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

2355

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to security deposits collected by child day care providers

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

Section 1. The social services law is amended by adding a new section 390-i to read as follows:

S 390-I. REQUIRING CHILD DAY CARE PROVIDERS TO ESCROW CERTAIN SECURITY DEPOSITS. 1. CHILD DAY CARE PROVIDERS, LICENSED OR REGISTERED PURSUANT TO THIS TITLE, THAT COLLECT ADVANCE SECURITY DEPOSITS OF AN AMOUNT IN EXCESS OF, BUT NOT EQUAL TO, THE FEE FOR TWO WEEKS OF CHILD CARE SERVICES ARE REQUIRED TO DEPOSIT THE DIFFERENCE BETWEEN THE FEE FOR TWO WEEKS OF SERVICES AND THE TOTAL AMOUNT OF THE REQUIRED SECURITY DEPOSIT INTO AN ESCROW ACCOUNT WHICH SHALL NOT BE MINGLED WITH THE PERSONAL MONIES OR BECOME AN ASSET OF THE DAY CARE PROVIDER.

2. THE CHILD DAY CARE PROVIDER MUST COMPLY WITH THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION AND, PRIOR TO TERMINATION OF SERVICES BY THE CHILD'S PARENT OR GUARDIAN MUST:

(A) PROVIDE CHILD CARE SERVICES EQUAL TO THE AMOUNT OF TIME COVERED BY THE TOTAL AMOUNT OF THE SECURITY DEPOSIT; OR

(B) RETURN THE EXCESS SECURITY DEPOSIT PLUS ACCRUED INTEREST; OR

(C) RETURN THE TOTAL AMOUNT OF THE SECURITY DEPOSIT PLUS ACCRUED INTEREST ON THE EXCESS SECURITY DEPOSIT.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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