



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3007

Introduced 2/18/2016, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Aid Code. Includes persons who are foreign-born victims of trafficking, torture, or other serious crimes in the categories of non-citizens who are eligible for cash or medical assistance under the Code. Defines "foreign-born victims of trafficking, torture, or other serious crimes". Provides that beginning January 1, 2017, the Department of Healthcare and Family Services shall provide medical assistance coverage to foreign-born victims of human trafficking, torture, or other serious crimes and to their derivative family members who: reside in Illinois; are not otherwise eligible under the Code; meet certain income guidelines; and have filed or are preparing to file a formal application for status pursuant to specified provisions of the United States Code. Provides that such a person is ineligible for continued medical assistance coverage if he or she has not filed a formal application for status within one year after the date of his or her application for cash assistance or SNAP benefits; and that if there is a final denial of the person's visa or asylum application, any medical assistance coverage provided to that person and his or her derivative family members shall be terminated. Adds the Survivor Support and Trafficking Prevention Article to the Code with provisions concerning: cash assistance and SNAP benefits for persons who are foreign-born victims of trafficking, torture, or other serious crimes and their derivative family members; eligibility determinations; work requirements and exemptions; and termination of benefits. Grants the Department rulemaking authority to implement these provisions. Effective immediately.

LRB099 19820 KTG 44219 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 1. This Act may be referred to as the Survivor
5 Support and Trafficking Prevention Act.

6 Section 5. The Illinois Public Aid Code is amended by
7 changing Sections 1-11 and 5-2 and by adding Section 2-19 and
8 Article XVI as follows:

9 (305 ILCS 5/1-11)

10 Sec. 1-11. Citizenship. To the extent not otherwise
11 provided in this Code or federal law, all clients who receive
12 cash or medical assistance under Article III, IV, V, or VI of
13 this Code must meet the citizenship requirements as established
14 in this Section. To be eligible for assistance an individual,
15 who is otherwise eligible, must be either a United States
16 citizen or included in one of the following categories of
17 non-citizens:

18 (1) United States veterans honorably discharged and
19 persons on active military duty, and the spouse and
20 unmarried dependent children of these persons;

21 (2) Refugees under Section 207 of the Immigration and
22 Nationality Act;

1 (3) Asylees under Section 208 of the Immigration and
2 Nationality Act;

3 (4) Persons for whom deportation has been withheld
4 under Section 243(h) of the Immigration and Nationality
5 Act;

6 (5) Persons granted conditional entry under Section
7 203(a)(7) of the Immigration and Nationality Act as in
8 effect prior to April 1, 1980;

9 (6) Persons lawfully admitted for permanent residence
10 under the Immigration and Nationality Act;

11 (7) Parolees, for at least one year, under Section
12 212(d)(5) of the Immigration and Nationality Act;

13 (8) Nationals of Cuba or Haiti admitted on or after
14 April 21, 1980;

15 (9) Amerasians from Vietnam, and their close family
16 members, admitted through the Orderly Departure Program
17 beginning on March 20, 1988;

18 (10) Persons identified by the federal Office of
19 Refugee Resettlement (ORR) as victims of trafficking;

20 (11) Persons legally residing in the United States who
21 were members of a Hmong or Highland Laotian tribe when the
22 tribe helped United States personnel by taking part in a
23 military or rescue operation during the Vietnam era
24 (between August 5, 1965 and May 7, 1975); this also
25 includes the person's spouse, a widow or widower who has
26 not remarried, and unmarried dependent children;

1 (12) American Indians born in Canada under Section 289
2 of the Immigration and Nationality Act and members of an
3 Indian tribe as defined in Section 4e of the Indian
4 Self-Determination and Education Assistance Act; and

5 (13) Persons who are a spouse, widow, or child of a
6 U.S. citizen or a spouse or child of a legal permanent
7 resident (LPR) who have been battered or subjected to
8 extreme cruelty by the U.S. citizen or LPR or a member of
9 that relative's family who lived with them, who no longer
10 live with the abuser or plan to live separately within one
11 month of receipt of assistance and whose need for
12 assistance is due, at least in part, to the abuse.

