

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 and children:

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~~

10 (6) families that are not recipients of TANF and that
11 need child care assistance to participate in education and
12 training activities;

13 (7) children engaged in the State's child welfare
14 system; and

15 (8) homeless children.

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

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

1 incomes above the specified threshold ineligible for
2 assistance. Beginning in State fiscal year 2017, the specified
3 threshold must be no less than 300% of the then current federal
4 poverty level for each family size. ~~Through and including~~
5 ~~fiscal year 2007, the specified threshold must be no less than~~
6 ~~50% of the then current State median income for each family~~
7 ~~size. Beginning in fiscal year 2008, the specified threshold~~
8 ~~must be no less than 185% of the then current federal poverty~~
9 ~~level for each family size.~~

10 The Department shall provide child care services to all
11 children who are eligible for assistance and are under age 13
12 or who are under age 19 and under court supervision or have
13 physical or mental incapacities as documented by a statement
14 from a local health provider or other health professional.

15 In determining eligibility for assistance, the Department
16 shall not give preference to any category of recipients or give
17 preference to individuals based on their receipt of benefits
18 under this Code.

19 The Department shall allocate \$7,500,000 annually for a
20 test program for families who are income-eligible for child
21 care assistance, who are not recipients of TANF under Article
22 IV, and who need child care assistance to participate in
23 education and training activities. The Department shall
24 specify by rule the conditions of eligibility for this test
25 program.

26 Nothing in this Section shall be construed as conferring

1 entitlement status to eligible families.

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

12 The Illinois Department may contract with other State
13 agencies or child care organizations for the administration of
14 child care services.

15 (c) Payment shall be made for child care that otherwise
16 meets the requirements of this Section and applicable standards
17 of State and local law and regulation, including any
18 requirements the Illinois Department promulgates by rule in
19 addition to the licensure requirements promulgated by the
20 Department of Children and Family Services and Fire Prevention
21 and Safety requirements promulgated by the Office of the State
22 Fire Marshal and is provided in any of the following:

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

26 (2) a licensed child care home or home exempt from

1 licensing;

2 (3) a licensed group child care home;

3 (4) other types of child care, including child care
4 provided by relatives or persons living in the same home as
5 the child, as determined by the Illinois Department by
6 rule.

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

1 statutory retirement or health insurance benefits. Child and
2 day care home providers shall not be covered by the State
3 Employees Group Insurance Act of 1971.

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

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

18 (d-5) The Illinois Department, in consultation with its
19 Child Care and Development Advisory Council, shall develop a
20 plan to revise the child care assistance program's co-payment
21 scale. The plan shall be completed no later than February 1,
22 2008, and shall include:

23 (1) findings as to the percentage of income that the
24 average American family spends on child care and the
25 relative amounts that low-income families and the average
26 American family spend on other necessities of life;

1 (2) recommendations for revising the child care
2 co-payment scale to assure that families receiving child
3 care services from the Department are paying no more than
4 they can reasonably afford;

5 (3) recommendations for revising the child care
6 co-payment scale to provide at-risk children with complete
7 access to Preschool for All and Head Start; and

8 (4) recommendations for changes in child care program
9 policies that affect the affordability of child care.

10 (e) (Blank).

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

14 (1) arranging the child care through eligible
15 providers by use of purchase of service contracts or
16 vouchers;

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

19 (3) (blank); or

20 (4) adopting such other arrangements as the Department
21 determines appropriate.

22 (f-5) (Blank).

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

25 (1) receiving a child care certificate issued by the
26 Department or a subcontractor of the Department that may be

1 used by the parents as payment for child care and
2 development services only; or

3 (2) if space is available, enrolling the child with a
4 child care provider that has a purchase of service contract
5 with the Department or a subcontractor of the Department
6 for the provision of child care and development services.
7 The Department may identify particular priority
8 populations for whom they may request special
9 consideration by a provider with purchase of service
10 contracts, provided that the providers shall be permitted
11 to maintain a balance of clients in terms of household
12 incomes and families and children with special needs, as
13 defined by rule.

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

15 Section 99. Effective date. This Act takes effect July 1,
16 2016.