

# STATE OF NEW YORK

6706

2021-2022 Regular Sessions

## IN SENATE

May 12, 2021

Introduced by Sens. BRISPORT, PERSAUD -- 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 family eligibil-  
ity for child care assistance from a social services district

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Subdivisions 1 and 2 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:

1. A social services district may use the funds allocated to it from  
the block grant to provide child care assistance to:

(a) families receiving public assistance when such child care assist-  
ance is necessary: to enable a parent or caretaker relative to engage in  
work, participate in work activities or perform a community service  
pursuant to title nine-B of article five of this chapter; to enable a  
teenage parent to attend high school or other equivalent training  
program; because the parent or caretaker relative is physically or  
mentally incapacitated; or because family duties away from home necessi-  
tate the parent or caretaker relative's absence; child day care shall be  
provided during breaks in activities, for a period of up to two weeks.  
Such child day care may be authorized for a period of up to one month if  
child care arrangements shall be lost if not continued, and the program  
or employment is scheduled to begin within such period;

(b) families with incomes up to [~~two hundred percent of the state  
income standard~~] eighty-five percent of the state median income who are  
attempting through work activities to transition off of public assist-  
ance 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 fami-  
ly received public assistance at least three of the six months preceding  
the month in which eligibility for such assistance terminated or ended

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

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1 or provided that such family has received child care assistance under  
2 subdivision four of this section;

3 (c) families with incomes up to [~~two hundred percent of the state~~  
4 ~~income standard~~] eighty-five percent of the state median income which  
5 are determined in accordance with the regulations of the department to  
6 be at risk of becoming dependent on family assistance;

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

11 (e) other families with incomes up to [~~two hundred percent of the~~  
12 ~~state income standard~~] eighty-five percent of the state median income  
13 which the social services district designates in its consolidated  
14 services plan as eligible for child care assistance in accordance with  
15 criteria established by the department.

16 2. For the purposes of this title, the term "state [~~income standard~~"  
17 ~~means the most recent federal income official poverty line (as defined~~  
18 ~~and annually revised by the federal office of management and budget)~~  
19 ~~updated by the department for a family size of four and adjusted by the~~  
20 ~~department for family size]~~ median income" shall mean the most recent  
21 state median income as published by the United States Census Bureau for  
22 a family of the same size as the family applying for child care assist-  
23 ance.

24 § 2. Paragraph (a) of subdivision 4 of section 410-w of the social  
25 services law, as amended by chapter 135 of the laws of 2007, is amended  
26 to read as follows:

27 (a) Local social services districts shall guarantee applicants who  
28 would otherwise be eligible for, or are recipients of, public assistance  
29 benefits and who are employed, the option to choose to receive continu-  
30 ing child day care subsidies in lieu of public assistance benefits, for  
31 such period of time as the recipient continues to be eligible for public  
32 assistance. [~~For the purposes of this subdivision, an eligible applicant~~  
33 ~~for, or recipient of, public assistance benefits and who is employed~~  
34 ~~includes a person whose gross earnings equal, or are greater than, the~~  
35 ~~required number of work hours times the state minimum wage.] Recipients  
36 of child care subsidies under this subdivision who are no longer eligi-  
37 ble for public assistance benefits, shall be eligible for transitional  
38 child care described in paragraph (b) of subdivision one of this section  
39 as if they had been recipients of public assistance.~~

40 § 3. Section 410-w of the social services law is amended by adding two  
41 new subdivisions 7-a and 10 to read as follows:

42 7-a. For purposes of determining financial eligibility under this  
43 title, a parent or caretaker who is engaged in work and earning wages at  
44 a level less than the minimum amount required under federal or state  
45 labor law for the type of employment, or less than the minimum wage for  
46 self-employed individuals, may be determined eligible provided the fami-  
47 ly otherwise meets the eligibility criteria for child care assistance as  
48 set forth in this section.

49 10. A social services district shall redetermine continuing eligibil-  
50 ity for child care services as often as case factors indicate, but at  
51 minimum every twenty-four months; provided, however, a social services  
52 district shall have discretion to redetermine continuing eligibility  
53 more frequently than every twenty-four months.

54 § 4. This act shall take effect immediately.