13 (14) Persons who are foreign-born victims of
14 trafficking, torture, or other serious crimes as defined in
15 Section 2-19 of this Code.

16 Those persons who are in the categories set forth in
17 subdivisions 6 and 7 of this Section, who enter the United
18 States on or after August 22, 1996, shall not be eligible for 5
19 years beginning on the date the person entered the United
20 States.

21 The Illinois Department may, by rule, cover prenatal care
22 or emergency medical care for non-citizens who are not
23 otherwise eligible under this Section. Local governmental
24 units which do not receive State funds may impose their own
25 citizenship requirements and are authorized to provide any
26 benefits and impose any citizenship requirements as are allowed

1 under the Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996 (P.L. 104-193).
3 (Source: P.A. 93-342, eff. 7-24-03.)

4 (305 ILCS 5/2-19 new)

5 Sec. 2-19. Foreign-born victims of trafficking, torture,
6 or other serious crimes. "Foreign-born victim of trafficking,
7 torture, or other serious crimes" means a person who is:

8 (1) a non-citizen victim of a severe form of
9 trafficking in persons who has been subjected to an act or
10 practice described in Section 7102 of Title 22 of the
11 United States Code or Section 10-9 of the Criminal Code of
12 2012;

13 (2) a non-citizen victim of an act or practice
14 described in Section 1101(a)(15)(U)(iii) of Title 8 of the
15 United States Code; or

16 (3) a non-citizen who has a well-founded fear of
17 persecution on account of race, religion, nationality,
18 membership in a particular social group, or political
19 opinion as set forth in Section 1101(a)(42)(A) of Title 8
20 of the United States Code.

21 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

22 Sec. 5-2. Classes of Persons Eligible.

23 Medical assistance under this Article shall be available to
24 any of the following classes of persons in respect to whom a

1 plan for coverage has been submitted to the Governor by the
2 Illinois Department and approved by him. If changes made in
3 this Section 5-2 require federal approval, they shall not take
4 effect until such approval has been received:

5 1. Recipients of basic maintenance grants under
6 Articles III and IV.

7 2. Beginning January 1, 2014, persons otherwise
8 eligible for basic maintenance under Article III,
9 excluding any eligibility requirements that are
10 inconsistent with any federal law or federal regulation, as
11 interpreted by the U.S. Department of Health and Human
12 Services, but who fail to qualify thereunder on the basis
13 of need, and who have insufficient income and resources to
14 meet the costs of necessary medical care, including but not
15 limited to the following:

16 (a) All persons otherwise eligible for basic
17 maintenance under Article III but who fail to qualify
18 under that Article on the basis of need and who meet
19 either of the following requirements:

20 (i) their income, as determined by the
21 Illinois Department in accordance with any federal
22 requirements, is equal to or less than 100% of the
23 federal poverty level; or

24 (ii) their income, after the deduction of
25 costs incurred for medical care and for other types
26 of remedial care, is equal to or less than 100% of

1 the federal poverty level.

2 (b) (Blank).

3 3. (Blank).

4 4. Persons not eligible under any of the preceding
5 paragraphs who fall sick, are injured, or die, not having
6 sufficient money, property or other resources to meet the
7 costs of necessary medical care or funeral and burial
8 expenses.

9 5.(a) Women during pregnancy and during the 60-day
10 period beginning on the last day of the pregnancy, together
11 with their infants, whose income is at or below 200% of the
12 federal poverty level. Until September 30, 2019, or sooner
13 if the maintenance of effort requirements under the Patient
14 Protection and Affordable Care Act are eliminated or may be
15 waived before then, women during pregnancy and during the
16 60-day period beginning on the last day of the pregnancy,
17 whose countable monthly income, after the deduction of
18 costs incurred for medical care and for other types of
19 remedial care as specified in administrative rule, is equal
20 to or less than the Medical Assistance-No Grant(C)
21 (MANG(C)) Income Standard in effect on April 1, 2013 as set
22 forth in administrative rule.

