

1 AN ACT in relation to human services.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 2. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing
6 Sections 4.3 and 52 as follows:

7 (20 ILCS 1705/4.3) (from Ch. 91 1/2, par. 100-4.3)

8 Sec. 4.3. Site visits and inspections.

9 (a) (Blank). ~~Each facility under the jurisdiction of~~
10 ~~the Department shall be subject to a site visit at least once~~
11 ~~during each biennium by the Citizens Council on Mental Health~~
12 ~~and Developmental Disabilities as provided in Section 11A-7~~
13 ~~of the Legislative Commission Reorganization Act of 1984, as~~
14 ~~now or hereafter amended.~~

15 (b) The Department shall establish a system of annual
16 on-site inspections of each facility under its jurisdiction.
17 The inspections shall be conducted by the Department's
18 central office to:

19 (1) Determine facility compliance with Department
20 policies and procedures;

21 (2) Determine facility compliance with audit
22 recommendations;

23 (3) Evaluate facility compliance with applicable
24 federal standards;

25 (4) Review and follow up on complaints made by
26 community mental health agencies and advocates, and on
27 findings of the Human Rights Authority division of the
28 Guardianship and Advocacy Commission; and

29 (5) Review administrative and management problems
30 identified by other sources.

31 (Source: P.A. 86-1013.)

1 (20 ILCS 1705/52) (from Ch. 91 1/2, par. 100-52)

2 Sec. 52. ~~The--Citizens--Council--on--Mental--Health--and~~
3 ~~Developmental--Disabilities--shall--monitor--the--Department's~~
4 ~~plan--development--process.~~ After publication of the annual
5 plan, or any amendment thereto, the Department shall make
6 copies available to the public and to Statewide citizen and
7 professional organizations as well as to each legislative
8 commission having review or advisory authority in the areas
9 of mental health or developmental disabilities. The public,
10 the citizen and professional organizations and legislative
11 commission shall be given an opportunity to comment upon the
12 plan, or amendments thereto.

13 Within 60 days after publication of the annual plan or of
14 any substantial amendments thereto, the Department shall hold
15 a public hearing in each administrative region of the State.
16 The Department shall respond to any comments, recommendations
17 or testimony presented at such hearings or communicated to
18 the Department in writing. Such comments, recommendations
19 and testimony as well as the responses of the Department
20 shall be abstracted and published in the annual plan for the
21 succeeding year.

22 Amendments to an annual plan which relate only to
23 state-operated facilities, services or programs delivered to
24 a single region of the State require a public hearing only in
25 that region.

26 When there are budgetary or other changes in programs or
27 services of the Department which are inconsistent with the
28 annual plan in effect, the Department shall submit to the
29 General Assembly, ~~the--Citizens--Council--on--Mental--Health--and~~
30 ~~Developmental--Disabilities,~~ and to any commission subject to
31 notice of amendments under this Section, a detailed statement
32 of such deviation and its consequences.

33 (Source: P.A. 86-922.)

1 (20 ILCS 1705/58 rep.)

2 Section 3. The Mental Health and Developmental
3 Disabilities Administrative Act is amended by repealing
4 Section 58.

5 (20 ILCS 2425/Act rep.)

6 Section 4. The Hearing Impaired and Behavior Disordered
7 Children Services Act is repealed.

8 (20 ILCS 3940/Act rep.)

9 Section 5. The General Assistance Job Opportunities Act
10 is repealed.

11 (20 ILCS 3957/Act rep.)

12 Section 7. The Home and Community-Based Services Act is
13 repealed.

14 Section 8. The Legislative Commission Reorganization Act
15 of 1984 is amended by changing Section 11A-7 as follows:

16 (25 ILCS 130/11A-7) (from Ch. 63, par. 1011A-7)

17 Sec. 11A-7. The Citizens Assembly, under the direction
18 of the Citizens Council on Mental Health and Developmental
19 Disabilities, shall:

20 (a) Review, comment and make recommendations upon the
21 following: ~~all plans and policies of the Department of Human~~
22 ~~Services relating to mental health and developmental~~
23 ~~disabilities;~~ all other plans, including long range plans
24 developed by the Governor or any officer, agency, committee
25 or other group designated to do planning for the State in the
26 areas of mental health or developmental disabilities,
27 including alcoholism and drug addiction; and the impact of
28 such plans on the programs and services provided by units of
29 local government, school districts and private agencies in

1 such areas. The Citizens Assembly may adopt its own
 2 recommendations for a statewide plan or for limited plans on
 3 a regional, programmatic or other basis in such areas. The
 4 Citizens Assembly may review and comment upon any plans,
 5 proposals or grant applications made on behalf of the State
 6 to the federal government or to private organizations in such
 7 areas;

8 (b) (Blank); Review--the--operations,--administration,
 9 execution-of-policy-and-implementation-of-State--law--by--the
 10 Department-of-Human-Services-in-relation-to-mental-health-and
 11 developmental--disabilities--and--by--any--other-State-agency
 12 providing-services-or-administering-programs-in-the-areas--of
 13 mental--health--or--developmental--disabilities,--including
 14 alcoholism-and-drug-addiction.--The-Citizens--Assembly--shall
 15 monitor--the--following-activities-of-the-Department-of-Human
 16 Services-and-such-other-agencies-insofar-as--they--relate--to
 17 mental--health-or-developmental-disabilities:-the-delivery-of
 18 all-direct-services;-the-administration-of-grant-and-purchase
 19 of-service-programs;-and-any-licensing,-enforcement-or-review
 20 powers.

21 As-a-part-of-the-review-under-this--subsection--(b),--the
 22 Citizens---Council---on---Mental---Health--and--Developmental
 23 Disabilities--shall--conduct,--at--least--once--during---each
 24 biennium,---an---examination---of--each--facility--under--the
 25 jurisdiction-of-the-Department-of-Human-Services-as-described
 26 in--Section--4--of--the--Mental--Health---and---Developmental
 27 Disabilities--Administrative--Act.---The--examination--shall
 28 include,-but-not-be-limited-to,-at-least-one--site--visit--to
 29 review--the--facility's--operations,-patient-care-provided-by
 30 the-facility,-and-the-physical-condition--of--the--facility's
 31 buildings-and-grounds.--The-examination-shall-also-include-an
 32 analysis-of-the-following-indices-of-care:

33 (1)--The--percentage---of--patients--and--residents
 34 returning-for-inpatient-treatment-within-30-and--60--days

1 of---discharge,---in---relation---to---the---documentation---of
2 readiness---for---discharge---and---quality---of---discharge
3 planning.

4 (2)---The---facility's---ability---to---insure---continuity---of
5 care---by---linkage---rates---and---access---to---patients---for
6 community---providers.

7 (3)---Overcrowding;---that---is,---the---number---of---days---on
8 which---the---facility's---census---exceeded---its---functional---bed
9 capacity.

10 (4)---The---level---of---clinical---services---as---measured---by
11 the---number---of---credentialed---staff,---evidence---of---structured
12 therapeutic---activity,---and---the---number---of---admissions---in
13 relation---to---the---number---of---beds---in---the---facility.

14 (5)---Employee---turnover.

15 (6)---The---incidence---of---assaults---on---patients---or
16 residents---of---the---facility.

17 (7)---Recidivism.

18 In---carrying---out---its---examination,---the---Citizens---Council
19 shall---solicit---evaluations---and---comments---from---patient---and
20 resident---family---and---advocacy---groups.

21 The---Citizens---Assembly---shall---also---review---the---utilization
22 of---State---appropriated---funds---and---federal---and---private---grants---by
23 the---Department---of---Human---Services---or---such---other---agencies
24 relating---to---mental---health---and---developmental---disabilities;

25 (c) Study the progress and problems of the
26 hospitalization, care, treatment and training of the mentally
27 afflicted and persons with a developmental disability;

28 (d) Study the need for further codification or revision
29 of the laws relating to mental health and developmental
30 disabilities, and make such recommendations to the General
31 Assembly;

32 (e) Study all germane factors in an effort to determine
33 the improvements necessary to raise the mental health of the
34 citizens of Illinois to a desirable level;

1 (f) Advise the Governor concerning the choice of a
2 person to be appointed Associate Secretary of Human Services
3 with authority over the functions exercised by the Department
4 of Human Services as successor to the Department of Mental
5 Health and Developmental Disabilities, if such a person is
6 appointed;

7 (g) Meet regularly with the Secretary of Human Services
8 and regularly consult with the Psychiatric Advisory Council.
9 The Citizens Assembly may advise the Secretary on all matters
10 relating to the policy and administration of mental health
11 and developmental disability services in this State.

12 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

13 Section 10. The Public Officer Prohibited Activities Act
14 is amended by changing Section 1 as follows:

15 (50 ILCS 105/1) (from Ch. 102, par. 1)

16 Sec. 1. County board. No member of a county board,
17 during the term of office for which he or she is elected, may
18 be appointed to, accept, or hold any office other than (i)
19 chairman of the county board or member of the regional
20 planning commission by appointment or election of the board
21 of which he or she is a member or (ii) alderman of a city or
22 member of the board of trustees of a village or incorporated
23 town if the city, village, or incorporated town has fewer
24 than 1,000 inhabitants and is located in a county having
25 fewer than 50,000 inhabitants, unless he or she first resigns
26 from the office of county board member or unless the holding
27 of another office is authorized by law. Any such prohibited
28 appointment or election is void. This Section shall not
29 preclude a member of the county board from being selected or
30 from serving as-a-member-of--the--County--Personnel--Advisory
31 Board--as--provided-in-Section-12-17.2-of-the-Illinois-Public
32 Aid-Code, as a member of a County Extension Board as provided

1 in Section 7 of the County Cooperative Extension Law, as a
2 member of an Emergency Telephone System Board as provided in
3 Section 15.4 of the Emergency Telephone System Act, or as
4 appointed members of the board of review as provided in
5 Section 6-30 of the Property Tax Code. Nothing in this Act
6 shall be construed to prohibit an elected county official
7 from holding elected office in another unit of local
8 government so long as there is no contractual relationship
9 between the county and the other unit of local government.
10 This amendatory Act of 1995 is declarative of existing law
11 and is not a new enactment.

12 (Source: P.A. 91-732, eff. 1-1-01.)

13 Section 15. The Illinois Municipal Code is amended by
14 changing Section 11-43-2 as follows:

15 (65 ILCS 5/11-43-2) (from Ch. 24, par. 11-43-2)

16 Sec. 11-43-2. Taxes levied by any municipality having a
17 population of 500,000 or more for general assistance for
18 persons in need thereof as provided in The Illinois Public
19 Aid Code, as now or hereafter amended, for each fiscal year
20 shall not exceed the rate of .10% upon the value of all
21 property therein as that property is equalized or assessed by
22 the Department of Revenue. Nor shall the rate produce in
23 excess of the amount needed in that municipality for general
24 assistance for persons in need thereof.

25 All money received from these taxes and moneys collected
26 or recovered by or in behalf of the municipality under The
27 Illinois Public Aid Code shall be used exclusively for the
28 furnishing of general assistance within the municipality; for
29 the payment of administrative costs thereof; and for the
30 payment of warrants issued against and in anticipation of the
31 general assistance taxes, and accrued interest thereon. Until
32 January 1, 1974, the treasurer of the municipality, shall pay

1 all moneys received from general assistance taxes and all the
 2 moneys collected or recovered by or in behalf of the
 3 municipality under The Illinois Public Aid Code into the
 4 special fund in the county treasury established pursuant to
 5 Section 12-21.14 of that Code. After December 31, 1973, but
 6 not later than June 30, 1979, the treasurer of the
 7 municipality shall pay all moneys received from general
 8 assistance taxes and collections or recoveries directly into
 9 the Special Purposes Trust Fund established by Section 12-10
 10 of The Illinois Public Aid Code. After June 30, 1979, moneys
 11 and funds designated by this Section shall be paid into the
 12 General Revenue Fund as reimbursement for appropriated funds
 13 ~~disbursed as provided in Section 12-18.4 of the Illinois~~
 14 ~~Public Aid Code.~~

15 Upon the filing with the county clerk of a certified copy
 16 of an ordinance levying such taxes, the county clerk shall
 17 extend the taxes upon the books of the collector of state and
 18 county taxes within that municipality in the manner provided
 19 in Section 8-3-1 for the extension of municipal taxes.

20 (Source: P.A. 81-1509.)

21 Section 20. The Illinois Public Aid Code is amended by
 22 changing Sections 1-7, 1-8, 2-6, 2-13, 3-1a, 3-11, 4-1,
 23 4-1.1, 4-1.2a, 4-1.2c, 4-1.6, 4-1.10, 4-2, 4-8, 4-17, 6-1,
 24 6-1.2, 6-1.3a, 6-2, 6-11, 9-1, 9-5, 9-6, 9-6.1, 9-6.2, 9A-3,
 25 9A-5, 9A-13, 11-3, 11-6.1, 11-8, 11-8.7, 11-9, 11-15, 11-17,
 26 11-20, 11-22, 11-22a, 12-2, 12-3, 12-4.4, 12-4.7, 12-4.8,
 27 12-4.17, 12-4.24a, 12-5, 12-8, 12-10.3, 12-13, 12-13.05,
 28 12-19, 12-19.2, 12-19.3, 12-21.10, 12-21.14, and 12-21.20 as
 29 follows:

30 (305 ILCS 5/1-7) (from Ch. 23, par. 1-7)

31 Sec. 1-7. (a) For purposes of determining eligibility
 32 for assistance under this Code, the Illinois Department,

1 County Departments, and local governmental units shall
2 exclude from consideration restitution payments, including
3 all income and resources derived therefrom, made to persons
4 of Japanese or Aleutian ancestry pursuant to the federal
5 Civil Liberties Act of 1988 and the Aleutian and Pribilof
6 Island Restitution Act, P.L. 100-383.

7 (b) For purposes of any program or form of assistance
8 where a person's income or assets are considered in
9 determining eligibility or level of assistance, whether under
10 this Code or another authority, neither the State of Illinois
11 nor any entity or person administering a program wholly or
12 partially financed by the State of Illinois or any of its
13 political subdivisions shall include restitution payments,
14 including all income and resources derived therefrom, made
15 pursuant to the federal Civil Liberties Act of 1988 and the
16 Aleutian and Pribilof Island Restitution Act, P.L. 100-383,
17 in the calculation of income or assets for determining
18 eligibility or level of assistance.

19 (c) For purposes of determining eligibility for or the
20 amount of assistance under this Code, except for the
21 determination of eligibility for payments or programs under
22 the TANF employment, education, and training programs Job
23 ~~Opportunity--and--Basic--Skills--Program~~ and the Food Stamp
24 Employment and Training Program, the Illinois Department,
25 County Departments, and local governmental units shall
26 exclude from consideration any financial assistance received
27 under any student aid program administered by an agency of
28 this State or the federal government, by a person who is
29 enrolled as a full-time or part-time student of any public or
30 private university, college, or community college in this
31 State.

32 (Source: P.A. 87-565; 88-436.)

33 (305 ILCS 5/1-8)

1 Sec. 1-8. Fugitives ineligible.

2 (a) The following persons are not eligible for aid under
3 this Code, or federal food stamps or federal food stamp
4 benefits:

5 (1) A person who has fled from the jurisdiction of
6 any court of record of this or any other state or of the
7 United States to avoid prosecution for a felony or to
8 avoid giving testimony in any criminal proceeding
9 involving the alleged commission of a felony.

10 (2) A person who has fled to avoid imprisonment in
11 a correctional facility of this or any other state or the
12 United States for having committed a felony.

13 (3) A person who has escaped from a correctional
14 facility of this or any other state or the United States
15 if the person was incarcerated for having committed a
16 felony.

17 (4) A person who is violating a condition of
18 probation or parole imposed under federal or State law.

19 In this Section, "felony" means a violation of a penal
20 statute of this or any other state or the United States for
21 which a sentence to death or to a term of imprisonment in a
22 penitentiary for one year or more is provided.

23 To implement this Section, the Illinois Department may
24 exchange necessary information with an appropriate law
25 enforcement agency of this or any other state, a political
26 subdivision of this or any other state, or the United States.

27 (b) (Blank). ~~The-illinois-Department-shall-apply-for-all~~
28 ~~waivers-of-federal-law-and-regulations-necessary-to-implement~~
29 ~~this---Section7---and---implementation--of--this--Section--is~~
30 ~~contingent-on-the--Illinois--Department's--receipt--of--these~~
31 ~~waivers.~~

32 (Source: P.A. 89-489, eff. 1-1-97; 90-17, eff. 7-1-97.)

33 (305 ILCS 5/2-6) (from Ch. 23, par. 2-6)

1 Sec. 2-6. "Financial aid". A money or vendor payment to
 2 or in behalf of a recipient for basic maintenance support or
 3 medical assistance provided under Articles III, IV, V, and VI
 4 and-VII.

5 (Source: Laws 1967, p. 122.)

6 (305 ILCS 5/2-13) (from Ch. 23, par. 2-13)

7 Sec. 2-13. "County department". The Department of Human
 8 Services local office or offices County-Department-of--Public
 9 Aid in each county in this State.

10 (Source: Laws 1967, p. 122.)

11 (305 ILCS 5/3-1a) (from Ch. 23, par. 3-1a)

12 Sec. 3-1a. Interim Assistance.

13 (a) (Blank). ~~The--interim-assistance-program-previously~~
 14 ~~administered--under--this--Article--is--abolished--effective~~
 15 ~~September--17--1995.--Persons--receiving--interim--assistance~~
 16 ~~before--September--17--1995--may--apply-for-and-receive-State~~
 17 ~~Transitional-Assistance-benefits-under-Section-6-11--of--this~~
 18 ~~Code-if-they-meet-the-eligibility-criteria-under-that-program~~
 19 ~~as--revised--by--this-amendatory-Act-of-1995.-Notwithstanding~~
 20 ~~any-other-Section-of-this-Code, the--Illinois--Department--is~~
 21 ~~authorized--to--cancel-interim-assistance-and-related-medical~~
 22 ~~benefits-for-all-clients--effective--September--17--1995--and~~
 23 ~~require--former--recipients--of-interim-assistance-to-reapply~~
 24 ~~for-State-Transitional-Assistance--and--any--related--medical~~
 25 ~~benefits.--Applications-filed-on-July-17-1995-and-thereafter~~
 26 ~~shall-not-be-considered-under-the-interim-assistance--program~~
 27 ~~but--shall--be--considered--only-under-the-State-Transitional~~
 28 ~~Assistance-program, as-revised--by--this--amendatory--Act--of~~
 29 ~~1995.~~

30 (b) The Illinois Department may establish, by rule, an
 31 advocacy program to help clients pursue Supplemental Security
 32 Income applications and, if the client is found ineligible

1 for Supplemental Security Income initially, to help the
2 client pursue the Supplemental Security Income
3 reconsideration and appeal process. This program may be
4 limited to specific geographic areas.

5 (Source: P.A. 88-670, eff. 12-2-94; 89-21, eff. 7-1-95.)

6 (305 ILCS 5/3-11) (from Ch. 23, par. 3-11)

7 Sec. 3-11. Fraudulent transfer of real property.

8 A transfer of any legal or equitable interest in real
9 property, whether vested, contingent, or inchoate, by a
10 person who is or has been a recipient, including any such
11 transfers prior to application which would have initially
12 disqualified the person as provided in Section 3-1.3, shall,
13 under any of the following conditions, be deemed prima facie
14 fraudulent as to the Illinois Department.

15 (1.) Where the deed or assignment has not been recorded
16 or registered by the grantee, trustee, or assignee

17 (2.) When the deed or assignment, even though recorded
18 or registered, fails to state the consideration

19 (3.) When the consideration for the deed or assignment,
20 even though recorded or registered, is not paid

21 (4.) When the consideration for the deed or assignment,
22 even though recorded or registered, does not approximate the
23 fair, cash market value.

24 The Attorney General, upon request of the Illinois
25 Department, shall file suit to rescind any such transfer or
26 assignment of real property. Any aid furnished under this
27 ~~Article, or under Articles V, VII, or VII-A of the 1949 Code~~
28 shall be recoverable in any such proceeding from such person
29 or from his estate.

30 (Source: Laws 1967, p. 122.)

31 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

32 Sec. 4-1. Eligibility requirements. Financial aid in

1 meeting basic maintenance requirements for a livelihood
2 compatible with health and well-being shall be given under
3 this Article to or in behalf of families with dependent
4 children who meet the eligibility conditions of Sections
5 4-1.1 through 4-1.11. Persons who meet the eligibility
6 criteria authorized under this Article shall be treated
7 equally, provided that nothing in this Article shall be
8 construed to create an entitlement to a particular grant or
9 service level or to aid in amounts not authorized under this
10 Code, nor construed to limit the authority of the General
11 Assembly to change the eligibility requirements or provisions
12 respecting assistance amounts.

