



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4760

Introduced 2/6/2024, by Rep. Harry Benton

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. In a provision listing the categories of families and individuals eligible for child care assistance, expands the list to include families whose children are enrolled in a Head Start program. Provides that any family that receives child care assistance under the amendatory Act shall be deemed to be participating in an education, training, or employment program approved by the Department of Human Services. Provides that any family that receives child care assistance under the amendatory Act shall remain eligible for child care assistance without interruption as long as the child is enrolled in a Head Start program.

LRB103 36746 KTG 66856 b

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 limited access to economic
11 resources, including those who are transitioning from welfare
12 to work, often struggle to pay the costs of day care. The
13 General Assembly understands the importance of helping working
14 families with limited access to economic resources become and
15 remain self-sufficient. The General Assembly also believes
16 that it is the responsibility of families to share in the costs
17 of child care. It is also the preference of the General
18 Assembly that all working families with limited access to
19 economic resources should be treated equally, regardless of
20 their welfare status.

21 (b) To the extent resources permit, the Illinois
22 Department shall provide child care services to parents or
23 other relatives as defined by rule who are working or

1 participating in employment or Department approved education
2 or training programs. At a minimum, the Illinois Department
3 shall cover the following categories of families:

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

7 (2) families transitioning from TANF to work;

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

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

10 (5) working families with very low incomes as defined
11 by rule;

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

15 (7) youth in care, as defined in Section 4d of the
16 Children and Family Services Act, who are parents,
17 regardless of income or whether they are working or
18 participating in Department-approved employment or
19 education or training programs. Any family that receives
20 child care assistance in accordance with this paragraph
21 shall receive one additional 12-month child care
22 eligibility period after the parenting youth in care's
23 case with the Department of Children and Family Services
24 is closed, regardless of income or whether the parenting
25 youth in care is working or participating in
26 Department-approved employment or education or training

1 programs;

2 (8) families receiving Extended Family Support Program
3 services from the Department of Children and Family
4 Services, regardless of income or whether they are working
5 or participating in Department-approved employment or
6 education or training programs; ~~and~~

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

26 (10) families whose children are enrolled in a Head

1 Start program. Any family that receives child care
2 assistance under this paragraph shall be deemed to be
3 participating in a Department-approved education,
4 training, or employment program. Any family that receives
5 child care assistance in accordance with this paragraph
6 shall remain eligible for child care assistance without
7 interruption as long as the child is enrolled in a Head
8 Start program. As used in this paragraph, "Head Start
9 program" means a federal program administered by the U.S.
10 Department of Health and Human Services that provides
11 comprehensive early childhood education, health,
12 nutrition, and parent involvement services to low-income
13 children and families.

14 Beginning October 1, 2023, and every October 1 thereafter,
15 the Department of Children and Family Services shall report to
16 the General Assembly on the number of children who received
17 child care via vouchers paid for by the Department of Children
18 and Family Services during the preceding fiscal year. The
19 report shall include the ages of children who received child
20 care, the type of child care they received, and the number of
21 months they received child care.

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 through State fiscal year 2023, the specified income
9 threshold shall be no less than 200% of the then-current
10 federal poverty level for each family size. Beginning in State
11 fiscal year 2024, the specified income threshold shall be no
12 less than 225% of the then-current federal poverty level for
13 each family size.

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

18 Nothing in this Section shall be construed as conferring
19 entitlement status to eligible families.

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

1 Procedure Act, except that the limitation on the number of
2 emergency rules that may be adopted in a 24-month period shall
3 not apply.

4 The Illinois Department may contract with other State
5 agencies or child care organizations for the administration of
6 child care services.

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

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

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

20 (3) a licensed group child care home;

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

25 (c-5) Solely for the purposes of coverage under the
26 Illinois Public Labor Relations Act, child and day care home

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

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

1 (d) The Illinois Department shall establish, by rule, a
2 co-payment scale that provides for cost sharing by families
3 that receive child care services, including parents whose only
4 income is from assistance under this Code. The co-payment
5 shall be based on family income and family size and may be
6 based on other factors as appropriate. Co-payments may be
7 waived for families whose incomes are at or below the federal
8 poverty level.

9 (d-5) The Illinois Department, in consultation with its
10 Child Care and Development Advisory Council, shall develop a
11 plan to revise the child care assistance program's co-payment
12 scale. The plan shall be completed no later than February 1,
13 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
3 be 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-1) Within 30 days after June 4, 2018 (the effective
14 date of Public Act 100-587), the Department of Human Services
15 shall establish rates for child care providers that are no
16 less than the rates in effect on January 1, 2018 increased by
17 4.26%.

18 (f-5) (Blank).

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

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

25 (2) if space is available, enrolling the child with a
26 child care provider that has a purchase of service

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

10 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
11 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)