

# STATE OF NEW YORK

5828

2023-2024 Regular Sessions

## IN SENATE

March 17, 2023

Introduced by Sens. SCARCELLA-SPANTON, ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to establishing the "guard our children act"

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

1 Section 1. This act shall be known and may be cited as the "guard our  
2 children act".

3 § 2. The military law is amended by adding a new section 256 to read  
4 as follows:

5 § 256. Childcare program for New York national guard. 1. Definitions.  
6 For the purposes of this section, the following terms shall have the  
7 following meanings:

8 (a) "Childcare program" or "program" means the childcare program  
9 established pursuant to subdivision two of this section.

10 (b) "Childcare provider" means an entity licensed or registered to  
11 operate under section three hundred ninety of the social services law.

12 (c) "Eligible children" means children between the ages of six weeks  
13 and twelve years old who are dependents of members of the New York  
14 national guard.

15 (d) "Enrolled childcare provider" means a childcare provider enrolled  
16 in the program pursuant to this section.

17 (e) "Member" means a member of the New York national guard.

18 2. Establishment and purpose. The division of military and naval  
19 affairs, in conjunction with the office of children and family services,  
20 shall develop and implement a childcare program to benefit members of  
21 the New York national guard in accordance with the provisions of this  
22 section. Such program shall provide members of the New York national  
23 guard assistance in locating, selecting, and offsetting the cost of

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

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1 civilian childcare when on-base childcare is not available to such  
2 members.

3 3. Online database. In developing the childcare program pursuant to  
4 subdivision two of this section, the division of military and naval  
5 affairs, in conjunction with the office of children and family services,  
6 shall create an online database that is accessible to all members of the  
7 New York national guard and childcare providers in the state, and that  
8 shall contain:

9 (a) A method for any member to submit family information, including  
10 information on any eligible children in such member's family, and where-  
11 by such member may quickly activate a request for childcare under the  
12 program when such member is called to active service;

13 (b) A list of all qualifying criteria, identification, and eligibility  
14 requirements that are needed for members to apply for subsidies under  
15 the program;

16 (c) An application process for childcare providers to enroll in the  
17 program;

18 (d) A searchable list of childcare providers that have been accepted  
19 into the program, including details on each such childcare provider that  
20 the division of military and naval affairs and the office of children  
21 and family services shall deem useful to members seeking a childcare  
22 provider under the program;

23 (e) Eligibility requirements for childcare providers seeking to enroll  
24 in the program; and

25 (f) A subsidy calculator the members may use to calculate the amount  
26 of subsidies such member is eligible for under the program.

27 4. Eligibility. (a) In order for a member to participate in the  
28 program, requested childcare for eligible children shall be consistent  
29 and have a fixed schedule. Additionally, non-school aged children shall  
30 be enrolled in a minimum of six hours of care per week during the school  
31 year, and a minimum of sixteen hours of care per week during school  
32 summer breaks. Drop-in care shall not be covered by the program.

33 (b) The division of military and naval affairs, in conjunction with  
34 the office of children and family services, shall develop any additional  
35 eligibility requirements for members to receive subsidies under the  
36 program, and for childcare providers seeking to enroll in the program.

37 5. Subsidies. (a) An active service member of the New York national  
38 guard who meets the eligibility requirements for the program established  
39 pursuant to subdivision four of this section shall be entitled to  
40 receive a subsidy for use of a childcare provider enrolled in the  
41 program.

42 (b) The subsidy amount authorized for each individual member shall be  
43 calculated based on the excess monthly fee for the enrolled childcare  
44 provider chosen by such member, after application of any other childcare  
45 supplement received by such member from the federal department of  
46 defense, up to a cap of seventeen hundred dollars per eligible child per  
47 month.

48 (c) All childcare costs shall be processed directly to the childcare  
49 provider and processed in accordance with the program policies, depend-  
50 ent on submission of completed attendance sheets. No payments shall be  
51 guaranteed until a final approval certificate has been sent to both the  
52 member and childcare provider. It shall be the responsibility of both  
53 the member and childcare provider to review all approvals made for accu-  
54 racy and to report any inaccuracies as soon as possible.

55 6. Dissemination of information. The division of military and naval  
56 affairs, in conjunction with the office of children and family services,

1 shall create and disseminate informational materials regarding the  
2 availability of aid provided under the program to members of the New  
3 York national guard, which shall include information on where and how to  
4 apply for such aid.

5 § 3. This act shall take effect on the ninetieth day after it shall  
6 have become a law. Effective immediately, the addition, amendment and/or  
7 repeal of any rule or regulation necessary for the implementation of  
8 this act on its effective date are authorized to be made and completed  
9 on or before such effective date.