



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5580

by Rep. Litesa E. Wallace

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Provides that the Department of Human Services shall (rather than to the extent resources permit, the Department shall) provide child care services to specified persons. Expands the list of categories of families and children (rather than families) the Department shall cover to include: (i) families that are not recipients of TANF benefits and that need child care assistance to participate in education and training activities; (ii) children engaged in the State's child welfare system; and (iii) homeless children. Provides that beginning in State fiscal year 2017, the specified threshold must be no less than 300% of the then current federal poverty level for each family size (rather than through and including fiscal year 2007, the specified threshold must be no less than 50% of the then current State median income for each family size; and beginning in fiscal year 2008, the specified threshold must be no less than 185% of the then current federal poverty level for each family size). Requires the Department to provide child care services to all children who are eligible for assistance and are under age 13 or who are under age 19 and under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional. Effective July 1, 2016.

LRB099 19770 KTG 44168 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) The ~~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 and children:

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 not recipients of TANF and that  
11 need child care assistance to participate in education and  
12 training activities;

13 (7) children engaged in the State's child welfare  
14 system; and

15 (8) homeless children.

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

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

1 incomes above the specified threshold ineligible for  
2 assistance. Beginning in State fiscal year 2017, the specified  
3 threshold must be no less than 300% of the then current federal  
4 poverty level for each family size. ~~Through and including~~  
5 ~~fiscal year 2007, the specified threshold must be no less than~~  
6 ~~50% of the then current State median income for each family~~  
7 ~~size. Beginning in fiscal year 2008, the specified threshold~~  
8 ~~must be no less than 185% of the then current federal poverty~~  
9 ~~level for each family size.~~

10 The Department shall provide child care services to all  
11 children who are eligible for assistance and are under age 13  
12 or who are under age 19 and under court supervision or have  
13 physical or mental incapacities as documented by a statement  
14 from a local health provider or other health professional.

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

19 The Department shall allocate \$7,500,000 annually for a  
20 test program for families who are income-eligible for child  
21 care assistance, who are not recipients of TANF under Article  
22 IV, and who need child care assistance to participate in  
23 education and training activities. The Department shall  
24 specify by rule the conditions of eligibility for this test  
25 program.

26 Nothing in this Section shall be construed as conferring

1 entitlement status to eligible families.

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

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

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

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

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

1           licensing;

2                 (3) a licensed group child care home;

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

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

1 statutory retirement or health insurance benefits. Child and  
2 day care home providers shall not be covered by the State  
3 Employees Group Insurance Act of 1971.

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

10 (d) The Illinois Department shall establish, by rule, a  
11 co-payment scale that provides for cost sharing by families  
12 that receive child care services, including parents whose only  
13 income is from assistance under this Code. The co-payment shall  
14 be based on family income and family size and may be based on  
15 other factors as appropriate. Co-payments may be waived for  
16 families whose incomes are at or below the federal poverty  
17 level.

18 (d-5) The Illinois Department, in consultation with its  
19 Child Care and Development Advisory Council, shall develop a  
20 plan to revise the child care assistance program's co-payment  
21 scale. The plan shall be completed no later than February 1,  
22 2008, and shall include:

23 (1) findings as to the percentage of income that the  
24 average American family spends on child care and the  
25 relative amounts that low-income families and the average  
26 American family spend on other necessities of life;

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

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

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

10          (e) (Blank).

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

14           (1) arranging the child care through eligible  
15 providers by use of purchase of service contracts or  
16 vouchers;

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

19           (3) (blank); or

20           (4) adopting such other arrangements as the Department  
21 determines appropriate.

22          (f-5) (Blank).

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

25           (1) receiving a child care certificate issued by the  
26 Department or a subcontractor of the Department that may be



1 used by the parents as payment for child care and  
2 development services only; or

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

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

15 Section 99. Effective date. This Act takes effect July 1,  
16 2016.