

# SHOULDERING THE STRAIN: How Counties Cope with Inadequate Child Care Funding

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# Shouldering the Strain:

## How Counties Cope with Inadequate Child Care Funding

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### Table of Contents

I.	Introduction .....	2
II.	Stretching Funds .....	3-13
	a. Increasing Child Care Copayments .....	3-4
	b. Lowering Eligibility Levels .....	4-5
	c. Closing Intake .....	6
	d. Narrowing Categories of Eligible Families .....	6-13
III.	Facilitated Enrollment Funds: Increasing Access to Childcare .....	14-15
IV.	The Flexible Fund for Family Services: A Supplemental Source of Funding .....	16
V.	Recommendations .....	16-17
	a. New York Must Assess the Unmet Need .....	16
	b. Create Consistent Eligibility Requirements .....	17
	c. Assure That Copayments are Affordable .....	17
	d. Expand Funding for Facilitated Enrollment & for ALL Child Care Funding ...	17

## Introduction

A perfect storm of stagnant funding, a growing low wage work force, and the steadily increasing cost of child care is straining New York’s child care subsidy program to the breaking point – and leaving New York’s counties to shoulder the strain.

**At an annual cost of \$15,394, quality child care is unaffordable for 90% of New York families.**<sup>1</sup> New York State ranks 6<sup>th</sup> out of all 50 states for the most expensive infant care.<sup>2</sup> Still, subsidized child care is underfunded and increasingly unavailable. Most counties do not have sufficient funding to provide child care subsidies for all eligible families who earn less than 200% of poverty (\$38,180 for a family of 3), as New York State law allows.

*Quality child care is unaffordable for 90% of New York families.*

*NYS ranks 6<sup>th</sup> out of all 50 states for most expensive infant care.*

*A minimum wage worker would have to work 35 weeks to pay for one infant’s child care.*

The expense of child care is often the straw that breaks the camel’s back for low income families. Without assistance, a minimum wage worker in New York would have to work full time for 35 weeks or from January to August, just to pay for child care for one infant.<sup>3</sup> When parents cannot afford licensed, regulated and registered programs, families cope as best they can, placing their children with unregulated or unreliable providers, or even leaving them at home alone. Some parents are forced to reduce work hours or quit jobs altogether in order to remain home to care for their children, further financially burdening families.

To stretch limited funds, social service districts make ends meet by increasing the parent copayments (making each slot less costly for the county but more expensive for the parent); lowering eligibility levels or limiting the activities that a child care subsidy will cover (reducing the pool of eligible families); or opting to stop providing services to new families in need.

**When social services districts take these steps to stretch their inadequate funding, they leave behind families who would otherwise be eligible if sufficient funds were available.**

<sup>1</sup> *Child care costs in the United States*, Economic Policy Institute. <https://www.epi.org/child-care-costs-in-the-united-states/#/NY> (accessed 9/18/19).

<sup>2</sup> *Child care costs in the United States*, Economic Policy Institute. <https://www.epi.org/child-care-costs-in-the-united-states/#/NY> (accessed 9/18/19).

<sup>3</sup> *Id.*

# Stretching Funds: Increasing Parent Copayments

Child care subsidies are only a partial payment of the cost of a child care slot, with a significant portion paid by parent contribution, or copayment. The amount of the copayment is determined by a formula that applies a multiplier chosen by each county against the excess of the parent’s annual income over the poverty level. The county multipliers vary between 10% and 35%.<sup>4</sup> The resulting number is the family’s yearly co-payment amount, which is then divided by 52 to determine a weekly parent share. The fact that the formula allows counties to determine the multiplier means that similarly situated families pay dramatically different fees for child care, depending solely upon the county in which the family resides. Higher parent fees mean lower county costs per slot, leaving parents to shoulder the burden of inadequate funding. As illustrated below, because the copayment formulas vary widely by county, this burden is spread unequally.

