The Welfare Law Center and The Legal Aid Society's

Testimony Before the Office of Children and Family Services

Submitted May 31, 2005

Regarding the Child Support Requirements in the Proposed Child Care Development Fund Plan (2006-2007)

This testimony is being submitted by Brooke Richie, a Skadden Fellow at the Welfare Law Center, and Elizabeth Saylor, a Staff Attorney at The Legal Aid Society.[1] We appreciate the opportunity to comment on the state's proposed Child Care Development Fund Plan for 2006-2007. Our comments will be limited to the new child support requirement, which is included in the Plan and outlined in 18 N.Y.C.R.R. § 415.3 (c) and 05-OCFS-ADM-03 (May 20, 2005) (hereinafter "ADM").

This testimony is submitted on behalf of the Welfare Law Center and the Civil Division of The Legal Aid Society.

The Welfare Law Center is a national law and policy organization dedicated to ensuring social and economic justice for the most disadvantaged members of society. The organization promotes systemic reform in the delivery of income support and related human services, safeguards important legal and constitutional rights of the poor, and supports civic participation and self-help efforts in low-income communities. To that end, the Center provides legal advocacy, impact litigation, policy analysis, community education, advocacy training, and national leadership to promote fairness and opportunity for those in need.

The Civil Division of The Legal Aid Society is the largest and oldest provider of legal services to low-income families and individuals. Each year, the Society provides representation in all five boroughs of New York City in over 30,000 civil cases, typically involving children, seniors, persons with physical and mental disabilities, survivors of domestic violence, immigrants, uninsured persons, persons facing eviction, persons on public assistance, homeless persons, and persons with HIV/AIDS. The services are provided through neighborhood-based offices and city-wide special units, including a special Violence Against Women Act funded Domestic Violence Project in each borough of New York City. Annually, the Society's city-wide Domestic Violence Project, in which Elizabeth Saylor participates as a staff attorney, handles approximately 800 cases for survivors of domestic violence in family court, divorce

[1] We would like to thank Susan Antos, a Staff Attorney at the Greater Upstate Law Project, for her generous assistance with these comments. This written testimony expands on oral testimony given by Elizabeth Saylor, The Legal Society, on May 25, 2005 at OCFS's New York City public hearing. For questions or more information, please contact Elizabeth Saylor at 718-422-2871 or essaylor@legal-aid.org or The Legal Aid Society, 111 Livingston Street, 7th Floor, Brooklyn, NY 11201.

court, and in administrative proceedings. These comments are based on the Society's extensive client representation in these domestic violence cases.

The Welfare Law Center and The Legal Aid Society strongly urge the state to rescind the regulation requiring applicants for and recipients of subsidized child care services to demonstrate that they are "actively pursuing" child support from the non-custodial parent. 18 N.Y.C.R.R. § 415.3 (c); *see also* ADM at 46-66. This regulation is illegal and will detrimentally affect the well being of children and their custodial parents who are working hard to support and provide for them.

We want to be clear that low income parents should be given every opportunity to obtain child support for their children. Child support is often an essential source of income for families who are teetering on the edge of economic stability. We applaud the state's efforts to collect payments from non-custodial parents, and we would support any proposal that included educational efforts to make vulnerable families aware of the benefits of paternity establishment and support, and that made it easier for low income working families to access and utilize family court and child support enforcement services. For example, we encourage the state to provide all low income parents access to legal services by providing funding to legal services organizations to represent those seeking child support or by providing free and full legal services through the Office of Child Support Enforcement (OCSE) to all low-income families, not just those on public assistance. We also encourage the state to provide all applicants for child care services information about how to obtain child support and to directly refer to OCSE all of those who wish to pursue child support.

I. The Child Support Requirement is Illegal.

We strongly oppose mandating that applicants or recipients of subsidized child care obtain child support orders in court. First, the Office of Children and Family Services (OCFS) does not have the statutory authority to require those receiving only subsidized child care to pursue child support. Child support cooperation requirements are explicitly set out in the public assistance, Medicaid, and foster care statutes. *See* Social Services Law §§ 349-b(1)(b), 366(4)(h)(2), 398(5)(b) & (d). There is no similar statutory authorization to require cooperation for receipt of child care. This new regulation requiring child support cooperation for those receiving subsidized child care adds an eligibility criteria not provided for by the statute. The regulation is therefore illegal and should be rescinded immediately.