13 The Illinois Department shall advise every applicant for
14 and recipient of aid under this Article of (i) the
15 requirement that all recipients move toward self-sufficiency
16 and (ii) the value and benefits of employment. As a
17 condition of eligibility for that aid, every person who
18 applies for aid under this Article on or after the effective
19 date of this amendatory Act of 1995 shall prepare and submit,
20 as part of the application or subsequent redetermination, a
21 personal plan for achieving employment and self-sufficiency.
22 The plan shall incorporate the individualized assessment and
23 employability plan set out in subsections (d), (f), and (g)
24 of Section 9A-8. The plan may be amended as the recipient's
25 needs change. The assessment process to develop the plan
26 shall include questions that screen for domestic violence
27 issues and steps needed to address these issues may be part
28 of the plan. If the individual indicates that he or she is a
29 victim of domestic violence, he or she may also be referred
30 to an available domestic violence program. Failure of the
31 client to follow through on the personal plan for employment
32 and self-sufficiency may be a basis for sanction under
33 Section 4-21. ~~The--Illinois--Department--may--implement--this~~
34 ~~paragraph--through--the--use--of--emergency--rules--in--accordance~~

1 with-Section-5-45-of-the--Illinois--Administrative--Procedure
 2 Act.---For--purposes-of-the-Illinois-Administrative-Procedure
 3 Act, the-adoption-of-rules-to-implement-this-paragraph--shall
 4 be--considered--an--emergency--and--necessary--for-the-public
 5 interest, safety, and-welfare.

6 The-eligibility-of-persons-who, on-the-effective-date--of
 7 this--Code,--are--receiving--aid-under-Article-VI-of-the-1949
 8 Code, for-aid-under-this-Article, and-the-continuity-of-their
 9 grants, shall-not-be-affected-by-the-enactment-of-this-Code.

10 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

11 (305 ILCS 5/4-1.1) (from Ch. 23, par. 4-1.1)

12 Sec. 4-1.1. Child age eligibility.

13 (a) Every assistance unit must include a child, except
 14 as provided in subsections (b) and (c). The child or
 15 children must have already been born and be under age 18, or,
 16 if age 18, must be a full-time student in a secondary school
 17 or the equivalent level of vocational or technical training.

18 (b) Grants shall be provided for assistance units
 19 consisting exclusively of a pregnant woman with no dependent
 20 child, and may include her husband if living with her, if the
 21 pregnancy has been determined by medical diagnosis, ~~to the~~
 22 ~~extent that federal law permits and federal matching funds~~
 23 ~~are available.~~

24 (c) Grants may be provided for assistance units
 25 consisting of only adults if all the children living with
 26 those adults are disabled and receive Supplemental Security
 27 Income.

28 (Source: P.A. 90-14, eff. 7-1-97; 90-17, eff. 7-1-97.)

29 (305 ILCS 5/4-1.2a) (from Ch. 23, par. 4-1.2a)

30 Sec. 4-1.2a. Residents of public institutions.
 31 Residents of municipal, county, state or national
 32 institutions for persons with mental illness or persons with

1 a developmental disability or for the tuberculous, or
2 residents of a home or other institution maintained by such
3 governmental bodies when not in need of institutional care
4 because of sickness, convalescence, infirmity, or chronic
5 illness, and inmates of penal or correctional institutions
6 maintained by such governmental bodies, may qualify for aid
7 under this Article only after they have ceased to be
8 residents or inmates. ~~7-but-they-may-apply-in-advance-of-their~~
9 ~~discharge.--Applications-received--from--residents--scheduled~~
10 ~~for--discharge--from--such-institutions-shall-be-processed-by~~
11 ~~the-Department-in-an-expeditious-manner.--For--persons--whose~~
12 ~~applications--are--approved,-the-earliest-date-of-eligibility~~
13 ~~shall-be-the-date-of-release-from-the-institution.~~

14 A person shall not be deemed a resident of a State
15 institution for persons with mental illness or persons with a
16 developmental disability within the meaning of this Section
17 if he or she has been conditionally discharged by the
18 Department of Mental Health and Developmental Disabilities or
19 the Department of Human Services (acting as successor to the
20 Department of Mental Health and Developmental Disabilities)
21 and is no longer residing in the institution.

22 Recipients of benefits under this Article who become
23 residents of such institutions shall be permitted a period of
24 up to 30 days in such institutions without suspension or
25 termination of eligibility. Benefits for which such person is
26 eligible shall be restored, effective on the date of
27 discharge or release, for persons who are residents of
28 institutions. Within a reasonable time after the discharge of
29 a person who was a resident of an institution, the Department
30 shall redetermine the eligibility of such person.

31 The Department shall provide for procedures to expedite
32 the determination of incapacity or ability to engage in
33 employment of persons scheduled to be discharged from
34 facilities operated by the Department.

1 If federal law or regulations governing grants under this
2 Article permit the inclusion of persons who are residents of
3 institutions designated in this Section beyond the period
4 authorized herein, the Illinois Department, upon a
5 determination that the appropriations for public aid are
6 sufficient for such purpose, and upon approval of the
7 Governor, may provide by general and uniform rule for the
8 waiver of the provisions of this Section which would
9 otherwise disqualify such person for aid under this Article.
10 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

11 (305 ILCS 5/4-1.2c)

12 Sec. 4-1.2c. Residence of child who is pregnant or a
13 parent.

14 (a) Notwithstanding any other provision of this Code, no
15 aid shall be paid under this Article on behalf of a person
16 under age 18 who has never married and who has a child or is
17 pregnant, unless that person resides with a parent, legal
18 guardian, or other adult relative or in a foster home,
19 maternity home, or other adult-supervised living arrangement.

20 (b) The Illinois Department may make an exception to the
21 requirement of subsection (a) as authorized under the federal
22 Family Support Act of 1988 or in any of the following
23 circumstances:

24 (1) The person has no living parent or legal
25 guardian, or the parent's or legal guardian's whereabouts
26 are unknown.

27 (2) The Illinois Department determines that the
28 physical health or safety of the person or the person's
29 child would be jeopardized.

30 (3) The person has lived apart from the parent or
31 legal guardian for a period of at least one year before
32 the child's birth or before applying for aid under this
33 Article.

1 (c) (Blank). The Illinois Department may implement this
 2 Section through the use of emergency rules in accordance with
 3 Section 5-45 of the Illinois Administrative Procedure Act.
 4 For purposes of the Illinois Administrative Procedure Act,
 5 the adoption of rules to implement this Section shall be
 6 considered an emergency and necessary for the public
 7 interest, safety, and welfare.
 8 (Source: P.A. 89-6, eff. 3-6-95.)

9 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

10 Sec. 4-1.6. Need. Income available to the family as
 11 defined by the Illinois Department by rule, or to the child
 12 in the case of a child removed from his or her home, when
 13 added to contributions in money, substance or services from
 14 other sources, including income available from parents absent
 15 from the home or from a stepparent, contributions made for
 16 the benefit of the parent or other persons necessary to
 17 provide care and supervision to the child, and contributions
 18 from legally responsible relatives, must be insufficient to
 19 equal the grant amount established by Department regulation
 20 for such a person.

21 In considering income to be taken into account,
 22 consideration shall be given to any expenses reasonably
 23 attributable to the earning of such income. The Illinois
 24 Department may also, subject to such limitations as may be
 25 prescribed by federal law or regulation, permit all or any
 26 portion of earned or other income to be set aside for the
 27 future identifiable needs of a child. If federal law or
 28 regulations permit or require exemption of other income of
 29 recipients, The Illinois Department may provide by rule and
 30 regulation for the exemptions thus permitted or required.
 31 The eligibility of any applicant for or recipient of public
 32 aid under this Article is not affected by the payment of any
 33 grant under the "Senior Citizens and Disabled Persons

1 Property Tax Relief and Pharmaceutical Assistance Act" or any
 2 distributions or items of income described under subparagraph
 3 (X) of paragraph (2) of subsection (a) of Section 203 of the
 4 Illinois Income Tax Act.

5 The Illinois Department may, by rule, set forth criteria
 6 under which an assistance unit is ineligible for cash
 7 assistance under this Article for a specified number of
 8 months due to the receipt of a lump sum payment.

9 (Source: P.A. 90-17, eff. 7-1-97; 91-676, eff. 12-23-99.)

10 (305 ILCS 5/4-1.10) (from Ch. 23, par. 4-1.10)

11 Sec. 4-1.10. Acceptance of Assignment to Job Search,
 12 Training and Work Programs. An individual for whom the job
 13 search, training and work programs established under Article
 14 IXA are applicable must accept assignment to such programs.
 15 ~~The--Illinois--Department--shall--seek--a--waiver--of--federal--law~~
 16 ~~and--regulations--to--operate--a--job--search--program,--under--which~~
 17 ~~every--person--determined--eligible--for--aid--under--this--Article~~
 18 ~~who--has--a--high--school--education--or--its--equivalent--or--a--prior~~
 19 ~~work--history--as--defined--by--rule--and--whose--youngest--child--is~~
 20 ~~at--least--5--years--of--age--but--less--than--13--years--of--age--shall~~
 21 ~~be--required--to--participate--in--a--job--search--program--until~~
 22 ~~employment--is--secured--or--for--6--months--after--the--date--of~~
 23 ~~approval,--whichever--is--less.--This--Section--shall--be--operative~~
 24 ~~only--to--the--extent--that--it--does--not--conflict--with--the--Federal~~
 25 ~~Social--Security--Act,--or--any--other--federal--law--or--federal~~
 26 ~~regulation--governing--the--receipt--of--federal--grants--for--aid~~
 27 ~~provided--under--this--Article.~~ The Illinois Department and the
 28 local governmental unit shall determine, pursuant to rules
 29 and regulations, sanctions for persons failing to comply with
 30 the requirements under this Section. However, no participant
 31 shall be sanctioned for failure to satisfy job search
 32 requirements before a full assessment of the participant's
 33 job readiness and employability, except that for those

1 persons subject to the job search program operated under this
 2 Section an assessment as defined by rule at the time of
 3 intake will meet the assessment requirement. No participant
 4 shall be sanctioned for failure to satisfy the minimum number
 5 of employer contacts if the participant made a good faith
 6 effort.

7 ~~The Illinois Department may implement the changes made by~~
 8 ~~this amendatory Act of 1995 through the use of emergency~~
 9 ~~rules in accordance with Section 5-45 of the Illinois~~
 10 ~~Administrative Procedure Act. For purposes of the Illinois~~
 11 ~~Administrative Procedure Act, the adoption of rules to~~
 12 ~~implement these changes shall be considered an emergency and~~
 13 ~~necessary for the public interest, safety, and welfare.~~

14 (Source: P.A. 89-6, eff. 3-6-95.)

15 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

16 Sec. 4-2. Amount of aid.

17 (a) The amount and nature of financial aid shall be
 18 determined in accordance with the grant amounts, rules and
 19 regulations of the Illinois Department. Due regard shall be
 20 given to the self-sufficiency requirements of the family and
 21 to the income, money contributions and other support and
 22 resources available, from whatever source. ~~Beginning July 1,~~
 23 ~~1992, the supplementary grants previously paid under this~~
 24 ~~Section shall no longer be paid.~~ However, the amount and
 25 nature of any financial aid is not affected by the payment of
 26 any grant under the "Senior Citizens and Disabled Persons
 27 Property Tax Relief and Pharmaceutical Assistance Act" or any
 28 distributions or items of income described under subparagraph
 29 (X) of paragraph (2) of subsection (a) of Section 203 of the
 30 Illinois Income Tax Act. The aid shall be sufficient, when
 31 added to all other income, money contributions and support to
 32 provide the family with a grant in the amount established by
 33 Department regulation.

1 (b) The Illinois Department may conduct special
 2 projects, which may be known as Grant Diversion Projects,
 3 under which recipients of financial aid under this Article
 4 are placed in jobs and their grants are diverted to the
 5 employer who in turn makes payments to the recipients in the
 6 form of salary or other employment benefits. The Illinois
 7 Department shall by rule specify the terms and conditions of
 8 such Grant Diversion Projects. Such projects shall take into
 9 consideration and be coordinated with the programs
 10 administered under the Illinois Emergency Employment
 11 Development Act.

12 (c) The amount and nature of the financial aid for a
 13 child requiring care outside his own home shall be determined
 14 in accordance with the rules and regulations of the Illinois
 15 Department, with due regard to the needs and requirements of
 16 the child in the foster home or institution in which he has
 17 been placed.

18 (d) If the Department establishes grants for family
 19 units consisting exclusively of a pregnant woman with no
 20 dependent child or including her husband if living with her,
 21 the grant amount for such a unit shall be equal to the grant
 22 amount for an assistance unit consisting of one adult, or 2
 23 persons if the husband is included. Other than as herein
 24 described, an unborn child shall not be counted in
 25 determining the size of an assistance unit or for calculating
 26 grants.

27 Payments for basic maintenance requirements of a child or
 28 children and the relative with whom the child or children are
 29 living shall be prescribed, by rule, by the Illinois
 30 Department.

31 ~~These grants may be increased in the following circumstances:~~

- 32 ~~1. If the child is living with both parents or with~~
 33 ~~persons standing in the relationship of parents, and if~~
 34 ~~the grant is necessitated because of the unemployment or~~

1 insufficient earnings of the parent or parents and
2 neither parent is receiving benefits under "The
3 Unemployment Compensation Act", approved June 30, 1937,
4 as amended, the maximum may be increased by not more than
5 \$25.

6 2. If a child is age 13 or over, the maximum may be
7 increased by not more than \$15.

8 The allowances provided under Article IX for recipients
9 participating in the training and rehabilitation programs
10 shall be in addition to the maximum payments established in
11 this Section.

12 Grants under this Article shall not be supplemented by
13 General Assistance provided under Article VI.

14 (e) Grants shall be paid to the parent or other person
15 with whom the child or children are living, except for such
16 amount as is paid in behalf of the child or his parent or
17 other relative to other persons or agencies pursuant to this
18 Code or the rules and regulations of the Illinois Department.

19 (f) An assistance unit, receiving financial aid under
20 this Article or temporarily ineligible to receive aid under
21 this Article under a penalty imposed by the Illinois
22 Department for failure to comply with the eligibility
23 requirements or that voluntarily requests termination of
24 financial assistance under this Article and becomes
25 subsequently eligible for assistance within 9 months, shall
26 not receive any increase in the amount of aid solely on
27 account of the birth of a child; except that an increase is
28 not prohibited when the birth is (i) of a child of a pregnant
29 woman who became eligible for aid under this Article during
30 the pregnancy, or (ii) of a child born within 10 months after
31 the date of implementation of this subsection, or (iii) of a
32 child conceived after a family became ineligible for
33 assistance due to income or marriage and at least 3 months of
34 ineligibility expired before any reapplication for

1 assistance. This subsection does not, however, prevent a
2 unit from receiving a general increase in the amount of aid
3 that is provided to all recipients of aid under this Article.

4 The Illinois Department is authorized to transfer funds,
5 and shall use any budgetary savings attributable to not
6 increasing the grants due to the births of additional
7 children, to supplement existing funding for employment and
8 training services for recipients of aid under this Article
9 IV. The Illinois Department shall target, to the extent the
10 supplemental funding allows, employment and training services
11 to the families who do not receive a grant increase after the
12 birth of a child. In addition, the Illinois Department shall
13 provide, to the extent the supplemental funding allows, such
14 families with up to 24 months of transitional child care
15 pursuant to Illinois Department rules. All remaining
16 supplemental funds shall be used for employment and training
17 services or transitional child care support.

18 In making the transfers authorized by this subsection,
19 the Illinois Department shall first determine, pursuant to
20 regulations adopted by the Illinois Department for this
21 purpose, the amount of savings attributable to not increasing
22 the grants due to the births of additional children.
23 Transfers may be made from General Revenue Fund
24 appropriations for distributive purposes authorized by
25 Article IV of this Code only to General Revenue Fund
26 appropriations for employability development services
27 including operating and administrative costs and related
28 distributive purposes under Article IXA of this Code. The
29 Director, with the approval of the Governor, shall certify
30 the amount and affected line item appropriations to the State
31 Comptroller.

32 ~~The Illinois Department shall apply for all waivers of~~
33 ~~federal law and regulations necessary to implement this~~
34 ~~subsection; implementation of this subsection is contingent~~

1 on--the--Illinois--Department--receiving--all--necessary--federal
2 waivers.---The--Illinois--Department---may---implement---this
3 subsection--through--the--use--of--emergency--rules--in--accordance
4 with--Section--5-45--of--the--Illinois--Administrative--Procedure
5 Act.---For--purposes--of--the--Illinois--Administrative--Procedure
6 Act,--the--adoption--of--rules--to--implement--this--subsection--shall
7 be--considered--an--emergency--and--necessary--for--the--public
8 interest,--safety,--and--welfare.

9 Nothing in this subsection shall be construed to prohibit
10 the Illinois Department from using funds under this Article
11 IV to provide assistance in the form of vouchers that may be
12 used to pay for goods and services deemed by the Illinois
13 Department, by rule, as suitable for the care of the child
14 such as diapers, clothing, school supplies, and cribs.

15 (g) (Blank).

16 (h) Notwithstanding any other provision of this Code,
17 the Illinois Department is authorized to reduce payment
18 levels used to determine cash grants under this Article after
19 December 31 of any fiscal year if the Illinois Department
20 determines that the caseload upon which the appropriations
21 for the current fiscal year are based have increased by more
22 than 5% and the appropriation is not sufficient to ensure
23 that cash benefits under this Article do not exceed the
24 amounts appropriated for those cash benefits. Reductions in
25 payment levels may be accomplished by emergency rule under
26 Section 5-45 of the Illinois Administrative Procedure Act,
27 except that the limitation on the number of emergency rules
28 that may be adopted in a 24-month period shall not apply and
29 the provisions of Sections 5-115 and 5-125 of the Illinois
30 Administrative Procedure Act shall not apply. Increases in
31 payment levels shall be accomplished only in accordance with
32 Section 5-40 of the Illinois Administrative Procedure Act.
33 Before any rule to increase payment levels promulgated under
34 this Section shall become effective, a joint resolution

1 approving the rule must be adopted by a roll call vote by a
2 majority of the members elected to each chamber of the
3 General Assembly.

4 (Source: P.A. 90-17, eff. 7-1-97; 90-372, eff. 7-1-98;
5 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

6 (305 ILCS 5/4-8) (from Ch. 23, par. 4-8)

7 Sec. 4-8. Mismanagement of assistance grant.

8 (a) If the County Department has reason to believe that
9 the money payment for basic maintenance is not being used, or
10 may not be used, in the best interests of the child and the
11 family and that there is present or potential damage to the
12 standards of health and well-being that the grant is intended
13 to assure, the County Department shall provide the parent or
14 other relative with the counseling and guidance services with
15 respect to the use of the grant and the management of other
16 funds available to the family as may be required to assure
17 use of the grant in the best interests of the child and
18 family. The Illinois Department shall by rule prescribe
19 criteria which shall constitute evidence of grant
20 mismanagement. The criteria shall include but not be limited
21 to the following:

22 (1) A determination that a child in the assistance
23 unit is not receiving proper and necessary support or
24 other care for which assistance is being provided under
25 this Code.

26 (2) A record establishing that the parent or
27 relative has been found guilty of public assistance fraud
28 under Article VIII A.

29 (3) A determination by an appropriate person,
30 entity, or agency that the parent or other relative
31 requires treatment for alcohol or substance abuse, mental
32 health services, or other special care or treatment.

33 The Department shall at least consider non-payment of

1 rent for two consecutive months as evidence of grant
2 mismanagement by a parent or relative of a recipient who is
3 responsible for making rental payments for the housing or
4 shelter of the child or family, unless the Department
5 determines that the non-payment is necessary for the
6 protection of the health and well-being of the recipient. The
7 County Department shall advise the parent or other relative
8 grantee that continued mismanagement will result in the
9 application of one of the sanctions specified in this
10 Section.

11 The Illinois Department shall consider irregular school
12 attendance by children of school age grades 1 through 8, as
13 evidence of lack of proper and necessary support or care.
14 The Department may extend this consideration to children in
15 grades higher than 8.

