

STATE OF NEW YORK

9529

IN SENATE

March 20, 2026

Introduced by Sen. BASKIN -- 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 requiring the office of children and family services administrate the early childhood fund

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

1 Section 1. The title heading of title 5-C of article 6 of the social
2 services law, as added by section 52 of part B of chapter 436 of the
3 laws of 1997, is amended to read as follows:

4 [~~BLOCK GRANT FOR CHILD CARE~~] EARLY CHILDHOOD FUND

5 § 2. Section 410-u of the social services law, as added by section 52
6 of part B of chapter 436 of the laws of 1997 and subdivision 2 as
7 amended by section 1 of part U of chapter 56 of the laws of 2023, is
8 amended to read as follows:

9 § 410-u. Establishment of [~~block grant for child care~~] the early
10 childhood fund. 1. The [~~department~~] office of children and family
11 services shall establish [~~a state block grant~~] an early childhood fund
12 for child care comprised of all of the federal funds appropriated for
13 child care under title IV-A of the federal social security act and under
14 the federal child care and development block grant act and any addi-
15 tional federal funds that the state chooses to transfer from the federal
16 family assistance to needy families block grant to the child care and
17 development block grant plus any state funds appropriated for the
18 provision by social services districts of child care assistance to fami-
19 lies in receipt of family assistance and other low income families and
20 for activities to increase the availability and/or quality of child care
21 programs.

22 2. The [~~state block grant~~] early childhood fund for child care shall
23 be divided into two parts pursuant to a plan developed by the [~~depart-~~
24 ~~ment~~] office and approved by the director of the budget. One part shall
25 be retained by the state to provide child care on a statewide basis low
26 income families as defined in subdivision four of section four hundred

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

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1 ten-w of this article, except in a city with a population of one million
2 or more. This part shall also be used to provide child care on a state-
3 wide basis to special groups and for activities to increase the avail-
4 ability and/or quality of child care programs, including, but not limit-
5 ed to, the start-up of child care programs, the operation of child care
6 resource and referral programs, training activities, the regulation and
7 monitoring of child care programs, the development of computerized data
8 systems, and consumer education, provided however, that child care
9 resource and referral programs funded under title five-B of article six
10 of this chapter shall meet additional performance standards developed by
11 the [~~department~~] office of [social] children and family services includ-
12 ing but not limited to: increasing the number of child care placements
13 for persons who are at or below eighty-five percent of the state median
14 income, with emphasis on placements supporting local efforts in meeting
15 federal and state work participation requirements, increasing technical
16 assistance to all modalities of legal child care to persons who are at
17 or below eighty-five percent of the state median income, including the
18 provision of training to assist providers in meeting child care stand-
19 ards or regulatory requirements, and creating new child care opportu-
20 nities, and assisting social services districts in assessing and
21 responding to child care needs for persons at or below eighty-five
22 percent of the state median income. The [~~department~~] office of children
23 and family services shall have the authority to withhold funds from
24 those agencies which do not meet performance standards. Agencies whose
25 funds are withheld may have funds restored upon achieving performance
26 standards. The other part shall be allocated to social services
27 districts to provide child care assistance to families receiving [~~fami-~~
28 ~~ly~~] public assistance and transitional child care. In a city with a
29 population of one million or more, the second part of the fund shall be
30 used to provide child care assistance to families receiving public
31 assistance, transitional child care and to other low income families as
32 defined in subdivision four of section four hundred ten-w of this arti-
33 cle.

34 3. Notwithstanding any other provision of law, expenditures of funds
35 from the [~~block-grant~~] early childhood fund shall be governed by this
36 title.