23 (b) The plan for coverage shall provide ambulatory
24 prenatal care to pregnant women during a presumptive
25 eligibility period and establish an income eligibility
26 standard that is equal to 200% of the federal poverty

1 level, provided that costs incurred for medical care are
2 not taken into account in determining such income
3 eligibility.

4 (c) The Illinois Department may conduct a
5 demonstration in at least one county that will provide
6 medical assistance to pregnant women, together with their
7 infants and children up to one year of age, where the
8 income eligibility standard is set up to 185% of the
9 nonfarm income official poverty line, as defined by the
10 federal Office of Management and Budget. The Illinois
11 Department shall seek and obtain necessary authorization
12 provided under federal law to implement such a
13 demonstration. Such demonstration may establish resource
14 standards that are not more restrictive than those
15 established under Article IV of this Code.

16 6. (a) Children younger than age 19 when countable
17 income is at or below 133% of the federal poverty level.
18 Until September 30, 2019, or sooner if the maintenance of
19 effort requirements under the Patient Protection and
20 Affordable Care Act are eliminated or may be waived before
21 then, children younger than age 19 whose countable monthly
22 income, after the deduction of costs incurred for medical
23 care and for other types of remedial care as specified in
24 administrative rule, is equal to or less than the Medical
25 Assistance-No Grant(C) (MANG(C)) Income Standard in effect
26 on April 1, 2013 as set forth in administrative rule.

1 (b) Children and youth who are under temporary custody
2 or guardianship of the Department of Children and Family
3 Services or who receive financial assistance in support of
4 an adoption or guardianship placement from the Department
5 of Children and Family Services.

6 7. (Blank).

7 8. As required under federal law, persons who are
8 eligible for Transitional Medical Assistance as a result of
9 an increase in earnings or child or spousal support
10 received. The plan for coverage for this class of persons
11 shall:

12 (a) extend the medical assistance coverage to the
13 extent required by federal law; and

14 (b) offer persons who have initially received 6
15 months of the coverage provided in paragraph (a) above,
16 the option of receiving an additional 6 months of
17 coverage, subject to the following:

18 (i) such coverage shall be pursuant to
19 provisions of the federal Social Security Act;

20 (ii) such coverage shall include all services
21 covered under Illinois' State Medicaid Plan;

22 (iii) no premium shall be charged for such
23 coverage; and

24 (iv) such coverage shall be suspended in the
25 event of a person's failure without good cause to
26 file in a timely fashion reports required for this

1 coverage under the Social Security Act and
2 coverage shall be reinstated upon the filing of
3 such reports if the person remains otherwise
4 eligible.

5 9. Persons with acquired immunodeficiency syndrome
6 (AIDS) or with AIDS-related conditions with respect to whom
7 there has been a determination that but for home or
8 community-based services such individuals would require
9 the level of care provided in an inpatient hospital,
10 skilled nursing facility or intermediate care facility the
11 cost of which is reimbursed under this Article. Assistance
12 shall be provided to such persons to the maximum extent
13 permitted under Title XIX of the Federal Social Security
14 Act.

15 10. Participants in the long-term care insurance
16 partnership program established under the Illinois
17 Long-Term Care Partnership Program Act who meet the
18 qualifications for protection of resources described in
19 Section 15 of that Act.

20 11. Persons with disabilities who are employed and
21 eligible for Medicaid, pursuant to Section
22 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
23 subject to federal approval, persons with a medically
24 improved disability who are employed and eligible for
25 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
26 the Social Security Act, as provided by the Illinois

1 Department by rule. In establishing eligibility standards
2 under this paragraph 11, the Department shall, subject to
3 federal approval:

4 (a) set the income eligibility standard at not
5 lower than 350% of the federal poverty level;

6 (b) exempt retirement accounts that the person
7 cannot access without penalty before the age of 59 1/2,
8 and medical savings accounts established pursuant to
9 26 U.S.C. 220;

10 (c) allow non-exempt assets up to \$25,000 as to
11 those assets accumulated during periods of eligibility
12 under this paragraph 11; and

13 (d) continue to apply subparagraphs (b) and (c) in
14 determining the eligibility of the person under this
15 Article even if the person loses eligibility under this
16 paragraph 11.

