

# STATE OF NEW YORK

10726

## IN ASSEMBLY

March 27, 2026

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

AN ACT to amend the social services law, in relation to child care assistance

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

1 Section 1. Subdivisions 1, 3 and 5 of section 410-w of the social  
2 services law, subdivisions 1 and 3 as amended by section 2 of part U of  
3 chapter 56 of the laws of 2023 and subdivision 5 as amended by chapter  
4 70 of the laws of 2023, are amended to read as follows:

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

7 (a) families receiving public assistance when such child care assist-  
8 ance is necessary: to enable a parent or caretaker relative to engage in  
9 work, participate in work activities or perform a community service  
10 pursuant to title nine-B of article five of this chapter; to enable a  
11 teenage parent to attend high school or other equivalent training  
12 program; because the parent or caretaker relative is physically or  
13 mentally incapacitated; or because family duties away from home necessi-  
14 tate the parent or caretaker relative's absence; child day care shall be  
15 provided during breaks in activities. Such child day care shall be  
16 authorized for the period designated by the regulations of the depart-  
17 ment;

18 (b) families with incomes up to [~~eighty-five~~] one hundred percent of  
19 the state median income who are attempting through work activities to  
20 transition off of public assistance when such child care is necessary in  
21 order to enable a parent or caretaker relative to engage in work  
22 provided such families' public assistance has been terminated as a  
23 result of increased hours of or income from employment or increased  
24 income from child support payments or the family voluntarily ended  
25 assistance; provided that the family received public assistance at least  
26 three of the six months preceding the month in which eligibility for  
27 such assistance terminated or ended or provided that such family has  
28 received child care assistance under subdivision four of this section;

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

LBD14608-01-6

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

5 (d) families with incomes up to [~~eighty-five~~ one hundred percent of  
6 the state median income, who are attending a post secondary educational  
7 program; and

8 (e) other families with incomes up to [~~eighty-five~~ one hundred  
9 percent of the state median income in accordance with criteria estab-  
10 lished by the department.

11 3. A social services district shall guarantee child care assistance to  
12 families in receipt of public assistance with children under thirteen  
13 years of age when such child care assistance is necessary for a parent  
14 or caretaker relative to engage in work or participate in work activ-  
15 ities pursuant to the provisions of title nine-B of article five of this  
16 chapter. Child care assistance shall continue to be guaranteed for such  
17 a family for a period of twelve months or, upon approval by the office,  
18 may be provided by a social services district for a period up to twen-  
19 ty-four months, after the month in which the family's eligibility for  
20 public assistance has terminated or ended when such child care is neces-  
21 sary in order to enable the parent or caretaker relative to engage in  
22 work, provided that the family's public assistance has been terminated  
23 as a result of an increase in the hours of or income from employment or  
24 increased income from child support payments or because the family  
25 voluntarily ended assistance; that the family received public assistance  
26 in at least three of the six months preceding the month in which eligi-  
27 bility for such assistance terminated or ended or provided that such  
28 family has received child care assistance under subdivision four of this  
29 section; and that the family's income does not exceed [~~eighty-five~~ one  
30 hundred percent of the state median income. Such child day care shall  
31 recognize the need for continuity of care for the child and a district  
32 shall not move a child from an existing provider unless the participant  
33 consents to such move.

34 5. (a) A family eligible for child care assistance pursuant to subdivi-  
35 sion one of this section, unless such family voluntarily ends such  
36 assistance, shall be deemed eligible for a period of no less than twelve  
37 months from the date of the eligibility determination for such assist-  
38 ance, provided the family income does not exceed [~~eighty-five~~ one  
39 hundred percent of the state median income. A social services district  
40 may extend this period to up to twenty-four months, provided the family  
41 income does not exceed [~~eighty-five~~ one hundred percent of the state  
42 median income.

43 (b) A family eligible for child care assistance under paragraph (a) of  
44 subdivision one of this section shall suffer no break in child care  
45 services and shall not be required to reapply for such assistance so  
46 long as eligibility under subdivision three of this section continues.

47 § 2. Subdivision 2 of section 410-u of the social services law, as  
48 amended by section 1 of part U of chapter 56 of the laws of 2023, is  
49 amended to read as follows:

50 2. The state block grant for child care shall be divided into two  
51 parts pursuant to a plan developed by the department and approved by the  
52 director of the budget. One part shall be retained by the state to  
53 provide child care on a statewide basis to special groups and for activ-  
54 ities to increase the availability and/or quality of child care  
55 programs, including, but not limited to, the start-up of child care  
56 programs, the operation of child care resource and referral programs,

1 training activities, the regulation and monitoring of child care  
2 programs, the development of computerized data systems, and consumer  
3 education, provided however, that child care resource and referral  
4 programs funded under title five-B of this article [~~six of this chapter~~]  
5 shall meet additional performance standards developed by the department  
6 of social services including but not limited to: increasing the number  
7 of child care placements for persons who are at or below [~~eighty-five~~]  
8 one hundred percent of the state median income, with emphasis on place-  
9 ments supporting local efforts in meeting federal and state work partic-  
10 ipation requirements, increasing technical assistance to all modalities  
11 of legal child care to persons who are at or below [~~eighty-five~~] one  
12 hundred percent of the state median income, including the provision of  
13 training to assist providers in meeting child care standards or regula-  
14 tory requirements, and creating new child care opportunities, and  
15 assisting social services districts in assessing and responding to child  
16 care needs for persons at or below [~~eighty-five~~] one hundred percent of  
17 the state median income. The department shall have the authority to  
18 withhold funds from those agencies which do not meet performance stand-  
19 ards. Agencies whose funds are withheld may have funds restored upon  
20 achieving performance standards. The other part shall be allocated to  
21 social services districts to provide child care assistance to families  
22 receiving family assistance and to other low income families.

23 § 3. Within ninety days of the effective date of this act, the commis-  
24 sioner of the office of children and family services shall seek a waiver  
25 or other applicable federal approval from the federal department of  
26 health and human services to effectuate the provisions of this act.

27 § 4. This act shall take effect immediately; provided, however, that  
28 sections one and two of this act shall take effect on the one hundred  
29 eightieth day after the state commissioner of the office of children and  
30 family services receives a waiver from the federal department of health  
31 and human services stating that the provisions of sections one and two  
32 of this act shall not render the state ineligible for receipt of federal  
33 child care assistance; provided that the state commissioner of social  
34 services shall notify the legislative bill drafting commission upon the  
35 receipt of such determination in order that the commission may maintain  
36 an accurate and timely effective data base of the official text of the  
37 laws of the state of New York in furtherance of effectuating the  
38 provisions of section 44 of the legislative law and section 70-b of the  
39 public officers law.