



June 27, 2025

The Honorable Robert F. Kennedy  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue S.W.  
Washington, D.C., 20201  
(Submitted Electronically)

The Honorable Andrew Gradison  
Acting Assistant Secretary  
Administration for Children and  
Families  
330 C St SW  
Washington, D.C., 20201

**Re: *Comments Regarding ACF's Request for the Renewal of a Collection of Information Entitled, "Comprehensive Child Welfare Information System (CCWIS) Automated Function Checklist and Data Quality Plan," Document Number 2025-09517***

Below are comments of the American Conservative Union Foundation's (d/b/a. Conservative Political Action Coalition Foundation) (hereinafter "CPAC Foundation") Center for Regulatory Freedom (hereinafter "CRF") on the U.S. Department of Health and Human Services' (HHS) Administration for Children and Families' (ACF) information collection request entitled "Submission for Office of Management and Budget Review; Comprehensive Child Welfare Information System (CCWIS) Automated Function Checklist and Data Quality Plan (Office of Management and Budget #0970-0463)," Document Number 2025-09517, published in the Federal Register on May 28, 2025.

CRF is a project of the CPAC Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation. Our mission is to inject a common-sense perspective into the regulatory process, to ensure that the risks and costs of regulations are fully based on sound scientific and economic evidence, and to ensure that the voices, interests, and freedoms of Americans, and especially of small businesses, are fully represented in the regulatory process and debates. Finally, we work to ensure that regulatory proposals address real problems, that the proposals serve to ameliorate those problems, and, perhaps most importantly, that those proposals do not, in fact, make public policy problems worse.

CRF appreciates the opportunity to comment on ACF's request to renew an existing collection of information concerning the various reporting requirements under Comprehensive Child Welfare Information System (CCWIS) regulations. The forms under review by the Office of Management and Budget (OMB), the Automated Function List and Data Quality Plan, are integral to the present framework overseeing the collection and dissemination of foster care data and, if renewed, will only perpetuate the inefficiencies of this framework. CCWIS has cost the government billions of dollars in administrative costs while also failing to adequately serve title IV-E agency providers, caseworkers, and the children in their care. Because of this, CRF cannot support the renewal of this collection of information, as such a renewal would maintain CCWIS rules and requirements for another three years.

**CRF opposes the renewal of the CCWIS information collection OMB #09700-0463 and any actions prolonging inadequate policies that have resulted in decades of misreporting concerning the status of children in foster care. CRF urges ACF to review existing regulations governing foster care, specifically those overseeing title IV-E agency reporting systems, and restructure the current data collection framework for title IV-E agencies.**

## **Introduction**

In 1986, Congress amended the Social Security Act to authorize the Secretary of HHS to “promulgate final regulations providing for the implementation”<sup>1</sup> of a data collection system to be used by all entities receiving title IV-E funds for foster care children. Congress further amended the Social Security Act in 1993 to provide federal funding for the development and improvement of title IV-E agencies’ foster care data collection systems, culminating in ACF’s Statewide and Tribal Automated Child Welfare Information Systems (S/TACWIS). S/TACWIS regulations provided data collection requirements for state title IV-E programs, and while states were not required to utilize the S/TACWIS framework, those choosing to do so were provided enhanced federal financial participation (FFP) at the 75% rate.<sup>2</sup> S/TACWIS regulations mandated that federal funding only be made available to systems implementing all 51 required system functions, and that all functions had to be performed within a single comprehensive system.<sup>3</sup>

In an effort to grant more flexibility to state and tribal title IV-E agencies constructing their own systems for collecting and reporting foster care data, S/TACWIS was replaced by CCWIS in 2016. CCWIS regulations established that the distribution of federal funds be contingent upon

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<sup>1</sup> 42 U.S.C. § 679.

<sup>2</sup> U.S. Dep’t of Health & Human Servs., Admin. for Children & Families, Children’s Bureau, Statewide Automated Child Welfare Information Systems (SACWIS) Assessment Review Guide (2011), [https://acf.gov/sites/default/files/documents/cb/sacwis\\_review\\_guide.pdf](https://acf.gov/sites/default/files/documents/cb/sacwis_review_guide.pdf).

