

1 AN ACT concerning children.

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

1 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;

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; and -

13 (7) families with children under the age of 5 who have
14 an open intact family services case with the Department of
15 Children and Family Services. Any family that receives
16 child care assistance in accordance with this paragraph
17 shall remain eligible for child care assistance 6 months
18 after the child's intact family services case is closed,
19 regardless of whether the child's parents or other
20 relatives as defined by rule are working or participating
21 in Department approved employment or education or training
22 programs. The Department of Human Services, in
23 consultation with the Department of Children and Family
24 Services, shall adopt rules to protect the privacy of
25 families who are the subject of an open intact family
26 services case when such families enroll in child care

1 services. Additional rules shall be adopted to offer
2 children who have an open intact family services case the
3 opportunity to receive an Early Intervention screening and
4 other services that their families may be eligible for as
5 provided by the Department of Human Services.

6 The Department shall specify by rule the conditions of
7 eligibility, the application process, and the types, amounts,
8 and duration of services. Eligibility for child care benefits
9 and the amount of child care provided may vary based on family
10 size, income, and other factors as specified by rule.

11 In determining income eligibility for child care benefits,
12 the Department annually, at the beginning of each fiscal year,
13 shall establish, by rule, one income threshold for each family
14 size, in relation to percentage of State median income for a
15 family of that size, that makes families with incomes below the
16 specified threshold eligible for assistance and families with
17 incomes above the specified threshold ineligible for
18 assistance. Through and including fiscal year 2007, the
19 specified threshold must be no less than 50% of the
20 then-current State median income for each family size.
21 Beginning in fiscal year 2008, the specified threshold must be
22 no less than 185% of the then-current federal poverty level for
23 each family size.

24 In determining eligibility for assistance, the Department
25 shall not give preference to any category of recipients or give
26 preference to individuals based on their receipt of benefits

1 under this Code.

2 Nothing in this Section shall be construed as conferring
3 entitlement status to eligible families.

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

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

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

25 (1) a child care center which is licensed or exempt
26 from licensure pursuant to Section 2.09 of the Child Care

1 Act of 1969;

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

4 (3) a licensed group child care home;

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

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

1 the 94th General Assembly, including but not limited to,
2 purposes of vicarious liability in tort and purposes of
3 statutory retirement or health insurance benefits. Child and
4 day care home providers shall not be covered by the State
5 Employees Group Insurance Act of 1971.

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

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

20 (d-5) The Illinois Department, in consultation with its
21 Child Care and Development Advisory Council, shall develop a
22 plan to revise the child care assistance program's co-payment
23 scale. The plan shall be completed no later than February 1,
24 2008, and shall include:

25 (1) findings as to the percentage of income that the
26 average American family spends on child care and the

1 relative amounts that low-income families and the average
2 American family spend on other necessities of life;

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

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

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

12 (e) (Blank).

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

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

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

21 (3) (blank); or

22 (4) adopting such other arrangements as the Department
23 determines appropriate.

24 (f-5) (Blank).

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

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

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

16 (Source: P.A. 100-387, eff. 8-25-17.)

17 Section 99. Effective date. This Act takes effect 6 months
18 after it becomes law.