

Memorandum in Opposition A.10558/S.6896

The Schuyler Center for Analysis and Advocacy (SCAA) strongly opposes A.10558/S.6896, which would require child care programs to obtain an original birth certificate from anyone enrolling a child in a regulated child day care center, family day care home, or school age child care facility. The stated purpose of this bill is to prevent child abductions. While well-intentioned, this bill is unlikely to accomplish its purpose and will unduly burden providers, parents, relative caregivers and foster parents.

SCAA opposes this bill for the following reasons:

- The legislation does not apply to legally exempt providers who provide child care to approximately 50% of all children in subsidized care.¹ It does not seem plausible that a person who has abducted a child would place the child in a regulated child care program.
- Child care programs are already struggling in order to stay in compliance with state law. Many programs have closed in recent years as a result. Adding to their burdens will only result in further closings.
- The Department of Health Web site indicates that it will not issue birth certificates to a person whose name is not on the child's birth certificate. There are 400,000 children who live with relatives other than their parents in New York State.² Obtaining a birth certificate may be problematic for these caregivers. Foster parents will face similar difficulties.
- Many new mothers are only granted the minimum six weeks disability and must return to work after that time. There is no requirement that birth certificates be issued within six weeks, which would prevent new parents from enrolling their children in regulated child care.
- The sponsor's memo recognizes that 4/5 of all child abductions are familial abductions. There is nothing to prevent an abductor who is the non-custodial parent from obtaining his or her child's birth certificate.
- Processing fees are an additional burden on low-income working parents and guardians, and parents may be discouraged from using regulated care if they cannot afford the higher fees.
- For families with children born out of state or out of the country, additional time will be necessary to determine the appropriate procedures and costs to obtain a birth certificate.

¹ *NYS OCFS: New Directions in Child Care*, slide #4 from NYPWA Winter conference presentation, January 23, 2008, by Janice Molnar, Deputy commissioner, NYS Office of Children and Family Services.

² *Kinship Care in New York: A Five-Year Framework for Action*, New York State Kinship Coalition, April, 2008, citing 2000 census data at p.7.

There is no evidence that this bill, if passed, would prevent child abductions from taking place. What is clear is that this bill would make it difficult for parents, relative caregivers and foster parents to place their children in safe, regulated child care, thereby making it more difficult for them to maintain their employment and putting the children in their care at risk.

We urge the Assembly Committee on Children and Families to reject this bill.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schumke".

President & CEO
SCAA

Dated: May 20, 2008

For further information, please contact me at 518/463-1896, ext. 25.