II. The Child Support Requirement is Harmful.

Not only is the regulation illegal, but enforcement of it will harm children and their hard-working custodial parents. Low-income working families already have strong incentives to seek child support from absent parents because these families are struggling to make ends meet and could use any extra income. But often it is not safe or in the best interests of the children to pursue child support in court. As it stands, the current child support enforcement requirement functions as an unnecessarily harsh "stick," rather than as a "carrot," and creates more problems than it solves. It will cause low income parents, with low wage jobs that may not provide them with vacation or personal time, to miss work in order to comply with this requirement. It also

may cost these families, with little or no discretionary income, to incur legal expenses to protect their child care services. Finally, despite the well intentioned "good cause" language, this requirement will endanger families and result in many low income parents leaving the system. As a result of this regulation, families will give up child care services that are vital to their continued economic stabilization or they will place their children in informal care arraignments that are less engaging and possibly even unsafe. Because Pennsylvania already saw this dramatic result after they implemented a similar requirement,[2] they repealed the regulation on May 12, 2005.

A. The Effect on Parents and Children Will Be Devastating.

Even if families have not suffered abuse, the effect of this regulation on low income working custodial parents could be devastating. It may impose a significant financial burden on parents who are already economically insecure by forcing them to miss multiple days of work to pursue child support. It may also force parents to make a choice between losing essential child care services or destroying functioning but fragile informal relationships with non-custodial parents.

- *Voluntary Agreements*. Requiring families to obtain formal court child support orders, particularly when the parents already have an informal agreement, may lead to reduced actual financial support for the children because: (1) the non-custodial parent was paying more than required by law; (2) the non-custodial parents' income is off-the-books and cannot be proven in court; (3) the non-custodial parent quits his on-the-books job after being sued in court and accepts a job off-the-books to avoid paying support; or (4) the non-custodial parent provides basic necessities like diapers or baby food, or in-kind services like transportation to and from day care that is particularly valuable to the family. Suing in court for support would also harm the relationship between the two parents and may unnecessarily harm the children as well. Fathers who resent being dragged into court may also begin to resent their children or may file retaliatory and divisive child custody or visitation petitions.

  Most states recognize these realities: Only twelve states require pursuit of child support as a condition of eligibility for subsidized care, and at least five of those states accept voluntary, informal support agreements as proof of cooperation.[3] The New York State ADM, however, explicitly states that voluntary payments of child support on the part of the non-custodial parent, absent a written separation agreement signed by both parties or a court order specifying child support, do not meet the child support requirement. *See* ADM at 46. If OCFS does not rescind the regulation, we strongly urge OCFS to at least accept voluntary support agreements if the non-custodial parent is paying consistently and the amount paid is commensurate with the amount that would be ordered in court.

- *Effect on Employment*. Compliance with this child support requirement will cause low income parents to miss many days of work, and may even cost them their jobs. Very often,

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[2] *See* Good Intentions…..Linking Child Care Assistance to Child Support Cooperation: The Consequences for Children and Families (August 2000) (prepared by Philadelphia Citizens for Children and Youth for Child Care Matters) (hereinafter "Good Intentions"). A copy of this study was provided to OCFS at the May 25, 2005 public hearing in New York. See also the discussion in the conclusion of these comments for more information regarding Pennsylvania's experience.

[3] These statistics are based on a survey of the states conducted in 2000. *See* Good Intentions at 20 (August 2000).

parents are forced to miss as much as a week of work in order to obtain a support order, secure the child care "add-on," or pursue a violation petition. At a minimum, filling out the application and returning to family court requires two absences from work. Often the process takes much longer if: (1) the absent parent does not report to family court on the first return date and the case must be adjourned; (2) one or both of the parents comes to court without all of the necessary documents (such as tax forms or a child support questionnaire); or (3) the non-custodial parent objects to the support order and the case must go to trial. And parents will be forced to miss many more days if the child support case is complex or if they have to defend a custody or visitation petition.

Parents risk losing their jobs due to these repeated absences because most low-wage jobs do not permit multiple or sustained absences. Parents are also likely to lose desperately-needed pay each day they miss work because low wage jobs often do not provide for vacation or personal time. All of this time and effort in court is often for little or nothing since most fathers of children in subsidized child care have very low incomes themselves.

