



July 14, 2025

The Honorable Robert F. Kennedy, Jr  
Secretary  
United States Department of Health and Human Services  
200 Independence Avenue SW, Room 713-F  
Washington, DC 20201

RE: Docket ID. AHRQ-2025-0001

Dear Secretary Kennedy,

Child Care Aware® of America (CCAoA) appreciates the opportunity to comment on the Department of Health and Human Services' Request for Information (RFI): *Ensuring Lawful Regulation and Unleashing Innovation To Make American Healthy Again*.

CCAoA is the only national organization that supports every part of the child care system. Together with an on-the-ground network of child care resource and referral (CCR&R) organizations working in states and communities, CCAoA provides research that drives effective practice and policy, builds strong child care programs and skilled professionals, helps families find and afford quality child care, delivers thought leadership to the military and direct service to its families, works with employers on child care solutions, and provides a real-world understanding of what works and what doesn't to spur policymakers into action and help them build solutions. Together we make America child care strong—and that makes everyone stronger.

Regulations that guide the Child Care and Development Fund (CCDF), as outlined in 45 CFR Part 98, provide important safeguards to protect the health and safety of children and program staff and support the overall quality of a child care program. All states have considerable flexibility in the design and operation of their child care systems, and federal child care regulations provide a baseline for accountability across all states.

CCAoA engaged with stakeholders, including national partners and CCR&R organizations, to better understand and identify from those closest to on-the-ground implementation of the CCDF regulations any opportunities to modify or repeal existing rules that are unnecessary, inconsistent with the law, overly burdensome, or outdated. Multiple stakeholders shared that the existing provisions under CCDF establish minimum health and safety standards, training, and monitoring requirements for child care providers, and as currently drafted, appropriately aim to ensure the well-being of program staff and children in their care. In our conversations with stakeholders, CCAoA received feedback that federal regulations are not a barrier to implementation of CCDF and they are an appropriate "floor" for regulations to protect the health and safety of children and staff and support the overall quality of a child care program.



At the same time, stakeholders identified that additional state and federal investments could help ensure states implement these essential requirements that protect the health and safety of children in child care; promote parental choice and help families make informed consumer choices; support equal access to stable, high-quality child care for low-income children; and enhance the quality of child care and the early childhood workforce. In addition to opportunities for local and state streamlining and a reduction in paperwork, stakeholders identified that it is imperative that the Office of Child Care (OCC) proactively release strategic guidance and continue to be responsive to state pain points on navigating the implementation of the regulations, when they arise.

### **Identified Opportunities for Guidance and Support**

Feedback from stakeholders identified two areas—around implementation of the 2024 CCDF Final Rule and background checks requirements—where additional support and guidance from OCC would be beneficial to coming into full compliance with existing CCDF regulations.

#### 2024 CCDF Rule

In the years since the 2014 reauthorization of the Child Care and Development Block Grant (CCDBG) and the accompanying CCDF regulation changes in 2016, state Lead Agencies have worked diligently to strengthen their child care policies and practices. Some programmatic and systemic challenges have persisted, however, around making the child care subsidy system more affordable and accessible to families and to support the continuity of care for children and working families. As a result, in 2024 OCC announced new changes and technical clarifications to improve child care access and affordability and reinforce key provisions of the primary federal law that provides support for states' child care programs, the Child Care and Development Block Grant (CCDBG). [CCAoA supported](#) these updates to strengthen CCDF regulations, which included policies designed to lower child care costs for families, such as capping copayments at 7% of family income. The regulations also aimed to expand child care options through improved provider payment practices, making it feasible for all types of providers (nonprofit, for-profit, faith based, center or home-based) to participate in the subsidy system. Many states were already implementing at least some of the policies in the 2024 CCDF Final Rule before it was promulgated. In fact, as of December 2024, [all states are in compliance with](#) at least one of the requirements under the 2024 CCDF Final Rule. And all states are underway in taking steps to come into compliance with the remaining requirements, as evidenced in the [Appendices](#) they have submitted as part of their 2025-2027 CCDF Plans.

