

SB1225



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1225

Introduced 1/24/2025, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Expands the categories of families eligible for child care assistance to include families with a parent or guardian who is employed as a mental health care worker, teacher, or health care provider and has income below the specified income threshold established for such families. Provides that notwithstanding any other provision of law or administrative rule to the contrary, beginning in State Fiscal Year 2026, for families with a parent or guardian who is employed as a mental health care worker, teacher, or health care provider, the specified income threshold shall be no less than 300% of the then-current federal poverty level for each family size. Defines terms. Effective July 1, 2025.

LRB104 07348 KTG 17388 b

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 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 limited access to economic
11 resources, including those who are transitioning from welfare
12 to work, often struggle to pay the costs of day care. The
13 General Assembly understands the importance of helping working
14 families with limited access to economic resources become and
15 remain self-sufficient. The General Assembly also believes
16 that it is the responsibility of families to share in the costs
17 of child care. It is also the preference of the General
18 Assembly that all working families with limited access to
19 economic resources should be treated equally, regardless of
20 their welfare status.

21 (b) To the extent resources permit, the Illinois
22 Department shall provide child care services to parents or
23 other relatives as defined by rule who are working or

1 participating in employment or Department approved education
2 or training programs or are otherwise employed as specified in
3 this subsection. At a minimum, the Illinois Department shall
4 cover the following categories of families:

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

8 (2) families transitioning from TANF to work;

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

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

11 (5) working families with very low incomes as defined
12 by rule;

13 (6) families that are not recipients of TANF and that
14 need child care assistance to participate in education and
15 training activities;

16 (7) youth in care, as defined in Section 4d of the
17 Children and Family Services Act, who are parents,
18 regardless of income or whether they are working or
19 participating in Department-approved employment or
20 education or training programs. Any family that receives
21 child care assistance in accordance with this paragraph
22 shall receive one additional 12-month child care
23 eligibility period after the parenting youth in care's
24 case with the Department of Children and Family Services
25 is closed, regardless of income or whether the parenting
26 youth in care is working or participating in

1 Department-approved employment or education or training
2 programs;

3 (8) families receiving Extended Family Support Program
4 services from the Department of Children and Family
5 Services, regardless of income or whether they are working
6 or participating in Department-approved employment or
7 education or training programs; ~~and~~

8 (9) families with children under the age of 5 who have
9 an open intact family services case with the Department of
10 Children and Family Services. Any family that receives
11 child care assistance in accordance with this paragraph
12 shall remain eligible for child care assistance 6 months
13 after the child's intact family services case is closed,
14 regardless of whether the child's parents or other
15 relatives as defined by rule are working or participating
16 in Department approved employment or education or training
17 programs. The Department of Early Childhood, in
18 consultation with the Department of Children and Family
19 Services, shall adopt rules to protect the privacy of
20 families who are the subject of an open intact family
21 services case when such families enroll in child care
22 services. Additional rules shall be adopted to offer
23 children who have an open intact family services case the
24 opportunity to receive an Early Intervention screening and
25 other services that their families may be eligible for as
26 provided by the Department of Human Services; ~~and~~

1 (10) families with a parent or guardian who is
2 employed as a mental health care worker and has income
3 below the specified income threshold established for such
4 families under this subsection. As used in this paragraph,
5 "mental health care worker" mean a professional counselor,
6 clinical professional counselor, clinical psychologist,
7 social worker, clinical social worker, or other mental
8 health professional who is licensed or otherwise
9 authorized to deliver health care services under the laws
10 of this State and is actively engaged in his or her
11 profession;

12 (11) families with a parent or guardian who is
13 employed as a teacher and has income below the specified
14 income threshold established for such families under this
15 subsection. As used in this paragraph, "teacher" means a
16 teacher licensed under Article 21B of the School Code or a
17 teacher employed at a private elementary or secondary
18 school in Illinois; and

19 (12) families with a parent or guardian who is
20 employed as a health care provider and has income below
21 the specified income threshold established for such
22 families under this subsection. As used in this Section,
23 "health care provider" means any health care professional
24 who is licensed or otherwise authorized to deliver health
25 care services under the laws of this State and is actively
26 engaged in his or her profession.

