

CHILD CARE



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Child Care Subsidy System

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BARBARA COCCODRILLI CARLSON
and REBECCA L. SCHARF

welfare law center

I Overview

NEW YORK CITY'S CHILD CARE SYSTEM is in crisis. For years, critics have talked about reform. Over the past 20 years, numerous reports and commissions have presented conclusive evidence that the rules and regulations governing the system actually impede the delivery of child care services. Some of the most creative and committed professionals within the system have struggled to improve it.

Yet even when budgets were looser and money was available, little was allocated to reform. As a result, the system remains badly broken. Every day in New York City—despite a child care budget that exceeds *half a billion dollars*—children are placed at risk by poor and patched-together care.

The situation is shameful, and the need to fix the system more urgent than ever.

The Welfare Law Center strongly believes that the systemic ills can be cured; that a streamlined, seamless delivery system can be designed and implemented; and that New York City's child care bureaucracy can be transformed into a model deliverer of child care services.

The Welfare Law Center is proposing a realistic way to make reform happen. WLC's approach is based on a striking concurrence of opinion among a broad group of child care providers, agency officials, parents, and advocates whom we brought together to discuss how a better system can be created.

Our approach requires vision, bold leadership at the top, and a willingness to make the structural changes necessary for real reform. Only a courageous leader can impose order on the chaos that results when no single authority is in control of multiple, often competing agencies. We call on Mayor Bloomberg to be that leader—to mandate the changes and allocate the resources that will transform a dysfunctional system into one New York City can be proud of.

It is no secret that New York City's child care system is badly in need of reform. Families in search of subsidized child care are confronted by daunting barriers, including a multitude of agencies whose functions overlap, a complex application process, disruptions in child care payments, misinformation, and requirements that force families to negotiate a bureaucratic maze.

Furthermore, while the city's stringent work requirements for welfare recipients have made access to affordable child care more essential than ever, the system has fallen woefully short of meeting the demand. Every day, the list of children who need child care far exceeds the available spots. [There are currently 38,000 children on child care waiting lists.] Every day, lack of access to affordable child care threatens the efforts of families on public assistance to move from welfare to work and impedes the ability of low income families to attain economic security.

Meanwhile, as a confusing array of bureaucracies deliver child care services, families fall between the cracks, with the result that many eligible families never receive the child care subsidies to which they are entitled.

Despite the best efforts of many, many knowledgeable and concerned professionals, from agency heads to care givers at the local level, the system isn't working.

The Welfare Law Center Focus Groups

To understand the dimensions of the problem and find workable solutions, the Welfare Law Center turned to a critical group of insiders who know the system best: the users and the providers of child care services. The Center successfully organized focus groups that brought together New York City agency officials, parents, advocates, and service and child care providers.

We asked the focus groups three major questions:

- 1 What would a 'seamless' delivery of child care services for low income families look like?
- 2 What are the major barriers to its realization?
- 3 What would it take to achieve a seamless child care delivery system in New York City?

The focus groups were remarkable for two reasons. First, they brought together participants who came from vastly different backgrounds and were often on opposite sides of the reform debate. Second and most important, in all of the groups the participants made essentially the same recommendations; from managers to clients, they agreed on the fundamental reforms necessary to fix the system. For the first time, every side was on the same page.

▶ OUR RECOMMENDATIONS

Drawing on the vision of our focus groups for a seamless child care delivery system, the Welfare Law Center proposes that New York City begin the process of reform by taking three major steps:

- 1 **Make seamless child care services a mayoral priority, and create a single city agency for child care services, headed by a knowledgeable Commissioner.**
- 2 **Develop an integrated, interactive computer system for all child care subsidy administration, with the capacity to determine eligibility, house a centralized waiting list, and identify vacancies.**
- 3 **Build in presumptive, continuous child care subsidy eligibility for all families demonstrating need.**

We believe these proposals are sensible, practical, and most important, achievable, and that they will result in a dramatic improvement in New York City's child care delivery system.

This report offers a brief history of the New York City child care subsidy system; documents the problems that have arisen because multiple agencies are charged with providing child care services; examines the barriers standing in the way of creating a better system; and describes how to bring to fruition our vision of a seamless child care delivery system.