*Fig. 1: This chart illustrates the annual and weekly copayments for a family of three at 200% of the poverty level.*

Child Care Multipliers	By County	Annual Fee/Weekly Fee (HH3)
10%	Cattaraugus, Livingston, and Steuben	\$2133/\$41
15%	Oswego, Schuyler and St. Lawrence	\$3200/\$60
20%	Allegany, Cayuga, Chautauqua, Clinton, Columbia, Essex, Nassau, Niagara, Ontario, Putnam, Saratoga, Suffolk & Tompkins	\$4266/\$82
25%	Albany, Broome, Chemung, Delaware, Franklin, Hamilton, Jefferson, Lewis, Madison, Monroe, Oneida, Rensselaer, Rockland, Schenectady, Ulster, Warren, Washington and Wayne	\$5195/\$111
27%	Westchester	\$5759/\$108
30%	Dutchess and Otsego	\$6399/\$123
35%	Chenango, Cortland, Erie, Fulton, Genesee, Greene, Herkimer, Montgomery, New York City, Niagara, Onondaga, Orange, Orleans, Seneca, Sullivan, Tioga, Wyoming and Yates	\$7466/\$144

<sup>4</sup> 18 NYCRR 415.3(e)(3).

As indicated by the chart above, rationing scarce child care dollars by increasing copayment multipliers results in gross inequities. The US Department of Health and Human Services, Administration for Children and Families states that “seven percent of family income is a benchmark for affordable child care.”<sup>5</sup> Yet a family of three with income at 200% of the poverty level living in Erie County and the other seventeen counties which have a 35% multiplier pay 17.5% of their gross income as a copayment, nearly three times the parent share as a family with the same income in the three counties that have 10% multipliers. In those counties, families pay only 5% of their gross income for child care.

## Stretching Funds: Lowering Eligibility Levels

Another way that counties grapple with limited funding is to reduce eligibility levels. While New York State law makes families with incomes up to 200% of poverty eligible for child care assistance,<sup>6</sup> counties may reduce eligibility below 200% when funds become low.

- While waiting for its 2019-20 allocations from the Office of Children and Family Services<sup>7</sup>, **Saratoga County, which had used all its funding, had to stop taking new cases altogether**, and lowered its eligibility level to **125%** for families already receiving subsidies. After the allocations were released, Saratoga County raised eligibility to **175%** of poverty, but is still unable to open any new cases.<sup>8</sup>
- **Delaware** County only serves those at or below **125%** of the federal poverty level. **Niagara** County only serves families at or below **130%** of poverty.
- Although **New York City** has technically retained its eligibility levels at 200% of poverty, data shows that few families over **135%** of poverty are being served.
- Two social services districts have lowered eligibility to **150%: Oneida and Clinton.**
- **Rensselaer** and **Livingston** Counties have lowered eligibility to **160%** of poverty, while **Monroe** County only serves families up to **165%** of poverty.
- **In Ontario, Suffolk** and **Schoharie** Counties, eligibility is at **175%** of poverty.

<sup>5</sup> 81 Fed.Reg.67438, 67467 (9/30/2016).

<sup>6</sup> Social Services Law §410-w(1)(c).

<sup>7</sup> Although the state budget passed on time at the very beginning of April, the child care allocations to counties were not released until July 29, 2019. See [https://ocfs.ny.gov/main/policies/external/ocfs\\_2019/LCM/19-OCFS-LCM-19.pdf](https://ocfs.ny.gov/main/policies/external/ocfs_2019/LCM/19-OCFS-LCM-19.pdf)

<sup>8</sup> See page 11 for a more detailed description as to the cushioning effect of Facilitated Enrollment funds on counties, like Saratoga, that face a funding shortage.

**Fig. 2: NYS Child Care Subsidy Eligibility Levels by County**

NYS Child Care Subsidy Eligibility Levels by County <sup>9</sup>			
County	Eligibility Level	County	Eligibility Level
Albany*	200%	Niagara	130%
Allegany	200%	Oneida*	150%
Broome	200%	Onondaga*	200%
Cattaraugus	200%	Ontario	175%
Cayuga	200%	Orange	200%
Chautauqua	200%	Orleans	200%
Chemung	200%	Oswego	200%
Chenango	200%	Otsego	200%
Clinton	150%	Putnam	200%
Columbia	200%	Rensselaer*	160%
Cortland	200%	Rockland	200%
Delaware	125%	Saratoga*	125%/175% <sup>10</sup>
Dutchess	200%	Schenectady*	200%
Erie*	200%	Schoharie	175%
Essex	200%	Schuyler	200%
Franklin	200%	Seneca	[no data]
Fulton	200%	St. Lawrence	200%
Genesee	200%	Steuben	200%
Greene	[no data]	Suffolk	175%
Hamilton	200%	Sullivan	200%
Herkimer	200%	Tioga	200%
Jefferson	200%	Tompkins	200%
Lewis	200%	Ulster	200%
Livingston	160%	Warren	200%
Madison	200%	Washington	200%
Monroe *	165%	Wayne	200%
Montgomery	200%	Westchester	200%
Nassau	200%	Wyoming	200%
New York	200%	Yates	
City			

*\*Counties that receive facilitated enrollment funds.*

<sup>9</sup> This data was gathered in July and August of 2019.

