

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 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 costs  
16 of child care. It is also the preference of the General  
17 Assembly that all working poor families should be treated  
18 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

1 shall cover the following categories of families:

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

5 (2) families transitioning from TANF to work;

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

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

8 (5) working families with very low incomes as defined  
9 by rule;

10 (6) families that are not recipients of TANF and that  
11 need child care assistance to participate in education and  
12 training activities; and

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

1 services. Additional rules shall be adopted to offer  
2 children who have an open intact family services case the  
3 opportunity to receive an Early Intervention screening and  
4 other services that their families may be eligible for as  
5 provided by the Department of Human Services.

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

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

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

25 In determining income eligibility for child care benefits,  
26 the Department annually, at the beginning of each fiscal year,

1 shall establish, by rule, one income threshold for each family  
2 size, in relation to percentage of State median income for a  
3 family of that size, that makes families with incomes below  
4 the specified threshold eligible for assistance and families  
5 with incomes above the specified threshold ineligible for  
6 assistance. Through and including fiscal year 2007, the  
7 specified threshold must be no less than 50% of the  
8 then-current State median income for each family size.  
9 Beginning in fiscal year 2008, the specified threshold must be  
10 no less than 185% of the then-current federal poverty level  
11 for each family size. Notwithstanding any other provision of  
12 law or administrative rule to the contrary, beginning in  
13 fiscal year 2019, the specified threshold for working families  
14 with very low incomes as defined by rule must be no less than  
15 185% of the then-current federal poverty level for each family  
16 size.

17 In determining eligibility for assistance, the Department  
18 shall not give preference to any category of recipients or  
19 give preference to individuals based on their receipt of  
20 benefits under this Code.

21 Nothing in this Section shall be construed as conferring  
22 entitlement status to eligible families.

23 The Illinois Department is authorized to lower income  
24 eligibility ceilings, raise parent co-payments, create waiting  
25 lists, or take such other actions during a fiscal year as are  
26 necessary to ensure that child care benefits paid under this

1 Article do not exceed the amounts appropriated for those child  
2 care benefits. These changes may be accomplished by emergency  
3 rule under Section 5-45 of the Illinois Administrative  
4 Procedure Act, except that the limitation on the number of  
5 emergency rules that may be adopted in a 24-month period shall  
6 not apply.

7 The Illinois Department may contract with other State  
8 agencies or child care organizations for the administration of  
9 child care services.

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

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

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

23 (3) a licensed group child care home;

24 (4) other types of child care, including child care  
25 provided by relatives or persons living in the same home  
26 as the child, as determined by the Illinois Department by

1 rule.

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

24 In according child and day care home providers and their  
25 selected representative rights under the Illinois Public Labor  
26 Relations Act, the State intends that the State action

1 exemption to application of federal and State antitrust laws  
2 be fully available to the extent that their activities are  
3 authorized by Public Act 94-320.

4 (d) The Illinois Department shall establish, by rule, a  
5 co-payment scale that provides for cost sharing by families  
6 that receive child care services, including parents whose only  
7 income is from assistance under this Code. The co-payment  
8 shall be based on family income and family size and may be  
9 based on other factors as appropriate. Co-payments may be  
10 waived for families whose incomes are at or below the federal  
11 poverty level.

12 (d-5) The Illinois Department, in consultation with its  
13 Child Care and Development Advisory Council, shall develop a  
14 plan to revise the child care assistance program's co-payment  
15 scale. The plan shall be completed no later than February 1,  
16 2008, and shall include:

17 (1) findings as to the percentage of income that the  
18 average American family spends on child care and the  
19 relative amounts that low-income families and the average  
20 American family spend on other necessities of life;

21 (2) recommendations for revising the child care  
22 co-payment scale to assure that families receiving child  
23 care services from the Department are paying no more than  
24 they can reasonably afford;

25 (3) recommendations for revising the child care  
26 co-payment scale to provide at-risk children with complete

1 access to Preschool for All and Head Start; and

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

4 (e) (Blank).

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

8 (1) arranging the child care through eligible  
9 providers by use of purchase of service contracts or  
10 vouchers;

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

13 (3) (blank); or

14 (4) adopting such other arrangements as the Department  
15 determines appropriate.

16 (f-1) Within 30 days after June 4, 2018 (the effective  
17 date of Public Act 100-587), the Department of Human Services  
18 shall establish rates for child care providers that are no  
19 less than the rates in effect on January 1, 2018 increased by  
20 4.26%.

21 (f-5) (Blank).

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

24 (1) receiving a child care certificate issued by the  
25 Department or a subcontractor of the Department that may  
26 be used by the parents as payment for child care and



1 development services only; or

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

13 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;  
14 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.  
15 8-17-18; 101-81, eff. 7-12-19.)