37 § 3. Section 410-v of the social services law, as added by section 52
38 of part B of chapter 436 of the laws of 1997 and subdivision 2 as
39 amended by chapter 214 of the laws of 1998, is amended to read as
40 follows:

41 § 410-v. Allocation of [~~block-grant~~] early childhood funds. 1. The
42 part of the [~~block~~] fund that is determined to be available to [~~social~~
43 ~~services-districts~~] a city with a population of one million or more for
44 child care assistance shall be apportioned [~~among the social services~~
45 ~~districts~~] by the [~~department~~] office of children and family services
46 according to an allocation plan developed by the [~~department~~] office of
47 children and family services and approved by the director of the budget.
48 The allocation plan shall be based, at least in part, on historical
49 costs and on the availability and cost of, and the need for, child care
50 assistance in [~~each~~] such social services district. Annual allocations
51 shall be made on a federal fiscal year basis.

52 2. Reimbursement under the [~~block-grant~~] early childhood fund to a
53 social services district for its expenditures for child care assistance
54 shall be available for seventy-five percent of the district's expendi-
55 tures for child care assistance provided to those families in receipt of
56 public assistance which are eligible for child care assistance under

1 this title [~~and for one hundred percent of the social services~~
 2 ~~district's expenditures for other eligible families; provided, however,~~
 3 ~~that such reimbursement shall be limited to the social services~~
 4 ~~district's annual state block grant allocation.~~

5 ~~3. Any portion of a social services district's block grant allocation~~
 6 ~~for a particular federal fiscal year that is not claimed by such~~
 7 ~~district during that federal fiscal year shall be added to that social~~
 8 ~~services district's block grant allocation for the next federal fiscal~~
 9 ~~year.~~

10 ~~4. Any claims for child care assistance made by a social services~~
 11 ~~district for services that occurred from October first, nineteen hundred~~
 12 ~~ninety six through September thirtieth, nineteen hundred ninety seven,~~
 13 ~~other than claims made under title XX of the federal social security~~
 14 ~~act, shall be counted against the social services district's first block~~
 15 ~~grant allocation].~~

16 § 4. Section 410-w of the social services law, as amended by chapter
 17 569 of the laws of 2001, subdivisions 1 and 3 as amended by section 2 of
 18 part U of chapter 56 of the laws of 2023, subdivision 3-a as amended by
 19 chapter 5 of the laws of 2025, paragraph (a) of subdivision 4 as amended
 20 by chapter 135 of the laws of 2007, subdivision 5 as amended by chapter
 21 70 of the laws of 2023, subdivision 6 as added by chapter 233 of the
 22 laws of 2009, subdivision 7 as added by section 1 of part R of chapter
 23 56 of the laws of 2014, subdivision 8 as amended by section 6 of part U
 24 of chapter 56 of the laws of 2023, subdivision 9 as added by chapter 344
 25 of the laws of 2019 and subdivision 10 as amended by section 8 of part U
 26 of chapter 56 of the laws of 2023, is amended to read as follows:

27 § 410-w. Eligible families. 1. (a) A social services district ~~[may]~~
 28 shall use the funds allocated to it from the ~~[block grant]~~ early child-
 29 hood fund to provide child care assistance to~~[+~~

30 ~~(a)]~~ families receiving public assistance when such child care assist-
 31 ance is necessary: to enable a parent or caretaker relative to engage in
 32 work, participate in work activities or perform a community service
 33 pursuant to title nine-B of article five of this chapter; to enable a
 34 teenage parent to attend high school or other equivalent training
 35 program; because the parent or caretaker relative is physically or
 36 mentally incapacitated; or because family duties away from home necessi-
 37 tate the parent or caretaker relative's absence; child day care shall be
 38 provided during breaks in activities. Such child day care shall be
 39 authorized for the period designated by the regulations of the ~~[depart-~~
 40 ~~ment,]~~ office of children and family services.