<sup>3</sup> U.S. Dep’t of Health & Human Servs., Admin. for Children & Families, Children’s Bureau, The Comprehensive Child Welfare Information System Proposed Rule: Overview (2015), [https://acf.gov/sites/default/files/documents/cb/ccwis\\_nprm\\_overview.pdf](https://acf.gov/sites/default/files/documents/cb/ccwis_nprm_overview.pdf).

the title IV-E agency's Advance Planning Document (APD) rather than whether the system is operational,<sup>4</sup> and reduced the number of required automated functions to be performed by an agency's system from 51 to 14.<sup>5</sup> Furthermore, the CCWIS framework allows title IV-E agencies to spread these functions across multiple separate systems and collect federal reimbursement for each of those individual systems.<sup>6</sup> ACF states that renewing this collection of information is necessary to "confirm the project meets CCWIS requirements and that project costs are appropriately allocated to benefitting programs,"<sup>7</sup> indicating that ACF intends to maintain CCWIS regulations and the broader foster care reporting framework, despite its failure to provide clear and accurate data on children in foster care for decades.

## **CCWIS Collection of Information**

### **Automated Function List**

CCWIS regulations mandate that agencies receiving title IV-E funding must annually submit APDs including a list of all automated functions in the CCWIS, whether those functions meet CCWIS requirements, and a description of any changes made to any of the functions in the CCWIS.<sup>8</sup> The Automated Function List is a crucial part of a title IV-E agency's APD, as this document enumerates each of the agency's CCWIS's functions and, by extension, how many functions entitle the agency to federal reimbursement for the development of the CCWIS. Currently, 45 states, Washington, D.C., and Puerto Rico are all eligible for CCWIS funding and subject to reporting requirements, such as submitting the Automated Function List, yet there are no states or territories of the United States that have a fully operational, federally compliant, child welfare information system as of October 2024.<sup>9</sup> This is primarily because the receipt of federal funds depends exclusively on the approval of a title IV-E agency's plan rather than the functionality of the system itself. Present regulations impose no funding limit for CCWIS projects,<sup>10</sup> meaning that title IV-E agencies can submit Automated Function Lists and other APD requirements to receive federal funding without ever having to demonstrate that the system they use to collect and submit foster care data is operational, or that the data collected is accurate.

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<sup>4</sup> 45 C.F.R. § 1355.52(i)(1) (2024).

<sup>5</sup> U.S. Dep't of Health & Human Servs., Admin. for Children & Families, Children's Bureau, The Comprehensive Child Welfare Information System Proposed Rule: Overview (2015), [https://acf.gov/sites/default/files/documents/cb/ccwis\\_nprm\\_overview.pdf](https://acf.gov/sites/default/files/documents/cb/ccwis_nprm_overview.pdf).

<sup>6</sup> 45 C.F.R. § 1355.57(b)(2) (2024).

<sup>7</sup> Submission for Office of Management and Budget Review; Comprehensive Child Welfare Information System (CCWIS) Automated Function Checklist and Data Quality Plan, 89 Fed. Reg. 45443 (May 28, 2025), <https://www.federalregister.gov/documents/2025/05/28/2025-09517/submission-for-office-of-management-and-budget-review-comprehensive-child-welfare-information-system>.

<sup>8</sup> 45 C.F.R. § 1355.52(i)(2)(i-iii) (2024).

<sup>9</sup> CCWIS Status, Children's Bureau, U.S. Dep't of Health & Human Servs., Admin. for Children & Families (Oct. 21, 2024), <https://acf.gov/cb/training-technical-assistance/ccwis-status>.

<sup>10</sup> 45 C.F.R. § 1355.57 (2024).

## **Data Quality Plan**

The 2016 update to the regulatory framework overseeing the collection of foster care data shifted the ACF's focus from centralized and federally audited data collection systems to systems preserving data quality and consistency across data entries. Part of this shift required title IV-E agencies to "develop, implement, and maintain a CCWIS data quality plan in a manner prescribed by ACF and include it as part of Annual or Operational APDs submitted to ACF."<sup>11</sup> This data quality plan must contain the title IV-E agency's proposed strategy to "promote data quality" and the agency's "status of compliance" with the CCWIS data quality requirements.<sup>12</sup> Despite this regulatory measure to promote enhanced monitoring of title IV-E agency compliance, there is no mandated, periodic, on-site review in place to verify whether the information submitted to ACF via an agency's APDs is accurate or complete. Current CCWIS regulations fail to mandate the verification of any of the data reported to ACF, nor the operability of each agency's case management system, rendering each title IV-E agency's self-reported compliance with CCWIS requirements effectively meaningless. The estimated burden of completing and submitting a Data Quality Plan is 2,200 hours, even though these plans are not audited, nor have they resulted in improved outcomes for foster care reporting and analysis. In fact, the Children's Bureau, an agency under ACF's authority, admitted itself that "there is limited evidence that agency leadership is involved or that project/program staff have the authority and resources to manage efforts to improve data quality across the child welfare continuum."<sup>13</sup>