II A Brief History

NEW YORK CITY IS HOME TO THE LARGEST child care subsidy system in the country. The system that has evolved over the past six decades, however, is bureaucratically complex and makes access for low income families often difficult, and all-too-often impossible.

New York City first began utilizing federal funds for child care in 1941, when Work Projects Administration [WPA] funds were used to support school-based subsidized child care programs to care for the children of women employed in the war effort. Over the next 60 years, funding streams grew along with the complexity of their administration.

In 1950, the Bureau of Day Care Services, the first city agency devoted to day care services, was created within the Bureau of Child Welfare. But Head Start—the federally-sponsored pre-school program established in 1965 to meet the development needs of low income children—was administered first by the Equal Opportunity Commission, then by the Community Development Agency. That changed in 1971, when Mayor John V. Lindsay created the Human Resources Administration [HRA] and made its sub-agency, the Agency for Child Development [ACD], responsible for the management of all public funds for child care services, including Head Start.

As federal welfare policy evolved, particularly with the passage of the Family Support Act in 1988, the administration of New York City's child care assistance programs began to splinter:

- Child care subsidies for welfare recipients who required a subsidy to participate in HRA's workfare program were managed by HRA's Office of Employment Services [OES];
- Child care subsidies for welfare recipients who engaged in private part-time employment were managed directly by HRA, not by OES;

- Transitional child care subsidies for recent welfare recipients who had made the transition from welfare to work were managed directly by HRA, but in a separate centralized office;
- Child care subsidies for those not receiving welfare [as well as many who were], continued to be managed by ACD.

In 1996, Mayor Rudolph Giuliani established the Administration for Children's Services [ACS], which combined child care that was not related to the receipt of welfare, Head Start, and child welfare services under one agency.

Yet the splintering continued. In 1997 New York State enacted legislation to establish the Universal Pre-Kindergarten [UPK] program, which in New York City is administered by the Department of Education [DOE]. Seventy percent of New York City's pre-kindergarten programs—which are open to four year-olds, with priority given to economically disadvantaged families¹—are in community-based centers, many of which also provide child care services for ACS.

Having two services in one building should be good news for parents, but in fact it's a perfect example of how the current fragmented system sets up barriers. Since Pre-K and child care are managed by different agencies, a parent is required to navigate two totally separate application and recertification processes to enable his or her four year-old to participate in the part-day pre-kindergarten program in the morning, and the child care program across the hall afterward. By any standard, that simply doesn't make any sense.

If our goal is to make it easy for low income families to navigate the system and obtain affordable care for their children, the current hodgepodge should be replaced with a seamless, integrated system.

III A Vision for Real Reform

WE ASKED PARTICIPANTS IN OUR FOCUS GROUPS what a system that seamlessly delivered child care services to low income families would include. With impressive consistency, the groups cited the need for a single, streamlined application; a community-based application process; neighborhood-based services near home and work; a single pool of funds in order to streamline the administration of subsidies; presumptive eligibility; effective use of technology for application and recertification; and well-trained caseworkers. Strikingly, none of these elements is in place citywide today.

A Single Streamlined Application

Currently, families who require child care subsidies must complete separate applications, and go through separate application processes, for each type of city-administered child care program.² Three city agencies provide early care and education subsidies to low income families in New York City: the Administration for Children’s Services [through the Division of Child Care and Head Start], the Human Resources Administration, and the Department of Education. To complicate matters further, each of these agencies further divides its child care funding and administration among multiple sub-agencies.

Thus a low income parent on public assistance seeking a child care subsidy is required to fill out separate applications for Head Start, universal pre-kindergarten, and subsidized child care—and to be on separate waiting lists for each program simultaneously.

Moreover, the waiting lists do not reflect the true demand for formal child care services, or the deterrent effect of a complex application on parents faced with pressing child care needs. For example, most parents required to participate in the City’s workfare program have less than a week to find full-time child care arrangements before the start of their work assignment, and caseworkers routinely press cash assistance recipients to seek child care from a friend, family member, or neighbor.³

A single, streamlined application process would result in easier access to affordable child care for parents and better care for their children. Knowing that they could rely on care for their children would help low income families move from welfare to work, maintain stable employment, and improve their employment prospects through education or training.

