

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 11-15 and 11-20.1 as follows:

6 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

7 Sec. 11-15. Application requirements.

8 (1) An application for financial aid shall be filed in  
9 writing by the person requesting aid and, in the case of a  
10 request for family aid, by the head of that family, except as  
11 otherwise permitted in paragraph (2). Applications for aid  
12 under Articles III, IV, and V shall be filed in writing with  
13 any local office of the Department of Human Services ~~the county~~  
14 ~~department of the county in which the applicant resides~~ in the  
15 manner prescribed by the ~~Illinois~~ Department. Applications for  
16 aid under Article VI shall be filed in writing with the local  
17 governmental unit upon forms approved by the ~~Illinois~~  
18 Department. The date of the application shall be the date it is  
19 submitted by the applicant.

20 Each applicant shall provide information as to the amount  
21 of property, real and personal, owned by him or her within the  
22 period of time preceding the application as required under  
23 Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The applicant

1 shall also furnish information concerning all income, money  
2 contributions, and other support from any source, and the  
3 beneficiary and the amount or cash surrender or loan value of  
4 all insurance policies held by himself or herself or any member  
5 of his family for whom aid is requested.

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

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

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

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

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

1 of the Illinois Department, who is able to furnish the required  
2 information.

3 (3) The application shall contain a written declaration to  
4 be signed by the applicant, or in behalf of the applicant by a  
5 person qualified under paragraph (2), in substantially the  
6 following form, the parenthetical references being applicable  
7 to an application filed by a person in behalf of the applicant:

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

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

- 20 (i) a copy of the person's birth certificate, or  
21 (ii) other reliable proof, as determined by the  
22 Department, of the person's identity and age.

23 The Illinois Department shall provide information to all  
24 families, orally by an intake worker and in writing when the  
25 application is filed, about the availability and location of  
26 immunization services.

1       (5) Once an applicant is determined eligible for aid, he or  
2 she has the right to request to have the case transferred to  
3 another local office of the Department of Human Services for  
4 his or her convenience based on one of the following factors:  
5 the location of his or her employer; the location of his or her  
6 child care provider; access to reliable transportation; or the  
7 location of a social service provider that he or she sees on a  
8 regular basis. Within 5 business days after the request for  
9 transfer, the Department shall transfer the case, assign a  
10 caseworker, make appropriate entries in the computer system,  
11 and issue a written notice to the recipient that includes the  
12 name of and contact information for the caseworker. The  
13 location of the recipient's case may be reconsidered on the  
14 recipient's request or at the time of redetermination of  
15 eligibility.

16       (6) Notwithstanding any other rulemaking authority that  
17 may exist, neither the Governor nor any agency or agency head  
18 under the jurisdiction of the Governor has any authority to  
19 make or promulgate rules to implement or enforce the provisions  
20 of this amendatory Act of the 95th General Assembly. If,  
21 however, the Governor believes that rules are necessary to  
22 implement or enforce the provisions of this amendatory Act of  
23 the 95th General Assembly, the Governor may suggest rules to  
24 the General Assembly by filing them with the Clerk of the House  
25 and Secretary of the Senate and by requesting that the General  
26 Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action  
2 in the General Assembly's discretion. Nothing contained in this  
3 amendatory Act of the 95th General Assembly shall be  
4 interpreted to grant rulemaking authority under any other  
5 Illinois statute where such authority is not otherwise  
6 explicitly given. For the purposes of this amendatory Act of  
7 the 95th General Assembly, "rules" is given the meaning  
8 contained in Section 1-70 of the Illinois Administrative  
9 Procedure Act, and "agency" and "agency head" are given the  
10 meanings contained in Sections 1-20 and 1-25 of the Illinois  
11 Administrative Procedure Act to the extent that such  
12 definitions apply to agencies or agency heads under the  
13 jurisdiction of the Governor.

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

15 (305 ILCS 5/11-20.1) (from Ch. 23, par. 11-20.1)

16 Sec. 11-20.1. Employment; Rights of recipient and  
17 obligations of Illinois Department when recipients become  
18 employed; Assistance when a recipient has employment or earned  
19 income or both.

20 (a) When a recipient reports employment or earned income,  
21 or both, or the Illinois Department otherwise learns of a  
22 recipient's employment or earned income, or both, the Illinois  
23 Department shall provide the recipient with:

24 (1) An explanation of how the earned income will affect  
25 the recipient's eligibility for a grant, and whether the

1 recipient must engage in additional work activities to meet  
2 the recipient's monthly work activities requirement and  
3 what types of activities may be approved for that purpose,  
4 and whether the employment is sufficient to cause months of  
5 continued receipt of a grant not to be counted against the  
6 recipient's lifetime eligibility limit.

7 (2) An explanation of the Work Pays budgeting process,  
8 and an explanation of how the first month's income on a new  
9 job will be projected, and how the recipient should report  
10 the new job to avoid the Department overestimating the  
11 first month's income.

12 (3) An explanation of how the earned income will affect  
13 the recipient's eligibility for food stamps, whether the  
14 recipient will continue to receive food stamps, and, if so,  
15 the amount of food stamps.

16 (4) The names and telephone numbers of all caseworkers  
17 to whom the recipient's case or cases are assigned or will  
18 be transferred, an explanation of which type of case each  
19 worker will be handling, and the effective date of the  
20 transfer.

