



Rep. Joyce Mason

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LRB103 04115 KTG 71536 a

1 AMENDMENT TO HOUSE BILL 545

2 AMENDMENT NO. _____. Amend House Bill 545 by replacing
3 everything after the enacting clause with the following:

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 limited access to economic
11 resources, including those who are transitioning from welfare
12 to work, often struggle to pay the costs of day care. The
13 General Assembly understands the importance of helping working
14 families with limited access to economic resources become and
15 remain self-sufficient. The General Assembly also believes
16 that it is the responsibility of families to share in the costs

1 of child care. It is also the preference of the General
2 Assembly that all working families with limited access to
3 economic resources should be treated equally, regardless of
4 their welfare status.

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

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

14 (2) families transitioning from TANF to work;

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

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

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

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

22 (7) youth in care, as defined in Section 4d of the
23 Children and Family Services Act, who are parents,
24 regardless of income or whether they are working or
25 participating in Department-approved employment or
26 education or training programs. Any family that receives

1 child care assistance in accordance with this paragraph
2 shall receive one additional 12-month child care
3 eligibility period after the parenting youth in care's
4 case with the Department of Children and Family Services
5 is closed, regardless of income or whether the parenting
6 youth in care is working or participating in
7 Department-approved employment or education or training
8 programs;

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

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

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

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

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 through State fiscal year 2023, the specified income
2 threshold shall be no less than 200% of the then-current
3 federal poverty level for each family size. Beginning in State
4 fiscal year 2024, the specified income threshold shall be no
5 less than 225% of the then-current federal poverty level for
6 each family size.

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

11 Nothing in this Section shall be construed as conferring
12 entitlement status to eligible families.

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

23 The Illinois Department may contract with other State
24 agencies or child care organizations for the administration of
25 child care services.

26 (c) Payment shall be made for child care that otherwise

1 meets the requirements of this Section and applicable
2 standards of State and local law and regulation, including any
3 requirements the Illinois Department promulgates by rule in
4 addition to the licensure requirements promulgated by the
5 Department of Children and Family Services and Fire Prevention
6 and Safety requirements promulgated by the Office of the State
7 Fire Marshal, and is provided in any of the following:

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

11 (2) a licensed child care home or home exempt from
12 licensing;

13 (3) a licensed group child care home;

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

18 (c-5) Solely for the purposes of coverage under the
19 Illinois Public Labor Relations Act, child and day care home
20 providers, including licensed and license exempt,
21 participating in the Department's child care assistance
22 program shall be considered to be public employees and the
23 State of Illinois shall be considered to be their employer as
24 of January 1, 2006 (the effective date of Public Act 94-320),
25 but not before. The State shall engage in collective
26 bargaining with an exclusive representative of child and day

1 care home providers participating in the child care assistance
2 program concerning their terms and conditions of employment
3 that are within the State's control. Nothing in this
4 subsection shall be understood to limit the right of families
5 receiving services defined in this Section to select child and
6 day care home providers or supervise them within the limits of
7 this Section. The State shall not be considered to be the
8 employer of child and day care home providers for any purposes
9 not specifically provided in Public Act 94-320, including, but
10 not limited to, purposes of vicarious liability in tort and
11 purposes of statutory retirement or health insurance benefits.
12 Child and day care home providers shall not be covered by the
13 State Employees Group Insurance Act of 1971.

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

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

1 poverty level.

2 (d-5) The Illinois Department, in consultation with its
3 Child Care and Development Advisory Council, shall develop a
4 plan to revise the child care assistance program's co-payment
5 scale. The plan shall be completed no later than February 1,
6 2008, and shall include:

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

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

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

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

20 (e) (Blank).

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

24 (1) arranging the child care through eligible
25 providers by use of purchase of service contracts or
26 vouchers;

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

3 (3) (blank); or

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

6 (f-1) Within 30 days after June 4, 2018 (the effective
7 date of Public Act 100-587), the Department of Human Services
8 shall establish rates for child care providers that are no
9 less than the rates in effect on January 1, 2018 increased by
10 4.26%.

11 (f-2) Within 180 days after the effective date of this
12 amendatory Act of the 103rd General Assembly, the Department
13 of Human Services shall establish add-on rates for child care
14 providers participating in the child care assistance program
15 to purchase supplemental diapers for children receiving
16 assistance. The add-on rates shall be set by rule and shall be
17 sufficient to purchase 50 diapers per month per child under
18 the age of 3 receiving full-day child care from the provider,
19 or 25 diapers per month per child under the age of 3 receiving
20 part-day child care from the provider. Child care providers
21 participating in the program under a purchase-of-service
22 contract with the Department or a subcontractor of the
23 Department shall not deny care or program services to any
24 child because the child's caregiver is unable to provide
25 diapers for the child.

26 (f-5) (Blank).

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

3 (1) receiving a child care certificate issued by the
4 Department or a subcontractor of the Department that may
5 be used by the parents as payment for child care and
6 development services only; or

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

18 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
19 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2024."