## **Problems with the CCWIS Framework**

### **Limitless Funding**

Current CCWIS regulations do not impose a specific funding cap or national funding limit on the amount of FFP a title IV-E agency is eligible to claim for CCWIS projects, nor is there an explicit deadline for an agency to complete or implement a fully functioning CCWIS. This means that title IV-E agencies can indefinitely claim federal funding based on approval of their APD alone, with no limit on the amount of money the agency can receive or how long the agency is eligible to receive federal funds before the CCWIS is reviewed on-site for compliance and operability. The most egregious example of abuse of this system is the California Automated Response and Engagement System (CARES), a CCWIS project that was originally approved in January 2013 but still has yet to be completed.<sup>14</sup> The CARES project had an approved baseline cost of \$1.7 billion,<sup>15</sup> making it eligible for roughly \$850 million in federal

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<sup>11</sup> 45 C.F.R. § 1355.52(d)(5) (2024).

<sup>12</sup> 45 C.F.R. § 1355.52(d)(5)(i-ii) (2024).

<sup>13</sup> Children's Bureau, U.S. Dep't of Health & Human Servs., Admin. for Children & Families, CCWIS Data Quality Plans: Lessons Learned – Two Years Later (Dec. 8, 2020), <https://acf.gov/sites/default/files/documents/cb/ccwis-data-quality-plans-ppt.pdf>.

<sup>14</sup> Legislative Analyst's Office, CWS-CARES (Mar. 5, 2025), <https://lao.ca.gov/Publications/Report/5006>.

<sup>15</sup> Id.

reimbursement, despite the fact that the project has been in development for over a decade. There is no publicly available information on the exact amount of federal funding California received for its CCWIS, but the state actively receives funding for the project today. Because there is no funding cap for CCWIS projects, CARES has likely cost the federal government hundreds of millions of dollars even though it will not launch for at least another year, if it ends up being completed at all.<sup>16</sup> Renewing this information collection will only perpetuate the reckless CCWIS funding system in place, obstructing the process of revising regulations overseeing the approval and development of CCWIS and the potential for a new rule to establish funding criteria and limitations for CCWIS projects.

### **No Mandated, Periodic On-Site Review**

Enforcement of CCWIS regulations relies almost entirely upon ACF's approval or denial of the Automated Function List and Data Quality Plan, as funding is awarded based on APD approval rather than the completion of an on-site review or other on-site verification of a CCWIS's operability. CCWIS regulations do require ACF to "review, assess, and inspect the planning, design, development, installation, operation, and maintenance of each CCWIS project on a continuing basis,"<sup>17</sup> but fail to specify the frequency of on-site reviews required to satisfy the assessment of CCWIS on a "continuing basis." According to policy guidance from the Children's Bureau, CCWIS Assessment Reviews (CARs) are "typically conducted one to two years after the CCWIS is fully operational,"<sup>18</sup> but because there is no explicit requirement that they be conducted within any specific period or according to any schedule, there are virtually no accountability measures for title IV-E agencies' CCWIS to ensure that they are federally compliant and reporting data accurately. Title IV-E agencies are not required to complete a CCWIS project within a fixed timeframe, allowing them to indefinitely receive federal funding for the development of a data collection system that may never be fully functional. CARs were also initially conducted by the Division of State Systems, an entity within the Children's Bureau that was recently eliminated, indicating that CARs have not been conducted frequently, nor are they considered to be of high regulatory importance.

### **Self-Reported "Data Quality"**

Perhaps the most pressing issue surrounding CCWIS regulations is the inability of ACF to adequately verify that the data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) is accurate. Previously, S/TACWIS regulations required title IV-E agencies to collect, maintain, and electronically transmit all data elements for federal reporting

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<sup>16</sup> Legislative Analyst's Office, CWS-CARES (Mar. 5, 2025), <https://lao.ca.gov/Publications/Report/5006>.

<sup>17</sup> 45 C.F.R. § 1355.55 (2024).

