

1 AN ACT in relation to 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 Sections 4-1.2c, 4-1.6, and 4-2 as follows:

6 (305 ILCS 5/4-1.2c)

7 Sec. 4-1.2c. Residence of child who is pregnant or a
8 parent.

9 (a) Notwithstanding any other provision of this Code, no
10 aid ~~shall--be--paid~~ under this Article shall be paid for no
11 more than 6 months on behalf of a person under age 18 who has
12 never married and who has a child or is pregnant, unless that
13 person resides with a parent, legal guardian, or other adult
14 relative or in a foster home, maternity home, or other
15 adult-supervised living arrangement.

16 (b) The Illinois Department may make an exception to the
17 requirement of subsection (a) in any of the following
18 circumstances:

19 (1) The person has no living parent or legal
20 guardian, or the parent's or legal guardian's whereabouts
21 are unknown.

22 (2) The Illinois Department determines that the
23 physical health or safety of the person or the person's
24 child would be jeopardized.

25 (3) The person has lived apart from the parent or
26 legal guardian for a period of at least one year before
27 the child's birth or before applying for aid under this
28 Article.

29 (c) (Blank).

30 (Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

Sec. 4-1.6. Need. Income available to the family as defined by the Illinois Department by rule, or to the child in the case of a child removed from his or her home, when added to contributions in money, substance or services from other sources, including income available from parents absent from the home or from a stepparent, contributions made for the benefit of the parent or other persons necessary to provide care and supervision to the child, and contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation for such a person.

In considering income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. The Illinois Department may also permit all or any portion of earned or other income to be set aside for the future identifiable needs of a child. The Illinois Department may provide by rule and regulation for the exemptions thus permitted or required. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

~~The--Illinois-Department-may,-by-rule,-set-forth-criteria under--which--an--assistance--unit--is--ineligible--for--cash assistance-under-this--Article--for--a--specified--number--of months-due-to-the-receipt-of-a-lump-sum-payment.~~

(Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

(305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

Sec. 4-2. Amount of aid.

1 (a) The amount and nature of financial aid shall be
2 determined in accordance with the grant amounts, rules and
3 regulations of the Illinois Department. Due regard shall be
4 given to the self-sufficiency requirements of the family and
5 to the income, money contributions and other support and
6 resources available, from whatever source. However, the
7 amount and nature of any financial aid is not affected by the
8 payment of any grant under the "Senior Citizens and Disabled
9 Persons Property Tax Relief and Pharmaceutical Assistance
10 Act" or any distributions or items of income described under
11 subparagraph (X) of paragraph (2) of subsection (a) of
12 Section 203 of the Illinois Income Tax Act. The aid shall be
13 sufficient, when added to all other income, money
14 contributions and support to provide the family with a grant
15 in the amount established by Department regulation.

16 (b) The Illinois Department may conduct special
17 projects, which may be known as Grant Diversion Projects,
18 under which recipients of financial aid under this Article
19 are placed in jobs and their grants are diverted to the
20 employer who in turn makes payments to the recipients in the
21 form of salary or other employment benefits. The Illinois
22 Department shall by rule specify the terms and conditions of
23 such Grant Diversion Projects. Such projects shall take into
24 consideration and be coordinated with the programs
25 administered under the Illinois Emergency Employment
26 Development Act.

27 (c) The amount and nature of the financial aid for a
28 child requiring care outside his own home shall be determined
29 in accordance with the rules and regulations of the Illinois
30 Department, with due regard to the needs and requirements of
31 the child in the foster home or institution in which he has
32 been placed.

33 (d) If the Department establishes grants for family
34 units consisting exclusively of a pregnant woman with no

1 dependent child or including her husband if living with her,
 2 the grant amount for such a unit shall be equal to the grant
 3 amount for an assistance unit consisting of one adult, or 2
 4 persons if the husband is included. Other than as herein
 5 described, an unborn child shall not be counted in
 6 determining the size of an assistance unit or for calculating
 7 grants.

8 Payments for basic maintenance requirements of a child or
 9 children and the relative with whom the child or children are
 10 living shall be prescribed, by rule, by the Illinois
 11 Department.