17 12. Subject to federal approval, persons who are
18 eligible for medical assistance coverage under applicable
19 provisions of the federal Social Security Act and the
20 federal Breast and Cervical Cancer Prevention and
21 Treatment Act of 2000. Those eligible persons are defined
22 to include, but not be limited to, the following persons:

23 (1) persons who have been screened for breast or
24 cervical cancer under the U.S. Centers for Disease
25 Control and Prevention Breast and Cervical Cancer
26 Program established under Title XV of the federal

1 Public Health Services Act in accordance with the
2 requirements of Section 1504 of that Act as
3 administered by the Illinois Department of Public
4 Health; and

5 (2) persons whose screenings under the above
6 program were funded in whole or in part by funds
7 appropriated to the Illinois Department of Public
8 Health for breast or cervical cancer screening.

9 "Medical assistance" under this paragraph 12 shall be
10 identical to the benefits provided under the State's
11 approved plan under Title XIX of the Social Security Act.
12 The Department must request federal approval of the
13 coverage under this paragraph 12 within 30 days after the
14 effective date of this amendatory Act of the 92nd General
15 Assembly.

16 In addition to the persons who are eligible for medical
17 assistance pursuant to subparagraphs (1) and (2) of this
18 paragraph 12, and to be paid from funds appropriated to the
19 Department for its medical programs, any uninsured person
20 as defined by the Department in rules residing in Illinois
21 who is younger than 65 years of age, who has been screened
22 for breast and cervical cancer in accordance with standards
23 and procedures adopted by the Department of Public Health
24 for screening, and who is referred to the Department by the
25 Department of Public Health as being in need of treatment
26 for breast or cervical cancer is eligible for medical

1 assistance benefits that are consistent with the benefits
2 provided to those persons described in subparagraphs (1)
3 and (2). Medical assistance coverage for the persons who
4 are eligible under the preceding sentence is not dependent
5 on federal approval, but federal moneys may be used to pay
6 for services provided under that coverage upon federal
7 approval.

8 13. Subject to appropriation and to federal approval,
9 persons living with HIV/AIDS who are not otherwise eligible
10 under this Article and who qualify for services covered
11 under Section 5-5.04 as provided by the Illinois Department
12 by rule.

13 14. Subject to the availability of funds for this
14 purpose, the Department may provide coverage under this
15 Article to persons who reside in Illinois who are not
16 eligible under any of the preceding paragraphs and who meet
17 the income guidelines of paragraph 2(a) of this Section and
18 (i) have an application for asylum pending before the
19 federal Department of Homeland Security or on appeal before
20 a court of competent jurisdiction and are represented
21 either by counsel or by an advocate accredited by the
22 federal Department of Homeland Security and employed by a
23 not-for-profit organization in regard to that application
24 or appeal, or (ii) are receiving services through a
25 federally funded torture treatment center. Medical
26 coverage under this paragraph 14 may be provided for up to

1 24 continuous months from the initial eligibility date so
2 long as an individual continues to satisfy the criteria of
3 this paragraph 14. If an individual has an appeal pending
4 regarding an application for asylum before the Department
5 of Homeland Security, eligibility under this paragraph 14
6 may be extended until a final decision is rendered on the
7 appeal. The Department may adopt rules governing the
8 implementation of this paragraph 14.

9 15. Family Care Eligibility.

10 (a) On and after July 1, 2012, a parent or other
11 caretaker relative who is 19 years of age or older when
12 countable income is at or below 133% of the federal
13 poverty level. A person may not spend down to become
14 eligible under this paragraph 15.

15 (b) Eligibility shall be reviewed annually.

16 (c) (Blank).

17 (d) (Blank).

18 (e) (Blank).

19 (f) (Blank).

20 (g) (Blank).

21 (h) (Blank).

