



Rep. Lakesia Collins

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10200HB4242ham001

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1 AMENDMENT TO HOUSE BILL 4242

2 AMENDMENT NO. _____. Amend House Bill 4242 by replacing
3 everything after the enacting clause with the following:

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

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois
4 Department shall provide child care services to parents or
5 other relatives as defined by rule who are working or
6 participating in employment or Department approved education
7 or training programs. At a minimum, the Illinois Department
8 shall cover the following categories of families:

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

12 (2) families transitioning from TANF to work;

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

14 (4) families with special needs as defined by rule;

15 (5) working families with very low incomes as defined
16 by rule;

17 (6) families that are not recipients of TANF and that
18 need child care assistance to participate in education and
19 training activities; ~~and~~

20 (7) foster parents or caregivers of youth in care as
21 defined in Section 4d of the Children and Family Services
22 Act, regardless of whether they are working or
23 participating in Department-approved employment or
24 education or training programs. Assistance provided under
25 this paragraph shall be for the care of the youth in care;

26 (8) youth in care, as defined in Section 4d of the

1 Children and Family Services Act, who are parents,
2 regardless of whether they are working or participating in
3 Department-approved employment or education or training
4 programs. Any family that receives child care assistance
5 in accordance with this paragraph shall receive one
6 additional 12-month child care eligibility period after
7 the parenting youth in care's case with the Department of
8 Children and Family Services is closed, regardless of
9 whether they are working or participating in
10 Department-approved employment or education or training
11 programs;

12 (9) parents who have custody of their children and
13 their children are the subjects of pending cases under
14 Article II of the Juvenile Court Act of 1987, regardless
15 of whether they are working or participating in
16 Department-approved employment or education or training
17 programs. Any family that receives child care assistance
18 in accordance with this paragraph shall remain eligible
19 for child care assistance 6 months after the child's case
20 under Article II of the Juvenile Court Act of 1987 is
21 closed, regardless of whether the child's parents are
22 working or participating in Department-approved employment
23 or education or training programs;

24 (10) ~~(7)~~ families with children ~~under the age of 5~~ who
25 have an open intact family services case with the
26 Department of Children and Family Services. Any family

1 that receives child care assistance in accordance with
2 this paragraph shall remain eligible for child care
3 assistance 6 months after the child's intact family
4 services case is closed, regardless of whether the child's
5 parents or other relatives as defined by rule are working
6 or participating in Department approved employment or
7 education or training programs. The Department of Human
8 Services, in consultation with the Department of Children
9 and Family Services, shall adopt rules to protect the
10 privacy of families who are the subject of an open intact
11 family services case when such families enroll in child
12 care services. Additional rules shall be adopted to offer
13 children who have an open intact family services case the
14 opportunity to receive an Early Intervention screening and
15 other services that their families may be eligible for as
16 provided by the Department of Human Services; and -

17 (11) families receiving Extended Family Support
18 Program services from the Department of Children and
19 Family Services, regardless of whether they are working or
20 participating in Department-approved employment or
21 education or training programs.

22 The Department shall specify by rule the conditions of
23 eligibility, the application process, and the types, amounts,
24 and duration of services. Eligibility for child care benefits
25 and the amount of child care provided may vary based on family
26 size, income, and other factors as specified by rule.

1 The Department shall update the Child Care Assistance
2 Program Eligibility Calculator posted on its website to
3 include a question on whether a family is applying for child
4 care assistance for the first time or is applying for a
5 redetermination of eligibility.

6 A family's eligibility for child care services shall be
7 redetermined no sooner than 12 months following the initial
8 determination or most recent redetermination. During the
9 12-month periods, the family shall remain eligible for child
10 care services regardless of (i) a change in family income,
11 unless family income exceeds 85% of State median income, or
12 (ii) a temporary change in the ongoing status of the parents or
13 other relatives, as defined by rule, as working or attending a
14 job training or educational program.

