

**Welfare to Work Commission
Of the Suffolk County Legislature
Minutes of the August 14, 2015 Meeting**

Present: Richard Koubek, Chair; Kathy Liguori, Vice Chair; Lisa Pinkard for Leg. Monica Martinez, Jane Smith for Olga Ayeles; Ellen Krakow; James Andrews; Mike Stoltz; Barbara Egloff; Kathy Malloy; Ayesha Alleyne; Luis Valenzuela; Don Friedman; Richard Krebs for Ray O'Rourke

Excused: Charles Fox; Kimberly Gierasch; Mike Haynes; Nina Leonhardt; Sr. Lisa Bergeron; Peggy Boyd

Absent: Steve Chassman

1. **Tribute to James Andrews:** Chair Richard Koubek announced that this was James Andrews last meeting. He is being transferred to the Consumer Affairs Department. Mr. Koubek thanked Mr. Andrews for his passionate concern for the clients he served at the Department of Labor and stated that his frank and insightful contributions to Commission meetings will be missed. He will be replaced by Richard Krebs.
2. **Child Support Committee:** Ad Hoc Child Committee Chair James Andrews led a discussion of the letter to Senate Majority Leader John Flanagan that had been drafted by Mr. Koubek, calling for an amendment to New York State Civil Practice Law & Rules, Section CPLR 5004, that charges 9% interest on child support arrears payments. The draft letter outlines the arguments against this high interest rate that had been fully explained and discussed at the November, 2014 and June, 2015 Commission meetings. Jane Smith and Ellen Krakow made a number of editorial comments that clarified the letter, all of which were adopted, including substituting "parents" or "workers" for "fathers" or "working fathers" and noting that DSS child-support services are available to all parents, not just those on Public Assistance. There ensued a discussion as to what interest rate should be requested and, on a suggestion by Kathy Malloy, the Commission reached consensus to halve the existing rate to 4.5%. On a motion by James Andrews, seconded by Kathy Liguori, the Commission voted unanimously to adopt the amended letter, which is appended below. Mr. Koubek stated that he would seek a September face-to-face meeting with Senator Flanagan to follow-up on the letter. Ms. Krakow pointed out that, while the letter is addressing the interest charge for child-support arrears payments which is an important policy issue, the Commission also needs to press for legal representation in Family Court for all low-income parents seeking a change in their child-support status.
3. **Approval of June Minutes:** Mr. Koubek reminded the Commission that the July meeting had been canceled due to a number of committee meetings scheduled during that month. The minutes of the June meeting were approved on a motion by Ellen Krakow, seconded by James Andrews, with two abstentions: Kathy Liguori and Luis Valenzuela.
4. **SCCC Ad Hoc Committee:** Richard Krebs reported that all DOL counselors were made aware of the pilot and brought it to the attention of their clients. However, it is difficult to match SCCC and job placements with client interests, which is compounded by the incompatibility of several State computer networks that DOL case workers need to access in

order to place clients in the pilot. He believed that there were several clients seeking SCCC enrollment and job placement but each does not need child care. Ayesha Alleyne said that Wyandanch Homes and Property Development Corporation, one of the community-based organizations cooperating on this pilot, may have two additional placements. James Andrews reminded the Commission that this is a slow process which will take time to fully implement. Mr. Koubek stated that he believes at one point the Commission, SCCC and DOL had developed a flier for “Earn While You Learn” opportunities which may need to be revived to advertise this pilot to DOL clients. Ms. Krakow stated that high school guidance counselors should be made aware of the pilot which might be accomplished using BOCES to disseminate a flier about the pilot.