<sup>10</sup> The 175% eligibility level became effective 9/1/2019.

## Stretching Funds: Closing Intake

When funds are limited, counties may also choose to stop taking on new cases. This additional option complicates New York's child care landscape, as simply noting the counties that lower eligibility levels provides an incomplete picture of the crisis. Counties that appear to be serving all individuals under the state-recommended level of 200% of poverty are serving no new families when they periodically close intake to stretch NYSCCBG funds. Rockland County, for example, reported a 200% eligibility level, but due to a recent funding shortfall, the county had to close intake, placing **190 families** on a waitlist.

If counties were required to keep track of families denied a subsidy because funds are exhausted, New York State would have a more accurate sense of unmet need. There is no requirement that counties report that they have closed intake to the Office of Children and Family Services (OCFS). Keeping waitlists is another alternative. Although OCFS does require counties to report whether or not they maintain a waitlist in their county plans, there is no requirement that waitlist data be reported to OCFS or otherwise be made publicly available. In addition, because keeping waitlists is a county option, and nearly 25 counties do not keep them, using waitlists to measure statewide unmet need is functionally impossible. In these counties, the number of eligible families denied care remains unknown. And still, waitlists themselves may underestimate unmet need as eligible families choose not to apply for subsidies in counties where the waiting list are long or where copay rates are so high that they sometimes exceed the cost of care.

## Stretching Funds: Narrowing Categories of Eligible Families

State laws and regulations permit social services districts to cope with funding shortfalls by choosing not to serve certain categories of eligible families.<sup>11</sup> **This paper will focus on four of those categories: (1) parents engaged in job search, (2) parents participating in educational programs, (3) parents experiencing unrelated program sanctions, and (4) parents that are physically or mentally incapacitated.**

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<sup>11</sup> Social Services Law §410-w(1)(e) ;18 NYCRR § 415.2(a)(2).

Maintaining these options allows counties to provide subsidies to families under certain circumstances one year and then deny the same families coverage the next as funds become limited. Moreover, a number of the funding options presented to counties can yield particularly cruel consequences when counties choose to opt-out.

While the options for counties extend beyond the four discussed here, these categories exemplify how working families suffer when counties are forced to tighten eligibility requirements.

### *1. Counties have to option to deny child care subsidies to parents who are between jobs.*

When counties choose to deny parents child care while they are between jobs or engaged in a job search, they unfairly limit parents' abilities to successfully commit to finding new employment. Taking care of a young child is a full time job alone. Reliable child care provided while a parent is looking for work makes it more likely that the job search will be successful.

According to the most recent county plans provided to OCFS,

- **24 out of the 58** Social Services Districts in NYS **provide no subsidies for parents who are experiencing a break in work activity.**
- Further, **23 counties will only provide subsidies for breaks extending for less than two weeks, and the remaining 11 counties provide subsidies for up to four weeks.**

*Refer to Fig. 3 to identify specific counties.*

In addition,

- **20 counties provide no subsidies** at all for families engaged in a job search.
- **15 counties provide subsidies to parents for less than 6 months**, anywhere between 3 months to 3 weeks.
- **22 counties will provide child care subsidies to parents who are actively seeking work for up to 6 months**, though many counties attach specific corollaries to this option; for example, **Columbia** County states that parents are **only eligible** for subsidies under these circumstances **once in their lifetime**, while **Tioga, Warren, and Washington** County **limit subsidies to part time care**. **Washington** County also requires an individual to make at least **20 contacts** each week in order to stay eligible.