22 (i) Following termination of an individual's
23 coverage under this paragraph 15, the individual must
24 be determined eligible before the person can be
25 re-enrolled.

26 16. Subject to appropriation, uninsured persons who

1 are not otherwise eligible under this Section who have been
2 certified and referred by the Department of Public Health
3 as having been screened and found to need diagnostic
4 evaluation or treatment, or both diagnostic evaluation and
5 treatment, for prostate or testicular cancer. For the
6 purposes of this paragraph 16, uninsured persons are those
7 who do not have creditable coverage, as defined under the
8 Health Insurance Portability and Accountability Act, or
9 have otherwise exhausted any insurance benefits they may
10 have had, for prostate or testicular cancer diagnostic
11 evaluation or treatment, or both diagnostic evaluation and
12 treatment. To be eligible, a person must furnish a Social
13 Security number. A person's assets are exempt from
14 consideration in determining eligibility under this
15 paragraph 16. Such persons shall be eligible for medical
16 assistance under this paragraph 16 for so long as they need
17 treatment for the cancer. A person shall be considered to
18 need treatment if, in the opinion of the person's treating
19 physician, the person requires therapy directed toward
20 cure or palliation of prostate or testicular cancer,
21 including recurrent metastatic cancer that is a known or
22 presumed complication of prostate or testicular cancer and
23 complications resulting from the treatment modalities
24 themselves. Persons who require only routine monitoring
25 services are not considered to need treatment. "Medical
26 assistance" under this paragraph 16 shall be identical to

1 the benefits provided under the State's approved plan under
2 Title XIX of the Social Security Act. Notwithstanding any
3 other provision of law, the Department (i) does not have a
4 claim against the estate of a deceased recipient of
5 services under this paragraph 16 and (ii) does not have a
6 lien against any homestead property or other legal or
7 equitable real property interest owned by a recipient of
8 services under this paragraph 16.

9 17. Persons who, pursuant to a waiver approved by the
10 Secretary of the U.S. Department of Health and Human
11 Services, are eligible for medical assistance under Title
12 XIX or XXI of the federal Social Security Act.
13 Notwithstanding any other provision of this Code and
14 consistent with the terms of the approved waiver, the
15 Illinois Department, may by rule:

16 (a) Limit the geographic areas in which the waiver
17 program operates.

18 (b) Determine the scope, quantity, duration, and
19 quality, and the rate and method of reimbursement, of
20 the medical services to be provided, which may differ
21 from those for other classes of persons eligible for
22 assistance under this Article.

23 (c) Restrict the persons' freedom in choice of
24 providers.

25 18. Beginning January 1, 2014, persons aged 19 or
26 older, but younger than 65, who are not otherwise eligible

1 for medical assistance under this Section 5-2, who qualify
2 for medical assistance pursuant to 42 U.S.C.
3 1396a(a)(10)(A)(i)(VIII) and applicable federal
4 regulations, and who have income at or below 133% of the
5 federal poverty level plus 5% for the applicable family
6 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
7 applicable federal regulations. Persons eligible for
8 medical assistance under this paragraph 18 shall receive
9 coverage for the Health Benefits Service Package as that
10 term is defined in subsection (m) of Section 5-1.1 of this
11 Code. If Illinois' federal medical assistance percentage
12 (FMAP) is reduced below 90% for persons eligible for
13 medical assistance under this paragraph 18, eligibility
14 under this paragraph 18 shall cease no later than the end
15 of the third month following the month in which the
16 reduction in FMAP takes effect.

17 19. Beginning January 1, 2014, as required under 42
18 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
19 and younger than age 26 who are not otherwise eligible for
20 medical assistance under paragraphs (1) through (17) of
21 this Section who (i) were in foster care under the
22 responsibility of the State on the date of attaining age 18
23 or on the date of attaining age 21 when a court has
24 continued wardship for good cause as provided in Section
25 2-31 of the Juvenile Court Act of 1987 and (ii) received
26 medical assistance under the Illinois Title XIX State Plan

1 or waiver of such plan while in foster care.

