

**Welfare to Work Commission
Of the Suffolk County Legislature
Minutes of the March 11, 2016 Meeting**

Present: Richard Koubek, Chair; DSS Commissioner John O’Neill for Olga Ayala; Lisa Pinkard for Leg. Monica Martinez; Mike Stoltz; Ellen Krakow; Michael Haynes; Richard Krebs; Barbara Egloff; Christina Maher; Don Friedman; Ayesha Alleyne; Kimberly Gierasch; Valerie Smith;

Excused: Luis Valenzuela; Kathy Liguori; Steve Chassman; Nina Leonhardt; Ray O’Rourke; Sr. Lisa Bergeron; Charles Fox; Peggy Boyd

Guests: Jane Smith, DSS; Linda Hassberg, Empire Justice Center

1. **Adoption of February Minutes:** The minutes of the February 19th meeting were unanimously adopted, following several amendments, on a motion by Don Friedman, seconded by Kim Gierasch.
2. **Child Support Update:** Chair Richard Koubek reviewed the history of this issue which began in 2014 when James Andrews of DOL brought to the Commission his concern that SWEP noncustodial parents (NCPs) in child-support arrears were discouraged from working and parenting because of the 9% State interest charged on their arrears. The Commission then received a detailed analysis of the child-support system from Linda Hassberg of the Empire Justice Center in November of 2014 and formed a committee to investigate this issue. In August of 2015, the Commission wrote to Senator John Flanagan, Senate Majority Leader, asking that he consider amending State Civil Practice Law, Section CPLR 5004, requiring the 9% interest payments. In September, Mr. Koubek received a call on behalf of Senator Flanagan from David Gruenberg, Counsel to the Republican Conference of the Senate. Mr. Gruenberg asked for empirical evidence to support the claim that NCPs were discouraged from working or parenting due to the 9% interest charged on their arrears. DOL attempted to collect empirical support but this proved impractical since SWEP clients rarely admit that they will not work or fulfill their parental responsibilities. An effort to poll DOL/SWEP counselors also did not provide sufficient evidence of this pattern, again, because SWEP clients are reluctant to speak openly about why they are not fulfilling their work or parental responsibilities. Further discussions between DSS and DOL revealed that DSS has some flexibility in how it garnishes the interest arrears. Mr. Koubek welcomed Jane Smith from DSS and Linda Hassberg from Empire Justice, each of whom is expert on child support. There next ensued a discussion of the issue.
 - a. Ms. Smith stated that in situations where a non-custodial parent (NCP) is under court order to pay current support, DSS has no flexibility to negotiate. Family Court orders ongoing monthly child-support payments; the only way to change this amount is to return to court to modify the order. In situations where the custodial or the child are receiving Temporary Assistance, both the child support payments and interest arrears are owed to DSS and are collected and enforced by the Child Support Enforcement Bureau (CSEB) of DSS. CSEB also enforces orders that are due families that are not receiving temporary assistance. CSEB will add an administrative amount to the child support in order to pay down the

arrears. CSEB will reduce the administrative amount if an NCP proves that it reduces his/her income below the self-support reserve (135% of the poverty level). CSEB may also reduce the total amount of arrears owed to DSS.

Current support can only be adjusted by the Court.

- b. Ms. Smith reported that 567 NCP Safety Net clients have been notified that DSS would be willing to discuss the possibility of reducing DSS arrears interest payments with NCPs. The NCPs need to respond to the DSS outreach and be willing to provide proof of their financial situation so DSS can negotiate a fair agreement. She noted that, on a case-by-case basis, DSS can discuss the possibility of reducing DSS arrears with any low income non-custodial parent (NCP). She reported that this outreach has produced a 41% success rate and that over \$300,000 in adjustments to NCP arrears payments have been made. These adjustments include reducing DSS arrears, lowering the monthly payments and extending the payment period so that the payments are less burdensome by being spread over time. Mr. Koubek asked if these adjustments might include some of the ideas proposed by Mr. Andrews such as offering a grace period before the arrears payments begin once an NCP has found work or offering a period of time in which no interest is accrued with payments applied solely to the interest arrears principal. Ms. Smith agreed that these adjustments could be included in the negotiations with each NCP. DSS Commissioner John O'Neill pointed out that the NCP arrears adjustments can also apply to non-Safety Net NCPs, providing the arrears are due DSS. He reminded the Commission that child-support is meant to protect the custodial parent and their children and that some NCPs willfully refuse to pay child support because they do not want to lose the income. Mr. Koubek reminded the Commission that Suffolk County DSS has one of the highest child-support collection rates in the State.
- c. Linda Hassberg and Ellen Krakow both stated that the best relief is for the NCP to return to Family Court for a new order in situations where their financial circumstances have changed, such as a loss or reduction of income that make it difficult or impossible for the NCP to meet his/her child-support payments. All agreed that NCPs with attorneys can be quite successful in having the Family Court order adjusted, but the law does not require that low-income NCPs receive counsel and those without an attorney either fail to return to the Family Court or may be unsuccessful when they attempt to have their child-support payments adjusted by the court.
- d. Richard Krebs of DOL expressed gratitude for the opportunity NCPs have to negotiate less burdensome arrears payment plans with DSS. He asked how NCPs will be notified. Commissioner O'Neill stated that DSS has rewritten its online Child Support FAQ's that explains-NCPs rights and responsibilities. Commissioner O'Neill and Ms. Smith agreed that the document could be adjusted to explicitly state that there are circumstances in which individualized arrears payment plans can be negotiated with DSS. They also said they provide a list of legal resources online and on monitors in DSS lobbies, which includes Nassau/Suffolk Law Services, which has a program that provides legal assistance (but not representation) to low-income NCPs who need to return to Family Court for an adjustment in their child-support payments.

