

Child Welfare Policy Manual

Questions & Answers

6.9 Software provision

1. Question: Does paragraph 1355.52(h), which requires title IV-E agencies to provide a copy of the agency-owned software that is designed, developed, or installed with federal financial participation (FFP) and associated documentation to the designated federal repository, apply only to software developed once an agency implements a new CCWIS or transitions another system to CCWIS?

Answer: No. The title IV-E agency may be required to provide ACF software from legacy systems developed with FFP per 45 CFR 95.617(b).

- **Source/Date:** 10/27/2016
- **Legal and Related References:** 45 CFR 1355.52(h); 45 CFR 95.617(b); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

2. Question: In county administered states, may counties directly access software and associated documentation from the federal repository described in paragraph 1355.52(h) or must the state title IV-E agency make such a request?

Answer: County administered agencies may ask that the state title IV-E agency request software and associated documentation from the federal repository. Title IV-E agencies must receive federal approval to provide the materials to the county administered agency.

- **Source/Date:** 10/27/2016
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

3. Question: Must title IV-E agencies submit commercial off-the-shelf (COTS) products or third party utilities to the federal repository described in paragraph 1355.52(h)?

Answer: No. Agencies are not required to submit these products because ACF is not granted a license to COTS products or third party utilities that are not owned by the title IV-E agency per 45 CFR 95.617.

However, COTS software enhanced or modified with federal financial participation is owned by the title IV-E agency. This includes extensions to connect the COTS product to, or use it with other modules of the CCWIS. ACF has regulatory authority to add these products to the federal registry.

- **Source/Date:** 10/27/2016
- **Legal and Related References:** 45 CFR 1355.52(h); 45 CFR 95.617; 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

4. Question: Must title IV-E agencies provide automated functions that support multiple programs within an agency to ACF for inclusion in the federal repository described in paragraph 1355.52(h)?

Answer: It depends. If an automated function is designed, developed, or installed with any federal financial participation (FFP), ACF has the regulatory authority to add it to the federal repository per paragraph 1355.52(h).

- **Source/Date:** 10/27/2016
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

5. Question: If a title IV-E agency provided agency-owned software and documentation to the federal repository described at 1355.52(h), is the agency required to provide updates made to the software or documentation to the federal repository?

Answer: Yes, if ACF requests the updated software or documentation, pursuant to 1355.52(h).

- **Source/Date:** 10/25/2017
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

6. Question: If a title IV-E agency receives a copy of software from the federal repository and enhances it, is the agency required to provide the enhanced software to the federal repository?

Answer: Yes, if ACF requests the enhanced software, pursuant to 1355.52(h).

- **Source/Date:** 10/25/2017
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

7. Question: If ACF requests that a title IV-E agency provide the federal repository with an automated function requiring a specific configuration to run (such as a specific database product or interfaces to proprietary products), is the agency required to provide the configuration requirements to the federal repository?

Answer: Yes. The title IV-E agency is required to provide a copy of the agency-owned software and associated documentation pursuant to 1355.52(h).

- **Source/Date:** 10/25/2017
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)

8. Question: Is a title IV-E agency required to provide proprietary products to the federal repository when it provides the agency-owned software?

Answer: No. Title IV-E agencies are not required to submit proprietary products when submitting agency-owned software to the federal repository pursuant to 45 CFR 95.617(c).

- **Source/Date:** 10/25/2017
- **Legal and Related References:** 45 CFR 1355.52(h); 45 CFR 95.617; 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015); CWPM 6.9 #3

9. Question: May ACF add vendor owned software products to the federal repository described in paragraph 1355.52(h)?

Answer: No. ACF will only add software and associated documentation that is owned by a title IV-E agency and designed, developed, or installed with federal financial participation to the federal repository, pursuant to paragraph 1355.52(h).

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

10. Question: Must title IV-E agencies provide open source software to the federal repository upon ACF's request, pursuant to paragraph 1355.52(h)?

Answer: Yes. Upon ACF request, title IV-E agencies must provide open source software that was designed, developed, or installed with federal financial participation to the federal repository.

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

11. Question: May title IV-E agencies without a CCWIS receive software and associated documentation from the federal repository described at paragraph 1355.52(h)?

Answer: Yes. With ACF approval, title IV-E agencies without a CCWIS may receive software and associated documentation from the federal repository described at paragraph 1355.52(h).

- **Source/Date:** 09/19/2019
- **Legal and Related References:** 45 CFR 1355.52(h); 81 FR 35450 at 35467 (issued June 2, 2016); 80 FR 48200 at 48216 (issued August 11, 2015)