

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 Sections 4-2 and 12-4.11 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

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

23 Beginning July 1, 2007, the Department of Human Services

1 shall increase TANF grant amounts in effect on June 30, 2007 by
2 15%.

3 (b) The Illinois Department may conduct special projects,
4 which may be known as Grant Diversion Projects, under which
5 recipients of financial aid under this Article are placed in
6 jobs and their grants are diverted to the employer who in turn
7 makes payments to the recipients in the form of salary or other
8 employment benefits. The Illinois Department shall by rule
9 specify the terms and conditions of such Grant Diversion
10 Projects. Such projects shall take into consideration and be
11 coordinated with the programs administered under the Illinois
12 Emergency Employment Development Act.

13 (c) The amount and nature of the financial aid for a child
14 requiring care outside his own home shall be determined in
15 accordance with the rules and regulations of the Illinois
16 Department, with due regard to the needs and requirements of
17 the child in the foster home or institution in which he has
18 been placed.

19 (d) If the Department establishes grants for family units
20 consisting exclusively of a pregnant woman with no dependent
21 child or including her husband if living with her, the grant
22 amount for such a unit shall be equal to the grant amount for
23 an assistance unit consisting of one adult, or 2 persons if the
24 husband is included. Other than as herein described, an unborn
25 child shall not be counted in determining the size of an
26 assistance unit or for calculating grants.

1 Payments for basic maintenance requirements of a child or
2 children and the relative with whom the child or children are
3 living shall be prescribed, by rule, by the Illinois
4 Department.

5 Grants under this Article shall not be supplemented by
6 General Assistance provided under Article VI.

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

12 (f) Subject to subsection (f-5), an assistance unit,
13 receiving financial aid under this Article or temporarily
14 ineligible to receive aid under this Article under a penalty
15 imposed by the Illinois Department for failure to comply with
16 the eligibility requirements or that voluntarily requests
17 termination of financial assistance under this Article and
18 becomes subsequently eligible for assistance within 9 months,
19 shall not receive any increase in the amount of aid solely on
20 account of the birth of a child; except that an increase is not
21 prohibited when the birth is (i) of a child of a pregnant woman
22 who became eligible for aid under this Article during the
23 pregnancy, or (ii) of a child born within 10 months after the
24 date of implementation of this subsection, or (iii) of a child
25 conceived after a family became ineligible for assistance due
26 to income or marriage and at least 3 months of ineligibility

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

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

19 In making the transfers authorized by this subsection, the
20 Illinois Department shall first determine, pursuant to
21 regulations adopted by the Illinois Department for this
22 purpose, the amount of savings attributable to not increasing
23 the grants due to the births of additional children. Transfers
24 may be made from General Revenue Fund appropriations for
25 distributive purposes authorized by Article IV of this Code
26 only to General Revenue Fund appropriations for employability

1 development services including operating and administrative
2 costs and related distributive purposes under Article IXA of
3 this Code. The Director, with the approval of the Governor,
4 shall certify the amount and affected line item appropriations
5 to the State Comptroller.

6 Nothing in this subsection shall be construed to prohibit
7 the Illinois Department from using funds under this Article IV
8 to provide assistance in the form of vouchers that may be used
9 to pay for goods and services deemed by the Illinois
10 Department, by rule, as suitable for the care of the child such
11 as diapers, clothing, school supplies, and cribs.

12 (f-5) Subsection (f) shall not apply to affect the monthly
13 assistance amount of any family as a result of the birth of a
14 child on or after January 1, 2004. As resources permit after
15 January 1, 2004, the Department may cease applying subsection
16 (f) to limit assistance to families receiving assistance under
17 this Article on January 1, 2004, with respect to children born
18 prior to that date. In any event, subsection (f) shall be
19 completely inoperative on and after July 1, 2007.

20 (g) (Blank).

21 (h) Notwithstanding any other provision of this Code, the
22 Illinois Department is authorized to reduce payment levels used
23 to determine cash grants under this Article after December 31
24 of any fiscal year if the Illinois Department determines that
25 the caseload upon which the appropriations for the current
26 fiscal year are based have increased by more than 5% and the

1 appropriation is not sufficient to ensure that cash benefits
2 under this Article do not exceed the amounts appropriated for
3 those cash benefits. Reductions in payment levels may be
4 accomplished by emergency rule under Section 5-45 of the
5 Illinois Administrative Procedure Act, except that the
6 limitation on the number of emergency rules that may be adopted
7 in a 24-month period shall not apply and the provisions of
8 Sections 5-115 and 5-125 of the Illinois Administrative
9 Procedure Act shall not apply. Increases in payment levels
10 shall be accomplished only in accordance with Section 5-40 of
11 the Illinois Administrative Procedure Act. Before any rule to
12 increase payment levels promulgated under this Section shall
13 become effective, a joint resolution approving the rule must be
14 adopted by a roll call vote by a majority of the members
15 elected to each chamber of the General Assembly.

16 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03.)

17 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

18 Sec. 12-4.11. Grant amounts. The Department, with due
19 regard for and subject to budgetary limitations, shall
20 establish grant amounts for each of the programs, by
21 regulation. The grant amounts may vary by program, size of
22 assistance unit and geographic area.

23 Aid payments shall not be reduced except: (1) for changes
24 in the cost of items included in the grant amounts, or (2) for
25 changes in the expenses of the recipient, or (3) for changes in

1 the income or resources available to the recipient, or (4) for
2 changes in grants resulting from adoption of a consolidated
3 grant amount.

4 Beginning July 1, 2007, the Department of Human Services
5 shall increase TANF grant amounts in effect on June 30, 2007 by
6 15%.

7 In fixing standards to govern payments or reimbursements
8 for funeral and burial expenses, the Department shall establish
9 a minimum allowable amount of not less than \$1,000 for
10 Department payment of funeral services and not less than \$500
11 for Department payment of burial or cremation services. On
12 January 1, 2006, July 1, 2006, and July 1, 2007, the Department
13 shall increase the minimum reimbursement amount for funeral and
14 burial expenses under this Section by a percentage equal to the
15 percentage increase in the Consumer Price Index for All Urban
16 Consumers, if any, during the 12 months immediately preceding
17 that January 1 or July 1. In establishing the minimum allowable
18 amount, the Department shall take into account the services
19 essential to a dignified, low-cost (i) funeral and (ii) burial
20 or cremation, including reasonable amounts that may be
21 necessary for burial space and cemetery charges, and any
22 applicable taxes or other required governmental fees or
23 charges. If no person has agreed to pay the total cost of the
24 (i) funeral and (ii) burial or cremation charges, the
25 Department shall pay the vendor the actual costs of the (i)
26 funeral and (ii) burial or cremation, or the minimum allowable

1 amount for each service as established by the Department,
2 whichever is less, provided that the Department reduces its
3 payments by the amount available from the following sources:
4 the decedent's assets and available resources and the
5 anticipated amounts of any death benefits available to the
6 decedent's estate, and amounts paid and arranged to be paid by
7 the decedent's legally responsible relatives. A legally
8 responsible relative is expected to pay (i) funeral and (ii)
9 burial or cremation expenses unless financially unable to do
10 so.

11 Nothing contained in this Section or in any other Section
12 of this Code shall be construed to prohibit the Illinois
13 Department (1) from consolidating existing standards on the
14 basis of any standards which are or were in effect on, or
15 subsequent to July 1, 1969, or (2) from employing any
16 consolidated standards in determining need for public aid and
17 the amount of money payment or grant for individual recipients
18 or recipient families.

19 (Source: P.A. 94-669, eff. 8-23-05.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.