



Rep. William Delgado

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1 AMENDMENT TO HOUSE BILL 2373

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2373, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Public Aid Code is amended by  
6 changing Sections 11-4, 11-6, 11-15, 11-16, 11-28, and 12-4.4  
7 and by adding Section 12-4.7e as follows:

8 (305 ILCS 5/11-4) (from Ch. 23, par. 11-4)

9 Sec. 11-4. Applications; assistance in making  
10 applications. An application for public assistance shall be  
11 deemed an application for all such benefits to which any person  
12 may be entitled except to the extent that the applicant  
13 expressly declines in writing to apply for particular benefits.  
14 The Illinois Department shall provide information in writing  
15 about all benefits provided under this Code to any person  
16 seeking public assistance. The Illinois Department shall also  
17 provide information in writing and orally to all applicants  
18 about an election to have financial aid deposited directly in a  
19 recipient's savings account or checking account or in any  
20 electronic benefits account or accounts as provided in Section  
21 11-3.1, to the extent that those elections are actually  
22 available, including information on any programs administered  
23 by the State Treasurer to facilitate or encourage the  
24 distribution of financial aid by direct deposit or electronic

1 benefits transfer. The Illinois Department shall determine the  
2 applicant's eligibility for cash assistance, medical  
3 assistance and food stamps unless the applicant expressly  
4 declines in writing to apply for particular benefits. The  
5 Illinois Department shall adopt policies and procedures to  
6 facilitate timely changes between programs that result from  
7 changes in categorical eligibility factors.

8 The County departments, local governmental units and the  
9 Illinois Department shall assist applicants for public  
10 assistance to properly complete their applications. Such  
11 assistance shall include, but not be limited to, assistance in  
12 securing evidence in support of their eligibility.

13 The application process described in this Section and in  
14 Sections 11-5, 11-6, and 11-15 shall be completed before and  
15 separately from the provision of and coordination of social and  
16 employment services under Article IX or IXA. Service  
17 coordination under those Articles or otherwise shall begin no  
18 later than 2 weeks after a favorable determination on an  
19 application for assistance. The Illinois Department may  
20 provide by rule for exceptions to this requirement with respect  
21 to programs and services designed to address emergencies. The  
22 Department shall modify application forms and procedures, as  
23 necessary, to conform to this paragraph.

24 (Source: P.A. 88-232.)

25 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

26 Sec. 11-6. Decisions on applications. Within 10 days after  
27 a decision is reached on an application, the applicant shall be  
28 notified in writing of the decision. The Department shall  
29 consider eligibility for, and the notice shall contain a  
30 decision on, each of the following assistance programs for  
31 which the client may be eligible based on the information  
32 contained in the application: Temporary Assistance to Needy  
33 Families, Medical Assistance, Aid to the Aged, Blind and

1 Disabled, General Assistance (in the City of Chicago), and food  
2 stamps. No decision shall be required for any assistance  
3 program for which the applicant has expressly declined in  
4 writing to apply. If the applicant is determined to be  
5 eligible, the notice shall include a statement of the amount of  
6 financial aid to be provided and a statement of the reasons for  
7 any partial grant amounts. If the applicant is determined  
8 ineligible for any public assistance the notice shall include  
9 the reason why the applicant is ineligible. If the application  
10 for any public assistance is denied, the notice shall include a  
11 statement defining the applicant's right to appeal the  
12 decision. The Illinois Department, by rule, shall determine the  
13 date on which assistance shall begin for applicants determined  
14 eligible, but that date shall be no later than the date on  
15 which eligibility is determined or. ~~That date may be no later~~  
16 ~~than~~ 30 days after the date of the application, whichever is  
17 earlier.

18 Under no circumstances may any application be denied solely  
19 to meet an application-processing deadline.

20 (Source: P.A. 90-17, eff. 7-1-97.)

21 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

22 Sec. 11-15. Application requirements.

23 (1) An application for financial aid shall be filed in  
24 writing by the person requesting aid and, in the case of a  
25 request for family aid, by the head of that family, except as  
26 otherwise permitted in paragraph (2). Applications for aid  
27 under Articles III, IV, and V shall be filed in writing with  
28 the county department of the county in which the applicant  
29 resides in the manner prescribed by the Illinois Department.  
30 Applications for aid under Article VI shall be filed in writing  
31 with the local governmental unit upon forms approved by the  
32 Illinois Department.