21 (5) An explanation of the recipient's responsibilities  
22 to report income and household circumstances, the process  
23 by which quarterly reporting forms are sent to recipients,  
24 where and to whom the reports should be returned, the  
25 deadline by which reports must be returned, instructions on  
26 how to fill out the reports, an explanation of what the

1 recipient should do if he or she does not receive the form,  
2 advice on how to prove the report was returned by the  
3 recipient such as by keeping a copy, and an explanation of  
4 the effects of failure to file reports.

5 (6) If the recipient will continue to receive a grant,  
6 an explanation of the recipient's new fiscal month and a  
7 statement as to when the recipient will receive his or her  
8 grant.

9 (7) An explanation of Kidcare, Family Assist, Family  
10 Care, and the 12 month extension of medical assistance that  
11 is available when a grant is cancelled due to earned  
12 income.

13 (8) An explanation of the medical assistance the person  
14 may be eligible for when the 12 month extension expires and  
15 how to request or apply for it.

16 (9) An explanation of the availability of a child care  
17 subsidy to all families below the child care assistance  
18 program's income limit, how to apply for the benefit  
19 through the Child Care Resource and Referral or  
20 site-administered child care program or both, the nature of  
21 the child care program's sliding scale co-payments, the  
22 availability of the 10% earned income disregard in  
23 determining eligibility for child care assistance and the  
24 amount of the parent co-payment, the right to use the  
25 subsidy for either licensed or license exempt legal care,  
26 and the availability of benefits when the parent is engaged

1 in an education and training program.

2 (10) (Blank).

3 (11) (Blank).

4 (11a) (Blank).

5 (12) (Blank).

6 (13) An explanation of the availability of payment for  
7 initial expenses of employment and how to request or apply  
8 for it.

9 (14) An explanation of the job retention component and  
10 how to participate in it, and an explanation of the  
11 recipient's eligibility to receive supportive services to  
12 participate in education and training programs while  
13 working.

14 (15) A statement of the types of assistance that will  
15 be provided to the person automatically or continued and a  
16 statement of the types of assistance for which the person  
17 must apply or reapply.

18 (16) If the recipient will not continue to receive a  
19 cash grant and the recipient has assigned his or her right  
20 to child support to the Illinois Department, an explanation  
21 of the recipient's right to continue to receive child  
22 support enforcement services, the recipient's right to  
23 have all current support paid after grant cancellation  
24 forwarded promptly to the recipient, the procedures by  
25 which child support will be forwarded, and the procedures  
26 by which the recipient will be informed of the collection

1 and distribution of child support.

2 (17) An explanation of the availability of payments if  
3 the recipient experiences a decrease in or loss of earned  
4 income during a calendar quarter as to which the monthly  
5 grant was previously budgeted based upon the higher income.

6 (18) If the recipient will not continue to receive a  
7 cash grant, an explanation of the procedures for reapplying  
8 for cash assistance if the person experiences a decrease in  
9 or loss of earned income.

10 (19) An explanation of the earned income tax credit and  
11 the procedures by which it may be obtained and the rules  
12 for disregarding it in determining eligibility for and the  
13 amount of assistance.

14 (20) An explanation of the education and training  
15 opportunities available to recipients.

16 (b) The information listed in subsection (a) shall be  
17 provided to the recipient on an individual basis during an  
18 in-person meeting with a representative of the Illinois  
19 Department. The individual in-person meeting shall be held at a  
20 time which does not conflict with the recipient's work schedule  
21 within 30 days of the date the recipient begins working. If the  
22 recipient informs the Illinois Department that an in-person  
23 meeting would be inconvenient, the Illinois Department may  
24 provide the information during a home visit, by telephone, or  
25 by mail within 30 days of the date the recipient begins  
26 working, whichever the client prefers.

1 (c) At the conclusion of the meeting described in  
2 subsection (b), the Illinois Department shall ensure that all  
3 case transfers and calculations of benefits necessitated by the  
4 recipient's employment or receipt of earned income have been  
5 performed, that applications have been made or provided for all  
6 benefits for which the person must apply or reapply, and that  
7 the person has received payment for initial expenses of  
8 employment.

9 (d) In food stamp cases in which an applicant or recipient  
10 reports earned income, the applicant's or recipient's  
11 employment shall be presumed to be a hardship for purposes of  
12 scheduling an in-person meeting with a representative of the  
13 Illinois Department and an in-person meeting shall be waived.

14 (e) Notwithstanding any other rulemaking authority that  
15 may exist, neither the Governor nor any agency or agency head  
16 under the jurisdiction of the Governor has any authority to  
17 make or promulgate rules to implement or enforce the provisions  
18 of this amendatory Act of the 95th General Assembly. If,  
19 however, the Governor believes that rules are necessary to  
20 implement or enforce the provisions of this amendatory Act of  
21 the 95th General Assembly, the Governor may suggest rules to  
22 the General Assembly by filing them with the Clerk of the House  
23 and Secretary of the Senate and by requesting that the General  
24 Assembly authorize such rulemaking by law, enact those  
25 suggested rules into law, or take any other appropriate action  
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be  
2 interpreted to grant rulemaking authority under any other  
3 Illinois statute where such authority is not otherwise  
4 explicitly given. For the purposes of this amendatory Act of  
5 the 95th General Assembly, "rules" is given the meaning  
6 contained in Section 1-70 of the Illinois Administrative  
7 Procedure Act, and "agency" and "agency head" are given the  
8 meanings contained in Sections 1-20 and 1-25 of the Illinois  
9 Administrative Procedure Act to the extent that such  
10 definitions apply to agencies or agency heads under the  
11 jurisdiction of the Governor.

12 (Source: P.A. 93-598, eff. 8-26-03.)