



HJ0094

LRB099 13687 KTG 37641 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, Many child care advocates have studied the social  
3 and economic implications of state-subsidized child care  
4 assistance programs and have argued that such programs increase  
5 maternal employment as well as children's educational  
6 attainment, labor force participation, and earnings as adults;  
7 and

8 WHEREAS, The Department of Human Services recently made  
9 significant changes to the Child Care Assistance Program  
10 (CCAP); and

11 WHEREAS, These changes came into effect on July 1, 2015 and  
12 include an increase in co-payment levels, criminal background  
13 checks for relative caregivers, mandatory child support  
14 collection cases for eligible families with an absent parent,  
15 and a freeze on enrolling new CCAP applicants who do not fall  
16 under one of the following four "priority services groups":

17 (1) Families who receive benefits under the Temporary  
18 Assistance for Needy Families (TANF) Program;

19 (2) Teen parents enrolled full-time in elementary,  
20 high school or GED classes to obtain a high school degree  
21 or its equivalent;

22 (3) Families with Special Needs children; and

23 (4) Working families whose monthly incomes do not

1           exceed 50% of the most current Federal Poverty Level for  
2           their family size; and

3           WHEREAS, These new CCAP guidelines are harmful and will  
4           hurt thousands of families and young children as it is  
5           estimated that 90% of working families who would typically  
6           qualify for child care benefits under the former CCAP  
7           guidelines are now ineligible for such benefits; and

8           WHEREAS, These new CCAP guidelines will also have a  
9           devastating economic impact on small businesses, including  
10          child care providers that rely on the enrollment of children  
11          receiving CCAP benefits to fill their classrooms and businesses  
12          whose employees utilize child care services; and

13          WHEREAS, Even more glaring than the sweeping changes made  
14          to CCAP guidelines is the fact that the Department established  
15          these new guidelines through the adoption of emergency rules at  
16          39 Ill. Reg. 10072; and

17          WHEREAS, Under the Illinois Administrative Procedure Act,  
18          a State agency may adopt an emergency rule without prior notice  
19          or hearing if the agency finds that an emergency exists and if  
20          the agency states in writing its reasons for that finding; and

21          WHEREAS, The Illinois Administrative Procedure Act defines

1 "emergency" as "the existence of any situation that any agency  
2 finds reasonably constitutes a threat to the public interest,  
3 safety, or welfare"; and

4 WHEREAS, The Department of Human Services has stated that  
5 the adoption and implementation of the new CCAP guidelines is  
6 necessary given "the budget constraints projected for fiscal  
7 year 2016" and that the Department is "strongly committed to  
8 serving [ the] state's most vulnerable population"; and

9 WHEREAS, Regardless of the Department's official  
10 statements, the sweeping changes made to CCAP guidelines do not  
11 appear to be directly connected to the State's current budget  
12 crisis and consequently the emergency adoption and  
13 implementation of the new CCAP guidelines indicates the  
14 Department's disregard for the health, safety, and welfare of  
15 the very citizens it has a duty to protect and serve;  
16 therefore, be it

17 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
18 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
19 SENATE CONCURRING HEREIN, that we respectfully urge the  
20 Department of Human Services to rescind the new Child Care  
21 Assistance Program guidelines established by emergency rules  
22 adopted at 39 Ill. Reg. 10072, effective July 1, 2015, and to  
23 restore the CCAP eligibility standards and guidelines in effect

1 on June 30, 2015; and be it further

2       RESOLVED, That if the Department of Human Services fails to  
3 voluntarily rescind the new CCAP guidelines, that we  
4 respectfully urge the Joint Committee on Administrative Rules  
5 to undertake an investigation, as authorized under the Illinois  
6 Administrative Procedure Act (IAPA), to determine whether the  
7 Department of Human Services has complied with the provisions  
8 of IAPA, including (i) whether the Department of Human Services  
9 considered alternatives to the emergency rules adopted at 39  
10 Ill. Reg. 10072 in order to meet the Department's stated  
11 purpose and objective for those rules and (ii) whether those  
12 emergency rules are designed to minimize the economic impact on  
13 small businesses; and be it further

14       RESOLVED, That suitable copies of this resolution be  
15 delivered to the Governor, the Secretary of the Department of  
16 Human Services, and the Joint Committee on Administrative  
17 Rules.