33 Each applicant shall provide information as to the amount

1 of property, real and personal, owned by him or her within the  
2 period of time preceding the application as required under  
3 Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The applicant  
4 shall also furnish information concerning all income, money  
5 contributions, and other support from any source, and the  
6 beneficiary and the amount or cash surrender or loan value of  
7 all insurance policies held by himself or herself or any member  
8 of his family for whom aid is requested.

9 (2) An application, in all instances to be in writing, may  
10 be filed in behalf of a person considered to be in need of  
11 financial aid under Articles III, IV, V, or VI only if the  
12 person

13 (a) has been adjudged to be under legal disability; or

14 (b) is unable because of minority or physical or mental  
15 disability, to execute the application; or

16 (c) in the case of need for funeral and burial, died  
17 before an application was filed and the application is  
18 filed not more than 30 days after the person's death,  
19 excluding the day on which the death occurred.

20 Applications in behalf of persons specified in (a) and (b)  
21 shall be filed by the applicant's legal guardian or, if a  
22 guardian has not been appointed or the applicant has no legal  
23 guardian or the guardian is not available, by a relative or  
24 other person, acceptable under the rules of the Illinois  
25 Department, who is able to furnish the required information.  
26 Applications in behalf of persons specified in (c) shall be  
27 filed by any next of kin of the deceased who is not under legal  
28 disability or, if there are no such next of kin or they are  
29 unknown or unavailable, by a person, acceptable under the rules  
30 of the Illinois Department, who is able to furnish the required  
31 information.

32 (3) The application shall contain a written declaration to  
33 be signed by the applicant, or in behalf of the applicant by a  
34 person qualified under paragraph (2), in substantially the

1 following form, the parenthetical references being applicable  
2 to an application filed by a person in behalf of the applicant:

3 "I declare under penalties of perjury that I have examined  
4 this form and all accompanying statements or documents  
5 pertaining to the income and resources of myself (the  
6 applicant) or any member of my family (the applicant's family)  
7 included in this application for aid, or pertaining to any  
8 other matter having bearing upon my (the applicant's)  
9 eligibility for aid, and to the best of my knowledge and belief  
10 the information supplied is true, correct, and complete".

11 The Department shall provide by rule for a system under  
12 which signatures on applications may be submitted in person or  
13 by mail, facsimile, or electronic transmission. Any such  
14 signature shall be sufficient to commence the application  
15 process regardless of any requirement for subsequent  
16 verification that the Department may adopt. The Department  
17 shall ensure that each client who visits a Department office,  
18 authorized agent, or community-based organization partnering  
19 with the Department to apply for benefits is provided an  
20 application and requested to complete his or her name and the  
21 date and to sign the application to begin the application  
22 process that same day.

23 (4) If an application for financial aid is filed for a  
24 family, and any person in that family is under 18 years of age,  
25 the application shall be accompanied by the following for each  
26 such person under 18 years of age:

27 (i) a copy of the person's birth certificate, or

28 (ii) other reliable proof, as determined by the  
29 Department, of the person's identity and age.

30 The Department may allow an applicant to establish age and  
31 citizenship by declaring the information and providing a Social  
32 Security Number, provided that applicants who are applying for  
33 family members and not for themselves may not be required to  
34 provide a Social Security Number.

1       (5) The Illinois Department shall provide information to  
2 all families, orally by an intake worker and in writing when  
3 the application is filed, about the availability and location  
4 of immunization services.

5       (6) An application for any assistance under this Code may  
6 be filed at any local office of the Department of Human  
7 Services. Following the initial eligibility determination, a  
8 recipient may choose to have his or her case assigned to any  
9 Department office. Within 5 days after the assignment of a  
10 case, the Department shall assign a caseworker, make  
11 appropriate case entries into the computer system, and generate  
12 a letter to the recipient containing the name and contact  
13 information for the caseworker.

