



# The Family First Prevention Services Act (P.L. 115-123)

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# SAFE STRONG SUPPORTIVE

casey family programs

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# SAFE STRONG SUPPORTIVE

## The Family First Prevention Services Act

# I. BACKGROUND AND INTRODUCTION

# Child Welfare: What do we know is best for children and families?

- The goal in child welfare should be to ensure the safety, permanency and well-being of children ***and their families.***
- We know to support child well-being, it is important to intervene as early as possible.
- We know that the act of removing children from their families and homes creates emotional distress and trauma that should be avoided whenever possible.
- We know some children can be better served by remaining safely at home while their parents receive the community services and support they need.

# Family First Prevention Services Act of 2018

- The Family First Prevention Services Act was passed and signed into law (P.L. 115-123) as part of the Bipartisan Budget Act on February 9, 2018.
  - New option for States and Tribes to claim Title IV-E funds for prevention activities as early as October 1, 2019.
  - New policy to ensure appropriate placements for children in foster care as early as October 1, 2019.
  - New funding and reauthorization of existing funding for child welfare programs including prevention funding, court funding, and specific substance abuse prevention grant funding.

# Child Welfare: Past and Future

History:

- Federal child welfare dollars focused **only on the child** for foster care after removal from their home

Family First and the future:

- Federal dollars now available for prevention services for **the child, the parent and the kinship caregiver**

New Title IV-E of the Social Security Act:

- **Federal Payments for Foster Care, Prevention and Permanency**

# Big Opportunities for Child Welfare

## Pre-2018 federal law

Most federal \$\$ for foster care

Services only for child

Income test to qualify

\$\$ for children placed in group homes with little oversight

No \$\$ for child placed with parent in residential treatment

## Family First

New federal \$\$ for prevention

Prevention for parents, child, kinship caregivers

No income test

No \$\$ unless placements are quality settings and appropriate

12 months of federal \$\$ for such placements

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The Family First Prevention Services Act

## II. NEW FUNDING FOR PREVENTION ACTIVITIES

# New Funding for Prevention Activities

- Allows states to receive open-ended entitlement (Title IV-E) funding for evidence-based prevention services

**Who:** 1) Children at imminent risk of placement in foster care or 2) pregnant and parenting youth in foster care are eligible. Their parents or kinship caregivers also are eligible.

- No income test for eligibility
- Defines children who are “candidates for foster care” as those who can remain safely at home or in a kinship placement with receipt of services.



# New Funding for Prevention Activities

- Allows states to receive open-ended entitlement (Title IV-E) funding for evidence-based prevention services

## ***What services:***

- Mental health prevention and treatment services provided by a qualified clinician for up to 12 months.
- Substance abuse prevention and treatment services provided by a qualified clinician for up to 12 months.
- In-home parent skill-based programs that include parenting skills training, parent education and individual and family counseling for up to 12 months.

There is no limit on how many times a child and family can receive prevention services.

# New Funding for Prevention Activities

- Requires prevention services and programs to be ***promising, supported, or well-supported***, to qualify for reimbursement.
  - Requires the Secretary of HHS to issue guidance to states regarding the practices criteria required for services or programs under this section by October 1, 2018.
  - This guidance must include a pre-approved list of services and programs that satisfy the requirements

# New Funding for Prevention Activities

- Requires a state to submit a prevention and services program plan as part of the state's Title IV-E plan
  - Requires the plan to include a number of components such as a description of how the state will administer the program, determine eligibility, train caseworkers and numerous other items.

# New Funding for Prevention Activities

- Reimbursement rates for prevention activities are:
  - Beginning October 1, 2019 through September 30, 2026, FFP is 50%
  - Beginning October 1, 2026, FFP is the state's FMAP rate.
  - At least 50% of the spending in every fiscal year must be for well-supported practices.

# New Funding for Prevention Activities

- States who opt to administer a prevention program also may claim Title IV-E reimbursement for administrative costs at 50% and training costs at 50%.
  - As with the prevention services, these costs are “delinked” from AFDC so not related to the income eligibility of the child or their family.

# New Funding for Prevention Activities

- ***When:*** Title IV-E reimbursement for eligible prevention services begins on October 1, 2019.
- ***Non-Supplantation:*** New federal funds for prevention services are intended to augment, not supplant, state funding for prevention services.
- ***Maintenance of Effort:*** MOE will be set at FY2014 spending for these same prevention services for candidates for foster care.

