



Sen. Julie A. Morrison

**Filed: 3/18/2022**

10200HB4242sam001

LRB102 19896 KTG 37715 a

1 AMENDMENT TO HOUSE BILL 4242

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4242 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is  
5 amended by changing Section 5a as follows:

6 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

7 Sec. 5a. Reimbursable services for which the Department of  
8 Children and Family Services shall pay 100% of the reasonable  
9 cost pursuant to a written contract negotiated between the  
10 Department and the agency furnishing the services (which shall  
11 include but not be limited to the determination of reasonable  
12 cost, the services being purchased and the duration of the  
13 agreement) include, but are not limited to:

14 SERVICE ACTIVITIES

15 Adjunctive Therapy;

1 Child Care Service, including day care;  
2 Clinical Therapy;  
3 Custodial Service;  
4 Field Work Students;  
5 Food Service;  
6 Normal Education;  
7 In-Service Training;  
8 Intake or Evaluation, or both;  
9 Medical Services;  
10 Recreation;  
11 Social Work or Counselling, or both;  
12 Supportive Staff;  
13 Volunteers.

14 OBJECT EXPENSES

15 Professional Fees and Contract Service Payments;  
16 Supplies;  
17 Telephone and Telegram;  
18 Occupancy;  
19 Local Transportation;  
20 Equipment and Other Fixed Assets, including amortization  
21 of same;  
22 Miscellaneous.

23 ADMINISTRATIVE COSTS

24 Program Administration;

1 Supervision and Consultation;  
2 Inspection and Monitoring for purposes of issuing  
3 licenses;  
4 Determination of Children who are eligible  
5 for federal or other reimbursement;  
6 Postage and Shipping;  
7 Outside Printing, Artwork, etc.;  
8 Subscriptions and Reference Publications;  
9 Management and General Expense.

10 Reimbursement of administrative costs other than inspection  
11 and monitoring for purposes of issuing licenses may not exceed  
12 20% of the costs for other services.

13 The Department may offer services to any child or family  
14 with respect to whom a report of suspected child abuse or  
15 neglect has been called in to the hotline after completion of a  
16 family assessment as provided under subsection (a-5) of  
17 Section 7.4 of the Abused and Neglected Child Reporting Act  
18 and the Department has determined that services are needed to  
19 address the safety of the child and other family members and  
20 the risk of subsequent maltreatment. Acceptance of such  
21 services shall be voluntary.

22 All Object Expenses, Service Activities and Administrative  
23 Costs are allowable.

24 If a survey instrument is used in the rate setting  
25 process:

26 (a) with respect to any day care centers, it shall be

1 limited to those agencies which receive reimbursement from  
2 the State;

3 (b) the cost survey instrument shall be promulgated by  
4 rule;

5 (c) any requirements of the respondents shall be  
6 promulgated by rule;

7 (d) all screens, limits or other tests of  
8 reasonableness, allowability and reimbursability shall be  
9 promulgated by rule;

10 (e) adjustments may be made by the Department to rates  
11 when it determines that reported wage and salary levels  
12 are insufficient to attract capable caregivers in  
13 sufficient numbers.

14 The Department of Children and Family Services may pay  
15 100% of the reasonable costs of research and valuation focused  
16 exclusively on services to youth in care. Such research  
17 projects must be approved, in advance, by the Director of the  
18 Department.

19 In addition to reimbursements otherwise provided for in  
20 this Section, the Department of Human Services shall, in  
21 accordance with annual written agreements, make advance  
22 quarterly disbursements to local public agencies for child day  
23 care services with funds appropriated from the Local Effort  
24 Day Care Fund.

25 Neither the Department of Children and Family Services nor  
26 the Department of Human Services shall pay or approve

1 reimbursement for day care in a facility which is operating  
2 without a valid license or permit, except in the case of day  
3 care homes or day care centers which are exempt from the  
4 licensing requirements of the "Child Care Act of 1969".

5 The rates paid to day care providers by the Department of  
6 Children and Family Services shall match the rates paid to  
7 child care providers by the Department of Human Services under  
8 the child care assistance program, including base rates and  
9 any relevant rate enhancements.

10 (Source: P.A. 100-159, eff. 8-18-17.)