41 (b) Child care assistance shall continue to be guaranteed for such a
 42 family for a period of twelve months or, upon approval by the office,
 43 may be provided by a social services district for a period up to twen-
 44 ty-four months, after the month in which the family's eligibility for
 45 public assistance has terminated or ended when such child care is neces-
 46 sary in order to enable the parent or caretaker relative to engage in
 47 work, provided that the family's public assistance has been terminated
 48 as a result of an increase in the hours of or income from employment or
 49 increased income from child support payments or because the family
 50 voluntarily ended assistance; that the family received public assistance
 51 in at least three of the six months preceding the month in which eligi-
 52 bility for such assistance terminated or ended or provided that such
 53 family has received child care assistance under subdivision four of this
 54 section; and that the family's income does not exceed eighty-five
 55 percent of the state median income.

1 (c) Such family shall suffer no break in child care services and shall
2 not be required to reapply for such assistance so long as eligibility
3 under this section continues.

4 (d) Such child day care shall recognize the need for continuity of
5 care for the child and a district shall not move a child from an exist-
6 ing provider unless the participant consents to such move.

7 2. (a) Local social services districts shall guarantee applicants who
8 would otherwise be eligible for, or are recipients of, public assistance
9 benefits and who are employed, the option to choose to receive continu-
10 ing child day care subsidies in lieu of public assistance benefits, for
11 such period of time as the recipient continues to be eligible for public
12 assistance. For the purposes of this subdivision, an eligible applicant
13 for, or recipient of, public assistance benefits and who is employed
14 includes a person whose gross earnings equal, or are greater than, the
15 required number of work hours times the state minimum wage. Recipients
16 of child care subsidies under this subdivision who are no longer eligi-
17 ble for public assistance benefits, shall be eligible for child care
18 described in subdivision one of this section as if they had been recipi-
19 ents of public assistance.

20 (b) Nothing herein shall be construed to waive the right of an appli-
21 cant who chooses to receive continuing child day care subsidies pursuant
22 to this section from applying for ongoing public assistance.

23 3. Social services districts shall be responsible for determining
24 eligibility for child care assistance for low income families, as
25 defined in subdivision four of this section. Once a family is determined
26 eligible for child care assistance, social services districts outside a
27 city with a population of one million or more shall provide the family's
28 information to the office of children and family services for assistance
29 to be provided in an equitable manner to eligible families within
30 amounts appropriated. A city with a population of one million or more
31 shall continue to determine eligibility and fund child care assistance
32 within funds appropriated pursuant to this article.

33 4. For the purpose of this title, a "low income family" shall be
34 defined as:

35 ~~[(b)]~~ (a) families with incomes up to eighty-five percent of the state
36 median income who are attempting through work activities to transition
37 off of public assistance when such child care is necessary in order to
38 enable a parent or caretaker relative to engage in work provided such
39 families' public assistance has been terminated as a result of increased
40 hours of or income from employment or increased income from child
41 support payments or the family voluntarily ended assistance; provided
42 that the family received public assistance at least three of the six
43 months preceding the month in which eligibility for such assistance
44 terminated or ended or provided that such family has received child care
45 assistance under subdivision four of this section; or

46 ~~[(e)]~~ (b) families with incomes up to eighty-five percent of the state
47 median income, which are determined in accordance with the regulations
48 of the ~~[department]~~ office of children and family services to be at risk
49 of becoming dependent on family assistance; or

50 ~~[(d)]~~ (c) families with incomes up to eighty-five percent of the state
51 median income, who are attending a post secondary educational program;
52 ~~[and]~~ or

53 ~~[(e)]~~ (d) other families with incomes up to eighty-five percent of the
54 state median income in accordance with criteria established by the
55 ~~[department]~~ office of children and family services.

1 ~~[2]~~ 5. For the purposes of this title, the term "state income stand-
2 ard" means the most recent federal income official poverty line (as
3 defined and annually revised by the federal office of management and
4 budget) updated by the [~~department~~] office of children and family
5 services for a family size of four and adjusted by the [~~department~~]
6 office of children and family services for family size.