5. **Legislation to Create a Child Care Committee:** Kathy Liguori reported that she and Mr. Koubek had met with Legislator Martinez to work on a number of problematical clauses in the proposed “Early Learning and Child Care Commission” resolution. One is the title of the resolution that includes “Early Learning” along with “Child Care”. She pointed out that this has caused some concern among legislators and executive administrators because it suggests that the commission will have oversight of and concern for Universal Pre-K which is a State Education Department issue, not a County issue. Another concern is a seat provided for County Health Department special needs staff, thereby suggesting that the Commission would be adding expensive special-needs programs to its purview that are already funded and regulated by the State. She also reported that she and Mr. Koubek met with Legislator Sarah Anker in August who expressed interest in the resolution and agreed that the Commission’s child-care report should be presented to her Education Committee. Ms. Liguori stated that she, Mr. Koubek, Legislator Martinez and Lisa Pinkard are finalizing the resolution’s wording, with the assistance of legislative counsel, and that the resolution will likely be placed back on the table in the fall.
6. **ADA:** Mr. Koubek reported that Legislator Martinez arranged for a July 30th meeting between herself, the Commission’s ADA Committee (himself, Ms. Liguori, Ms. Krakow and Don Friedman) and DSS Commissioner John O’Neill Tom Grecco, Administrator of the Client Benefits Division. All agreed that this was a very productive meeting which led to the following agreement signed off on by the Commissioner and the Committee:
 - a. The best ADA approach is to develop an county-wide policy which seems to be well underway with the county attorneys having submitted a substantive document and the three agencies participating in the discussions now responding with their assessment of that draft. Eventually this county ADA template will be adapted to specific county department needs.
 - b. In the interim, we agreed that DSS will modify the current DSS ADA policy, "Procedure 899", which requires that in requests for ADA accommodations, "the DSS staff member must notify their immediate unit supervisor who will inform the Center Manager or designees ... [who] must make reasonable efforts to recognize potential disabilities ... and approve or deny the ADA accommodation request." The modification will reduce the current three step approval process to a one or two step approval process as follows:
 - c. Line workers will continue to offer or grant requests for an accommodation in situations where the disability and need for an accommodation is obvious and the specific accommodations to be given is simple and straightforward.

- d. In situations where the line worker is not sure whether an accommodation is needed or is not sure what specific accommodation should be given, he/she will notify the Center Manager who will assist the line worker in making a decision on the requested accommodation.
- e. In situations where advocates have a question regarding an accommodation to be granted or not granted at a Center, the advocate can call the Commissioner's Response Line where he/she will be referred to the DSS ADA compliance officer. If the advocate or client is requesting an appeal, please follow the existing procedures (see below).
- f. If you requested an accommodation and did not receive it, you may file an ADA grievance (appeal) by calling or writing:

ADA Compliance Officer
Suffolk County DSS Commissioner's Office
3085 Veteran's memorial Highway
Ronkonkoma, NY 11779
Tel. # 631-854-9983
Fax # 631-854-9996

Mike Stoltz reminded the Commission that the issue of creating a mental-health assessment tool remains unresolved. Don Friedman stated that the Modified Mini Screening Tool created by OTDA, which he distributed and explained at the May Commission meeting, is a step in the right direction but that it is only recommended, not required, for use by local districts. Mr. Stoltz and Mr. Koubek noted that there was some concern expressed at the May meeting that this tool may be too sophisticated to be properly administered by DSS line workers who are not trained mental health professionals.

- 7. **Next Meeting:** The next meeting will be on Friday, September 11th, 9:30AM.

Child Support Letter to Senate Majority Leader John Flanagan

Senator John Flanagan
260 E Main St #203,
Smithtown, NY 11787

August 17, 2015

RE: Amending Civil Practice Law & Rules (CPLR), Section CPLR 5004

Dear Senator Flanagan:

The Welfare to Work Commission of the Suffolk County Legislature is reaching out to you regarding a pressing issue related to child-support. We are formally requesting that you introduce legislation in the Senate that would amend New York State Civil Practice Law & Rules (CPLR), Section CPLR 5004, to reduce the interest charged to non-custodial parents who are in arrears on their child-support payments from the current 9% to 4.5%. We are requesting this amendment in order to reduce the potential for the 9% interest on child-support arrears payments to be a disincentive for non-custodial parents to work or to fulfill their parental responsibilities.

