

Proposed Information Collection Activity OMB #0970-0473, expiration 2/29/2020

The Administration for Children and Families Office of Child Care (ACF, OCC) received three comments on the 60-Day Federal Register Notice, Volume 84, Page 70194, Published December 20, 2019.

Comment #1

FROM: Ryan Page, M.C.J.

Child Care Regulatory Program Manager

Team Lead, Child Care Bureau

Division of Adult, Children & Family Services

**Hoover State Office Building, 5th floor | 1305 E. Walnut Street, Des Moines, IA
50319-0114**

Department of Human Services

515-281-7714 office

rpage@dhs.state.ia.us

Date: December 26, 2019

Good afternoon,

Iowa would like to submit a response to the proposal to add additional consumer education information on lead agency websites.

Under instructions, it advises that states and territories would be required to include specific elements for interstate checks such as agency name, address, phone, fax, email, instructions, etc. Rather than require lead agencies to provide specific information, it appears most appropriate to assure that the information is overall, accessible.

While we do not find it unduly burdensome to provide additional information on our public website for those seeking record check information, we note that we currently link to our state criminal justice agency website, specifically for criminal record checks, where all relevant information can be obtained for criminal record checks. We believe that it is appropriate to ***connect to existing sources*** of information with the appropriate linkages, rather than re-create the information on our agency webpage. For example, if fees, forms, etc. for a record check change, this is maintained on the respective agencies webpage, which we will point to. If we also include this information on the lead agency webpage, we must continue to verify, update, and maintain this type of information. Iowa is also the lead agency for CA/N checks and link appropriately to the information required to make requests.

Thank You.

Agency Response (to Iowa):

The Administration for Children and Families, Office of Child Care (ACF, OCC) agrees that it is reasonable to allow states to provide links on the Consumer Education Website that link to other state agency web pages responsible for certain aspects of the background check request process. Providing a link would ensure that information stays up to date.

Iowa highlighted the importance connecting to existing sources of information (with the appropriate linkages), rather than re-creating the information on the Consumer Education Website. The reasoning for this is to ensure that information (maintained by a state agency other than the child care lead agency) is correct and up to date. If certain information was maintained on the child care lead agency Consumer Education website only, there is a risk that information (maintained by another agency within the state) might not always be up to date. Rather than requiring lead agencies to provide the required information on the Consumer Education website (e.g. forms, fees, etc.), it appears most appropriate to assure that the information is overall, accessible through linkages when appropriate. The “Instruments – Instructions for OMB #0970-0473” document has been modified to reflect these change.

Comment #2

**FROM: Tennessee Department of Human Services
Child Care Services
James K. Polk Building, 15th Floor
505 Deaderick Street
Nashville, TN 37243-1403**

DATE: February 19, 2020

**RE: Comments on Federal Register Notice: Revised Consumer Education Website
Reporting Requirement**

Additional clarification is needed in order for states to fully evaluate the impact of the proposed changes. The proposed requirements include provisions for creating and maintaining a dedicated interstate background check web page that includes prescribed content elements for each of type of interstate check (criminal, SOR, CAN). It is not clear if each state is required to only maintain the interstate check information for their specific state on the dedicated web page or if the expectation is that each state must include the required interstate check information for all states on the dedicated web page. Below are some comments regarding the impact for each of these possible scenarios. Note that the procedures for completing the interstate Sex Offender Check and CAN registry checks are generally more uniform among states. Therefore, most of the comments below relate to the complexities associated with completing the interstate criminal checks.

- **Scenario 1** - States are required to only maintain the required interstate check elements for their specific state.

- o The impact of this scenario is less burdensome.
- o The most challenging aspect of this scenario relates to the coordination of information among the various agencies responsible for each type of check in order to ensure that the information remains up to date.
- **Scenario 2** - States are required to maintain the required interstate check elements for every state.
 - o The impact of this scenario is potentially more significant.
 - o It is challenging to maintain up to date information for all states (the processes within states are often changing as they attempt to achieve full compliance with the background check requirements, or they move from a paper-based to online process).
 - o An additional challenge results when the state requesting the check has internal procedures for conducting an interstate check that may differ from the published procedures for conducting a check in another state. For example, the published procedures for conducting a criminal check in another state may include instructions for the applicant to enclose a check for payment of the fee along with an applicable form(s). However, Tennessee pays any fees associated with the interstate checks and therefore the instructions for an applicant that lives in Tennessee would be different than the general published procedures for that state. In such cases it could be very confusing for providers if we need to maintain two different sets of procedures for the same state.

Agency Response (to Tennessee):

Tennessee requested clarification on whether each state was required to maintain the interstate check information for their specific state on the dedicated web page of the Consumer Education Website or if they were required to maintain the interstate check information for all states on the dedicated web page. The intent of this information collection was to require states to maintain the interstate check elements for *their specific state* on the Consumer Education Website.

ACF will update the instructions provided in the “Instruments – Instructions for OMB #0970-0473” document to emphasize this.

Comment #3

FROM: Janice M. Molnar, Ph.D
Deputy Commissioner
Division of Child Care Services
52 Washington Street
Rensselaer, NY 12144

DATE: February 19, 2020

The New York State Office of Children and Family Services (NYS OCFS) submits the following comments in response to the above-referenced proposed information collection activity that was published in the Federal Register, 84 FR 70194, on December 20, 2019. (see NYS OCFS Public Comment document attached).

Agency Response (to New York):

In the attached letter, NYS OCFS recommended several proposed changes to the CCDF Final Rule to address challenges that states face when navigating manual processes for interstate background checks. NYS OCFS also provided several examples of specific challenges experienced in New York in their attempt to conduct interstate background checks for ACF's consideration.

ACF is working to reduce administrative burden around interstate checks, including by clarifying some of the requirements outlined in the CCDF Final Rule and CCDF-ACF-PIQ-2017-01. ACF aims to help lead agencies reduce the effort and time it takes to complete an interstate check in the following ways:

Clarify requirements around 1) continuing to make requests when a state is unresponsive; and 2) Waiting the full 45 days to make employment determinations when a state is unresponsive. ACF will provide more prescriptive guidance to address these and other state challenges around navigating the interstate background check process. Guidance is forthcoming.