

6331

I N S E N A T E

January 14, 2014

Introduced by Sens. SAVINO, KLEIN, VALESKY, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend chapter 53 of the laws of 2013, enacting the aid to localities budget, in relation to increasing appropriations to the office of children and family services for the child care program and facilitated enrollment in child care; and to amend the social services law, in relation to eligibility for child care block grants to eligible families

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

1 Section 1. Section 1 of chapter 53 of the laws of 2013, enacting the
2 aid to localities budget, is amended by repealing the items hereinbelow
3 set forth in brackets and by adding to such section the other items
4 underscored in this section:

5 DEPARTMENT OF FAMILY ASSISTANCE
6 OFFICE OF CHILDREN AND FAMILY SERVICES
7 AID TO LOCALITIES 2013-14

8 For payment according to the following schedule:

		APPROPRIATIONS	REAPPROPRIATIONS
10	General Fund	[1,860,746,250]	511,588,149
11		2,042,746,250	
12	Special Revenue Funds - Federal	1,347,215,000	2,489,591,000
13	Special Revenue Funds - Other	18,802,000	13,075,000
14		-----	-----
15	All Funds	[3,226,763,250]	3,012,023,149
16		3,408,763,250	
17		=====	=====
18	CHILD CARE PROGRAM	[470,240,700]	652,240,700
19		-----	
20	General Fund		
21	Local Assistance Account		

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

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1 The money hereby appropriated is to be
2 available for payment of state aid hereto-
3 fore accrued or hereafter to accrue to
4 municipalities. Subject to the approval of
5 the director of the budget, the money
6 hereby appropriated shall be available to
7 the office net of disallowances, refunds,
8 reimbursements and credits.

9 Notwithstanding any inconsistent provision
10 of law, in lieu of payments authorized by
11 the social services law, or payments of
12 federal funds otherwise due to the local
13 social services districts for programs
14 provided under the federal social security
15 act or the federal food stamp act, funds
16 herein appropriated, in amounts certified
17 by the state commissioner or the state
18 commissioner of health as due from local
19 social services districts each month as
20 their share of payments made pursuant to
21 section 367-b of the social services law
22 may be set aside by the state comptroller
23 in an interest-bearing account with such
24 interest accruing to the credit of the
25 locality in order to ensure the orderly
26 and prompt payment of providers under
27 section 367-b of the social services law
28 pursuant to an estimate provided by the
29 commissioner of health of each local
30 social services district's share of
31 payments made pursuant to section 367-b of
32 the social services law.

33 Notwithstanding any inconsistent provision
34 of law, the amount herein appropriated may
35 be transferred to any other appropriation
36 within the office of children and family
37 services and/or the office of temporary
38 and disability assistance and/or suballo-
39 cated to the office of temporary and disa-
40 bility assistance for the purpose of
41 paying local social services districts'
42 costs of the above program and may be
43 increased or decreased by interchange with
44 any other appropriation or with any other
45 item or items within the amounts appropri-
46 ated within the office of children and
47 family services general fund - local
48 assistance account with the approval of
49 the director of the budget who shall file
50 such approval with the department of audit
51 and control and copies thereof with the
52 chairman of the senate finance committee
53 and the chairman of the assembly ways and
54 means committee.

55 Notwithstanding any other provision of law,
56 the money hereby appropriated, in combina-

tion with the money appropriated in federal block grant, federal day care account, including any funds transferred or suballocated by the office of temporary and disability assistance special revenue funds - federal / aid to localities federal health and human services fund federal temporary assistance to needy families block grant funds at the request of local social services districts and, upon approval of the director of the budget, transfer of federal temporary assistance for needy families block grant funds made available from the New York works compliance fund program or otherwise specifically appropriated therefor, shall constitute the state block grant for child care. The money hereby appropriated is to be available to social services districts for child care assistance pursuant to title 5-C of article 6 of the social services law and shall be apportioned among the social services districts by the office according to an allocation plan developed by the office and submitted to the director of the budget for approval within 60 days of enactment of the budget. A district's block grant allocation, including any funds the office of temporary and disability assistance transfers from a district's flexible fund for family services allocation to the state block grant for child care at the district's request, for a particular federal fiscal year is available only for child care assistance expenditures made during that federal fiscal year and which are claimed by March 31 of the year immediately following the end of that federal fiscal year. Notwithstanding any other provision of law, any claims for child care assistance made by a social services district for expenditures made during a particular federal fiscal year, other than claims made under title XX of the federal social security act and under the food stamp employment and training program, shall be counted against the social services district's block grant allocation for that federal fiscal year.

