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FOR IMMEDIATE RELEASE: January 9, 2023

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Bill signed by Governor to “decouple” child care subsidy payments from parents’ work and training hours is unlikely to positively impact New York families

ALBANY, NY - Rather than a cause for celebration, the passage of A.7661 (Hevesi)/S.6655-A (Brisport) is a source of disappointment and frustration for parents, child care providers, and advocates. The new law will largely fail to change New York’s outdated policy limiting families’ access to child care assistance to the exact hours they are working. Stated another way, the bill as signed - due to a known drafting error - will be largely, if not entirely, ineffective.

The signing of this bill, a top priority of the Empire State Campaign for Child Care (ESCCC) last session, was greeted with praise and celebration by campaign members, along with advocates and policy experts from around the nation. As the ESCCC explained in a statement released at the time of signing, this bill was understood to end New York’s long-standing rule of tying child care access to parents’ exact hours of work. That rule makes it difficult for working people, including parents in a growing gig economy with fluctuating schedules, to access child care assistance. Even for families able to access care, the rule disrupts the stability and consistency young children need to learn and thrive. Additionally, this legislation was intended to give child care providers another layer of much-needed financial stability to provide the high-quality care and education New York’s youngest children deserve.

The bill was sponsored by child care champions Senator Jabari Brisport and Assembly Member Andrew Hevesi, and was passed in the Legislature with overwhelming support, with the understanding and intention that the bill would provide broad relief to families eligible for child care assistance.

Instead, due to a drafting error, the bill impacts only child care assistance supported solely by local funds. New York’s child care assistance program is almost entirely funded by a combination of federal, state, and a small contribution of local funds, with local funds generally not “segregated” from the other funds. Accordingly, the burden of developing new systems to ensure only local funds are used for families eligible for “decoupled” assistance would be formidable, if not impossible, for many localities, rendering the reach of the bill small to nonexistent. Perhaps most disappointing, the existence of this drafting error was known to both the NYS Office of Children and Family Services (OCFS) and to the Executive. The error was fixable and the ESCCC believed that the issue would be rectified; yet it was not.

With New York families struggling to meet rising costs – of food, housing, gas, child care, and more – they are looking to lawmakers to deliver real, effective relief. This bill misses the mark.

Looking ahead, there is still time to deliver a real and significant win for New York families and child care providers. **We call upon Governor Hochul, together with the Legislature, to pass an amended bill without delay.**

We look forward to continuing the fight for universal child care in the upcoming legislative session. By paying child care providers what they deserve and continuing to break down barriers like these that prevent families from accessing the care they need, New York can lead the way in building the best child care system in the nation.

Empire State Campaign for Child Care is a statewide campaign dedicated to achieving equitable access to child care in New York State. Founded in 2017, ESCCC counts in its membership nearly 100 organizations, along with hundreds of parents and child care providers from every corner of New York State. Every day, our membership is growing.