



July 14, 2009

Honorable David Paterson  
Governor - New York State  
Executive Chamber  
The Capitol  
Albany, NY 12224

Dear Governor Paterson:

Citizens' Committee for Children of New York, Inc. (CCC) is a multi-issue child advocacy organization created to ensure that every child is healthy, housed, educated and safe. We strongly urge you to sign S. 2091/A.3657 into law. This critical legislation encourages applicants for child care subsidies to obtain orders of support, but does not require such child support orders as a condition of receiving a subsidy. The current child support eligibility requirement, which has no basis in statute, negatively impacts on the most vulnerable children New York State for the reasons stated below:

- Single parents are required to miss 4-5 days of work to file petitions, make court appearances, and return court appearances to get an order of support that is often minimal. Many low income parents do not have paid leave days and going to court means that their families suffer economically;
- The current requirement puts an unnecessary burden on Family Court, which is already in crisis. Overburdened court calendars are leading to long adjournments and incredible court delays.
- The agency requires a parent to pursue child support for all children, even those for whom the parent is not requesting child care assistance. When the children have different fathers, the custodial parent will have to obtain multiple orders to become eligible for a child care subsidy. This means more lost time from work and economic hardship, particularly in cases where the resulting order is against an indigent father and is de minimus in value and unlikely to be paid;
- No analysis of the likelihood of obtaining an enforceable order is made prior to imposing this requirement - quite the contrary. For example, if the father of a woman's child is in prison, she is only exempted from the requirement if the father is serving a life sentence. Requiring a parent in a vulnerable job position to miss work to obtain an order against an incarcerated father with no income or assets makes no sense;

- The penalty for failure to obtain a child support order is too extreme. A custodial parent who fails to obtain a child support order for ALL the children in the household (even if the failure is only for those children not receiving child care assistance) faces the loss of child care subsidy eligibility for all children in the household. This penalty is harsher than the penalty for those on Temporary Assistance who fail to obtain a child support order - a 25% reduction in cash benefits. Further, those on public assistance who fail to obtain a child support order suffer no loss in child care assistance, because by law they are guaranteed child care. 05 OCFS ADM 03, p.47.
- Many fathers of children born out of wedlock are voluntarily paying child support and are engaged in their children's lives. When this is the case, a custodial parent may not wish to involve the father in an adversarial proceeding in Family Court. Even when the custodial parent is willing to sign a notarized affidavit attesting to the fact that she receives voluntary support so that the income is counted toward subsidy eligibility, she is nonetheless disqualified from receiving child care assistance under the current requirement. Requiring custodians in these instances to seek court ordered child support is a waste of valuable court resources.
- Domestic violence victims who leave their batterers, are not granted good cause exemptions. However, these women will not pursue support because they are still afraid of their batterers.
- Immigrant families are discouraged from applying for child care subsidies because if the absent parent is here legally but applying for citizenship, any default in the support order could be considered "evidence of bad moral character," resulting in the denial of a petition for citizenship or even deportation. Particularly if the non-custodial parent is providing support voluntarily and is engaged in the child's life, most immigrant custodial parents do not want to take the risk of jeopardizing the deportation of the father of their children.

For all of these stated reasons, we urge you to quickly enact S.2091/A.3657 into law.

Sincerely,



Jennifer March-Joly  
Executive Director



Stephanie Gendell  
Associate Executive Director of Program and Policy