1 Beginning October 1, 2027, and every October 1 thereafter,
2 the Department of Children and Family Services shall report to
3 the General Assembly on the number of children who received
4 child care via vouchers paid for by the Department of Early
5 Childhood during the preceding fiscal year. The report shall
6 include the ages of children who received child care, the type
7 of child care they received, and the number of months they
8 received child care.

9 The Department shall specify by rule the conditions of
10 eligibility, the application process, and the types, amounts,
11 and duration of services. Eligibility for child care benefits
12 and the amount of child care provided may vary based on family
13 size, income, and other factors as specified by rule.

14 The Department shall update the Child Care Assistance
15 Program Eligibility Calculator posted on its website to
16 include a question on whether a family is applying for child
17 care assistance for the first time or is applying for a
18 redetermination of eligibility.

19 A family's eligibility for child care services shall be
20 redetermined no sooner than 12 months following the initial
21 determination or most recent redetermination. During the
22 12-month periods, the family shall remain eligible for child
23 care services regardless of (i) a change in family income,
24 unless family income exceeds 85% of State median income, or
25 (ii) a temporary change in the ongoing status of the parents or
26 other relatives, as defined by rule, as working or attending a

1 job training or educational program.

2 In determining income eligibility for child care benefits,
3 the Department annually, at the beginning of each fiscal year,
4 shall establish, by rule, one income threshold for each family
5 size, in relation to percentage of State median income for a
6 family of that size, that makes families with incomes below
7 the specified threshold eligible for assistance and families
8 with incomes above the specified threshold ineligible for
9 assistance. Through and including fiscal year 2007, the
10 specified threshold must be no less than 50% of the
11 then-current State median income for each family size.
12 Beginning in fiscal year 2008, the specified threshold must be
13 no less than 185% of the then-current federal poverty level
14 for each family size. Notwithstanding any other provision of
15 law or administrative rule to the contrary, beginning in
16 fiscal year 2019, the specified threshold for working families
17 with very low incomes as defined by rule must be no less than
18 185% of the then-current federal poverty level for each family
19 size. Notwithstanding any other provision of law or
20 administrative rule to the contrary, beginning in State fiscal
21 year 2022 through State fiscal year 2023, the specified income
22 threshold shall be no less than 200% of the then-current
23 federal poverty level for each family size. Beginning in State
24 fiscal year 2024, the specified income threshold shall be no
25 less than 225% of the then-current federal poverty level for
26 each family size.

1 Notwithstanding any other provision of law or
2 administrative rule to the contrary, beginning in State Fiscal
3 Year 2026, for families with a parent or guardian who is
4 employed as a mental health care worker, teacher, or health
5 care provider, as defined in paragraphs (10), (11), and (12)
6 respectively, the specified income threshold shall be no less
7 than 300% of the then-current federal poverty level for each
8 family size.

9 In determining eligibility for assistance, the Department
10 shall not give preference to any category of recipients or
11 give preference to individuals based on their receipt of
12 benefits under this Code.

13 Nothing in this Section shall be construed as conferring
14 entitlement status to eligible families.

15 The Illinois Department is authorized to lower income
16 eligibility ceilings, raise parent co-payments, create waiting
17 lists, or take such other actions during a fiscal year as are
18 necessary to ensure that child care benefits paid under this
19 Article do not exceed the amounts appropriated for those child
20 care benefits. These changes may be accomplished by emergency
21 rule under Section 5-45 of the Illinois Administrative
22 Procedure Act, except that the limitation on the number of
23 emergency rules that may be adopted in a 24-month period shall
24 not apply.

25 The Illinois Department may contract with other State
26 agencies or child care organizations for the administration of

1 child care services.

