

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;

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

18 A family's eligibility for child care services shall be
19 redetermined no sooner than 12 months following the initial
20 determination or most recent redetermination. During the
21 12-month periods, the family shall remain eligible for child
22 care services regardless of (i) a change in family income,
23 unless family income exceeds 85% of State median income, or
24 (ii) a temporary change in the ongoing status of the parents or
25 other relatives, as defined by rule, as working or attending a
26 job training or educational program.

1 In determining income eligibility for child care benefits,
2 the Department annually, at the beginning of each fiscal year,
3 shall establish, by rule, one income threshold for each family
4 size, in relation to percentage of State median income for a
5 family of that size, that makes families with incomes below the
6 specified threshold eligible for assistance and families with
7 incomes above the specified threshold ineligible for
8 assistance. Through and including fiscal year 2007, the
9 specified threshold must be no less than 50% of the
10 then-current State median income for each family size.
11 Beginning in fiscal year 2008, the specified threshold must be
12 no less than 185% of the then-current federal poverty level for
13 each family size.

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

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

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

1 Procedure Act, except that the limitation on the number of
2 emergency rules that may be adopted in a 24-month period shall
3 not apply.

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

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

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

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

20 (3) a licensed group child care home;

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

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

1 providers, including licensed and license exempt,
2 participating in the Department's child care assistance
3 program shall be considered to be public employees and the
4 State of Illinois shall be considered to be their employer as
5 of the effective date of this amendatory Act of the 94th
6 General Assembly, but not before. The State shall engage in
7 collective bargaining with an exclusive representative of
8 child and day care home providers participating in the child
9 care assistance program concerning their terms and conditions
10 of employment that are within the State's control. Nothing in
11 this subsection shall be understood to limit the right of
12 families receiving services defined in this Section to select
13 child and day care home providers or supervise them within the
14 limits of this Section. The State shall not be considered to be
15 the employer of child and day care home providers for any
16 purposes not specifically provided in this amendatory Act of
17 the 94th General Assembly, including but not limited to,
18 purposes of vicarious liability in tort and purposes of
19 statutory retirement or health insurance benefits. Child and
20 day care home providers shall not be covered by the State
21 Employees Group Insurance Act of 1971.

22 In according child and day care home providers and their
23 selected representative rights under the Illinois Public Labor
24 Relations Act, the State intends that the State action
25 exemption to application of federal and State antitrust laws be
26 fully available to the extent that their activities are

1 authorized by this amendatory Act of the 94th General Assembly.

2 (d) The Illinois Department shall establish, by rule, a
3 co-payment scale that provides for cost sharing by families
4 that receive child care services, including parents whose only
5 income is from assistance under this Code. The co-payment shall
6 be based on family income and family size and may be based on
7 other factors as appropriate. Co-payments may be waived for
8 families whose incomes are at or below the federal poverty
9 level.

10 (d-5) The Illinois Department, in consultation with its
11 Child Care and Development Advisory Council, shall develop a
12 plan to revise the child care assistance program's co-payment
13 scale. The plan shall be completed no later than February 1,
14 2008, and shall include:

15 (1) findings as to the percentage of income that the
16 average American family spends on child care and the
17 relative amounts that low-income families and the average
18 American family spend on other necessities of life;

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

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

26 (4) recommendations for changes in child care program

1 policies that affect the affordability of child care.

2 (e) (Blank).

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

6 (1) arranging the child care through eligible
7 providers by use of purchase of service contracts or
8 vouchers;

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

11 (3) (blank); or

12 (4) adopting such other arrangements as the Department
13 determines appropriate.

14 (f-5) (Blank).

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

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

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

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

6 (Source: P.A. 100-387, eff. 8-25-17.)

7 Section 99. Effective date. This Act takes effect October
8 1, 2018.