*Refer to Fig. 3 to identify specific counties.*

**Fig. 3: Options to Provide Child Care Subsidies for Breaks in Activity as Chosen by Social Service Districts**

No Subsidy Available	Subsidies for Breaks up to 2 weeks	Subsidies for Breaks up to 4 Weeks
<b>Allegany</b>	Cattaraugus	Albany
<b>Broome</b>	Chautauqua	Jefferson
<b>Cayuga</b>	Chemung	Madison
<b>Chenango</b>	Clinton	Monroe
<b>Delaware</b>	Columbia	New York City
<b>Dutchess</b>	Cortland	Oswego
<b>Erie</b>	Essex	Rockland
<b>Fulton</b>	Franklin	Schoharie
<b>Hamilton</b>	Genesee	Suffolk
<b>Herkimer</b>	Greene	Yates
<b>Lewis</b>	Nassau	
<b>Livingston</b>	Onondaga	
<b>Montgomery</b>	Ontario	
<b>Niagara</b>	Orange	
<b>Oneida</b>	Putnam	
<b>Orleans</b>	Schenectady	
<b>Otsego</b>	Schuyler	
<b>Rensselaer</b>	Seneca	
<b>Saratoga</b>	St. Lawrence	
<b>Steuben</b>	Tioga	
<b>Sullivan</b>	Tompkins	
<b>Warren</b>	Ulster	
<b>Wayne</b>	Washington	
<b>Westchester</b>		
<b>Wyoming</b>		

**Fig. 4: Options to Provide Child Care Subsidies for Parents Engaged in a Job Search  
As Chosen by Social Service Districts**

No Subsidy Available	Subsidies Provided for a Period Between 3 weeks and 3 months	Subsidies Provided for 6 months
<b>Albany</b>	Broome	Allegany
<b>Chenango</b>	Cattaraugus	Cayuga
<b>Dutchess</b>	Chautauqua	Columbia
<b>Fulton</b>	Chemung	Cortland
<b>Herkimer</b>	Clinton	Delaware
<b>Lewis</b>	Franklin	Erie
<b>Livingston</b>	Jefferson	Essex
<b>Montgomery</b>	Madison	Genesee
<b>Nassau</b>	Monroe	Greene
<b>Niagara</b>	Ontario	Hamilton
<b>Oneida</b>	Oswego	New York City
<b>Onondaga</b>	Schenectady	Putnam
<b>Orange</b>	Schoharie	Schuyler
<b>Orleans</b>	Westchester	Seneca
<b>Otsego</b>	Yates	St. Lawrence
<b>Rensselaer</b>		Sullivan
<b>Rockland</b>		Tioga
<b>Saratoga</b>		Tompkins
<b>Steuben</b>		Ulster
<b>Suffolk</b>		Warren
		Washington
		Wayne
		Wyoming

## *2. Counties may choose to deny subsidies to parents in post-secondary educational programs.*

Parents who are seeking to take part in post-secondary educational programs, ranging from 2-year to 4-year programs, may find that specific counties deny them the child care they may need to get to attend school. According to the most recent county plans submitted to OCFS:

- **11 districts deny subsidies** for parents in educational programs altogether.<sup>12</sup>
- **28 out of 58** Social Services Districts in NYS **do not provide subsidies to parents engaged in a 4-year degree granting program.**<sup>13</sup>

## *3. Counties have the option to deny subsidies to working parents who have been sanctioned for failure to adequately participate in a public assistance work activity.*

As a condition of eligibility for public assistance, a social services district can require a recipient to participate in work activities for up to 40 hours per week.<sup>14</sup> A person who fails to comply with a work activity, perhaps by missing an appointment, can be “sanctioned,” which means that they will lose their share of the household’s public assistance grant, sometimes for as long as 180 days.<sup>15</sup> Counties have the option to deny child care subsidies to parents who have been discontinued from public assistance for failure to comply with a work activity requirement or other rule,<sup>16</sup> unfairly extending the consequences of the sanction. Notably, this may occur even if the parent, after the sanction is imposed, obtains unsubsidized employment.

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<sup>12</sup> These districts are Albany, Chenango, Clinton, Essex, Fulton, Genesee, Nassau, Niagara, Ontario, Otsego, and Rensselaer.

<sup>13</sup> In addition to the counties listed in foot note six (counties that provide no subsidies for any educational programs), the following counties do not provide subsidies for those in four year educational programs: Broome, Cayuga, Columbia, Herkimer, Livingston, Monroe, Oneida, Onondaga, Orleans, Rockland, Saratoga, Schoharie, Schuyler, Seneca, Sullivan, Warren and Washington.

<sup>14</sup> Social Services Law § 336 (4).

<sup>15</sup> Social Services Law § 342.