11 Section 10. The Illinois Public Aid Code is amended by  
12 changing Section 9A-11 as follows:

13 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

14 Sec. 9A-11. Child care.

15 (a) The General Assembly recognizes that families with  
16 children need child care in order to work. Child care is  
17 expensive and families with low incomes, including those who  
18 are transitioning from welfare to work, often struggle to pay  
19 the costs of day care. The General Assembly understands the  
20 importance of helping low-income working families become and  
21 remain self-sufficient. The General Assembly also believes  
22 that it is the responsibility of families to share in the costs  
23 of child care. It is also the preference of the General  
24 Assembly that all working poor families should be treated

1 equally, regardless of their welfare status.

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

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

11 (2) families transitioning from TANF to work;

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

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

14 (5) working families with very low incomes as defined  
15 by rule;

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

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

1 case with the Department of Children and Family Services  
2 is closed, regardless of income or whether the parenting  
3 youth in care is working or participating in  
4 Department-approved employment or education or training  
5 programs;

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

11 (9) ~~(7)~~ families with children under the age of 5 who  
12 have an open intact family services case with the  
13 Department of Children and Family Services. Any family  
14 that receives child care assistance in accordance with  
15 this paragraph shall remain eligible for child care  
16 assistance 6 months after the child's intact family  
17 services case is closed, regardless of whether the child's  
18 parents or other relatives as defined by rule are working  
19 or participating in Department approved employment or  
20 education or training programs. The Department of Human  
21 Services, in consultation with the Department of Children  
22 and Family Services, shall adopt rules to protect the  
23 privacy of families who are the subject of an open intact  
24 family services case when such families enroll in child  
25 care services. Additional rules shall be adopted to offer  
26 children who have an open intact family services case the

1 opportunity to receive an Early Intervention screening and  
2 other services that their families may be eligible for as  
3 provided by the Department of Human Services.

4 Beginning October 1, 2023, and every October 1 thereafter,  
5 the Department of Children and Family Services shall report to  
6 the General Assembly on the number of children who received  
7 child care via vouchers paid for by the Department of Children  
8 and Family Services during the preceding fiscal year. The  
9 report shall include the ages of children who received child  
10 care, the type of child care they received, and the number of  
11 months they received child care.

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

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

22 A family's eligibility for child care services shall be  
23 redetermined no sooner than 12 months following the initial  
24 determination or most recent redetermination. During the  
25 12-month periods, the family shall remain eligible for child  
26 care services regardless of (i) a change in family income,



1 unless family income exceeds 85% of State median income, or  
2 (ii) a temporary change in the ongoing status of the parents or  
3 other relatives, as defined by rule, as working or attending a  
4 job training or educational program.

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

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

5           Nothing in this Section shall be construed as conferring  
6 entitlement status to eligible families.

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

17           The Illinois Department may contract with other State  
18 agencies or child care organizations for the administration of  
19 child care services.

20           (c) Payment shall be made for child care that otherwise  
21 meets the requirements of this Section and applicable  
22 standards of State and local law and regulation, including any  
23 requirements the Illinois Department promulgates by rule in  
24 addition to the licensure requirements promulgated by the  
25 Department of Children and Family Services and Fire Prevention  
26 and Safety requirements promulgated by the Office of the State

1 Fire Marshal, and is provided in any of the following:

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

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

7 (3) a licensed group child care home;

8 (4) other types of child care, including child care  
9 provided by relatives or persons living in the same home  
10 as the child, as determined by the Illinois Department by  
11 rule.

12 (c-5) Solely for the purposes of coverage under the  
13 Illinois Public Labor Relations Act, child and day care home  
14 providers, including licensed and license exempt,  
15 participating in the Department's child care assistance  
16 program shall be considered to be public employees and the  
17 State of Illinois shall be considered to be their employer as  
18 of January 1, 2006 (the effective date of Public Act 94-320),  
19 but not before. The State shall engage in collective  
20 bargaining with an exclusive representative of child and day  
21 care home providers participating in the child care assistance  
22 program concerning their terms and conditions of employment  
23 that are within the State's control. Nothing in this  
24 subsection shall be understood to limit the right of families  
25 receiving services defined in this Section to select child and  
26 day care home providers or supervise them within the limits of

1 this Section. The State shall not be considered to be the  
2 employer of child and day care home providers for any purposes  
3 not specifically provided in Public Act 94-320, including, but  
4 not limited to, purposes of vicarious liability in tort and  
5 purposes of statutory retirement or health insurance benefits.  
6 Child and day care home providers shall not be covered by the  
7 State Employees Group Insurance Act of 1971.

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

14 (d) The Illinois Department shall establish, by rule, a  
15 co-payment scale that provides for cost sharing by families  
16 that receive child care services, including parents whose only  
17 income is from assistance under this Code. The co-payment  
18 shall be based on family income and family size and may be  
19 based on other factors as appropriate. Co-payments may be  
20 waived for families whose incomes are at or below the federal  
21 poverty level.