Since its creation in 2003, the Welfare to Work Commission has been charged with making recommendations to government officials regarding policies affecting Public Assistance clients leaving welfare for work or those who have entered the workforce as well as working-poor people who may require government supportive programs. In this capacity, we have released reports to the Legislature on Suffolk poverty as well as specific public-policy areas including child care, affordable housing and sober homes.

The Commission is composed of 21 government and private agencies that provide a broad spectrum of services to poor Suffolk residents. One issue that was recently raised by the representative of the Suffolk County Department of Labor (DOL) is child support.

While the Commission fully endorses public policies that require non-custodial parents to provide child support, and while we are proud of the Suffolk Department of Social Services (DSS) record as one of the districts with the highest child-support collection rates in New York State, we learned that the **9% interest charged on child-support arrears payments sometimes is a major disincentive for non-custodial parents to work, or even serve as parents.**

Child-support payments are set by Family Court to protect the interests of the custodial parent and the child. Child-support is a very complex area of law and both custodial and non-custodial parents are *not guaranteed legal representation* when they navigate the Family Court system where child-support decisions are made. In fact, a substantial majority of litigants in Family Court do not have legal representation. Those who have attorneys tend to be much more successful in securing court actions such as a reduction monthly child-support payments. Parents without legal representation are at a major disadvantage in this process.

Child-support payments can be modified through Family Court action when there is a legitimate change in the economic status of the non-custodial parent, such as the loss of employment or reduction in income. In such situations, the court can order a change in monthly payments if those payments are no longer based on the actual income of the non-custodial parent. Again, those who can afford or who can secure legal representation are much more likely to obtain the court-ordered adjustment in their child-support payments. *Working-poor non-custodial parents without legal representation are most likely to fall through the cracks of this complex process.*

The 9% interest charges levied when a non-custodial parent is in arrears and a money judgment is ordered can become an enormous burden which causes many non-custodial parents – especially low-wage or unskilled workers – to walk away from both their parental responsibilities and work. Sometimes the bulk of a non-custodial parent’s income can be garnished for child-support arrears payments.

The Commission fully understands that child-support payments are critical to the well-being of custodial parents and children and that there are some instances in which a non-custodial

parent chooses not to pay child support because it is inconvenient. For this reason, Suffolk DSS has a Child Support Enforcement Bureau (CSEB) to ensure payment of child support.

Nevertheless, the Commission understands that the 9% interest requirement on arrears payments is especially onerous and should be lowered. Interest charged on a money judgment entered in Family Court in NYS is governed by the Civil Practice Law & Rules (CPLR), Section CPLR 5004 which reads “Interest shall be at the rate of nine per centum per annum, except where otherwise provided by statute.” Simple interest is applied to the principal due on a money judgment. The Commission believes there are cogent arguments for reducing the 9% interest rate:

- Nine percent (9%) is significantly higher than other rates of interest charged. While interest rates and treasury yields have come down to very low levels over the past 20 years, the statutory fixed rate of nine percent (9%) charged by New York State does not reflect the changes.
- Other states have reduced their money judgment interest rates to reflect current interest rates and the current economy. New York should follow suit. The national average is 6.88%. A full schedule of each state’s judgment interest rate is attached. Examples of states that have lower judgment interest rates than does New York are:
 - New Jersey 0.25%
 - Wisconsin 4.25%
 - Florida 4.75%
 - Virginia 6.0%

The Commission therefore respectfully requests an opportunity to meet personally with you to further explain our reasoning and, hopefully, to secure your support for this amendment to Civil Practice Law & Rules (CPLR), Section CPLR 5004.

Yours truly for the Commission,

Richard Koubek, PhD, Chair

Kathy Liguori, Vice Chair

CC: Members of the Suffolk County Legislature
Suffolk County Department of Social Services Commissioner John O’Neill
Suffolk County Department of Labor Commissioner Frank Nardelli