



Sen. Julie A. Morrison

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10200SB3747sam002

LRB102 25788 KTG 35836 a

1 AMENDMENT TO SENATE BILL 3747

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3747 by deleting  
3 line 4 on page 1 through line 26 on page 2; and

4 by replacing line 13 on page 5 through line 5 on page 14 with  
5 the following:

6 "Section 15. The Illinois Public Aid Code is amended by  
7 changing Section 9A-11 as follows:

8 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

9 Sec. 9A-11. Child care.

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

1 remain self-sufficient. The General Assembly also believes  
2 that it is the responsibility of families to share in the costs  
3 of child care. It is also the preference of the General  
4 Assembly that all working poor families should be treated  
5 equally, regardless of their welfare status.

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

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

15 (2) families transitioning from TANF to work;

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

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

18 (5) working families with very low incomes as defined  
19 by rule;

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

23 (7) foster parents or caregivers of youth in care as  
24 defined in Section 4d of the Children and Family Services  
25 Act, regardless of whether they are working or  
26 participating in Department-approved employment or

1 education or training programs. Assistance provided under  
2 this paragraph shall be for the care of the youth in care;

3 (8) youth in care, as defined in Section 4d of the  
4 Children and Family Services Act, who are parents,  
5 regardless of whether they are working or participating in  
6 Department-approved employment or education or training  
7 programs. Any family that receives child care assistance  
8 in accordance with this paragraph shall receive one  
9 additional 12-month child care eligibility period after  
10 the parenting youth in care's case with the Department of  
11 Children and Family Services is closed, regardless of  
12 whether they are working or participating in  
13 Department-approved employment or education or training  
14 programs;

15 (9) parents who have custody of their children and  
16 their children are the subjects of pending cases under  
17 Article II of the Juvenile Court Act of 1987, regardless  
18 of whether they are working or participating in  
19 Department-approved employment or education or training  
20 programs. Any family that receives child care assistance  
21 in accordance with this paragraph shall remain eligible  
22 for child care assistance 6 months after the child's case  
23 under Article II of the Juvenile Court Act of 1987 is  
24 closed, regardless of whether the child's parents are  
25 working or participating in Department-approved employment  
26 or education or training programs;

1            (10) ~~(7)~~ families with children ~~under the age of 5~~ who  
2            have an open intact family services case with the  
3            Department of Children and Family Services. Any family  
4            that receives child care assistance in accordance with  
5            this paragraph shall remain eligible for child care  
6            assistance 6 months after the child's intact family  
7            services case is closed, regardless of whether the child's  
8            parents or other relatives as defined by rule are working  
9            or participating in Department approved employment or  
10           education or training programs. The Department of Human  
11           Services, in consultation with the Department of Children  
12           and Family Services, shall adopt rules to protect the  
13           privacy of families who are the subject of an open intact  
14           family services case when such families enroll in child  
15           care services. Additional rules shall be adopted to offer  
16           children who have an open intact family services case the  
17           opportunity to receive an Early Intervention screening and  
18           other services that their families may be eligible for as  
19           provided by the Department of Human Services; and -

20           (11) families receiving Extended Family Support  
21           Program services from the Department of Children and  
22           Family Services, regardless of whether they are working or  
23           participating in Department-approved employment or  
24           education or training programs.

25           The Department shall specify by rule the conditions of  
26           eligibility, the application process, and the types, amounts,

1 and duration of services. Eligibility for child care benefits  
2 and the amount of child care provided may vary based on family  
3 size, income, and other factors as specified by rule.

4 The Department shall update the Child Care Assistance  
5 Program Eligibility Calculator posted on its website to  
6 include a question on whether a family is applying for child  
7 care assistance for the first time or is applying for a  
8 redetermination of eligibility.

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

18 In determining income eligibility for child care benefits,  
19 the Department annually, at the beginning of each fiscal year,  
20 shall establish, by rule, one income threshold for each family  
21 size, in relation to percentage of State median income for a  
22 family of that size, that makes families with incomes below  
23 the specified threshold eligible for assistance and families  
24 with incomes above the specified threshold ineligible for  
25 assistance. Through and including fiscal year 2007, the  
26 specified threshold must be no less than 50% of the

1 then-current State median income for each family size.  
2 Beginning in fiscal year 2008, the specified threshold must be  
3 no less than 185% of the then-current federal poverty level  
4 for each family size. Notwithstanding any other provision of  
5 law or administrative rule to the contrary, beginning in  
6 fiscal year 2019, the specified threshold for working families  
7 with very low incomes as defined by rule must be no less than  
8 185% of the then-current federal poverty level for each family  
9 size. Notwithstanding any other provision of law or  
10 administrative rule to the contrary, beginning in State fiscal  
11 year 2022, the specified income threshold shall be no less  
12 than 200% of the then-current federal poverty level for each  
13 family size.

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

18 Nothing in this Section shall be construed as conferring  
19 entitlement status to eligible families.

20 The Illinois Department is authorized to lower income  
21 eligibility ceilings, raise parent co-payments, create waiting  
22 lists, or take such other actions during a fiscal year as are  
23 necessary to ensure that child care benefits paid under this  
24 Article do not exceed the amounts appropriated for those child  
25 care benefits. These changes may be accomplished by emergency  
26 rule under Section 5-45 of the Illinois Administrative

1 Procedure Act, except that the limitation on the number of  
2 emergency rules that may be adopted in a 24-month period shall  
3 not apply.

4 The Illinois Department may contract with other State  
5 agencies or child care organizations for the administration of  
6 child care services.

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

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

18 (2) a licensed child care home or home exempt from  
19 licensing;

20 (3) a licensed group child care home;

21 (4) other types of child care, including child care  
22 provided by relatives or persons living in the same home  
23 as the child, as determined by the Illinois Department by  
24 rule.

25 (c-5) Solely for the purposes of coverage under the  
26 Illinois Public Labor Relations Act, child and day care home

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

21 In according child and day care home providers and their  
22 selected representative rights under the Illinois Public Labor  
23 Relations Act, the State intends that the State action  
24 exemption to application of federal and State antitrust laws  
25 be fully available to the extent that their activities are  
26 authorized by Public Act 94-320.



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

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

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

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

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

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

1 (e) (Blank).

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

5 (1) arranging the child care through eligible  
6 providers by use of purchase of service contracts or  
7 vouchers;

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

10 (3) (blank); or

11 (4) adopting such other arrangements as the Department  
12 determines appropriate.

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

18 (f-5) (Blank).

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

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

25 (2) if space is available, enrolling the child with a  
26 child care provider that has a purchase of service

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

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

12 on page 20, by replacing lines 21 through 23 with the  
13 following:

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