

2011

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sens. GOLDEN, MORAHAN -- 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 disa-
bility 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 ASSEM-
BLY, 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

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

LBD07496-01-9

1 RELATED TO GOOD CAUSE FOR REFUSAL TO COOPERATE WITH THE REQUIREMENTS OF
2 REGULATION 18 NYCRR 415.3(C), AND ANY OTHER REGULATION OR DIRECTIVE
3 AFFECTING THE REQUIREMENT THAT SUCH GOOD CAUSE BE ESTABLISHED, AS SOON
4 AS POSSIBLE BUT IN ANY CASE NOT LATER THAN MAY TWENTY-NINTH, TWO THOU-
5 SAND TEN. SUCH REPORT SHALL PROVIDE INFORMATION ON THE FOLLOWING FOR
6 THE PRECEDING CALENDAR YEAR, OR FOR THE NEAREST MEASURABLE TWELVE MONTH
7 PERIOD, INCLUDING, BUT NOT LIMITED TO:

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

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

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

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

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

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

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

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

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

30 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DIRECT ALL COUN-
31 TIES IN THE STATE TO FORWARD TO THE OFFICE OF CHILDREN AND FAMILY
32 SERVICES, WITHIN THIRTY DAYS OF THE DATE OF THE REQUEST, SUCH INFORMA-
33 TION AS THE OFFICE OF CHILDREN AND FAMILY SERVICES DEEMS NECESSARY TO
34 ACCOMPLISH THE DIRECTIVES OF THIS SECTION. ALL COUNTIES SO DIRECTED
35 SHALL COMPLY WITH THE REQUEST.

36 S 3. This act shall take effect immediately and shall expire and be
37 deemed repealed April 1, 2011.