



Sen. Cristina H. Pacione-Zayas

Filed: 3/3/2023

10300SB1796sam001

LRB103 28527 KTG 58334 a

1 AMENDMENT TO SENATE BILL 1796

2 AMENDMENT NO. _____. Amend Senate Bill 1796 by replacing
3 everything after the enacting clause with the following:

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

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois
4 Department shall provide child care services to parents or
5 other relatives as defined by rule who are working or
6 participating in employment or Department approved education
7 or training programs. At a minimum, the Illinois Department
8 shall cover the following categories of families:

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

12 (2) families transitioning from TANF to work;

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

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

15 (5) working families with very low incomes as defined
16 by rule;

17 (6) families that are not recipients of TANF and that
18 need child care assistance to participate in education and
19 training activities;

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

1 eligibility period after the parenting youth in care's
2 case with the Department of Children and Family Services
3 is closed, regardless of income or whether the parenting
4 youth in care is working or participating in
5 Department-approved employment or education or training
6 programs;

7 (8) families receiving Extended Family Support Program
8 services from the Department of Children and Family
9 Services, regardless of income or whether they are working
10 or participating in Department-approved employment or
11 education or training programs; ~~and~~

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

1 children who have an open intact family services case the
2 opportunity to receive an Early Intervention screening and
3 other services that their families may be eligible for as
4 provided by the Department of Human Services; and -

5 (10) families determined to have categorical
6 eligibility. For the purpose of this paragraph,
7 "categorical eligibility" refers to a policy in which all
8 families or households receiving benefits under the
9 federal Supplemental Nutrition Assistance Program (SNAP)
10 from the Department of Human Services or medical
11 assistance benefits from the Department of Healthcare and
12 Family Services shall be determined eligible for
13 assistance under the Child Care Assistance Program. To
14 implement the policy of categorical eligibility, child
15 care assistance shall be included as an additional benefit
16 a family or household can apply for when completing the
17 Application for Benefits Eligibility (ABE) form through
18 the State's ABE web portal. The State agency responsible
19 for processing ABE applications shall refer each family or
20 household that applies for child care assistance and that
21 is eligible for SNAP or medical assistance benefits to its
22 local Child Care Resource and Referral agency.

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 2024, the specified income threshold shall be no less
18 than 250% of the then-current federal poverty level for each
19 family size. Beginning in State Fiscal Year 2025, the income
20 threshold shall annually increase by 25% until the income
21 threshold reaches 400% of the then-current federal poverty
22 level for each family size. ~~Notwithstanding any other~~
23 ~~provision of law or administrative rule to the contrary,~~
24 ~~beginning in State fiscal year 2022, the specified income~~
25 ~~threshold shall be no less than 200% of the then current~~
26 ~~federal poverty level for each family size.~~

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

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

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

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

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

1 Fire Marshal, and is provided in any of the following:

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

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

7 (3) a licensed group child care home;

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

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

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

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

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

22 (d-5) The Illinois Department, in consultation with its
23 Child Care and Development Advisory Council, shall develop a
24 plan to revise the child care assistance program's co-payment
25 scale. The plan shall be completed no later than February 1,
26 2008, and shall include:

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

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

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

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

14 (e) (Blank).

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

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

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

23 (3) (blank); or

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

26 (f-1) Within 30 days after June 4, 2018 (the effective

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

5 (f-5) (Blank).

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

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
24 102-491, eff. 8-20-21; 102-813, eff. 5-13-22; 102-926, eff.
25 5-27-22.)

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