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

15 (305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

16 Sec. 11-16. Changes in grants; cancellations, revocations,  
17 suspensions.

18 (a) All grants of financial aid under this Code shall be  
19 considered as frequently as may be required by the rules of the  
20 Illinois Department. The Department ~~of Public Aid~~ shall  
21 consider grants of financial aid to children who are eligible  
22 under Article V of this Code at least annually and shall take  
23 into account those reports filed, or required to be filed,  
24 pursuant to Sections 11-18 and 11-19. The Department shall  
25 accept reports of the income of families eligible under Article  
26 V made under this Section or Section 11-18 or 11-19 without  
27 requiring supporting documentation such as pay stubs. The  
28 Department may conduct subsequent investigations of the  
29 accuracy of those reports through computer cross-matches or  
30 other means, however. To the extent an in-person visit is not  
31 required by law, the Department shall, by rule, provide  
32 procedures by which recipients under any program covered by  
33 this Code will have the option to complete eligibility

1 redeterminations and provide the reports required pursuant to  
2 Sections 11-18 and 11-19 in person or by mail, telephone,  
3 facsimile, or electronic transmission.

4 After such investigation as may be necessary, the amount  
5 and manner of giving aid may be changed or the aid may be  
6 entirely withdrawn if the County Department, local  
7 governmental unit, or Illinois Department finds that the  
8 recipient's circumstances have altered sufficiently to warrant  
9 such action. Financial aid may at any time be canceled or  
10 revoked for cause or suspended for such period as may be  
11 proper.

12 On and after January 1, 2006, (i) to the extent permitted  
13 by federal law, regulations, and requirements for maximum  
14 federal financial participation and (ii) to the extent that it  
15 does not result in reduced benefits for program participants,  
16 the Department of Public Aid and the Department of Human  
17 Services shall coordinate redeterminations of eligibility for  
18 multiple programs, and, to that end, the Departments shall  
19 utilize information from an eligibility redetermination for  
20 any means-tested benefit program administered by either  
21 Department to simultaneously redetermine eligibility for all  
22 other benefit programs administered by either Department in  
23 which the recipient participates.

24 (b) Whenever any such grant of financial aid is cancelled,  
25 revoked, reduced, or terminated because of the failure of the  
26 recipient to cooperate with the Department, including but not  
27 limited to the failure to keep an appointment, attend a  
28 meeting, or produce proof or verification of eligibility or  
29 need, the grant shall be reinstated in full, retroactive to the  
30 date of the change in or termination of the grant, provided  
31 that within 10 working days after the first day the financial  
32 aid would have been available, the recipient cooperates with  
33 the Department and is not otherwise ineligible for benefits for  
34 the period in question. This subsection (b) does not apply to

1 sanctions imposed for the failure of any recipient to  
2 participate as required in the child support enforcement  
3 program or in any educational, training, or employment program  
4 under this Code or any other sanction under Section 4-21, nor  
5 does this subsection (b) apply to any cancellation, revocation,  
6 reduction, termination, or sanction imposed for the failure of  
7 any recipient to cooperate in the monthly reporting process or  
8 the quarterly reporting process.

9 (Source: P.A. 91-357, eff. 7-29-99; 92-597, eff. 6-28-02.)

10 (305 ILCS 5/11-28) (from Ch. 23, par. 11-28)

11 Sec. 11-28. Recipient Bill of Rights. The Illinois  
12 Department shall promulgate a Bill of Rights for Public Aid  
13 recipients which provides basic information about financial  
14 and medical assistance and other social services which are  
15 available through the Illinois Department and the rights of  
16 recipients of and applicants for assistance or social services  
17 to due process in reviewing and contesting decisions or actions  
18 of the Illinois Department or a County Department. The Bill of  
19 Rights also shall contain provisions to insure that all  
20 recipients and applicants are treated with dignity and  
21 fairness. Copies of the Bill of Rights shall be prominently  
22 posted in each County Department and other local service office  
23 maintained by the Illinois Department or a County Department so  
24 that it will be legible to recipients and applicants.

25 The Department of Human Services shall create a telephone  
26 hotline of recorded messages containing the information in the  
27 recipient Bill of Rights and any other important information  
28 about programs and policies and client rights and  
29 responsibilities. The messages shall be in English and Spanish,  
30 and the hotline shall also provide for a referral for  
31 translation assistance for those whose primary language is  
32 neither English nor Spanish.

33 (Source: P.A. 87-528.)



