



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5346

Introduced 2/8/2012, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-2

from Ch. 23, par. 4-2

Amends the Temporary Assistance For Needy Families Article of the Illinois Public Aid Code. With certain exceptions, provides that a family, receiving aid under the Temporary Assistance For Needy Families Program, shall not receive any increase in the amount of aid on account of the birth of a child if the birth of the child would increase the number of children receiving aid within the family to 4 or more.

LRB097 13341 KTG 57857 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 Section 4-2 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

8 (a) The amount and nature of financial aid shall be
9 determined in accordance with the grant amounts, rules and
10 regulations of the Illinois Department. Due regard shall be
11 given to the self-sufficiency requirements of the family and to
12 the income, money contributions and other support and resources
13 available, from whatever source. However, the amount and nature
14 of any financial aid is not affected by the payment of any
15 grant under the "Senior Citizens and Disabled Persons Property
16 Tax Relief and Pharmaceutical Assistance Act" or any
17 distributions or items of income described under subparagraph
18 (X) of paragraph (2) of subsection (a) of Section 203 of the
19 Illinois Income Tax Act. The aid shall be sufficient, when
20 added to all other income, money contributions and support to
21 provide the family with a grant in the amount established by
22 Department regulation.

23 Subject to appropriation, beginning on July 1, 2008, the

1 Department of Human Services shall increase TANF grant amounts
2 in effect on June 30, 2008 by 15%. The Department is authorized
3 to administer this increase but may not otherwise adopt any
4 rule to implement this increase.

5 (b) The Illinois Department may conduct special projects,
6 which may be known as Grant Diversion Projects, under which
7 recipients of financial aid under this Article are placed in
8 jobs and their grants are diverted to the employer who in turn
9 makes payments to the recipients in the form of salary or other
10 employment benefits. The Illinois Department shall by rule
11 specify the terms and conditions of such Grant Diversion
12 Projects. Such projects shall take into consideration and be
13 coordinated with the programs administered under the Illinois
14 Emergency Employment Development Act.

15 (c) The amount and nature of the financial aid for a child
16 requiring care outside his own home shall be determined in
17 accordance with the rules and regulations of the Illinois
18 Department, with due regard to the needs and requirements of
19 the child in the foster home or institution in which he has
20 been placed.

21 (d) If the Department establishes grants for family units
22 consisting exclusively of a pregnant woman with no dependent
23 child or including her husband if living with her, the grant
24 amount for such a unit shall be equal to the grant amount for
25 an assistance unit consisting of one adult, or 2 persons if the
26 husband is included. Other than as herein described, an unborn

1 child shall not be counted in determining the size of an
2 assistance unit or for calculating grants.

3 Payments for basic maintenance requirements of a child or
4 children and the relative with whom the child or children are
5 living shall be prescribed, by rule, by the Illinois
6 Department.

7 Grants under this Article shall not be supplemented by
8 General Assistance provided under Article VI.

9 (e) Grants shall be paid to the parent or other person with
10 whom the child or children are living, except for such amount
11 as is paid in behalf of the child or his parent or other
12 relative to other persons or agencies pursuant to this Code or
13 the rules and regulations of the Illinois Department.

14 (f) Subject to subsection (f-5), an assistance unit,
15 receiving financial aid under this Article or temporarily
16 ineligible to receive aid under this Article under a penalty
17 imposed by the Illinois Department for failure to comply with
18 the eligibility requirements or that voluntarily requests
19 termination of financial assistance under this Article and
20 becomes subsequently eligible for assistance within 9 months,
21 shall not receive any increase in the amount of aid solely on
22 account of the birth of a child; except that an increase is not
23 prohibited when the birth is (i) of a child of a pregnant woman
24 who became eligible for aid under this Article during the
25 pregnancy, or (ii) of a child born within 10 months after the
26 date of implementation of this subsection, or (iii) of a child

1 conceived after a family became ineligible for assistance due
2 to income or marriage and at least 3 months of ineligibility
3 expired before any reapplication for assistance. This
4 subsection does not, however, prevent a unit from receiving a
5 general increase in the amount of aid that is provided to all
6 recipients of aid under this Article.

