



Legislation Details (With Text)

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Title: Resolution calling upon the New York State Office of Children and Family Services to rescind the regulation requiring applicants for and recipients of subsidized child care to actively pursue child support from the non-custodial parent.

Sponsors: Letitia James, Helen D. Foster, Sara M. Gonzalez, John C. Liu, Diana Reyna, Alan J. Gerson

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Res. No. 864

Resolution calling upon the New York State Office of Children and Family Services to rescind the regulation requiring applicants for and recipients of subsidized child care to actively pursue child support from the non-custodial parent.

By Council Members James, Foster, Gonzalez, Liu, Reyna and Gerson

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

Whereas, This child support enforcement regulation is detrimental to low income families and children in particular, as it (i) deters many single-parent households from seeking subsidized child care for which they are otherwise eligible, and (ii) can 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, and quality child care is an essential work support for families with children that are low income or in the process of becoming self-sufficient; 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, are inadequate and overly burdensome on the parent; 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 who were 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 that the absent parent would become upset and not want to see the family anymore; and

Whereas, In order to comply with this requirement, low income parents often have to miss work, which can mean missing pay or risking their jobs, to attend Family Court; and

Whereas, Pennsylvania enacted a similar 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;” now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Office of Children and Family Services to rescind the regulation requiring applicants for and recipients of subsidized child care to actively pursue child support from the non-custodial parent.

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