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:

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

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

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities. Such child day care shall be authorized for the period designated by the regulations of the department;

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

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

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

(e) other families with incomes up to [~~eighty-five~~] **one hundred** percent of the state median income in accordance with criteria established by the department.

3. A social services district shall guarantee child care assistance to families in receipt of public assistance with children under thirteen years of age when such child care assistance is necessary for a parent or caretaker relative to engage in work or participate in work activities pursuant to the provisions of title nine-B of article five of this chapter. Child care assistance shall continue to be guaranteed for such a family for a period of twelve months or, upon approval by the office, may be provided by a social services district for a period up to twenty-four months, after the month in which the family's eligibility for public assistance has terminated or ended when such child care is necessary in order to enable the parent or caretaker relative to engage in work, provided that the family's public assistance has been terminated as a result of an increase in the hours of or income from employment or increased income from child support payments or because the family voluntarily ended assistance; that the family received public assistance in at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; and that the family's income does not exceed [~~eighty-five~~] **one hundred** percent of the state median income. Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

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~~] **one hundred** 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~~] **one hundred** 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.

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

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

training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of **this** article [~~**six of this chapter**~~] shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for persons who are at or below [~~**eighty-five**~~] **one hundred** percent of the state median income, with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below [~~**eighty-five**~~] **one hundred** percent of the state median income, including the provision of training to assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below [~~**eighty-five**~~] **one hundred** percent of the state median income. The department shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

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

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