<sup>16</sup> Other sanctionable activities include refusing to sign a mortgage in favor of the county (this permits the county to recover the value of public assistance paid. [18 NYCRR 352.27(a); 352.30(d)(1)(ii)] or refusing to cooperate in obtaining a child support order against the father of their children. [Social Services Law § 131(16).

The result of this option is doubly cruel; parents first lose the benefit associated with the sanction, forcing them to rely heavily on the limited income they may receive from unsubsidized employment. And to keep the unsubsidized employment, they need child care. This option unfairly places families between a rock and a hard place. According to the most recent county plans submitted to OCFS:

- The following counties deny subsidies to parents experiencing sanctions: **Albany, Cayuga Montgomery, New York City, Ontario, Orange, Orleans, Otsego, Rensselaer, and Saratoga.**
- The remaining **48 districts** provide subsidies for families for the duration of the sanction, excluding **Seneca** County, which provides subsidies for up to 3 months.

#### *4. Counties may choose to deny subsidies to households when the child's caretaker is physically or mentally incapacitated.*

When districts decide not to serve physically or mentally incapacitated caregivers to conserve funds, they impose an unintended hardship on two-parent families where one is working and the other is disabled, as the working parent may be forced to give up his or her job to provide child care. This option may also leave children entirely uncared for in families where the sole guardian is disabled and unable to provide adequate care. According to the most recent county plans submitted to OCFS:

- **6 districts out of 58** *never* provide child care subsidies for children of a disabled household member. **The population of these six districts comprises more than half of the population of New York State<sup>17</sup>.**
- **15 districts** only provide child care for a disabled household member for a time-limited period (varying from one week to 12 months).
- **2 districts** will only provide care if there is a child welfare or protective services case.
- **35 districts** provide subsidies to families in all cases, critically assisting caretakers experiencing either a short or a long-term disability.

*Refer to Fig. 5 for specific counties.*

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<sup>17</sup> Annual Population Estimates for New York State and Counties: Beginning 1970, available at <https://data.ny.gov/Government-Finance/Annual-Population-Estimates-for-New-York-State-and/krt9-ym2k/data>

There are many heartbreaking fair hearing decisions affirming denials of child care to disabled parents, and to able bodied working parents with spouses too disabled to provide child care to their children. In Westchester County, a working mother with three children and a disabled husband was denied child care assistance because of the presence of her husband in the home, even though his doctor stated that he was unable to care for the children.<sup>18</sup>

In 2017, Nassau County chose to remove from the group of eligible families those families with a parent or caretaker who is physically or mentally incapacitated. One woman who had suffered a stroke requested a fair hearing, stating that she needed the services in order to provide her children with quality care, as she was unable to work or care for them properly. Despite her inability to provide for her children alone and the blatant unfairness of the new policy, an ALJ affirmed NCDSS's determination to discontinue her benefits.<sup>19</sup> Other cases emerged in 2017 as families with disabled caretakers continued to lose access to subsidized care,<sup>20</sup> until the county finally rescinded the change in 2018, once again providing services to all families with incapacitated caretakers.<sup>21</sup>

*Not all social services districts have sufficient funding to provide child care to disabled parents or caretaker relatives.*

*Although there are only six social services districts that **never** provide child care subsidies for disabled parents, the populations of these six districts comprise **over half** of the population of New York State.*

*To put it another way, there are **19.5 million** people in New York State and **10.1 million** of them live in counties that do not provide care to disabled parents or caretakers.*

<sup>18</sup> FH # 7605379Z (Westchester County, 12/7/17); FH # 5636965L (Niagara County, 12/27/2010). Fair hearings are state level reviews of county decisions regarding public benefits. Copies of the decisions can be found on the website of the Office of Temporary and Disability Assistance at: <https://otda.ny.gov/hearings/search>

<sup>19</sup> FH # 7559173N (Nassau County, 10/3/2017)

<sup>20</sup> FH #7556958J (Nassau County, 8/11/17).

<sup>21</sup> FH # 7560164Y (Nassau County, 4/3/2018).

