

STATE OF NEW YORK

5413

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to enacting the "help parents find and afford child care act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 6 of the social services law is amended by adding a
2 new title 7-A to read as follows:

3 TITLE 7-A

4 HELP PARENTS FIND AND AFFORD CHILD CARE ACT

5 Section 435. Short title.

6 435-a. Definitions.

7 435-b. Child care subsidies.

8 435-c. Tri-share child care program.

9 435-d. At-home infant care program.

10 435-e. Supporting military families.

11 435-f. Reporting.

12 § 435. Short title. This title shall be known and may be cited as the
13 "help parents find and afford child care act".

14 § 435-a. Definitions. For the purposes of this title, the following
15 terms shall have the following meanings:

16 1. "Child care assistance program" means the program through which the
17 office provides child care assistance to low- and moderate-income fami-
18 lies through funds received from the federal child care and development
19 block grant, a portion of the state's temporary assistance to needy
20 families allocation, state funds, and local government funds.

21 2. "Child day care provider" shall have the same meaning as defined by
22 section three hundred ninety of this article.

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

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1 3. "Benefit cliff effect" means the sudden decrease in public benefits
2 than can occur with a small increase in earnings.

3 4. "Office" means the office of children and family services.

4 § 435-b. Child care subsidies. 1. The office shall develop a phased
5 implementation plan for childcare subsidies under the child care assist-
6 ance program with benchmarks for limiting co-payments, by the year two
7 thousand thirty, to no more than seven percent of a family's income.
8 Such implementation plan shall include, but not be limited to, the
9 following:

10 (a) a phased approach with benchmarks, that gradually increases eligi-
11 bility based on income until two thousand thirty and considers eligibil-
12 ity opportunities for families earning up to two hundred fifty percent
13 of the median family income in the state;

14 (b) a graduated system of co-payments to eliminate the benefit cliff
15 effect for families and to limit the amount a family pays for child
16 care;

17 (c) expanded access to a child care subsidy by developing a model to
18 enable the office to provide contracted slots to programs that service a
19 family using the child care subsidy; and

20 (d) a plan, a budget, revenue recommendations, and a timeline to
21 achieve the goals of this section.

22 2. Any family that qualifies for public assistance through Medicaid or
23 the special supplemental nutrition program for women, infants and chil-
24 dren under section twenty-five hundred seven of the public health law
25 shall be deemed to categorically satisfy the income eligibility require-
26 ments to receive assistance through the child care assistance program.

27 3. The office shall determine eligibility for the child care assist-
28 ance program within thirty days of receiving an application. The office
29 shall provide retroactive reimbursement to a child care provider that
30 provided tuition assistance to an applicant during the application
31 review period, regardless of final eligibility determination, within
32 fifteen days of such final determination. Applicants shall be presumed
33 to be eligible for the program during the processing of such applica-
34 tions.

35 4. The office shall establish a mechanism for automatic enrollment to
36 enroll children in the child care assistance program based on eligibil-
37 ity findings for Medicaid or the special supplemental nutrition program
38 for women, infants and children under section twenty-five hundred seven
39 of the public health law. The department of health shall include a
40 checkbox or similar mechanism on pediatric and relevant obstetrics and
41 gynecology providers' intake materials to provide consent to be
42 contacted by the office about subsidized childcare under the child care
43 assistance program.

44 § 435-c. Tri-share child care program. 1. The office shall establish a
45 tri-share child care program, which creates a public/private partnership
46 to share the cost of child care between employers, eligible employees,
47 and the state to:

48 (a) make high-quality child care affordable and accessible for working
49 families;

50 (b) help employers retain and attract employees; and

51 (c) help stabilize child day care providers across the state.

52 2. Monies appropriated by the legislature for the tri-share child care
53 program shall be used to provide the state's portion of funding for the
54 tri-share child care program established by this section. The state's
55 contribution shall be equal to the amount contributed by the employer
56 and eligible employee up to the amount permitted to be expended by the

1 state under the state child care subsidy guidelines outlined under the
2 child care assistance program. Funds provided under this section shall
3 be divided evenly in each fiscal year among the regional facilitator
4 hubs, as described in subdivision three of this section, selected to
5 participate in the program. Any unexpended funds shall revert to the
6 general fund.

7 3. The office shall select up to three local partnerships to serve as
8 regional facilitator hubs to implement and administer the tri-share
9 child care program and act as regional intermediaries between employers,
10 families, child care providers, and the state. The office shall select
11 local partnerships to participate in the program from geographically
12 diverse areas across the state.