16 The Illinois Department shall develop preventive programs
17 in collaboration with school and social service networks to
18 encourage school attendance of children receiving assistance
19 under Article IV. To the extent that Illinois Department and
20 community resources are available, the programs shall serve
21 families whose children in grades 1 through 8 are not
22 attending school regularly, as defined by the school. The
23 Department may extend these programs to families whose
24 children are in grades higher than 8. The programs shall
25 include referrals from the school to a social service
26 network, assessment and development of a service plan by one
27 or more network representatives, and the Illinois
28 Department's encouragement of the family to follow through
29 with the service plan. Families that fail to follow the
30 service plan as determined by the service provider, shall be
31 subject to the protective payment provisions of this Section
32 and Section 4-9 of this Code.

33 Families for whom a protective payment plan has been in
34 effect for at least 3 months and whose school children

1 continue to regularly miss school shall be subject to
2 sanction under Section 4-21. The sanction shall continue
3 until the children demonstrate satisfactory attendance, as
4 defined by the school. To the extent necessary to implement
5 this Section, the Illinois Department shall seek appropriate
6 waivers of federal requirements from the U.S. Department of
7 Health and Human Services.

8 ~~The Illinois Department may implement the amendatory~~
9 ~~changes to this Section made by this amendatory Act of 1995~~
10 ~~through the use of emergency rules in accordance with the~~
11 ~~provisions of Section 5-45 of the Illinois Administrative~~
12 ~~Procedure Act. For purposes of the Illinois Administrative~~
13 ~~Procedure Act, the adoption of rules to implement the~~
14 ~~amendatory changes to this Section made by this amendatory~~
15 ~~Act of 1995 shall be deemed an emergency and necessary for~~
16 ~~the public interest, safety, and welfare.~~

17 (b) In areas of the State where clinically appropriate
18 substance abuse treatment capacity is available, if the local
19 office has reason to believe that a caretaker relative is
20 experiencing substance abuse, the local office shall refer
21 the caretaker relative to a licensed treatment provider for
22 assessment. If the assessment indicates that the caretaker
23 relative is experiencing substance abuse, the local office
24 shall require the caretaker relative to comply with all
25 treatment recommended by the assessment. If the caretaker
26 relative refuses without good cause, as determined by rules
27 of the Illinois Department, to submit to the assessment or
28 treatment, the caretaker relative shall be ineligible for
29 assistance, and the local office shall take one or more of
30 the following actions:

31 (i) If there is another family member or friend who
32 is ensuring that the family's needs are being met, that
33 person, if willing, shall be assigned as protective
34 payee.

1 (ii) If there is no family member or close friend
2 to serve as protective payee, the local office shall
3 provide for a protective payment to a substitute payee as
4 provided in Section 4-9. The Department also shall
5 determine whether a referral to the Department of
6 Children and Family Services is warranted and, if
7 appropriate, shall make the referral.

8 (iii) The Department shall contact the individual
9 who is thought to be experiencing substance abuse and
10 explain why the protective payee has been assigned and
11 refer the individual to treatment.

12 (c) This subsection (c) applies to cases other than
13 those described in subsection (b). If the efforts to correct
14 the mismanagement of the grant have failed, the County
15 Department, in accordance with the rules and regulations of
16 the Illinois Department, shall initiate one or more of the
17 following actions:

18 1. Provide for a protective payment to a substitute
19 payee, as provided in Section 4-9. This action may be
20 initiated for any assistance unit containing a child
21 determined to be neglected by the Department of Children
22 and Family Services under the Abused and Neglected Child
23 Reporting Act, and in any case involving a record of
24 public assistance fraud.

25 2. Provide for issuance of all or part of the grant
26 in the form of disbursing orders. This action may be
27 initiated in any case involving a record of public
28 assistance fraud, or upon the request of a substitute
29 payee designated under Section 4-9.

30 3. File a petition under the Juvenile Court Act of
31 1987 for an Order of Protection under Section 2-25, 2-26,
32 3-26, 3-27, 4-23, 4-24, 5-730, or 5-735 of that Act.

33 4. Institute a proceeding under the Juvenile Court
34 Act of 1987 for the appointment of a guardian or legal

1 representative for the purpose of receiving and managing
2 the public aid grant.

3 5. If the mismanagement of the grant, together with
4 other factors, has rendered the home unsuitable for the
5 best welfare of the child, file a neglect petition under
6 the Juvenile Court Act of 1987, requesting the removal of
7 the child or children.

8 (Source: P.A. 90-17, eff. 7-1-97; 90-249, eff. 1-1-98;
9 90-590, eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff.
10 7-29-99.)

11 (305 ILCS 5/4-17)

12 Sec. 4-17. Targeted jobs TANF Demonstration project:
13 employment.

14 (a) The Illinois Department shall seek--a--waiver--of
15 federal--law-and-regulations-to-allow-the-Illinois-Department
16 to operate a targeted jobs TANF AFDC--demonstration project
17 under which individuals whose youngest child is 13 years of
18 age or older shall be required to seek and accept employment.
19 Cash assistance for these individuals shall be limited to 24
20 months unless the individual is working, as defined by rule,
21 or is participating in a pay-after-performance program.
22 ~~excluded-from-the-work-requirement-based-on--criteria--to--be~~
23 ~~established--by--rule.--After-24-months-of-assistance-without~~
24 ~~work, the individual shall be ineligible for assistance for a~~
25 ~~period-of-24-months.--An-individual-who--does--not--cooperate~~
26 ~~with-the-job-search, education, or work requirements shall be~~
27 ~~subject--to-sanctions-to-be-defined-by-rule.~~ The addition to
28 the household of a child under 13 years of age or the birth
29 of a child more than 10 months after enrollment into the
30 targeted jobs TANF project time-limited--demonstration shall
31 not extend the period of eligibility.

32 (b) (Blank). Furthermore, ~~the-Illinois-Department-shall~~
33 ~~seek-an-additional-waiver--of--federal--law--and--regulations~~

1 under--which,--for-cases-in-this-demonstration,--an-assistance
 2 unit-(other-than-an-assistance-unit-consisting-exclusively-of
 3 a-pregnant-woman-with-no-child)-receiving-financial-aid-under
 4 this-Article,--or-a-family-unit-that-is-temporarily-ineligible
 5 for-aid-under-this-Article-under-a-sanction--imposed--by--the
 6 Illinois--Department--for--failure--to--cooperate,--shall-not
 7 receive,--on-account-of-the-birth-of-a-child,--any-increase--in
 8 the--amount--of--that-aid.--This-subsection-does-not,--however,--
 9 prevent-a-unit-from--receiving--a--general--increase--in--the
 10 amount-of-aid-that-is-provided-to-all-recipients-of-aid-under
 11 this-Article.

12 (c) (Blank). The-Illinois-Department-shall-report-to-the
 13 General--Assembly--on--or--before--January--1,--1996-as-to-the
 14 status-of-the-request-for-federal-waivers-and-the--status--of
 15 the-proposed-implementation-of-this-demonstration-project.

16 (Source: P.A. 89-6, eff. 3-6-95; 89-626, eff. 8-9-96.)

17 (305 ILCS 5/6-1) (from Ch. 23, par. 6-1)

18 Sec. 6-1. Eligibility requirements. Financial aid in
 19 meeting basic maintenance requirements shall be given under
 20 this Article to or in behalf of persons who meet the
 21 eligibility conditions of Sections 6-1.1 through 6-1.10. In
 22 addition, each unit of local government subject to this
 23 Article shall provide persons receiving financial aid in
 24 meeting basic maintenance requirements with financial aid for
 25 either (a) necessary treatment, care, and supplies required
 26 because of illness or disability, or (b) acute medical
 27 treatment, care, and supplies only. If a local governmental
 28 unit elects to provide financial aid for acute medical
 29 treatment, care, and supplies only, the general types of
 30 acute medical treatment, care, and supplies for which
 31 financial aid is provided shall be specified in the general
 32 assistance rules of the local governmental unit, which rules
 33 shall provide that financial aid is provided, at a minimum,

1 for acute medical treatment, care, or supplies necessitated
 2 by a medical condition for which prior approval or
 3 authorization of medical treatment, care, or supplies is not
 4 required by the general assistance rules of the Illinois
 5 Department. Nothing in this Article shall be construed to
 6 permit the granting of financial aid where the purpose of
 7 such aid is to obtain an abortion, induced miscarriage or
 8 induced premature birth unless, in the opinion of a
 9 physician, such procedures are necessary for the preservation
 10 of the life of the woman seeking such treatment, or except an
 11 induced premature birth intended to produce a live viable
 12 child and such procedure is necessary for the health of the
 13 mother or her unborn child.

14 ~~Until August 17, 1969, children who require care outside~~
 15 ~~their own homes, where no other sources of funds or~~
 16 ~~insufficient funds are available to provide the necessary~~
 17 ~~care, are included among persons eligible for aid under this~~
 18 ~~Article. After July 31, 1969, the Department of Children and~~
 19 ~~Family Services shall have the responsibility of providing~~
 20 ~~child welfare services to such children, as provided in~~
 21 ~~Section 5 of "An Act creating the Department of Children and~~
 22 ~~Family Services, codifying its powers and duties, and~~
 23 ~~repealing certain Acts and Sections herein named," approved~~
 24 ~~June 4, 1963, as amended.~~

25 ~~In cities, villages and incorporated towns of more than~~
 26 ~~500,000 population, the Illinois Department may establish a~~
 27 ~~separate program under this Article. The 2 programs shall be~~
 28 ~~differentiated, but the placement of persons under both~~
 29 ~~programs shall be based upon their ability or inability to~~
 30 ~~engage in employment in accordance with the rules and~~
 31 ~~regulations promulgated by the Illinois Department. In~~
 32 ~~establishing rules and regulations for determining whether a~~
 33 ~~person is able to engage in employment, the Illinois~~
 34 ~~Department may establish rules different than those set out~~

1 under-Section-11-20.--In-determining-need-and-the--amount--of
2 aid--under--Sections--6-1.2--and--6-2-for-the-2-programs, the
3 Illinois-Department-may-establish-different-standards-for-the
4 2-programs-based-upon-the-specific--needs--of--the--different
5 populations--to--be--served--by-the-2-programs.--The-Illinois
6 Department--may--enter--into--contracts--with---entities---to
7 establish-work-or-training-related-projects-under-the-program
8 established--for--persons--determined-to-be-able-to-engage-in
9 employment.

10 (Source: P.A. 89-646, eff. 1-1-97.)

11 (305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

12 Sec. 6-1.2. Need. Income available to the person, when
13 added to contributions in money, substance, or services from
14 other sources, including contributions from legally
15 responsible relatives, must be insufficient to equal the
16 grant amount established by Department regulation (or by
17 local governmental unit in units which do not receive State
18 funds) for such a person.

19 In determining income to be taken into account:

20 (1) The first \$75 of earned income in income
21 assistance units comprised exclusively of one adult
22 person shall be disregarded, and for not more than 3
23 months in any 12 consecutive months that portion of
24 earned income beyond the first \$75 that is the difference
25 between the standard of assistance and the grant amount,
26 shall be disregarded.

27 (2) For income assistance units not comprised
28 exclusively of one adult person, when authorized by rules
29 and regulations of the Illinois Department, a portion of
30 earned income, not to exceed the first \$25 a month plus
31 50% of the next \$75, may be disregarded for the purpose
32 of stimulating and aiding rehabilitative effort and
33 self-support activity.

1 "Earned income" means money earned in self-employment or
 2 wages, salary, or commission for personal services performed
 3 as an employee. The eligibility of any applicant for or
 4 recipient of public aid under this Article is not affected by
 5 the payment of any grant under the "Senior Citizens and
 6 Disabled Persons Property Tax Relief and Pharmaceutical
 7 Assistance Act", any refund or payment of the federal Earned
 8 Income Tax Credit, or any distributions or items of income
 9 described under subparagraph (X) of paragraph (2) of
 10 subsection (a) of Section 203 of the Illinois Income Tax Act.

11 ~~If--federal--laws--or--regulations--applicable-to-persons~~
 12 ~~receiving-assistance-under-Articles-III-or-IV--of--this--Code~~
 13 ~~permit-or-require-the-exemption-of-earned-income-in-excess-of~~
 14 ~~the--foregoing--limitation--on--earned--income--exemptions-or~~
 15 ~~permit-or-require-the-exemption-of-certain-other--income--and~~
 16 ~~resources,--the--Illinois-Department,--may,--by-rule,--authorize~~
 17 ~~comparable-exemptions-in-determining-need-under-this-Section.~~
 18 (Source: P.A. 90-457, eff. 1-1-98; 91-676, eff. 12-23-99.)

19 (305 ILCS 5/6-1.3a) (from Ch. 23, par. 6-1.3a)
 20 Sec. 6-1.3a. Residents of public institutions.
 21 Residents of municipal, county, state or national
 22 institutions for persons with mental illness or persons with
 23 a developmental disability or for the tuberculous, or
 24 residents of a home or other institution maintained by such
 25 governmental bodies when not in need of institutional care
 26 because of sickness, convalescence, infirmity, or chronic
 27 illness, and inmates of penal or correctional institutions
 28 maintained by such governmental bodies, may qualify for aid
 29 under this Article only after they have ceased to be
 30 residents or inmates, ~~but they may apply in advance of their~~
 31 ~~discharge. Applications received from residents scheduled for~~
 32 ~~discharge from such institutions shall be processed by the~~
 33 ~~Department in an expeditious manner. For persons whose~~

1 applications--are--approved,--the--earliest--date--of--eligibility
2 shall--be--the--date--of--release--from--the--institution.

3 A person shall not be deemed a resident of a state
4 institution for persons with mental illness or persons with a
5 developmental disability within the meaning of this Section
6 if he has been conditionally discharged by the Department of
7 Mental Health and Developmental Disabilities or the
8 Department of Human Services (acting as successor to the
9 Department of Mental Health and Developmental Disabilities)
10 and is no longer residing in the institution.

11 Recipients of benefits under this Article who become
12 residents of such institutions shall be permitted a period of
13 up to 30 days in such institutions without suspension or
14 termination of eligibility. Benefits for which such person is
15 eligible shall be restored, effective on the date of
16 discharge or release, for persons who are residents of
17 institutions. Within a reasonable time after the discharge
18 of a person who was a resident of an institution, the
19 Department shall redetermine the eligibility of such person.

20 The Department shall provide for procedures to expedite
21 the determination of ability to engage in employment of
22 persons scheduled to be discharged from facilities operated
23 by the Department.

24 If--federal--law--or--regulations--governing--grants--under--this
25 Article--permit--the--inclusion--of--persons--who--are--residents--of
26 institutions--designated--in--this--Section--beyond--the--period
27 authorized---herein,---the---Illinois---Department,---upon---a
28 determination--that--the--appropriations--for--public--aid--are
29 sufficient--for--such--purpose,--and--upon--approval--of--the
30 Governor,--may--provide--by--general--and--uniform--rule--for--the
31 waiver--of--the--provisions--of--this--Section--which---would
32 otherwise--disqualify--such--person--for--aid--under--this--Article.

33 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

1 (305 ILCS 5/6-2) (from Ch. 23, par. 6-2)
2 Sec. 6-2. Amount of aid. The amount and nature of
3 General Assistance for basic maintenance requirements shall
4 be determined in accordance with local budget standards for
5 local governmental units which do not receive State funds.
6 For local governmental units which do receive State funds,
7 the amount and nature of General Assistance for basic
8 maintenance requirements shall be determined in accordance
9 with the standards, rules and regulations of the Illinois
10 Department. ~~Beginning July 1, 1992, the supplementary grants~~
11 ~~previously paid under this Section shall no longer be paid.~~
12 However, the amount and nature of any financial aid is not
13 affected by the payment of any grant under the Senior
14 Citizens and Disabled Persons Property Tax Relief and
15 Pharmaceutical Assistance Act or any distributions or items
16 of income described under subparagraph (X) of paragraph (2)
17 of subsection (a) of Section 203 of the Illinois Income Tax
18 Act. Due regard shall be given to the requirements and the
19 conditions existing in each case, and to the income, money
20 contributions and other support and resources available, from
21 whatever source. In local governmental units which do not
22 receive State funds, the grant shall be sufficient when added
23 to all other income, money contributions and support in
24 excess of any excluded income or resources, to provide the
25 person with a grant in the amount established for such a
26 person by the local governmental unit based upon standards
27 meeting basic maintenance requirements. In local
28 governmental units which do receive State funds, the grant
29 shall be sufficient when added to all other income, money
30 contributions and support in excess of any excluded income or
31 resources, to provide the person with a grant in the amount
32 established for such a person by Department regulation based
33 upon standards providing a livelihood compatible with health
34 and well-being, as directed by Section 12-4.11 of this Code.

1 The Illinois Department may conduct special projects,
2 which may be known as Grant Diversion Projects, under which
3 recipients of financial aid under this Article are placed in
4 jobs and their grants are diverted to the employer who in
5 turn makes payments to the recipients in the form of salary
6 or other employment benefits. The Illinois Department shall
7 by rule specify the terms and conditions of such Grant
8 Diversion Projects. Such projects shall take into
9 consideration and be coordinated with the programs
10 administered under the Illinois Emergency Employment
11 Development Act.

12 The allowances provided under Article IX for recipients
13 participating in the training and rehabilitation programs
14 shall be in addition to such maximum payment.

15 Payments may also be made to provide persons receiving
16 basic maintenance support with necessary treatment, care and
17 supplies required because of illness or disability or with
18 acute medical treatment, care, and supplies. Payments for
19 necessary or acute medical care under this paragraph may be
20 made to or in behalf of the person. Obligations incurred for
21 such services but not paid for at the time of a recipient's
22 death may be paid, subject to the rules and regulations of
23 the Illinois Department, after the death of the recipient.
24 (Source: P.A. 90-372, eff. 7-1-98; 91-676, eff. 12-23-99.)

25 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

26 Sec. 6-11. State funded General Assistance.

27 (a) Effective July 1, 1992, all State funded General
28 Assistance and related medical benefits shall be governed by
29 this Section. Other parts of this Code or other laws related
30 to General Assistance shall remain in effect to the extent
31 they do not conflict with the provisions of this Section. If
32 any other part of this Code or other laws of this State
33 conflict with the provisions of this Section, the provisions

1 of this Section shall control.

2 (b) State funded General Assistance shall consist of 2
3 separate programs. One program shall be for adults with no
4 children and shall be known as State Transitional Assistance.
5 The other program shall be for families with children and for
6 pregnant women and shall be known as State Family and
7 Children Assistance.

8 (c) (1) To be eligible for State Transitional Assistance
9 on or after July 1, 1992, an individual must be ineligible
10 for assistance under any other Article of this Code, must be
11 determined chronically needy, and must be one of the
12 following:

13 (A) age 18 or over or

14 (B) married and living with a spouse, regardless of
15 age.

16 (2) The Illinois Department or the local governmental
17 unit shall determine whether individuals are chronically
18 needy as follows:

19 (A) Individuals who have applied for Supplemental
20 Security Income (SSI) and are awaiting a decision on
21 eligibility for SSI who are determined disabled by the
22 Illinois Department using the SSI standard shall be
23 considered chronically needy, except that individuals
24 whose disability is based solely on substance addictions
25 (drug abuse and alcoholism) and whose disability would
26 cease were their addictions to end shall be eligible only
27 for medical assistance and shall not be eligible for cash
28 assistance under the State Transitional Assistance
29 program.

30 (B) If an individual has been denied SSI due to a
31 finding of "not disabled" (either at the Administrative
32 Law Judge level or above, or at a lower level if that
33 determination was not appealed), the Illinois Department
34 shall adopt that finding and the individual shall not be

1 eligible for State Transitional Assistance or any related
2 medical benefits. Such an individual may not be
3 determined disabled by the Illinois Department for a
4 period of 12 months, unless the individual shows that
5 there has been a substantial change in his or her medical
6 condition or that there has been a substantial change in
7 other factors, such as age or work experience, that might
8 change the determination of disability.

9 (C) The Illinois Department, by rule, may specify
10 other categories of individuals as chronically needy;
11 nothing in this Section, however, shall be deemed to
12 require the inclusion of any specific category other than
13 as specified in paragraphs (A) and (B).

14 (3) For individuals in State Transitional Assistance,
15 medical assistance shall be provided in an amount and nature
16 determined by the Illinois Department of Public Aid by rule.
17 The amount and nature of medical assistance provided need not
18 be the same as that provided under paragraph (4) of
19 subsection (d) of this Section, and nothing in this paragraph
20 (3) shall be construed to require the coverage of any
21 particular medical service. In addition, the amount and
22 nature of medical assistance provided may be different for
23 different categories of individuals determined chronically
24 needy.

25 (4) The Illinois Department shall determine, by rule,
26 those assistance recipients under Article VI who shall be
27 subject to employment, training, or education programs
28 including Earnfare, the content of those programs, and the
29 penalties for failure to cooperate in those programs.

