



Legislation Text

File #: Res 1700-2008, **Version:** *

Res. No. 1700

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.10258, which would provide that no applicant for, nor recipient of, child care assistance shall be required to pursue a court order for child support as a condition of eligibility for child care assistance.

By Council Members James, Gonzalez, Liu, Vann and de Blasio

Whereas, In January 2006, the Administration for Children’s Services (ACS) implemented a regulation of the New York State Office of Children and Family Services (OCFS) that, if applicable, requires applicants for, and recipients of, subsidized child care to actively pursue child support from the non-custodial parent as a condition for eligibility for child care assistance; and

Whereas, This child support enforcement regulation is often detrimental to low income families and children, as it can (i) deter many single-parent households from seeking subsidized child care for which they are otherwise eligible, and (ii) create adversarial relationships between custodial and non-custodial parents; and

Whereas, Subsidized child care can provide low-income children with an early childhood education that helps position them to succeed in school; and

Whereas, Reliable quality child care is an essential work support for families with young children that are low income or in the process of becoming self-sufficient; and

Whereas, Many advocates point to the child support requirement as a barrier to parents who want to participate in the early childhood education infrastructure available to them through ACS child care providers; and

Whereas, Applicants for child care assistance must complete an “agreement to actively pursue child support or good cause claim” form issued by OCFS indicating that either the applicant will agree to actively

pursue child support or the applicant has a good cause claim not to pursue child support; and

Whereas, The good cause claim can be used if the applicant believes that pursuing child support would expose the applicant, child or anyone in the household to physical or emotional harm; and

Whereas, Applicants making a good cause claim must provide supporting documentation at the time of application or within 20 days of applying; and

Whereas, Advocates argue that the existing good cause exemptions, such as those that exempt a parent from the requirement for reasons relating to fear of domestic violence, rape, children born of incest, or termination of the parental rights of the non-custodial parent are overly burdensome on the parent; and

Whereas, After reviewing supporting documentation, a case worker can still deem the evidence provided insufficient, and deny the good cause claim; and

Whereas, A survey conducted by the Welfare Reform Network (WRN), a coalition of organizations and individuals that advocate for humane income security policies, found that 65 out of 86 ACS-funded child care centers reported losing single-parent applicants because of this requirement; and

Whereas, Forty of the surveyed centers reported enrollment losses due to the regulation that ranged from 10 to 75 percent of single-parent applicants, and the average single-parent applicant loss rate for the forty centers was 38 percent; and

Whereas, Child care center directors surveyed by WRN reported that parents do not want to seek child support for a variety of reasons, including fear of the Family Court and how they would be treated there, not knowing who the father of the child is, not wanting the child's father to know the mother's whereabouts, and fear of non-custodial parent retaliate; and

Whereas, In order to comply with the requirement that they pursue child support, low income parents often have to miss work in order to attend Family Court, which may result in reduced pay or potential job loss; and

Whereas, Pennsylvania enacted a similar mandatory child support requirement in 1999, and an

independent regulatory review commission voted in May 2005 to rescind the regulation, citing mandatory child support cooperation as “a substantial barrier to needy families accessing the subsidized child care program;” and

Whereas, Reducing the barrier that requires parents to seek child support from non-custodial parents could begin to address the low utilization rates in areas ACS has identified as high need; and

Whereas, Members of the City Council introduced a resolution, on May 30, 2007, sponsored by Council Member James, urging the New York State Legislature to introduce legislation that would change this requirement; and

Whereas, On March 3, 2008, Assemblyman Scarborough introduced A. 10258, a bill that would accomplish this goal; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.10258, which would provide that no applicant for, nor recipient of, child care assistance shall be required to pursue a court order for child support as a condition of eligibility for child care assistance.

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