2 (c) Payment shall be made for child care that otherwise
3 meets the requirements of this Section and applicable
4 standards of State and local law and regulation, including any
5 requirements the Illinois Department promulgates by rule.
6 Through June 30, 2026, the rules of this Section include
7 licensure requirements adopted by the Department of Children
8 and Family Services. On and after July 1, 2026, the rules of
9 this Section include licensure requirements adopted by the
10 Department of Early Childhood. In addition, the regulations of
11 this Section include the Fire Prevention and Safety
12 requirements promulgated by the Office of the State Fire
13 Marshal, and is provided in any of the following:

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

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

19 (3) a licensed group child care home;

20 (4) other types of child care, including child care
21 provided by relatives or persons living in the same home
22 as the child, as determined by the Illinois Department by
23 rule.

24 (c-5) Solely for the purposes of coverage under the
25 Illinois Public Labor Relations Act, child and day care home
26 providers, including licensed and license exempt,

1 participating in the Department's child care assistance
2 program shall be considered to be public employees and the
3 State of Illinois shall be considered to be their employer as
4 of January 1, 2006 (the effective date of Public Act 94-320),
5 but not before. The State shall engage in collective
6 bargaining with an exclusive representative of child and day
7 care home providers participating in the child care assistance
8 program concerning their terms and conditions of employment
9 that are within the State's control. Nothing in this
10 subsection shall be understood to limit the right of families
11 receiving services defined in this Section to select child and
12 day care home providers or supervise them within the limits of
13 this Section. The State shall not be considered to be the
14 employer of child and day care home providers for any purposes
15 not specifically provided in Public Act 94-320, including, but
16 not limited to, purposes of vicarious liability in tort and
17 purposes of statutory retirement or health insurance benefits.
18 Child and day care home providers shall not be covered by the
19 State Employees Group Insurance Act of 1971.

20 In according child and day care home providers and their
21 selected representative rights under the Illinois Public Labor
22 Relations Act, the State intends that the State action
23 exemption to application of federal and State antitrust laws
24 be fully available to the extent that their activities are
25 authorized by Public Act 94-320.

26 (d) The Illinois Department shall establish, by rule, a

1 co-payment scale that provides for cost sharing by families
2 that receive child care services, including parents whose only
3 income is from assistance under this Code. The co-payment
4 shall be based on family income and family size and may be
5 based on other factors as appropriate. Co-payments may be
6 waived for families whose incomes are at or below the federal
7 poverty level.

8 (d-5) The Illinois Department, in consultation with its
9 Child Care and Development Advisory Council, shall develop a
10 plan to revise the child care assistance program's co-payment
11 scale. The plan shall be completed no later than February 1,
12 2008, and shall include:

13 (1) findings as to the percentage of income that the
14 average American family spends on child care and the
15 relative amounts that low-income families and the average
16 American family spend on other necessities of life;

17 (2) recommendations for revising the child care
18 co-payment scale to assure that families receiving child
19 care services from the Department are paying no more than
20 they can reasonably afford;

21 (3) recommendations for revising the child care
22 co-payment scale to provide at-risk children with complete
23 access to Preschool for All and Head Start; and

24 (4) recommendations for changes in child care program
25 policies that affect the affordability of child care.

26 (e) (Blank).

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

4 (1) arranging the child care through eligible
5 providers by use of purchase of service contracts or
6 vouchers;

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

9 (3) (blank); or

10 (4) adopting such other arrangements as the Department
11 determines appropriate.

12 (f-1) Within 30 days after June 4, 2018 (the effective
13 date of Public Act 100-587), the Department of Human Services
14 shall establish rates for child care providers that are no
15 less than the rates in effect on January 1, 2018 increased by
16 4.26%.

17 (f-5) (Blank).

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

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

24 (2) if space is available, enrolling the child with a
25 child care provider that has a purchase of service
26 contract with the Department or a subcontractor of the

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

9 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
10 102-926, eff. 5-27-22; 103-8, eff. 6-7-23; 103-594, eff.
11 6-25-24.)

12 Section 99. Effective date. This Act takes effect July 1,
13 2025.