



Rep. La Shawn K. Ford

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LRB102 04288 KTG 36332 a

1 AMENDMENT TO HOUSE BILL 141

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 141, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

8 Sec. 9A-11. Child care.

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

1 of child care. It is also the preference of the General  
2 Assembly that all working poor families should be treated  
3 equally, regardless of their welfare status.

4 (b) To the extent resources permit, the Illinois  
5 Department shall provide child care services to parents or  
6 other relatives as defined by rule who are working or  
7 participating in employment or Department approved education  
8 or training programs. At a minimum, the Illinois Department  
9 shall cover the following categories of families:

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

13 (2) families transitioning from TANF to work;

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

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

16 (5) working families with very low incomes as defined  
17 by rule;

18 (6) families that are not recipients of TANF and that  
19 need child care assistance to participate in education and  
20 training activities; and

21 (7) families with children under the age of 5 who have  
22 an open intact family services case with the Department of  
23 Children and Family Services. Any family that receives  
24 child care assistance in accordance with this paragraph  
25 shall remain eligible for child care assistance 6 months  
26 after the child's intact family services case is closed,

1           regardless of whether the child's parents or other  
2           relatives as defined by rule are working or participating  
3           in Department approved employment or education or training  
4           programs. The Department of Human Services, in  
5           consultation with the Department of Children and Family  
6           Services, shall adopt rules to protect the privacy of  
7           families who are the subject of an open intact family  
8           services case when such families enroll in child care  
9           services. Additional rules shall be adopted to offer  
10          children who have an open intact family services case the  
11          opportunity to receive an Early Intervention screening and  
12          other services that their families may be eligible for as  
13          provided by the Department of Human Services.

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 benefits  
17          and the amount of child care provided may vary based on family  
18          size, income, and other factors as specified by rule.

19          The Department shall update the Child Care Assistance  
20          Program Eligibility Calculator posted on its website to  
21          include a question on whether a family is applying for child  
22          care assistance for the first time or is applying for a  
23          redetermination of eligibility.

24          A family's eligibility for child care services shall be  
25          redetermined no sooner than 12 months following the initial  
26          determination or most recent redetermination. During the

1 12-month periods, the family shall remain eligible for child  
2 care services regardless of (i) a change in family income,  
3 unless family income exceeds 85% of State median income, or  
4 (ii) a temporary change in the ongoing status of the parents or  
5 other relatives, as defined by rule, as working or attending a  
6 job training or educational program.

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

1 than 200% of the then-current federal poverty level for each  
2 family size.

3 In determining eligibility for assistance, the Department  
4 shall not give preference to any category of recipients or  
5 give preference to individuals based on their receipt of  
6 benefits under this Code.

7 Nothing in this Section shall be construed as conferring  
8 entitlement status to eligible families.

9 The Illinois Department is authorized to lower income  
10 eligibility ceilings, raise parent co-payments for families  
11 with income above 185% of the most recent poverty guidelines  
12 updated periodically in the Federal Register by the U.S.  
13 Department of Health and Human Services under the authority of  
14 42 U.S.C. 9902(2), create waiting lists, or take such other  
15 actions during a fiscal year as are necessary to ensure that  
16 child care benefits paid under this Article do not exceed the  
17 amounts appropriated for those child care benefits. These  
18 changes may be accomplished by emergency rule under Section  
19 5-45 of the Illinois Administrative Procedure Act, except that  
20 the limitation on the number of emergency rules that may be  
21 adopted in a 24-month period shall not apply.

22 The Illinois Department may contract with other State  
23 agencies or child care organizations for the administration of  
24 child care services.

25 (c) Payment shall be made for child care that otherwise  
26 meets the requirements of this Section and applicable

1 standards of State and local law and regulation, including any  
2 requirements the Illinois Department promulgates by rule in  
3 addition to the licensure requirements promulgated by the  
4 Department of Children and Family Services and Fire Prevention  
5 and Safety requirements promulgated by the Office of the State  
6 Fire Marshal, and is provided in any of the following:

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

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

12 (3) a licensed group child care home;

13 (4) other types of child care, including child care  
14 provided by relatives or persons living in the same home  
15 as the child, as determined by the Illinois Department by  
16 rule.

17 (c-5) Solely for the purposes of coverage under the  
18 Illinois Public Labor Relations Act, child and day care home  
19 providers, including licensed and license exempt,  
20 participating in the Department's child care assistance  
21 program shall be considered to be public employees and the  
22 State of Illinois shall be considered to be their employer as  
23 of January 1, 2006 (the effective date of Public Act 94-320),  
24 but not before. The State shall engage in collective  
25 bargaining with an exclusive representative of child and day  
26 care home providers participating in the child care assistance

1 program concerning their terms and conditions of employment  
2 that are within the State's control. Nothing in this  
3 subsection shall be understood to limit the right of families  
4 receiving services defined in this Section to select child and  
5 day care home providers or supervise them within the limits of  
6 this Section. The State shall not be considered to be the  
7 employer of child and day care home providers for any purposes  
8 not specifically provided in Public Act 94-320, including, but  
9 not limited to, purposes of vicarious liability in tort and  
10 purposes of statutory retirement or health insurance benefits.  
11 Child and day care home providers shall not be covered by the  
12 State Employees Group Insurance Act of 1971.

13 In according child and day care home providers and their  
14 selected representative rights under the Illinois Public Labor  
15 Relations Act, the State intends that the State action  
16 exemption to application of federal and State antitrust laws  
17 be fully available to the extent that their activities are  
18 authorized by Public Act 94-320.

19 (d) Beginning July 1, 2023, a family eligible for child  
20 care services whose income is at or below 185% of the most  
21 recent United States Department of Health and Human Services  
22 Federal Poverty Guidelines for the applicable family size  
23 shall pay a \$1 monthly fee as a co-payment for child care  
24 services. For other families the ~~The~~ Illinois Department shall  
25 establish, by rule, a co-payment scale that provides for cost  
26 sharing by families that receive child care services,

1 including parents whose only income is from assistance under  
2 this Code. The co-payment shall be based on family income and  
3 family size and may be based on other factors as appropriate.  
4 Co-payments may be waived for families whose incomes are at or  
5 below the federal poverty level.

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

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

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

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

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

24 (e) (Blank).

25 (f) The Illinois Department shall, by rule, set rates to  
26 be paid for the various types of child care. Child care may be



1 provided through one of the following methods:

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

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

7 (3) (blank); or

8 (4) adopting such other arrangements as the Department  
9 determines appropriate.

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

15 (f-5) (Blank).

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

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

22 (2) if space is available, enrolling the child with a  
23 child care provider that has a purchase of service  
24 contract with the Department or a subcontractor of the  
25 Department for the provision of child care and development  
26 services. The Department may identify particular priority

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

7 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;  
8 102-491, eff. 8-20-21; revised 11-8-21.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."