*Fig. 5. Options to Provide Child Care Subsidies for Disabled Parents*

<b>Counties that Never Provide Subsidies for Disabled Parents</b>	<b>Counties that Provide Subsidies for Short-Term Disability (Ranging from 1 week to 3 months)</b>	<b>Counties that only Provide Subsidies for Child Welfare or Protective Services Cases</b>	<b>Counties that Provide Subsidies in all Cases</b>
<b>Dutchess</b> <b>Erie</b> <b>Fulton</b> <b>New York City</b> <b>Orange</b> <b>Otsego</b>	Albany (1 month) Broome (6 months) Columbia (6 weeks) Cortland (8 weeks) Franklin (30 days) Niagara (12 months*) Oneida (2 months) Onondaga (45 days**) Ontario (1 week) Rensselaer (30 days) Seneca (3 months) Schoharie (8 weeks) St. Lawrence (30 days) Sullivan (3 months) Ulster (1 month)	Schenectady Westchester	Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Delaware, Essex, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, Orleans, Oswego, Putnam, Rockland, Saratoga, Schuyler, Steuben, Suffolk, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, Yates

*\*Only if eligible for transitional child care*

*\*\* 8 weeks for maternity leave; will also provide care in two parent households when necessary for one spouse to work if other is disabled with no time limit.*

## Facilitated Enrollment Funds: Increasing Access to Child Care

While many counties lower their eligibility levels, close intake, or adjust other eligibility requirements to stretch their child care funding, some counties rely on supplementary funds beyond those provided through the New York State Child Care Block Grant (NYSCCBG)<sup>22</sup> to serve eligible families who would not be served otherwise. Every year the legislature provides supplementary funding for child care, known as Facilitated Enrollment Funding, which is administered by the Workforce Development Institute (WDI) outside of the City of New York and the Consortium for Worker Education in New York City.<sup>23</sup> In the 2019-2020 state budget, 9.988 million dollars were allocated for Facilitated Enrollment, but only eight social services districts received these funds. Fortunately, working families in **Albany, Erie, Monroe, Oneida, Onondaga, Rensselaer, Saratoga, Schenectady** and portions of **New York City** received Facilitated Enrollment Funds to help families afford the high cost of quality care. **Nearly 2000 additional children from 1,387 families were served with WDI Facilitated Enrollment funds in state fiscal year 2018-19 in the counties outside of New York City.**

WDI's Child Care Subsidy Facilitated Enrollment Program supports struggling social services districts that might have otherwise reduced the number of families served. Although Facilitated Enrollment funds are targeted to support families between 200-275% of poverty (up to \$58,658 for a family of three), forty-four percent of those dollars are used to support families in counties that do not have sufficient funding to serve all eligible families under 200% of poverty.<sup>24</sup> One percent of WDI funds support families below the poverty level and 43% supports families between 100-200% of poverty. For example, Monroe County did not receive sufficient allocations from the Child Care Block Grant to serve all eligible families and lowered its subsidy eligibility level to 165% of poverty to cope with inadequate funding. As a result of the Facilitated Enrollment allocation, WDI has been able to assist those families that would be otherwise ineligible and serve families between 165% and 275% of poverty.

Similarly, Saratoga County lowered eligibility levels to 125% of poverty and closed intake while waiting for its 2019-20 NYSCCBG allocation. WDI was able to help 100 families who would have lost their eligibility. Saratoga County took back the cases when the NYSCCBG allocations were released at the end of July, 2019.

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<sup>22</sup> Social Services Law § 410-u et. seq.

<sup>23</sup> WDI: Child Care Subsidy Program, Retrieved from: <https://wdiny.org/Explore-Our-Work/Child-Care-Subsidy-Program>

<sup>24</sup> Facilitated Enrollment Program 2019 Annual Report (9/1/2019) at page 5, available at <https://wdiny.org/Portals/0/PDF/WDI%20CCSFEP%202019%20Annual%20Report.pdf?ver=2019-09-03-140317-283>

Social Services districts with insufficient funding to serve all eligible children use the methods described previously to allocate scarce dollars, resulting in hardship in the long term. Facilitated Enrollment funds act as a crucial counterbalance to this system-wide crisis.

