

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.