STATE OF NEW YORK

5413

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

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

AN ACT to amend the social services law, in relation to enacting the "help parents find and afford child care act"

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

Section 1. Article 6 of the social services law is amended by adding a new title 7-A to read as follows:

TITLE 7-A
HELP PARENTS FIND AND AFFORD CHILD CARE ACT

Section 435. Short title.
435-a. Definitions.
435-b. Child care subsidies.
435-c. Tri-share child care program.
435-d. At-home infant care program.
435-e. Supporting military families.
435-f. Reporting.

§ 435. Short title. This title shall be known and may be cited as the "help parents find and afford child care act".

§ 435-a. Definitions. For the purposes of this title, the following terms shall have the following meanings:

1. "Child care assistance program" means the program through which the office provides child care assistance to low- and moderate-income families through funds received from the federal child care and development block grant, a portion of the state's temporary assistance to needy families allocation, state funds, and local government funds.

2. "Child day care provider" shall have the same meaning as defined by section three hundred ninety of this article.

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

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3. "Benefit cliff effect" means the sudden decrease in public benefits than can occur with a small increase in earnings.

4. "Office" means the office of children and family services.

§ 435-b. Child care subsidies. 1. The office shall develop a phased implementation plan for childcare subsidies under the child care assistance program with benchmarks for limiting co-payments, by the year two thousand thirty, to no more than seven percent of a family's income. Such implementation plan shall include, but not be limited to, the following:

(a) a phased approach with benchmarks, that gradually increases eligibility based on income until two thousand thirty and considers eligibility opportunities for families earning up to two hundred fifty percent of the median family income in the state;

(b) a graduated system of co-payments to eliminate the benefit cliff effect for families and to limit the amount a family pays for child care;

(c) expanded access to a child care subsidy by developing a model to enable the office to provide contracted slots to programs that service a family using the child care subsidy; and

(d) a plan, a budget, revenue recommendations, and a timeline to achieve the goals of this section.

2. Any family that qualifies for public assistance through Medicaid or the special supplemental nutrition program for women, infants and children under section twenty-five hundred seven of the public health law shall be deemed to categorically satisfy the income eligibility requirements to receive assistance through the child care assistance program.

3. The office shall determine eligibility for the child care assistance program within thirty days of receiving an application. The office shall provide retroactive reimbursement to a child care provider that provided tuition assistance to an applicant during the application review period, regardless of final eligibility determination, within fifteen days of such final determination. Applicants shall be presumed to be eligible for the program during the processing of such applications.

4. The office shall establish a mechanism for automatic enrollment to enroll children in the child care assistance program based on eligibility findings for Medicaid or the special supplemental nutrition program for women, infants and children under section twenty-five hundred seven of the public health law. The department of health shall include a checkbox or similar mechanism on pediatric and relevant obstetrics and gynecology providers' intake materials to provide consent to be contacted by the office about subsidized childcare under the child care assistance program.

§ 435-c. Tri-share child care program. 1. The office shall establish a tri-share child care program, which creates a public/private partnership to share the cost of child care between employers, eligible employees, and the state to:

(a) make high-quality child care affordable and accessible for working families;

(b) help employers retain and attract employees; and

(c) help stabilize child day care providers across the state.

2. Monies appropriated by the legislature for the tri-share child care program shall be used to provide the state's portion of funding for the tri-share child care program established by this section. The state's contribution shall be equal to the amount contributed by the employer and eligible employee up to the amount permitted to be expended by the

state under the state child care subsidy guidelines outlined under the child care assistance program. Funds provided under this section shall be divided evenly in each fiscal year among the regional facilitator hubs, as described in subdivision three of this section, selected to participate in the program. Any unexpended funds shall revert to the general fund.

3. The office shall select up to three local partnerships to serve as regional facilitator hubs to implement and administer the tri-share child care program and act as regional intermediaries between employers, families, child care providers, and the state. The office shall select local partnerships to participate in the program from geographically diverse areas across the state.