30 (5) The Illinois Department shall, by rule, establish
31 further eligibility requirements, including but not limited
32 to residence, need, and the level of payments.

33 (d) (1) To be eligible for State Family and Children
34 Assistance, a family unit must be ineligible for assistance

1 under any other Article of this Code and must contain a child
2 who is:

3 (A) under age 18 or

4 (B) age 18 and a full-time student in a secondary
5 school or the equivalent level of vocational or technical
6 training, and who may reasonably be expected to complete
7 the program before reaching age 19.

8 Those children shall be eligible for State Family and
9 Children Assistance.

10 (2) The natural or adoptive parents of the child living
11 in the same household may be eligible for State Family and
12 Children Assistance.

13 (3) A pregnant woman whose pregnancy has been verified
14 shall be eligible for income maintenance assistance under the
15 State Family and Children Assistance program.

16 (4) The amount and nature of medical assistance provided
17 under the State Family and Children Assistance program shall
18 be determined by the Illinois Department of Public Aid by
19 rule. The amount and nature of medical assistance provided
20 need not be the same as that provided under paragraph (3) of
21 subsection (c) of this Section, and nothing in this paragraph
22 (4) shall be construed to require the coverage of any
23 particular medical service.

24 (5) The Illinois Department shall, by rule, establish
25 further eligibility requirements, including but not limited
26 to residence, need, and the level of payments.

27 (e) A local governmental unit that chooses to
28 participate in a General Assistance program under this
29 Section shall provide funding in accordance with Section
30 12-21.13 ~~12-21-3~~ of this Act. Local governmental funds used
31 to qualify for State funding may only be expended for clients
32 eligible for assistance under this Section 6-11 and related
33 administrative expenses.

34 (f) In order to qualify for State funding under this

1 Section, a local governmental unit shall be subject to the
2 supervision and the rules and regulations of the Illinois
3 Department.

4 (g) Notwithstanding any other provision in this Code,
5 the Illinois Department is authorized to reduce payment
6 levels used to determine cash grants provided to recipients
7 of State Transitional Assistance at any time within a Fiscal
8 Year in order to ensure that cash benefits for State
9 Transitional Assistance do not exceed the amounts
10 appropriated for those cash benefits. Changes in payment
11 levels may be accomplished by emergency rule under Section
12 5-45 of the Illinois Administrative Procedure Act, except
13 that the limitation on the number of emergency rules that may
14 be adopted in a 24-month period shall not apply and the
15 provisions of Sections 5-115 and 5-125 of the Illinois
16 Administrative Procedure Act shall not apply. This provision
17 shall also be applicable to any reduction in payment levels
18 made upon implementation of this amendatory Act of 1995.

19 (Source: P.A. 88-45; 89-21, eff. 7-1-95; 89-507, eff.
20 7-1-97.)

21 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

22 Sec. 9-1. Declaration of Purpose. It is the purpose of
23 this Article to aid applicants for and recipients of public
24 aid under Articles III, IV, V, and VI ~~and-VII~~, to increase
25 their capacities for self-support, self-care, and responsible
26 citizenship, and to assist them in maintaining and
27 strengthening family life. If authorized pursuant to Section
28 9-8, this Article may be extended to former and potential
29 recipients and to persons whose income does not exceed the
30 standard established to determine eligibility for aid as a
31 medically indigent person under Article V. The Department,
32 with the written consent of the Governor, may also:

33 (a) extend this Article to individuals and their

1 families with income closely related to national indices of
2 poverty who have special needs resulting from
3 institutionalization of a family member or conditions that
4 may lead to institutionalization or who live in impoverished
5 areas or in facilities developed to serve persons of low
6 income;

7 (b) establish, where indicated, schedules of payment for
8 service provided based on ability to pay;

9 (c) provide for the coordinated delivery of the services
10 described in this Article and related services offered by
11 other public or private agencies or institutions, and
12 cooperate with the Illinois Department on Aging to enable it
13 to properly execute and fulfill its duties pursuant to the
14 provisions of Section 4.01 of the "Illinois Act on the
15 Aging", as now or hereafter amended;

16 (d) provide in-home care services, such as chore and
17 housekeeping services or homemaker services, to recipients of
18 public aid under Articles IV and VI, the scope and
19 eligibility criteria for such services to be determined by
20 rule; and

21 (e) contract with other State agencies for the purchase
22 of social service under Title XX of the Social Security Act,
23 such services to be provided pursuant to such other agencies'
24 enabling legislation.

25 (f) cooperate with the Illinois Department of Public Aid
26 to provide services to public aid recipients for the
27 treatment and prevention of alcoholism and substance abuse.

28 (Source: P.A. 89-507, eff. 7-1-97.)

29 (305 ILCS 5/9-5) (from Ch. 23, par. 9-5)

30 Sec. 9-5. Educational programs; vocational training and
31 retraining. The Illinois Department, the County Departments,
32 and local governmental units shall cooperate with all public
33 or private education and vocational training or retraining

1 agencies or facilities operating within this State, or making
2 their services available to residents of this State, to the
3 end that there may be developed all necessary education and
4 vocational training or retraining services and facilities
5 required to improve the skills of persons receiving aid under
6 Articles III, V, and VI~~7--and--VII~~ for whom jobs are not
7 immediately available, or which will provide education,
8 training, and experience for persons who lack the skills
9 required for employment opportunities as are or may become
10 available. The education, training, or retraining services
11 and facilities shall assure that persons receiving this
12 assistance who are subject to participation shall become
13 enrolled in, and attend, programs that will lead to
14 graduation from high school or the equivalent when the
15 Illinois Department determines these programs will be
16 beneficial to the person in obtaining employment.

17 Participants in any educational or vocational training
18 program shall be provided with an extra allowance towards the
19 costs of their participation.

20 (Source: P.A. 86-1184; 86-1381; 87-528.)

21 (305 ILCS 5/9-6) (from Ch. 23, par. 9-6)

22 Sec. 9-6. Job Search, Training and Work Programs. The
23 Illinois Department and local governmental units shall
24 initiate, promote and develop job search, training and work
25 programs which will provide employment for and contribute to
26 the training and experience of persons receiving aid under
27 Articles III, V, and VI~~7--and--VII~~.

28 The job search, training and work programs shall be
29 designed to preserve and improve the work habits and skills
30 of recipients for whom jobs are not otherwise immediately
31 available and to provide training and experience for
32 recipients who lack the skills required for such employment
33 opportunities as are or may become available. The Illinois

1 Department and local governmental unit shall determine by
2 rule those classes of recipients who shall be subject to
3 participation in such programs. If made subject to
4 participation, every applicant for or recipient of public aid
5 who is determined to be "able to engage in employment", as
6 defined by the Department or local governmental unit pursuant
7 to rules and regulations, for whom unsubsidized jobs are not
8 otherwise immediately available shall be required to
9 participate in any program established under this Section.

10 The Illinois Department shall establish with the Director
11 of Central Management Services an outreach and training
12 program designed to encourage and assist recipients
13 participating in job search, training and work programs to
14 participate in open competitive examinations for trainee and
15 other entry level positions to maximize opportunities for
16 placement on open competitive eligible listings and referral
17 to State agencies for employment consideration.

18 The Department shall provide payment for transportation,
19 day-care and Workers' Compensation costs which occur for
20 recipients as a result of participating in job search,
21 training and work programs as described in this Section. The
22 Department may decline to initiate such programs in areas
23 where eligible recipients would be so few in number as to not
24 economically justify such programs; and in this event the
25 Department shall not require persons in such areas to
26 participate in any job search, training, or work programs
27 whatsoever as a condition of their continued receipt of, or
28 application for, aid.

29 The programs may include, but shall not be limited to,
30 service in child care centers, in preschool programs as
31 teacher aides and in public health programs as home visitors
32 and health aides; the maintenance of or services required in
33 connection with public offices, buildings and grounds; state,
34 county and municipal hospitals, forest preserves, parks,

1 playgrounds, streets and highways, and other governmental
2 maintenance or construction directed toward environmental
3 improvement; and similar facilities.

4 The Illinois Department or local governmental units may
5 enter into agreements with local taxing bodies and private
6 not-for-profit organizations, agencies and institutions to
7 provide for the supervision and administration of job search,
8 work and training projects authorized by this Section. Such
9 agreements shall stipulate the requirements for utilization
10 of recipients in such projects. In addition to any other
11 requirements dealing with the administration of these
12 programs, the Department shall assure, pursuant to rules and
13 regulations, that:

14 (a) Recipients may not displace regular employees.

15 (b) The maximum number of hours of mandatory work
16 is 8 hours per day and 40 hours per week, not to exceed
17 120 hours per month.

18 (c) The maximum number of hours per month shall be
19 determined by dividing the recipient's benefits by the
20 federal minimum wage, rounded to the lowest full hour.
21 "Recipient's benefits" in this subsection includes: (i)
22 both cash assistance and food stamps provided to the
23 entire assistance unit or household by the Illinois
24 Department where the job search, work and training
25 program is administered by the Illinois Department and,
26 where federal programs are involved, includes all such
27 cash assistance and food stamps provided to the greatest
28 extent allowed by federal law; or (ii) includes only cash
29 assistance provided to the entire assistance unit by the
30 local governmental unit where the job search, work and
31 training program is administered by the local
32 governmental unit.

33 (d) The recipient shall be provided or compensated
34 for transportation to and from the work location.

1 (e) Appropriate terms regarding recipient
2 compensation are met.

3 Local taxing bodies and private not-for-profit
4 organizations, agencies and institutions which utilize
5 recipients in job search, work and training projects
6 authorized by this Section are urged to include such
7 recipients in the formulation of their employment policies.

8 Unless directly paid by an employing local taxing body or
9 not-for-profit agency, a recipient participating in a work
10 project who meets all requirements set forth by the Illinois
11 Department shall receive credit towards his or her monthly
12 assistance benefits for work performed based upon the
13 applicable minimum wage rate. Where a recipient is paid
14 directly by an employing agency, the Illinois Department or
15 local governmental unit shall provide for payment to such
16 employing entity the appropriate amount of assistance
17 benefits to which the recipient would otherwise be entitled
18 under this Code.

19 The Illinois Department or its designee, including local
20 governmental units, may enter into agreements with the
21 agencies or institutions providing work under programs
22 established hereunder for payment to each such employer
23 (hereinafter called "public service employer") of all or a
24 portion of the wages to be paid to persons for the work
25 performed and other appropriate costs.

26 If the number of persons receiving aid under Article VI
27 is insufficient to justify the establishment of job search,
28 training and work programs on a local basis by a local
29 governmental unit, or if for other good cause the
30 establishment of a local program is impractical or
31 unwarranted, the local governmental unit shall cooperate with
32 other local governmental units, with civic and non-profit
33 community agencies, and with the Illinois Department in
34 developing a program or programs which will jointly serve the

1 participating governmental units and agencies.

2 Wherever--feasible--the--Illinois-Department-may-make-job
3 search, training and work--programs--established--by--it--for
4 persons-receiving-aid-under-Articles-III, V and VII-available
5 also-to-recipients-under-Article-VI.

6 A local governmental unit receiving State funds shall
7 refer all recipients able to engage in employment to such job
8 search, training and work programs as are established,
9 whether within or without the governmental unit, and as are
10 accessible to persons receiving aid from the governmental
11 unit. The Illinois Department shall withhold allocation of
12 state funds to any governmental unit which fails or refuses
13 to make such referrals.

14 Participants in job search, training and work programs
15 shall be required to maintain current registration for
16 regular employment under Section 11-10 and to accept any bona
17 fide offer of regular employment. They shall likewise be
18 required to accept education, work and training opportunities
19 available to them under other provisions of this Code or
20 Federal law. The Illinois Department or local governmental
21 unit shall provide by rule for periodic review of the
22 circumstances of each participant to determine the
23 feasibility of his placement in regular employment or other
24 work, education and training opportunities.

25 Moneys made available for public aid purposes under
26 Articles III, IV and V, VI, and VII may be expended to pay
27 public service employers all or a portion of the wages of
28 public service employees and other appropriate costs, to
29 provide necessary supervisory personnel and equipment, to
30 purchase Workers' Compensation Insurance or to pay Workers'
31 Compensation claims, and to provide transportation to and
32 from work sites.

33 The Department shall provide through rules and
34 regulations for sanctions against applicants and recipients

1 of aid under this Code who fail to cooperate with the
2 regulations and requirements established pursuant to this
3 Section. Such sanctions may include the loss of eligibility
4 to receive aid under Article VI of this Code for up to 3
5 months.

6 The Department, in cooperation with a local governmental
7 unit, may maintain a roster of persons who are required to
8 participate in a local job search, training and work program.
9 In such cases, the roster shall be available for inspection
10 by employers for the selection of possible workers.

11 In addition to the programs authorized by this Section,
12 the Illinois Department is authorized to administer any job
13 search, training or work projects in conjunction with the
14 Federal Food Stamp Program, either under this Section or
15 under other regulations required by the Federal government.

16 The Illinois Department may also administer pilot
17 programs to provide job search, training and work programs to
18 unemployed parents of children receiving support services
19 under Article X of this Code.

20 ~~Beginning--January-17-1994,--the-Illinois-Department-shall~~
21 ~~conduct-an-ongoing-longitudinal--study--of--the--Department's~~
22 ~~JOBS--programs--operated-under-the-federal-Family-Support-Act~~
23 ~~and-the-Social-Security-Act.--The--study--shall--examine--the~~
24 ~~impact--of-the-JOBS-programs-and-supportive-services-upon-the~~
25 ~~participants'-level-of--self-sufficiency,--skills,--earnings,~~
26 ~~and--welfare--dependency--in--the--short--and--long-term.--In~~
27 ~~conducting-this-study,--the-Department-shall-utilize-the--data~~
28 ~~collected--by--the-Department-to-fulfill-its-responsibilities~~
29 ~~under-Section-9-6.01-of-this-Code-and-under--42--U.S.C.--Sec.~~
30 ~~687--and--their-implementing-regulations,--in-addition-to-data~~
31 ~~from-the-case-files-of-the-participants-in--the--study.---The~~
32 ~~Department--shall--select-a-statistically-valid-random-sample~~
33 ~~of-cases-in-its-JOBS-program-and-follow-these-cases-from--the~~
34 ~~date--of-their-initial-enrollment-in-one-of-the-JOBS-programs~~

1 to-the-date-on-which-they-have-not-received--cash--assistance
2 under--Article--IV--of--this-Code-for-at-least-24-consecutive
3 months;--To-the-extent-that-information-or-data-necessary--to
4 fulfill--the--requirements-of-this-Section-is-available-to-or
5 in-the-possession-or-control-of-other-State--agencies;--those
6 agencies;--at-the-request-of-the-Department;--shall-collect-the
7 requested--data--or--information--and--forward--it--to--the
8 Department;--The-Department-shall--consult--with--the--Social
9 Services--Advisory--Council--in--arriving--at--the--specific
10 elements-of-the-longitudinal-study;--the-particular-data-to-be
11 included-in-the-study;--and-the-contents-of-the--reports--that
12 the--Department--shall--prepare--based--upon--the-study;--The
13 Department-shall-collect-at-least-the-following-categories-of
14 data-from-the--cases--in--the--study--sample:--demographics;--
15 employment--history;--welfare--history;--JOBS--participation
16 history;--child-care-and-other-supportive-service--utilization
17 history;--child--support-status-and-child-support-enforcement
18 history;--and-Medicaid-usage-history;--The--Department--shall
19 report-the-results-of-the-study-to-the-General-Assembly-on-or
20 before--January--1;--1997-and-each-year-thereafter-along-with
21 recommendations-for-changes-in-the-JOBS--programs'--structure
22 or--funding--based--on--the-study's-findings;--The-Department
23 shall-create-a-data-base-that-includes-all-of-the-information
24 collected-for-the-study;--The-data-base-shall-be-available-to
25 the--public--upon--request;--The--Department--may--assign
26 individual-identifying-codes-to-the-cases-in-the-study-sample
27 to--preserve--the-anonymity-of-the-recipients-while-making-it
28 possible-to-distinguish-and-track-the-cases.

29 (Source: P.A. 88-396.)

30 (305 ILCS 5/9-6.1) (from Ch. 23, par. 9-6.1)
31 Sec. 9-6.1. Housing Education Program. The Illinois
32 Department, upon consultation with and advice of the Citizens
33 Assembly/Council on Public Aid, shall establish, either

1 directly or by contract, a pilot project for a housing
 2 education program that will provide persons receiving aid
 3 under Articles III, IV, V, and VI ~~and-VII~~ with instructions
 4 in the care and maintenance of dwelling units, in the
 5 essentials of adequate housekeeping, and the problems of
 6 urban living. If in accord with Federal law and regulations
 7 governing grants to this State for public aid purposes, the
 8 Department may require recipients to attend a housing
 9 education program. Non-recipients to whom services have been
 10 extended under the provisions of Section 9-8 may also attend
 11 and participate in a housing education program established
 12 hereunder.

13 (Source: P.A. 86-651.)

14 (305 ILCS 5/9-6.2) (from Ch. 23, par. 9-6.2)

15 Sec. 9-6.2. Township assistance to county convalescent
 16 homes. In counties under township organization, the several
 17 townships therein which do not receive State funds for
 18 general assistance ~~or aid to the medically indigent under~~
 19 ~~Article VII of this Code~~ may provide, from moneys received
 20 and collected for public aid to all persons eligible
 21 therefor under Article VI of this Code, funds for the
 22 operation costs of any county convalescent home in the
 23 county, in addition to payment of patient expenses otherwise
 24 provided for under this Code. No township which receives
 25 State funds for general assistance ~~or aid to the medically~~
 26 ~~indigent under Article VII of this Code~~ may use moneys
 27 received and collected for public aid for such assistance to
 28 county convalescent homes. "County convalescent home" shall
 29 refer to any facility that was established by a county
 30 according to the provisions of Division 5-21 of the Counties
 31 Code or its predecessor.

32 (Source: P.A. 86-1475.)

1 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)
2 Sec. 9A-3. Establishment of Program and Level of
3 Services.

4 (a) The Illinois Department shall establish and maintain
5 a program to provide recipients with services consistent with
6 the purposes and provisions of this Article. The program
7 offered in different counties of the State may vary depending
8 on the resources available to the State to provide a program
9 under this Article, and no program may be offered in some
10 counties, depending on the resources available. Services may
11 be provided directly by the Illinois Department or through
12 contract, ~~as allowed by federal law~~. References to the
13 Illinois Department or staff of the Illinois Department shall
14 include contractors when the Illinois Department has entered
15 into contracts for these purposes. The Illinois Department
16 shall provide each recipient who participates with such
17 services available under the program as are necessary to
18 achieve his employability plan as specified in the plan.

19 (b) The Illinois Department, in operating the program,
20 shall cooperate with public and private education and
21 vocational training or retraining agencies or facilities, the
22 Illinois State Board of Education, the Illinois Community
23 College Board, the Departments of Employment Security and
24 Commerce and Community Affairs or other sponsoring
25 organizations funded under the federal Job Training
26 Partnership Act and other public or licensed private
27 employment agencies.

28 (Source: P.A. 90-17, eff. 7-1-97.)

29 (305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)
30 Sec. 9A-5. Exempt recipients.

31 (a) Exempt recipients under Section 9A-4 may volunteer
32 to participate.

33 (b) Services will be offered to exempt and non-exempt

1 individuals who wish to volunteer to participate only to the
2 extent resources permit.

3 (c) Exempt and non-exempt individuals who volunteer to
4 participate become program participants upon completion of
5 the initial assessment, development of the employability
6 plan, and assignment to a component. Volunteers who fail to
7 attend the orientation or initial assessment meetings or both
8 will not be sanctioned. Exempt and non-exempt individuals
9 who attend the orientation meeting and become program
10 participants by completing the initial assessment,
11 development of the employability plan, and assignment to a
12 component may be sanctioned if they do not meet program
13 requirements without good cause. ~~The Illinois Department may
14 implement this amendatory Act of 1995 through the use of
15 emergency rules in accordance with Section 5-45 of the
16 Illinois Administrative Procedure Act. For purposes of the
17 Illinois Administrative Procedure Act, the adoption of rules
18 to implement this amendatory Act of 1995 shall be considered
19 an emergency and necessary for the public interest, safety
20 and welfare.~~

21 (Source: P.A. 89-289, eff. 1-1-96.)