A Community-Based Application Process

Focus group participants agreed that a seamless child care system must include child care subsidy application sites close to home or the workplace.

Currently, low income parents needing child care subsidies must navigate a multitude of different offices each time they apply and recertify for aid. Families commonly apply for a child care slot both at a city agency [for example, an ACD Borough Field Office] and at their neighborhood child care center.

Meanwhile, because there is no centralized waiting list or shared computer system, the multiple applications lead to confusion for both families and program administrators.

Parents report running across the borough in order to make sure their names are on all possible subsidy waiting lists, often missing work and/or school to do so.

Parents also report having to make multiple visits to either the HRA or ACD offices to ensure that their eligibility is approved, again resulting in missing work and/or school. Then there are the often-required in-person interviews that are part of the application and the ongoing recertification processes.

Most parents that we spoke with have jobs with no paid time off, and they can ill afford to lose 10 to 20 percent of their salaries by missing days of work in order to navigate the child care subsidy bureaucracy. And of course, missing work puts those very jobs in jeopardy.

Forcing parents to risk losing their hard-won jobs—to choose between getting to work or arranging for child care—makes no sense. Bringing access to the child care system to the community, rather than the reverse, is an obvious solution.

It should not be difficult to establish community-based points of entry. For example, multi-service family support centers [such as Beacon School sites] or large community-based child care agencies could serve as application sites.

Neighborhood-Based Services Near Home and Work

It is not enough to have application sites close to home. It is also essential that low income parents have access to quality child care centers that are near their homes or workplaces. Yet a study conducted by the Citizens' Committee for Children of New York [CCC] indicated that twelve of the city's poorest neighborhoods are in desperate need of adequate child care facilities. These neighborhoods are: University Heights, Concourse / Highbridge, Fordham, Unionport / Soundview, East Tremont, and Morrisania in the Bronx; Bushwick, Brownsville, East New York and Bedford Stuyvesant in Brooklyn; and Washington Heights and Central Harlem in Manhattan.⁴

This lack of child care services in our city's most impoverished neighborhoods is particularly problematic in light of HRA's requirements for public assistance recipients: with few exceptions, the parent or caretaker is required to participate in 35 hours of work activities per week in order to receive a cash assistance grant.

Equally disturbing, while parents of children as young as six months old are subject to these work requirements, few child care centers provide infant child care. As a result, parents with work assignments are often pressured by HRA—

at risk of losing their cash assistance if sanctioned—to accept any kind of child care arrangement, even if it is on the other side of the city, or the child has special needs, or the parent wants a licensed child care setting.

Any reform of the child care delivery system must ensure not only that there are enough child care facilities to meet the demand, but that those facilities are easily accessible to the families who need them for their children.

A Single Pool of Funds

“Byzantine” is the only word to adequately describe the current system of administering subsidies.

The primary federal funding sources for subsidized child care in New York City are the Child Care & Development Block Grant [CCDBG] and the Temporary Assistance to Needy Families [TANF] Block Grant. Once these funds are allocated to New York State, the State Office of Children and Family Services [OCFS] adds state funds and calls this combined funding stream the Child Care and Development Fund [CCDF].

New York City splits this combined CCDF funding stream at the local level and allocates these funds, along with city tax levy dollars, between HRA and ACS. ACS is also responsible for Head Start, which the federal government funds directly through a separate grant. The Universal Pre-Kindergarten program, administered by the DOE, is a separate system funded and regulated at the state level by the State Education Department.

This means that a single community-based organization could have a contract with ACS for Head Start, ACS and ACD for child care services, DOE for universal pre-kindergarten services, and possibly a Limited Purchase of Service Contract for voucher slots through ACS and ACD.

► **It's headache-making—but it doesn't have to be this way.**

A single pool of funds, with a single contract for services between the City and each provider, would facilitate a seamless system for parents and local community agencies.

Under such a system, programs would deal with a single funding source, which would eliminate bureaucratic duplication and enable more of the funding to go directly to the programs themselves.⁵ Administrative costs would be minimized.⁶ And parents could concentrate on looking for quality child care, rather than wasting time chasing subsidies from a variety of sources.

