S T A T E  O F  N E W  Y O R K

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I N  A S S E M B L Y

March 27, 2012

Introduced by M. of A. GIBSON, ROBERTS, COOK, P. RIVERA, CASTRO, STEVENSON, CRESPO, WEPRIN -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, SCARBOROUGH, SKARTADOS -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to recipients of public assistance who lack appropriate child care

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

Section 1. Subdivision 5 of section 131 of the social services law, as added by section 11 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

5. No public assistance shall be given to an applicant for or recipient of public assistance who has failed to comply with the requirements of this chapter, or has refused to accept employment in which he or she is able to engage. EXCEPT THAT NO APPLICANT OR RECIPIENT WHO IS THE PARENT OR CARETAKER RELATIVE OF AN ELIGIBLE CHILD SHALL BE SUBJECT TO THE INELIGIBILITY PROVISIONS OF THIS CHAPTER IF THE LACK OF CHILD CARE THAT IS APPROPRIATE, SUITABLE, AND WITHIN A REASONABLE DISTANCE, AND REFLECTS PARENTAL PREFERENCES PREVENTS THE INDIVIDUAL FROM COMPLYING WITH THE REQUIREMENTS THEREIN.

S 2. Paragraph (e) of subdivision 1 of section 332 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended and a new paragraph (f) is added to read as follows:

(e) a woman who is pregnant, beginning thirty days prior to the medically verified date of delivery of her child[.];

(F) THE PARENT OR CARETAKER RELATIVE OF AN ELIGIBLE CHILD, FOR THE PERIOD OF TIME DURING WHICH SUCH PARTICIPATION IS PREVENTED BY THE LACK OF CHILD CARE THAT IS APPROPRIATE, SUITABLE AND WITHIN A REASONABLE DISTANCE, AND THAT IS REFLECTIVE OF THE CHILD CARE PREFERENCES INCLUDED IN THE PARENT'S ASSESSMENT.

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

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S 3. Subdivision 1 of section 336-d of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

1. Each applicant for or recipient of public assistance shall, upon request of the social services official, demonstrate that he or she is engaged in an active and continuing effort to achieve self-sufficiency as defined by the department. Such effort shall include but not be limited to an active and continuing search for employment, or for persons otherwise exempt in accordance with section three hundred thirty-two of this title, and where deemed appropriate by the social services official, activities that foster preparation for employment. Each such applicant or recipient shall have an affirmative duty to accept any offer of lawful employment in which he or she may engage. The failure of a social services district to assign applicants and recipients to activities pursuant to this title shall not relieve such persons from the requirements of this section. An individual who fails to comply with the requirements of the section shall be subject to the provisions set forth in subdivision five of section one hundred thirty-one of this chapter and [of section] SECTIONS three hundred forty-one and three hundred forty-two of this title. EXCEPT THAT NO APPLICANT OR RECIPIENT WHO IS THE PARENT OR CARETAKER RELATIVE OF AN ELIGIBLE CHILD SHALL BE SUBJECT TO THE INELIGIBILITY PROVISIONS OF THIS SECTION IF THE LACK OF CHILD CARE THAT IS APPROPRIATE, SUITABLE, AND WITHIN A REASONABLE DISTANCE PREVENTS THE INDIVIDUAL FROM COMPLYING WITH THE WORK REQUIREMENTS OF THIS SECTION.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.