



NEW YORK STATE SENATOR

Velmanette Montgomery

Senator Montgomery's bill mandating notice requirements to families and providers when funding cuts are made is voted out of the Social Services Committee

SENATOR VELMANETTE MONTGOMERY May 22, 2017

| ISSUE: **CHILD CARE, PARENTAL RIGHTS**



Senator Montgomery's legislation S4444 requires a county to contact the New York State Office of Children and Family Services (OCFS) 90 days before they reduce access to child care services. OCFS is required to post a notice on their website within ten days, and shall send notice to Providers in the affected district within 30 days. Providers are required to post such notice, and parents will have at least two months to plan.

This bill was introduced in response to a situation that occurred in Erie County in 2010. With only 10 days notice, the families of 1500 children in Erie County were notified that their child care subsidies would be terminated because the county was lowering its eligibility levels from 200% to 125% of poverty. This short notice left many families in the lurch and required some to leave their jobs and others to remove their children from safe, secure and known child care providers with no time to arrange satisfactory alternatives. Families were left without adequate time to plan or react.

State regulations require that an individual be given 10 days notice of a reduction or discontinuance of social services benefits. That notice provision makes sense if the adverse action is caused by a change in the individual's income or resources. However, it does not make sense when a county makes a dramatic change in child care eligibility levels or its co-payment structure. Counties receive their subsidy funding once a year and it is reasonable to expect that they project the number of families that can be served with the funding that the county is awarded. Such planning is fiscally responsible and is not unduly burdensome.

For more information about the bill, visit

<https://www.nysenate.gov/legislation/bills/2017/S4444>