We are encouraged by the progress states continue to make toward full compliance of the existing CCDF regulations, including long-standing requirements from the 2016 Final Rule and before, and recommend that OCC continues allowing time for states to come into compliance and provide dedicated support and technical assistance to successfully implement these new provisions, which may include peer-to-peer learning opportunities to Lead Agencies. This may also require ongoing or additional flexibilities from OCC. With many states well on the pathway to implementation, it would be disruptive to parents and families, as well as child care providers, to reverse course.

#### Background Checks

Important changes were made in the 2014 reauthorization of CCDBG, including new



background check requirements for current and prospective child care staff for out-of-state criminal history, child abuse and neglect, and sex offender registries. Required background checks provide an important safeguard to protect children from harm. While there is strong support for the completion of background checks, some states have reported the out-of-state checks as particularly challenging to implement. There is a complexity, duplication and cost involved in complying with federal requirements, especially when layered on top of state requirements.

One [study](#) from the Office of Planning, Research, and Evaluation at the Administration for Children and Families found that compliance with interstate background checks have been challenging for states to implement because processes and systems are often incompatible across states to process the checks. Outside of differing state systems, other challenges include not having enough staff to conduct checks and make eligibility determinations within the required 45-day window, costs associated with fees of interstate requests, varying definitions and policies across states, and not receiving a timely response from other states on interstate requests. What we heard in feedback loops with stakeholders is consistent with the findings of this study—that the background checks required under the law are essential to safety, but they continue to present burdens for child care providers and Lead Agencies. These hurdles are [well documented](#), and we urge OCC to continue providing support to states and identify promising solutions to mitigate these barriers. This includes guidance around where and how to administer fingerprinting, reduce backlogs, implement provisional employment, and align with public K-12 school systems for background check portability.

## Recommendations

We commend the Administration for its use of notice-and-comment as a foundational mechanism of the regulatory reform process. Transparency, accountability and informed rulemaking can all be preserved through the U.S Department of Health and Human Services upholding the 60-day notice-and-comment period. To that end, we strongly urge the Administration to ensure that all comments submitted in response to this RFI are made available to the public. Public access to submitted feedback allows and comments allows stakeholders to understand the breadth of perspectives influencing any regulatory changes and fosters confidence in the integrity of the regulatory reform process. Further, we encourage the Administration to maintain this commitment to transparency by preserving the use of the notice-and-comment process in any subsequent rulemaking processes. Specifically, regulatory changes to programs such as CCDBG underscore the importance of thorough stakeholder engagement and wide participation. Previous notice-and-comment periods have revealed unintended consequences and compliance challenges that may not have been otherwise apparent without direct input from the relevant field. Early identification of such challenges minimizes challenges when the programs are implemented, reducing the potential for waste, fraud or abuse of how the program was intended to function. It is imperative that the notice-and-comment process is protected and strengthened.

OCC plays a vital role in supporting states reach full compliance with existing CCDF regulations, and should continue to do so through strategic guidance, technical assistance and oversight to ensure consistent and effective application of regulations across states, territories and tribes. We encourage OCC to work with state Lead Agencies, child care providers, and others, to



identify specific regulations of concern and their impact, and to seek solutions to those areas. This can include issuing clear, timely federal guidance and providing targeted technical assistance to reduce administrative burden, such as Information Memorandums, policy clarifications, and uplifting states meeting the requirements in effective ways. OCC can also collect data to maximize the effectiveness of federal dollars and evaluate how regulatory changes impact provider participation and workforce stability.

Thank you for the opportunity to submit comments on this RFI. If you need any further clarifications regarding these recommendations, please contact me at [Anne.Hedgepeth@usa.childcareaware.org](mailto:Anne.Hedgepeth@usa.childcareaware.org).

Sincerely,

A handwritten signature in black ink that reads "Anne Hedgepeth". The signature is written in a cursive, flowing style.

**Anne Hedgepeth**  
*Senior Vice President, Policy & Research*