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

30 ~~3-a.]~~ 6. A local social services district may, upon notification to
31 the office, utilize a presumptive eligibility standard to [~~provide~~]
32 determine eligibility for child care assistance, in accordance with this
33 subdivision. The office of children and family services shall issue
34 guidance regarding the preliminary eligibility criteria to be used by
35 local social services districts utilizing a presumptive eligibility
36 standard.

37 (a) A local social services district opting to utilize a presumptive
38 eligibility standard, shall, upon receipt of an application for child
39 care assistance, including all completed documentation required by the
40 district, complete a preliminary eligibility determination.

41 (b) If the family meets the preliminary eligibility criteria, the
42 family shall be presumed eligible for child care assistance for the
43 period from the date of the application to the date of the final eligi-
44 bility determination.

45 (c) [~~A local social services district~~] The office of children and
46 family services may utilize [~~child care block grant~~] early childhood
47 funds for the presumptive eligibility period to the extent permitted by
48 federal law.

49 (d) If, upon final determination, the application for child care
50 services is denied, the social services district shall send written
51 notice to the applicant of the determination of ineligibility and of the
52 applicant's right to a fair hearing in accordance with the regulations
53 of the office.

54 ~~[4. (a) Local social services districts shall guarantee applicants who~~
55 ~~would otherwise be eligible for, or are recipients of, public assistance~~
56 ~~benefits and who are employed, the option to choose to receive continu-~~

~~ing child day care subsidies in lieu of public assistance benefits, for such period of time as the recipient continues to be eligible for public assistance. For the purposes of this subdivision, an eligible applicant for, or recipient of, public assistance benefits and who is employed includes a person whose gross earnings equal, or are greater than, the required number of work hours times the state minimum wage. Recipients of child care subsidies under this subdivision who are no longer eligible for public assistance benefits, shall be eligible for transitional child care described in paragraph (b) of subdivision one of this section as if they had been recipients of public assistance.~~

~~(b) Nothing herein shall be construed to waive the right of an applicant who chooses to receive continuing child day care subsidies pursuant to this section from applying for ongoing public assistance.~~

~~5. (a) A family eligible for child care assistance pursuant to subdivision one of this section, unless such family voluntarily ends such assistance, shall be deemed eligible for a period of no less than twelve months from the date of the eligibility determination for such assistance, provided the family income does not exceed eighty five percent of the state median income. A social services district may extend this period to up to twenty-four months, provided the family income does not exceed eighty five percent of the state median income.~~

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

~~6.] 7.~~ Notwithstanding any other provision of law, rule or regulation to the contrary, applicants for child care subsidy assistance shall be encouraged to obtain a child support order and shall be advised of the benefits of obtaining such orders. Provided however, no applicant for, or recipient of, child care assistance under this title shall be required to pursue, or to obtain, a court order for child support as a condition of eligibility for child care assistance.

~~[7.] 8.~~ For purposes of determining financial eligibility under this title, the earned income of a dependent child under the age of eighteen, who is not legally responsible for the child or children for which child care assistance is sought, shall be disregarded when determining the eligibility of a household for a child care subsidy.

~~[8. Notwithstanding any other provision of law, rule or regulations to the contrary, a social services district that implements a plan amendment to the child care portion of its child and family services plan, either as part of an annual plan update, or through a separate plan amendment process, where such amendment reduces eligibility for, or increases the family share percentage of, families receiving child care services, or that implements the process for closing child care cases as set forth in the district's approved child and family services plan, due to the district determining that it cannot maintain its current caseload because all of the available funds are projected to be needed for open cases, shall provide all families whose eligibility for child care assistance or family share percentage will be impacted by such action with at least thirty days prior written notice of the action. Provided, however, that a]~~ 9. A family receiving assistance pursuant to this title shall not be required to contribute more than one percent of their income exceeding the federal poverty level.

~~[9.] 10.~~ Parents and caretakers who are otherwise eligible for child care assistance, and provided with such assistance, shall be able to utilize the assistance when care is necessary to enable them to sleep

1 because they work non-traditional hours and have a child who is under
2 the age of six and not in school for a full school day. The authori-
3 zation for child care assistance shall be sufficient to allow the parent
4 to obtain up to eight hours of sleep, as needed.