13 4. The local partnerships selected to serve as regional facilitator
14 hubs shall establish and determine tri-share child care program eligi-
15 bility. For purposes of the tri-share child care program, an employee
16 shall be eligible to participate if such employee is employed by a
17 participating employer, and is not otherwise receiving subsidized child
18 care in the state. An eligible employee may reside outside of the desig-
19 nated region for the respective facilitator hub. Additionally, the
20 regional facilitator hubs shall develop and implement other criteria for
21 the tri-share child care program, including, but not limited to, each of
22 the following:

23 (a) ensuring payment for the cost of child care is divided equally
24 between an employer, an eligible employee, and the state, up to a bene-
25 fit equal to the maximum amount of benefits provided under the child
26 care assistance program;

27 (b) recruiting participating employers and licensed child day care
28 providers;

29 (c) ensuring participating employers agree to (i) identify and recruit
30 eligible employees, (ii) provide the employer portion of each partic-
31 ipating employee's child care costs, and (iii) maintain communication
32 with the regional facilitator hub regarding each eligible employee's
33 continued employment and eligibility;

34 (d) verifying that participating child day care providers meet state
35 licensure requirements;

36 (e) final determinations regarding a referred employee's eligibility;
37 and

38 (f) coordinating and ensuring payments between employers, employees,
39 and licensed child day care providers.

40 5. A regional facilitator hub may use up to nine percent of its allo-
41 cation for administrative costs.

42 6. Within two years of the commencement of the tri-share child care
43 program, the office shall submit a report to the legislature, which
44 shall include, at a minimum, each of the following:

45 (a) the number of children served, by age and county;

46 (b) total program costs, including any administrative costs;

47 (c) the amount of funds needed for program expansion, if recommended;

48 (d) the list of employers participating in the tri-share child care
49 program; and

50 (e) any other relevant information or recommendations deemed appropri-
51 ate.

52 § 435-d. At-home infant care program. 1. The office shall create an
53 at-home infant care program to be administered through the child care
54 assistance program, which shall be an at-home infant care program for
55 families in which a parent or guardian provides full-time child care for
56 such family's infant under two years of age. Through such at-home infant

1 care program, a family may receive a payment in lieu of child care
2 assistance if such family meets the following eligibility requirements:

3 (a) the family has not previously received a total of twenty-four
4 months of at-home infant care assistance under this section;

5 (b) the at-home infant care assistance is only received up to twenty-
6 four months, once per child;

7 (c) a parent shall be eighteen years of age or older or, if under
8 eighteen years of age, have attained an equivalency of completion of
9 secondary education, or a high school diploma; and

10 (d) any additional requirements determined by the office pursuant to
11 rule and/or regulation.

12 2. Notwithstanding paragraph (c) of subdivision one of this section, a
13 parent who is under eighteen years of age and attending high school or a
14 program for equivalency of completion of secondary education may receive
15 benefits for months outside of the regular school year.

16 3. Family members may participate in education and work activities
17 provided a parent or guardian provides care full-time for the infant.

18 4. The office shall expend funds under the at-home infant care program
19 pursuant to the following rates of assistance:

20 (a) Clients eligible for the child care assistance program shall
21 receive a benefit equal to the maximum amount of benefits the parent or
22 guardian would be eligible to receive under such program, otherwise the
23 benefit shall be equal to three thousand six hundred dollars per year,
24 adjusted annually for inflation for each year following the effective
25 date of this section.

26 5. Payments received under the at-home infant care program shall not
27 be subject to state income tax.

28 6. Payments received under the at-home infant care program shall be
29 excluded from an applicant's income to qualify and apply for other
30 assistance programs in the state.

31 7. The at-home infant care program shall be funded if a specific
32 appropriation is added to the general appropriations act or by budget
33 amendment if funds become available from federal or private sources.

34 8. The office shall create outreach materials and develop an outreach
35 plan to provide materials to all pediatric and prenatal providers in the
36 state.

37 9. A participating family shall report income and other family changes
38 as specified by the office pursuant to rule or regulation.

39 § 435-e. Supporting military families. 1. The office is hereby
40 directed to increase the availability of child care options and subsi-
41 dies for military families, including through coordination with the
42 federal department of defense to allow or expand participation in the
43 office's military child care in your neighborhood-PLUS program
44 (MCCYN-PLUS), or other federal department of defense programs.

45 2. Any spouse of an active duty or reserve member of the armed forces
46 of the United States or a member of the state national guard who has
47 obtained a valid out-of-state child care license, with full credentials
48 and without deficiencies, that is in force at the time the application
49 for a state license under section three hundred ninety of this article
50 is received by the office, and has submitted to a criminal history
51 record background check within the past year, may be eligible to receive
52 licensure by reciprocity. Each such individual shall establish a file in
53 the office by submitting a complete application packet, which shall
54 include official student transcripts and an official copy of the mili-
55 tary permanent assignment orders of the individual's spouse. No service
56 requirements or licensing assessments shall be required for any such

1 individual. The office shall determine and communicate such individual's
2 eligibility for licensure by reciprocity within fifteen business days of
3 receipt of the complete application packet.

4 § 435-f. Reporting. No later than one year after the effective date of
5 this title and annually thereafter, the office shall submit a report to
6 the governor, the temporary president of the senate and the speaker of
7 the assembly that includes a review of implementation progress, utiliza-
8 tion of programs, and recommendations for additional legislative action
9 if needed under this title.

10 § 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law. Effective immediately, the addition, amend-
12 ment and/or repeal of any rule or regulation necessary for the implemen-
13 tation of this act on its effective date are authorized to be made and
14 completed on or before such effective date.