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

6331

I N  S E N A T E

January 14, 2014

Introduced by Sens. SAVINO, KLEIN, VALESKY, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend chapter 53 of the laws of 2013, enacting the aid to localities budget, in relation to increasing appropriations to the office of children and family services for the child care program and facilitated enrollment in child care; and to amend the social services law, in relation to eligibility for child care block grants to eligible families

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

Section 1. Section 1 of chapter 53 of the laws of 2013, enacting the aid to localities budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section:

DEPARTMENT OF FAMILY ASSISTANCE
OFFICE OF CHILDREN AND FAMILY SERVICES
AID TO LOCALITIES 2013-14

For payment according to the following schedule:

| | APPROPRIATIONS | REAPPROPRIATIONS |
|---|---|---|
| General Fund | [1,860,746,250] 2,042,746,250 | 511,588,149 |
| Special Revenue Funds - Federal | 1,347,215,000 | 2,489,591,000 |
| Special Revenue Funds - Other | 18,802,000 | 13,075,000 |
| All Funds | [3,226,763,250] 3,408,763,250 | 3,012,023,149 |
| CHILD CARE PROGRAM | [470,240,700] | 652,240,700 |
| General Fund | | |
| Local Assistance Account | | |

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

LBD13222-03-4

The money hereby appropriated is to be available for payment of state aid heretofore accrued or hereafter to accrue to municipalities. Subject to the approval of the director of the budget, the money hereby appropriated shall be available to the office net of disallowances, refunds, reimbursements and credits.

Notwithstanding any inconsistent provision of law, in lieu of payments authorized by the social services law, or payments of federal funds otherwise due to the local social services districts for programs provided under the federal social security act or the federal food stamp act, funds herein appropriated, in amounts certified by the state commissioner or the state commissioner of health as due from local social services districts each month as their share of payments made pursuant to section 367-b of the social services law may be set aside by the state comptroller in an interest-bearing account with such interest accruing to the credit of the locality in order to ensure the orderly and prompt payment of providers under section 367-b of the social services law pursuant to an estimate provided by the commissioner of health of each local social services district's share of payments made pursuant to section 367-b of the social services law.

Notwithstanding any inconsistent provision of law, the amount herein appropriated may be transferred to any other appropriation within the office of children and family services and/or the office of temporary and disability assistance and/or suballocated to the office of temporary and disability assistance for the purpose of paying local social services districts' costs of the above program and may be increased or decreased by interchange with any other appropriation or with any other item or items within the amounts appropriated within the office of children and family services general fund - local assistance account with the approval of the director of the budget who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

Notwithstanding any other provision of law, the money hereby appropriated, in combina-

tion with the money appropriated in federal block grant, federal day care account, including any funds transferred or suballocated by the office of temporary and disability assistance special revenue funds - federal / aid to localities federal health and human services fund federal temporary assistance to needy families block grant funds at the request of local social services districts and, upon approval of the director of the budget, transfer of federal temporary assistance for needy families block grant funds made available from the New York works compliance fund program or otherwise specifically appropriated therefor, shall constitute the state block grant for child care. The money hereby appropriated is to be available to social services districts for child care assistance pursuant to title 5-C of article 6 of the social services law and shall be apportioned among the social services districts by the office according to an allocation plan developed by the office and submitted to the director of the budget for approval within 60 days of enactment of the budget. A district's block grant allocation, including any funds the office of temporary and disability assistance transfers from a district's flexible fund for family services allocation to the state block grant for child care at the district's request, for a particular federal fiscal year is available only for child care assistance expenditures made during that federal fiscal year and which are claimed by March 31 of the year immediately following the end of that federal fiscal year. Notwithstanding any other provision of law, any claims for child care assistance made by a social services district for expenditures made during a particular federal fiscal year, other than claims made under title XX of the federal social security act and under the food stamp employment and training program, shall be counted against the social services district's block grant allocation for that federal fiscal year.

A social services district shall expend its allocation from the block grant in accordance with the applicable provisions in federal law and regulations relating to the federal funds included in the state block grant for child care and the regu-

lations of the office of children and family services. Notwithstanding any other provision of law, each district's claims submitted under the state block grant for child care will be processed in a manner that maximizes the availability of federal funds and ensures that the district meets its maintenance of effort requirement in each applicable federal fiscal year ..... 158,397,700

For additional services and expenses of child care assistance programs ..... 1,000,000

FOR ADDITIONAL EXPENSES OF THE STATE CHILD CARE BLOCK GRANT PROGRAM, INCLUDING $28,500,000 FOR THE EXPENSES OF SUCH PROGRAM IN THE CITY OF NEW YORK ..... $ 82,000,000

FOR THE EXPENSES OF EXPANDING THE FACILITATED ENROLLMENT OF ELIGIBLE FAMILIES IN THE CHILD CARE BLOCK GRANT PROGRAM ..... $ 100,000,000

For services and expenses of child care services provided to children of migrant workers in programs operated by non-profit organizations under contract with the department of agriculture and markets to provide such care. The funds appropriated herein may be suballocated to the department of agriculture and markets ..... 1,754,000

| | | |
|---|---|---|
| Program account subtotal ..... | [161,151,700] | 343,151,700 |

S 2. Subdivision 2 of section 410-u of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the [department] OFFICE and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the [department of social services] OFFICE OF CHILDREN AND FAMILY SERVICES including but not limited to: increasing the number of child care placements for persons who are at or below [two] FOUR hundred percent of the state income standard with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing

technical assistance to all modalities of legal child care to persons who are at or below [two] FOUR hundred percent of the state income standard, including the provision of training to assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below [two] FOUR hundred percent of the state income standard. The [department] OFFICE shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

S 3. Paragraphs (b), (c), (d) and (e) of subdivision 1 of section 410-w of the social services law, as amended by chapter 569 of the laws of 2001, are amended to read as follows:

(b) families with incomes up to [two] FOUR hundred percent of the state income standard who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; and, provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section;

(c) families with incomes up to [two] FOUR hundred percent of the state income standard which are determined in accordance with the regulations of the [department] OFFICE to be at risk of becoming dependent on family assistance;

(d) families with incomes up to [two] FOUR hundred percent of the state income standard who are attending a post secondary educational program and working at least seventeen and one-half hours per week; and

(e) other families with incomes up to [two] FOUR hundred percent of the state income standard which the social services district designates in its consolidated services plan as eligible for child care assistance in accordance with criteria established by the [department] OFFICE.

S 4. Subdivision 6 of section 410-x of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

6. Pursuant to department regulations, child care assistance shall be provided on a sliding fee basis based upon the family's ability to pay. NO CO-PAYMENT SHALL BE ASSESSED TO A FAMILY WHOSE INCOME IS AT OR BELOW THE STATE INCOME STANDARD AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED TEN-W OF THIS TITLE. CO-PAYMENTS SHALL NOT EXCEED TEN PERCENT OF THE HOUSEHOLD INCOME.

S 5. This act shall take effect immediately, except that:

(a) section one of this act shall be deemed to have been in full force and effect on and after April 1, 2013; and

(b) sections two, three and four of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.