



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4347

by Rep. Jehan A. Gordon-Booth

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Provides that the Department of Human Services shall provide specified child care services (rather than providing those services to the extent resources permit). Adds, to the categories of families to which the Department shall provide child care services, families that are income-eligible for child care assistance, are not recipients of TANF, and need child care assistance to participate in education and training activities. Provides that the eligibility requirements for child care assistance services shall be no more restrictive than the eligibility requirements in effect on June 30, 2015. Provides that the Department shall not condition eligibility for child care assistance services upon cooperation in establishing paternity of a child or cooperation with child support collection or enforcement. Provides that, until the Department establishes a new co-payment scale by rule, co-payments shall be equal to those in effect on June 30, 2015. Provides that co-payments for child care services may not be increased more than once every 6 months and may not be increased at a rate that exceeds the percentage increase in the Consumer Price Index for all Urban Consumers during the prior calendar year or 5%, whichever is less. Provides that the Department may not adopt emergency rules relating to certain child care assistance services. Deletes language regarding: an income threshold for FY2007; a test program for certain families to participate in education and training activities; development of a plan to revise the child care assistance program's co-payment scale by February 1, 2008; and authorization to lower income eligibility ceilings or other actions to ensure that child care benefits do not exceed the amounts appropriated for those benefits. Makes other changes. Effective immediately.

LRB099 15627 KTG 39919 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with
9 children need child care in order to work. Child care is
10 expensive and families with low incomes, including those who
11 are transitioning from welfare to work, often struggle to pay
12 the costs of day care. The General Assembly understands the
13 importance of helping low income working families become and
14 remain self-sufficient. The General Assembly also believes
15 that it is the responsibility of families to share in the costs
16 of child care. It is also the preference of the General
17 Assembly that all working poor families should be treated
18 equally, regardless of their welfare status.

19 (b) The ~~To the extent resources permit, the~~ Illinois
20 Department shall provide child care services to parents or
21 other relatives as defined by rule who are working or
22 participating in employment or Department approved education
23 or training programs. At a minimum, the Illinois Department

1 shall cover the following categories of families:

2 (1) recipients of TANF under Article IV participating
3 in work and training activities as specified in the
4 personal plan for employment and self-sufficiency;

5 (2) families transitioning from TANF to work;

6 (3) families at risk of becoming recipients of TANF;

7 (4) families with special needs as defined by rule; ~~and~~

8 (5) working families with very low incomes as defined
9 by rule; and ~~and~~.

10 (6) families that are income-eligible for child care
11 assistance, are not recipients of TANF under Article IV,
12 and need child care assistance to participate in education
13 and training activities.

14 The Department shall specify by rule the conditions of
15 eligibility, the application process, and the types, amounts,
16 and duration of services. Eligibility for child care benefits
17 and the amount of child care provided may vary based on family
18 size, income, and other factors as specified by rule.

19 In determining income eligibility for child care benefits,
20 the Department annually, at the beginning of each fiscal year,
21 shall establish, by rule, one income threshold for each family
22 size, in relation to percentage of State median income for a
23 family of that size, that makes families with incomes below the
24 specified threshold eligible for assistance and families with
25 incomes above the specified threshold ineligible for
26 assistance. ~~The Through and including fiscal year 2007, the~~

1 ~~specified threshold must be no less than 50% of the~~
2 ~~then-current State median income for each family size.~~
3 ~~Beginning in fiscal year 2008,~~ the specified threshold must be
4 no less than 185% of the then-current federal poverty level for
5 each family size.

6 In determining eligibility for assistance, the Department
7 shall not give preference to any category of recipients or give
8 preference to individuals based on their receipt of benefits
9 under this Code.

10 Notwithstanding any other provision of law or
11 administrative rule to the contrary, the eligibility
12 requirements for child care assistance services provided under
13 this Article shall be no more restrictive than the eligibility
14 requirements in effect on June 30, 2015.

15 Notwithstanding any other provision of law or
16 administrative rule to the contrary, the Department shall not
17 condition eligibility for child care assistance provided under
18 this Article upon cooperation in establishing paternity of a
19 child or cooperation with child support collection or
20 enforcement for a child. The Department may provide information
21 about the availability of assistance from the Department of
22 Healthcare and Family Services Division of Child Support
23 Services to all applicants for child care assistance.

24 ~~The Department shall allocate \$7,500,000 annually for a~~
25 ~~test program for families who are income-eligible for child~~
26 ~~care assistance, who are not recipients of TANF under Article~~

1 ~~IV, and who need child care assistance to participate in~~
2 ~~education and training activities. The Department shall~~
3 ~~specify by rule the conditions of eligibility for this test~~
4 ~~program.~~

5 Nothing in this Section shall be construed as conferring
6 entitlement status to eligible families.

7 ~~The Illinois Department is authorized to lower income~~
8 ~~eligibility ceilings, raise parent co payments, create waiting~~
9 ~~lists, or take such other actions during a fiscal year as are~~
10 ~~necessary to ensure that child care benefits paid under this~~
11 ~~Article do not exceed the amounts appropriated for those child~~
12 ~~care benefits. These changes may be accomplished by emergency~~
13 ~~rule under Section 5-45 of the Illinois Administrative~~
14 ~~Procedure Act, except that the limitation on the number of~~
15 ~~emergency rules that may be adopted in a 24 month period shall~~
16 ~~not apply.~~

17 The Illinois Department may contract with other State
18 agencies or child care organizations for the administration of
19 child care services.