<sup>18</sup> Children's Bureau, U.S. Dep't of Health & Human Servs., Admin. for Children & Families, Comprehensive Child Welfare Information System (CCWIS) Technical Bulletin #7: CCWIS Technical Assistance, Self-Assessment Tools, and Monitoring Reviews (Apr. 21, 2023), [https://acf.gov/sites/default/files/documents/cb/ccwis\\_tb7\\_0.pdf](https://acf.gov/sites/default/files/documents/cb/ccwis_tb7_0.pdf).

systems with integrity checks and audit trails to ensure compliance.<sup>19</sup> Title IV-E agencies' S/TACWIS were required to record any changes made to key data elements, such as title IV-E eligibility information, case records, or placement details, and include who made the change, when the change was made, and what information was changed. These requirements ensured that user-initiated changes and automated system events were captured in the S/TACWIS and allowed the system to correctly record these changes while protecting against user error, but CCWIS regulations removed these requirements, opting to focus more on "data quality." Despite this shift in focus, virtually all metrics of compliance with CCWIS data quality standards are self-reported by the title IV-E agency with no verification mechanisms or mandatory on-site monitoring to verify that the quality of data reported is compliant. Current regulations only ensure that the data submitted to AFCARS through CCWIS is formatted according to ACF's specifications and submitted on time, not that the information provided by the title IV-E agencies is factually correct or verifiable. Title IV-E agencies are only required to submit data semi-annually, meaning that state CCWIS are unable to update and submit data in real time, evidenced by the fact that the most recent AFCARS data available is two years old.<sup>20</sup> Even if every state adopted fully operational and compliant CCWIS, there would still be no guarantee that the data submitted to AFCARS accurately reflects the reality of foster care in the United States.

## **Conclusion**

In 2020, roughly \$2.6 billion of foster care program expenditures were used for administrative costs, including CCWIS costs,<sup>21</sup> though there is no breakdown publicly available revealing what percentage of these costs were exclusively CCWIS-related. Although ACF insists that this collection of information is necessary to ensure that "project costs are appropriately allocated to benefiting programs,"<sup>22</sup> the lack of constraints on federal funding for CCWIS projects make appropriately allocating federal funds for these purposes virtually impossible. CCWIS regulations allow title IV-E funds to be divested from title IV-E-eligible children to incomplete projects that, even if completed, will not improve reporting and data collection processes in foster care. The renewal of the Automated Function List and Data Quality Plan will maintain an outdated framework that has long failed to provide real-time, accurate, verifiable data on children in foster care and impede the development of new regulations improving foster care reporting. By renewing this information collection for another three years, a rulemaking concerning title IV-E agencies' reporting systems and methodologies could be postponed,

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<sup>19</sup> 58 Fed. Reg. 67,939 (Dec. 22, 1993).

<sup>20</sup> U.S. Dep't of Health & Human Servs., Admin. for Children & Families, Children's Bureau, The AFCARS Dashboard (Print Version): FY 2023 AFCARS Foster Care Data Release (May 1, 2025), <https://acf.gov/sites/default/files/documents/cb/2023-afcars-dashboard-printable.pdf>.

<sup>21</sup> Kristina Rosinsky et al., Title IV-E Spending by Child Welfare Agencies in SFY 2020, Child Trends (May 2023), [https://cms.childtrends.org/wp-content/uploads/2023/05/ChildWelfareFinancingSFY2020\\_TitleIV-E.pdf](https://cms.childtrends.org/wp-content/uploads/2023/05/ChildWelfareFinancingSFY2020_TitleIV-E.pdf).

<sup>22</sup> Submission for Office of Management and Budget Review; Comprehensive Child Welfare Information System (CCWIS) Automated Function Checklist and Data Quality Plan, 89 Fed. Reg. 45443 (May 28, 2025), <https://www.federalregister.gov/documents/2025/05/28/2025-09517/submission-for-office-of-management-and-budget-review-comprehensive-child-welfare-information-system>.



allowing the next administration to further delay necessary updates to foster care reporting and analysis. The present foster care reporting system cannot provide up-to-date information on children in the care of title IV-E agencies, and any regulatory action seeking to perpetuate any of the provisions of CCWIS regulations should be opposed.

**CRF recommends that ACF withdraw its request to OMB for the renewal of the CCWIS information collection: the Automated Function List and Data Quality Plan. If this collection of information is renewed, title IV-E agencies will remain unable to accurately report data on children in their care in real time but will remain eligible for uncapped federal funding upon approval of a plan for a system that may never be fully complete, operational, or compliant.**

If you have any questions, do not hesitate to contact me at [kmcleroy@conservative.org](mailto:kmcleroy@conservative.org).

Thank you,

A handwritten signature in cursive script that reads "Kiley McLeroy".

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