

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 adding Section 1-12 as follows:

6 (305 ILCS 5/1-12 new)

7 Sec. 1-12. Family violence option.

8 (a) Findings. The General Assembly finds that domestic  
9 violence may make it difficult for individuals and families  
10 to attain economic self-sufficiency, because the physical and  
11 mental effects of past or present abuse may hinder job  
12 performance; because abusive partners may attempt to sabotage  
13 their victims' education, training, and employment to keep  
14 them economically dependent; or because the demands of court  
15 intervention, criminal prosecution, counseling, or safety  
16 planning may interfere with work, education, or training.

17 (b) It is the policy of the State of Illinois that:

18 (1) no individual or family should be forced to  
19 remain in a violent living situation or place themselves  
20 or others at risk in order to attain or retain assistance  
21 or because any time period for receipt of assistance has  
22 expired; and

23 (2) no individual or family should be unfairly  
24 penalized because past or present domestic violence or  
25 the risk of domestic violence causes them to fail to  
26 comply with requirements for assistance.

27 (c) Definitions.

28 (1) Definition of domestic violence. For purposes  
29 of this Section, "domestic violence" means battering or  
30 subjecting a person to extreme cruelty by (i) physical  
31 acts that result in or threaten to result in physical

1 injury; (ii) sexual abuse; (iii) sexual activity  
2 involving a dependent child; (iv) forcing the person to  
3 participate in nonconsensual sexual acts or activities;  
4 (v) threats of, or attempts at, physical or sexual abuse;  
5 (vi) mental abuse; or (vii) neglect or deprivation of  
6 medical care.

7 (2) Definition of assistance. For purposes of this  
8 Section, the term assistance is as defined at 45 CFR  
9 260.31.

10 (d) Protection of applicants and recipients who are  
11 victims of domestic violence. In recognition of the reality  
12 of domestic violence for many individuals and families who  
13 may need assistance under the Illinois Public Aid Code, the  
14 State of Illinois adopts the Family Violence Option of  
15 Section 402(a)(7) of the Social Security Act (42 U.S.C.  
16 602(a)(7)) and the implementing federal regulations for the  
17 Temporary Assistance for Needy Families Program (TANF) at 45  
18 CFR 260.50 et seq. Standards and procedures shall be  
19 established and enforced to:

20 (1) Screen and identify applicants and recipients of  
21 assistance who are past or present victims of domestic  
22 violence or at risk of further domestic violence, while  
23 maintaining the confidentiality of those individuals.

24 (2) Refer those individuals to counseling and  
25 supportive services.

26 (3) Waive, pursuant to a determination of good  
27 cause, for so long as necessary any program requirements  
28 that would make it more difficult for those individuals  
29 to escape domestic violence or unfairly penalize past or  
30 present victims of domestic violence or those at risk of  
31 further domestic violence, such as time limits on  
32 receiving assistance, paternity establishment and child  
33 support cooperation requirements, and family cap  
34 provisions. When granting waivers under this Section,

1 the Department shall determine a specific relationship  
2 between the domestic violence suffered by the client and  
3 the need to waive a requirement because domestic violence  
4 makes it more difficult or impossible for the client to  
5 meet the requirement.

6 In addition, in the assessment process to develop a  
7 personal plan for self-sufficiency, the factor of  
8 domestic violence shall be taken into account in  
9 determining the work, education, and training activities  
10 that are appropriate, including temporarily waiving any  
11 work, education, or training requirement, and in  
12 establishing good cause for failure to cooperate in the  
13 plan. Further, the State shall meet the requirements for  
14 Federal recognition of good cause domestic violence  
15 waivers for assistance applicants and recipients under 45  
16 CFR 260.55.

17 (e) Evidence of domestic violence. Allegations of  
18 domestic violence by a victim shall be corroborated by  
19 further evidence. Evidence may include, but is not limited  
20 to, police, governmental agency, or court records;  
21 documentation from a shelter worker, legal, clerical,  
22 medical, or other professional from whom the individual has  
23 sought assistance in dealing with domestic violence; or other  
24 corroborating evidence, such as a statement from any other  
25 individual with knowledge of the circumstances which provide  
26 the basis for the claim, physical evidence of domestic  
27 violence, or any other evidence that supports the  
28 allegations. That an individual is a past or present victim  
29 of domestic violence or at risk of further domestic violence  
30 may be established at any time.

31 (f) An individual may decline to participate in services  
32 specifically directed at domestic violence or may terminate  
33 participation in those services, without penalty or sanction.

34 (g) The Department of Human Services, or any successor

1 Department or Agency responsible for the operation of the  
2 TANF program under Article IV, shall be responsible for the  
3 coordination of policies and procedures to comply with this  
4 Section, in consultation with State and local domestic  
5 violence experts. Those policies and procedures include, but  
6 are not limited to, the screening and identification of  
7 victims of domestic violence, notification to applicants and  
8 recipients of assistance, maintaining confidentiality,  
9 referral to services, the waiver process, determining  
10 evidence of domestic violence, and training of State  
11 employees. The policies and procedures shall apply to State  
12 Departments and Agencies which directly administer programs  
13 affected by the waivers that might be granted under  
14 subsection (d) above, including but not limited to the  
15 provision of assistance under TANF, paternity establishment  
16 and child support cooperation, and work, education, and  
17 training programs.

18 (305 ILCS 5/4-22 rep.)

19 Section 10. The Illinois Public Aid Code is amended by  
20 repealing Section 4-22.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.