

1                                    AMENDMENT TO HOUSE BILL 294

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 294 by replacing  
3 everything after the enacting clause with the following:

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

1 or training programs. At a minimum, the Illinois Department  
2 shall cover the following categories of families:

3 (1) recipients of TANF under Article IV  
4 participating in work and training activities as  
5 specified in the personal plan for employment and  
6 self-sufficiency;

7 (2) families transitioning from TANF to work;

8 (3) families at risk of becoming recipients of  
9 TANF;

10 (4) families with special needs as defined by rule;  
11 and

12 (5) working families with very low incomes as  
13 defined by rule.

14 The Department shall specify by rule the conditions of  
15 eligibility, the application process, and the types, amounts,  
16 and duration of services. Eligibility for child care  
17 benefits and the amount of child care provided may vary based  
18 on family size, income, and other factors as specified by  
19 rule. In determining income eligibility for child care  
20 benefits, the Department shall establish, by rule, one income  
21 threshold for each family size, in relation to percentage of  
22 State median income for a family of that size, that makes  
23 families with incomes below the specified threshold eligible  
24 for assistance and families with incomes above the specified  
25 threshold ineligible for assistance. In determining  
26 eligibility for assistance, the Department shall not give  
27 preference to any category of recipients or give preference  
28 to individuals based on their receipt of benefits under this  
29 Code. The Department shall allocate \$7,500,000 annually for a  
30 test program for families who are income-eligible for child  
31 care assistance, who are not recipients of TANF under Article  
32 IV, and who need child care assistance to participate in  
33 education and training activities. The Department shall  
34 specify by rule the conditions of eligibility for this test

1 program. It is the intent of the General Assembly that, for  
2 fiscal year 1998, to the extent resources permit, the  
3 Department shall establish an income eligibility threshold of  
4 50% of the State median income. Notwithstanding the income  
5 level at which families become eligible to receive child care  
6 assistance, any family that is already receiving child care  
7 assistance on the effective date of this amendatory Act of  
8 1997 shall remain eligible for assistance for fiscal year  
9 1998. Nothing in this Section shall be construed as  
10 conferring entitlement status to eligible families. The  
11 Illinois Department is authorized to lower income eligibility  
12 ceilings, raise parent co-payments, create waiting lists, or  
13 take such other actions during a fiscal year as are necessary  
14 to ensure that child care benefits paid under this Article do  
15 not exceed the amounts appropriated for those child care  
16 benefits. These changes may be accomplished by emergency  
17 rule under Section 5-45 of the Illinois Administrative  
18 Procedure Act, except that the limitation on the number of  
19 emergency rules that may be adopted in a 24-month period  
20 shall not apply. The Illinois Department may contract with  
21 other State agencies or child care organizations for the  
22 administration of child care services.

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

32 (1) a child care center that ~~which~~ is licensed or  
33 exempt from licensure pursuant to Section 2.09 of the  
34 Child Care Act of 1969;

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

3           (3) a licensed group child care home;

4           (4) other types of child care, including child care  
5           provided by relatives or persons living in the same home  
6           as the child, as determined by the Illinois Department by  
7           rule.

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

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

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

20                 (1) arranging the child care through eligible  
21                 providers by use of purchase of service contracts or  
22                 vouchers;

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

25                 (3) (blank); or

26                 (4) adopting such other arrangements as the  
27                 Department determines appropriate.

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

30                 (1) receiving a child care certificate issued by  
31                 the Department or a subcontractor of the Department that  
32                 may be used by the parents as payment for child care and  
33                 development services only; or

34                 (2) if space is available, enrolling the child with

1 a child care provider that has a purchase of service  
2 contract with the Department or a subcontractor of the  
3 Department for the provision of child care and  
4 development services. The Department may identify  
5 particular priority populations for whom they may request  
6 special consideration by a provider with purchase of  
7 service contracts, provided that the providers shall be  
8 permitted to maintain a balance of clients in terms of  
9 household incomes and families and children with special  
10 needs, as defined by rule.

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