Presumptive Eligibility

The benefits of presuming that families are eligible for certain services for a given period of time have already been demonstrated in many localities. In New York State, for example, Child Health Plus presumes eligibility for health care, once established, for a period of one year. As a result, families can remain with the same physician for at least one year, so some baseline familiarity can be established with the child and family's particular needs; and physician's offices, HMO's, and the Department of Health save enormous amounts of processing time and resources by eliminating costly recertification procedures.

Our focus group participants felt strongly that New York City should institute a uniform system of presumptive eligibility for child care benefits. Eligibility would remain in effect while the initial application or the recertification is processed. [The federal funding streams for child care allow for presumptive eligibility for up to one year.] Presuming eligibility for a designated period of time would mean, among other things, that parents will no longer have to miss work and jeopardize their jobs in order to attend the many daytime appointments now required to recertify.

A uniform, reasonable policy of presumptive eligibility would result in significant benefits to the family, as well as efficiencies to the system. Such a change would be good for families, as well as good public policy.

Effective Use of Technology

Since the folding of the multiple federal child care funding streams into the Child Care and Development Block Grant [CCDBG] in 1996, states and localities have had increased flexibility with regard to the administration of their child care programs. Many states and localities are utilizing phone, fax and the Internet for child care applications and recertifications.

An integrated computer system in New York City would make it significantly easier for parents to gain access and to retain quality child care, and it would greatly simplify program administration.

Well-Trained Caseworkers

In order for a seamless system of child care to operate effectively, there must be an adequate number of caseworkers who are trained to deal effectively with the child care needs of low income families. Ideally, a well-trained caseworker would act as a family's child care "facilitator" throughout the time the child needed care.

All of our focus group participants agreed that currently there is a significant shortage of caseworkers well versed in child care at city agencies. Parents noted difficulty with getting information regarding child care from HRA eligibility caseworkers. Providers report that ACS workers give inconsistent and conflicting information about contracting requirements and payment.

IV Stumbling Blocks

AS WITH ANY MAJOR CHANGE, there will be barriers to overcome before a seamless system of child care delivery for New York City can be created. Some of these barriers are real; others are merely perceived. The list includes: a lack of resources to bring about more permanent solutions; lack of appropriate technology, including antiquated computer systems at HRA and ACS; the erroneous assumption that there are legal and administrative barriers to establishing a single pool of funding; contract and procurement issues; inadequate agency staffing and interagency competition; and a lack of appropriate training for caseworkers and eligibility workers.

Lack of Resources

Finding the funds necessary to implement broad changes may be a challenge—but but it certainly can be done. In fact, history suggests that the problem is not so much lack of money as it is an ineffective allocation of budgeted dollars.

For example, the 1991 report issued by Mayor David Dinkins' Temporary Commission on Early Childhood Services, *Our Children, Our Future*, provided a comprehensive look at the City's service delivery system. The Dinkins Report cited the fragmentation of child care subsidy delivery; the fact that no single agency had responsibility for all programs; the complexity of administering programs under the existing system; the need for a single source of data on all child care programs; and a single access point for private, non-profit agencies seeking to start new services.

In the thirteen years since the publication of the Dinkins Report, city government has implemented none of its recommendations.⁷ Although the city saw an unprecedented expansion of its child care budget from 1996 through 2001,

none of those new dollars were allocated to implementing the system reforms identified in the Dinkins Report. In addition, the dollars allocated to ACD were not disbursed in a timely fashion, and ultimately significant portions of those dollars were lost to the city's enormous budget deficit following 9/11.⁸

In other words, the money has been there, and it can be found again—without reducing the number of child care subsidies. All that is missing is a commitment to real reform.

New York City's child care budget for fiscal year 2004 is a whopping \$621 million [including \$44 million that was transferred from ACS to the Department of Youth Services for after-school care]. Significantly, the Welfare Law Center's proposals will actually save money, by increasing administrative efficiencies through streamlining and better use of technology. Given the size of this child care budget, surely the City would be wise to invest in reform in the short term, in order to create a better and more financially sound system in the long run.

