

1 AN ACT concerning regulation.

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

4 Section 15. 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) foster parents or caregivers of youth in care as  
14 defined in Section 4d of the Children and Family Services  
15 Act, regardless of whether they are working or  
16 participating in Department-approved employment or  
17 education or training programs. Assistance provided under  
18 this paragraph shall be for the care of the youth in care;

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

1 Children and Family Services is closed, regardless of  
2 whether they are working or participating in  
3 Department-approved employment or education or training  
4 programs;

5 (9) parents who have custody of their children and  
6 their children are the subjects of pending cases under  
7 Article II of the Juvenile Court Act of 1987, regardless  
8 of whether they are working or participating in  
9 Department-approved employment or education or training  
10 programs. Any family that receives child care assistance  
11 in accordance with this paragraph shall remain eligible  
12 for child care assistance 6 months after the child's case  
13 under Article II of the Juvenile Court Act of 1987 is  
14 closed, regardless of whether the child's parents are  
15 working or participating in Department-approved employment  
16 or education or training programs;

17 (10) ~~(7)~~ families with children ~~under the age of 5~~ who  
18 have an open intact family services case with the  
19 Department of Children and Family Services. Any family  
20 that receives child care assistance in accordance with  
21 this paragraph shall remain eligible for child care  
22 assistance 6 months after the child's intact family  
23 services case is closed, regardless of whether the child's  
24 parents or other relatives as defined by rule are working  
25 or participating in Department approved employment or  
26 education or training programs. The Department of Human

1 Services, in consultation with the Department of Children  
2 and Family Services, shall adopt rules to protect the  
3 privacy of families who are the subject of an open intact  
4 family services case when such families enroll in child  
5 care services. Additional rules shall be adopted to offer  
6 children who have an open intact family services case the  
7 opportunity to receive an Early Intervention screening and  
8 other services that their families may be eligible for as  
9 provided by the Department of Human Services; and -

10 (11) families receiving Extended Family Support  
11 Program services from the Department of Children and  
12 Family Services, regardless of whether they are working or  
13 participating in Department-approved employment or  
14 education or training programs.

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

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

25 A family's eligibility for child care services shall be  
26 redetermined no sooner than 12 months following the initial

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

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

1 year 2022, the specified income threshold shall be no less  
2 than 200% of the then-current federal poverty level for each  
3 family size.

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

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

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

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

23 (c) Payment shall be made for child care that otherwise  
24 meets the requirements of this Section and applicable  
25 standards of State and local law and regulation, including any  
26 requirements the Illinois Department promulgates by rule in

1 addition to the licensure requirements promulgated by the  
2 Department of Children and Family Services and Fire Prevention  
3 and Safety requirements promulgated by the Office of the State  
4 Fire Marshal, and is provided in any of the following:

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

8 (2) a licensed child care home or home exempt from  
9 licensing;

10 (3) a licensed group child care home;

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

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

1 subsection shall be understood to limit the right of families  
2 receiving services defined in this Section to select child and  
3 day care home providers or supervise them within the limits of  
4 this Section. The State shall not be considered to be the  
5 employer of child and day care home providers for any purposes  
6 not specifically provided in Public Act 94-320, including, but  
7 not limited to, purposes of vicarious liability in tort and  
8 purposes of statutory retirement or health insurance benefits.  
9 Child and day care home providers shall not be covered by the  
10 State Employees Group Insurance Act of 1971.

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

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

25 (d-5) The Illinois Department, in consultation with its  
26 Child Care and Development Advisory Council, shall develop a



1 plan to revise the child care assistance program's co-payment  
2 scale. The plan shall be completed no later than February 1,  
3 2008, and shall include:

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

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

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

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

17 (e) (Blank).

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

21 (1) arranging the child care through eligible  
22 providers by use of purchase of service contracts or  
23 vouchers;

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

26 (3) (blank); or

1           (4) adopting such other arrangements as the Department  
2           determines appropriate.

3           (f-1) Within 30 days after June 4, 2018 (the effective  
4           date of Public Act 100-587), the Department of Human Services  
5           shall establish rates for child care providers that are no  
6           less than the rates in effect on January 1, 2018 increased by  
7           4.26%.