- *Definition of Good Cause*. Under the New York State regulation which provides that "good cause" can be granted if pursuing support would have "an adverse effect on the health, safety, or welfare of the child" or others in the family, 18 N.Y.C.R.R. § 415.3 (c), OCFS could grant "good cause" exemptions to families in any of the situations discussed above. But the recent ADM defines "good cause" very narrowly – even more narrowly than in the public assistance context, despite the fact that the regulatory "good cause" definition for purposes of public assistance is much narrower than the child care regulatory definition. At one point, the ADM states: "Physical and emotional harm must be of a *serious* nature in order to justify a finding of good cause. A finding of good cause for emotional harm may only be based on a demonstration of an *emotional impairment* that substantially affects the individual's functioning." ADM at 52 (emphasis added). If OCFS fails to rescind the child support requirement, we strongly urge OCFS to broaden the definition of "good cause" so that it is more in line with the regulation which allows for an exception if pursuing support would have "*an* adverse effect." *See* 8 N.Y.C.R.R. § 415.3 (c).

B. The Potential Cost to the Courts and the Child Care Subsidy System is Too High.

The regulation requiring pursuit of child care imposes a significant cost on all stakeholders: the child care subsidy system, the family court system, low income working parents, and their children.

1. The Cost to the Courts and Child Care Subsidy System Will Be Tremendous.

New York City's child care agency, the Administration for Children's Services (ACS), estimates that approximately 30,000 families will be affected if the child support regulation is implemented. This will put tremendous pressure on the existing information collection and sharing infrastructure of ACS and will require extensive training and case-management resources. In addition, the influx of new parents applying for child support is likely to overwhelm the already-burdened family court system.

2. The Regulation will Impose a Substantial Burden on the Child Care Agency.

This regulation will impose a substantial burden on ACS. ACS is already anticipating having to invest substantial monies into developing a new or significantly upgraded computer and data management system so that they can communicate and share information electronically with OCSE. An upgraded system is also necessary in order to hold the sheer volume of new information that must be tracked and maintained as a result of the child support requirement. In addition, the cost to ACS of simply training its staff to make "good cause" determinations, even if all determinations are made centrally, will be tremendous.

3. The Family Courts and OCSE will be Unable to Meet Increased Need.

In NYC, the OCSE and the family court system lack the resources to absorb the mass of additional families that will require services because of this requirement. Those seeking child support orders or enforcement already experience significant delays because the family courts are overburdened. The probable result of this new requirement will be further delays in the processing of petitions, scheduling of court dates, and the issuing of child support orders.

C. The Current Rules Regarding the Child Care "Add-On" Unnecessarily Harm Custodial Parents and Child Care Providers.

The Family Court Act permits an "add-on" to the regular child support order for child care costs *incurred* by the custodial parent. *See* Family Court Act §413(1)(c)(4). [4] It does not permit an "add-on" for costs incurred by the local child care agency, and the "add on" is intended to defray the cost of child care to the non-custodial parent. Despite this, the ADM implementing this regulation states that the "add-on" will not be used to defray the custodial parent's share of the co-payment. The child care "add-on" will instead go to reduce the subsidy paid by the local social services district. *See* ADM at 60. This policy is not required by the child care child support regulation, runs counter to the intentions of the Family Court Act, and will harm the custodial parents and child care providers.

- *Reducing the City's Share.* If OCFS does not rescind this regulation, we recommend that the "add-on" defray the cost of the child care to the custodial parent, rather than that of the social service district. Using the non-custodial parent's payments to defray the social service district's subsidy can prove devastating to the custodial parent whenever an absent parent ceases to pay his share of the required co-payment. In that case, the custodial parent will be required to pay both her share **and** that of the non-custodial parent or else risk losing her child care slot because the local child support agency is not required to readjust the child care benefit level until the child support payment is **30 days** past due.[5] At that time, the custodial

[4] The Family Court Act states that when "*the custodial parent … incurs* child care expenses … such child care expenses, *where incurred*, shall be prorated in the same proportion as each parent's income is to the combined parental income." Family Court Act § 413(1)(c)(4) (emphasis added).

[5] We appreciate that the new ADM provides that "in situations where the child care arrangement is jeopardized due to the delay in payment [of child support], the district *may* make adjustments to the child care benefits amount

parent will also be required to go to family court to file a violation petition against the absent parent. This requires the custodial parent to take additional time off of work to file all necessary papers. This is particularly distressing because the consequence of failing to take any of the aforementioned steps is loss of the parent's child care spot.

