# STATE OF NEW YORK

9042

# IN SENATE

January 27, 2026

Introduced by Sen. BRISPORT -- 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 incorporating the cost of living adjustment into subsequent maximum state aid rates

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

Section 1. Subdivision 2 of section 398-a of the social services law, as amended by section 20 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(2) The office of children and family services shall promulgate, subject to consultation with appropriate state agencies, the approval of the director of the budget and certification to the [~~chairmen~~] **chairpersons** of the senate finance and assembly ways and means committees, regulations establishing standards of payment for care provided **to** foster children when the care of such children is subject to public financial support, when such care is provided by relatives, authorized agencies, family boarding homes, or state agencies. Such standards of payment shall include the care required to be provided for foster children and the cost of such care. When the office of children and family services has established such standards, reimbursement under subdivision two of section one hundred fifty-three-k of this chapter, for the care of foster children shall be limited in accordance with such standards. **Provided, however, notwithstanding any inconsistent provision of law to the contrary, when a cost of living adjustment is provided in accordance with a chapter of the laws of such year, the office of children and family services shall ensure such adjustment is subsequently included and incorporated as part of the next base payment rate established for providing care to foster children and every subsequent maximum state aid rate established thereafter. Provided, further, such adjustment shall be in addition to any cost of living adjustment that may be provided in a subsequent state fiscal year, as well as any additional trend factors or staff retention factors that the office of children and family services may apply to eligible programs. Nothing herein shall preclude the office**

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

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**of children and family services from applying additional trend factors or staff retention factors that a program may be eligible for.**

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 2 of section 398-a of the social services law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.