Even as the Facilitated Enrollment Program increases access to child care in New York State, the program still feels the effects of the statewide strain on funding for child care. When Saratoga County lowered its eligibility level to 125% and denied new cases due to funding deficiencies, WDI in turn was flooded with eligible families that had been left behind by the county. As a result, WDI had to momentarily stop taking new applications for that county. This demonstrates that while a program like Facilitated Enrollment can ameliorate certain funding deficits, it is limited to the funding allocated to it. **New York State’s child care crisis can only be solved with greater investment in child care, creating a universal system in which no child has to go without quality care.**

*Refer to Fig. 6 for Facilitated Enrollment allocations and resulting increased eligibility levels.*

**Fig. 6. Facilitated Enrollment Funds Expand Eligibility**

County	Allocation	Eligibility Level w/o FEF	Eligibility Level w/ FEF
Albany	\$815,000	200%	275%
Erie	\$500,000	200%	275%
Monroe	\$2,185,000	165%	275%
New York City <sup>25</sup>	\$4,254,000	200%	275%
Oneida	\$294,100	150%	275%
Onondaga	\$500,000	200%	275%
Rensselaer	\$675,000	160%	275%
Saratoga	\$460,000	125%	275%
Schenectady	\$50,000 <sup>26</sup>	175%	275%

<sup>25</sup> This funding is available only in certain zip codes of New York City.

[http://www.cwe.org/docs/2019%20FINAL%20Combined%20Facilitated Enrollment Project Fact Sheet.pdf](http://www.cwe.org/docs/2019%20FINAL%20Combined%20Facilitated%20Enrollment%20Project%20Fact%20Sheet.pdf)

<sup>26</sup> The Schenectady allocation was disproportionately low because they were able to access unused funds from previous years which resulted in the reduced 2019-20 allocation.

## The Flexible Fund for Family Services: A Supplemental Source of Funding

Every year, the state budget allocates nearly one billion dollars in Temporary Assistance to Needy Families (TANF) funds to social services districts.<sup>27</sup> In order to draw down funds, each county must submit a plan to the state for its approval. The Flex Fund, as it is often called, can be used for a variety of anti-poverty programs, including child care. Over the years, some districts have chosen to draw on these funds to supplement their inadequate child care block grant allocations. In State fiscal year 2011-12, fourteen counties<sup>28</sup> supplemented their block grant allocation with a total of 6.2 million Flexible Fund dollars. In fiscal year 2018-19, only two counties<sup>29</sup> transferred flexible funds to child care for a total of 1.5 million dollars.

Given the importance of affordable child care to families and their employers, the State Legislature should provide incentives to counties that draw down Flex Fund dollars in an effort to increase available dollars.

## Recommendations

If funding for child care continues to stagnate at the current exiguous level, working families will continue to suffer. Yet basic changes can still be made to improve the present system.

### *1. New York State Must Assess the Unmet Need*

**By regulation or statute, New York State should require social services districts to notify OCFS when there is a proposed change in eligibility level.** This will allow OCFS to assess unmet need and to confirm that such a change is financially justified.

**New York State should enact legislation that requires social services districts to keep waitlists and report the number of families to OCFS in order to provide some measure of unmet need.**

<sup>27</sup> See 19 ADM-06, available at <http://otda.ny.gov/policy/directives/2019/ADM/19-ADM-06.pdf> and a list of the county-by-county allocations at <http://otda.ny.gov/policy/directives/2019/ADM/19-ADM-06-Attachment-1.pdf>

<sup>28</sup> Cattaraugus, Cayuga, Chemung Franklin, Lewis, Nassau, Niagara, Onondaga, Rockland, Seneca, St. Lawrence, Tioga, Tompkins and Wyoming.

<sup>29</sup> Nassau and Onondaga.

Alternatively, social services districts should be required to keep track of all eligible families that they are unable to serve. Further data on statewide unmet need must be collected in order to calculate more appropriate funding and improve the accessibility of child care programs.

## *2. Create Consistent Eligibility Requirements*

**State law or regulations should be amended to prohibit local districts from declining to provide care to parents engaged in a job search, parents engaged in post-secondary education, parents experiencing sanctions, and disabled parents.** These options yield cruel and counterproductive consequences, and counties should be required to conserve funds elsewhere.

## *3. Assure That Copayments Are Affordable*

**Consistent with federal law, no family should have to pay more than 7% of its gross income for child care.**

## *4. Expand Funding for Facilitated Enrollment and for ALL Child Care Funding*

As long as funding allocated to child care is insufficient to serve all eligible families, counties will be forced to make tough decisions to stretch their allocations. **Until the state invests more money in child care programs, low income working families will continue to suffer.**

Only a robustly funded system will allow all social services districts to serve all eligible families. Funding should be sufficient so that no county closes intake or reduces the categories of eligible families.



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