

# Child Welfare Policy Manual

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## Questions & Answers

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### 6.12A Automated function requirements

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**1. Question: If the title IV-E agency uses commercial-off-the-shelf (COTS) software or a Software-as-a-Service (SaaS) system owned or maintained by a vendor, must it meet the CCWIS design requirements of paragraph 1355.53(a)?**

**Answer:** No. Paragraph 1355.53(a) does not apply to proprietary COTS or SaaS systems owned or maintained by vendors. Federal financial participation is not available to develop proprietary COTS products or SaaS systems pursuant to 45 CFR 95.617(c), therefore, they are not required to be developed in accordance with the design requirements at 1355.53(a).

- **Source/Date:** 01/11/2017
- **Legal and Related References:** 45 CFR 1355.53; 81 FR 35450 at 35470 (issued June 2, 2016); 80 FR 48200 at 48217 - 48218 (issued August 11, 2015)

**2. Question: May a title IV-E agency propose an alternative design for their CCWIS that does not meet one or more of the CCWIS design requirements of paragraph 1355.53(a)?**

**Answer:** Yes. A title IV-E agency may propose an alternative CCWIS design for ACF review pursuant to paragraph 1355.53(b)(2). If ACF determines that the alternative design is more efficient, economical, and effective than what is found in paragraph 1355.53(a), then the CCWIS automated function may be exempted from one or more of the CCWIS design requirements of paragraph 1355.53(a).

- **Source/Date:** 01/11/2017
- **Legal and Related References:** 45 CFR 1355.53; 81 FR 35450 at 35470 (issued June 2, 2016); 80 FR 48200 at 48217 - 48218 (issued August 11, 2015)

**3. Question: Are title IV-E agencies transitioning from a S/TACWIS or non-S/TACWIS system to CCWIS, required to implement data exchanges consistent with CCWIS design requirements of paragraph 1355.53(a)?**

**Answer:** It depends. If the data exchange was developed prior to, or during the CCWIS transition period, it may be exempted from one or more of the CCWIS design requirements if the CCWIS project meets the requirements of paragraphs 1355.56(b) or (f)(1). If the data exchange was developed after the CCWIS transition period, then it must meet the CCWIS design requirements in order to qualify for CCWIS developmental cost allocation unless ACF

approves, on a case-by-case basis, an alternative design proposed by a title IV-E agency that is determined by ACF to be more efficient, economical, and effective, pursuant to 1355.53(b)(2).

This question and answer is repeated in the Data Exchanges section.

- **Source/Date:** 01/11/2017
- **Legal and Related References:** 45 CFR 1355.53(b); 45 CFR 1355.57(a); 81 FR 35450 at 35470 and 35473 - 35474 (issued June 2, 2016); 80 FR 48200 at 48217 - 48218 and 48220 - 48221 (issued August 11, 2015)

**4. Question: We understand that a title IV-E agency that is transitioning from a S/TACWIS to CCWIS receives S/TACWIS development funding for automated functions developed during the transition period per paragraph 1355.56(a), regardless of whether the automated function meets the CCWIS design requirements of paragraph 1355.53(a). However, if the title IV-E agency has not completed developing the automated function by the end of the transition period, may the title IV-E agency continue to receive CCWIS development funding for completing work on the automated function after the transition period?**

**Answer:** It depends. All development of automated functions done after the transition period on a S/TACWIS transitioning to CCWIS must meet the CCWIS design requirements of paragraph 1355.53(a) unless, pursuant to paragraph 1355.53(b)(2), ACF determines that the alternative design proposed by the agency is more efficient, economical, and effective than the CCWIS design requirements. If ACF makes such a determination, the automated functions may qualify for CCWIS development cost allocation.

- **Source/Date:** 01/11/2017
- **Legal and Related References:** 45 CFR 1355.53; 45 CFR 1355.57(a) and (e); 81 FR 35450 at 35470 and 35473 - 35475 (issued June 2, 2016); 80 FR 48200 at 48217 - 48218 and 48220 - 48222 (issued August 11, 2015)

**5. Question: Must a title IV-E agency design CCWIS automated functions to reside on specific hardware, such as individual user workstations?**

**Answer:** No. The CCWIS design requirements at 1355.53(a) do not specify how automated functions must be configured.

- **Source/Date:** 10/25/2017
- **Legal and Related References:** 45 CFR 1355.53(a); 81 FR 35450 at 35468 - 35470 (issued June 2, 2016); 80 FR 48200 at 48217 - 48218 (issued August 11, 2015)

**6. Question: If the title IV-E agency uses an automated function that allow users to access CCWIS from other devices, such as mobile phones, would those functions qualify for CCWIS development cost allocation?**

**Answer:** Yes, provided the automated function is documented in the automated function list pursuant to 1355.52(i)(1)(ii) - (iii), and:

1. is included in the CCWIS;
2. supports at least one requirement of section 1355.52 or, if applicable section 1355.54;
3. is not duplicated within the CCWIS or systems supporting child welfare contributing agencies and is consistently used by all child welfare users responsible for the area supported by the automated function; and
4. complies with the CCWIS design requirements of paragraph 1355.53(a), unless exempted in accordance with paragraph 1355.53(b).

- **Source/Date:** 2/12/2018
- **Legal and Related References:** 45 CFR 95.610; 45 CFR 1355.52(i)(1); 45 CFR 1355.53; 81 FR 35450 at 35467 - 35471 (issued June 2, 2016); 80 FR 48200 at 48216 - 48218 (issued August 11, 2015)

**7. Question: If ACF approves a title IV-E agency's plan to transition an existing system to CCWIS prior to July 31 2018, must all development work done after ACF's approval comply with the CCWIS design requirements of 1355.53(a)?**

**Answer:** No. A title IV-E agency's compliance with CCWIS design requirements is based on the transition period end date of July 31, 2018, not the date of ACF's approval of the plan to transition an existing system to CCWIS.

Development work completed on a transitioning system on or before July 31, 2018 is exempt from the CCWIS design requirements of paragraph 1355.53(a).

Development work performed on a transitioning system after July 31, 2018 must meet the CCWIS design requirements unless exempted by 1355.53(b)(2), pursuant to paragraph 1355.57(a).

This question and answer is repeated in the transition period section.

- **Source/Date:** 2/12/2018
- **Legal and Related References:** 45 CFR 1355.52(i)(1); 45 CFR 1355.53; 45 CFR 1355.57(a); 81 FR 35450 at 35467 - 35471 and 35473 - 35474 (issued June 2, 2016); 80 FR 48200 at 48216 - 48218 and 48220 - 48221 (issued August 11, 2015)

**8. Question: Must a title IV-E agency apply for a waiver to receive federal financial participation (FFP) if it wants to use commercial-off-the-shelf (COTS) software products described in paragraph 45 CFR 95.617(c)?**

**Answer:** Yes. In order to receive FFP for COTS products described in paragraph 45 CFR 95.617(c), the agency must request a waiver pursuant to 45 CFR 95.627.

- **Source/Date:** 2/12/2018
- **Legal and Related References:** 45 CFR 1355.30(k); 45 CFR 1355.52(j); 45 CFR 95.617(c); 45 CFR 95.627; 80 FR 48200 at 48217 (issued August 11, 2015)