Lack of Appropriate Technology

There has been one attempt to develop a shared ACS/HRA child care enrollment and payment system: the ACCIS computer system, introduced in 2000. It is now being used throughout HRA and is being adopted by ACS. Unfortunately, ACCIS is antiquated and cumbersome, as numerous testimonies to the City Council over the past few years have documented.⁹

Although ACCIS allows some interagency use, such as enabling an HRA caseworker to reserve an ACD provider slot, the coordination is not complete. This is particularly significant for child care providers. Unless the parent presents appropriate authorizations, the child care provider program can have a child appear on their program list whom they do not know and have no way of receiving reimbursement for. Furthermore, ACCIS is not linked with OCFS' Child Care Facilities System [CCFS], which contains child care center licensing information, nor is it linked with the Welfare Management System [WMS], which contains information that could be easily used to determine family child care eligibility.

The ideal computer system would be interactive, integrated, and accessible from a remote location. It would identify child care openings through a shared database, particularly when a parent is going through the initial application process.

The good news here is that New York City has access to the best technological resources, as demonstrated by IBM's role in working with city agencies to shore up their computer systems after 9/11.

False Assumptions

Many participants in our focus groups are veterans of numerous early childhood planning efforts, in the course of which legal and administrative barriers have been cited as the reason a single pool of funding for early childhood programs does not exist. There are many examples of early childhood collaborative programs that have operated successfully using a blended funding model. Two of these blended funding models cited, the United Neighborhood Houses Head Start/Child Care Collaborative Project¹⁰ and the UPK Blended Funding Model,¹¹ have developed comprehensive analyses of the potential barriers and ways to address them.

Contract and Procurement Issues

Each of our focus groups noted the historic difficulty the Mayor's Office of Contracts ["MOC"] has had in moving child care money out the door to community programs and, ultimately, to families. Most participants believed that delays by MOC significantly contributed to ACS' inability to spend its child care budget in 1999 and 2000, and the subsequent loss of that funding.¹² Several participants felt that MOC should be eliminated.

Inadequate Agency Staffing

No one in our focus groups felt there were adequate numbers of staff dedicated to child care administration at either ACD or HRA. Staffing at ACD has been reduced drastically over the last five years, with fewer persons processing contracts and payments, the elimination of social service workers at ACD-funded centers, and fewer staff assigned to the ACD Borough Field Offices. Each parent we spoke to told stories of multiple, unanswered calls at the ACD Borough Field Offices.

Focus group participants also felt that the smooth delivery of child care services by city agencies is hampered by issues of pride and turf. Some reported that a sense of competition between agencies has impeded efforts in the past to integrate program functions, such as the implementation of the ACCIS system.

Lack of Appropriate Training

Many participants noted the lack of city agency workers well versed in child care, particularly at HRA, where getting information can be difficult.

The following story illustrates a typical problem. The mother of an 11 year-old daughter who is autistic and does not speak was told by her HRA caseworker that her cash assistance grant would be terminated if she did not participate in HRA's work program. This mother was very concerned that any provider, informal or regulated, without appropriate training would not be able to communicate with and care for her daughter. Although she had expressed these concerns many times to her caseworker, at no time did the caseworker make a referral to any of the City's Child Care Resource and Referral Agencies. In fact, this mother had no idea that child care referrals were available, particularly for children with special needs.

Focus group participants report similar difficulties with ACS/ACD workers. Some participants felt that workers there have had difficulty implementing even mandated changes and seem to prefer to stick to the "old" way of doing business simply because it is what they are used to—not because those old procedures make the most sense.

V Our Recommendations

WE ASKED OUR FOCUS GROUPS THE FOLLOWING QUESTION:

What are the three most critical changes needed in New York City to achieve a seamless child care delivery system?

Their responses—the responses of thoughtful people from inside the system—provide the basis for our recommendations.

In order to comprehensively address the needs of low income children and families, and of the programs and caregivers who serve these families, we propose taking [three critical first steps on the road to reform](#):

1 [Make seamless child care services a mayoral priority, and create a single city agency for child care services, headed by a knowledgeable Commissioner.](#)

Across the board, participants identified the need for child care services to be the sole priority for any newly configured agency. Suggestions ranged from the immediate creation of a new “super agency”—which would have responsibility for CCDF, Head Start, the UPK program, and child care licensing [currently handled by the Department of Health]—to a more gradual process of combining the early childhood services currently offered by HRA and ACS, with a time frame for implementation.