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

1 for each family size. Notwithstanding any other provision of
2 law or administrative rule to the contrary, beginning in
3 fiscal year 2019, the specified threshold for working families
4 with very low incomes as defined by rule must be no less than
5 185% of the then-current federal poverty level for each family
6 size. Notwithstanding any other provision of law or
7 administrative rule to the contrary, beginning in State fiscal
8 year 2022, the specified income threshold shall be no less
9 than 200% of the then-current federal poverty level for each
10 family size.

11 In determining eligibility for assistance, the Department
12 shall not give preference to any category of recipients or
13 give preference to individuals based on their receipt of
14 benefits under this Code.

15 Nothing in this Section shall be construed as conferring
16 entitlement status to eligible families.

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

1 The Illinois Department may contract with other State
2 agencies or child care organizations for the administration of
3 child care services.

4 (c) Payment shall be made for child care that otherwise
5 meets the requirements of this Section and applicable
6 standards of State and local law and regulation, including any
7 requirements the Illinois Department promulgates by rule in
8 addition to the licensure requirements promulgated by the
9 Department of Children and Family Services and Fire Prevention
10 and Safety requirements promulgated by the Office of the State
11 Fire Marshal, and is provided in any of the following:

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

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

17 (3) a licensed group child care home;

18 (4) other types of child care, including child care
19 provided by relatives or persons living in the same home
20 as the child, as determined by the Illinois Department by
21 rule.

22 (c-5) Solely for the purposes of coverage under the
23 Illinois Public Labor Relations Act, child and day care home
24 providers, including licensed and license exempt,
25 participating in the Department's child care assistance
26 program shall be considered to be public employees and the

1 State of Illinois shall be considered to be their employer as
2 of January 1, 2006 (the effective date of Public Act 94-320),
3 but not before. The State shall engage in collective
4 bargaining with an exclusive representative of child and day
5 care home providers participating in the child care assistance
6 program concerning their terms and conditions of employment
7 that are within the State's control. Nothing in this
8 subsection shall be understood to limit the right of families
9 receiving services defined in this Section to select child and
10 day care home providers or supervise them within the limits of
11 this Section. The State shall not be considered to be the
12 employer of child and day care home providers for any purposes
13 not specifically provided in Public Act 94-320, including, but
14 not limited to, purposes of vicarious liability in tort and
15 purposes of statutory retirement or health insurance benefits.
16 Child and day care home providers shall not be covered by the
17 State Employees Group Insurance Act of 1971.

18 In according child and day care home providers and their
19 selected representative rights under the Illinois Public Labor
20 Relations Act, the State intends that the State action
21 exemption to application of federal and State antitrust laws
22 be fully available to the extent that their activities are
23 authorized by Public Act 94-320.

24 (d) The Illinois Department shall establish, by rule, a
25 co-payment scale that provides for cost sharing by families
26 that receive child care services, including parents whose only

1 income is from assistance under this Code. The co-payment
2 shall be based on family income and family size and may be
3 based on other factors as appropriate. Co-payments may be
4 waived for families whose incomes are at or below the federal
5 poverty level.

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

11 (1) findings as to the percentage of income that the
12 average American family spends on child care and the
13 relative amounts that low-income families and the average
14 American family spend on other necessities of life;

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

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

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

24 (e) (Blank).

25 (f) The Illinois Department shall, by rule, set rates to
26 be paid for the various types of child care. Child care may be

1 provided through one of the following methods:

2 (1) arranging the child care through eligible
3 providers by use of purchase of service contracts or
4 vouchers;

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

7 (3) (blank); or

8 (4) adopting such other arrangements as the Department
9 determines appropriate.

10 (f-1) Within 30 days after June 4, 2018 (the effective
11 date of Public Act 100-587), the Department of Human Services
12 shall establish rates for child care providers that are no
13 less than the rates in effect on January 1, 2018 increased by
14 4.26%.

15 (f-5) (Blank).

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

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

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

1 populations for whom they may request special
2 consideration by a provider with purchase of service
3 contracts, provided that the providers shall be permitted
4 to maintain a balance of clients in terms of household
5 incomes and families and children with special needs, as
6 defined by rule.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
8 102-491, eff. 8-20-21; revised 11-8-21.)

9 Section 99. Effective date. This Act takes effect July 1,
10 2023."