8           (f-5) (Blank).

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

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

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

26          (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;

1 102-491, eff. 8-20-21; revised 11-8-21.)"; and

2 Section 20. The Early Intervention Services System Act is  
3 amended by changing Section 3 as follows:

4 (325 ILCS 20/3) (from Ch. 23, par. 4153)

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

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

9 (1) Developmental delays.

10 (2) A physical or mental condition which typically  
11 results in developmental delay.

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

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

1 determined by the multidisciplinary individualized family  
2 service plan team to require the continuation of early  
3 intervention services in order to support continuing  
4 developmental progress, pursuant to the child's needs and  
5 provided in an appropriate developmental manner. The type,  
6 frequency, and intensity of services shall differ from the  
7 initial individualized family services plan because of the  
8 child's developmental progress, and may consist of only  
9 service coordination, evaluation, and assessments.

10 "Eligible infants and toddlers" includes any child under  
11 the age of 3 who is the subject of a substantiated case of  
12 child abuse or neglect, as defined by the federal Child Abuse  
13 Prevention and Treatment Act.

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

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

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

1           (2) a history of prenatal, perinatal, neonatal or  
2           early developmental events suggestive of biological  
3           insults to the developing central nervous system and which  
4           either singly or collectively increase the probability of  
5           developing a disability or delay based on a medical  
6           history.

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

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

13           (1) are designed to meet the developmental needs of  
14           each child eligible under this Act and the needs of his or  
15           her family;

16           (2) are selected in collaboration with the child's  
17           family;

18           (3) are provided under public supervision;

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

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

24           (A) physical development, including vision and  
25           hearing,

26           (B) cognitive development,

- 1 (C) communication development,  
2 (D) social or emotional development, or  
3 (E) adaptive development;
- 4 (6) meet the standards of the State, including the  
5 requirements of this Act;
- 6 (7) include one or more of the following:
- 7 (A) family training,  
8 (B) social work services, including counseling,  
9 and home visits,  
10 (C) special instruction,  
11 (D) speech, language pathology and audiology,  
12 (E) occupational therapy,  
13 (F) physical therapy,  
14 (G) psychological services,  
15 (H) service coordination services,  
16 (I) medical services only for diagnostic or  
17 evaluation purposes,  
18 (J) early identification, screening, and  
19 assessment services,  
20 (K) health services specified by the lead agency  
21 as necessary to enable the infant or toddler to  
22 benefit from the other early intervention services,  
23 (L) vision services,  
24 (M) transportation,  
25 (N) assistive technology devices and services,  
26 (O) nursing services,

1 (P) nutrition services, and  
2 (Q) sign language and cued language services;  
3 (8) are provided by qualified personnel, including but  
4 not limited to:

5 (A) child development specialists or special  
6 educators, including teachers of children with hearing  
7 impairments (including deafness) and teachers of  
8 children with vision impairments (including  
9 blindness),

10 (B) speech and language pathologists and  
11 audiologists,

12 (C) occupational therapists,

13 (D) physical therapists,

14 (E) social workers,

15 (F) nurses,

16 (G) dietitian nutritionists,

17 (H) vision specialists, including ophthalmologists  
18 and optometrists,

19 (I) psychologists, and

20 (J) physicians;

21 (9) are provided in conformity with an Individualized  
22 Family Service Plan;

23 (10) are provided throughout the year; and

24 (11) are provided in natural environments, to the  
25 maximum extent appropriate, which may include the home and  
26 community settings, unless justification is provided

1 consistent with federal regulations adopted under Sections  
2 1431 through 1444 of Title 20 of the United States Code.

3 (f) "Individualized Family Service Plan" or "Plan" means a  
4 written plan for providing early intervention services to a  
5 child eligible under this Act and the child's family, as set  
6 forth in Section 11.

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

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

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

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

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

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



1           (1) "Early intervention provider" means an individual who  
2 is qualified, as defined by the lead agency, to provide one or  
3 more types of early intervention services, and who has  
4 enrolled as a provider in the early intervention program.

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

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

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

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law, except that Section 15 takes effect on July 1,  
19 2023.