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 eligibility for child care assistance from a social services district

The People of the State of New York, represented in Senate and Assembly, 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 assistance 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 necessitate 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 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

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

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

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

(d) families with incomes up to [~~two hundred percent of the state income standard~~] eighty-five percent of the state median income 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 hundred percent of the state income standard~~] eighty-five percent of the state median income 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.

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

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

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

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

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

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

§ 4. This act shall take effect immediately.