

Federal and State Laws Impacting Data Sharing

Early Childhood

Federal Laws

42 U.S.C. §658, et seq.

45 CFR §§98 and 99 et seq.

For the past 20 years, the Federal government and states have ensured that child care was available as a critical support for eligible low-income working families, especially those making the transition from TANF cash assistance to work and for children and families involved with the state child welfare agencies. As a result, there is important information contained in the eligibility records maintained by the state agencies administering child care programs.¹ In many states, the enrollment for child care assistance is closely linked to other human services benefits programs, such as TANF, SNAP, Medicaid, and Low-Income Home Energy Program (LIHEAP).

Key components of the Child Care and Development Block Grant law and federal implementing regulations include:

- Lead state child care agency coordinates the provision of child care services with other Federal, state, and local child care and early childhood development programs.²
- State must demonstrate how it will meet the specific child care needs of families receiving TANF or at risk of receiving TANF and who, through employment activities, will transition from TANF.³
- Lead child care agency gives priority to children of families with very low family income and children with special needs.⁴
- State agency accumulates specific case level individual recipient reports and provides quarterly case-level reports to the Department including sources of income (including TANF, SNAP, housing assistance, etc.).⁵

Unlike some other specific federal human services laws and regulations, the issues of confidentiality and information sharing are absent in the laws and regulations creating and regulating child care. States decide how case information, eligibility information, and other types of case matching can be shared with other governmental units. The Administration for Children and Family of the U.S. Department of Health and Human Services has encouraged states to align child care eligibility policies with other programs serving low-income families. In particular, states may establish longer eligibility to align with other programs, such as Head Start, Early Head Start, SNAP, Medicaid, and the Children's Health Insurance Program (CHIP). States may also match records across programs to streamline the application

¹ Child Care and Development Block Grant Program of 1990 as amended. 42 U.S.C. §658

² 42 U.S.C. §658D(b)(1)(D); 45 CFR §§98.14(a)(1)(A) & (D)

³ 42 U.S.C. §658E(c)(2)(H)

⁴ 45 CFR §§98.44

⁵ 45 CFR §§98.72(a)(6)

process for families and to promote program integrity (e.g. through verifying or documenting eligibility information).

With the absence of information sharing direction provided by the child care law and regulations, the State's federal limitations are found in The Privacy Act of 1974, as amended.⁶ The Privacy Act generally only binds federal agencies, and is not applicable to States, with some exceptions (matching of individual data between different governmental agencies is permitted with prior written consent of the individual to whom the information pertains⁷, or unless pursuant to a court order whereupon advance written consent is not required).⁸

State Laws

19a-79-1

The only specific reference regarding confidentiality is found in the Family Day Care Homes regulations. Specifically, this set of regulations states that the provider and staff cannot release any records regarding the child or family without the written of the parent. The only exceptions listed were for emergencies or upon the request of the Office of Early Childhood, the police, or the Department of Children and Families.⁹ There was not a similar provision in the Child Day Care Centers and Group Day Care Homes regulations.¹⁰

⁶ 5 U.S.C. §552a

⁷ 5 U.S.C. §552a(b)

⁸ 5 U.S.C. §552a(b)(11)

⁹ C.G.S.A. § 19a-87b-10(5)

¹⁰ C.G.S.A. § 19a-79