

HB4431



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4431

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Adds, to the categories of families to which the Department of Human Services shall provide child care services, families that are income-eligible for child care assistance, are not recipients of TANF, and need child care assistance to participate in education and training activities. Effective immediately.

LRB099 16554 KTG 40890 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Department
20 shall provide child care services to parents or other relatives
21 as defined by rule who are working or participating in
22 employment or Department approved education or training
23 programs. At a minimum, the Illinois Department shall cover the

1 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; ~~and~~

8 (5) working families with very low incomes as defined
9 by rule; and -

10 (6) families that are income-eligible for child care
11 assistance, are not recipients of TANF under Article IV,
12 and need child care assistance to participate in education
13 and training activities.

14 The Department shall specify by rule the conditions of
15 eligibility, the application process, and the types, amounts,
16 and duration of services. Eligibility for child care benefits
17 and the amount of child care provided may vary based on family
18 size, income, and other factors as specified by rule.

19 In determining income eligibility for child care benefits,
20 the Department annually, at the beginning of each fiscal year,
21 shall establish, by rule, one income threshold for each family
22 size, in relation to percentage of State median income for a
23 family of that size, that makes families with incomes below the
24 specified threshold eligible for assistance and families with
25 incomes above the specified threshold ineligible for
26 assistance. Through and including fiscal year 2007, the

1 specified threshold must be no less than 50% of the
2 then-current State median income for each family size.
3 Beginning in fiscal year 2008, the specified threshold must be
4 no less than 185% of the then-current federal poverty level for
5 each family size.

6 In determining eligibility for assistance, the Department
7 shall not give preference to any category of recipients or give
8 preference to individuals based on their receipt of benefits
9 under this Code.

10 The Department shall allocate \$7,500,000 annually for a
11 test program for families who are income-eligible for child
12 care assistance, who are not recipients of TANF under Article
13 IV, and who need child care assistance to participate in
14 education and training activities. The Department shall
15 specify by rule the conditions of eligibility for this test
16 program.

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

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

1 emergency rules that may be adopted in a 24-month period shall
2 not apply.

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

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

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

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

19 (3) a licensed group child care home;

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

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

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

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 shall
5 be based on family income and family size and may be based on
6 other factors as appropriate. Co-payments may be waived for
7 families whose incomes are at or below the federal poverty
8 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 be
3 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-5) (Blank).

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

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

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

1 contracts, provided that the providers shall be permitted
2 to maintain a balance of clients in terms of household
3 incomes and families and children with special needs, as
4 defined by rule.

5 (Source: P.A. 97-422, eff. 8-16-11.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.