

S. 819

A. 509

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 5, 2011

IN SENATE -- Introduced by Sens. MONTGOMERY, BRESLIN, OPPENHEIMER, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to notice requirements to families and providers when funding cuts are made

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

1 Section 1. Section 34-a of the social services law is amended by
2 adding a new subdivision 9 to read as follows:
3 9. (A) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR
4 FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR
5 CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND
6 ITS CONSOLIDATED SERVICES PLAN, SUBMITS AN ANNUAL PLAN UPDATE, OR TAKES
7 ANY OTHER ACTION THAT WOULD LOWER THE FINANCIAL ELIGIBILITY LEVEL FOR
8 CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD LOSE
9 ELIGIBILITY THEREFORE, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY
10 THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST NINETY
11 DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY
12 LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF
13 THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN TEN DAYS OF RECEIVING
14 SAID NOTICE, AND WITHIN THIRTY DAYS OF RECEIVING SAID NOTICE SHALL NOTI-
15 FY ALL LICENSED AND REGISTERED CHILD CARE PROVIDERS IN THE AFFECTED
16 DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS
17 THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY. SAID NOTICE MAY BE
18 MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND
19 SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A
20 DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE SHALL ALSO REQUEST THAT

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

LBD02386-01-1

1 CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE IMMEDIATELY POST THE NOTICE
2 IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE FAMILIES WHO HAVE CHILDREN
3 IN THE PROVIDER'S CARE. THIS NOTICE SHALL NOT BE CONSIDERED AS A SUBSTI-
4 TUTE FOR ANY NOTICE TO PARENTS WHICH IS REQUIRED BY LAW.

5 (B) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINAN-
6 CIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHIL-
7 DREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS
8 CONSOLIDATED SERVICES PLAN OR TO SUBMIT AN ANNUAL PLAN UPDATE THAT
9 INCREASES THE PARENTAL CO-PAYMENT MULTIPLIER FOR CHILD CARE ASSISTANCE
10 SO THAT FAMILIES RECEIVING SUBSIDIES WOULD PAY AN INCREASED PERCENTAGE
11 OF THEIR INCOME AS A CHILD CARE CO-PAYMENT, THE LOCAL SOCIAL SERVICES
12 DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT
13 FACT AT LEAST NINETY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED
14 CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES
15 SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN
16 TEN DAYS OF RECEIVING SAID NOTICE, AND WITHIN THIRTY DAYS OF RECEIVING
17 SAID NOTICE SHALL NOTIFY ALL LICENSED AND REGISTERED CHILD CARE PROVID-
18 ERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL
19 AGENCY, AS WELL AS THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY.
20 SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A
21 LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE
22 PROPOSED CHANGE AND A DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE
23 SHALL ALSO REQUEST THAT CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE
24 IMMEDIATELY POST THE NOTICE IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE
25 FAMILIES WHO HAVE CHILDREN IN THE PROVIDER'S CARE. THIS NOTICE SHALL NOT
26 BE CONSIDERED AS A SUBSTITUTE FOR ANY NOTICE TO PARENTS WHICH IS
27 REQUIRED BY LAW.

28 S 2. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.