

1425

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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:

1 Section 1. The social services law is amended by adding a new section
2 390-i to read as follows:
3 S 390-I. REQUIRING CHILD DAY CARE PROVIDERS TO ESCROW CERTAIN SECURITY
4 DEPOSITS. 1. CHILD DAY CARE PROVIDERS, LICENSED OR REGISTERED PURSUANT
5 TO THIS TITLE, THAT COLLECT ADVANCE SECURITY DEPOSITS OF AN AMOUNT IN
6 EXCESS OF, BUT NOT EQUAL TO, THE FEE FOR TWO WEEKS OF CHILD CARE
7 SERVICES ARE REQUIRED TO DEPOSIT THE DIFFERENCE BETWEEN THE FEE FOR TWO
8 WEEKS OF SERVICES AND THE TOTAL AMOUNT OF THE REQUIRED SECURITY DEPOSIT
9 INTO AN ESCROW ACCOUNT WHICH SHALL NOT BE MINGLED WITH THE PERSONAL
10 MONIES OR BECOME AN ASSET OF THE DAY CARE PROVIDER.
11 2. THE CHILD DAY CARE PROVIDER MUST COMPLY WITH THE REQUIREMENTS OF
12 SUBDIVISION ONE OF THIS SECTION AND, PRIOR TO TERMINATION OF SERVICES BY
13 THE CHILD'S PARENT OR GUARDIAN MUST:
14 (A) PROVIDE CHILD CARE SERVICES EQUAL TO THE AMOUNT OF TIME COVERED BY
15 THE TOTAL AMOUNT OF THE SECURITY DEPOSIT; OR
16 (B) RETURN THE EXCESS SECURITY DEPOSIT PLUS ACCRUED INTEREST; OR
17 (C) RETURN THE TOTAL AMOUNT OF THE SECURITY DEPOSIT PLUS ACCRUED
18 INTEREST ON THE EXCESS SECURITY DEPOSIT.
19 S 2. This act shall take effect on the sixtieth day after it shall
20 have become a law.

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

LBD04014-01-3