22 (305 ILCS 5/9A-13)

23 Sec. 9A-13. Work activity; anti-displacement provisions.

24 (a) As used in this Section "work activity" means any
25 workfare, earnfare, pay-after-performance,
26 work-off-the-grant, work experience, or other activity under
27 Section ~~Sections~~ 9A-9, ~~9A-12~~, or any other Section of this
28 Code in which a recipient of public assistance performs work
29 for any employer as a condition of receiving the public
30 assistance, and the employer does not pay wages for the work;
31 or as any grant diversion, wage supplementation, or similar
32 program in which the public assistance grant is provided to
33 the employer as a subsidy for the wages of any recipient in

1 its workforce.

2 (b) An employer may not utilize a work activity
3 participant if such utilization would result in:

4 (1) the displacement or partial displacement of
5 current employees, including but not limited to a
6 reduction in hours of non-overtime or overtime work,
7 wages, or employment benefits; or

8 (2) the filling of a position that would otherwise
9 be a promotional opportunity for current employees; or

10 (3) the filling of a position created by or causing
11 termination, layoff, a hiring freeze, or a reduction in
12 the workforce; or

13 (4) the placement of a participant in any
14 established unfilled vacancy; or

15 (5) the performance of work by a participant if
16 there is a strike, lockout, or other labor dispute in
17 which the employer is engaged.

18 (c) An employer who wishes to utilize work activity
19 participants shall, at least 15 days prior to utilizing such
20 participants, notify the labor organization of the name, work
21 location, and the duties to be performed by the participant.

22 (d) The Department of Human Services shall establish a
23 grievance procedure for employees and labor organizations to
24 utilize in the event of any alleged violation of this
25 Section. Notwithstanding the above, a labor organization may
26 utilize the established grievance or arbitration procedure in
27 its collective bargaining agreement to contest violations of
28 this Section.

29 (Source: P.A. 90-17, eff. 7-1-97.)

30 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

31 Sec. 11-3. Assignment and attachment of aid prohibited.
32 Except as provided below in this Section and in Section
33 11-3.3, all financial aid given under Articles III, IV, V,

1 and VI ~~and--VII~~ and money payments for child care services
2 provided by a child care provider under Articles IX and IXA
3 shall not be subject to assignment, sale, attachment,
4 garnishment, or otherwise. Provided, however, that a medical
5 vendor may use his right to receive vendor payments as
6 collateral for loans from financial institutions so long as
7 such arrangements do not constitute any activity prohibited
8 under Section 1902(a)(32) of the Social Security Act and
9 regulations promulgated thereunder, or any other applicable
10 laws or regulations. Provided further, however, that a
11 medical or other vendor or a service provider may assign,
12 reassign, sell, pledge or grant a security interest in any
13 such financial aid, vendor payments or money payments or
14 grants which he has a right to receive to the Illinois Health
15 Facilities Authority, in connection with any financing
16 program undertaken by the Illinois Health Facilities
17 Authority, or to the Illinois Development Finance Authority,
18 in connection with any financing program undertaken by the
19 Illinois Development Finance Authority. Each Authority may
20 utilize a trustee or agent to accept, accomplish, effectuate
21 or realize upon any such assignment, reassignment, sale,
22 pledge or grant on that Authority's behalf. Provided further,
23 however, that nothing herein shall prevent the Illinois
24 Department from collecting any assessment, fee, interest or
25 penalty due under Article V-A, V-B, V-C, or V-E by
26 withholding financial aid as payment of such assessment, fee,
27 interest, or penalty. Any alienation in contravention of this
28 statute does not diminish and does not affect the validity,
29 legality or enforceability of any underlying obligations for
30 which such alienation may have been made as collateral
31 between the parties to the alienation. This amendatory Act
32 shall be retroactive in application and shall pertain to
33 obligations existing prior to its enactment.

34 (Source: P.A. 87-13; 87-842; 87-861; 88-88; 88-554, eff.

1 7-26-94.)

2 (305 ILCS 5/11-6.1) (from Ch. 23, par. 11-6.1)

3 Sec. 11-6.1. Identification-card; Report of loss.

4 (a) (Blank). The--Illinois--Department--shall--issue--an
5 identification--card--to--every--payee--of-a-grant-under-this
6 Code.

7 (b) (Blank). Within-180-days-after-the-effective-date-of
8 this-amendatory-Act-of-1990,-the--Illinois--Department--shall
9 establish---a--program--which--provides--for--the--electronic
10 transfer-of-funds-to--participating--financial--institutions.
11 The-program-shall-provide-for-the-safe,-secure-and-convenient
12 redemption--of--benefits--by--any--person-entitled-to-receive
13 benefits-under-this-Code.

14 (c) The payee of a grant under this Code shall
15 immediately report to the Illinois Department the theft or
16 other loss of any instrument used in making a grant payment.

17 (Source: P.A. 86-1235.)

18 (305 ILCS 5/11-8) (from Ch. 23, par. 11-8)

19 Sec. 11-8. Appeals - to whom taken. Applicants or
20 recipients of aid may, at any time within 60 days after the
21 decision of the County Department or local governmental unit,
22 as the case may be, appeal a decision denying or terminating
23 aid, or granting aid in an amount which is deemed inadequate,
24 or changing, cancelling, revoking or suspending grants as
25 provided in Section 11-16, or determining to make a
26 protective payment under the provisions of Sections 3-5a or
27 4-9, or a decision by an administrative review board to
28 impose administrative safeguards as provided in Section 8A-8.
29 An appeal shall also lie when an application is not acted
30 upon within the time period after filing of the application
31 as provided by rule of the Illinois Department.

32 If an appeal is not made, the action of the County

1 Department or local governmental unit shall be final.

2 Appeals by applicants or recipients under Articles III,
3 IV, or V ~~or~~ ~~VII~~ shall be taken to the Illinois Department.

4 Appeals by applicants or recipients under Article VI
5 shall be taken as follows:

6 (1) In counties under township organization (except
7 such counties in which the governing authority is a Board
8 of Commissioners) appeals shall be to a Public Aid
9 Committee consisting of the Chairman of the County Board,
10 and 4 members who are township supervisors of general
11 assistance, appointed by the Chairman, with the advice
12 and consent of the county board.

13 (2) In counties in excess of 3,000,000 population
14 and under township organization in which the governing
15 authority is a Board of Commissioners, appeals of persons
16 from government units outside the corporate limits of a
17 city, village or incorporated town of more than 500,000
18 population, and of persons from incorporated towns which
19 have superseded civil townships in respect to aid under
20 Article VI, shall be to the Cook County Townships Public
21 Aid Committee consisting of 2 township supervisors and 3
22 persons knowledgeable in the area of General Assistance
23 and the regulations of the Illinois Department pertaining
24 thereto and who are not officers, agents or employees of
25 any township, except that township supervisors may serve
26 as members of the Cook County Township Public Aid and
27 Committee. The 5 member committee shall be appointed by
28 the township supervisors. The first appointments shall be
29 made with one person serving a one year term, 2 persons
30 serving a 2 year term, and 2 persons serving a 3 year
31 term. Committee members shall thereafter serve 3 year
32 terms. In any appeal involving a local governmental unit
33 whose supervisor of general assistance is a member of the
34 Committee, such supervisor shall not act as a member of

1 the Committee for the purposes of such appeal. The
 2 township whose action, inaction, or decision is being
 3 appealed shall bear the expenses related to the appeal as
 4 determined by the Cook County Townships Public Aid
 5 Committee. A township supervisor's compensation for
 6 general assistance or township related duties shall not
 7 be considered an expense related to the appeal except for
 8 expenses related to service on the Committee.

9 (3) In counties described in paragraph (2) appeals
 10 of persons from a city, village or incorporated town of
 11 more than 500,000 population shall be to the Illinois
 12 Department ~~a--Commissioner--of--Appeals, appointed as an~~
 13 ~~employee of the County Department of Public Aid in~~
 14 ~~accordance with and subject to the provisions of Section~~
 15 ~~12-21-3.~~

16 (4) In counties not under township organization,
 17 appeals shall be to the County Board of Commissioners
 18 which shall for this purpose be the Public Aid Committee
 19 of the County.

20 In counties designated in paragraph (1) the Chairman or
 21 President of the County Board shall appoint, with the advice
 22 and consent of the county board, one or more alternate
 23 members of the Public Aid Committee. All regular and
 24 alternate members shall be Supervisors of General Assistance.
 25 In any appeal involving a local governmental unit whose
 26 Supervisor of General Assistance is a member of the
 27 Committee, he shall be replaced for that appeal by an
 28 alternate member designated by the Chairman or President of
 29 the County Board, with the advice and consent of the county
 30 board. In these counties not more than 3 of the 5 regular
 31 appointees shall be members of the same political party
 32 unless the political composition of the Supervisors of the
 33 General Assistance precludes such a limitation. In these
 34 counties at least one member of the Public Aid Committee

1 shall be a person knowledgeable in the area of general
2 assistance and the regulations of the Illinois Department
3 pertaining thereto. If no member of the Committee possesses
4 such knowledge, the Illinois Department shall designate an
5 employee of the Illinois Department having such knowledge to
6 be present at the Committee hearings to advise the Committee.

7 In every county the County Board shall provide facilities
8 for the conduct of hearings on appeals under Article VI. All
9 expenses incident to such hearings shall be borne by the
10 county except that in counties under township organization in
11 which the governing authority is a Board of Commissioners (1)
12 the salary and other expenses of the Commissioner of Appeals
13 shall be paid from General Assistance funds available for
14 administrative purposes, and (2) all expenses incident to
15 such hearings shall be borne by the township and the per diem
16 and traveling expenses of the township supervisors serving on
17 the Public Aid Committee shall be fixed and paid by their
18 respective townships. In all other counties the members of
19 the Public Aid Committee shall receive the compensation and
20 expenses provided by law for attendance at meetings of the
21 County Board.

22 In appeals under Article VI involving a governmental unit
23 receiving State funds, the Public Aid Committee and the
24 Commissioner of Appeals shall be bound by the rules and
25 regulations of the Illinois Department which are relevant to
26 the issues on appeal, and shall file such reports concerning
27 appeals as the Illinois Department requests.

28 An appeal shall be without cost to the appellant and
29 shall be made, at the option of the appellant, either upon
30 forms provided and prescribed by the Illinois Department or,
31 for appeals to a Public Aid Committee, upon forms prescribed
32 by the County Board; or an appeal may be made by calling a
33 toll-free number provided for that purpose by the Illinois
34 Department and providing the necessary information. The

1 Illinois Department may assist County Boards or a
2 Commissioner of Appeals in the preparation of appeal forms,
3 or upon request of a County Board or Commissioner of Appeals
4 may furnish such forms. County Departments and local
5 governmental units shall render all possible aid to persons
6 desiring to make an appeal. The provisions of Sections
7 11-8.1 to 11-8.7, inclusive, shall apply to all such appeals.
8 (Source: P.A. 90-17, eff. 7-1-97; 90-210, eff. 7-25-97;
9 90-655, eff. 7-30-98.)

10 (305 ILCS 5/11-8.7) (from Ch. 23, par. 11-8.7)

11 Sec. 11-8.7. Judicial review. The provisions of the
12 Administrative Review Law, as amended, and the rules adopted
13 pursuant thereto, shall apply to and govern all proceedings
14 for the judicial review of final administrative decisions of
15 the Illinois Department on appeals by applicants or
16 recipients under Articles III, IV, or V ~~or--VII~~. The term
17 "administrative decision" is defined as in Section 3-101 of
18 the Code of Civil Procedure.

19 (Source: P.A. 82-783.)

20 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

21 Sec. 11-9. Protection of records - Exceptions. For the
22 protection of applicants and recipients, the Illinois
23 Department, the county departments and local governmental
24 units and their respective officers and employees are
25 prohibited, except as hereinafter provided, from disclosing
26 the contents of any records, files, papers and
27 communications, except for purposes directly connected with
28 the administration of public aid under this Code.

29 In any judicial proceeding, except a proceeding directly
30 concerned with the administration of programs provided for in
31 this Code, such records, files, papers and communications,
32 and their contents shall be deemed privileged communications

1 and shall be disclosed only upon the order of the court,
2 where the court finds such to be necessary in the interest of
3 justice.

4 The Illinois Department shall establish and enforce
5 reasonable rules and regulations governing the custody, use
6 and preservation of the records, papers, files, and
7 communications of the Illinois Department, the county
8 departments and local governmental units receiving State or
9 Federal funds or aid. The governing body of other local
10 governmental units shall in like manner establish and enforce
11 rules and regulations governing the same matters.

12 The contents of case files pertaining to recipients under
13 Articles IV, V, and VI, ~~and VII~~ shall be made available
14 without subpoena or formal notice to the officers of any
15 court, to all law enforcing agencies, and to such other
16 persons or agencies as from time to time may be authorized by
17 any court. In particular, the contents of those case files
18 shall be made available upon request to a law enforcement
19 agency for the purpose of determining the current address of
20 a recipient with respect to whom an arrest warrant is
21 outstanding. Information shall also be disclosed to the
22 Illinois State Scholarship Commission pursuant to an
23 investigation or audit by the Illinois State Scholarship
24 Commission of a delinquent student loan or monetary award.

25 This Section does not prevent the Illinois Department and
26 local governmental units from reporting to appropriate law
27 enforcement officials the desertion or abandonment by a
28 parent of a child, as a result of which financial aid has
29 been necessitated under Articles IV, V, or VI, ~~or VII~~, or
30 reporting to appropriate law enforcement officials instances
31 in which a mother under age 18 has a child out of wedlock and
32 is an applicant for or recipient of aid under any Article of
33 this Code. The Illinois Department may provide by rule for
34 the county departments and local governmental units to

1 initiate proceedings under the Juvenile Court Act of 1987 to
2 have children declared to be neglected when they deem such
3 action necessary to protect the children from immoral
4 influences present in their home or surroundings.

5 This Section does not preclude the full exercise of the
6 powers of the Board of Public Aid Commissioners to inspect
7 records and documents, as provided for all advisory boards
8 pursuant to Section 5-505 of the Departments of State
9 Government Law (20 ILCS 5/5-505).

10 This Section does not preclude exchanges of information
11 among the Illinois Department of Public Aid, the Department
12 of Human Services (as successor to the Department of Public
13 Aid), and the Illinois Department of Revenue for the purpose
14 of verifying sources and amounts of income and for other
15 purposes directly connected with the administration of this
16 Code and of the Illinois Income Tax Act.

17 The provisions of this Section and of Section 11-11 as
18 they apply to applicants and recipients of public aid under
19 Article ~~Articles III, IV and V~~ shall be operative only to the
20 extent that they do not conflict with any Federal law or
21 regulation governing Federal grants to this State for such
22 programs.

23 The Illinois Department of Public Aid and the Department
24 of Human Services (as successor to the Illinois Department of
25 Public Aid) shall enter into an inter-agency agreement with
26 the Department of Children and Family Services to establish a
27 procedure by which employees of the Department of Children
28 and Family Services may have immediate access to records,
29 files, papers, and communications (except medical, alcohol or
30 drug assessment or treatment, mental health, or any other
31 medical records) of the Illinois Department, county
32 departments, and local governmental units receiving State or
33 federal funds or aid, if the Department of Children and
34 Family Services determines the information is necessary to

1 perform its duties under the Abused and Neglected Child
2 Reporting Act, the Child Care Act of 1969, and the Children
3 and Family Services Act.

4 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-00;
5 91-239, eff. 1-1-00.)

6 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

7 Sec. 11-15. Application requirements.

8 (1) An application for financial aid shall be filed in
9 writing by the person requesting aid and, in the case of a
10 request for family aid, by the head of that family, except as
11 otherwise permitted in paragraph (2). Applications for aid
12 under Articles III, IV, and V ~~and-VII~~ shall be filed in
13 writing with the county department of the county in which the
14 applicant resides in the manner prescribed by the Illinois
15 Department. Applications for aid under Article VI shall be
16 filed in writing with the local governmental unit upon forms
17 approved by the Illinois Department.

18 Each applicant shall provide information as to the amount
19 of property, real and personal, owned by him or her within
20 the period of time preceding the application as required
21 under Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The
22 applicant shall also furnish information concerning all
23 income, money contributions, and other support from any
24 source, and the beneficiary and the amount or cash surrender
25 or loan value of all insurance policies held by himself or
26 herself or any member of his family for whom aid is
27 requested.

28 (2) An application, in all instances to be in writing,
29 may be filed in behalf of a person considered to be in need
30 of financial aid under Articles III, IV, V, or VI ~~or-VII~~ only
31 if the person

32 (a) has been adjudged to be under legal disability;
33 or

1 (b) is unable because of minority or physical or
2 mental disability, to execute the application; or

3 (c) in the case of need for funeral and burial,
4 died before an application was filed and the application
5 is filed not more than 30 days after the person's death,
6 excluding the day on which the death occurred.

7 Applications in behalf of persons specified in (a) and
8 (b) shall be filed by the applicant's legal guardian or, if a
9 guardian has not been appointed or the applicant has no legal
10 guardian or the guardian is not available, by a relative or
11 other person, acceptable under the rules of the Illinois
12 Department, who is able to furnish the required information.

13 Applications in behalf of persons specified in (c) shall be
14 filed by any next of kin of the deceased who is not under
15 legal disability or, if there are no such next of kin or they
16 are unknown or unavailable, by a person, acceptable under the
17 rules of the Illinois Department, who is able to furnish the
18 required information.

19 (3) The application shall contain a written declaration
20 to be signed by the applicant, or in behalf of the applicant
21 by a person qualified under paragraph (2), in substantially
22 the following form, the parenthetical references being
23 applicable to an application filed by a person in behalf of
24 the applicant:

25 "I declare under penalties of perjury that I have
26 examined this form and all accompanying statements or
27 documents pertaining to the income and resources of myself
28 (the applicant) or any member of my family (the applicant's
29 family) included in this application for aid, or pertaining
30 to any other matter having bearing upon my (the applicant's)
31 eligibility for aid, and to the best of my knowledge and
32 belief the information supplied is true, correct, and
33 complete".

34 (4) If an application for financial aid is filed for a

1 family, and any person in that family is under 18 years of
2 age, the application shall be accompanied by the following
3 for each such person under 18 years of age:

- 4 (i) a copy of the person's birth certificate, or
- 5 (ii) other reliable proof, as determined by the
6 Department, of the person's identity and age.

7 The Illinois Department shall provide information to all
8 families, orally by an intake worker and in writing when the
9 application is filed, about the availability and location of
10 immunization services.

11 (Source: P.A. 88-342; 88-554, eff. 7-26-94.)

12 (305 ILCS 5/11-17) (from Ch. 23, par. 11-17)

13 Sec. 11-17. Duplication or supplementation of aid
14 prohibited-Exceptions.

15 Except (1) for Medical Assistance provided under Article
16 V, or (2) when necessary to accomplish the purposes of this
17 Code, where not inconsistent therewith, and subject to the
18 rules of the Illinois Department, a person receiving aid
19 under any one of Articles III, IV, or VI ~~or VII~~ of this Code
20 shall not at the same time receive aid under any other of
21 such Articles or any other financial aid from the State, any
22 political subdivision thereof, or any municipal corporation
23 therein.

24 (Source: Laws 1967, p. 122.)

25 (305 ILCS 5/11-20) (from Ch. 23, par. 11-20)

26 Sec. 11-20. Employment registration; duty to accept
27 employment. This Section applies to employment and training
28 programs other than those for recipients of assistance under
29 Article IV.

30 (1) Each applicant or recipient and dependent member of
31 the family age 16 or over who is able to engage in employment
32 and who is unemployed, or employed for less than the full

1 working time for the occupation in which he or she is
2 engaged, shall maintain a current registration for employment
3 or additional employment with the system of free public
4 employment offices maintained in this State by the State
5 Department of Employment Security under the Public Employment
6 Office Act and shall utilize the job placement services and
7 other facilities of such offices unless the Illinois
8 Department otherwise provides by rule for programs
9 administered by the Illinois Department.

10 (2) Every person age 16 or over shall be deemed "able to
11 engage in employment", as that term is used herein, unless
12 (a) the person has an illness certified by the attending
13 practitioner as precluding his or her engagement in
14 employment of any type for a time period stated in the
15 practitioner's certification; or (b) the person has a
16 medically determinable physical or mental impairment, disease
17 or loss of indefinite duration and of such severity that he
18 or she cannot perform labor or services in any type of
19 gainful work which exists in the national economy, including
20 work adjusted for persons with physical or mental handicap;
21 or (c) the person is among the classes of persons exempted by
22 paragraph 5 of this Section. A person described in clauses
23 (a), (b) or (c) of the preceding sentence shall be classified
24 as "temporarily unemployable". The Illinois Department shall
25 provide by rule for periodic review of the circumstances of
26 persons classified as "temporarily unemployable".

