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

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:

Section 1. Section 34-a of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (A) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS CONSOLIDATED SERVICES PLAN, SUBMITS AN ANNUAL PLAN UPDATE, OR TAKES ANY OTHER ACTION THAT WOULD LOWER THE FINANCIAL ELIGIBILITY LEVEL FOR CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD LOSE ELIGIBILITY THEREFORE, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST NINETY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN TEN DAYS OF RECEIVING SAID NOTICE, AND WITHIN THIRTY DAYS OF RECEIVING SAID NOTICE SHALL NOTIFY ALL LICENSED AND REGISTERED CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY. SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A 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.

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

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

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.