Clearly, participants viewed historical moves to combine child care benefits with either public assistance and/or child welfare programs as weakening the city’s ability to develop a strong, integrated early childhood system.

Focus group participants described a great need for the Mayor to make early childhood services a priority. They felt this end could be accomplished not only

by integrating the city’s early childhood programs, but also by appointing a Commissioner with strong knowledge and experience in the child care area.

With a single agency responsible for running the child care delivery system, it will be significantly easier to streamline application and funding processes, to ensure that case workers are properly trained, and to establish neighborhood-based services. A single agency would also put an end to counter-productive squabbling among agencies.

2 [Develop an integrated, interactive computer system for all child care subsidy administration, with the capacity to determine eligibility, house a centralized waiting list, and identify vacancies.](#)

Developing an integrated, interactive computer system was identified as critical to the creation of a seamless child care subsidy system. The current computer system, ACCIS, although a first step toward such a vision, is widely perceived as inadequate.

Clearly, the integrated technology supports described above are essential if the City is to make the most of available funds and provide a streamlined, seamless system of early care and education. An integrated system is critical to modernizing and simplifying the processes of application and recertification, monitoring funding streams, keeping track of families within the system, identifying the availability of child care slots, and providing services where they are most needed.

3 [Build in presumptive, continuous child care subsidy eligibility for all families demonstrating need.](#)

We urge the City to institute a uniform system of presumptive eligibility for child care benefits. The City should adapt the approach of the Child Health Plus program and administer child care benefits in a manner that facilitates families’ entry into the workforce, and maintains their ability to work once employed.

The new system would include the use of community-based organizations such as the city's child care resource and referral agencies, a specified period of presumptive eligibility, the elimination of service "gaps" between different eligibility categories, and the use of technology [phone, fax, internet] for application and recertification.

Common sense tells us that when a parent must run from agency to agency to fill out paperwork, or miss work because of required interviews, or fill out new forms every time the family or the child's status changes, that family is not being well served by the system.

VI Going Forward

WE BELIEVE IT IS LONG PAST TIME to address the failures of New York City's child care subsidy delivery system. The problems have been well documented. The reforms we propose would transform a dysfunctional system, which works against the best interests of parents and concerned providers, into an effective and user-friendly support system for children and their families. What's more, the money spent today to bring about these reforms will be more than repaid by a huge reduction in wasted spending and a much more efficient use of resources.

 **The Welfare Law Center will closely monitor New York City's response to these recommendations.**

Our staff will be available to facilitate their implementation, consult on legal services, and provide advice and support to child care users and providers. We look forward to a continuing involvement in this critical undertaking.

Endnotes

- 1 New York City's pre-kindergarten program, like Head Start, is a part-day, school year program.
- 2 The Mayor's Executive Budget for fiscal year 2004 proposes to transfer all child care eligibility determinations for ACS child care from ACS to HRA. This transfer is currently scheduled for late January 2004.
- 3 HRA's policy specifies five to seven day return appointments. Telephone conversation with Kay Hendon, HRA Child Care Director [March 28, 2003].
- 4 See Citizens' Committee for Children of New York, Inc., *Child Care: The Family Life Issue in New York City*, [2000], at 4.
- 5 At least one participant, however, felt that moving to a unified contract, although administratively more efficient, could ultimately result in programs becoming woefully underfunded.
- 6 For the fiscal year 2004 adopted budget, ACS alone allocated \$17.3 million for child care administration.
- 7 Various agency specific planning efforts have been instituted; however, see New York City Administration for Children's Services, *Counting to 10: New Directions in Child Care and Head Start*, [Dec. 2001], at 11-13.
- 8 See Paul Lopatto, "Where Have All the New Child Care Dollars Gone?", *Inside the Budget* [New York City Independent Budget Office], [Dec. 12, 2002], at 2.
- 9 See New York City Council Commission on General Welfare, *Oversight: Automated Child Care Information System—The City's New Child Care Payment System* [Feb. 13, 2001].
- 10 See Judy David, et al. *An Assessment of the Integrated Early Childhood Program in Three Settlement Houses* [1996].
- 11 See Anne Mitchell, *Implementing Universal Prekindergarten in New York: Blended Funding and Other Financial Considerations*, at www.ecsgnyc.org/docs/blendedfunding.pdf [1998].
- 12 See Paul Lopatto, "Where Have All the New Child Care Dollars Gone?", *Inside the Budget* [New York City Independent Budget Office], [Dec. 12, 2002], at 2.