4. The local partnerships selected to serve as regional facilitator hubs shall establish and determine tri-share child care program eligibility. For purposes of the tri-share child care program, an employee shall be eligible to participate if such employee is employed by a participating employer, and is not otherwise receiving subsidized child care in the state. An eligible employee may reside outside of the designated region for the respective facilitator hub. Additionally, the regional facilitator hubs shall develop and implement other criteria for the tri-share child care program, including, but not limited to, each of the following:

(a) ensuring payment for the cost of child care is divided equally between an employer, an eligible employee, and the state, up to a benefit equal to the maximum amount of benefits provided under the child care assistance program;

(b) recruiting participating employers and licensed child day care providers;

(c) ensuring participating employers agree to (i) identify and recruit eligible employees, (ii) provide the employer portion of each participating employee's child care costs, and (iii) maintain communication with the regional facilitator hub regarding each eligible employee's continued employment and eligibility;

(d) verifying that participating child day care providers meet state licensure requirements;

(e) final determinations regarding a referred employee's eligibility; and

(f) coordinating and ensuring payments between employers, employees, and licensed child day care providers.

5. A regional facilitator hub may use up to nine percent of its allocation for administrative costs.

6. Within two years of the commencement of the tri-share child care program, the office shall submit a report to the legislature, which shall include, at a minimum, each of the following:

(a) the number of children served, by age and county;

(b) total program costs, including any administrative costs;

(c) the amount of funds needed for program expansion, if recommended;

(d) the list of employers participating in the tri-share child care program; and

(e) any other relevant information or recommendations deemed appropriate.

§ 435-d. At-home infant care program. 1. The office shall create an at-home infant care program to be administered through the child care assistance program, which shall be an at-home infant care program for families in which a parent or guardian provides full-time child care for such family's infant under two years of age. Through such at-home infant

care program, a family may receive a payment in lieu of child care assistance if such family meets the following eligibility requirements:

(a) the family has not previously received a total of twenty-four months of at-home infant care assistance under this section;

(b) the at-home infant care assistance is only received up to twenty-four months, once per child;

(c) a parent shall be eighteen years of age or older or, if under eighteen years of age, have attained an equivalency of completion of secondary education, or a high school diploma; and

(d) any additional requirements determined by the office pursuant to rule and/or regulation.

2. Notwithstanding paragraph (c) of subdivision one of this section, a parent who is under eighteen years of age and attending high school or a program for equivalency of completion of secondary education may receive benefits for months outside of the regular school year.

3. Family members may participate in education and work activities provided a parent or guardian provides care full-time for the infant.

4. The office shall expend funds under the at-home infant care program pursuant to the following rates of assistance:

(a) Clients eligible for the child care assistance program shall receive a benefit equal to the maximum amount of benefits the parent or guardian would be eligible to receive under such program, otherwise the benefit shall be equal to three thousand six hundred dollars per year, adjusted annually for inflation for each year following the effective date of this section.

5. Payments received under the at-home infant care program shall not be subject to state income tax.

6. Payments received under the at-home infant care program shall be excluded from an applicant's income to qualify and apply for other assistance programs in the state.

7. The at-home infant care program shall be funded if a specific appropriation is added to the general appropriations act or by budget amendment if funds become available from federal or private sources.

8. The office shall create outreach materials and develop an outreach plan to provide materials to all pediatric and prenatal providers in the state.

9. A participating family shall report income and other family changes as specified by the office pursuant to rule or regulation.

§ 435-e. Supporting military families. 1. The office is hereby directed to increase the availability of child care options and subsidies for military families, including through coordination with the federal department of defense to allow or expand participation in the office's military child care in your neighborhood-PLUS program (MCCYN-PLUS), or other federal department of defense programs.

2. Any spouse of an active duty or reserve member of the armed forces of the United States or a member of the state national guard who has obtained a valid out-of-state child care license, with full credentials and without deficiencies, that is in force at the time the application for a state license under section three hundred ninety of this article is received by the office, and has submitted to a criminal history record background check within the past year, may be eligible to receive licensure by reciprocity. Each such individual shall establish a file in the office by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such

individual. The office shall determine and communicate such individual's eligibility for licensure by reciprocity within fifteen business days of receipt of the complete application packet.

§ 435-f. Reporting. No later than one year after the effective date of this title and annually thereafter, the office shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly that includes a review of implementation progress, utilization of programs, and recommendations for additional legislative action if needed under this title.

§ 2. This act shall take effect on the one hundred eightieth 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.