

SB0047



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0047

Introduced 1/31/2007, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11 from Ch. 23, par. 9A-11
305 ILCS 5/12-4.33
305 ILCS 5/3-2.5 rep.
305 ILCS 5/4-17 rep.
305 ILCS 5/9-13 rep.
305 ILCS 5/9-4 rep.
305 ILCS 5/9A-14 rep.

Amends the Illinois Public Aid Code. Repeals various provisions concerning: a market rate survey and a plan to revise rates for child care; a study of the implementation of TANF and related welfare reforms; a study of the impact upon Illinois resident non-citizens of the denial or termination of certain types of assistance; sheltered care rates; a targeted jobs TANF project; facilities for child care; a survey of teen parent services; and a job skills enhancement pilot program. Effective January 1, 2008.

LRB095 04133 DRJ 24171 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 9A-11 and 12-4.33 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 Department
20 shall provide child care services to parents or other relatives
21 as defined by rule who are working or participating in
22 employment or Department approved education or training
23 programs. At a minimum, the Illinois Department shall cover the

1 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; and

8 (5) working families with very low incomes as defined
9 by rule.

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

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

24 In determining eligibility for assistance, the Department
25 shall not give preference to any category of recipients or give
26 preference to individuals based on their receipt of benefits

1 under this Code.

2 The Department shall allocate \$7,500,000 annually for a
3 test program for families who are income-eligible for child
4 care assistance, who are not recipients of TANF under Article
5 IV, and who need child care assistance to participate in
6 education and training activities. The Department shall
7 specify by rule the conditions of eligibility for this test
8 program.

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

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

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

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

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

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

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

11 (3) a licensed group child care home;

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

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

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

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

19 (d) The Illinois Department shall, by rule, require
20 co-payments for child care services by any parent, including
21 parents whose only income is from assistance under this Code.
22 The co-payment shall be assessed based on a sliding scale based
23 on family income, family size, and the number of children in
24 care. Co-payments shall not be increased due solely to a change
25 in the methodology for counting family income.

26 (e) (Blank). ~~The Illinois Department shall conduct a market~~

1 ~~rate survey based on the cost of care and other relevant~~
2 ~~factors which shall be completed by July 1, 1998.~~

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

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

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

11 (3) (blank); or

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

14 (f-5) (Blank). ~~The Illinois Department, in consultation~~
15 ~~with its Child Care and Development Advisory Council, shall~~
16 ~~develop a comprehensive plan to revise the State's rates for~~
17 ~~the various types of child care. The plan shall be completed no~~
18 ~~later than January 1, 2005 and shall include:~~

19 ~~(1) Base reimbursement rates that are adequate to~~
20 ~~provide children receiving child care services from~~
21 ~~the Department equal access to quality child care,~~
22 ~~utilizing data from the most current market rate~~
23 ~~survey.~~

24 ~~(2) A tiered reimbursement rate system that~~
25 ~~financially rewards providers of child care services~~
26 ~~that meet defined benchmarks of higher quality care.~~

1 ~~(3) Consideration of revisions to existing county~~
2 ~~groupings and age classifications, utilizing data from~~
3 ~~the most current market rate survey.~~

4 ~~(4) Consideration of special rates for certain~~
5 ~~types of care such as caring for a child with a~~
6 ~~disability.~~

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

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

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

24 (Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04;
25 94-320, eff. 1-1-06.)

1 (305 ILCS 5/12-4.33)

2 Sec. 12-4.33. Welfare reform research and accountability.

3 (a) The Illinois Department shall collect and report upon
4 all data in connection with federally funded or assisted
5 welfare programs as federal law may require, including, but not
6 limited to, Section 411 of the Personal Responsibility and Work
7 Opportunity Reconciliation Act of 1996 and its implementing
8 regulations and any amendments thereto as may from time to time
9 be enacted.

10 (b) In addition to and on the same schedule as the data
11 collection required by federal law and subsection (a), the
12 Department shall collect and report on further information with
13 respect to the Temporary Assistance for Needy Families ("TANF")
14 program, as follows:

15 (1) With respect to denials of applications for
16 benefits, all of the same information about the family
17 required under the federal law, plus the specific reason or
18 reasons for denial of the application.

19 (2) With respect to all terminations of benefits, all
20 of the same information as required under the federal law,
21 plus the specific reason or reasons for the termination.