- *Making the "add-on" invisible.* If OCFS insists on requiring parents to seek an "add-on," we also recommend making the non-custodial parent's child support "add-on" payments invisible in the subsidy payment process. Regardless of whether the "add-on" is applied against the parent's share or the county share of the subsidy, we recommend that parents be given the option of having the child care "add-on" paid directly to the child support collection unit and then transmitted directly from the child support collection unit to the county. The county thus becomes the guarantor of payment, just as for those receiving public assistance. This protects parents from loss of critical services and providers from non-payment.

- *Shifting Cost of Child Care*. Because child care costs often shift weekly based on participation, determining how to budget the "add-on" is nearly impossible. Yet, the ADM requires the custodial parent to track and report any fluctuations in child care costs. *See* ADM at 61. Because parents are generally told only the amount of their co-payment, a parent may not know, or be unable to track, the total cost of care for a given week. Consequently, placing the onus on the parent to maintain and report this information creates an administrative hurdle for many parents, and may result in custodial parents incorrectly reporting the amount of the subsidy they require.

D. The Implications of Non-Compliance are Unnecessarily Severe.

The requirements inherent in full compliance are unnecessarily strict and the punishment for non-compliance is too severe.

- *Penalty too severe*. The penalty for failing to actively pursue child support is the full loss of child care services for all children in the family. This penalty is too severe. If OCFS insists on imposing a penalty, we recommend that parents lose a percentage of their subsidy, not all of it.

- *Multiple non-custodial parents*. According to the recent ADM, the requirement to actively pursue child support pertains to all children in the household, even where the custodial parent is not requesting a child care subsidy for every child. *See* ADM at 46. This is unjustified and counter-intuitive, particularly when non-compliance with regards to one child results in total loss of services for all eligible children in the household. If a custodial parent is going through the process of securing a formal child support order for one absent parent, that parent most likely has a good reason for not pursuing support from the other non-custodial parent.

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before payment is delinquent by 30 days." ADM at 63 (emphasis added). But this does not go far enough. The state must mandate that the local child care agency pay providers as soon as they are notified of delinquent child support payments, and systems must be established to ensure that providers and custodial parents are not harmed by the non-custodial parent's failure to pay support in a timely manner.

We recommend that no penalty be imposed against a child whose mother has cooperated in obtaining child support for that child. If OCFS insists on implementing this regulation, the penalty for non-compliance should apply only to the children for whom the mother failed without "good cause" to pursue support.

E. Parents Required to Pursue Child Support are Denied Free and Full Legal Services.

Under the current ADM, parents pursuing child support are not entitled to full and free legal services through the OCSE. *See* ADM at 49-50. The OCSE is only required to assist in the filing of the initial petition. *Id.* Furthermore, parents pursuing child support are not entitled to assigned counsel, and most child support units do not provide free legal service to non-public assistance recipients. *See* Family Court Act § 262. We feel that it is critical that parents be assured access to the full range of necessary OCSE services, including legal services. If the OCSE cannot provide full and free legal services to those receiving subsidized child care, we recommend that the state increase funding to local legal services providers so that they can represent these families seeking child support.

III. The Infrastructure of the Child Care Subsidy System is Insufficient to Protect Victims of Domestic Violence.

Our experience assisting survivors of domestic violence victims in their efforts to obtain waivers of the child support requirements from welfare make us very wary of any effort to extend the child support requirements to those receiving only child care. Even though the public assistance centers are required to conduct much more detailed screenings and assessments than the child care agency to determine if it is safe for parents to pursue child support, many domestic violence victims are never informed that they can get an exemption from the child support requirements or are wrongly told they are not eligible for an exemption. Instead they are sanctioned for failure to cooperate with child support services and lose 25% of their public assistance grant.

Because the safeguards in the child care system are much weaker that those in the public assistance system, a large percentage of families will lose child care for failing to pursue support or will voluntarily give up safe, trusted subsidized child care because it is unsafe for them to pursue support or because going to court repeatedly would endanger their job – a job they desperately need to maintain independence from their batterer. If the state does not rescind the regulation, OCFS must at least do more to ensure that the safety and well being of families are not endangered by these child support requirements. Unless the proposed procedures are drastically amended, many domestic violence victims will lose their subsidized child care because they do not know they can get an exemption from the requirements, they do not feel comfortable telling their child care worker about the abuse, or they do not have documentation to prove the abuse.