1 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

2 Sec. 12-4.4. Administration of federally-aided programs.  
3 Direct County Departments of Public Aid in the administration  
4 of the federally funded food stamp program, programs to aid  
5 refugees and Articles III, IV, and V of this Code. To the  
6 extent allowed by federal law governing the food stamp program,  
7 the Department shall by rule provide that eligibility periods  
8 for food stamp cases with earned income shall cover a full year  
9 after the initial application is approved and shall undergo  
10 eligibility recertification at one-year intervals thereafter.  
11 If, within the year of eligibility, the circumstances of the  
12 recipient change, resulting in eligibility for increased  
13 benefits, the recipient may request an increase in benefits  
14 from the Department based on the changed circumstances. This  
15 request need not be in writing. The Department may provide by  
16 rule for categories of exceptions involving more frequent  
17 recertifications to minimize errors or fraud. The Department  
18 may, by rule, allow for a longer period of time between  
19 eligibility redeterminations for an individual, household, or  
20 family that is eligible for a longer certification period under  
21 federal law or waiver. To the extent allowed by federal law,  
22 the Department shall offer clients the option to complete any  
23 necessary eligibility or recertification interviews for the  
24 food stamp program in person or by telephone. The Department of  
25 Human Services shall conduct these interviews in the manner  
26 chosen by the client, except that the Department may specify by  
27 rule other exceptions indicated by an applicant's or  
28 recipient's circumstances that require an in-person interview.

29 The Illinois Department ~~of Human Services~~ shall operate a  
30 Food Stamp Employment and Training (FSE&T) program in  
31 compliance with federal law. The FSE&T program will have an  
32 Earnfare component. The Earnfare component shall be available  
33 in selected geographic areas based on criteria established by

1 the Illinois Department of Human Services by rule. Participants  
2 in Earnfare will, to the extent resources allow, earn their  
3 assistance. Participation in the Earnfare program is  
4 voluntary, except when ordered by a court of competent  
5 jurisdiction. Eligibility for Earnfare may be limited to only 6  
6 months out of any 12 consecutive month period. Clients are not  
7 entitled to be placed in an Earnfare slot. Earnfare slots shall  
8 be made available only as resources permit. Earnfare shall be  
9 available to persons receiving food stamps who meet eligibility  
10 criteria established by the Illinois Department of Human  
11 Services by rule. The Illinois Department may, by rule, extend  
12 the Earnfare Program to clients who do not receive food stamps.  
13 Receipt of food stamps is not an eligibility requirement of  
14 Earnfare when a court of competent jurisdiction orders an  
15 individual to participate in the Earnfare Program. To the  
16 extent resources permit, the Earnfare program will allow  
17 participants to engage in work-related activities to earn  
18 monthly financial assistance payments and to improve  
19 participants' employability in order for them to succeed in  
20 obtaining employment. The Illinois Department ~~of Human~~  
21 ~~Services~~ may enter into contracts with other public agencies  
22 including State agencies, with local governmental units, and  
23 with not-for-profit community based organizations to carry out  
24 the elements of the Program that the Department of Human  
25 Services deems appropriate.

26 The Earnfare Program shall contain the following elements:

27 (1) To the extent resources allow and slots exist, the  
28 Illinois Department ~~of Human Services~~ shall refer  
29 recipients of food stamp assistance who meet eligibility  
30 criteria, as established by rule. Receipt of food stamps is  
31 not an eligibility requirement of Earnfare when a court of  
32 competent jurisdiction orders an individual to participate  
33 in the Earnfare Program.

34 (2) Persons participating in Earnfare shall engage in

1 employment assigned activities equal to the amount of the  
2 food stamp benefits divided by the federal minimum wage and  
3 subsequently shall earn minimum wage assistance for each  
4 additional hour of performance in Earnfare activity.  
5 Earnfare participants shall be offered the opportunity to  
6 earn up to \$154. The Department ~~of Human Services~~ may  
7 establish a higher amount by rule provided resources  
8 permit. If a court of competent jurisdiction orders an  
9 individual to participate in the Earnfare program, hours  
10 engaged in employment assigned activities shall first be  
11 applied for a \$50 payment made to the custodial parent as a  
12 support obligation. If the individual receives food  
13 stamps, the individual shall engage in employment assigned  
14 activities equal to the amount of the food stamp benefits  
15 divided by the federal minimum wage and subsequently shall  
16 earn minimum wage assistance for each additional hour of  
17 performance in Earnfare activity.

18 (3) To the extent appropriate slots are available, the  
19 Illinois Department ~~of Human Services~~ shall assign  
20 Earnfare participants to Earnfare activities based on an  
21 assessment of the person's age, literacy, education,  
22 educational achievement, job training, work experience,  
23 and recent institutionalization, whenever these factors  
24 are known to the Department ~~of Human Services~~ or to the  
25 contractor and are relevant to the individual's success in  
26 carrying out the assigned activities and in ultimately  
27 obtaining employment.