5 ~~[10.]~~ 11. For the purposes of this title, the term "state median
6 income" means the most recent state median income data published by the
7 bureau of the census, for a family of the same size, updated by the
8 ~~[department]~~ office of children and family services for a family size of
9 four and adjusted by the ~~[department]~~ office of children and family
10 services for family size.

11 § 5. Section 410-x of the social services law, as added by section 52
12 of part B of chapter 436 of the laws of 1997, subdivisions 1 and 2 as
13 amended and paragraphs (d) and (e) of subdivision 2 as added by chapter
14 416 of the laws of 2000, paragraph (a) of subdivision 2 as amended by
15 section 3 of part U of chapter 56 of the laws of 2023, subdivision 3 as
16 amended by chapter 214 of the laws of 1998, subdivision 6 as amended by
17 section 7 of part U of chapter 56 of the laws of 2023, subdivision 7 as
18 added by chapter 117 of the laws of 2010, subdivision 8 as added by
19 section 1 of subpart E of part C of chapter 97 of the laws of 2011,
20 subdivision 9 as added by section 5 of part U of chapter 56 of the laws
21 of 2023 and subdivision 10 as added by section 1 of part Y of chapter 56
22 of the laws of 2024, is amended to read as follows:

23 § 410-x. Use of funds. 1. A social services district ~~[shall expend~~
24 ~~its allocation from the block grant in a manner that provides for equi-~~
25 ~~table access to child care assistance funds to eligible families, and in~~
26 ~~accordance with the applicable provisions in federal law regarding the~~
27 ~~portion of the funds which must be spent on families in receipt of fami-~~
28 ~~ly assistance, families who are attempting through work activities to~~
29 ~~transition off of family assistance and families at risk of becoming~~
30 ~~dependent on family assistance and the portion which must be spent on~~
31 ~~other working low income families. Each social services district]~~ may
32 spend no more than five percent of its ~~[block grant]~~ early childhood
33 fund allocation for administrative activities. The term "administrative
34 activities" shall not include the costs of providing direct services.

35 2. (a) The office of children and family services may establish prior-
36 ities for the families which will be eligible to receive funding;
37 provided that the priorities provide that eligible families will receive
38 equitable access to child care assistance funds to the extent that these
39 funds are available. The office of children and family services shall
40 ensure that families in receipt of child care assistance as of September
41 thirtieth, two thousand twenty-three who were identified as a priority
42 population under a local social services district's consolidated
43 services plan shall continue to be eligible for such assistance,
44 provided they meet all other applicable eligibility requirements for
45 such assistance.

46 ~~[(d) Each social services district shall collect and submit to the~~
47 ~~commissioner of the office of children and family services in a manner~~
48 ~~to be specified by the commissioner of the office of children and family~~
49 ~~services information concerning the disbursement of child care assist-~~
50 ~~ance funds showing geographic distribution of children receiving assist-~~
51 ~~ance within the district.]~~

52 ~~(e)]~~ (b) The commissioner of the office of children and family
53 services shall submit a report to the governor, temporary president of
54 the senate and the speaker of the assembly on or before August thirty-
55 first, two thousand one and annually thereafter concerning the implemen-
56 tation of this section. This report shall include information concerning

1 the disbursement of child care assistance funds showing geographic
2 distribution of children receiving assistance within the state.