22 (d-5) The Illinois Department, in consultation with its  
23 Child Care and Development Advisory Council, shall develop a  
24 plan to revise the child care assistance program's co-payment  
25 scale. The plan shall be completed no later than February 1,  
26 2008, and shall include:

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

5 (2) recommendations for revising the child care  
6 co-payment scale to assure that families receiving child  
7 care services from the Department are paying no more than  
8 they can reasonably afford;

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

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

14 (e) (Blank).

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

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

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

23 (3) (blank); or

24 (4) adopting such other arrangements as the Department  
25 determines appropriate.

26 (f-1) Within 30 days after June 4, 2018 (the effective

1 date of Public Act 100-587), the Department of Human Services  
2 shall establish rates for child care providers that are no  
3 less than the rates in effect on January 1, 2018 increased by  
4 4.26%.

5 (f-5) (Blank).

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

8 (1) receiving a child care certificate issued by the  
9 Department or a subcontractor of the Department that may  
10 be used by the parents as payment for child care and  
11 development services only; or

12 (2) if space is available, enrolling the child with a  
13 child care provider that has a purchase of service  
14 contract with the Department or a subcontractor of the  
15 Department for the provision of child care and development  
16 services. The Department may identify particular priority  
17 populations for whom they may request special  
18 consideration by a provider with purchase of service  
19 contracts, provided that the providers shall be permitted  
20 to maintain a balance of clients in terms of household  
21 incomes and families and children with special needs, as  
22 defined by rule.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;  
24 102-491, eff. 8-20-21; revised 11-8-21.)

25 Section 15. The Early Intervention Services System Act is

1 amended by changing Section 3 as follows:

2 (325 ILCS 20/3) (from Ch. 23, par. 4153)

3 Sec. 3. Definitions. As used in this Act:

4 (a) "Eligible infants and toddlers" means infants and  
5 toddlers under 36 months of age with any of the following  
6 conditions:

7 (1) Developmental delays.

8 (2) A physical or mental condition which typically  
9 results in developmental delay.

10 (3) Being at risk of having substantial developmental  
11 delays based on informed clinical opinion.

12 (4) Either (A) having entered the program under any of  
13 the circumstances listed in paragraphs (1) through (3) of  
14 this subsection but no longer meeting the current  
15 eligibility criteria under those paragraphs, and  
16 continuing to have any measurable delay, or (B) not having  
17 attained a level of development in each area, including  
18 (i) cognitive, (ii) physical (including vision and  
19 hearing), (iii) language, speech, and communication, (iv)  
20 social or emotional, or (v) adaptive, that is at least at  
21 the mean of the child's age equivalent peers; and, in  
22 addition to either item (A) or item (B), (C) having been  
23 determined by the multidisciplinary individualized family  
24 service plan team to require the continuation of early  
25 intervention services in order to support continuing

1 developmental progress, pursuant to the child's needs and  
2 provided in an appropriate developmental manner. The type,  
3 frequency, and intensity of services shall differ from the  
4 initial individualized family services plan because of the  
5 child's developmental progress, and may consist of only  
6 service coordination, evaluation, and assessments.

7 "Eligible infants and toddlers" includes any child under  
8 the age of 3 who is the subject of a substantiated case of  
9 child abuse or neglect as defined in the federal Child Abuse  
10 Prevention and Treatment Act.

11 (b) "Developmental delay" means a delay in one or more of  
12 the following areas of childhood development as measured by  
13 appropriate diagnostic instruments and standard procedures:  
14 cognitive; physical, including vision and hearing; language,  
15 speech and communication; social or emotional; or adaptive.  
16 The term means a delay of 30% or more below the mean in  
17 function in one or more of those areas.

18 (c) "Physical or mental condition which typically results  
19 in developmental delay" means:

20 (1) a diagnosed medical disorder or exposure to a  
21 toxic substance bearing a relatively well known expectancy  
22 for developmental outcomes within varying ranges of  
23 developmental disabilities; or

24 (2) a history of prenatal, perinatal, neonatal or  
25 early developmental events suggestive of biological  
26 insults to the developing central nervous system and which



1           either singly or collectively increase the probability of  
2           developing a disability or delay based on a medical  
3           history.

4           (d) "Informed clinical opinion" means both clinical  
5           observations and parental participation to determine  
6           eligibility by a consensus of a multidisciplinary team of 2 or  
7           more members based on their professional experience and  
8           expertise.

