

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 4-1, 4-1.6, 4-12, 4-22, and 9A-8 and by
6 adding Sections 2-18 and 4-1.6b as follows:

7 (305 ILCS 5/2-18 new)

8 Sec. 2-18. Domestic or sexual violence. "Domestic or sexual
9 violence" means domestic violence, sexual assault, or
10 stalking. Domestic or sexual violence may occur through
11 electronic communication.

12 "Domestic violence" means "abuse" as defined in Section 103
13 of the Illinois Domestic Violence Act of 1986 by a "family or
14 household member" as defined in Section 103 of the Illinois
15 Domestic Violence Act of 1986.

16 "Sexual assault" means any conduct proscribed by Sections
17 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
18 1961.

19 "Stalking" means any conduct proscribed by Sections
20 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 1961.

21 "Electronic communication" includes communications via
22 telephone, mobile phone, computer, e-mail, video recorder, fax
23 machine, telex, or pager, or any other "electronic

1 communication" as defined in Section 12-7.5 of the Criminal
2 Code of 1961.

3 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

4 Sec. 4-1. Eligibility requirements. Financial aid in
5 meeting basic maintenance requirements for a livelihood
6 compatible with health and well-being shall be given under this
7 Article to or in behalf of families with dependent children who
8 meet the eligibility conditions of Sections 4-1.1 through
9 4-1.11. It shall be the policy of the Illinois Department to
10 provide aid under this Article to all qualified persons who
11 seek assistance and to conduct outreach efforts to educate the
12 public about the program. The Department shall provide timely,
13 accurate, and fair service to all applicants for assistance.
14 Persons who meet the eligibility criteria authorized under this
15 Article shall be treated equally, provided that nothing in this
16 Article shall be construed to create an entitlement to a
17 particular grant or service level or to aid in amounts not
18 authorized under this Code, nor construed to limit the
19 authority of the General Assembly to change the eligibility
20 requirements or provisions respecting assistance amounts. The
21 General Assembly recognizes that the need for aid will
22 fluctuate with the economic situation in Illinois and that at
23 times the number of people receiving aid under this Article
24 will increase.

25 The Illinois Department shall advise every applicant for

1 and recipient of aid under this Article of (i) the requirement
2 that all recipients move toward self-sufficiency and (ii) the
3 value and benefits of employment. As a condition of eligibility
4 for that aid, every person who applies for aid under this
5 Article on or after the effective date of this amendatory Act
6 of 1995 shall prepare and submit, as part of the application or
7 subsequent redetermination, a personal plan for achieving
8 employment and self-sufficiency. The plan shall incorporate
9 the individualized assessment and employability plan set out in
10 subsections (d), (f), and (g) of Section 9A-8. The plan may be
11 amended as the recipient's needs change. The assessment process
12 to develop the plan shall include questions that screen for
13 domestic violence issues and steps needed to address these
14 issues may be part of the plan. If the individual indicates
15 that he or she is a victim of domestic violence, he or she may
16 also be referred to an available domestic violence program.
17 Failure of the client to follow through on the personal plan
18 for employment and self-sufficiency may be a basis for sanction
19 under Section 4-21.

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

21 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

22 Sec. 4-1.6. Need. Income available to the family as defined
23 by the Illinois Department by rule, or to the child in the case
24 of a child removed from his or her home, when added to
25 contributions in money, substance or services from other

1 sources, including income available from parents absent from
2 the home or from a stepparent, contributions made for the
3 benefit of the parent or other persons necessary to provide
4 care and supervision to the child, and contributions from
5 legally responsible relatives, must be ~~insufficient to~~ equal to
6 or less than the grant amount established by Department
7 regulation for such a person. For purposes of eligibility for
8 aid under this Article, the Department shall disregard all
9 earned income between the grant amount and 50% of the Federal
10 Poverty Level.

11 In considering income to be taken into account,
12 consideration shall be given to any expenses reasonably
13 attributable to the earning of such income. Three-fourths of
14 the earned income of a household eligible for aid under this
15 Article shall be disregarded when determining the level of
16 assistance for which a household is eligible. The Illinois
17 Department may also permit all or any portion of earned or
18 other income to be set aside for the future identifiable needs
19 of a child. The Illinois Department may provide by rule and
20 regulation for the exemptions thus permitted or required. The
21 eligibility of any applicant for or recipient of public aid
22 under this Article is not affected by the payment of any grant
23 under the "Senior Citizens and Disabled Persons Property Tax
24 Relief and Pharmaceutical Assistance Act" or any distributions
25 or items of income described under subparagraph (X) of
26 paragraph (2) of subsection (a) of Section 203 of the Illinois

1 Income Tax Act.

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

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

7 (305 ILCS 5/4-1.6b new)

8 Sec. 4-1.6b. Date for providing aid; employability
9 assessment.

10 (a) The Department shall provide financial aid no more than
11 30 days after the date of application.

