

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 4-2 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

8 (a) The amount and nature of financial aid shall be
9 determined in accordance with the grant amounts, rules and
10 regulations of the Illinois Department. Due regard shall be
11 given to the self-sufficiency requirements of the family and to
12 the income, money contributions and other support and resources
13 available, from whatever source. However, the amount and nature
14 of any financial aid is not affected by the payment of any
15 grant under the "Senior Citizens and Disabled Persons Property
16 Tax Relief and Pharmaceutical Assistance Act" or any
17 distributions or items of income described under subparagraph
18 (X) of paragraph (2) of subsection (a) of Section 203 of the
19 Illinois Income Tax Act. The aid shall be sufficient, when
20 added to all other income, money contributions and support to
21 provide the family with a grant in the amount established by
22 Department regulation. Beginning July 1, 2008, the Department
23 of Human Services shall increase TANF grant amounts in effect

1 on June 30, 2008 by 9%. Beginning July 1, 2009, the Department
2 of Human Services shall increase the TANF grant amounts in
3 effect on June 30, 2009, by 15%.

4 (b) The Illinois Department may conduct special projects,
5 which may be known as Grant Diversion Projects, under which
6 recipients of financial aid under this Article are placed in
7 jobs and their grants are diverted to the employer who in turn
8 makes payments to the recipients in the form of salary or other
9 employment benefits. The Illinois Department shall by rule
10 specify the terms and conditions of such Grant Diversion
11 Projects. Such projects shall take into consideration and be
12 coordinated with the programs administered under the Illinois
13 Emergency Employment Development Act.

14 (c) The amount and nature of the financial aid for a child
15 requiring care outside his own home shall be determined in
16 accordance with the rules and regulations of the Illinois
17 Department, with due regard to the needs and requirements of
18 the child in the foster home or institution in which he has
19 been placed.

20 (d) If the Department establishes grants for family units
21 consisting exclusively of a pregnant woman with no dependent
22 child or including her husband if living with her, the grant
23 amount for such a unit shall be equal to the grant amount for
24 an assistance unit consisting of one adult, or 2 persons if the
25 husband is included. Other than as herein described, an unborn
26 child shall not be counted in determining the size of an

1 assistance unit or for calculating grants.

2 Payments for basic maintenance requirements of a child or
3 children and the relative with whom the child or children are
4 living shall be prescribed, by rule, by the Illinois
5 Department.

6 Grants under this Article shall not be supplemented by
7 General Assistance provided under Article VI.

8 (e) Grants shall be paid to the parent or other person with
9 whom the child or children are living, except for such amount
10 as is paid in behalf of the child or his parent or other
11 relative to other persons or agencies pursuant to this Code or
12 the rules and regulations of the Illinois Department.

13 (f) Subject to subsection (f-5), an assistance unit,
14 receiving financial aid under this Article or temporarily
15 ineligible to receive aid under this Article under a penalty
16 imposed by the Illinois Department for failure to comply with
17 the eligibility requirements or that voluntarily requests
18 termination of financial assistance under this Article and
19 becomes subsequently eligible for assistance within 9 months,
20 shall not receive any increase in the amount of aid solely on
21 account of the birth of a child; except that an increase is not
22 prohibited when the birth is (i) of a child of a pregnant woman
23 who became eligible for aid under this Article during the
24 pregnancy, or (ii) of a child born within 10 months after the
25 date of implementation of this subsection, or (iii) of a child
26 conceived after a family became ineligible for assistance due

1 to income or marriage and at least 3 months of ineligibility
2 expired before any reapplication for assistance. This
3 subsection does not, however, prevent a unit from receiving a
4 general increase in the amount of aid that is provided to all
5 recipients of aid under this Article.

6 The Illinois Department is authorized to transfer funds,
7 and shall use any budgetary savings attributable to not
8 increasing the grants due to the births of additional children,
9 to supplement existing funding for employment and training
10 services for recipients of aid under this Article IV. The
11 Illinois Department shall target, to the extent the
12 supplemental funding allows, employment and training services
13 to the families who do not receive a grant increase after the
14 birth of a child. In addition, the Illinois Department shall
15 provide, to the extent the supplemental funding allows, such
16 families with up to 24 months of transitional child care
17 pursuant to Illinois Department rules. All remaining
18 supplemental funds shall be used for employment and training
19 services or transitional child care support.

20 In making the transfers authorized by this subsection, the
21 Illinois Department shall first determine, pursuant to
22 regulations adopted by the Illinois Department for this
23 purpose, the amount of savings attributable to not increasing
24 the grants due to the births of additional children. Transfers
25 may be made from General Revenue Fund appropriations for
26 distributive purposes authorized by Article IV of this Code

1 only to General Revenue Fund appropriations for employability
2 development services including operating and administrative
3 costs and related distributive purposes under Article IXA of
4 this Code. The Director, with the approval of the Governor,
5 shall certify the amount and affected line item appropriations
6 to the State Comptroller.

7 Nothing in this subsection shall be construed to prohibit
8 the Illinois Department from using funds under this Article IV
9 to provide assistance in the form of vouchers that may be used
10 to pay for goods and services deemed by the Illinois
11 Department, by rule, as suitable for the care of the child such
12 as diapers, clothing, school supplies, and cribs.

13 (f-5) Subsection (f) shall not apply to affect the monthly
14 assistance amount of any family as a result of the birth of a
15 child on or after January 1, 2004. As resources permit after
16 January 1, 2004, the Department may cease applying subsection
17 (f) to limit assistance to families receiving assistance under
18 this Article on January 1, 2004, with respect to children born
19 prior to that date. In any event, subsection (f) shall be
20 completely inoperative on and after July 1, 2007.

21 (g) (Blank).

22 (h) Notwithstanding any other provision of this Code, the
23 Illinois Department is authorized to reduce payment levels used
24 to determine cash grants under this Article after December 31
25 of any fiscal year if the Illinois Department determines that
26 the caseload upon which the appropriations for the current

1 fiscal year are based have increased by more than 5% and the
2 appropriation is not sufficient to ensure that cash benefits
3 under this Article do not exceed the amounts appropriated for
4 those cash benefits. Reductions in payment levels may be
5 accomplished by emergency rule under Section 5-45 of the
6 Illinois Administrative Procedure Act, except that the
7 limitation on the number of emergency rules that may be adopted
8 in a 24-month period shall not apply and the provisions of
9 Sections 5-115 and 5-125 of the Illinois Administrative
10 Procedure Act shall not apply. Increases in payment levels
11 shall be accomplished only in accordance with Section 5-40 of
12 the Illinois Administrative Procedure Act. Before any rule to
13 increase payment levels promulgated under this Section shall
14 become effective, a joint resolution approving the rule must be
15 adopted by a roll call vote by a majority of the members
16 elected to each chamber of the General Assembly.

17 (Source: P.A. 95-744, eff. 7-18-08.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.