

1 AN ACT in relation to public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with  
9 children need child care in order to work. Child care is  
10 expensive and families with low incomes, including those who  
11 are transitioning from welfare to work, often struggle to pay  
12 the costs of day care. The General Assembly understands the  
13 importance of helping low income working families become and  
14 remain self-sufficient. The General Assembly also believes  
15 that it is the responsibility of families to share in the  
16 costs of child care. It is also the preference of the  
17 General Assembly that all working poor families should be  
18 treated equally, regardless of their welfare status.

19 (b) To the extent resources permit, the Illinois  
20 Department shall provide child care services to parents or  
21 other relatives as defined by rule who are working or  
22 participating in employment or Department approved education  
23 or training programs. At a minimum, the Illinois Department  
24 shall cover the following categories of families:

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

29 (2) families transitioning from TANF to work;

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

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

5           The Department shall specify by rule the conditions of  
6           eligibility, the application process, and the types, amounts,  
7           and duration of services. Eligibility for child care  
8           benefits and the amount of child care provided may vary based  
9           on family size, income, and other factors as specified by  
10          rule. In determining income eligibility for child care  
11          benefits, the Department shall establish, by rule, one income  
12          threshold for each family size, in relation to percentage of  
13          State median income for a family of that size, that makes  
14          families with incomes below the specified threshold eligible  
15          for assistance and families with incomes above the specified  
16          threshold ineligible for assistance. In determining  
17          eligibility for assistance, the Department shall not give  
18          preference to any category of recipients or give preference  
19          to individuals based on their receipt of benefits under this  
20          Code. The Department shall allocate \$7,500,000 annually for a  
21          ~~test--program--for~~ families who are income-eligible for child  
22          care assistance, who are not recipients of TANF under Article  
23          IV, and who need child care assistance to participate in  
24          education and training activities. The Department shall  
25          specify by rule the conditions of eligibility for this test  
26          program. It is the intent of the General Assembly that, for  
27          fiscal year 1998, to the extent resources permit, the  
28          Department shall establish an income eligibility threshold of  
29          50% of the State median income. Notwithstanding the income  
30          level at which families become eligible to receive child care  
31          assistance, any family that is already receiving child care  
32          assistance on the effective date of this amendatory Act of  
33          1997 shall remain eligible for assistance for fiscal year  
34          1998. Nothing in this Section shall be construed as

1 conferring entitlement status to eligible families. The  
2 Illinois Department is authorized to lower income eligibility  
3 ceilings, raise parent co-payments, create waiting lists, or  
4 take such other actions during a fiscal year as are necessary  
5 to ensure that child care benefits paid under this Article do  
6 not exceed the amounts appropriated for those child care  
7 benefits. These changes may be accomplished by emergency  
8 rule under Section 5-45 of the Illinois Administrative  
9 Procedure Act, except that the limitation on the number of  
10 emergency rules that may be adopted in a 24-month period  
11 shall not apply. The Illinois Department may contract with  
12 other State agencies or child care organizations for the  
13 administration of child care services.

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

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

26 (2) a licensed child care home or home exempt from  
27 licensing;

28 (3) a licensed group child care home;

29 (4) other types of child care, including child care  
30 provided by relatives or persons living in the same home  
31 as the child, as determined by the Illinois Department by  
32 rule.

33 (d) The Illinois Department shall, by rule, require  
34 co-payments for child care services by any parent, including

1 parents whose only income is from assistance under this Code.  
2 The co-payment shall be assessed based on a sliding scale  
3 based on family income, family size, and the number of  
4 children in care.

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

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

11 (1) arranging the child care through eligible  
12 providers by use of purchase of service contracts or  
13 vouchers;

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

16 (3) (blank); or

17 (4) adopting such other arrangements as the  
18 Department determines appropriate.

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

21 (1) receiving a child care certificate issued by  
22 the Department or a subcontractor of the Department that  
23 may be used by the parents as payment for child care and  
24 development services only; or

25 (2) if space is available, enrolling the child with  
26 a child care provider that has a purchase of service  
27 contract with the Department or a subcontractor of the  
28 Department for the provision of child care and  
29 development services. The Department may identify  
30 particular priority populations for whom they may request  
31 special consideration by a provider with purchase of  
32 service contracts, provided that the providers shall be  
33 permitted to maintain a balance of clients in terms of  
34 household incomes and families and children with special

1 needs, as defined by rule.

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

3 Section 99. Effective date. This Act takes effect on  
4 July 1, 2002.