



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3123

Introduced 1/11/2022, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-1.6 from Ch. 23, par. 4-1.6
305 ILCS 5/12-4.11 from Ch. 23, par. 12-4.11

Amends the Illinois Public Aid Code. In provisions concerning the Temporary Assistance for Needy Families program, provides that the child support collected on behalf of a family shall be passed through to the family and disregarded in determining the amount of the assistance grant provided to the family under the program (rather than the first \$100 of child support collected on behalf of a family in a month for one child and the first \$200 of child support collected on behalf of a family in a month for 2 or more children shall be passed through to the family and disregarded in determining the amount of the assistance grant provided to the family under the program). Provides that beginning October 1, 2022 (rather than October 1, 2018) the Department of Human Services shall increase TANF grant amounts in effect on September 30, 2022 (rather than September 30, 2018) to at least 50% (rather than 30%) of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for each family size. Provides that beginning October 1, 2023 (rather than October 1, 2019), and each October 1 thereafter, the maximum benefit levels shall be annually adjusted to remain equal to at least 50% (rather than 30%) of the most recent poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services for each family size. Effective October 1, 2022.

LRB102 23322 KTG 32488 b

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 Sections 4-1.6 and 12-4.11 as follows:

6 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

7 Sec. 4-1.6. Need. Income available to the family as
8 defined by the Illinois Department by rule, or to the child in
9 the case of a child removed from his or her home, when added to
10 contributions in money, substance or services from other
11 sources, including income available from parents absent from
12 the home or from a stepparent, contributions made for the
13 benefit of the parent or other persons necessary to provide
14 care and supervision to the child, and contributions from
15 legally responsible relatives, must be equal to or less than
16 the grant amount established by Department regulation for such
17 a person. For purposes of eligibility for aid under this
18 Article, the Department shall (a) disregard all earned income
19 between the grant amount and 50% of the Federal Poverty Level
20 and (b) disregard the value of all assets held by the family.

21 In considering income to be taken into account,
22 consideration shall be given to any expenses reasonably
23 attributable to the earning of such income. Three-fourths of

1 the earned income of a household eligible for aid under this
2 Article shall be disregarded when determining the level of
3 assistance for which a household is eligible. The ~~first \$100~~
4 ~~of child support collected on behalf of a family in a month for~~
5 ~~one child and the first \$200 of child support collected on~~
6 ~~behalf of a family in a month for 2 or more children~~ shall be
7 passed through to the family and disregarded in determining
8 the amount of the assistance grant provided to the family
9 under this Article. Any amount of child support that would be
10 disregarded in determining the amount of the assistance grant
11 shall be disregarded in determining eligibility for cash
12 assistance provided under this Article. The Illinois
13 Department may also permit all or any portion of earned or
14 other income to be set aside for the future identifiable needs
15 of a child. The Illinois Department may provide by rule and
16 regulation for the exemptions thus permitted or required. The
17 eligibility of any applicant for or recipient of public aid
18 under this Article is not affected by the payment of any grant
19 under the "Senior Citizens and Persons with Disabilities
20 Property Tax Relief Act" or any distributions or items of
21 income described under subparagraph (X) of paragraph (2) of
22 subsection (a) of Section 203 of the Illinois Income Tax Act.

23 The Illinois Department may, by rule, set forth criteria
24 under which an assistance unit is ineligible for cash
25 assistance under this Article for a specified number of months
26 due to the receipt of a lump sum payment.

1 (Source: P.A. 98-114, eff. 7-29-13; 99-143, eff. 7-27-15;
2 99-899, eff. 1-1-17.)

3 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

4 Sec. 12-4.11. Grant amounts. The Department, with due
5 regard for and subject to budgetary limitations, shall
6 establish grant amounts for each of the programs, by
7 regulation. The grant amounts may vary by program, size of
8 assistance unit and geographic area. Grant amounts under the
9 Temporary Assistance for Needy Families (TANF) program may not
10 vary on the basis of a TANF recipient's county of residence.

11 Aid payments shall not be reduced except: (1) for changes
12 in the cost of items included in the grant amounts, or (2) for
13 changes in the expenses of the recipient, or (3) for changes in
14 the income or resources available to the recipient, or (4) for
15 changes in grants resulting from adoption of a consolidated
16 grant amount.

17 The maximum benefit levels provided to TANF recipients
18 shall increase as follows: beginning October 1, 2022 ~~2018~~, the
19 Department of Human Services shall increase TANF grant amounts
20 in effect on September 30, 2022 ~~2018~~ to at least 50% ~~30%~~ of the
21 most recent United States Department of Health and Human
22 Services Federal Poverty Guidelines for each family size.
23 Beginning October 1, 2023 ~~2019~~, and each October 1 thereafter,
24 the maximum benefit levels shall be annually adjusted to
25 remain equal to at least 50% ~~30%~~ of the most recent poverty

1 guidelines updated periodically in the Federal Register by the
2 U.S. Department of Health and Human Services under the
3 authority of 42 U.S.C. 9902(2) for each family size.

4 TANF grants for child-only assistance units shall be at
5 least 75% of TANF grants for assistance units of the same size
6 that consist of a caretaker relative with children.

7 In fixing standards to govern payments or reimbursements
8 for funeral and burial expenses, the Department shall
9 establish a minimum allowable amount of not less than \$1,000
10 for Department payment of funeral services and not less than
11 \$500 for Department payment of burial or cremation services.
12 On January 1, 2006, July 1, 2006, and July 1, 2007, the
13 Department shall increase the minimum reimbursement amount for
14 funeral and burial expenses under this Section by a percentage
15 equal to the percentage increase in the Consumer Price Index
16 for All Urban Consumers, if any, during the 12 months
17 immediately preceding that January 1 or July 1. In
18 establishing the minimum allowable amount, the Department
19 shall take into account the services essential to a dignified,
20 low-cost (i) funeral and (ii) burial or cremation, including
21 reasonable amounts that may be necessary for burial space and
22 cemetery charges, and any applicable taxes or other required
23 governmental fees or charges. If no person has agreed to pay
24 the total cost of the (i) funeral and (ii) burial or cremation
25 charges, the Department shall pay the vendor the actual costs
26 of the (i) funeral and (ii) burial or cremation, or the minimum

1 allowable amount for each service as established by the
2 Department, whichever is less, provided that the Department
3 reduces its payments by the amount available from the
4 following sources: the decedent's assets and available
5 resources and the anticipated amounts of any death benefits
6 available to the decedent's estate, and amounts paid and
7 arranged to be paid by the decedent's legally responsible
8 relatives. A legally responsible relative is expected to pay
9 (i) funeral and (ii) burial or cremation expenses unless
10 financially unable to do so.

11 Nothing contained in this Section or in any other Section
12 of this Code shall be construed to prohibit the Illinois
13 Department (1) from consolidating existing standards on the
14 basis of any standards which are or were in effect on, or
15 subsequent to July 1, 1969, or (2) from employing any
16 consolidated standards in determining need for public aid and
17 the amount of money payment or grant for individual recipients
18 or recipient families.

19 (Source: P.A. 100-587, eff. 6-4-18; 101-103, eff. 7-19-19.)

20 Section 99. Effective date. This Act takes effect October
21 1, 2022.