3. **Commission Annual Report to the Legislature:** Mr. Koubek called the Commission's attention to the draft annual report in their documents packet, which had been emailed to each member prior to the meeting. He noted that the 2016 goals in the report were adopted at the February meeting. Reminding members that the Legislature requires this annual report to be filed in March, he then led a discussion of each section of the report that documented the Commission's 2015 activities. There were no proposed changes to the draft.
 - a. Commissioner O'Neill commented on the section of the report related to interim reasonable accommodation procedures, stating that he was disappointed Empire Justice and Nassau/Suffolk Law Services had filed another FOIL since he believed that not filing FOILs was part of the Summer 2015 agreement to adopt the interim ADA reasonable accommodation procedures. Mr. Koubek stated that he learned of this second FOIL a few days prior to today's meeting but that it was his understanding that the new FOIL dealt with emergency shelter issues that are only tangentially related to the previous ADA discussions. He also stated that neither the previous ADA FOIL nor the new emergency shelter FOIL originated with or was authorized by the Commission but rather each was filed independently by Empire Justice. Ellen Krakow and Don Friedman, both of whom participated in the 2015 summer meeting, stated that their recollections of the agreement reached at that meeting differed from the Commissioner's. Ms. Krakow acknowledged that an ADA-related FOIL had been issued by Empire Justice Center and then rescinded before their Summer 2015 meeting, at the request of the County Executive, while discussions were ongoing between disability advocates and the County Attorney's Office regarding the creation of a County-wide ADA policy and County department-specific ADA policies. Ms. Krakow stated that she had no recollection of Commissioner O'Neill, during their meeting, ever conditioning DSS' adoption of the interim measures on the ADA FOIL not being re-issued. Mr. Friedman concurred with Ms. Krakow's account of the events leading up to the Summer 2015 meeting and her recollection of the discussions during the meeting. Mr. Friedman added that if Commissioner O'Neill is contending that the Commissioner had implicitly conditioned his willingness to adopt the interim measures in this way, this was not understood by him or by Ms. Krakow.
 - b. On a motion by Barbara Egloff, seconded by Kim Gierasch, the annual report was adopted on a vote of: Yes -11; No -0; Abstentions – 2 (Mr. Krebs and Commissioner O'Neill)
4. **Child Care Commission:** Mr. Koubek reported that a conference call was held on March 8th with Legislator Martinez, Kathy Liguori and Dana Friedman to discuss the names of possible representatives who will be seated on the new Child Care Commission. A letter of invitation will be sent by Legislator Martinez to all the seated agencies. County Executive Steve Bellone signed the legislation and it is hoped that the new commission will convene in April.
5. **Suffolk Bus Reductions:** Mr. Koubek reported that he has been in contact with the Presiding Officer's staff who will be exploring the potential impacts of the \$10 million reduction in County funding and the \$1.25 rather than the \$10 million requested increase in State funding for Suffolk buses. He also noted that WNET/Chanel 21 has begun airing the "Long Island Business News" half hour program on Long Island buses, in which he is interviewed about the Commission's poverty report.

6. **IDA Scoring Tool:** Mr. Koubek reported that Jennifer Casey, the new Chair of the Suffolk County Planning Commission, has agreed to meet with him and Ms. Liguori regarding the Commission's proposed ID Scoring Tool.
7. **Supportive Housing Committee:** Chair Mike Stoltz stated that the committee will convene in the coming weeks to begin its work.
8. **SCCC Pilot:** Mr. Krebs reported that it is too early in the semester to report on Spring enrollments in the pilot.
9. **Next Meeting:** Mr. Koubek stated that the April Commission meeting may be cancelled due to what may be a heavy committee schedule when the Supportive Housing Committee and Child Care Commission meet during April.