2 20. Beginning January 1, 2017, the Department shall
3 provide medical assistance coverage under this Article to
4 persons who are foreign-born victims of human trafficking,
5 torture, or other serious crimes as defined in Section 2-19
6 of this Code and to their derivative family members if such
7 persons: (i) reside in Illinois; (ii) are not eligible
8 under any of the preceding paragraphs; (iii) meet the
9 income guidelines of subparagraph (a) of paragraph 2; and
10 (iv) have filed or are preparing to file a formal
11 application for status pursuant to Sections
12 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title 8 of the
13 United States Code. A person who is a foreign-born victim
14 of trafficking, torture, or other serious crimes and his or
15 her derivative family members shall be ineligible for
16 continued medical assistance coverage under this paragraph
17 if the person has not filed a formal application for status
18 pursuant to Sections 1101(a)(15)(T), 1101(a)(15)(U), or
19 1158 of Title 8 of the United States Code within one year
20 after the date of his or her application for cash
21 assistance or SNAP benefits pursuant to Article XVI of this
22 Code. If there is a final denial of the person's visa or
23 asylum application under Sections 1101(a)(15)(T),
24 1101(a)(15)(U), or 1158 of Title 8 of the United States
25 Code, any medical assistance coverage provided to that
26 person and to his or her derivative family members under

1 this paragraph shall be terminated. The Department may
2 adopt any rules necessary to implement the provisions of
3 this paragraph.

4 In implementing the provisions of Public Act 96-20, the
5 Department is authorized to adopt only those rules necessary,
6 including emergency rules. Nothing in Public Act 96-20 permits
7 the Department to adopt rules or issue a decision that expands
8 eligibility for the FamilyCare Program to a person whose income
9 exceeds 185% of the Federal Poverty Level as determined from
10 time to time by the U.S. Department of Health and Human
11 Services, unless the Department is provided with express
12 statutory authority.

13 The eligibility of any such person for medical assistance
14 under this Article is not affected by the payment of any grant
15 under the Senior Citizens and Persons with Disabilities
16 Property Tax Relief Act or any distributions or items of income
17 described under subparagraph (X) of paragraph (2) of subsection
18 (a) of Section 203 of the Illinois Income Tax Act.

19 The Department shall by rule establish the amounts of
20 assets to be disregarded in determining eligibility for medical
21 assistance, which shall at a minimum equal the amounts to be
22 disregarded under the Federal Supplemental Security Income
23 Program. The amount of assets of a single person to be
24 disregarded shall not be less than \$2,000, and the amount of
25 assets of a married couple to be disregarded shall not be less
26 than \$3,000.

1 To the extent permitted under federal law, any person found
2 guilty of a second violation of Article VIII A shall be
3 ineligible for medical assistance under this Article, as
4 provided in Section 8A-8.

5 The eligibility of any person for medical assistance under
6 this Article shall not be affected by the receipt by the person
7 of donations or benefits from fundraisers held for the person
8 in cases of serious illness, as long as neither the person nor
9 members of the person's family have actual control over the
10 donations or benefits or the disbursement of the donations or
11 benefits.

12 Notwithstanding any other provision of this Code, if the
13 United States Supreme Court holds Title II, Subtitle A, Section
14 2001(a) of Public Law 111-148 to be unconstitutional, or if a
15 holding of Public Law 111-148 makes Medicaid eligibility
16 allowed under Section 2001(a) inoperable, the State or a unit
17 of local government shall be prohibited from enrolling
18 individuals in the Medical Assistance Program as the result of
19 federal approval of a State Medicaid waiver on or after the
20 effective date of this amendatory Act of the 97th General
21 Assembly, and any individuals enrolled in the Medical
22 Assistance Program pursuant to eligibility permitted as a
23 result of such a State Medicaid waiver shall become immediately
24 ineligible.

