



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2402

Introduced 2/10/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. In provisions concerning the child care assistance program administered by the Department of Human Services, removes language authorizing the Department to raise parent co-payments. Provides that beginning July 1, 2023, a family eligible for child care services whose income is at or below 140% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for the applicable family size shall pay a \$1 monthly fee as co-payment for child care services. Provides that beginning July 1, 2024, a family eligible for child care services whose income is at or below 185% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for the applicable family size shall pay a \$1 monthly fee as co-payment for child care services. Effective July 1, 2023.

LRB103 30781 KTG 57269 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 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
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:

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;

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

26 (8) families receiving Extended Family Support Program

1 services from the Department of Children and Family
2 Services, regardless of income or whether they are working
3 or participating in Department-approved employment or
4 education or training programs; and

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

24 Beginning October 1, 2023, and every October 1 thereafter,
25 the Department of Children and Family Services shall report to
26 the General Assembly on the number of children who received

1 child care via vouchers paid for by the Department of Children
2 and Family Services during the preceding fiscal year. The
3 report shall include the ages of children who received child
4 care, the type of child care they received, and the number of
5 months they received child care.

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 The Department shall update the Child Care Assistance
12 Program Eligibility Calculator posted on its website to
13 include a question on whether a family is applying for child
14 care assistance for the first time or is applying for a
15 redetermination of eligibility.

16 A family's eligibility for child care services shall be
17 redetermined no sooner than 12 months following the initial
18 determination or most recent redetermination. During the
19 12-month periods, the family shall remain eligible for child
20 care services regardless of (i) a change in family income,
21 unless family income exceeds 85% of State median income, or
22 (ii) a temporary change in the ongoing status of the parents or
23 other relatives, as defined by rule, as working or attending a
24 job training or educational program.

25 In determining income eligibility for child care benefits,
26 the Department annually, at the beginning of each fiscal year,

1 shall establish, by rule, one income threshold for each family
2 size, in relation to percentage of State median income for a
3 family of that size, that makes families with incomes below
4 the specified threshold eligible for assistance and families
5 with incomes above the specified threshold ineligible for
6 assistance. Through and including fiscal year 2007, the
7 specified threshold must be no less than 50% of the
8 then-current State median income for each family size.
9 Beginning in fiscal year 2008, the specified threshold must be
10 no less than 185% of the then-current federal poverty level
11 for each family size. Notwithstanding any other provision of
12 law or administrative rule to the contrary, beginning in
13 fiscal year 2019, the specified threshold for working families
14 with very low incomes as defined by rule must be no less than
15 185% of the then-current federal poverty level for each family
16 size. Notwithstanding any other provision of law or
17 administrative rule to the contrary, beginning in State fiscal
18 year 2022, the specified income threshold shall be no less
19 than 200% of the then-current federal poverty level for each
20 family size.

21 In determining eligibility for assistance, the Department
22 shall not give preference to any category of recipients or
23 give preference to individuals based on their receipt of
24 benefits under this Code.

25 Nothing in this Section shall be construed as conferring
26 entitlement status to eligible families.

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

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

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

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

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

1 (3) a licensed group child care home;

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

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

1 State Employees Group Insurance Act of 1971.

2 In according child and day care home providers and their
3 selected representative rights under the Illinois Public Labor
4 Relations Act, the State intends that the State action
5 exemption to application of federal and State antitrust laws
6 be fully available to the extent that their activities are
7 authorized by Public Act 94-320.

8 (d) The Illinois Department shall establish, by rule, a
9 co-payment scale that provides for cost sharing by families
10 that receive child care services, including parents whose only
11 income is from assistance under this Code. The co-payment
12 shall be based on family income and family size and may be
13 based on other factors as appropriate. Beginning July 1, 2023,
14 a family eligible for child care services whose income is at or
15 below 140% of the most recent United States Department of
16 Health and Human Services Federal Poverty Guidelines for the
17 applicable family size shall pay a \$1 monthly fee as
18 co-payment for child care services. Beginning July 1, 2024, a
19 family eligible for child care services whose income is at or
20 below 185% of the most recent United States Department of
21 Health and Human Services Federal Poverty Guidelines for the
22 applicable family size shall pay a \$1 monthly fee as
23 co-payment for child care services. Co-payments may be waived
24 for families whose incomes are at or below the federal poverty
25 level.

26 (d-5) The Illinois Department, in consultation with its

1 Child Care and Development Advisory Council, shall develop a
2 plan to revise the child care assistance program's co-payment
3 scale. The plan shall be completed no later than February 1,
4 2008, and shall include:

5 (1) findings as to the percentage of income that the
6 average American family spends on child care and the
7 relative amounts that low-income families and the average
8 American family spend on other necessities of life;

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

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

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

18 (e) (Blank).

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

22 (1) arranging the child care through eligible
23 providers by use of purchase of service contracts or
24 vouchers;

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

1 (3) (blank); or

2 (4) adopting such other arrangements as the Department
3 determines appropriate.

4 (f-1) Within 30 days after June 4, 2018 (the effective
5 date of Public Act 100-587), the Department of Human Services
6 shall establish rates for child care providers that are no
7 less than the rates in effect on January 1, 2018 increased by
8 4.26%.

9 (f-5) (Blank).

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

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

16 (2) if space is available, enrolling the child with a
17 child care provider that has a purchase of service
18 contract with the Department or a subcontractor of the
19 Department for the provision of child care and development
20 services. The Department may identify particular priority
21 populations for whom they may request special
22 consideration by a provider with purchase of service
23 contracts, provided that the providers shall be permitted
24 to maintain a balance of clients in terms of household
25 incomes and families and children with special needs, as
26 defined by rule.

1 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
2 102-491, eff. 8-20-21; 102-813, eff. 5-13-22; 102-926, eff.
3 5-27-22.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2023.