

# STATE OF NEW YORK

4099

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

Introduced by M. of A. CLARK -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to establishing a statewide presumptive eligibility standard for the receipt of child care assistance

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

1 Section 1. Paragraphs (d) and (e) of subdivision 1 of section 410-w of  
2 the social services law, as amended by section 2 of part L of chapter 56  
3 of the laws of 2022, are amended and a new paragraph (f) is added to  
4 read as follows:

5 (d) families with incomes up to two hundred percent of the state  
6 income standard, or three hundred percent of the state income standard  
7 effective August first, two thousand twenty-two, who are attending a  
8 post secondary educational program; provided, the family income does not  
9 exceed eighty-five percent of the state median income; ~~and~~

10 (e) other families with incomes up to two hundred percent of the state  
11 income standard, or three hundred percent of the state income standard  
12 effective August first, two thousand twenty-two, which the social  
13 services district designates in its consolidated services plan as eligi-  
14 ble for child care assistance in accordance with criteria established by  
15 the department; provided, the family income does not exceed eighty-five  
16 percent of the state median income~~[-]~~; and

17 (f) families receiving child care assistance under a presumptive  
18 eligibility standard, pursuant to subdivision three-a of this section.

19 § 2. Section 410-w of the social services law is amended by adding a  
20 new subdivision 3-a to read as follows:

21 3-a. (a) A social services district shall utilize a presumptive eligi-  
22 bility standard to provide child care assistance to families in need.

23 (b) Upon application for child care assistance, with included documen-  
24 tation required by a local social services district, a family shall be

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

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1 presumed eligible for such assistance for a period of thirty to sixty  
2 days. A local social services district shall make eligibility determi-  
3 nations within thirty to sixty days, to ensure applicants meet necessary  
4 criteria for continued assistance.

5 (c) If a social services district has not made eligibility determi-  
6 nations after a period of thirty to sixty days has elapsed, a family  
7 shall continue to be presumed eligible for assistance. For eligibility  
8 determinations made after such a period has elapsed, the local social  
9 services district shall utilize local funds for such assistance during  
10 the period of presumed eligibility.

11 (d) If a family has been determined to be presumptively eligible for  
12 child care assistance, pursuant to this subdivision, and is subsequently  
13 determined to be ineligible for such assistance, the local social  
14 services district shall have the authority to utilize block grant funds  
15 for such assistance during the period of presumed eligibility.

16 (e) A social services district shall provide child care assistance to  
17 families under a presumptive eligibility standard, using child care  
18 block grant funds, pursuant to paragraph (f) of subdivision one of this  
19 section.

20 § 3. This act shall take effect on the one hundred eightieth day after  
21 it shall have become a law.