27 (3) The Illinois Department shall provide through rules
28 and regulations for sanctions against applicants and
29 recipients of aid under this Code who fail or refuse to
30 cooperate, without good cause, as defined by rule of the
31 Illinois Department, to accept a bona fide offer of
32 employment in which he or she is able to engage either in the
33 community of the person's residence or within reasonable
34 commuting distance therefrom.

1 The Illinois Department may provide by rule for the grant
2 or continuation of aid for a temporary period, if federal law
3 or regulation so permits or requires, to a person who refuses
4 employment without good cause if he or she accepts counseling
5 or other services designed to increase motivation and
6 incentives for accepting employment.

7 (4) Without limiting other criteria which the Illinois
8 Department may establish, it shall be good cause of refusal
9 if

10 (a) the wage does not meet applicable minimum wage
11 requirements,

12 (b) there being no applicable minimum wage as
13 determined in (a), the wage is certified by the Illinois
14 Department of Labor as being less than that which is
15 appropriate for the work to be performed, or

16 (c) acceptance of the offer involves a substantial
17 threat to the health or safety of the person or any of
18 his or her dependents.

19 (5) The requirements of registration and acceptance of
20 employment shall not apply (a) to a parent or other person
21 needed at home to provide personal care and supervision to a
22 child or children unless, in accordance with the rules and
23 regulations of the Illinois Department, suitable arrangements
24 have been or can be made for such care and supervision during
25 the hours of the day the parent or other person is out of the
26 home because of employment; (b) to a person age 16 or over in
27 regular attendance in school, as defined in Section 4-1.1; or
28 (c) to a person whose presence in the home on a substantially
29 continuous basis is required because of the illness or
30 incapacity of another member of the household.

31 ~~The--Illinois--Department--may--implement--a--demonstration~~
32 ~~project--limited--to--one--county--of--less--than--3--million~~
33 ~~population--that--would--require--registration--for--and--acceptance~~
34 ~~of--employment--by--parents--or--another--person--needed--at--home--to~~

1 provide--personal-care-and-supervision-to-a-child-or-children
 2 age-3-and-over,--as-allowed-by--federal--law--and--subject--to
 3 rules--and--regulations--of-the-Illinois-Department,--provided
 4 suitable-arrangements-have-been-or-can-be-made-for-such--care
 5 and--supervision--during--the-hours-of-the-day-the-parents-or
 6 other-person-are-out-of-the-home-because-of-employment.--Such
 7 suitable-arrangements-must-meet--standards--and--requirements
 8 established--under--the--Child--Care--Act--of-1969,--as-now-or
 9 hereafter-amended.--Such--requirements--shall--not--apply--to
 10 parents-or-another-caretaker-with-a-child-or-children-at-home
 11 under-the-age-of-3.

12 (Source: P.A. 90-17, eff. 7-1-97; 91-357, eff. 7-29-99.)

13 (305 ILCS 5/11-22) (from Ch. 23, par. 11-22)

14 Sec. 11-22. Charge upon claims and causes of action for
 15 injuries. The Illinois Department shall have a charge upon
 16 all claims, demands and causes of action for injuries to an
 17 applicant for or recipient of financial aid under Articles
 18 III, IV, and V and--VII for the total amount of medical
 19 assistance provided the recipient from the time of injury to
 20 the date of recovery upon such claim, demand or cause of
 21 action. In addition, if the applicant or recipient was
 22 employable, as defined by the Department, at the time of the
 23 injury, the Department shall also have a charge upon any such
 24 claims, demands and causes of action for the total amount of
 25 aid provided to the recipient and his dependents, including
 26 all cash assistance and medical assistance only to the extent
 27 includable in the claimant's action, from the time of injury
 28 to the date of recovery upon such claim, demand or cause of
 29 action. Any definition of "employable" adopted by the
 30 Department shall apply only to persons above the age of
 31 compulsory school attendance. Local-governmental-units-shall
 32 have--like--charges-for-injuries-to-an-applicant-or-recipient
 33 under-Article-VII.

1 If the injured person was employable at the time of the
2 injury and is provided aid under Articles III, IV, or V ~~or~~
3 ~~VII~~ and any dependent or member of his family is provided aid
4 under Article VI, or vice versa, both the Illinois Department
5 and the local governmental unit shall have a charge upon such
6 claims, demands and causes of action for the aid provided to
7 the injured person and any dependent member of his family,
8 including all cash assistance, medical assistance and food
9 stamps, from the time of the injury to the date of recovery.

10 "Recipient", as used herein, means the grantee of record
11 and any persons whose needs are included in the financial aid
12 provided to the grantee of record or otherwise met by grants
13 under the appropriate Article of this Code for which such
14 person is eligible.

15 In each case, the notice shall be served by certified
16 mail or registered mail, upon the party or parties against
17 whom the applicant or recipient has a claim, demand or cause
18 of action. The notice shall claim the charge and describe
19 the interest the Illinois Department, the local governmental
20 unit, or the county, has in the claim, demand, or cause of
21 action. The charge shall attach to any verdict or judgment
22 entered and to any money or property which may be recovered
23 on account of such claim, demand, cause of action or suit
24 from and after the time of the service of the notice.

25 On petition filed by the Illinois Department, or by the
26 local governmental unit or county if either is claiming a
27 charge, or by the recipient, or by the defendant, the court,
28 on written notice to all interested parties, may adjudicate
29 the rights of the parties and enforce the charge. The court
30 may approve the settlement of any claim, demand or cause of
31 action either before or after a verdict, and nothing in this
32 Section shall be construed as requiring the actual trial or
33 final adjudication of any claim, demand or cause of action
34 upon which the Illinois Department, the local governmental

1 unit or county has charge. The court may determine what
2 portion of the recovery shall be paid to the injured person
3 and what portion shall be paid to the Illinois Department,
4 the local governmental unit or county having a charge against
5 the recovery. In making this determination, the court shall
6 conduct an evidentiary hearing and shall consider competent
7 evidence pertaining to the following matters:

8 (1) the amount of the charge sought to be enforced
9 against the recovery when expressed as a percentage of
10 the gross amount of the recovery; the amount of the
11 charge sought to be enforced against the recovery when
12 expressed as a percentage of the amount obtained by
13 subtracting from the gross amount of the recovery the
14 total attorney's fees and other costs incurred by the
15 recipient incident to the recovery; and whether the
16 Department, unit of local government or county seeking to
17 enforce the charge against the recovery should as a
18 matter of fairness and equity bear its proportionate
19 share of the fees and costs incurred to generate the
20 recovery from which the charge is sought to be satisfied;

21 (2) the amount, if any, of the attorney's fees and
22 other costs incurred by the recipient incident to the
23 recovery and paid by the recipient up to the time of
24 recovery, and the amount of such fees and costs remaining
25 unpaid at the time of recovery;

26 (3) the total hospital, doctor and other medical
27 expenses incurred for care and treatment of the injury to
28 the date of recovery therefor, the portion of such
29 expenses theretofore paid by the recipient, by insurance
30 provided by the recipient, and by the Department, unit of
31 local government and county seeking to enforce a charge
32 against the recovery, and the amount of such previously
33 incurred expenses which remain unpaid at the time of
34 recovery and by whom such incurred, unpaid expenses are

1 to be paid;

2 (4) whether the recovery represents less than
3 substantially full recompense for the injury and the
4 hospital, doctor and other medical expenses incurred to
5 the date of recovery for the care and treatment of the
6 injury, so that reduction of the charge sought to be
7 enforced against the recovery would not likely result in
8 a double recovery or unjust enrichment to the recipient;

9 (5) the age of the recipient and of persons
10 dependent for support upon the recipient, the nature and
11 permanency of the recipient's injuries as they affect not
12 only the future employability and education of the
13 recipient but also the reasonably necessary and
14 foreseeable future material, maintenance, medical,
15 rehabilitative and training needs of the recipient, the
16 cost of such reasonably necessary and foreseeable future
17 needs, and the resources available to meet such needs and
18 pay such costs;

19 (6) the realistic ability of the recipient to repay
20 in whole or in part the charge sought to be enforced
21 against the recovery when judged in light of the factors
22 enumerated above.

23 The burden of producing evidence sufficient to support
24 the exercise by the court of its discretion to reduce the
25 amount of a proven charge sought to be enforced against the
26 recovery shall rest with the party seeking such reduction.

27 The court may reduce and apportion the Illinois
28 Department's lien proportionate to the recovery of the
29 claimant. The court may consider the nature and extent of
30 the injury, economic and noneconomic loss, settlement offers,
31 comparative negligence as it applies to the case at hand,
32 hospital costs, physician costs, and all other appropriate
33 costs. The Illinois Department shall pay its pro rata share
34 of the attorney fees based on the Illinois Department's lien

1 as it compares to the total settlement agreed upon. This
2 Section shall not affect the priority of an attorney's lien
3 under the Attorneys Lien Act. The charges of the Illinois
4 Department described in this Section, however, shall take
5 priority over all other liens and charges existing under the
6 laws of the State of Illinois with the exception of the
7 attorney's lien under said statute.

8 Whenever the Department or any unit of local government
9 has a statutory charge under this Section against a recovery
10 for damages incurred by a recipient because of its
11 advancement of any assistance, such charge shall not be
12 satisfied out of any recovery until the attorney's claim for
13 fees is satisfied, irrespective of whether or not an action
14 based on recipient's claim has been filed in court.

15 This Section shall be inapplicable to any claim, demand
16 or cause of action arising under (a) the Workers'
17 Compensation Act or the predecessor Workers' Compensation Act
18 of June 28, 1913, (b) the Workers' Occupational Diseases Act
19 or the predecessor Workers' Occupational Diseases Act of
20 March 16, 1936; and (c) the Wrongful Death Act.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

23 Sec. 11-22a. Right of Subrogation. To the extent of the
24 amount of medical assistance provided by the Department to or
25 on behalf of a recipient under Article V or Articles V, VI or
26 VII, the Department shall be subrogated to any right of
27 recovery such recipient may have under the terms of any
28 private or public health care coverage or casualty coverage,
29 including coverage under the "Workers' Compensation Act",
30 approved July 9, 1951, as amended, or the "Workers'
31 Occupational Diseases Act", approved July 9, 1951, as
32 amended, without the necessity of assignment of claim or
33 other authorization to secure the right of recovery to the

1 Department. To enforce its subrogation right, the Department
 2 may (i) intervene or join in an action or proceeding brought
 3 by the recipient, his or her guardian, personal
 4 representative, estate, dependents, or survivors against any
 5 person or public or private entity that may be liable; (ii)
 6 institute and prosecute legal proceedings against any person
 7 or public or private entity that may be liable for the cost
 8 of such services; or (iii) institute and prosecute legal
 9 proceedings, to the extent necessary to reimburse the
 10 Illinois Department for its costs, against any noncustodial
 11 parent who (A) is required by court or administrative order
 12 to provide insurance or other coverage of the cost of health
 13 care services for a child eligible for medical assistance
 14 under this Code and (B) has received payment from a third
 15 party for the costs of those services but has not used the
 16 payments to reimburse either the other parent or the guardian
 17 of the child or the provider of the services.

18 (Source: P.A. 89-183, eff. 1-1-96.)

19 (305 ILCS 5/12-2) (from Ch. 23, par. 12-2)

20 Sec. 12-2. County departments ~~of public aid~~. The County
 21 Departments ~~of Public Aid~~, under the supervision and
 22 direction of the Illinois Department and subject to its rules
 23 and regulations, shall locally administer ~~be the agents of~~
 24 ~~the Illinois Department for the administration of~~ the
 25 programs provided by Articles III, IV, and V ~~and VII~~ of this
 26 Code and shall provide the social services and utilize the
 27 rehabilitative facilities authorized in Articles ~~Article~~ IX
 28 and IXA in respect to persons served through Articles III,
 29 IV, and V ~~and VII~~. They shall also discharge such other
 30 duties as may be required by other provisions of this Code or
 31 other laws of this State.

32 (Source: P.A. 81-1509.)

1 (305 ILCS 5/12-3) (from Ch. 23, par. 12-3)

2 Sec. 12-3. Local governmental units. As provided in
3 Article VI, local governmental units shall provide funds for
4 and administer the programs provided in that Article subject,
5 where so provided, to the supervision of the Illinois
6 Department. Local governmental units shall also provide the
7 social services and utilize the rehabilitative facilities
8 authorized in Article IX for persons served through Article
9 VI, and shall discharge such other duties as may be required
10 by this Code or other laws of this State.

11 In counties not under township organization, the county
12 shall provide funds for and administer such programs.

13 In counties under township organization (including any
14 such counties in which the governing authority is a board of
15 commissioners) the various towns other than those towns lying
16 entirely within the corporate limits of any city, village or
17 incorporated town having a population of more than 500,000
18 inhabitants shall provide funds for and administer such
19 programs.

20 Cities, villages, and incorporated towns having a
21 population of more than 500,000 inhabitants shall provide
22 funds for public aid purposes under Article VI but the County
23 Department of Human Services ~~Public--Aid--of--the--county--in~~
24 ~~which--any--such-municipality-is-located~~ shall administer the
25 program for such municipality.

26 Incorporated towns which have superseded civil townships
27 shall provide funds for and administer the public aid program
28 provided by Article VI.

29 In counties of less than 3 million population having a
30 County Veterans Assistance Commission in which there has been
31 levied a tax as authorized by Section 5-2006 of the Counties
32 Code for the purpose of providing assistance to military
33 veterans and their families, the County Veterans Assistance
34 Commission shall administer the programs provided by Article

1 VI for such military veterans and their families as seek aid
2 through the County Veterans Assistance Commission.
3 (Source: P.A. 86-1475; 87-796.)

4 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)
5 Sec. 12-4.4. Administration of federally-aided programs.
6 Direct County Departments of Public Aid in the administration
7 of the federally funded food stamp program, programs to aid
8 refugees and Articles III, IV, and V and-VII of this Code.
9 ~~The--Illinois-Department-of-Human-Services-may-also,-upon-its~~
10 ~~own-motion,-review-any-decision-made-by-a--County--Department~~
11 ~~and--consider--any--application-upon-which-a-decision-has-not~~
12 ~~been-made-by-the-County-Department-within--30--days.--It--may~~
13 ~~require--a--County--Department--to-transmit-its-files-and-all~~
14 ~~papers--and--documents--pertaining--to---any---applicant---or~~
15 ~~recipient.~~

16 Beginning--July-1,-1992,-or-upon-approval-by-the-Food-and
17 Nutrition--Service--of--the--United--States---Department---of
18 Agriculture, The Illinois Department of Human Services shall
19 operate a Food Stamp Employment and Training (FSE&T) program
20 in compliance with federal law. The FSE&T program will have
21 an Earnfare component. The Earnfare component shall be
22 available in selected geographic areas based on criteria
23 established by the Illinois Department of Human Services by
24 rule. Participants in Earnfare will, to the extent resources
25 allow, earn their assistance. Participation in the Earnfare
26 program is voluntary, except when ordered by a court of
27 competent jurisdiction. Eligibility for Earnfare may be
28 limited to only 6 months out of any 12 consecutive month
29 period. Clients are not entitled to be placed in an Earnfare
30 slot. Earnfare slots shall be made available only as
31 resources permit. Earnfare shall be available to persons
32 receiving food stamps who meet eligibility criteria
33 established by the Illinois Department of Human Services by

1 rule. The Illinois Department may, by rule, extend the
2 Earnfare Program to clients who do not receive food stamps.
3 Receipt of food stamps is not an eligibility requirement of
4 Earnfare when a court of competent jurisdiction orders an
5 individual to participate in the Earnfare Program. To the
6 extent resources permit, the Earnfare program will allow
7 participants to engage in work-related activities to earn
8 monthly financial assistance payments and to improve
9 participants' employability in order for them to succeed in
10 obtaining employment. The Illinois Department of Human
11 Services may enter into contracts with other public agencies
12 including State agencies, with local governmental units, and
13 with not-for-profit community based organizations to carry
14 out the elements of the Program that the Department of Human
15 Services deems appropriate.

16 The Earnfare Program shall contain the following
17 elements:

18 (1) To the extent resources allow and slots exist,
19 the Illinois Department of Human Services shall refer
20 recipients of food stamp assistance who meet eligibility
21 criteria, as established by rule. Receipt of food stamps
22 is not an eligibility requirement of Earnfare when a
23 court of competent jurisdiction orders an individual to
24 participate in the Earnfare Program.

25 (2) Persons participating in Earnfare shall engage
26 in employment assigned activities equal to the amount of
27 the food stamp benefits divided by the federal minimum
28 wage and subsequently shall earn minimum wage assistance
29 for each additional hour of performance in Earnfare
30 activity. Earnfare participants shall be offered the
31 opportunity to earn up to \$154. The Department of Human
32 Services may establish a higher amount by rule provided
33 resources permit. If a court of competent jurisdiction
34 orders an individual to participate in the Earnfare

1 program, hours engaged in employment assigned activities
2 shall first be applied for a \$50 payment made to the
3 custodial parent as a support obligation. If the
4 individual receives food stamps, the individual shall
5 engage in employment assigned activities equal to the
6 amount of the food stamp benefits divided by the federal
7 minimum wage and subsequently shall earn minimum wage
8 assistance for each additional hour of performance in
9 Earnfare activity.

10 (3) To the extent appropriate slots are available,
11 the Illinois Department of Human Services shall assign
12 Earnfare participants to Earnfare activities based on an
13 assessment of the person's age, literacy, education,
14 educational achievement, job training, work experience,
15 and recent institutionalization, whenever these factors
16 are known to the Department of Human Services or to the
17 contractor and are relevant to the individual's success
18 in carrying out the assigned activities and in ultimately
19 obtaining employment.

20 (4) The Department of Human Services shall consider
21 the participant's preferences and personal employment
22 goals in making assignments to the extent
23 administratively possible and to the extent that
24 resources allow.

25 (5) The Department of Human Services may enter into
26 cooperative agreements with local governmental units
27 (which may, in turn, enter into agreements with
28 not-for-profit community based organizations): with other
29 public, including State, agencies; directly with
30 not-for-profit community based organizations, and with
31 private employers to create Earnfare activities for
32 program participants.

33 (6) To the extent resources permit, the Department
34 of Human Services shall provide the Earnfare participants

1 with the costs of transportation in looking for work and
2 in getting to and from the assigned Earnfare job site and
3 initial expenses of employment.

4 (7) All income and asset limitations of the Federal
5 Food Stamp Program will govern continued Earnfare
6 participation, except that court ordered participants
7 shall participate for 6 months unless the court orders
8 otherwise.

9 (8) Earnfare participants shall not displace or
10 substitute for regular, full time or part time employees,
11 regardless of whether or not the employee is currently
12 working, on a leave of absence or in a position or
13 similar position where a layoff has taken place or the
14 employer has terminated the employment of any regular
15 employee or otherwise reduced its workforce with the
16 effect of filling the vacancy so created with a
17 participant subsidized under this program, or is or has
18 been involved in a labor dispute between a labor
19 organization and the sponsor.

20 (9) Persons who fail to cooperate with the FSE&T
21 program shall become ineligible for food stamp assistance
22 according to Food Stamp regulations, and for Earnfare
23 participation. Failure to participate in Earnfare for
24 all of the hours assigned is not a failure to cooperate
25 unless so established by the employer pursuant to
26 Department of Human Services rules. If a person who is
27 ordered by a court of competent jurisdiction to
28 participate in the Earnfare Program fails to cooperate
29 with the Program, the person shall be referred to the
30 court for failure to comply with the court order.

31 (Source: P.A. 89-6, eff. 3-6-95; 89-21, eff. 7-1-95; 89-507,
32 eff. 7-1-97; 90-17, eff. 7-1-97.)

33 (305 ILCS 5/12-4.7) (from Ch. 23, par. 12-4.7)

1 Sec. 12-4.7. Co-operation with other agencies. Make use
 2 of, aid and co-operate with State and local governmental
 3 agencies, and co-operate with and assist other governmental
 4 and private agencies and organizations engaged in welfare
 5 functions.

6 ~~The Department shall, not later than January 1, 1986,~~
 7 ~~enter into a written agreement with the Illinois Department~~
 8 ~~of Mental Health and Developmental Disabilities which shall~~
 9 ~~provide for interagency procedures to process and expedite~~
 10 ~~applications for benefits under this Code which are filed by~~
 11 ~~or on behalf of patients scheduled for discharge from~~
 12 ~~facilities operated or licensed by the Department of Mental~~
 13 ~~Health and Developmental Disabilities (now the Department of~~
 14 ~~Human Services) pursuant to Sections 15c and 15d of the~~
 15 ~~Mental Health and Developmental Disabilities Administrative~~
 16 ~~Act. The responsibilities of the Department of Mental Health~~
 17 ~~and Developmental Disabilities under this agreement are~~
 18 ~~transferred to the Department of Human Services as provided~~
 19 ~~in the Department of Human Services Act.~~

20 (Source: P.A. 89-131, eff. 7-14-95; 89-507, eff. 7-1-97.)

