

1 AN ACT in relation to 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
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 shall establish, by rule, one income
12 threshold for each family size, in relation to percentage of
13 State median income for a family of that size, that makes
14 families with incomes below the specified threshold eligible
15 for assistance and families with incomes above the specified
16 threshold ineligible for assistance. In determining
17 eligibility for assistance, the Department shall not give
18 preference to any category of recipients or give preference
19 to individuals based on their receipt of benefits under this
20 Code. The Department shall allocate \$7,500,000 annually for a
21 test program for families who are income-eligible for child
22 care assistance, who are not recipients of TANF under Article
23 IV, and who need child care assistance to participate in
24 education and training activities. The Department shall
25 specify by rule the conditions of eligibility for this test
26 program. It is the intent of the General Assembly that, for
27 fiscal year 1998, to the extent resources permit, the
28 Department shall establish an income eligibility threshold of
29 50% of the State median income. Notwithstanding the income
30 level at which families become eligible to receive child care
31 assistance, any family that is already receiving child care
32 assistance on the effective date of this amendatory Act of
33 1997 shall remain eligible for assistance for fiscal year
34 1998. It is the intent of the General Assembly that, for

1 fiscal year 2002 and subsequent fiscal years, to the extent
2 resources permit, the Illinois Department shall establish an
3 income eligibility threshold of 50% of the State median
4 income for fiscal year 2002. Nothing in this Section shall be
5 construed as conferring entitlement status to eligible
6 families. The Illinois Department is authorized to lower
7 income eligibility ceilings, raise parent co-payments, create
8 waiting lists, or take such other actions during a fiscal
9 year as are necessary to ensure that child care benefits paid
10 under this Article do not exceed the amounts appropriated for
11 those child care benefits. These changes may be accomplished
12 by emergency rule under Section 5-45 of the Illinois
13 Administrative Procedure Act, except that the limitation on
14 the number of emergency rules that may be adopted in a
15 24-month period shall not apply. The Illinois Department may
16 contract with other State agencies or child care
17 organizations for the administration of child care services.

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

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

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

32 (3) a licensed group child care home;

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

1 as the child, as determined by the Illinois Department by
2 rule.

3 (d) The Illinois Department shall, by rule, require
4 co-payments for child care services by any parent, including
5 parents whose only income is from assistance under this Code.
6 The co-payment shall be assessed based on a sliding scale
7 based on family income, family size, and the number of
8 children in care.

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

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

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

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

20 (3) (blank); or

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

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
26 the Department or a subcontractor of the Department that
27 may be used by the parents as payment for child care and
28 development services only; or

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

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

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