

1435

2011-2012 Regular Sessions

I N   S E N A T E

January 7, 2011

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the executive law, in relation to directing the office of children and family services and the office of temporary and disability assistance to prepare a report concerning low income custodial parents' requirement to show good cause for a refusal to seek child support as a requirement for receiving a child care subsidy; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature hereby finds that  
2     certain parties allege that the office of children and family services'  
3     regulations and directives requiring low income custodial parents to  
4     actively seek child support from non-custodial parents or show good  
5     cause as to why he or she cannot seek child support, as a condition of  
6     eligibility for a child care subsidy, constitutes such an extreme disin-  
7     centive to many individuals in need of such assistance and as such fail  
8     to pursue needed assistance. The legislature finds that this is a seri-  
9     ous allegation, and declares its intent to obtain information as speedi-  
10    ly as possible from the state agencies involved in order to take appro-  
11    priate action.

12    S 2. The executive law is amended by adding a new section 501-e to  
13    read as follows:

14    S 501-E. REPORT CONCERNING CHILD CARE SUBSIDIES AND GOOD CAUSE FOR  
15    FAILURE TO SEEK CHILD SUPPORT. 1. THE OFFICE OF CHILDREN AND FAMILY  
16    SERVICES, IN COLLABORATION WITH THE OFFICE OF TEMPORARY AND DISABILITY  
17    ASSISTANCE, SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF THE  
18    SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE COMMITTEES  
19    ON SOCIAL SERVICES, AND CHILDREN AND FAMILIES AND THE CHAIR OF THE  
20    ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES CONCERNING THE INFORMATION  
21    RELATED TO GOOD CAUSE FOR REFUSAL TO COOPERATE WITH THE REQUIREMENTS OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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REGULATION 18 NYCRR 415.3(C), AND ANY OTHER REGULATION OR DIRECTIVE AFFECTING THE REQUIREMENT THAT SUCH GOOD CAUSE BE ESTABLISHED, AS SOON AS POSSIBLE BUT IN ANY CASE NOT LATER THAN MAY TWENTY-NINTH, TWO THOUSAND TWELVE. SUCH REPORT SHALL PROVIDE INFORMATION ON THE FOLLOWING FOR THE PRECEDING CALENDAR YEAR, OR FOR THE NEAREST MEASURABLE TWELVE MONTH PERIOD, INCLUDING, BUT NOT LIMITED TO:

(A) THE NUMBER OF APPLICANTS FOR CHILD CARE SUBSIDY ASSISTANCE;

(B) THE NUMBER OF DENIALS FOR A CHILD CARE SUBSIDY;

(C) THE NUMBER OF APPLICANTS WHO HAVE CLAIMED GOOD CAUSE FOR REFUSAL TO COOPERATE IN SEEKING A CHILD SUPPORT ORDER OR ORDERS;

(D) THE NUMBER OF APPLICANTS FOR WHOM THERE HAS BEEN A FINDING THAT GOOD CAUSE EXISTS FOR REFUSAL TO COOPERATE;

(E) THE NUMBER OF APPLICANTS FOR WHICH THERE HAS BEEN A FINDING THAT GOOD CAUSE FOR REFUSAL TO COOPERATE DOES NOT EXIST;

(F) THE NUMBER OF APPLICANTS FOR WHOM THE FINDING OF GOOD CAUSE FOR REFUSAL TO COOPERATE IS DUE TO AN INDICATION OF THE PRESENCE OF DOMESTIC VIOLENCE;

(G) THE NUMBER OF APPLICANTS FOR WHOM THE FINDING OF GOOD CAUSE FOR REFUSAL TO COOPERATE IS DUE TO ANOTHER REASON OTHER THAN DOMESTIC VIOLENCE, AND THOSE REASONS;

(H) THE NUMBER OF POTENTIAL APPLICANTS WHO ARE ELIGIBLE FOR CHILD CARE SUBSIDY ASSISTANCE BUT WHO HAVE (I) FAILED TO COMPLETE THE APPLICATION, OR (II) FAILED TO APPLY BECAUSE OF THE REQUIREMENT, SUCH FIGURES TO BE STATED AS SEPARATE CATEGORIES; AND

(I) THE AMOUNT OF CHILD SUPPORT COLLECTED ON BEHALF OF CHILD CARE SUBSIDY APPLICANTS, INCLUDING, AND STATED SEPARATELY, THE AMOUNT COLLECTED IN CASES IN WHICH THE APPLICANT'S OR RECIPIENT'S COOPERATION WITH THE REGULATION WAS NOT REQUIRED.

2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DIRECT ALL COUNTIES IN THE STATE TO FORWARD TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, WITHIN THIRTY DAYS OF THE DATE OF THE REQUEST, SUCH INFORMATION AS THE OFFICE OF CHILDREN AND FAMILY SERVICES DEEMS NECESSARY TO ACCOMPLISH THE DIRECTIVES OF THIS SECTION. ALL COUNTIES SO DIRECTED SHALL COMPLY WITH THE REQUEST.

S 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2013.