21 (305 ILCS 5/12-4.8) (from Ch. 23, par. 12-4.8)

22 Sec. 12-4.8. Supervision of administration of general
 23 assistance. Supervise the administration of General
 24 Assistance under Article VI by local governmental units
 25 receiving State funds for the purposes of such Article.

26 ~~In addition, the Illinois Department shall be chargeable~~
 27 ~~with providing medical assistance payments and services under~~
 28 ~~all Articles of this Code where:~~

29 ~~(a) the recipient of the services or payments is a~~
 30 ~~non-resident of this State; and~~

31 ~~(b) but for non-residency, provision of those services~~
 32 ~~or payments would be a township responsibility.~~

33 ~~The Illinois Department shall insure, by rule or~~

1 regulation, that provision of such medical assistance shall
2 be determined in accordance with the uniform standard of
3 eligibility established by the Illinois Department.

4 (Source: P.A. 83-1378.)

5 (305 ILCS 5/12-4.17) (from Ch. 23, par. 12-4.17)

6 Sec. 12-4.17. Training personnel for employment in
7 public aid programs. Establish within the administrative
8 staff a staff development unit to provide orientation and
9 job-related training for new employees and continued
10 development and improvement of job skills of all staff of the
11 Department and County Departments; establish criteria for and
12 administer and maintain a program for granting employees
13 educational leave for specialized professional or technical
14 study; and co-ordinate such training, development, and
15 educational activities with the training program of the
16 Illinois Department of Central Management Services and with
17 other programs for training personnel established under this
18 Section. The Department may also make grants to public or
19 other non-profit institutions of higher learning for training
20 personnel employed or preparing for employment in the public
21 aid programs and conduct special courses of study or seminars
22 for personnel by experts hired temporarily by the Illinois
23 Department.

24 (a) To qualify for an assignment for educational or
25 training purposes under this Section, a person must:

26 1. be enrolled in the final 2 years of accredited
27 specialized training which is required to meet the
28 qualifications for the position, as established by the
29 Department of Central Management Services, or be a current
30 employee of the Department who has continuously served in a
31 full-time capacity for at least 1 year prior to assignment;

32 2. have completed 4 years of high school education;

33 3. possess such qualities and attributes as the Director

1 of-the-Department-deems-necessary-for-achieving-the--purposes
2 of-which-the-assignment-was-made;

3 4.--sign--an--agreement--to--serve--as-an-employee-of-the
4 Department-for-12-months-for--each--9--months--of--subsidized
5 training--for--educational--or--training--purposes-under-this
6 Section;

7 5.--sign--a--promissory--note--agreeing--to--repay--the
8 Department--for--the--funds-expended-if-the-employee-fails-to
9 return-to-employment-with,--or--remain--an--employee--of--the
10 Department--for--the--period-of-time-required-by-paragraph-4;
11 and

12 6.--agree-in-writing-to-such-other-terms--and--conditions
13 as--the--Department--may-reasonably-require-when-granting-the
14 assignment.

15 (b)--When--granting--an--assignment--for--educational--or
16 training-purposes-to-an-eligible-person-under--this--Section,
17 the-Department-may-pay:

18 1.--for-support-and-living-expenses,--a-sum-up-to-\$300-per
19 month--plus--\$50-per-month-for-the-first-unemployed-dependent
20 of-the-person--and--\$25--per--month--for--each--of--the--next
21 unemployed--dependents,--provided-the-maximum-total-payment-to
22 the-person-under-this-paragraph-shall--not--exceed--\$400--per
23 month;-and

24 2.--for-school-expenses,--not-in-excess-of-80%-of-the-cost
25 to--the-person-of-all-tuition,--laboratory-fees,--matriculation
26 fees--and--other--general--student--charges--made--by--the
27 institution-of-higher-learning,--but-not-including-charges-for
28 food--or-residence-halls,--which-charges-shall-be-payable-from
29 the--funds--for--support--and--living--expenses--with--the
30 limitations-provided-in-paragraph-1.

31 (c)--Except-for-the-purpose-of-receiving-salary,--vacation
32 pay--or--any--other--similar--remuneration--payable--to-State
33 employees,--the-status-of-an-employee-of-the-Department-as--an
34 employee-of-the-State-is-not-affected-by-the-employee-serving

1 on--an--educational-or-training-assignment-under-this-Section
2 as--specified--under--the--rules--and--regulations---of---the
3 Department-of-Central-Management-Services.

4 (d)--Training--programs--such-as-tuition-only-refunds-and
5 special-workshops-for-employees,--and-training-which-is-a-part
6 of-collaborative-arrangements--with--institutions--of--higher
7 learning--or--other--public-agencies-are-not-affected-by-this
8 Section.

9 (Source: P.A. 85-1308.)

10 (305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

11 Sec. 12-4.24a. Report and recommendations concerning
12 designated shortage area. The Illinois Department shall
13 analyze payments made to providers of medical services under
14 Article ~~Articles~~ V and-VII of this Code to determine whether
15 any special compensatory standard should be applied to
16 payments to such providers in designated shortage areas as
17 defined in Section 3.04 of the Family Practice Residency Act,
18 as now or hereafter amended. The Illinois Department shall,
19 not later than June 30, 1990, report to the Governor and the
20 General Assembly concerning the results of its analysis, and
21 may provide by rule for adjustments in its payment rates to
22 medical service providers in such areas.

23 (Source: P.A. 86-965.)

24 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

25 Sec. 12-5. Appropriations; uses; federal grants; report
26 to General Assembly. From the sums appropriated by the
27 General Assembly, the Illinois Department shall order for
28 payment by warrant from the State Treasury grants for public
29 aid under Articles III, IV, and V and-VII, including grants
30 for funeral and burial expenses, and all costs of
31 administration of the Illinois Department and the County
32 Departments relating thereto. Moneys appropriated to the

1 Illinois Department for public aid under Article VI may be
2 used, with the consent of the Governor, to co-operate with
3 federal, State, and local agencies in the development of work
4 projects designed to provide suitable employment for persons
5 receiving public aid under Article VI. The Illinois
6 Department, with the consent of the Governor, may be the
7 agent of the State for the receipt and disbursement of
8 federal funds or commodities for public aid purposes under
9 Article VI and for related purposes in which the co-operation
10 of the Illinois Department is sought by the federal
11 government, and, in connection therewith, may make necessary
12 expenditures from moneys appropriated for public aid under
13 any Article of this Code and for administration. The
14 Illinois Department, with the consent of the Governor, may be
15 the agent of the State for the receipt and disbursement of
16 federal funds pursuant to the Immigration Reform and Control
17 Act of 1986 and may make necessary expenditures from monies
18 appropriated to it for operations, administration, and
19 grants, including payment to the Health Insurance Reserve
20 Fund for group insurance costs at the rate certified by the
21 Department of Central Management Services. All amounts
22 received by the Illinois Department pursuant to the
23 Immigration Reform and Control Act of 1986 shall be deposited
24 in the Immigration Reform and Control Fund. All amounts
25 received into the Immigration Reform and Control Fund as
26 reimbursement for expenditures from the General Revenue Fund
27 shall be transferred to the General Revenue Fund.

28 All grants received by the Illinois Department for
29 programs funded by the Federal Social Services Block Grant
30 shall be deposited in the Social Services Block Grant Fund.
31 All funds received into the Social Services Block Grant Fund
32 as reimbursement for expenditures from the General Revenue
33 Fund shall be transferred to the General Revenue Fund. All
34 funds received into the Social Services Block Grant fund for

1 reimbursement for expenditure out of the Local Initiative
2 Fund shall be transferred into the Local Initiative Fund.
3 Any other federal funds received into the Social Services
4 Block Grant Fund shall be transferred to the Special Purposes
5 Trust Fund. All federal funds received by the Illinois
6 Department as reimbursement for Employment and Training
7 Programs for expenditures made by the Illinois Department
8 from grants, gifts, or legacies as provided in Section
9 12-4.18 or made by an entity other than the Illinois
10 Department shall be deposited into the Employment and
11 Training Fund, except that federal funds received as
12 reimbursement as a result of the appropriation made for the
13 costs of providing adult education to public assistance
14 recipients under the "Adult Education, Public Assistance
15 Fund" shall be deposited into the General Revenue Fund;
16 provided, however, that all funds, except those that are
17 specified in an interagency agreement between the Illinois
18 Community College Board and the Illinois Department, that are
19 received by the Illinois Department as reimbursement under
20 Title IV-A of the Social Security Act ~~the--JOBS--program~~ for
21 expenditures that are made by the Illinois Community College
22 Board or any public community college of this State shall be
23 credited to a special account that the State Treasurer shall
24 establish and maintain within the Employment and Training
25 Fund for the purpose of segregating the reimbursements
26 received for expenditures made by those entities. As
27 reimbursements are deposited into the Employment and Training
28 Fund, the Illinois Department shall certify to the State
29 Comptroller and State Treasurer the amount that is to be
30 credited to the special account established within that Fund
31 as a reimbursement for expenditures under Title IV-A of the
32 Social Security Act ~~the--JOBS--program~~ made by the Illinois
33 Community College Board or any of the public community
34 colleges. All amounts credited to the special account

1 established and maintained within the Employment and Training
2 Fund as provided in this Section shall be held for transfer
3 to the TANF AFDC Opportunities Fund as provided in subsection
4 (d) of Section 12-10.3, and shall not be transferred to any
5 other fund or used for any other purpose.

6 Any or all federal funds received as reimbursement for
7 food and shelter assistance under the Emergency Food and
8 Shelter Program authorized by Section 12-4.5 may be
9 deposited, with the consent of the Governor, into the
10 Homelessness Prevention Fund.

11 Eighty percent of the federal financial participation
12 funds received by the Illinois Department under the Title
13 IV-A Emergency Assistance program as reimbursement for
14 expenditures made from the Illinois Department of Children
15 and Family Services appropriations for the costs of providing
16 services in behalf of Department of Children and Family
17 Services clients shall be deposited into the DCFS Children's
18 Services Fund.

19 All federal funds, except those covered by the foregoing
20 3 paragraphs, received as reimbursement for expenditures from
21 the General Revenue Fund shall be deposited in the General
22 Revenue Fund for administrative and distributive expenditures
23 properly chargeable by federal law or regulation to aid
24 programs established under Articles III through XII and
25 Titles IV, XVI, XIX and XX of the Federal Social Security
26 Act. Any other federal funds received by the Illinois
27 Department under Sections 12-4.6, 12-4.18 and 12-4.19 that
28 are required by Section 12-10 of this Code to be paid into
29 the Special Purposes Trust Fund shall be deposited into the
30 Special Purposes Trust Fund. Any other federal funds
31 received by the Illinois Department pursuant to the Child
32 Support Enforcement Program established by Title IV-D of the
33 Social Security Act shall be deposited in the Child Support
34 Enforcement Trust Fund as required under Section 12-10.2 of

1 this Code. Any other federal funds received by the Illinois
2 Department for medical assistance program expenditures made
3 under Title XIX of the Social Security Act and Article V of
4 this Code that are required by Section 5-4.21 of this Code to
5 be paid into the Medicaid Developmentally Disabled Provider
6 Participation Fee Trust Fund shall be deposited into the
7 Medicaid Developmentally Disabled Provider Participation Fee
8 Trust Fund. Any other federal funds received by the Illinois
9 Department for medical assistance program expenditures made
10 under Title XIX of the Social Security Act and Article V of
11 this Code that are required by Section 5-4.31 of this Code to
12 be paid into the Medicaid Long Term Care Provider
13 Participation Fee Trust Fund shall be deposited into the
14 Medicaid Long Term Care Provider Participation Fee Trust
15 Fund. Any other federal funds received by the Illinois
16 Department for hospital inpatient, hospital ambulatory care,
17 and disproportionate share hospital expenditures made under
18 Title XIX of the Social Security Act and Article V of this
19 Code that are required by Section 14-2 of this Code to be
20 paid into the Hospital Services Trust Fund shall be deposited
21 into the Hospital Services Trust Fund. Any other federal
22 funds received by the Illinois Department for expenditures
23 made under Title XIX of the Social Security Act and Articles
24 V and VI of this Code that are required by Section 15-2 of
25 this Code to be paid into the County Provider Trust Fund
26 shall be deposited into the County Provider Trust Fund. Any
27 other federal funds received by the Illinois Department for
28 hospital inpatient, hospital ambulatory care, and
29 disproportionate share hospital expenditures made under Title
30 XIX of the Social Security Act and Article V of this Code
31 that are required by Section 5A-8 of this Code to be paid
32 into the Hospital Provider Fund shall be deposited into the
33 Hospital Provider Fund. Any other federal funds received by
34 the Illinois Department for medical assistance program

1 expenditures made under Title XIX of the Social Security Act
2 and Article V of this Code that are required by Section 5B-8
3 of this Code to be paid into the Long-Term Care Provider Fund
4 shall be deposited into the Long-Term Care Provider Fund.
5 Any other federal funds received by the Illinois Department
6 for medical assistance program expenditures made under Title
7 XIX of the Social Security Act and Article V of this Code
8 that are required by Section 5C-7 of this Code to be paid
9 into the Developmentally Disabled Care Provider Fund shall be
10 deposited into the Developmentally Disabled Care Provider
11 Fund. Any other federal funds received by the Illinois
12 Department for trauma center adjustment payments that are
13 required by Section 5-5.03 of this Code and made under Title
14 XIX of the Social Security Act and Article V of this Code
15 shall be deposited into the Trauma Center Fund. Any other
16 federal funds received by the Illinois Department as
17 reimbursement for expenses for early intervention services
18 paid from the Early Intervention Services Revolving Fund
19 shall be deposited into that Fund.

20 The Illinois Department shall consult with the Citizens
21 Assembly/Council on Public Aid in respect to the expenditure
22 of federal funds from the Special Purposes Trust Fund under
23 Section 12-10 and the Local Initiative Fund under Section
24 12-10.1. It shall report to the General Assembly at the end
25 of each fiscal quarter the amount of all funds received and
26 paid into the Social Service Block Grant Fund and the Local
27 Initiative Fund and the expenditures and transfers of such
28 funds for services, programs and other purposes authorized by
29 law. Such report shall be filed with the Speaker, Minority
30 Leader and Clerk of the House, with the President, Minority
31 Leader and Secretary of the Senate, with the Chairmen of the
32 House and Senate Appropriations Committees, the House Human
33 Resources Committee and the Senate Public Health, Welfare and
34 Corrections Committee, or the successor standing Committees

1 of each as provided by the rules of the House and Senate,
 2 respectively, with the Legislative Research Unit and with the
 3 State Government Report Distribution Center for the General
 4 Assembly as is required under paragraph (t) of Section 7 of
 5 the State Library Act and one copy with the Citizens
 6 Assembly/Council on Public Aid or its successor shall be
 7 deemed sufficient to comply with this Section.

8 (Source: P.A. 88-45; 88-412; 88-429; 88-553, eff. 7-14-94;
 9 88-554, eff. 7-26-94; 88-670, eff. 12-2-94; 89-235, eff.
 10 8-4-95; 89-499, eff. 6-28-96.)

11 (305 ILCS 5/12-8) (from Ch. 23, par. 12-8)

12 Sec. 12-8. Public Assistance Emergency Revolving Fund -
 13 Uses. The Public Assistance Emergency Revolving Fund,
 14 established by Act approved July 8, 1955 shall be held by the
 15 Illinois Department and shall be used for the following
 16 purposes:

17 1. To provide immediate financial aid to applicants
 18 in acute need who have been determined eligible for aid
 19 under Articles III, IV, or V.

20 2. To provide emergency aid to recipients under
 21 said Articles who have failed to receive their grants
 22 because of mail box or other thefts, or who are victims
 23 of a burnout, eviction, or other circumstances causing
 24 privation, in which cases the delays incident to the
 25 issuance of grants from appropriations would cause
 26 hardship and suffering.

27 3. To provide emergency aid for transportation,
 28 meals and lodging to applicants who are referred to
 29 cities other than where they reside for physical
 30 examinations to establish blindness or disability, or to
 31 determine the incapacity of the parent of a dependent
 32 child.

33 4. To provide emergency transportation expense

1 allowances to recipients engaged in vocational training
2 and rehabilitation projects.

3 5. To assist public aid applicants in obtaining
4 copies of birth certificates, death certificates,
5 marriage licenses or other similar legal documents which
6 may facilitate the verification of eligibility for public
7 aid under this Code.

8 6. To provide immediate payments to current or
9 former recipients of support services, or refunds to
10 responsible relatives, for child support made to the
11 Illinois Department under Title IV-D of the Social
12 Security Act when such recipients of services or
13 responsible relatives are legally entitled to all or part
14 of such child support payments under applicable State or
15 federal law.

16 7. To provide payments to individuals or providers
17 of transportation to and from medical care for the
18 benefit of recipients under Articles III, IV, V, and VI,
19 and-VII.

20 Disbursements from the Public Assistance Emergency
21 Revolving Fund shall be made by the Illinois Department.

22 Expenditures from the Public Assistance Emergency
23 Revolving Fund shall be for purposes which are properly
24 chargeable to appropriations made to the Illinois Department,
25 or, in the case of payments under subparagraph 6, to the
26 Child Support Enforcement Trust Fund, except that no
27 expenditure shall be made for purposes which are properly
28 chargeable to appropriations for the following objects:
29 personal services; extra help; state contributions to
30 retirement system; state contributions to Social Security;
31 state contributions for employee group insurance; contractual
32 services; travel; commodities; printing; equipment;
33 electronic data processing; operation of auto equipment;
34 telecommunications services; library books; and refunds. The

1 Illinois Department shall reimburse the Public Assistance
2 Emergency Revolving Fund by warrants drawn by the State
3 Comptroller on the appropriation or appropriations which are
4 so chargeable, or, in the case of payments under subparagraph
5 6, by warrants drawn on the Child Support Enforcement Trust
6 Fund, payable to the Revolving Fund.

7 The Illinois Department shall consult, in writing, with
8 the Citizens Assembly/Council on Public Aid with respect to
9 the investment of funds from the Public Assistance Emergency
10 Revolving Fund outside the State Treasury in certificates of
11 deposit or other interest-bearing accounts.

12 (Source: P.A. 86-651; 87-769.)

13 (305 ILCS 5/12-10.3) (from Ch. 23, par. 12-10.3)

14 Sec. 12-10.3. Employment and Training Fund; uses.

15 (a) The Employment and Training Fund is hereby created
16 in the State Treasury for the purpose of receiving and
17 disbursing moneys in accordance with the provisions of Title
18 ~~IV-F-of-the-federal-Social-Security-Act,--known--as--the--Job~~
19 ~~Opportunities--and--Basic--Skills--(JOBS)--Program--and,--on--and~~
20 ~~after-July-1,--1997,~~ Title IV-A of the federal Social Security
21 Act; the Food Stamp Act, Title 7 of the United States Code;
22 and related rules and regulations governing the use of those
23 moneys for the purposes of providing employment and training
24 services.

25 (b) All federal funds received by the Illinois
26 Department as reimbursement for expenditures for employment
27 and training programs made by the Illinois Department from
28 grants, gifts, or legacies as provided in Section 12-4.18 or
29 by an entity other than the Department, except as a result of
30 appropriations made for the costs of providing adult
31 education to public assistance recipients, shall be deposited
32 into the Employment and Training Fund; provided, however,
33 that all funds, except those that are specified in the

1 interagency agreement between the Illinois Community College
2 Board and the Department, that are received by the Department
3 as reimbursement under Title IV-A ~~IV-F~~ of the federal Social
4 Security Act for expenditures that are made by the Illinois
5 Community College Board or by any public community college of
6 this State shall be credited to a special account that the
7 State Treasurer shall establish and maintain within the
8 Employment and Training Fund for the purpose and in the
9 manner provided in Section 12-5.

10 (c) Except as provided in subsection (d) of this
11 Section, the Employment and Training Fund shall be
12 administered by the Illinois Department, and the Illinois
13 Department may make payments from the Employment and Training
14 Fund to clients for supportive services or to public and
15 private entities for employment and training services. Such
16 payments shall not include any funds generated by Illinois
17 community colleges as part of the Opportunities Program.