12 Grants under this Article shall not be supplemented by
 13 General Assistance provided under Article VI.

14 (e) Grants shall be paid to the parent or other person
 15 with whom the child or children are living, except for such
 16 amount as is paid in behalf of the child or his parent or
 17 other relative to other persons or agencies pursuant to this
 18 Code or the rules and regulations of the Illinois Department.

19 (f) (Blank). ~~An assistance unit receiving financial aid~~
 20 ~~under this Article or temporarily ineligible to receive aid~~
 21 ~~under this Article under a penalty imposed by the Illinois~~
 22 ~~Department for failure to comply with the eligibility~~
 23 ~~requirements or that voluntarily requests termination of~~
 24 ~~financial assistance under this Article and becomes~~
 25 ~~subsequently eligible for assistance within 9 months, shall~~
 26 ~~not receive any increase in the amount of aid solely on~~
 27 ~~account of the birth of a child; except that an increase is~~
 28 ~~not prohibited when the birth is (i) of a child of a pregnant~~
 29 ~~woman who became eligible for aid under this Article during~~
 30 ~~the pregnancy, or (ii) of a child born within 10 months after~~
 31 ~~the date of implementation of this subsection, or (iii) of a~~
 32 ~~child conceived after a family became ineligible for~~
 33 ~~assistance due to income or marriage and at least 3 months of~~
 34 ~~ineligibility expired before any reapplication for~~

1 assistance. This subsection does not, however, prevent a
2 unit from receiving a general increase in the amount of aid
3 that is provided to all recipients of aid under this Article.

4 The Illinois Department is authorized to transfer funds,
5 and shall use any budgetary savings attributable to not
6 increasing the grants due to the births of additional
7 children, to supplement existing funding for employment and
8 training services for recipients of aid under this Article
9 IV. The Illinois Department shall target, to the extent the
10 supplemental funding allows, employment and training services
11 to the families who do not receive a grant increase after the
12 birth of a child. In addition, the Illinois Department shall
13 provide, to the extent the supplemental funding allows, such
14 families with up to 24 months of transitional child care
15 pursuant to Illinois Department rules. All remaining
16 supplemental funds shall be used for employment and training
17 services or transitional child care support.

18 In making the transfers authorized by this subsection,
19 the Illinois Department shall first determine, pursuant to
20 regulations adopted by the Illinois Department for this
21 purpose, the amount of savings attributable to not increasing
22 the grants due to the births of additional children.
23 Transfers may be made from General Revenue Fund
24 appropriations for distributive purposes authorized by
25 Article IV of this Code only to General Revenue Fund
26 appropriations for employability development services
27 including operating and administrative costs and related
28 distributive purposes under Article IXA of this Code. The
29 Director, with the approval of the Governor, shall certify
30 the amount and affected line item appropriations to the State
31 Comptroller.

32 Nothing in this subsection shall be construed to prohibit
33 the Illinois Department from using funds under this Article
34 IV to provide assistance in the form of vouchers that may be

1 used--to--pay--for--goods--and--services--deemed--by--the--Illinois
2 Department,--by--rule,--as--suitable--for--the--care--of--the--child
3 such--as--diapers,--clothing,--school--supplies,--and--cribs.

4 (g) (Blank).

5 (h) Notwithstanding any other provision of this Code,
6 the Illinois Department is authorized to reduce payment
7 levels used to determine cash grants under this Article after
8 December 31 of any fiscal year if the Illinois Department
9 determines that the caseload upon which the appropriations
10 for the current fiscal year are based have increased by more
11 than 5% and the appropriation is not sufficient to ensure
12 that cash benefits under this Article do not exceed the
13 amounts appropriated for those cash benefits. Reductions in
14 payment levels may be accomplished by emergency rule under
15 Section 5-45 of the Illinois Administrative Procedure Act,
16 except that the limitation on the number of emergency rules
17 that may be adopted in a 24-month period shall not apply and
18 the provisions of Sections 5-115 and 5-125 of the Illinois
19 Administrative Procedure Act shall not apply. Increases in
20 payment levels shall be accomplished only in accordance with
21 Section 5-40 of the Illinois Administrative Procedure Act.
22 Before any rule to increase payment levels promulgated under
23 this Section shall become effective, a joint resolution
24 approving the rule must be adopted by a roll call vote by a
25 majority of the members elected to each chamber of the
26 General Assembly.

27 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.