12 (b) During the first 30 days after the date of application,
13 the applicant shall undergo a thorough employability
14 assessment, in accordance with subsection (d) of Section 9A-8
15 of this Code, and shall prepare a personal plan for achieving
16 employment and self-sufficiency in accordance with Section 4-1
17 of this Code. The requirement to engage in work-related
18 activity may commence 30 days after the date of application.

19 (c) Financial aid under this Article shall be authorized
20 effective on the date of application, provided that the
21 applicant is eligible on that date.

22 (305 ILCS 5/4-12) (from Ch. 23, par. 4-12)

23 Sec. 4-12. Crisis assistance. Where a family has been (1)
24 rendered homeless or threatened with homelessness by fire,

1 flood, other natural disaster, eviction or court order to
2 vacate the premises for reasons other than nonpayment of rent,
3 or where a family has ~~spouse and child have~~ become homeless
4 because they have left their ~~the~~ residence due to domestic or
5 sexual violence ~~occupied by a spouse who was physically abusing~~
6 ~~the now homeless spouse or child;~~ (1.5) deprived of the
7 household's income as a result of domestic or sexual violence;
8 (2) deprived of essential items of furniture or essential
9 clothing by fire or flood or other natural disaster; (3)
10 deprived of food as a result of actions other than loss or
11 theft of cash and where the deprivation cannot be promptly
12 alleviated through the federal food stamp program; (4) as a
13 result of a documented theft or documented loss of cash,
14 deprived of food or essential clothing or deprived of shelter
15 or immediately threatened with deprivation of shelter as
16 evidenced by a court order requiring immediate eviction due to
17 nonpayment of rent; or (5) rendered the victim of such other
18 hardships as the Illinois Department shall by rule define, the
19 Illinois Department may provide assistance to alleviate such
20 needs. The Illinois Department shall verify need and determine
21 eligibility for crisis assistance for families already
22 receiving grants from the Illinois Department within 5 working
23 days following application for such assistance and shall
24 determine eligibility for all other families and afford such
25 assistance for families found eligible within such time limits
26 as the Illinois Department shall by rule provide. The Illinois

1 Department may, by rule, limit crisis assistance to an eligible
2 family to once in any 12 consecutive months. This limitation
3 may be made for some or all items of crisis assistance.

4 The Illinois Department by regulation shall specify the
5 criteria for determining eligibility and the amount and nature
6 of assistance to be provided. Where deprivation of shelter
7 exists or is threatened, the Illinois Department may provide
8 reasonable moving expenses, short term rental costs, including
9 one month's rent and a security deposit where such expenses are
10 needed for relocation, and, where the Department determines
11 appropriate, provide assistance to prevent an imminent
12 eviction or foreclosure. These amounts may be described in
13 established amounts or maximums. The Illinois Department may
14 also describe, for each form of assistance authorized, the
15 method by which the assistance shall be delivered, including
16 but not limited to warrants or disbursing orders.

17 Annual expenditures under this Section shall not exceed
18 \$2,000,000. The Illinois Department shall review such
19 expenditures quarterly and shall, if necessary, reduce the
20 amounts or nature of assistance authorized in order to assure
21 that the limit is not exceeded.

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

23 (305 ILCS 5/4-22)

24 Sec. 4-22. Domestic and sexual violence.

25 (a) The assessment process to develop the personal plan for

1 achieving self-sufficiency shall include questions that screen
2 for domestic and sexual violence issues. If the individual
3 indicates that he or she is the victim of domestic or sexual
4 violence and indicates a need to address domestic or sexual
5 violence issues in order to reach self-sufficiency, the plan
6 shall take this factor into account in determining the work,
7 education, and training activities suitable to the client for
8 achieving self-sufficiency. In addition, in such a case,
9 specific steps needed to directly address the domestic or
10 sexual violence issues may also be made part of the plan,
11 including referral to an available domestic or sexual violence
12 program. The Department shall conduct an individualized
13 assessment and grant waivers of program requirements and other
14 required activities for victims of domestic violence to the
15 fullest extent allowed by 42 U.S.C. 602(a)(7)(A), and shall
16 apply the same laws, regulations, and policies to victims of
17 sexual violence. The duration of such waivers shall be
18 initially determined and subsequently redetermined on a
19 case-by-case basis. There shall be no limitation on the total
20 number of months for which waivers under this Section may be
21 granted, but continuing eligibility for a waiver shall be
22 redetermined no less often than every 6 months.

23 (b) The Illinois Department shall develop and monitor
24 compliance procedures for its employees, contractors, and
25 subcontractors to ensure that any information pertaining to any
26 client who claims to be a past or present victim of domestic

1 violence or an individual at risk of further domestic violence,
2 whether provided by the victim or by a third party, will remain
3 confidential.