22 (c) The Department shall collect all of the same data as
23 set forth in subsections (a) and (b), and report it on the same
24 schedule, with respect to all cash assistance benefits provided
25 to families that are not funded from the TANF program federal
26 block grant or are not otherwise required to be included in the

1 data collection and reporting in subsections (a) and (b).

2 (d) Whether or not reports under this Section must be
3 submitted to the federal government, they shall be considered
4 public and they shall be promptly made available to the public
5 at the end of each fiscal year, free of charge upon request.
6 The data underlying the reports shall be made available to
7 academic institutions and public policy organizations involved
8 in the study of welfare issues or programs and redacted to
9 conform with applicable privacy laws. The cost shall be no more
10 than that incurred by the Department in assembling and
11 delivering the data.

12 (e) (Blank). ~~The Department shall, in addition to the~~
13 ~~foregoing data collection and reporting activities, seek a~~
14 ~~university to conduct, at no cost to the Department, a~~
15 ~~longitudinal study of the implementation of TANF and related~~
16 ~~welfare reforms. The study shall select subgroups representing~~
17 ~~important sectors of the assistance population, including type~~
18 ~~of area of residence (city, suburban, small town, rural),~~
19 ~~English proficiency, level of education, literacy, work~~
20 ~~experience, number of adults in the home, number of children in~~
21 ~~the home, teen parentage, parents before and after the age of~~
22 ~~18, and other such subgroups. For each subgroup, the study~~
23 ~~shall assemble a statistically valid sample of cases entering~~
24 ~~the TANF program at least 6 months after its implementation~~
25 ~~date and prior to July 1, 1998. The study shall continue until~~
26 ~~December 31, 2004. The Department shall report to the General~~

1 ~~Assembly and the Governor by March 1 of each year, beginning~~
2 ~~March 1, 1999, the interim findings of the study with respect~~
3 ~~to each subgroup, and by March 1, 2005, the final findings with~~
4 ~~respect to each subgroup. The reports shall be available to the~~
5 ~~public upon request. No later than November 1, 1997, the~~
6 ~~Department, in consultation with an advisory panel of~~
7 ~~specialists in welfare policy, social science, and other~~
8 ~~relevant fields shall devise the study and identify the factors~~
9 ~~to be studied. The study shall, however, at least include the~~
10 ~~following features:~~

11 ~~(1) Demographic breakdowns including, but not limited~~
12 ~~to, race, gender, and number of children in the household~~
13 ~~at the beginning of Department services.~~

14 ~~(2) The Department shall obtain permission to conduct~~
15 ~~the study from the subjects of the study and guarantee~~
16 ~~their privacy according to the privacy laws. To facilitate~~
17 ~~this permission, the study may be designed to refer to~~
18 ~~subjects by pseudonyms or codes and shall in any event~~
19 ~~guarantee anonymity to the subjects without limiting~~
20 ~~access by outsiders to the data (other than identities)~~
21 ~~generated by the study.~~

22 ~~(3) The subjects of the study shall be followed after~~
23 ~~denial or termination of assistance, to the extent~~
24 ~~feasible. The evaluator shall attempt to maintain personal~~
25 ~~contact with the subjects of the study, and employ such~~
26 ~~methods as meetings, telephone contacts, written surveys,~~

1 ~~and computer matches with other data bases to accomplish~~
2 ~~this purpose. The intent of this feature of the study is to~~
3 ~~discover the paths people take after leaving welfare and~~
4 ~~the patterns of return to welfare, including the factors~~
5 ~~that may influence these paths and patterns.~~

6 ~~(4) The study shall examine the influence of various~~
7 ~~employability, education, and training programs upon~~
8 ~~employment, earnings, job tenure, and cycling between~~
9 ~~welfare and work.~~

10 ~~(5) The study shall examine the influence of various~~
11 ~~supportive services such as child care (including type and~~
12 ~~cost), transportation, and payment of initial employment~~
13 ~~expenses upon employment, earnings, job tenure, and~~
14 ~~cycling between welfare and work.~~

15 ~~(6) The study shall examine the frequency of unplanned~~
16 ~~occurrences in subjects' lives, such as illness or injury,~~
17 ~~family member's illness or injury, car breakdown, strikes,~~
18 ~~natural disasters, evictions, loss of other sources of~~
19 ~~income, domestic violence, and crime, and their impact upon~~
20 ~~employment, earnings, job tenure, and cycling between~~
21 ~~welfare and work.~~