28 (4) The Department of Human Services shall consider the  
29 participant's preferences and personal employment goals in  
30 making assignments to the extent administratively possible  
31 and to the extent that resources allow.

32 (5) The Department ~~of Human Services~~ may enter into  
33 cooperative agreements with local governmental units  
34 (which may, in turn, enter into agreements with

1 not-for-profit community based organizations): with other  
2 public, including State, agencies; directly with  
3 not-for-profit community based organizations, and with  
4 private employers to create Earnfare activities for  
5 program participants.

6 (6) To the extent resources permit, the Department of  
7 Human Services shall provide the Earnfare participants  
8 with the costs of transportation in looking for work and in  
9 getting to and from the assigned Earnfare job site and  
10 initial expenses of employment.

11 (7) All income and asset limitations of the Federal  
12 Food Stamp Program will govern continued Earnfare  
13 participation, except that court ordered participants  
14 shall participate for 6 months unless the court orders  
15 otherwise.

16 (8) Earnfare participants shall not displace or  
17 substitute for regular, full time or part time employees,  
18 regardless of whether or not the employee is currently  
19 working, on a leave of absence or in a position or similar  
20 position where a layoff has taken place or the employer has  
21 terminated the employment of any regular employee or  
22 otherwise reduced its workforce with the effect of filling  
23 the vacancy so created with a participant subsidized under  
24 this program, or is or has been involved in a labor dispute  
25 between a labor organization and the sponsor.

26 (9) Persons who fail to cooperate with the FSE&T  
27 program shall become ineligible for food stamp assistance  
28 according to Food Stamp regulations, and for Earnfare  
29 participation. Failure to participate in Earnfare for all  
30 of the hours assigned is not a failure to cooperate unless  
31 so established by the employer pursuant to Department of  
32 Human Services rules. If a person who is ordered by a court  
33 of competent jurisdiction to participate in the Earnfare  
34 Program fails to cooperate with the Program, the person

1 shall be referred to the court for failure to comply with  
2 the court order.

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

4 (305 ILCS 5/12-4.7e new)

5 Sec. 12-4.7e. Counting of income; task force.

6 (a) The General Assembly has created a number of programs  
7 that provide benefits and services to low-income people and  
8 families designed to encourage, support, and sustain their  
9 efforts to improve their economic status through employment.  
10 The General Assembly finds that, because of complex program  
11 rules, agency staffing challenges, and other administrative  
12 infrastructure issues, these programs are not being accessed in  
13 a timely way by many eligible people. As a result, the intended  
14 purposes of these programs are not being accomplished to the  
15 fullest extent possible. People who may have been able to  
16 sustain work or improve their earnings if they had gotten the  
17 intended help from these programs are unable to do so. The  
18 changes made by this amendatory Act of the 94th General  
19 Assembly are intended to simplify program rules, improve  
20 administrative infrastructure to deliver the programs, and  
21 increase the timely utilization of the programs among eligible  
22 people.

23 (b) The Department of Public Aid and the Department of  
24 Human Services shall convene a task force to formulate a plan  
25 to simplify and make as uniform as possible the rules governing  
26 the counting of income for purposes of determining eligibility  
27 and benefit levels in means-tested public benefit programs for  
28 which the 2 departments are responsible. The task force shall  
29 take into account and balance the following factors: (i) the  
30 need to comply with federal law and regulations or seek waivers  
31 of federal law and regulations in order to maximize federal  
32 financial participation; and (ii) the need to minimize  
33 administrative tasks for employees of and contractors with the

1 2 departments. If waivers of federal law and regulations are  
2 needed in order to maximize the goals of simplification and  
3 uniformity without loss of federal financial participation,  
4 the plan shall include the elements and timing of such waivers.  
5 In any event, changes adopted to promote simplification and  
6 uniformity must not decrease the overall State investment in  
7 these programs and must not result in a net decrease in  
8 benefits for the substantial majority of recipients. The task  
9 force shall complete its plan so that the 2 departments can  
10 propose and adopt rule changes that will take effect no later  
11 than July 1, 2006, except to the extent that the changes depend  
12 on approval of waivers by the federal government, in which case  
13 the changes shall be effective upon approval of those waivers.  
14 The departments shall provide or arrange for staff support for  
15 the task force.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.".