We are particularly concerned about the effect of these regulations on domestic violence victims for three reasons: (1) the local child care agencies do not have staff trained to adequately screen for and assess domestic violence; (2) the written notices informing parents of their right to

a "good cause" exemption are inadequate; and (3) the documentation requirements for proving "good cause" are confusing and too stringent.

A. The Local Child Care Agencies Do Not Have Sufficiently Trained Staff to Adequately Address Domestic Violence Issues.

The local child care agencies do not have staff adequately trained to screen for and assess domestic violence. Experienced domestic violence counselors must be hired by the child care agencies to ensure that these "good cause" determinations are correctly made, and all staff who process child care applications must receive extensive training on domestic violence so that they feel comfortable asking about abuse and are able to refer individuals to necessary legal and social services. We support the recommendation in the new ADM that local child care agencies contract with domestic violence agencies and hire domestic violence liaisons, and we urge OCFS to make these recommendations mandatory. *See* ADM at 51, 53. However, without allocating funding to implement this requirement, it will not become a reality for clients who need these critical services.

Anecdotal evidence from upstate where these child support requirements have already been implemented suggest that applicants are not being informed of their right to a "good cause" exemption and that these "good cause" determinations are not being correctly made. In Suffolk County, some parents have been told by the child care eligibility workers, the very people who are supposed to do the screening, that the "good cause" determinations are made by the child support cooperation unit. In Westchester County not all applicants have been advised that a "good cause" exception exists.

We are very concerned that New York City plans to implement these regulations on July 1, 2005, yet as far as we know, has not hired or contracted with domestic violence agencies to provide training to its staff and has not hired experienced domestic violence advocates to make "good cause" determinations. Community based staff doing presumptive eligibility determinations must also receive training on these issues. *Implementation of these regulations in NYC must be delayed until extensive training has occurred and the necessary safeguards are put in place.*

B. Written Notice of the "Good Cause" Exception is Inadequate.

The proposed notices that inform clients of their right to get an exemption of the child support requirements based on "good cause" are confusing and inadequate. *See* ADM at Attachment F (Form OCFS-LDSS-7013).

- *Language Issues*. The notices must be simple, in plain language, and available in multiple languages because many low-income families cannot read English well or at all because English is not their native language, they did not receive an adequate education, or they have learning disabilities. The notices should contain a screening form that asks multiple simple questions to access both past and present abuse. Pursuing child support might be dangerous even if the abuse was many years ago because filing court papers will bring the abuser back in contact with the victim and is likely to anger him. We suggest that the OCFS use the

domestic violence screening form utilized by the Human Resources Administration but alter it to ask about both current and past abuse.[6]

- *Oral Notification & Screening*. Written screening for abuse is rarely effective. Recognizing this, the Office of Temporary and Disability Assistance (OTDA) recommends that applicants for public assistance be provided with written notice and be orally screened to determine if it is safe for them to pursue child support.[7] Not only are many applicants and recipients unable to understand written English sufficiently, but also many domestic violence victims will not feel comfortable or safe writing to the city to inform them of abuse. To ensure proper screening, the local child care agencies would need to conduct in-person or telephone interviews with all applicants and recipients of child care services. The interviews would need to be conducted by those trained on domestic violence issues so that domestic violence victims feel comfortable revealing and discussing the abuse. Because many applications and most recertifications for subsidized child care are now conducted by mail, we do not think it is possible for the local child support agencies to adequately screen for abuse. Furthermore, we think a move back to in-person interviews would be harmful because it would cause parents to miss additional days of work.

C. The Requirements that Individuals Produce Documentation of Abuse Will Be Prohibitively Burdensome.

We are also very concerned that the proposed notices to clients repeatedly state that they must provide "documentation," "proof," or "evidence" of their abuse. *See* ADM at Attachment F (Form OCFS-LDSS-7013). Many domestic violence victims never call the police or otherwise seek help because they are afraid that doing so would only anger the abuser and put them and their children in danger. They also might not have told family members or friends about the abuse because they are scared or ashamed. As a result, many survivors of violence do not have any evidence of abuse.

- *Credible Statement*. The federal immigration service (previously called INS) and the state welfare agency accept as evidence of abuse the credible statement of a victim, even if it is not supported by any documentation. *See, e.g.,* 8 C.F.R. § 204.2(c)(2)(iv) (listing types of evidence that immigration services should consider when determining if an applicant is an abused spouse or child); 18 N.Y.C.R.R. § 351.2 (l)(5) (indicating that a sworn statement of the victim can be sufficient proof of abuse to entitle the victim to a waiver of public assistance work and child support requirements).[8] State law also permits

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[6] A copy of HRA's Domestic Violence Informational Handout (Form M-322C) and Domestic Violence Screening Form (Form M-322d) are included as exhibits to HRA's Policy Directive #01-75-OPE: Domestic Violence Program (issued December 21, 2001). A copy of the forms are also enclosed.

