



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2383

Introduced 2/19/2009, by Rep. William D. Burns - Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/2-18 new	
305 ILCS 5/4-1	from Ch. 23, par. 4-1
305 ILCS 5/4-1.6	from Ch. 23, par. 4-1.6
305 ILCS 5/4-1.6b new	
305 ILCS 5/4-12	from Ch. 23, par. 4-12
305 ILCS 5/4-22	
305 ILCS 5/9A-8	from Ch. 23, par. 9A-8

Amends the Illinois Public Aid Code. Provides that it shall be the policy of the Department of Human Services to provide TANF aid to all qualified persons who seek assistance and to conduct outreach efforts to educate the public about the program. Makes changes concerning the disregard of earned income. Requires that financial aid be provided no more than 15 days after the date of application. Requires that an applicant undergo a thorough employability assessment within the first 30 days after the date of application for aid. Adds a definition of "domestic or sexual violence", and adds references to domestic or sexual violence in provisions concerning crisis assistance and development of a personal plan for achieving self-sufficiency. Effective immediately.

LRB096 08549 DRJ 18671 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 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 any of the following:

10 (1) Abuse as defined in Section 103 of the Illinois  
11 Domestic Violence Act of 1986 by a "family or household  
12 member" as defined in Section 103 of the Illinois Domestic  
13 Violence Act of 1986.

14 (2) Conduct proscribed by Sections 12-13, 12-14,  
15 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961.

16 (3) Conduct proscribed by Sections 12-7.3, 12-7.4, and  
17 12-7.5 of the Criminal Code of 1961.

18 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

19 Sec. 4-1. Eligibility requirements. Financial aid in  
20 meeting basic maintenance requirements for a livelihood  
21 compatible with health and well-being shall be given under this  
22 Article to or in behalf of families with dependent children who

1 meet the eligibility conditions of Sections 4-1.1 through  
2 4-1.11. It shall be the policy of the Illinois Department to  
3 provide aid under this Article to all qualified persons who  
4 seek assistance and to conduct outreach efforts to educate the  
5 public about the program. The Department shall provide timely,  
6 accurate, and fair service to all applicants for assistance.  
7 Persons who meet the eligibility criteria authorized under this  
8 Article shall be treated equally, provided that nothing in this  
9 Article shall be construed to create an entitlement to a  
10 particular grant or service level or to aid in amounts not  
11 authorized under this Code, nor construed to limit the  
12 authority of the General Assembly to change the eligibility  
13 requirements or provisions respecting assistance amounts. The  
14 General Assembly recognizes that the need for aid will  
15 fluctuate with the economic situation in Illinois and that at  
16 times the number of people receiving aid under this Article  
17 will increase.

18 The Illinois Department shall advise every applicant for  
19 and recipient of aid under this Article of (i) the requirement  
20 that all recipients move toward self-sufficiency and (ii) the  
21 value and benefits of employment. As a condition of eligibility  
22 for that aid, every person who applies for aid under this  
23 Article on or after the effective date of this amendatory Act  
24 of 1995 shall prepare and submit, as part of the application or  
25 subsequent redetermination, a personal plan for achieving  
26 employment and self-sufficiency. The plan shall incorporate

1 the individualized assessment and employability plan set out in  
2 subsections (d), (f), and (g) of Section 9A-8. The plan may be  
3 amended as the recipient's needs change. The assessment process  
4 to develop the plan shall include questions that screen for  
5 domestic violence issues and steps needed to address these  
6 issues may be part of the plan. If the individual indicates  
7 that he or she is a victim of domestic violence, he or she may  
8 also be referred to an available domestic violence program.  
9 Failure of the client to follow through on the personal plan  
10 for employment and self-sufficiency may be a basis for sanction  
11 under Section 4-21.

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

13 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

14 Sec. 4-1.6. Need. Income available to the family as defined  
15 by the Illinois Department by rule, or to the child in the case  
16 of a child removed from his or her home, when added to  
17 contributions in money, substance or services from other  
18 sources, including income available from parents absent from  
19 the home or from a stepparent, contributions made for the  
20 benefit of the parent or other persons necessary to provide  
21 care and supervision to the child, and contributions from  
22 legally responsible relatives, must be ~~insufficient to equal to~~  
23 or less than the grant amount established by Department  
24 regulation for such a person. For purposes of eligibility for  
25 aid under this Article, the Department shall disregard all

1 income between the grant amount and 50% of the Federal Poverty  
2 Level.

