.

12 (f-5) (Blank).

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

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

19 (2) if space is available, enrolling the child with a
20 child care provider that has a purchase of service
21 contract with the Department or a subcontractor of the
22 Department for the provision of child care and development
23 services. The Department may identify particular priority
24 populations for whom they may request special
25 consideration by a provider with purchase of service
26 contracts, provided that the providers shall be permitted

1 to maintain a balance of clients in terms of household
2 incomes and families and children with special needs, as
3 defined by rule.

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