

1 AN ACT in relation to 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
16 costs of child care. It is also the preference of the
17 General Assembly that all working poor families should be
18 treated 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
24 shall cover the following categories of families:

25 (1) recipients of TANF under Article IV
26 participating in work and training activities as
27 specified in the personal plan for employment and
28 self-sufficiency;

29 (2) families transitioning from TANF to work;

30 (3) families at risk of becoming recipients of
31 TANF;

- 1 (4) families with special needs as defined by rule;
- 2 and
- 3 (5) working families with very low incomes as
- 4 defined by rule.

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

11 In determining income eligibility for child care
 12 benefits, the Department annually, at the beginning of each
 13 fiscal year, shall establish, by rule, one income threshold
 14 for each family size, in relation to percentage of State
 15 median income for a family of that size, that makes families
 16 with incomes below the specified threshold eligible for
 17 assistance and families with incomes above the specified
 18 threshold ineligible for assistance. The specified threshold
 19 must be no less than 50% of the then-current State median
 20 income for each 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 The Department shall allocate \$7,500,000 annually for a
 26 test program for families who are income-eligible for child
 27 care assistance, who are not recipients of TANF under Article
 28 IV, and who need child care assistance to participate in
 29 education and training activities. The Department shall
 30 specify by rule the conditions of eligibility for this test
 31 program. ~~It--is-the-intent-of-the-General-Assembly-that, for~~
 32 ~~fiscal--year--1998,--to--the--extent--resources--permit,--the~~
 33 ~~Department--shall--establish--an--income--eligibility--threshold--of~~
 34 ~~50%--of--the--State--median--income.--Notwithstanding--the--income~~

1 ~~level-at-which-families-become-eligible-to-receive-child-care~~
2 ~~assistance,--any--family-that-is-already-receiving-child-care~~
3 ~~assistance-on-the-effective-date-of-this--amendatory--Act--of~~
4 ~~1997--shall--remain--eligible--for-assistance-for-fiscal-year~~
5 ~~1998.~~

6 Nothing in this Section shall be construed as conferring
7 entitlement status to eligible families.

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

18 The Illinois Department may contract with other State
19 agencies or child care organizations for the administration
20 of child care services.

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

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

33 (2) a licensed child care home or home exempt from
34 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 (d) The Illinois Department shall, by rule, require
7 co-payments for child care services by any parent, including
8 parents whose only income is from assistance under this Code.
9 The co-payment shall be assessed based on a sliding scale
10 based on family income, family size, and the number of
11 children in care. Co-payments shall not be increased due
12 solely to a change in the methodology for counting family
13 income.

14 (e) The Illinois Department shall conduct a market rate
15 survey based on the cost of care and other relevant factors
16 which shall be completed by July 1, 1998.

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

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

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

25 (3) (blank); or

26 (4) adopting such other arrangements as the
27 Department determines appropriate.

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

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

34 (2) if space is available, enrolling the child with

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

11 (Source: P.A. 90-17, eff. 7-1-97; 91-509, eff. 1-1-00.)

12 Section 99. Effective date. This Act takes effect on
13 September 1, 2003.