3 In considering income to be taken into account,  
4 consideration shall be given to any expenses reasonably  
5 attributable to the earning of such income. Three-fourths of  
6 the earned income of a household eligible for aid under this  
7 Article shall be disregarded when determining the level of  
8 assistance for which a household is eligible. The Illinois  
9 Department may also permit all or any portion of earned or  
10 other income to be set aside for the future identifiable needs  
11 of a child. The Illinois Department may provide by rule and  
12 regulation for the exemptions thus permitted or required. The  
13 eligibility of any applicant for or recipient of public aid  
14 under this Article is not affected by the payment of any grant  
15 under the "Senior Citizens and Disabled Persons Property Tax  
16 Relief and Pharmaceutical Assistance Act" or any distributions  
17 or items of income described under subparagraph (X) of  
18 paragraph (2) of subsection (a) of Section 203 of the Illinois  
19 Income Tax Act.

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

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

1       Sec. 4-1.6b. Date for providing aid; employability  
2 assessment.

3       (a) The Department shall provide financial aid no more than  
4 15 days after the date of application to any applicant who has  
5 certified his or her residence, household composition, and  
6 income and is not found ineligible within that 15-day period.

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

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

17       (305 ILCS 5/4-12) (from Ch. 23, par. 4-12)

18       Sec. 4-12. Crisis assistance. Where a family has been (1)  
19 rendered homeless or threatened with homelessness by fire,  
20 flood, other natural disaster, eviction or court order to  
21 vacate the premises for reasons other than nonpayment of rent,  
22 or where a family has ~~spouse and child have~~ become homeless  
23 because they have left their ~~the~~ residence due to domestic or  
24 sexual violence ~~occupied by a spouse who was physically abusing~~  
25 ~~the now homeless spouse or child;~~ (1.5) deprived of the

1 household's income as a result of domestic or sexual violence;

2 (2) deprived of essential items of furniture or essential  
3 clothing by fire or flood or other natural disaster; (3)  
4 deprived of food as a result of actions other than loss or  
5 theft of cash and where the deprivation cannot be promptly  
6 alleviated through the federal food stamp program; (4) as a  
7 result of a documented theft or documented loss of cash,  
8 deprived of food or essential clothing or deprived of shelter  
9 or immediately threatened with deprivation of shelter as  
10 evidenced by a court order requiring immediate eviction due to  
11 nonpayment of rent; or (5) rendered the victim of such other  
12 hardships as the Illinois Department shall by rule define, the  
13 Illinois Department may provide assistance to alleviate such  
14 needs. The Illinois Department shall verify need and determine  
15 eligibility for crisis assistance for families already  
16 receiving grants from the Illinois Department within 5 working  
17 days following application for such assistance and shall  
18 determine eligibility for all other families and afford such  
19 assistance for families found eligible within such time limits  
20 as the Illinois Department shall by rule provide. The Illinois  
21 Department may, by rule, limit crisis assistance to an eligible  
22 family to once in any 12 consecutive months. This limitation  
23 may be made for some or all items of crisis assistance.

24 The Illinois Department by regulation shall specify the  
25 criteria for determining eligibility and the amount and nature  
26 of assistance to be provided. Where deprivation of shelter

1 exists or is threatened, the Illinois Department may provide  
2 reasonable moving expenses, short term rental costs, including  
3 one month's rent and a security deposit where such expenses are  
4 needed for relocation, and, where the Department determines  
5 appropriate, provide assistance to prevent an imminent  
6 eviction or foreclosure. These amounts may be described in  
7 established amounts or maximums. The Illinois Department may  
8 also describe, for each form of assistance authorized, the  
9 method by which the assistance shall be delivered, including  
10 but not limited to warrants or disbursing orders.

11 Annual expenditures under this Section shall not exceed  
12 \$2,000,000. The Illinois Department shall review such  
13 expenditures quarterly and shall, if necessary, reduce the  
14 amounts or nature of assistance authorized in order to assure  
15 that the limit is not exceeded.

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

17 (305 ILCS 5/4-22)

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

19 (a) The assessment process to develop the personal plan for  
20 achieving self-sufficiency shall include questions that screen  
21 for domestic and sexual violence issues. If the individual  
22 indicates that he or she is the victim of domestic or sexual  
23 violence and indicates a need to address domestic or sexual  
24 violence issues in order to reach self-sufficiency, the plan  
25 shall take this factor into account in determining the work,



1 education, and training activities suitable to the client for  
2 achieving self-sufficiency. In addition, in such a case,  
3 specific steps needed to directly address the domestic or  
4 sexual violence issues may also be made part of the plan,  
5 including referral to an available domestic or sexual violence  
6 program. The Department shall conduct an individualized  
7 assessment and grant waivers of program requirements and other  
8 required activities for victims of domestic violence to the  
9 fullest extent allowed by 42 U.S.C. 602(a)(7), and shall apply  
10 the same laws, regulations, and policies to victims of sexual  
11 violence. The duration of such waivers shall be initially  
12 determined and subsequently redetermined on a case-by-case  
13 basis. There shall be no limitation on the total number of  
14 months for which waivers under this Section may be granted, but  
15 continuing eligibility for a waiver shall be redetermined no  
16 less often than every 6 months.

