



Rep. William D. Burns

Filed: 10/14/2009

09600HB1800ham001

LRB096 05473 DRJ 29998 a

1 AMENDMENT TO HOUSE BILL 1800

2 AMENDMENT NO. _____. Amend House Bill 1800 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 4-1, 4-1.6, 4-12, 4-22, and 9A-8 and by
6 adding Sections 2-18 and 4-1.6b as follows:

7 (305 ILCS 5/2-18 new)

8 Sec. 2-18. Domestic or sexual violence. "Domestic or sexual
9 violence" means domestic violence, sexual assault, or
10 stalking. Domestic or sexual violence may occur through
11 electronic communication.

12 "Domestic violence" means "abuse" as defined in Section 103
13 of the Illinois Domestic Violence Act of 1986 by a "family or
14 household member" as defined in Section 103 of the Illinois
15 Domestic Violence Act of 1986.

16 "Sexual assault" means any conduct proscribed by Sections

1 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
2 1961.

3 "Stalking" means any conduct proscribed by Sections
4 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 1961.

5 "Electronic communication" includes communications via
6 telephone, mobile phone, computer, e-mail, video recorder, fax
7 machine, telex, or pager, or any other "electronic
8 communication" as defined in Section 12-7.5 of the Criminal
9 Code of 1961.

10 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

11 Sec. 4-1. Eligibility requirements. Financial aid in
12 meeting basic maintenance requirements for a livelihood
13 compatible with health and well-being shall be given under this
14 Article to or in behalf of families with dependent children who
15 meet the eligibility conditions of Sections 4-1.1 through
16 4-1.11. It shall be the policy of the Illinois Department to
17 provide aid under this Article to all qualified persons who
18 seek assistance and to conduct outreach efforts to educate the
19 public about the program. The Department shall provide timely,
20 accurate, and fair service to all applicants for assistance.
21 Persons who meet the eligibility criteria authorized under this
22 Article shall be treated equally, provided that nothing in this
23 Article shall be construed to create an entitlement to a
24 particular grant or service level or to aid in amounts not
25 authorized under this Code, nor construed to limit the

1 authority of the General Assembly to change the eligibility
2 requirements or provisions respecting assistance amounts. The
3 General Assembly recognizes that the need for aid will
4 fluctuate with the economic situation in Illinois and that at
5 times the number of people receiving aid under this Article
6 will increase.

7 The Illinois Department shall advise every applicant for
8 and recipient of aid under this Article of (i) the requirement
9 that all recipients move toward self-sufficiency and (ii) the
10 value and benefits of employment. As a condition of eligibility
11 for that aid, every person who applies for aid under this
12 Article on or after the effective date of this amendatory Act
13 of 1995 shall prepare and submit, as part of the application or
14 subsequent redetermination, a personal plan for achieving
15 employment and self-sufficiency. The plan shall incorporate
16 the individualized assessment and employability plan set out in
17 subsections (d), (f), and (g) of Section 9A-8. The plan may be
18 amended as the recipient's needs change. The assessment process
19 to develop the plan shall include questions that screen for
20 domestic violence issues and steps needed to address these
21 issues may be part of the plan. If the individual indicates
22 that he or she is a victim of domestic violence, he or she may
23 also be referred to an available domestic violence program.
24 Failure of the client to follow through on the personal plan
25 for employment and self-sufficiency may be a basis for sanction
26 under Section 4-21.

1 (Source: P.A. 92-111, eff. 1-1-02.)

2 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

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

17 In considering income to be taken into account,
18 consideration shall be given to any expenses reasonably
19 attributable to the earning of such income. Three-fourths of
20 the earned income of a household eligible for aid under this
21 Article shall be disregarded when determining the level of
22 assistance for which a household is eligible. The Illinois
23 Department may also permit all or any portion of earned or
24 other income to be set aside for the future identifiable needs
25 of a child. The Illinois Department may provide by rule and

1 regulation for the exemptions thus permitted or required. The
2 eligibility of any applicant for or recipient of public aid
3 under this Article is not affected by the payment of any grant
4 under the "Senior Citizens and Disabled Persons Property Tax
5 Relief and Pharmaceutical Assistance Act" or any distributions
6 or items of income described under subparagraph (X) of
7 paragraph (2) of subsection (a) of Section 203 of the Illinois
8 Income Tax Act.

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

13 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

14 (305 ILCS 5/4-1.6b new)

15 Sec. 4-1.6b. Date for providing aid; employability
16 assessment.

17 (a) The Department shall provide financial aid no more than
18 30 days after the date of application.

19 (b) During the first 30 days after the date of application,
20 the applicant shall undergo a thorough employability
21 assessment, in accordance with subsection (d) of Section 9A-8
22 of this Code, and shall prepare a personal plan for achieving
23 employment and self-sufficiency in accordance with Section 4-1
24 of this Code. The requirement to engage in work-related
25 activity may commence 30 days after the date of application.