7 The Illinois Department is authorized to transfer funds,
8 and shall use any budgetary savings attributable to not
9 increasing the grants due to the births of additional children,
10 to supplement existing funding for employment and training
11 services for recipients of aid under this Article IV. The
12 Illinois Department shall target, to the extent the
13 supplemental funding allows, employment and training services
14 to the families who do not receive a grant increase after the
15 birth of a child. In addition, the Illinois Department shall
16 provide, to the extent the supplemental funding allows, such
17 families with up to 24 months of transitional child care
18 pursuant to Illinois Department rules. All remaining
19 supplemental funds shall be used for employment and training
20 services or transitional child care support.

21 In making the transfers authorized by this subsection, the
22 Illinois Department shall first determine, pursuant to
23 regulations adopted by the Illinois Department for this
24 purpose, the amount of savings attributable to not increasing
25 the grants due to the births of additional children. Transfers
26 may be made from General Revenue Fund appropriations for

1 distributive purposes authorized by Article IV of this Code
2 only to General Revenue Fund appropriations for employability
3 development services including operating and administrative
4 costs and related distributive purposes under Article IXA of
5 this Code. The Director, with the approval of the Governor,
6 shall certify the amount and affected line item appropriations
7 to the State Comptroller.

8 Nothing in this subsection shall be construed to prohibit
9 the Illinois Department from using funds under this Article IV
10 to provide assistance in the form of vouchers that may be used
11 to pay for goods and services deemed by the Illinois
12 Department, by rule, as suitable for the care of the child such
13 as diapers, clothing, school supplies, and cribs.

14 (f-5) Subsection (f) shall not apply to affect the monthly
15 assistance amount of any family as a result of the birth of a
16 child on or after January 1, 2004. As resources permit after
17 January 1, 2004, the Department may cease applying subsection
18 (f) to limit assistance to families receiving assistance under
19 this Article on January 1, 2004, with respect to children born
20 prior to that date. In any event, subsection (f) shall be
21 completely inoperative on and after July 1, 2007.

22 (g) (Blank).

23 (h) Notwithstanding any other provision of this Code, the
24 Illinois Department is authorized to reduce payment levels used
25 to determine cash grants under this Article after December 31
26 of any fiscal year if the Illinois Department determines that

1 the caseload upon which the appropriations for the current
2 fiscal year are based have increased by more than 5% and the
3 appropriation is not sufficient to ensure that cash benefits
4 under this Article do not exceed the amounts appropriated for
5 those cash benefits. Reductions in payment levels may be
6 accomplished by emergency rule under Section 5-45 of the
7 Illinois Administrative Procedure Act, except that the
8 limitation on the number of emergency rules that may be adopted
9 in a 24-month period shall not apply and the provisions of
10 Sections 5-115 and 5-125 of the Illinois Administrative
11 Procedure Act shall not apply. Increases in payment levels
12 shall be accomplished only in accordance with Section 5-40 of
13 the Illinois Administrative Procedure Act. Before any rule to
14 increase payment levels promulgated under this Section shall
15 become effective, a joint resolution approving the rule must be
16 adopted by a roll call vote by a majority of the members
17 elected to each chamber of the General Assembly.

18 (i) Notwithstanding any other provision of this Code, a
19 family, receiving financial aid under this Article, shall not
20 receive any increase in the amount of aid on account of the
21 birth of a child if the birth of the child would increase the
22 number of children receiving aid within the family to 4 or
23 more. Nothing in this subsection shall prohibit the Department
24 from granting financial aid under this Article to a family
25 containing 4 or more children if such children were born prior
26 to the family's initial application and receipt of aid under

1 this Article or if, in the case of an unborn child, the
2 pregnancy has been determined by medical diagnosis and the
3 mother of the unborn child became eligible for aid under this
4 Article during the pregnancy.

5 (Source: P.A. 95-744, eff. 7-18-08; 95-1055, eff. 4-10-09;
6 96-1000, eff. 7-2-10.)