3 3. Child care assistance funded under the [~~block-grant~~] early child-
4 hood fund must meet all applicable standards set forth in section three
5 hundred ninety of this article or the administrative code of the city of
6 New York, including child day care in a child day care center, family
7 day care home, group family day care home, school age child care
8 program, or in home care which is not subject to licensure, certifi-
9 cation or registration, or any other lawful form of care for less than
10 twenty-four hours per day. The [~~department~~] office of children and fami-
11 ly services also is required to establish, in regulation, minimum health
12 and safety requirements that must be met by those providers providing
13 child care assistance funded under the [~~block-grant~~] early childhood
14 fund which are not required to be licensed or registered under section
15 three hundred ninety of this article or to be licensed under the admin-
16 istrative code of the city of New York and to those public assistance
17 recipients who are providing child care assistance as part of their work
18 activities or as community service under title nine-B of article five of
19 this chapter. A social services district may submit to the [~~department~~]
20 office of children and family services justification for a need to
21 impose additional minimum health and safety requirements on such provid-
22 ers and a plan to monitor compliance with such additional requirements.
23 No such additional requirements or monitoring may be imposed without the
24 written approval of the [~~department~~] office of children and family
25 services. Social services districts shall provide, directly or through
26 referral, technical assistance and relevant health and safety informa-
27 tion to all public assistance recipients who voluntarily choose to
28 provide child care assistance as part of their work activities under
29 title nine-B of article five of this chapter.

30 4. The amount to be paid or allowed for child care assistance funded
31 under the [~~block-grant~~] early childhood fund shall be the actual cost of
32 care but no more than the applicable market-related payment rate estab-
33 lished by the [~~department~~] office of children and family services in
34 regulations. The payment rates established by the [~~department~~] office of
35 children and family services shall be sufficient to ensure equal access
36 for eligible children to comparable child care assistance in the
37 substate area that are provided to children whose parents are not eligi-
38 ble to receive assistance under any federal or state programs. Such
39 payment rates shall take into account the variations in the costs of
40 providing child care in different settings and to children of different
41 age groups, and the additional costs of providing child care for chil-
42 dren with special needs.

43 5. The [~~department~~] office of children and family services shall
44 promulgate regulations under which provision for child care assistance
45 may be made by providing child care directly; through purchase of
46 services contracts; by providing cash, vouchers or reimbursement to the
47 providers of child care or to the parents or caretaker relatives; or
48 through such other arrangement as the [~~department~~] office of children
49 and family services finds appropriate. Such regulations shall require
50 the use of at least one method by which child care arranged by the
51 parent or caretaker relative can be paid.

52 6. Pursuant to [~~department~~] office of children and family services
53 regulations, child care assistance shall be provided on a sliding fee
54 basis based upon the family's ability to pay; provided, however, that a
55 family receiving assistance pursuant to this title shall not be required

1 to contribute more than one percent of their income exceeding the feder-
2 al poverty level.

3 7. A social services district may suspend the eligibility of a provid-
4 er who is not required to be licensed or registered under section three
5 hundred ninety of this article to provide child care assistance funded
6 under the [~~block-grant~~] early childhood fund, where the provider is the
7 subject of a report of child abuse or maltreatment that is under inves-
8 tigation by child protective services.

9 8. Notwithstanding any provision of law to the contrary, child care
10 assistance payments made pursuant to this section may be made by direct
11 deposit or debit card, as elected by the recipient, and administered
12 electronically, and in accordance with such guidelines, as may be set
13 forth by regulation of the office of children and family services. The
14 office of children and family services may enter into contracts on
15 behalf of local social services districts for such direct deposit or
16 debit card services in accordance with section twenty-one-a of this
17 chapter.

18 9. Reimbursement for payment on behalf of children who are temporarily
19 absent from child care shall be paid for up to eighty days per year.
20 Reimbursement for additional absences may be allowable in the case of
21 extenuating circumstances, as determined by the office of children and
22 family services.

23 10. Differential payment rates for child care services shall be estab-
24 lished as required by this subdivision; provided however no provider
25 shall receive an aggregate differential in excess of a limit to be set
26 by the regulations of the office.