[7] *See* OTDA's Administrative Directive 03 ADM 2: Desk Reference for DV Screening Under the Family Violence Option at 2 (issued February 24, 2005) ("Research has shown that rates of disclosure of DV among TA clients increase when TA workers directly ask clients about DV during the interview process."). We have also enclosed a copy of OTDA's Desk Reference For Domestic Violence Screening Under the Family Violence Option (Form LDSS-4813) and suggest that OCFS use this as a guide.

[8] The Department of Housing and Urban Development (HUD) also encourages local housing authorities to accept a "broad range of evidence as proof of domestic violence," including the credible statement of the victim. *See* HUD Public Housing Occupancy Guidebook, 19.2 Types of Evidence Required as Proof of Domestic Violence (June

victims to obtain civil protection orders based on nothing more than their own credible statements. If OCFS insists on implementing this child support requirement, we urge OCFS to do the same and accept the credible statement of the victim.

Her statement, if found credible, should be accepted even if she has not yet been physically harmed but is reasonably afraid due to threats of violence. The local child care agency should access her allegations even if she cannot submit a sworn statement by another individual. *But see* ADM at Attachment F, at 5 (Form OCFS-LDSS-7013) (stating that if a "good cause" claim is based on "anticipated physical harm," the local agency will not investigate the claim unless a "sworn statement" is submitted by someone other than the applicant or recipient).

- *Sworn Statement*. We also request that OCFS rescind the requirement that statements from third parties be "sworn" by a "person who is empowered to administer an oath." *See* ADM at 54. Many low income people to do not have easy access to a notary republic and cannot afford to pay someone to notarize statements from their friends and families.

CONCLUSION

Ultimately, requiring pursuit of child support in order to receive subsidized child care will result in many families deciding not to get subsidized child care and instead putting their children is informal, less engaging, and possibly unsafe child care arrangements.

Pennsylvania already learned this the hard way. When Pennsylvania enacted its child support requirement for those receiving subsidized child care, many lost their child care because pursuing child support would detrimentally affect their or their children's well-being and in some cases put them at risk of serious physical harm. In an August 2000 survey of 92 child care providers in Philadelphia and surrounding counties, two thirds of the providers surveyed reported that parents in their programs left the child care program because of the child support requirements. On average, twenty eight percent (28%) of enrolled children dropped out of the subsidized child care program when the child support requirements went into effect.[9] Concerned about the effect of the child support requirement on families, Pennsylvania rescinded the regulation requiring child support cooperation on May 12, 2005.[10] Robert Frein, a public official for the Pennsylvania child care agency, stated that the child support requirement was "one of the biggest barriers" for families seeking child care services. He said that forcing families to go to court created an "adversarial relationship" between the parents and sometimes led to a reduction in actual support received. The requirement was also a "logistical nightmare" for the child care agency and the courts, particularly in Philadelphia. The courts were flooded with requests and

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2003) (available in full on the HUD web page at http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm).

[9] *See* Good Intentions at 8, 10.

[10] The Pennsylvania Independent Regulatory Review Commission voted May 12, 2005 five to zero to rescind the regulations. This change is effective July 1, 2005. In the comments explaining why the regulations were rescinded, the Commission stated: "Mandatory child support cooperation was recognized as a substantial barrier to needy families accessing the subsidized child care program." A copy of these comments is enclosed.

waiting periods for support and child care increased. And because going to court is "time consuming," some parents lost their jobs and had to go back on welfare.[11]

The Legal Aid Society and the Welfare Law Center urge New York State to follow Pennsylvania's example and rescind its new regulation so that working mothers and children in New York are not harmed.

[11] Telephone interview by Elizabeth Saylor with Robert Frein on May 31, 2005. Robert Frein is currently a Special Assistant of Subsidized Child Care Services for the Office of Child Development of the Department of Public Welfare. As of July 17, he will be the Bureau Chief for the office of Subsidized Child Care Services. He is interesting in speaking with OCFS officials about Pennsylvania's experience and can be reached at 717-346-9323 or rfrein@state.pa.us.