22 ~~(7) The study shall examine the wages and other~~
23 ~~compensation, including health benefits and what they cost~~
24 ~~the employee, received by subjects who obtain employment,~~
25 ~~the type and characteristics of jobs, the hours and time of~~
26 ~~day of work, union status, and the relationships of such~~

1 ~~factors to earnings, job tenure, and cycling between~~
2 ~~welfare and work.~~

3 ~~(8) The study shall examine the reasons for subjects'~~
4 ~~job loss, the availability of Unemployment Insurance, the~~
5 ~~reasons for a subject's return to welfare, programs or~~
6 ~~services utilized by subjects in the search for another~~
7 ~~job, the characteristics of the subjects' next job, and the~~
8 ~~relationships of these factors to re-employment, earnings,~~
9 ~~job tenure on the new job, and cycling between welfare and~~
10 ~~work.~~

11 ~~(9) The study shall examine the impact of mandatory~~
12 ~~work requirements, including the types of work activities~~
13 ~~to which the subjects were assigned, and the links between~~
14 ~~the requirements and the activities and sanctions,~~
15 ~~employment, earnings, job tenure, and cycling between~~
16 ~~welfare and work.~~

17 ~~(10) The study shall identify all sources and amounts~~
18 ~~of reported household non wage income and examine the~~
19 ~~influence of the sources and amounts of non wage~~
20 ~~non-welfare income on employment, earnings, job tenure,~~
21 ~~and cycling between welfare and work.~~

22 ~~(11) The study shall examine sanctions, including~~
23 ~~child support enforcement and paternity establishment~~
24 ~~sanctions, the reasons sanctions are threatened, the~~
25 ~~number threatened, the number imposed, and the reasons~~
26 ~~sanctions are not imposed or are ended, such as cooperation~~

1 ~~achieved or good cause established.~~

2 ~~(12) The study shall track the subjects' usage of TANF~~
3 ~~benefits over the course of the lifetime 60 month limit of~~
4 ~~TANF eligibility, including patterns of usage,~~
5 ~~relationships between consecutive usage of large numbers~~
6 ~~of months and other factors, status of all study subjects~~
7 ~~with respect to the time limit as of each report,~~
8 ~~characteristics of subjects exhausting the eligibility~~
9 ~~limit, types of exceptions granted to the 60 month limit,~~
10 ~~and numbers of cases within each type of exception.~~

11 ~~(13) The study shall track subjects' participation in~~
12 ~~other public systems, including the public schools, the~~
13 ~~child welfare system, the criminal justice system,~~
14 ~~homeless and food services, and others and attempt to~~
15 ~~identify the positive or negative ripple effects in these~~
16 ~~systems of welfare policies, systems, and procedures.~~

17 (f) (Blank). ~~The Department shall cooperate in any~~
18 ~~appropriate study by an independent expert of the impact upon~~
19 ~~Illinois resident non citizens of the denial or termination of~~
20 ~~assistance under the Supplemental Security Income, Food~~
21 ~~Stamps, TANF, Medicaid, and Title XX social services programs~~
22 ~~pursuant to the changes enacted in the federal Personal~~
23 ~~Responsibility and Work Opportunity Reconciliation Act of~~
24 ~~1996. The purpose of such a study must be to examine the~~
25 ~~immediate and long term effects on this population and on the~~
26 ~~State of the denial or termination of these forms of~~

1 ~~assistance, including the impact on the individuals, the~~
2 ~~alternate means they find to obtain support and care, and the~~
3 ~~impact on state and local spending and human services delivery~~
4 ~~systems. An appropriate study shall select a statistically~~
5 ~~valid sample of persons denied or terminated from each type of~~
6 ~~benefits and attempt to track them until December 31, 2000. Any~~
7 ~~reports from the study received by the Department shall be made~~
8 ~~available to the General Assembly and the Governor upon~~
9 ~~request, and a final report shall be submitted upon completion.~~
10 ~~These reports shall be available to the public upon request.~~

11 (Source: P.A. 90-74, eff. 7-8-97.)

12 (305 ILCS 5/3-2.5 rep.)

13 (305 ILCS 5/4-17 rep.)

14 (305 ILCS 5/9-13 rep.)

15 (305 ILCS 5/9-4 rep.)

16 (305 ILCS 5/9A-14 rep.)

17 Section 10. The Illinois Public Aid Code is amended by
18 repealing Sections 3-2.5, 4-17, 9-13, 9-4, and 9A-14.

19 Section 99. Effective date. This Act takes effect January
20 1, 2008.