20 (c) Payment shall be made for child care that otherwise
21 meets the requirements of this Section and applicable standards
22 of State and local law and regulation, including any
23 requirements the Illinois Department promulgates by rule in
24 addition to the licensure requirements promulgated by the
25 Department of Children and Family Services and Fire Prevention
26 and Safety requirements promulgated by the Office of the State

1 Fire Marshal and is provided in any of the following:

2 (1) a child care center which is licensed or exempt
3 from licensure pursuant to Section 2.09 of the Child Care
4 Act of 1969;

5 (2) a licensed child care home or home exempt from
6 licensing;

7 (3) a licensed group child care home;

8 (4) other types of child care, including child care
9 provided by relatives or persons living in the same home as
10 the child, as determined by the Illinois Department by
11 rule.

12 (c-5) Solely for the purposes of coverage under the
13 Illinois Public Labor Relations Act, child and day care home
14 providers, including licensed and license exempt,
15 participating in the Department's child care assistance
16 program shall be considered to be public employees and the
17 State of Illinois shall be considered to be their employer as
18 of the effective date of this amendatory Act of the 94th
19 General Assembly, but not before. The State shall engage in
20 collective bargaining with an exclusive representative of
21 child and day care home providers participating in the child
22 care assistance program concerning their terms and conditions
23 of employment that are within the State's control. Nothing in
24 this subsection shall be understood to limit the right of
25 families receiving services defined in this Section to select
26 child and day care home providers or supervise them within the

1 limits of this Section. The State shall not be considered to be
2 the employer of child and day care home providers for any
3 purposes not specifically provided in this amendatory Act of
4 the 94th General Assembly, including but not limited to,
5 purposes of vicarious liability in tort and purposes of
6 statutory retirement or health insurance benefits. Child and
7 day care home providers shall not be covered by the State
8 Employees Group Insurance Act of 1971.

9 In according child and day care home providers and their
10 selected representative rights under the Illinois Public Labor
11 Relations Act, the State intends that the State action
12 exemption to application of federal and State antitrust laws be
13 fully available to the extent that their activities are
14 authorized by this amendatory Act of the 94th General Assembly.

15 (d) Except as provided in this subsection, the ~~The~~ Illinois
16 Department shall establish, by rule, a co-payment scale that
17 provides for cost sharing by families that receive child care
18 services, including parents whose only income is from
19 assistance under this Code. The co-payment shall be based on
20 family income and family size and may be based on other factors
21 as appropriate. Co-payments may be waived for families whose
22 incomes are at or below the federal poverty level.

23 Notwithstanding any other provision of law or
24 administrative rule to the contrary, beginning on the effective
25 date of this amendatory Act of the 99th General Assembly and
26 until the Department establishes a new co-payment scale by

1 rule, co-payments shall be equal to those in effect on June 30,
2 2015.

3 Co-payments for child care services may not be increased
4 more than once every 6 months and may not be increased at a
5 rate that exceeds the percentage increase in the Consumer Price
6 Index for all Urban Consumers during the prior calendar year or
7 5%, whichever is less. Co-payments shall not exceed 10% of
8 family income.

9 (d-5) (Blank). ~~The Illinois Department, in consultation~~
10 ~~with its Child Care and Development Advisory Council, shall~~
11 ~~develop a plan to revise the child care assistance program's~~
12 ~~co-payment scale. The plan shall be completed no later than~~
13 ~~February 1, 2008, and shall include:~~

14 ~~(1) findings as to the percentage of income that the~~
15 ~~average American family spends on child care and the~~
16 ~~relative amounts that low income families and the average~~
17 ~~American family spend on other necessities of life;~~

18 ~~(2) recommendations for revising the child care~~
19 ~~co-payment scale to assure that families receiving child~~
20 ~~care services from the Department are paying no more than~~
21 ~~they can reasonably afford;~~

22 ~~(3) recommendations for revising the child care~~
23 ~~co-payment scale to provide at risk children with complete~~
24 ~~access to Preschool for All and Head Start; and~~

25 ~~(4) recommendations for changes in child care program~~
26 ~~policies that affect the affordability of child care.~~

1 (e) (Blank).

2 (f) The Illinois Department shall, by rule, set rates to be
3 paid for the various types of child care. Child care may be
4 provided through one of the following methods:

5 (1) arranging the child care through eligible
6 providers by use of purchase of service contracts or
7 vouchers;

8 (2) arranging with other agencies and community
9 volunteer groups for non-reimbursed child care;

10 (3) (blank); or

11 (4) adopting such other arrangements as the Department
12 determines appropriate.

13 (f-5) (Blank).

14 (g) Families eligible for assistance under this Section
15 shall be given the following options:

16 (1) receiving a child care certificate issued by the
17 Department or a subcontractor of the Department that may be
18 used by the parents as payment for child care and
19 development services only; or

20 (2) if space is available, enrolling the child with a
21 child care provider that has a purchase of service contract
22 with the Department or a subcontractor of the Department
23 for the provision of child care and development services.
24 The Department may identify particular priority
25 populations for whom they may request special
26 consideration by a provider with purchase of service

1 contracts, provided that the providers shall be permitted
2 to maintain a balance of clients in terms of household
3 incomes and families and children with special needs, as
4 defined by rule.

5 (h) Notwithstanding any other provision of law to the
6 contrary, the Department may not adopt emergency rules relating
7 to child care assistance services provided under this Article.

8 (Source: P.A. 97-422, eff. 8-16-11.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.