



Office of Children and Family Services

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

February 1, 2022

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Child Care (OCC)
Submitted via email: infocollection@acf.hhs.gov

Re: 86 FR 68671

Proposed Information Collection Activity; ACF-801 Child Care and Development Fund (CCDF) Quarterly Case-Level Report

To Whom it May Concern:

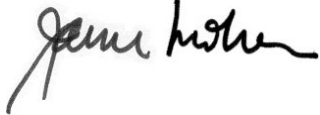
The New York State Office of Children and Family Services (OCFS) is the executive agency that is responsible for child care in New York State and has been identified as lead agency for the administration of New York's Child Care and Development Fund (CCDF). We have reviewed the above-referenced proposed information collection activity that was published in the Federal Register, 86 FR 68671, on December 3, 2021 and wish to comment on the proposed changes to data element #24, child's gender, on the ACF-801.

Currently, there are only two options on the ACF-801 to capture a child's gender: "male" or "female." This can result in the field being left blank when the data is either missing or does not accurately reflect a child's gender with the two options available. The proposed change to the ACF-801 is the addition of a third option, "no response" for a child's gender. This is an improvement to the current limitation of just two choices for gender; however, it does not fully accommodate the options for gender identity data that are available in New York State. For example, on the LDSS 2921, New York State Application for Certain Benefits and Services, gender identity can be recorded as male, female, non-binary, x, transgender, or different identity (please describe).

While OCFS recognizes the challenges in creating an inclusive form that is completed by lead agencies who vary in how they record a child's gender, OCFS urges that "Gender X" be included as a third gender option on the ACF-801. This is consistent with the Biden Administration's efforts to provide the option of X in other federal documents. Gender X allows children who identify as trans, non-binary, intersex, or questioning to accurately report their gender rather than compelling them to either misgender themselves or not report their gender at all. According to the Mayo Clinic, most children can categorize their own gender by age 3. Providing a third gender option ensures that the data captured in the ACF-801 is the most accurate and affirming for our youth.

OCFS supports OCC's efforts to amend data element #24, child's gender on the ACF-810 to add additional categories for reporting gender. The inclusion of an additional category like "different gender identity" would lead to more accurate reporting that is better aligned with how gender is captured by lead agencies. Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Molnar", with a stylized, cursive script.

Janice M. Molnar, Ph.D.

Deputy Commissioner

Division of Child Care Services

New York State Office of Children and Family Services