25 Notwithstanding any other provision of this Code, if an Act
26 of Congress that becomes a Public Law eliminates Section

1 2001(a) of Public Law 111-148, the State or a unit of local
2 government shall be prohibited from enrolling individuals in
3 the Medical Assistance Program as the result of federal
4 approval of a State Medicaid waiver on or after the effective
5 date of this amendatory Act of the 97th General Assembly, and
6 any individuals enrolled in the Medical Assistance Program
7 pursuant to eligibility permitted as a result of such a State
8 Medicaid waiver shall become immediately ineligible.

9 Effective October 1, 2013, the determination of
10 eligibility of persons who qualify under paragraphs 5, 6, 8,
11 15, 17, and 18 of this Section shall comply with the
12 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
13 regulations.

14 The Department of Healthcare and Family Services, the
15 Department of Human Services, and the Illinois health insurance
16 marketplace shall work cooperatively to assist persons who
17 would otherwise lose health benefits as a result of changes
18 made under this amendatory Act of the 98th General Assembly to
19 transition to other health insurance coverage.

20 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
21 99-143, eff. 7-27-15.)

22 (305 ILCS 5/Art. XVI heading new)

23 ARTICLE XVI. SURVIVOR SUPPORT AND TRAFFICKING PREVENTION

24 (305 ILCS 5/16-1 new)

1 Sec. 16-1. Benefits for foreign-born victims of
2 trafficking, torture, or other serious crimes. In order to
3 protect persons who are foreign-born victims of trafficking,
4 torture, or other serious crimes and to reduce the risk of
5 further harm, exploitation, and re-trafficking, beginning
6 January 1, 2017, cash assistance provided under the Temporary
7 Assistance for Needy Families program established under
8 Article IV of this Code and benefits provided under the federal
9 Supplemental Nutrition Assistance Program (SNAP) shall be
10 provided to such persons and their derivative family members to
11 the same extent cash assistance and SNAP benefits are provided
12 to individuals who are admitted to the United States as
13 refugees under Section 1157 of Title 8 of the United States
14 Code. To the extent that federal funding is not available, any
15 cash assistance or SNAP benefits provided under this Article
16 shall be paid from State funds.

17 (305 ILCS 5/16-2 new)

18 Sec. 16-2. Eligibility. A foreign-born victim of
19 trafficking, torture, or other serious crimes and his or her
20 derivative family members are eligible for cash assistance or
21 SNAP benefits under this Article if:

22 (a) he or she:

23 (1) has filed or is preparing to file an
24 application for T Nonimmigrant status with the
25 appropriate federal agency pursuant to Section

1 1101(a)(15)(T) of Title 8 of the United States Code, or
2 is otherwise taking steps to meet the conditions for
3 federal benefits eligibility under Section 7105 of
4 Title 22 of the United States Code;

5 (2) has filed or is preparing to file a formal
6 application with the appropriate federal agency for
7 status pursuant to Section 1101(a)(15)(U) of Title 8 of
8 the United States Code; or

9 (3) has filed or is preparing to file a formal
10 application with the appropriate federal agency for
11 status under Section 1158 of Title 8 of the United
12 States Code; and

13 (b) is otherwise eligible for cash assistance or SNAP
14 benefits, as applicable.

15 (305 ILCS 5/16-3 new)

16 Sec. 16-3. Determination of eligibility.

17 (a) The Department shall determine that an applicant for
18 cash assistance or SNAP benefits provided under this Article is
19 eligible for such benefits if the applicant meets the income
20 guidelines and is otherwise eligible and either:

21 (1) the applicant has filed:

22 (A) an application for T Nonimmigrant status with
23 the appropriate federal agency pursuant to Section
24 1101(a)(15)(T) of Title 8 of the United States Code, or
25 is otherwise taking steps to meet the conditions for

1 federal benefits eligibility under Section 7105 of
2 Title 22 of the United States Code;

3 (B) a formal application with the appropriate
4 federal agency for status pursuant to Section
5 1101(a)(15)(U) of Title 8 of the United States Code; or

6 (C) a formal application with the appropriate
7 federal agency for status under Section 1158 of Title 8
8 of the United States Code; or

9 (2) the applicant, or a representative of the applicant
10 if the applicant is not competent, has provided to the
11 Department:

