

**Economic Justice and Social Welfare Network  
Policy and Advocacy Committee**

**Access to Assistance Campaign**

**BARRIERS TO CHILD CARE**

**Barrier:** Many parents applying for public assistance are not provided the child care information that they need in order to make informed decisions about quality care and meet program requirements. Instead, they are pressured to find the most immediately available care within a few days, often under threat of application rejection. This leaves parents with a terrible choice between their child's immediate care and wellbeing, and the pressure to meet eligibility requirement of this critical income support program.

Local policies and practices systematically also undermine the spirit of existing legal child care protections by effectively pushing the children of cash assistance recipients - already among the most educationally vulnerable - into the lowest quality care.

**Impact:** The impact of the systematic misapplication and/or ignoring of the rights of parents in the cash assistance system has three significant impacts on parents' ability to meet welfare application work requirements and secure high-quality regulated child care:

- *Time pressure often leads parents to drop out of the application process or choose informal child care despite a preference for a regulated care setting.* Throughout the state, time pressure - whether implicit or explicit (as is the case with HRA's child care policy providing 5-7 days to secure child care), can lead parents to choose care with which they are less comfortable, and can deny them the ability to take advantage of regulated child care options, which generally take longer to secure.
- *The threat of application denial and sanction is ever-present throughout the child care search process.* Despite the fact that the law bars localities from sanctioning a parent for non-compliance with a work requirement if the reason for non-compliance is the lack of child care, the lack of clear criteria for legitimate non-compliance puts parents at the mercy of the discretion of case workers.<sup>1</sup> This too frequently results in application denials, sanctions and threats of sanction.
- *Parents are not given adequate information and assistance finding available child care.* By law, parents must be given assistance locating available child care if they request it. In reality, local practices fail to ensure that this assistance is actually provided. Without adequate information about options, and a real opportunity to explore those options, parents cannot make a meaningful child care choice.

Quality child care plays a well-documented role in helping to level the academic playing field between low-income children and their peers. Without access to quality early educational opportunities low-income children often enter school behind their peers and have difficulty catching up.<sup>2</sup>

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<sup>1</sup> See New York Social Services Law §§131(5), 332(1), &336-d(1)

<sup>2</sup> See e.g., *Child Poverty and Inequality: Securing a Better Future for America's Children*, Duncan Lindsay, Oxford University Press US, 2009 (p. 21)

This only exacerbates existing educational inequities between public assistance parents and non-public assistance parents. *Consider this fact:* In New York City, approximately 50% of the children of parents receiving cash assistance are in unregulated care, while only approximately 11% of children of parents who are in the non-cash assistance child care subsidy system are in unregulated care.<sup>3</sup>

**Proposed solution:** We propose legislation that would do the following:

- Shift the burden to the social service district to ensure that appropriate child care is in place prior to requiring an applicants' or recipients' participation in a work assignment;
- Ensure that parents receive meaningful information and assistance when searching for/securing child care; and
- Build on the existing State statutory language that protects public assistance recipients from sanction for non-compliance if the basis for non-compliance is the lack of child care by extending this basic protection to applicants in the form of a protection from adverse action.

Parents should not have to choose between basic income and quality care for their children. These proposals strengthen already existing parental choice language in federal law which recognize that in order to ensure true preference, parents must be given enough information about available options, sufficient time to locate and secure whatever type of care they prefer, and protection from threats and sanction for choosing regulated care.<sup>4</sup>

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<sup>3</sup> 2011 CCI Primer: Key Facts About Early Care and Education in New York City, *Center for Children's Initiatives*, (2009)

<sup>4</sup> The strongest parental choice language is located in 45 CFR §98.30