



Mending the Patchwork: Overview

Quality subsidized child care benefits both children and working parents. However, the availability of quality subsidized child care varies widely throughout the state because New York is one of a handful of states that permit local social services districts¹ wide discretion in administering federally funded child care subsidy benefits. The variation among districts means that both child care providers and parents receiving subsidies are subject to different rules, expectations, and costs simply because of where they live. Instead of setting forth clear and consistent program rules that apply equally to similarly situated families across the state, New York's child care program is a patchwork of inconsistent policies that creates inequities solely based on where families reside.

In November of 2002, Empire Justice Center, then known as Greater Upstate Law Project, released "Child Care in New York State: A Patchwork of Policies," the first in a series of reports outlining the many ways in which New York's county administered child care system creates inconsistencies and inequities for parents and child care providers across the state. Seven years later, "Mending the Patchwork" documents ongoing, persistent disparities in the way families with the same life circumstances - the same income, the same number of children - are treated.

The forthcoming report explores the variations among districts and illustrates the disparity that local control creates for both parents and providers. The disparities are discussed in narrative form and in charts that provide a statewide overview in the attached appendices. Appendix A is a summary chart of the 14 variables that are analyzed in this report, including co-payment multipliers and other eligibility and payment rules for each of the state's 58 social services districts. The narrative discussion of the disparities explains how both child care providers and parents receiving subsidies are subject to different rules, expectations, and costs.

KEY FINDINGS:

- Inequities in benefit administration fail to comply with State and Federal law.

¹ Except for New York City, a social services district constitutes an individual county, so in this report, the word "county" will often be used instead of "social services district". The five counties or boroughs of New York City constitute one social services district.

- Procedure for making each county policy available to the public has improved, but policies remain difficult to access and lack transparency.
- Because local social services districts set the family share of the child care payment at 10% to 35% without any criteria, a family in one county may pay up to four times more than a family in another. Analysis of factors such as per capita personal income, median monthly housing cost and the local market rate for child care found that there is no correlation between these factors and the amount that families must contribute for child care.
- Critical differences among the districts include:
 - 18 districts do not provide child care for parents looking for work.
 - 11 districts do not provide child care for a parent who works overnight and needs to sleep during the day.
 - 43 districts will not pay a child care provider for an unplanned closure that is beyond the program's control, such as a snow day.
 - Only 15% of districts will provide care for the full amount of time allowed in the state regulations for parents who have a break in their work or school activity (such as school breaks, vacation, illness, etc).
 - Only 10 districts will pay a child care provider with a nationally recognized accreditation an additional payment differential.
 - 7 districts count the income of an employed teenager or young adult child living at home as part of the family budget, even when that income does not benefit the whole household, therefore reducing family eligibility for child care assistance.

RECOMMENDATIONS:

As of the writing of this report, the State's unemployment rate continues to climb, even as we make our way out of the recession. Jobs are hard to come by, yet districts are failing to provide the broadest child care benefits allowable to support low and moderate income working parents or those seeking work.

The report strongly recommends the enactment of legislation that would end inequities and would provide equitable program administration across the state. This proposal, the Equitable Access to Quality Child Care bill, would:

- Require the Office of Children and Family Services (OCFS) to implement a child care co-payment structure that is based on a family's ability to pay by April 1, 2012. OCFS would be directed to develop a sliding fee scale that could not make geographic distinctions unless those distinctions are tied to economic factors such as cost of living. To accomplish this goal, the legislation will establish a temporary work group that will develop a legislative proposal to be introduced by January 1, 2012, in time to meet the deadline above.

- In the interim, and until the effective date of the revised co-payment levels under the proposed legislation, state law should be amended to reduce the maximum allowable copayment in graduated stages. Stage one will cap child care co-payments at 12% of household income (the current New York City cap). This cap would be reduced to 11% of household income in the next year and to 10% of household income by the following year in the event of any delays in the implementation date. The 10% cap would remain in place until the legislation is enacted.
- To avoid placing a family's child care slot at risk, the subsidy program will pay for days when a child is absent or the child care program is closed when it is the policy of the provider to charge for those days.
- Parents in all social services districts who are otherwise eligible for a child care subsidy, shall receive a subsidy if they need care to enable them to sleep because they work a late shift and have a child who is not in school.
- In recognition of the fact that children are not legally responsible for the support of their siblings and parents, the income of 18, 19 and 20 year olds will not be included in the child care services unit unless doing so would financially benefit the family.
- Accreditation differentials shall be applied statewide and shall be tied into the QualitystarsNY rating system.
- Unless and until New York State adopts uniform rules, each local district should provide all applicants and recipients for child care services with a one page handout summarizing its eligibility rules. Additionally, a one page summary of the rule should be made available on the OCFS web site and the web site of the county or local district.

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