27 (a) [~~Local social services districts~~] The office of children and fami-
28 ly services shall establish a differential payment rate for child care
29 services provided by licensed or registered child care providers who
30 provide care to a child or children experiencing homelessness. Such
31 differential payment rate shall be no less than ten percent higher but
32 no greater than fifteen percent higher than the actual cost of care or
33 the applicable market-related payment rate established by the office in
34 regulations, whichever is less.

35 (b) [~~Local social services districts~~] The office of children and fami-
36 ly services shall establish a differential payment rate for child care
37 services provided by licensed, registered, or enrolled child care
38 providers who provide care to a child during nontraditional hours.
39 Nontraditional hours shall mean care provided other than between six
40 o'clock ante meridian and seven o'clock post meridian on weekdays. Such
41 differential payment rate shall be no less than ten percent higher but
42 no greater than fifteen percent higher than the actual cost of care or
43 the applicable market-related payment rate established by the office in
44 regulations, whichever is less.

45 (c) Nothing in this subdivision shall be construed to limit the
46 authority of the office of children and family services to establish
47 additional differential payment rates by regulation.

48 § 6. Section 410-y of the social services law, as amended by section 1
49 of part CC of chapter 56 of the laws of 2025, is amended to read as
50 follows:

51 § 410-y. Maintenance of effort. 1. Each social services district shall
52 maintain the amount of local funds spent for child care assistance under
53 the [~~child care block-grant~~] early childhood fund at a level equal to or
54 greater than the amount the district spent for child care assistance
55 during federal fiscal year nineteen hundred ninety-five under title IV-A
56 of the federal social security act, the federal child care development

1 block grant program and the state low income child care program;
 2 provided however, a social services district for a city of a population
 3 of a million or more shall spend local funds for child care assistance
 4 at an amount no less than three hundred twenty-eight million dollars.

5 2. If ~~[the state fails]~~ social services districts fail to ~~[meet]~~ main-
 6 tain the ~~[level of state and]~~ amount of local ~~[child care funding neces-~~
 7 ~~sary to maintain the federal matching funds for child care assistance~~
 8 ~~available under title IV-a of the federal social security act]~~ funds
 9 required pursuant to subdivision one of this section, the state shall
 10 withhold funding from those social services districts ~~[which spent a~~
 11 ~~lower amount of local funds for child care assistance than the amount~~
 12 ~~required by subdivision one of this section,~~] based on a formula estab-
 13 lished in ~~[department]~~ the office of children and family services regu-
 14 lations~~[, equal to the amount of the matching funds which have been~~
 15 ~~lost]~~.

16 § 7. Section 410-z of the social services law, as added by section 52
 17 of part B of chapter 436 of the laws of 1997, is amended to read as
 18 follows:

19 § 410-z. Reporting requirements. Each social services district shall
 20 collect and submit to the ~~[department]~~ office of children and family
 21 services, in such form and at such times as specified by the ~~[depart-~~
 22 ~~ment]~~ office of children and family services, such data and information
 23 regarding child care assistance provided under the ~~[block grant]~~ early
 24 childhood fund as the ~~[department]~~ office of children and family
 25 services may need to comply with federal reporting requirements.

26 § 8. Section 410-z of the social services law, as amended by chapter
 27 32 of the laws of 2026, is amended to read as follows:

28 § 410-z. Reporting requirements. 1. Each social services district
 29 shall collect and submit to the office of children and family services,
 30 in such form and at such times as specified by the office of children
 31 and family services, such data and information regarding child care
 32 assistance provided under the ~~[block grant]~~ early childhood fund as the
 33 office of children and family services may need to comply with federal
 34 reporting requirements.

35 2. (a) The office of children and family services district shall main-
 36 tain a waiting list of eligible families who have applied for child care
 37 assistance pursuant to this title and who have not received such assist-
 38 ance. Such waiting list shall contain information including, but not
 39 limited to:

40 (i) the date the child care assistance was requested;
 41 (ii) the date the child care assistance was received;
 42 (iii) the age of the child or children the assistance was requested on
 43 behalf of; and
 44 (iv) the total number of families on such waiting list as of the first
 45 day of each month.