18 (d) On or before the 10th day of August, 1992, and on or
19 before the 10th day of each month thereafter, the State
20 Treasurer and State Comptroller shall automatically transfer
21 to the TANF Opportunities Fund of the Illinois Community
22 College Board from the special account established and
23 maintained in the Employment and Training Fund all amounts
24 credited to that special account as provided in Section 12-5
25 during the preceding month as reimbursement for expenditures
26 under Title IV-A ~~IV-F~~ of the federal Social Security Act made
27 by the Illinois Community College Board or any public
28 community college of this State.

29 (e) The Illinois Department shall execute a written
30 contract when purchasing employment and training services
31 from entities qualified to provide services under the
32 programs. The contract shall be filed with the Illinois
33 Department and the State Comptroller.

34 (Source: P.A. 89-641, eff. 8-9-96; 90-17, eff. 7-1-97.)

(305 ILCS 5/12-13) (from Ch. 23, par. 12-13)

1 Sec. 12-13. Rules and regulations. The Department shall
 2 make all rules and regulations and take such action as may be
 3 necessary or desirable for carrying out the provisions of
 4 this Code, to the end that its spirit and purpose may be
 5 achieved and the public aid programs administered efficiently
 6 throughout the State. However, the rules and regulations
 7 shall not provide that payment for services rendered to a
 8 specific recipient by a person licensed under the Medical
 9 Practice Act of 1987, whether under a general or limited
 10 license, or a person licensed or registered under other laws
 11 of this State to provide dental, optometric, or pediatric
 12 care, may be authorized only when services are recommended
 13 for that recipient by a person licensed to practice medicine
 14 in all its branches.

15 Whenever a rule of the Department requires that an
 16 applicant or recipient verify information submitted to the
 17 Department, the rule, in order to make the public fully aware
 18 of what information is required for verification, shall
 19 specify the acceptable means of verification or shall list
 20 examples of acceptable means of verification.

21 The provisions of the Illinois Administrative Procedure
 22 Act are hereby expressly adopted and incorporated herein, and
 23 shall apply to all administrative rules and procedures of the
 24 Illinois Department under this Act, except that Section 5-35
 25 of the Illinois Administrative Procedure Act relating to
 26 procedures for rule-making does not apply to the adoption of
 27 any rule required by federal law in connection with which the
 28 Illinois Department is precluded by law from exercising any
 29 discretion, and the requirements of the Administrative
 30 Procedure Act with respect to contested cases are not
 31 applicable to (1) hearings involving eligibility of
 32 applicants or recipients of public aid or (2) support
 33 hearings involving responsible relatives, ~~or (3) personnel~~
 34

1 hearings-involving-matters-arising-under-Section-12-18-1.

2 (Source: P.A. 88-45.)

3 (305 ILCS 5/12-13.05)

4 Sec. 12-13.05. Emergency Rules for Temporary Assistance
5 for Needy Families. to--implement-amendatory-changes.--The
6 Illinois-Department-may-implement-the-amendatory--changes--to
7 this--Code--made-by-this-amendatory-Act-of-1997-and-any-other
8 changes-made-as-the--result--of--implementing--the--Temporary
9 Assistance--to--Needy--Families--Program--under--the-Personal
10 Responsibility-and-Work--Opportunity--Reconciliation--Act--of
11 1996--(P.L.--104-193)--through--the-use-of-emergency-rules-in
12 accordance--with--the--provisions--of--Section--5-45--of--the
13 Illinois-Administrative-Procedure-Act.--For-purposes--of--the
14 Illinois--Administrative-Procedure-Act, the-adoption-of-rules
15 to-implement-these-changes-shall-be-deemed-an--emergency--and
16 necessary--for-the-public-interest, safety, and-welfare.--The
17 emergency-rulemaking-powers-authorized-in-this-Section--apply
18 only-to-rules-filed-to-implement-the-TANF-plan-effective-July
19 1, 1997.

20 All rules regulating the Temporary Assistance for Needy
21 Families program and all other rules regulating the
22 amendatory changes to this Code made by this amendatory Act
23 of 1997 shall be promulgated pursuant to this Section. All
24 rules regulating the Temporary Assistance for Needy Families
25 program and all other rules regulating the amendatory changes
26 to this Code made by this amendatory Act of 1997 are repealed
27 on January 1, 2003. On and after January 1, 2003, the
28 Illinois Department may not promulgate any rules regulating
29 the Temporary Assistance for Needy Families program or
30 regulating the amendatory changes to this Code made by this
31 amendatory Act of 1997.

32 (Source: P.A. 90-17, eff. 7-1-97; 91-5, eff. 5-27-99.)

1 (305 ILCS 5/12-19) (from Ch. 23, par. 12-19)

2 Sec. 12-19. County welfare services committees;
3 membership. If a The county welfare services committee is
4 formed in a each county of less than 3,000,000 population,
5 the committee may shall consist of not more than 10 members
6 appointed by the Illinois Department and the following
7 members, ex-officio: the state's attorney and the chairman of
8 the county board. The terms of the state's attorney and the
9 chairman of the county board shall be co-extensive with their
10 terms of office. The terms of the Illinois Department
11 appointees shall be as specified in this Section.

12 In counties of 3,000,000 or more population, if a the
13 county welfare services committee is formed, it may shall
14 consist of not more than 33 members appointed by the Illinois
15 Department and the president of the county board of
16 commissioners, ex-officio. The term of the president of the
17 county board of commissioners shall be co-extensive with his
18 term of office. The terms of the Illinois Department
19 appointees shall be as specified in this Section.

20 The Illinois Department shall make its appointments from
21 a list of nominees submitted with the advice and consent of
22 the county board by the presiding officer of the county board
23 of each county. If the county board fails or refuses to
24 submit a list of nominees, the Illinois Department may make
25 appointments from among the residents of the county.

26 The Illinois Department and the county boards shall
27 include a balanced representation of recipients, service
28 providers, representatives of community and welfare advocacy
29 groups, representatives of local governments dealing with
30 public aid, and representatives of the general public on all
31 county welfare services committees appointed by the Illinois
32 Department or on lists of nominees submitted by the presiding
33 officers of the county boards.

34 (Source: P.A. 88-412.)

1 (305 ILCS 5/12-19.2) (from Ch. 23, par. 12-19.2)

2 Sec. 12-19.2. Organization of committee. The county
3 welfare services committee, at its first meeting in each
4 calendar year, shall organize by electing from its membership
5 a chairman and vice chairman. These officers shall serve a
6 term of one year and until their successors are elected but
7 neither may serve more than 3 consecutive terms. The
8 Department of Human Services local office administrator
9 ~~county--superintendent--of--public--aid~~ shall act as the
10 executive secretary of the committee and assist it in
11 fulfilling its responsibilities in the manner the committee
12 designates. The committee may request the assistance of other
13 members of the staff of the County Department to perform
14 duties the committee designates. The committee shall provide
15 rules for transacting its business and keeping records
16 thereof. It shall hold as many meetings during each calendar
17 year as may be necessary to fulfill committee
18 responsibilities. In counties of less than 3,000,000
19 population, meetings may be called by the chairman or any 3
20 members. In counties of 3,000,000 or more population,
21 meetings may be called by the chairman or any 11 members. The
22 members of the committee shall receive no compensation for
23 their services but shall be reimbursed for actual and
24 necessary traveling and other expenses incurred in the
25 performance of their duties.

26 (Source: P.A. 88-412.)

27 (305 ILCS 5/12-19.3) (from Ch. 23, par. 12-19.3)

28 Sec. 12-19.3. Information to committee.

29 The County Department shall furnish each member of the
30 County Welfare Services Committee, upon such member's
31 request, a copy of the existing regulations and of all
32 changes of regulations pertaining to any of the public aid
33 programs, and of rulings handed down by the Illinois

1 Department or the courts on review, affecting or interpreting
2 such regulations. The--County--Superintendent-of-Public-Aid
3 shall-also-furnish-the-Committee,-or-any-member-thereof,-upon
4 request-in-writing-by--such--Committee--or--by--such--member,-
5 information--(including--access--to-the-files)-concerning-any
6 individual-applicant-or-recipient,-with-notations-as--to--the
7 regulations--and--facts--upon-the-basis-of-which-increases-or
8 decreases-were-made-in-the-amount-of-aid-granted,-or-upon-the
9 basis-of-which-aid-was-denied-or--terminated,-together--with
10 such--other--information--as--may-be-in-the-possession-of-the
11 County-Department-and-stipulated-in-the--written--request--of
12 the--Committee--or-any-member-thereof.-The-Committee-and-each
13 member-thereof--shall--keep--all--such--information--strictly
14 confidential--and--shall--use--it--only-for-purposes-directly
15 connected-with-the-administration-of-public--aid--within--the
16 county-

17 (Source: Laws 1967, p. 122.)

18 (305 ILCS 5/12-21.10) (from Ch. 23, par. 12-21.10)
19 Sec. 12-21.10. Default and misappropriation of funds;
20 Removal of supervisor; Conditions requiring appointment of
21 interim supervisor.} If the Supervisor of General Assistance
22 is a defaulter and in arrears with the governmental unit, or
23 has misused, misappropriated, or converted to his own use or
24 the use of any other person any of the funds of the unit, or
25 is guilty of any other misconduct in office, the governing
26 body of the governmental unit, and in the case of a township,
27 the board of town trustees, may remove him as Supervisor of
28 General Assistance and appoint a suitable person to be the
29 supervisor therein; provided, that for a township containing
30 4,000 inhabitants or more, upon written request of the
31 township supervisors, the board of town trustees may appoint
32 a Supervisor of General Assistance who is a resident of such
33 township, and fix his compensation and term of office, which

1 shall not exceed the term of the board. ~~If the defaulter is~~
2 ~~the Director of the County Department of Public Aid, his~~
3 ~~removal shall be made by the Illinois Department and a~~
4 ~~successor shall be appointed as provided in Section 12-18.1.~~

5 If, as provided in Section 12-21.18, the Illinois
6 Department has ordered the withholding of State funds for
7 failure of the governmental unit to comply with the
8 Department's rules and regulations, the governing body of the
9 governmental unit, and in the case of a township, the board
10 of town trustees, upon written order of the Illinois
11 Department shall appoint an Interim Supervisor of General
12 Assistance, acceptable to the Illinois Department, to serve
13 as Supervisor of General Assistance for the governmental unit
14 until such time as the policies and procedures of the unit
15 are determined by the Department to be in compliance with its
16 rules. ~~The Illinois Department shall in the manner provided~~
17 ~~by Section 12-18.1, appoint such Interim Supervisor in the~~
18 ~~case of a Supervisor of General Assistance who is the~~
19 ~~Director of the County Department of Public Aid.~~ If, after a
20 reasonable time as determined by the Illinois Department, the
21 governmental unit or agency to which such order is directed
22 fails to make an appointment, or appoints a person who is not
23 acceptable to the Illinois Department, the Public Aid
24 Committee, established under Section 11-8, of the county in
25 which the governmental unit is located, upon written order of
26 the Illinois Department, shall appoint an Interim Supervisor,
27 which appointment shall be subject to the approval of the
28 Illinois Department.

29 The appointing authority shall fix the compensation of
30 the Interim Supervisor of General Assistance, subject to
31 approval of the Illinois Department, which shall be payable
32 from the general assistance fund of the local governmental
33 unit.

34 An Interim Supervisor of General Assistance may be

1 removed and another person appointed in his place in the same
2 manner and for the same reasons as in the case of an initial
3 appointment of an Interim Supervisor.

4 The Illinois Department shall not order the appointment
5 of an Interim Supervisor of General Assistance if the local
6 governmental unit takes such action as the Department
7 considers to have established satisfactory compliance with
8 its rules, and a reasonable time, to be determined by the
9 Department, shall be allowed the governmental unit to
10 establish such compliance.

11 If an Interim Supervisor of General Assistance has been
12 appointed, he shall exercise all the powers of that office in
13 respect to the administration of general assistance, and
14 shall have the sole authority to disburse State and local
15 funds available for this purpose. If the governmental unit
16 thereafter takes such action to assure the Department that it
17 will comply with the Department's rules, the service of the
18 Interim Supervisor shall be terminated.

19 (Source: P.A. 82-783.)

20 (305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

21 Sec. 12-21.14. Requirements; review by Illinois
22 Department; allocations. The County Board of each county or a
23 duly appointed committee thereof, or any other county agency
24 designated by the County Board, shall by the last day of each
25 month submit to the Illinois Department an itemized statement
26 showing, for all local governmental units therein except a
27 city, village or incorporated town of more than 500,000
28 population, assistance furnished in the county under Article
29 VI of this Code during the previous month and the expenses
30 for the administration thereof, and the actual revenues
31 available through taxation by the local governmental units.
32 If the Illinois Department has reason to believe that the
33 amounts submitted by any county are excessive, it may require

1 appropriate officials of the county to appear before it and
2 substantiate the amounts to the satisfaction of the
3 Department.

4 The Illinois Department shall review these amounts and
5 shall determine and allocate to the several counties the
6 amounts necessary to supplement local funds actually
7 available for public aid purposes. There shall be a yearly
8 reconciliation of amounts allocated to the local governmental
9 units by the Illinois Department to supplement local funds.

10 If, because of circumstances beyond the local
11 governmental unit's control, such as a sudden caseload
12 increase or an unexpected increase in the administrative
13 expenses, a local governmental unit has insufficient local
14 funds actually available to furnish assistance or pay
15 administrative expenses, the Illinois Department shall
16 provide a special allocation of funds to the local
17 governmental unit to meet the need. In calculating the need
18 for a special allocation, the Illinois Department shall take
19 into consideration the amount of funds legally available from
20 the taxes levied by the local governmental unit for public
21 aid purposes and any available unobligated balances.

22 If a local governmental unit has not received State funds
23 for public aid purposes for at least 84 consecutive months
24 immediately prior to its request for State funds, the
25 Illinois Department shall not consider as a legally available
26 resource of the governmental unit public aid funds, or the
27 proceeds of public aid taxes and tax anticipation warrants
28 which may have been transferred or expended during such
29 period for other purposes.

30 Except as hereinafter provided, State allocations shall
31 be paid to the County Treasurer for disbursement to local
32 governmental units as certified by the Illinois Department.
33 Until January 1, 1974, moneys allocated by the Illinois
34 Department for General Assistance purposes in a city, village

1 or incorporated town of more than 500,000 population and
2 moneys received from the Treasurer of the municipality from
3 taxes levied for General Assistance purposes in the
4 municipality and other moneys and funds designated in Section
5 11-43-2 of the Illinois Municipal Code shall be paid into the
6 special fund established by the County Treasurer of the
7 county in which the municipality is located and retained for
8 disbursement by the Director of the County Department of
9 Public Aid serving as Supervisor of General Assistance for
10 the municipality.

11 On January 1, 1974, or as soon thereafter as is feasible
12 but not later than January 1, 1975, the County Treasurer
13 shall transfer to the Special Purposes Trust Fund established
14 by Section 12-10 of this Code all State and municipal moneys
15 remaining in or due to the special fund of the County
16 Treasury. After December 31, 1973, but not later than June
17 30, 1979, State allocations and municipal funds for General
18 Assistance purposes in such a municipality, and other moneys
19 and funds designated by Section 11-43-2 of the Illinois
20 Municipal Code, shall be paid into the Special Purposes Trust
21 Fund and disbursed as provided in Section 12-10. State and
22 municipal moneys paid into the Special Purposes Trust Fund
23 under the foregoing provision shall be used exclusively for
24 (1) furnishing General Assistance within the municipality;
25 (2) the payment of administrative costs; and (3) the payment
26 of warrants issued against and in anticipation of taxes
27 levied by the municipality for General Assistance purposes,
28 and the accrued interest thereon. After June 30, 1979, moneys
29 and funds designated by Section 11-43-2 of the Illinois
30 Municipal Code, shall be paid into the General Revenue Fund
31 as reimbursement for appropriated funds disbursed as provided
32 in Section 12-18.4 of this Code.

33 (Source: P.A. 86-431.)

1 (305 ILCS 5/12-21.20) (from Ch. 23, par. 12-21.20)
2 Sec. 12-21.20. Destruction of Obsolete Records. Obsolete
3 records, documents, papers, and memoranda pertaining to
4 public aid under Article VI may be destroyed or otherwise
5 disposed of by local governmental units at any time
6 subsequent to the expiration of 5 years after the matters to
7 which they relate have been concluded. Such records
8 pertaining to public aid under Article VII prior to July 1,
9 1978, may be destroyed or otherwise disposed of by the local
10 governmental unit at any time after July 1, 1983. However,
11 records required by the Illinois Department may not be so
12 destroyed or otherwise disposed of except upon approval of
13 the Illinois Department.

14 (Source: P.A. 81-1085.)

15 (305 ILCS 5/2-15 rep.)

16 (305 ILCS 5/3-1.6 rep.)

17 (305 ILCS 5/3-15 rep.)

18 (305 ILCS 5/4-1.6a rep.)

19 (305 ILCS 5/4-3 rep.)

20 (305 ILCS 5/4-6 rep.)

21 (305 ILCS 5/4-13 rep.)

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

23 (305 ILCS 5/4-19 rep.)

24 (305 ILCS 5/6-4 rep.)

25 (305 ILCS 5/6-8 rep.)

26 (305 ILCS 5/9-6.01 rep.)

27 (305 ILCS 5/9-6.02 rep.)

28 (305 ILCS 5/9-6.03 rep.)

29 (305 ILCS 5/9-6.04 rep.)

30 (305 ILCS 5/9-10 rep.)

31 (305 ILCS 5/9A-12 rep.)

32 (305 ILCS 5/11-8.5 rep.)

33 (305 ILCS 5/11-23 rep.)

- 1 (305 ILCS 5/11-23.1 rep.)
- 2 (305 ILCS 5/11-25 rep.)
- 3 (305 ILCS 5/11-30 rep.)
- 4 (305 ILCS 5/12-4.28 rep.)
- 5 (305 ILCS 5/12-4.101 rep.)
- 6 (305 ILCS 5/12-4.102 rep.)
- 7 (305 ILCS 5/12-17 rep.)
- 8 (305 ILCS 5/12-17.1 rep.)
- 9 (305 ILCS 5/12-17.3 rep.)
- 10 (305 ILCS 5/12-17.4 rep.)
- 11 (305 ILCS 5/12-17.5 rep.)
- 12 (305 ILCS 5/12-18 rep.)
- 13 (305 ILCS 5/12-18.1 rep.)
- 14 (305 ILCS 5/12-18.1a rep.)
- 15 (305 ILCS 5/12-18.2 rep.)
- 16 (305 ILCS 5/12-18.3 rep.)
- 17 (305 ILCS 5/12-18.4 rep.)
- 18 (305 ILCS 5/12-18.5 rep.)
- 19 (305 ILCS 5/12-18.6 rep.)
- 20 (305 ILCS 5/12-18.8 rep.)
- 21 (305 ILCS 5/12-18.9 rep.)
- 22 (305 ILCS 5/12-19.4 rep.)
- 23 (305 ILCS 5/12-20 rep.)
- 24 (305 ILCS 5/12-21.3 rep.)

25 Section 21. The Illinois Public Aid Code is amended by
26 repealing Sections 1-3, 2-15, 3-1.6, 3-15, 4-1.6a, 4-3, 4-6,
27 4-13, 4-18, 4-19, 6-4, 6-8, 9-6.01, 9-6.02, 9-6.03, 9-6.04,
28 9-10, 9A-12, 11-8.5, 11-23, 11-23.1, 11-25, 11-30, 12-4.28,
29 12-4.101, 12-4.102, 12-17, 12-17.1, 12-17.3, 12-17.4,
30 12-17.5, 12-18, 12-18.1, 12-18.1a, 12-18.2, 12-18.3, 12-18.4,
31 12-18.5, 12-18.6, 12-18.8, 12-18.9, 12-19.4, 12-20, and
32 12-21.3.

33 (405 ILCS 30/4.2 rep.)

1 Section 22. The Community Services Act is amended by
2 repealing Section 4.2.

3 (405 ILCS 50/Act rep.)

4 Section 25. The Mental Illness Services Pilot Project
5 Act is repealed.

6 (405 ILCS 60/Act rep.)

7 Section 30. The Community Mental Health Task Force Act
8 is repealed.

9 (405 ILCS 70/Act rep.)

10 Section 35. The Community Mental Health Equity Funding
11 Act is repealed.

12 (405 ILCS 80/2-12 rep.)

13 (405 ILCS 80/3-14 rep.)

14 Section 40. The Developmental Disability and Mental
15 Disability Service Act is amended by repealing Sections 2-12
16 and 3-14.

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