



Rep. Jehan A. Gordon-Booth

**Filed: 9/2/2015**

09900SB0570ham002

LRB099 03005 WGH 38227 a

1 AMENDMENT TO SENATE BILL 570

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 570 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 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

1 Assembly that all working poor families should be treated  
2 equally, regardless of their welfare status.

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

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

12 (2) families transitioning from TANF to work;

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

14 (4) families with special needs as defined by rule; ~~and~~

15 (5) working families with very low incomes as defined  
16 by rule; and -

17 (6) families that are income-eligible for child care  
18 assistance, are not recipients of TANF under Article IV,  
19 and need child care assistance to participate in education  
20 and training activities.

21 The Department shall specify by rule the conditions of  
22 eligibility, the application process, and the types, amounts,  
23 and duration of services. Eligibility for child care benefits  
24 and the amount of child care provided may vary based on family  
25 size, income, and other factors as specified by rule.

26 In determining income eligibility for child care benefits,

1 the Department annually, at the beginning of each fiscal year,  
2 shall establish, by rule, one income threshold for each family  
3 size, in relation to percentage of State median income for a  
4 family of that size, that makes families with incomes below the  
5 specified threshold eligible for assistance and families with  
6 incomes above the specified threshold ineligible for  
7 assistance. ~~The Through and including fiscal year 2007, the~~  
8 ~~specified threshold must be no less than 50% of the~~  
9 ~~then-current State median income for each family size.~~  
10 ~~Beginning in fiscal year 2008, the~~ specified threshold must be  
11 no less than 185% of the then-current federal poverty level for  
12 each family size.

13 In determining eligibility for assistance, the Department  
14 shall not give preference to any category of recipients or give  
15 preference to individuals based on their receipt of benefits  
16 under this Code.

17 Notwithstanding any other provision of law or  
18 administrative rule to the contrary, the eligibility  
19 requirements for child care assistance services provided under  
20 this Article shall be no more restrictive than the eligibility  
21 requirements in effect on June 30, 2015.

22 Notwithstanding any other provision of law or  
23 administrative rule to the contrary, the Department shall not  
24 condition eligibility for child care assistance provided under  
25 this Article upon cooperation in establishing paternity of a  
26 child or cooperation with child support collection or

1 enforcement for a child. The Department may provide information  
2 about the availability of assistance from the Department of  
3 Healthcare and Family Services Division of Child Support  
4 Services to all applicants for child care assistance.

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

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

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

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

1           (c) Payment shall be made for child care that otherwise  
2 meets the requirements of this Section and applicable standards  
3 of State and local law and regulation, including any  
4 requirements the Illinois Department promulgates by rule in  
5 addition to the licensure requirements promulgated by the  
6 Department of Children and Family Services and Fire Prevention  
7 and Safety requirements promulgated by the Office of the State  
8 Fire Marshal and is provided in any of the following:

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

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

14           (3) a licensed group child care home;

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

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

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

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

22 (d) Except as provided in this subsection, the ~~The~~ Illinois  
23 Department shall establish, by rule, a co-payment scale that  
24 provides for cost sharing by families that receive child care  
25 services, including parents whose only income is from  
26 assistance under this Code. The co-payment shall be based on

1 family income and family size and may be based on other factors  
2 as appropriate. Co-payments may be waived for families whose  
3 incomes are at or below the federal poverty level.

4 Notwithstanding any other provision of law or  
5 administrative rule to the contrary, beginning on the effective  
6 date of this amendatory Act of the 99th General Assembly and  
7 until the Department establishes a new co-payment scale by  
8 rule, co-payments shall be equal to those in effect on June 30,  
9 2015.

10 Co-payments for child care services may not be increased  
11 more than once every 6 months and may not be increased at a  
12 rate that exceeds the percentage increase in the Consumer Price  
13 Index for all Urban Consumers during the prior calendar year or  
14 5%, whichever is less. Co-payments shall not exceed 10% of  
15 family income.

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

21 ~~(1) findings as to the percentage of income that the~~  
22 ~~average American family spends on child care and the~~  
23 ~~relative amounts that low-income families and the average~~  
24 ~~American family spend on other necessities of life;~~

25 ~~(2) recommendations for revising the child care~~  
26 ~~co-payment scale to assure that families receiving child~~

1 ~~care services from the Department are paying no more than~~  
2 ~~they can reasonably afford;~~

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

6 ~~(4) recommendations for changes in child care program~~  
7 ~~policies that affect the affordability of child care.~~

8 (e) (Blank).

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

12 (1) arranging the child care through eligible  
13 providers by use of purchase of service contracts or  
14 vouchers;

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

17 (3) (blank); or

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

20 (f-5) (Blank).

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

23 (1) receiving a child care certificate issued by the  
24 Department or a subcontractor of the Department that may be  
25 used by the parents as payment for child care and  
26 development services only; or



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

12           (h) Notwithstanding any other provision of law to the  
13 contrary, the Department may not adopt emergency rules relating  
14 to child care assistance services provided under this Article.

15 (Source: P.A. 97-422, eff. 8-16-11.)".