1 (c) Financial aid under this Article shall be authorized
2 effective on the date of application, provided that the
3 applicant is eligible on that date.

4 (305 ILCS 5/4-12) (from Ch. 23, par. 4-12)

5 Sec. 4-12. Crisis assistance. Where a family has been (1)
6 rendered homeless or threatened with homelessness by fire,
7 flood, other natural disaster, eviction or court order to
8 vacate the premises for reasons other than nonpayment of rent,
9 or where a family has ~~spouse and child have~~ become homeless
10 because they have left their ~~the~~ residence due to domestic or
11 sexual violence ~~occupied by a spouse who was physically abusing~~
12 ~~the now homeless spouse or child;~~ (1.5) deprived of the
13 household's income as a result of domestic or sexual violence;
14 (2) deprived of essential items of furniture or essential
15 clothing by fire or flood or other natural disaster; (3)
16 deprived of food as a result of actions other than loss or
17 theft of cash and where the deprivation cannot be promptly
18 alleviated through the federal food stamp program; (4) as a
19 result of a documented theft or documented loss of cash,
20 deprived of food or essential clothing or deprived of shelter
21 or immediately threatened with deprivation of shelter as
22 evidenced by a court order requiring immediate eviction due to
23 nonpayment of rent; or (5) rendered the victim of such other
24 hardships as the Illinois Department shall by rule define, the
25 Illinois Department may provide assistance to alleviate such

1 needs. The Illinois Department shall verify need and determine
2 eligibility for crisis assistance for families already
3 receiving grants from the Illinois Department within 5 working
4 days following application for such assistance and shall
5 determine eligibility for all other families and afford such
6 assistance for families found eligible within such time limits
7 as the Illinois Department shall by rule provide. The Illinois
8 Department may, by rule, limit crisis assistance to an eligible
9 family to once in any 12 consecutive months. This limitation
10 may be made for some or all items of crisis assistance.

11 The Illinois Department by regulation shall specify the
12 criteria for determining eligibility and the amount and nature
13 of assistance to be provided. Where deprivation of shelter
14 exists or is threatened, the Illinois Department may provide
15 reasonable moving expenses, short term rental costs, including
16 one month's rent and a security deposit where such expenses are
17 needed for relocation, and, where the Department determines
18 appropriate, provide assistance to prevent an imminent
19 eviction or foreclosure. These amounts may be described in
20 established amounts or maximums. The Illinois Department may
21 also describe, for each form of assistance authorized, the
22 method by which the assistance shall be delivered, including
23 but not limited to warrants or disbursing orders.

24 Annual expenditures under this Section shall not exceed
25 \$2,000,000. The Illinois Department shall review such
26 expenditures quarterly and shall, if necessary, reduce the

1 amounts or nature of assistance authorized in order to assure
2 that the limit is not exceeded.

3 (Source: P.A. 90-17, eff. 7-1-97.)

4 (305 ILCS 5/4-22)

5 Sec. 4-22. Domestic and sexual violence.

6 (a) The assessment process to develop the personal plan for
7 achieving self-sufficiency shall include questions that screen
8 for domestic and sexual violence issues. If the individual
9 indicates that he or she is the victim of domestic or sexual
10 violence and indicates a need to address domestic or sexual
11 violence issues in order to reach self-sufficiency, the plan
12 shall take this factor into account in determining the work,
13 education, and training activities suitable to the client for
14 achieving self-sufficiency. In addition, in such a case,
15 specific steps needed to directly address the domestic or
16 sexual violence issues may also be made part of the plan,
17 including referral to an available domestic or sexual violence
18 program. The Department shall conduct an individualized
19 assessment and grant waivers of program requirements and other
20 required activities for victims of domestic violence to the
21 fullest extent allowed by 42 U.S.C. 602(a)(7)(A), and shall
22 apply the same laws, regulations, and policies to victims of
23 sexual violence. The duration of such waivers shall be
24 initially determined and subsequently redetermined on a
25 case-by-case basis. There shall be no limitation on the total

1 number of months for which waivers under this Section may be
2 granted, but continuing eligibility for a waiver shall be
3 redetermined no less often than every 6 months.

4 (b) The Illinois Department shall develop and monitor
5 compliance procedures for its employees, contractors, and
6 subcontractors to ensure that any information pertaining to any
7 client who claims to be a past or present victim of domestic
8 violence or an individual at risk of further domestic violence,
9 whether provided by the victim or by a third party, will remain
10 confidential.

11 (c) The Illinois Department shall develop and implement a
12 domestic violence training curriculum for Illinois Department
13 employees who serve applicants for and recipients of aid under
14 this Article. The curriculum shall be designed to better equip
15 those employees to identify and serve domestic violence
16 victims. The Illinois Department may enter into a contract for
17 the development of the curriculum with one or more
18 organizations providing services to domestic violence victims.
19 The Illinois Department shall adopt rules necessary to
20 implement this subsection.