Acknowledgements

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ABOUT THE AUTHORS

Barbara Coccodrilli Carlson, M.A., J.D., was a Senior Policy Advocate at the Welfare Law Center when she co-authored this report. Before that she was Director of Policy Advocacy & Research at the Federation of Protestant Welfare Agencies, Senior Consultant on young children grants of the Carnegie Corporation, and Policy Director/Acting Executive Director of the New York State Child Care Coordinating Council. She is a graduate of Brooklyn College, Columbia University, and Golden Gate University School of Law.

Rebecca L. Scharf, J.D., is a Senior Attorney at the Welfare Law Center and the Director of the Welfare Law Center's child care project. She has authored articles on child care law and policy and played a principal role in major welfare class actions. She was a staff attorney at the Legal Aid Society of New York City's Bronx office for many years, and has been honored for her legal services work by the Association of the Bar of the City of New York. She is a graduate of Brandeis University and Harvard Law School.

List of Focus Group Participants

Andrea Anthony
Executive Director
Day Care Council of New York, Inc.

Cristina DiMeo
Senior Policy Analyst, Income Security
Federation of Protestant Welfare Agencies

David Ehrenberg
Paralegal
South Brooklyn Legal Services

Gloria Ellis
Administration for Children's Services
Head Start

Liz Gonchar Hempstead
Staff Attorney
NOW Legal Defense and Education Fund

Kay Hendon
Child Care Director
Human Resources Administration

Terri Jackson
Sr. Policy Analyst, Income Security
Federation of Protestant Welfare Agencies

Nancy Kolben
Executive Director
Child Care, Inc.

Sherry Leiwant
Senior Staff Attorney
NOW Legal Defense and Education Fund

Constance Melville
Assistant Deputy Commissioner
Human Resources Administration

Emily Menlo Marks
Executive Director
United Neighborhood Houses

Richard Oppenheimer
Family Day Care Director
Nuestros Ninos

Sharon Pressner
Director of Child Care Administration
Human Resources Administration

Amorisa Rosario
Outreach Coordinator
Committee for Hispanic Children and Families

Kristin Simpson
Public Policy Coordinator
Child Care, Inc.

Sandy Socolar
Child Care Policy Analyst
DC 1707

Juan Taveras
Director of Child Care Resources
and Referral
Committee for Hispanic Children and Families

Letitia Wadsworth
Director of Child Care Services
Child Development Support Corporation

Sondra Youdelman
Public Policy Coordinator
Community Voices Heard

Staff of the Welfare Law Center

EXECUTIVE DIRECTOR

Henry A. Freedman

PROFESSIONAL STAFF

Marc Cohan Litigation Director

Askia Foreman Associate Circuit Rider, LINC Project

Amanda Hickman Associate Circuit Rider, LINC Project

Cary LaCheen Senior Attorney

Mary R. Mannix Program Director

Rebecca L. Scharf Senior Attorney

Dirk Slater Senior Circuit Rider, LINC Project

Nancy M. Yanofsky Director of Development

ADMINISTRATION

Susanne Evarts Secretary / Computer Specialist

Peter Kendall Systems Administrator

Kay Khan Office Manager

Michelle Peeples Secretary

Board of Directors

Penelope E. Andrews
CUNY School of Law

Gail Aska
Community Voices Heard

Cassandra Barham-Denton
Welfare Rights Coalition Contact Center

Paul J. Bschorr
Dewey Ballantine LLP

Douglas F. Curtis
Wilmer, Cutler & Pickering

Martha F. Davis [SECRETARY]
Northeastern University School of Law

Matthew Diller
Fordham University School of Law

Paul M. Dodyk [CHAIR]
Cravath, Swaine & Moore LLP

Evelyn Dortch
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