12 (A) a sworn statement that he or she is a
13 foreign-born victim of trafficking, torture, or other
14 serious crimes; and

15 (B) at least one item of additional evidence,
16 including, but not limited to, any of the following:

17 (i) police, government agency, or court
18 records or files;

19 (ii) news articles;

20 (iii) documentation from a social services,
21 trafficking, domestic violence program or rape
22 crisis center, or a legal, clinical, medical, or
23 other professional from whom the applicant or
24 recipient has sought assistance in dealing with
25 the crime;

26 (iv) a statement from any other individual

1 with knowledge of the circumstances that provided
2 the basis for the claim;

3 (v) physical evidence;

4 (vi) a copy of a completed visa application; or

5 (vii) written notice from the federal agency
6 of receipt of the visa application.

7 (b) The Department may, in its discretion, provide cash
8 assistance or SNAP benefits pursuant to this Article to an
9 applicant who cannot provide additional evidence as set forth
10 in subparagraph (B) of paragraph (2) of subsection (a) if:

11 (1) the applicant, or a representative of the applicant
12 if the applicant is not competent, has provided a sworn
13 statement that he or she is a foreign-born victim of
14 trafficking, torture, or other serious crimes; and

15 (2) the Department determines that the applicant is
16 credible.

17 (305 ILCS 5/16-4 new)

18 Sec. 16-4. Work requirements and exemptions.

19 (a) Persons who are foreign-born victims of trafficking,
20 torture, or other serious crimes and who are receiving cash
21 assistance or SNAP benefits under this Article shall be subject
22 to the same work requirements and work requirement exemptions
23 as other recipients of cash assistance or SNAP benefits,
24 provided that compliance with these requirements is authorized
25 by law.

1 (b) A person who is a foreign-born victim of trafficking,
2 torture, or other serious crimes shall be exempted from any
3 work requirements if physical or psychological trauma related
4 to or arising from the trafficking, torture, or other serious
5 crimes impedes his or her ability to comply.

6 (305 ILCS 5/16-5 new)

7 Sec. 16-5. Termination of benefits.

8 (a) Any cash assistance or SNAP benefits provided under
9 this Article to a person who is a foreign-born victim of
10 trafficking, torture, or other serious crimes and his or her
11 derivative family members shall be terminated if there is a
12 final denial of that person's visa or asylum application under
13 Sections 1101(a) (15) (T), 1101(a) (15) (U), or 1158 of Title 8 of
14 the United States Code.

15 (b) A person who is a foreign-born victim of trafficking,
16 torture, or other serious crimes and his or her derivative
17 family members shall be ineligible for continued State-funded
18 cash assistance or SNAP benefits provided under this Article if
19 that person has not filed a formal application for status
20 pursuant to Sections 1101(a) (15) (T), 1101(a) (15) (U), or 1158
21 of Title 8 of the United States Code within one year after the
22 date of his or her application for cash assistance or SNAP
23 benefits provided under this Article. The Department of Human
24 Services may extend the person's eligibility for cash
25 assistance or SNAP benefits beyond one-year if the person can

1 show that during the year of initial eligibility he or she (i)
2 experienced a health crisis, (ii) has been unable, after
3 reasonable attempts, to obtain information from a third party
4 that is necessary to complete his or her application for
5 status, or (iii) has other extenuating circumstances.

6 (305 ILCS 5/16-6 new)

7 Sec. 16-6. Rulemaking authority. The Department of Human
8 Services shall adopt any rules necessary to implement the
9 provisions of this Article on or before January 1, 2017.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 305 ILCS 5/1-11

4 305 ILCS 5/2-19 new

5 305 ILCS 5/5-2 from Ch. 23, par. 5-2

6 305 ILCS 5/Art. XVI

7 heading new

8 305 ILCS 5/16-1 new

9 305 ILCS 5/16-2 new

10 305 ILCS 5/16-3 new

11 305 ILCS 5/16-4 new

12 305 ILCS 5/16-5 new

13 305 ILCS 5/16-6 new