- A social services district shall expend its allocation from the block grant in accordance with the applicable provisions in federal law and regulations relating to the federal funds included in the state block grant for child care and the regu-

1	lations of the office of children and	
2	family services. Notwithstanding any other	
3	provision of law, each district's claims	
4	submitted under the state block grant for	
5	child care will be processed in a manner	
6	that maximizes the availability of federal	
7	funds and ensures that the district meets	
8	its maintenance of effort requirement in	
9	each applicable federal fiscal year	
10	.....	158,397,700
11	For additional services and expenses of	
12	child care assistance programs	
13	.....	1,000,000
14	FOR ADDITIONAL EXPENSES OF THE STATE CHILD	
15	CARE BLOCK GRANT PROGRAM, INCLUDING	
16	\$28,500,000 FOR THE EXPENSES OF SUCH	
17	PROGRAM IN THE CITY OF NEW YORK	
18	.....	\$ 82,000,000
19	FOR THE EXPENSES OF EXPANDING THE FACILI-	
20	TATED ENROLLMENT OF ELIGIBLE FAMILIES IN	
21	THE CHILD CARE BLOCK GRANT PROGRAM	
22	.....	\$ 100,000,000
23	For services and expenses of child care	
24	services provided to children of migrant	
25	workers in programs operated by non-profit	
26	organizations under contract with the	
27	department of agriculture and markets to	
28	provide such care. The funds appropriated	
29	herein may be suballocated to the depart-	
30	ment of agriculture and markets	
31	.....	1,754,000
32	-----	
33	Program account subtotal	
34	.....	[161,151,700] 343,151,700
35	-----	

36 S 2. Subdivision 2 of section 410-u of the social services law, as
 37 added by section 52 of part B of chapter 436 of the laws of 1997, is
 38 amended to read as follows:

39 2. The state block grant for child care shall be divided into two
 40 parts pursuant to a plan developed by the [department] OFFICE and
 41 approved by the director of the budget. One part shall be retained by
 42 the state to provide child care on a statewide basis to special groups
 43 and for activities to increase the availability and/or quality of child
 44 care programs, including, but not limited to, the start-up of child
 45 care programs, the operation of child care resource and referral
 46 programs, training activities, the regulation and monitoring of child
 47 care programs, the development of computerized data systems, and consum-
 48 er education, provided however, that child care resource and referral
 49 programs funded under title five-B of article six of this chapter shall
 50 meet additional performance standards developed by the [department of
 51 social services] OFFICE OF CHILDREN AND FAMILY SERVICES including but
 52 not limited to: increasing the number of child care placements for
 53 persons who are at or below [two] FOUR hundred percent of the state
 54 income standard with emphasis on placements supporting local efforts in
 55 meeting federal and state work participation requirements, increasing

1 technical assistance to all modalities of legal child care to persons
2 who are at or below [two] FOUR hundred percent of the state income stan-
3 dard, including the provision of training to assist providers in meeting
4 child care standards or regulatory requirements, and creating new child
5 care opportunities, and assisting social services districts in assessing
6 and responding to child care needs for persons at or below [two] FOUR
7 hundred percent of the state income standard. The [department] OFFICE
8 shall have the authority to withhold funds from those agencies which do
9 not meet performance standards. Agencies whose funds are withheld may
10 have funds restored upon achieving performance standards. The other
11 part shall be allocated to social services districts to provide child
12 care assistance to families receiving family assistance and to other
13 low income families.

14 S 3. Paragraphs (b), (c), (d) and (e) of subdivision 1 of section
15 410-w of the social services law, as amended by chapter 569 of the laws
16 of 2001, are amended to read as follows:

17 (b) families with incomes up to [two] FOUR hundred percent of the
18 state income standard who are attempting through work activities to
19 transition off of public assistance when such child care is necessary in
20 order to enable a parent or caretaker relative to engage in work
21 provided such families' public assistance has been terminated as a
22 result of increased hours of or income from employment or increased
23 income from child support payments or the family voluntarily ended
24 assistance; and, provided that the family received public assistance at
25 least three of the six months preceding the month in which eligibility
26 for such assistance terminated or ended or provided that such family has
27 received child care assistance under subdivision four of this section;

28 (c) families with incomes up to [two] FOUR hundred percent of the
29 state income standard which are determined in accordance with the regu-
30 lations of the [department] OFFICE to be at risk of becoming dependent
31 on family assistance;

32 (d) families with incomes up to [two] FOUR hundred percent of the
33 state income standard who are attending a post secondary educational
34 program and working at least seventeen and one-half hours per week; and

35 (e) other families with incomes up to [two] FOUR hundred percent of
36 the state income standard which the social services district designates
37 in its consolidated services plan as eligible for child care assistance
38 in accordance with criteria established by the [department] OFFICE.

39 S 4. Subdivision 6 of section 410-x of the social services law, as
40 added by section 52 of part B of chapter 436 of the laws of 1997, is
41 amended to read as follows:

42 6. Pursuant to department regulations, child care assistance shall be
43 provided on a sliding fee basis based upon the family's ability to pay.
44 NO CO-PAYMENT SHALL BE ASSESSED TO A FAMILY WHOSE INCOME IS AT OR BELOW
45 THE STATE INCOME STANDARD AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR
46 HUNDRED TEN-W OF THIS TITLE. CO-PAYMENTS SHALL NOT EXCEED TEN PERCENT OF
47 THE HOUSEHOLD INCOME.

48 S 5. This act shall take effect immediately, except that:

49 (a) section one of this act shall be deemed to have been in full force
50 and effect on and after April 1, 2013; and

51 (b) sections two, three and four of this act shall take effect on the
52 first of January next succeeding the date on which it shall have become
53 a law.