17 (b) The Illinois Department shall develop and monitor  
18 compliance procedures for its employees, contractors, and  
19 subcontractors to ensure that any information pertaining to any  
20 client who claims to be a past or present victim of domestic  
21 violence or an individual at risk of further domestic violence,  
22 whether provided by the victim or by a third party, will remain  
23 confidential.

24 (c) The Illinois Department shall develop and implement a  
25 domestic violence training curriculum for Illinois Department  
26 employees who serve applicants for and recipients of aid under

1 this Article. The curriculum shall be designed to better equip  
2 those employees to identify and serve domestic violence  
3 victims. The Illinois Department may enter into a contract for  
4 the development of the curriculum with one or more  
5 organizations providing services to domestic violence victims.  
6 The Illinois Department shall adopt rules necessary to  
7 implement this subsection.

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

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

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

11 (a) At the time of application or redetermination of  
12 eligibility under Article IV, as determined by rule, the  
13 Illinois Department shall provide information in writing and  
14 orally regarding the education, training and employment  
15 program to all applicants and recipients. The information  
16 required shall be established by rule and shall include, but  
17 need not be limited to:

18 (1) education (including literacy training),  
19 employment and training opportunities available, the  
20 criteria for approval of those opportunities, and the right  
21 to request changes in the personal responsibility and  
22 services plan to include those opportunities;

23 (1.1) a complete list of all activities that are  
24 approvable activities, and the circumstances under which  
25 they are approvable, including work activities, substance

1 abuse or mental health treatment, activities to escape and  
2 prevent domestic violence, caring for a medically impaired  
3 family member, and any other approvable activities,  
4 together with the right to and procedures for amending the  
5 responsibility and services plan to include these  
6 activities;

7 (1.2) the rules concerning the lifetime limit on  
8 eligibility, including the current status of the applicant  
9 or recipient in terms of the months of remaining  
10 eligibility, the criteria under which a month will not  
11 count towards the lifetime limit, and the criteria under  
12 which a recipient may receive benefits beyond the end of  
13 the lifetime limit;

14 (2) supportive services including child care and the  
15 rules regarding eligibility for and access to the child  
16 care assistance program, transportation, initial expenses  
17 of employment, job retention, books and fees, and any other  
18 supportive services;

19 (3) the obligation of the Department to provide  
20 supportive services;

21 (4) the rights and responsibilities of participants,  
22 including exemption, sanction, reconciliation, and good  
23 cause criteria and procedures, termination for  
24 non-cooperation and reinstatement rules and procedures,  
25 and appeal and grievance procedures; and

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

1 (b) The Illinois Department shall notify the recipient in  
2 writing of the opportunity to volunteer to participate in the  
3 program.

4 (c) (Blank).

5 (d) As part of the personal plan for achieving employment  
6 and self-sufficiency, the Department shall conduct an  
7 individualized assessment of the participant's employability.  
8 No participant may be assigned to any component of the  
9 education, training and employment activity prior to such  
10 assessment. The plan shall include collection of information on  
11 the individual's background, proficiencies, skills  
12 deficiencies, education level, work history, employment goals,  
13 interests, aptitudes, and employment preferences, as well as  
14 factors affecting employability or ability to meet  
15 participation requirements (e.g., health, physical or mental  
16 limitations, child care, family circumstances, domestic  
17 violence, sexual violence, substance abuse, and special needs  
18 of any child of the individual). As part of the plan,  
19 individuals and Department staff shall work together to  
20 identify any supportive service needs required to enable the  
21 client to participate and meet the objectives of his or her  
22 employability plan. The assessment may be conducted through  
23 various methods such as interviews, testing, counseling, and  
24 self-assessment instruments. In the assessment process, the  
25 Department shall offer to include standard literacy testing and  
26 a determination of English language proficiency and shall

1 provide it for those who accept the offer. Based on the  
2 assessment, the individual will be assigned to the appropriate  
3 activity. The decision will be based on a determination of the  
4 individual's level of preparation for employment as defined by  
5 rule.

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

8 (f) As part of the personal plan for achieving employment  
9 and self-sufficiency under Section 4-1, an employability plan  
10 for recipients shall be developed in consultation with the  
11 participant. The Department shall have final responsibility  
12 for approving the employability plan. The employability plan  
13 shall:

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

15 (2) describe the services to be provided by the  
16 Department, including child care and other support  
17 services;

18 (3) describe the activities, such as component  
19 assignment, that will be undertaken by the participant to  
20 achieve the employment goal; and

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

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

24 (1) available program resources;

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

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

1 (4) local employment opportunities; and

2 (5) the preferences of the participant.

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

6 (1) upon completion of an activity and before  
7 assignment to an activity;

8 (2) upon the request of the participant;

9 (3) if the individual is not cooperating with the  
10 requirements of the program; and

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

13 Based on the reassessment, the Department may revise the  
14 employability plan of the participant.

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.