4 (c) The Illinois Department shall develop and implement a
5 domestic violence training curriculum for Illinois Department
6 employees who serve applicants for and recipients of aid under
7 this Article. The curriculum shall be designed to better equip
8 those employees to identify and serve domestic violence
9 victims. The Illinois Department may enter into a contract for
10 the development of the curriculum with one or more
11 organizations providing services to domestic violence victims.
12 The Illinois Department shall adopt rules necessary to
13 implement this subsection.

14 (Source: P.A. 90-17, eff. 7-1-97; 91-759, eff. 1-1-01.)

15 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)

16 Sec. 9A-8. Operation of Program.

17 (a) At the time of application or redetermination of
18 eligibility under Article IV, as determined by rule, the
19 Illinois Department shall provide information in writing and
20 orally regarding the education, training and employment
21 program to all applicants and recipients. The information
22 required shall be established by rule and shall include, but
23 need not be limited to:

24 (1) education (including literacy training),
25 employment and training opportunities available, the

1 criteria for approval of those opportunities, and the right
2 to request changes in the personal responsibility and
3 services plan to include those opportunities;

4 (1.1) a complete list of all activities that are
5 approvable activities, and the circumstances under which
6 they are approvable, including work activities, substance
7 abuse or mental health treatment, activities to escape and
8 prevent domestic violence, caring for a medically impaired
9 family member, and any other approvable activities,
10 together with the right to and procedures for amending the
11 responsibility and services plan to include these
12 activities;

13 (1.2) the rules concerning the lifetime limit on
14 eligibility, including the current status of the applicant
15 or recipient in terms of the months of remaining
16 eligibility, the criteria under which a month will not
17 count towards the lifetime limit, and the criteria under
18 which a recipient may receive benefits beyond the end of
19 the lifetime limit;

20 (2) supportive services including child care and the
21 rules regarding eligibility for and access to the child
22 care assistance program, transportation, initial expenses
23 of employment, job retention, books and fees, and any other
24 supportive services;

25 (3) the obligation of the Department to provide
26 supportive services;

1 (4) the rights and responsibilities of participants,
2 including exemption, sanction, reconciliation, and good
3 cause criteria and procedures, termination for
4 non-cooperation and reinstatement rules and procedures,
5 and appeal and grievance procedures; and

6 (5) the types and locations of child care services.

7 (b) The Illinois Department shall notify the recipient in
8 writing of the opportunity to volunteer to participate in the
9 program.

10 (c) (Blank).

11 (d) As part of the personal plan for achieving employment
12 and self-sufficiency, the Department shall conduct an
13 individualized assessment of the participant's employability.
14 No participant may be assigned to any component of the
15 education, training and employment activity prior to such
16 assessment. The plan shall include collection of information on
17 the individual's background, proficiencies, skills
18 deficiencies, education level, work history, employment goals,
19 interests, aptitudes, and employment preferences, as well as
20 factors affecting employability or ability to meet
21 participation requirements (e.g., health, physical or mental
22 limitations, child care, family circumstances, domestic
23 violence, sexual violence, substance abuse, and special needs
24 of any child of the individual). As part of the plan,
25 individuals and Department staff shall work together to
26 identify any supportive service needs required to enable the

1 client to participate and meet the objectives of his or her
2 employability plan. The assessment may be conducted through
3 various methods such as interviews, testing, counseling, and
4 self-assessment instruments. In the assessment process, the
5 Department shall offer to include standard literacy testing and
6 a determination of English language proficiency and shall
7 provide it for those who accept the offer. Based on the
8 assessment, the individual will be assigned to the appropriate
9 activity. The decision will be based on a determination of the
10 individual's level of preparation for employment as defined by
11 rule.

12 (e) Recipients determined to be exempt may volunteer to
13 participate pursuant to Section 9A-4 and must be assessed.

14 (f) As part of the personal plan for achieving employment
15 and self-sufficiency under Section 4-1, an employability plan
16 for recipients shall be developed in consultation with the
17 participant. The Department shall have final responsibility
18 for approving the employability plan. The employability plan
19 shall:

20 (1) contain an employment goal of the participant;

21 (2) describe the services to be provided by the
22 Department, including child care and other support
23 services;

24 (3) describe the activities, such as component
25 assignment, that will be undertaken by the participant to
26 achieve the employment goal; and

1 (4) describe any other needs of the family that might
2 be met by the Department.

3 (g) The employability plan shall take into account:

4 (1) available program resources;

5 (2) the participant's support service needs;

6 (3) the participant's skills level and aptitudes;

7 (4) local employment opportunities; and

8 (5) the preferences of the participant.

9 (h) A reassessment shall be conducted to assess a
10 participant's progress and to review the employability plan on
11 the following occasions:

12 (1) upon completion of an activity and before
13 assignment to an activity;

14 (2) upon the request of the participant;

15 (3) if the individual is not cooperating with the
16 requirements of the program; and

17 (4) if the individual has failed to make satisfactory
18 progress in an education or training program.

19 Based on the reassessment, the Department may revise the
20 employability plan of the participant.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.