STATE OF NEW YORK

5207

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sen. SCARCELLA-SPANTON -- 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:

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

§ 2. The military law is amended by adding a new section 257 to read as follows:

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

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

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

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

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

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

2. Establishment and purpose. The division of military and naval affairs, in conjunction with the office of children and family services, shall develop and implement a childcare program to benefit members of the New York national guard in accordance with the provisions of this section. Such program shall provide members of the New York national 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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civilian childcare when on-base childcare is not available to such members.

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

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

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

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

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

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

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

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

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

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

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

(c) All childcare costs shall be processed directly to the childcare provider and processed in accordance with the program policies, dependent on submission of completed attendance sheets. No payments shall be guaranteed until a final approval certificate has been sent to both the member and childcare provider. It shall be the responsibility of both the member and childcare provider to review all approvals made for accuracy and to report any inaccuracies as soon as possible.

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

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

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