

1 AN ACT in relation to child care.

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
16 costs of child care. It is also the preference of the
17 General Assembly that all working poor families should be
18 treated equally, regardless of their welfare status.

19 (b) 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
24 shall cover the following categories of families:

25 (1) recipients of TANF under Article IV
26 participating in work and training activities as
27 specified in the personal plan for employment and
28 self-sufficiency;

29 (2) families transitioning from TANF to work;

30 (3) families at risk of becoming recipients of
31 TANF;

- 1 (4) families with special needs as defined by rule;
- 2 and
- 3 (5) working families with very low incomes as
- 4 defined by rule.

5 The Department shall specify by rule the conditions of
6 eligibility, the application process, and the types, amounts,
7 and duration of services. Eligibility for child care
8 benefits and the amount of child care provided may vary based
9 on family size, income, and other factors as specified by
10 rule. In determining income eligibility for child care
11 benefits, the Department annually at the beginning of the
12 fiscal year shall establish, by rule, one income threshold
13 for each family size, in relation to percentage of State
14 median income for a family of that size, which shall be no
15 less than 55% of the then-current State median income for
16 such families, that makes families with incomes below the
17 specified threshold eligible for assistance and families with
18 incomes above the specified threshold ineligible for
19 assistance. In determining eligibility for assistance, the
20 Department shall not give preference to any category of
21 recipients or give preference to individuals based on their
22 receipt of benefits under this Code. The Department shall
23 allocate \$7,500,000 annually for a test program for families
24 who are income-eligible for child care assistance, who are
25 not recipients of TANF under Article IV, and who need child
26 care assistance to participate in education and training
27 activities. The Department shall specify by rule the
28 conditions of eligibility for this test program. ~~It--is--the~~
29 ~~intent-of-the-General-Assembly-that, for-fiscal-year-1998, to~~
30 ~~the--extent--resources-permit, the-Department-shall-establish~~
31 ~~an-income-eligibility-threshold-of-50%-of--the--State--median~~
32 ~~income.---Notwithstanding--the-income-level-at-which-families~~
33 ~~become-eligible-to-receive-child-care-assistance, any--family~~
34 ~~that--is--already--receiving--child--care--assistance--on-the~~

1 ~~effective-date-of-this-amendatory-Act-of--1997--shall--remain~~
2 ~~eligible--for--assistance--for--fiscal-year-1998.~~ Nothing in
3 this Section shall be construed as conferring entitlement
4 status to eligible families. The Illinois Department is
5 authorized to lower income eligibility ceilings, raise parent
6 co-payments, create waiting lists, or take such other actions
7 during a fiscal year as are necessary to ensure that child
8 care benefits paid under this Article do not exceed the
9 amounts appropriated for those child care benefits. These
10 changes may be accomplished by emergency rule under Section
11 5-45 of the Illinois Administrative Procedure Act, except
12 that the limitation on the number of emergency rules that may
13 be adopted in a 24-month period shall not apply. The
14 Illinois Department may contract with other State agencies or
15 child care organizations for the administration of child care
16 services.

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

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

29 (2) a licensed child care home or home exempt from
30 licensing;

31 (3) a licensed group child care home;

32 (4) other types of child care, including child care
33 provided by relatives or persons living in the same home
34 as the child, as determined by the Illinois Department by

1 rule.

2 (d) The Illinois Department shall, by rule, require
3 co-payments for child care services by any parent, including
4 parents whose only income is from assistance under this Code.
5 The co-payment shall be assessed based on a sliding scale
6 based on family income, family size, and the number of
7 children in care. Co-payments shall not be increased due
8 solely to a fiscal year 2002 change in the methodology for
9 counting family income.

10 (e) The Illinois Department shall conduct a market rate
11 survey based on the cost of care and other relevant factors
12 which shall be completed by July 1, 1998.

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

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

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

21 (3) (blank); or

22 (4) adopting such other arrangements as the
23 Department determines appropriate.

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

26 (1) receiving a child care certificate issued by
27 the Department or a subcontractor of the Department that
28 may be used by the parents as payment for child care and
29 development services only; or

30 (2) if space is available, enrolling the child with
31 a child care provider that has a purchase of service
32 contract with the Department or a subcontractor of the
33 Department for the provision of child care and
34 development services. The Department may identify

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

7 (Source: P.A. 90-17, eff. 7-1-97; 91-509, eff. 1-1-00.)