21 (Source: P.A. 90-17, eff. 7-1-97; 91-759, eff. 1-1-01.)

22 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)

23 Sec. 9A-8. Operation of Program.

24 (a) At the time of application or redetermination of
25 eligibility under Article IV, as determined by rule, the

1 Illinois Department shall provide information in writing and
2 orally regarding the education, training and employment
3 program to all applicants and recipients. The information
4 required shall be established by rule and shall include, but
5 need not be limited to:

6 (1) education (including literacy training),
7 employment and training opportunities available, the
8 criteria for approval of those opportunities, and the right
9 to request changes in the personal responsibility and
10 services plan to include those opportunities;

11 (1.1) a complete list of all activities that are
12 approvable activities, and the circumstances under which
13 they are approvable, including work activities, substance
14 abuse or mental health treatment, activities to escape and
15 prevent domestic violence, caring for a medically impaired
16 family member, and any other approvable activities,
17 together with the right to and procedures for amending the
18 responsibility and services plan to include these
19 activities;

20 (1.2) the rules concerning the lifetime limit on
21 eligibility, including the current status of the applicant
22 or recipient in terms of the months of remaining
23 eligibility, the criteria under which a month will not
24 count towards the lifetime limit, and the criteria under
25 which a recipient may receive benefits beyond the end of
26 the lifetime limit;

1 (2) supportive services including child care and the
2 rules regarding eligibility for and access to the child
3 care assistance program, transportation, initial expenses
4 of employment, job retention, books and fees, and any other
5 supportive services;

6 (3) the obligation of the Department to provide
7 supportive services;

8 (4) the rights and responsibilities of participants,
9 including exemption, sanction, reconciliation, and good
10 cause criteria and procedures, termination for
11 non-cooperation and reinstatement rules and procedures,
12 and appeal and grievance procedures; and

13 (5) the types and locations of child care services.

14 (b) The Illinois Department shall notify the recipient in
15 writing of the opportunity to volunteer to participate in the
16 program.

17 (c) (Blank).

18 (d) As part of the personal plan for achieving employment
19 and self-sufficiency, the Department shall conduct an
20 individualized assessment of the participant's employability.
21 No participant may be assigned to any component of the
22 education, training and employment activity prior to such
23 assessment. The plan shall include collection of information on
24 the individual's background, proficiencies, skills
25 deficiencies, education level, work history, employment goals,
26 interests, aptitudes, and employment preferences, as well as

1 factors affecting employability or ability to meet
2 participation requirements (e.g., health, physical or mental
3 limitations, child care, family circumstances, domestic
4 violence, sexual violence, substance abuse, and special needs
5 of any child of the individual). As part of the plan,
6 individuals and Department staff shall work together to
7 identify any supportive service needs required to enable the
8 client to participate and meet the objectives of his or her
9 employability plan. The assessment may be conducted through
10 various methods such as interviews, testing, counseling, and
11 self-assessment instruments. In the assessment process, the
12 Department shall offer to include standard literacy testing and
13 a determination of English language proficiency and shall
14 provide it for those who accept the offer. Based on the
15 assessment, the individual will be assigned to the appropriate
16 activity. The decision will be based on a determination of the
17 individual's level of preparation for employment as defined by
18 rule.

19 (e) Recipients determined to be exempt may volunteer to
20 participate pursuant to Section 9A-4 and must be assessed.

21 (f) As part of the personal plan for achieving employment
22 and self-sufficiency under Section 4-1, an employability plan
23 for recipients shall be developed in consultation with the
24 participant. The Department shall have final responsibility
25 for approving the employability plan. The employability plan
26 shall:

1 (1) contain an employment goal of the participant;

2 (2) describe the services to be provided by the
3 Department, including child care and other support
4 services;

5 (3) describe the activities, such as component
6 assignment, that will be undertaken by the participant to
7 achieve the employment goal; and

8 (4) describe any other needs of the family that might
9 be met by the Department.

10 (g) The employability plan shall take into account:

11 (1) available program resources;

12 (2) the participant's support service needs;

13 (3) the participant's skills level and aptitudes;

14 (4) local employment opportunities; and

15 (5) the preferences of the participant.

16 (h) A reassessment shall be conducted to assess a
17 participant's progress and to review the employability plan on
18 the following occasions:

19 (1) upon completion of an activity and before
20 assignment to an activity;

21 (2) upon the request of the participant;

22 (3) if the individual is not cooperating with the
23 requirements of the program; and

24 (4) if the individual has failed to make satisfactory
25 progress in an education or training program.

26 Based on the reassessment, the Department may revise the

1 employability plan of the participant.

2 (Source: P.A. 93-598, eff. 8-26-03.)

3 Section 99. Effective date. This Act takes effect July 1,

4 2010.".