46 (b) The office of children and family services by October fifteenth,
 47 two thousand twenty-seven, and annually thereafter shall post on their
 48 website a report detailing month-to-month information required pursuant
 49 to this subdivision for the preceding period of October first through
 50 September thirtieth, and shall receive any necessary information and
 51 data from each local social services districts necessary to comply with
 52 this subdivision. The office shall include the following in the report:

53 (i) the average length of time for families on the waiting list;
 54 (ii) the number of families on the waiting list for each of the
 55 following time periods:
 56 (A) less than two weeks,

- 1 (B) two weeks to less than a month,
2 (C) one month to less than three months,
3 (D) three months to less than six months,
4 (E) six months to less than a year, and
5 (F) one year or more;

6 (iii) the average age of children represented on the waiting list;
7 (iv) the number of children represented on the waiting list eligible
8 for each:

- 9 (A) infant,
10 (B) toddler,
11 (C) pre-school, and
12 (D) school-aged subsidized child care slots; and
13 (v) the number of existing infant, toddler, pre-school and school-aged
14 subsidized child care slots;
15 (vi) the number of families who would receive child care assistance
16 except that they are waiting for available slots in a particular child
17 care program; and
18 (vii) other information as the office deems appropriate.

19 3. (a) Each social services district shall collect data regarding the
20 income of families who applied for child care assistance pursuant to
21 this title, and pass such data on to the office of children and family
22 services. Such data shall include:

- 23 (i) the number of families who were denied;
24 (ii) the number of families who were determined eligible for such
25 assistance; and
26 (iii) a listing of the incomes pursuant to paragraph (b) of this
27 subdivision of the families who applied for such assistance.

28 (b) The office of children and family services by October fifteenth,
29 two thousand twenty-seven, and annually thereafter, shall post on their
30 website a report detailing month-to-month information collected pursuant
31 to this subdivision for the preceding period of October first through
32 September thirtieth, and shall receive any necessary information and
33 data from each local social services districts necessary to comply with
34 this subdivision. The office shall include the following in the report:

35 (i) the number of all families who applied for and received child care
36 assistance pursuant to this title whose:

37 (A) incomes were under fifty percent of the state median income level
38 for their family size,

39 (B) incomes were between fifty percent and seventy-five percent of the
40 state median income level for their family size, and

41 (C) incomes were between seventy-five and eighty-five percent of the
42 state median income level for their family size; and

43 (ii) the number of all families who applied for and were denied child
44 care assistance pursuant to this title whose:

45 (A) incomes were under fifty percent of the state median income level
46 for their family size,

47 (B) incomes were between fifty percent and seventy-five percent of the
48 state median income level for their family size, and

49 (C) incomes were between seventy-five percent and eighty-five percent
50 of the state median income level for their family size.

51 4. Such report required pursuant to paragraph (b) of subdivision two
52 and paragraph (b) of subdivision three of this section shall be provided
53 to the governor, the speaker of the assembly, the temporary president of
54 the senate, the chairperson of the assembly committee on children and
55 families, the chairperson of the senate committee on children and fami-
56 lies, the chairperson of the assembly committee on social services, the

1 chairperson of the senate committee on social services, the chairperson
2 of the assembly ways and means committee and the chairperson of the
3 senate finance committee no later than December first, two thousand
4 twenty-seven, and annually thereafter.

5 5. Reports issued and compiled under this section shall not use the
6 name, address, or any other identifying information of an individual who
7 is the subject of the report and shall ensure the anonymity of those
8 included in the reports.

9 § 9. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law; provided, however, that the amendments to
11 section 410-z of the social services law made by section seven of this
12 act shall be subject to the expiration and reversion of such section
13 pursuant to section 3 of chapter 676 of the laws of 2025, as amended,
14 when upon such date the provisions of section eight of this act shall
15 take effect.