9           (e) "Early intervention services" means services which:

10           (1) are designed to meet the developmental needs of  
11           each child eligible under this Act and the needs of his or  
12           her family;

13           (2) are selected in collaboration with the child's  
14           family;

15           (3) are provided under public supervision;

16           (4) are provided at no cost except where a schedule of  
17           sliding scale fees or other system of payments by families  
18           has been adopted in accordance with State and federal law;

19           (5) are designed to meet an infant's or toddler's  
20           developmental needs in any of the following areas:

21           (A) physical development, including vision and  
22           hearing,

23           (B) cognitive development,

24           (C) communication development,

25           (D) social or emotional development, or

26           (E) adaptive development;

1           (6) meet the standards of the State, including the  
2 requirements of this Act;

3           (7) include one or more of the following:

4                 (A) family training,

5                 (B) social work services, including counseling,  
6 and home visits,

7                 (C) special instruction,

8                 (D) speech, language pathology and audiology,

9                 (E) occupational therapy,

10                (F) physical therapy,

11                (G) psychological services,

12                (H) service coordination services,

13                (I) medical services only for diagnostic or  
14 evaluation purposes,

15                (J) early identification, screening, and  
16 assessment services,

17                (K) health services specified by the lead agency  
18 as necessary to enable the infant or toddler to  
19 benefit from the other early intervention services,

20                (L) vision services,

21                (M) transportation,

22                (N) assistive technology devices and services,

23                (O) nursing services,

24                (P) nutrition services, and

25                (Q) sign language and cued language services;

26           (8) are provided by qualified personnel, including but

1 not limited to:

2 (A) child development specialists or special  
3 educators, including teachers of children with hearing  
4 impairments (including deafness) and teachers of  
5 children with vision impairments (including  
6 blindness),

7 (B) speech and language pathologists and  
8 audiologists,

9 (C) occupational therapists,

10 (D) physical therapists,

11 (E) social workers,

12 (F) nurses,

13 (G) dietitian nutritionists,

14 (H) vision specialists, including ophthalmologists  
15 and optometrists,

16 (I) psychologists, and

17 (J) physicians;

18 (9) are provided in conformity with an Individualized  
19 Family Service Plan;

20 (10) are provided throughout the year; and

21 (11) are provided in natural environments, to the  
22 maximum extent appropriate, which may include the home and  
23 community settings, unless justification is provided  
24 consistent with federal regulations adopted under Sections  
25 1431 through 1444 of Title 20 of the United States Code.

26 (f) "Individualized Family Service Plan" or "Plan" means a

1 written plan for providing early intervention services to a  
2 child eligible under this Act and the child's family, as set  
3 forth in Section 11.

4 (g) "Local interagency agreement" means an agreement  
5 entered into by local community and State and regional  
6 agencies receiving early intervention funds directly from the  
7 State and made in accordance with State interagency agreements  
8 providing for the delivery of early intervention services  
9 within a local community area.

10 (h) "Council" means the Illinois Interagency Council on  
11 Early Intervention established under Section 4.

12 (i) "Lead agency" means the State agency responsible for  
13 administering this Act and receiving and disbursing public  
14 funds received in accordance with State and federal law and  
15 rules.

16 (i-5) "Central billing office" means the central billing  
17 office created by the lead agency under Section 13.

18 (j) "Child find" means a service which identifies eligible  
19 infants and toddlers.

20 (k) "Regional intake entity" means the lead agency's  
21 designated entity responsible for implementation of the Early  
22 Intervention Services System within its designated geographic  
23 area.

24 (l) "Early intervention provider" means an individual who  
25 is qualified, as defined by the lead agency, to provide one or  
26 more types of early intervention services, and who has

1 enrolled as a provider in the early intervention program.

2 (m) "Fully credentialed early intervention provider" means  
3 an individual who has met the standards in the State  
4 applicable to the relevant profession, and has met such other  
5 qualifications as the lead agency has determined are suitable  
6 for personnel providing early intervention services, including  
7 pediatric experience, education, and continuing education. The  
8 lead agency shall establish these qualifications by rule filed  
9 no later than 180 days after the effective date of this  
10 amendatory Act of the 92nd General Assembly.

11 (n) "Telehealth" has the meaning given to that term in  
12 Section 5 of the Telehealth Act.

13 (Source: P.A. 101-10, eff. 6-5-19; 102-104, eff. 7-22-21.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law, except that Section 5 takes effect on July 1,  
16 2023."