# Who is a “Candidate for Foster Care?”

- U.S. House Committee Report 114-628 includes the following to provide further information on Congressional intent

*.... the Committee recognized that children may come to the attention of the child welfare system and be considered at imminent risk of entry into foster care in a wide variety of scenarios. Accordingly, the Committee intentionally did not attempt to provide an exhaustive list of the living situations and caregiver dynamics that would trigger eligibility for the evidence-based mental health, substance abuse, and parent skill-building services made available under this bill.*

# Who is a “Candidate for Foster Care?”

*“The Committee believes the intent of this legislation is for states to use these new matching funds in the panoply of possible scenarios under which a child may be at imminent risk of entering foster care and would likely enter but for the provision of support services.*

*The following represents examples, but is by no means an exhaustive list, of the types of scenarios during which a state could claim a match for title IV-E prevention services on behalf of a child and his or her caregivers:*



# Who is a “Candidate for Foster Care?”

- *When an adopted child is at risk of entering or re-entering foster care, these prevention services can come in the form of post-adoption supports and be made available so that such parents need not relinquish their parental right in order to access such services;*
- *When a child in a formal or informal kinship placement is at imminent risk of entering or re-entering foster care, these prevention services can be made available;*
- *When a child is living with his or her parents and is deemed as being at imminent risk of entering foster care, but a relative caregiver could to become the guardian if provided prevention services, such services can be made available;*

# Who is a “Candidate for Foster Care?”

- *If a child at a young age was deemed a candidate for care and his or her caregiver received services under this bill and years later the child was again deemed at imminent risk of entry later in life, this bill would allow for the state to draw down prevention services under title IV-E at both points in the child's and family's lives; or*
- *When a child is living with his or her parents and is deemed as being at imminent risk of entering foster care, but can remain safely at home through the provision of prevention services.*

# SAFE STRONG SUPPORTIVE

The Family First Prevention Services Act

## III. ENSURING APPROPRIATE PLACEMENTS IN FOSTER CARE

# Ensuring Appropriate Placements in Foster Care

The following placement options already are allowable under current Title IV-E and will continue under Family First:

- Facility for pregnant and parenting youth
- Supervised independent living for youth 18 years and older
- Specialized placements for youth who are victims of or at-risk of becoming victims of sex trafficking
- Foster Family Home (defined) – no more than 6 children in foster care, with some exceptions

# Ensuring Appropriate Placements in Foster Care

- Beginning October 1, 2018, Title IV-E foster care maintenance payments can be made on behalf of a child in foster care placed with their parent in a licensed residential family-based treatment facility for up to 12 months.
  - No income test applies, unlike other Title IV-E foster care placements.
- Beginning as early as October 1, 2019, after 2 weeks in care, Title IV-E federal support will be available for foster care maintenance payments for eligible youth placed in a Qualified Residential Treatment Program (Q RTP).

# What is a Qualified Residential Treatment Program (QRTP)?

- Has a trauma informed treatment model and a registered or licensed nursing and other licensed clinical staff onsite, consistent with the QRTP's treatment model.
- Facilitates outreach and engagement of the child's family in the child's treatment plan
- Provides discharge planning and family-based aftercare supports for at least 6 months
- Licensed by the state and accredited

*There are no time limits on how long a child can be placed in a QRTP and receive federal support as long as the placement continues to meet his/her needs as determined by assessment.*

# Ensuring Appropriate Placements in Foster Care

- States have the option to delay this provision for up to 2 years, until September 29, 2021. However, delays in implementation of these provisions requires a delay in prevention provisions for the same period of time.
- To support State implementation of this provision, Family First provides \$8 million in FY2018 for grants to states and tribes to support the recruitment and retention of high quality foster families.

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The Family First Prevention Services Act

## IV. ADDITIONAL SELECT ITEMS TO PROMOTE SAFETY, PERMANENCY AND WELL-BEING



# Additional select items to promote safety, permanency, and well-being

- Provides Title IV-E support for evidence-based kinship navigator programs at 50%, beginning October 1, 2018.
- Requires HHS to identify model foster parent licensing standards; states have to then identify the licensing standards they implement.
- Requires the development of a statewide plan to prevent child abuse and neglect fatalities.

# Promoting Timely Permanency for Children Across State Lines

- Provides \$5 million in new grants to states to expand the development of the electronic system to expedite the interstate placement across state lines of children in foster care, guardianship or adoption.
- Requires that states use an electronic interstate case processing system by October 2027.

# Reauthorizes Adoption Assistance & Legal Guardianship Incentives

- Reauthorizes the Adoption and Legal Guardianship Incentive Programs through FY2022.
- Delays the phase in/expansion of the Adoption Assistance delink for children under age 2 (eligibility tied to 1996 AFDC income test) through June 30, 2024.

# Continues Child Welfare Funding

- Reauthorizes Title IV-B programs and services until FY2021.
  - Stephanie Tubbs Jones Child Welfare Services Program, including funding for monthly caseworker visits
  - Promoting Safe and Stable Families Program
  - Court Improvement Program
  - Regional Partnership Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Heroin, Opioids, or Other Substance Abuse
- Modernizes and reauthorizes the John H. Chafee Foster Care Independence Program until FY2021.

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The Family First Prevention Services Act

## V. RECENT DEVELOPMENTS & ACTIVITIES

# Recent Activities by Congress

- The FY2018 appropriations bill includes the following among the investments for children and families in FY2018:

<b>Adoption &amp; Guardianship Incentives:</b>	<b>\$37 million increase</b>
<b>Child Abuse Prevention and Treatment Grants:</b>	<b>\$60 million increase</b>
<b>Home Visiting (MIECHV):</b>	<b>\$400 million</b>
<b>Head Start:</b>	<b>\$610 million increase</b>
<b>Early Head Start:</b>	<b>\$115 million increase</b>
<b>Child Care Block Grants:</b>	<b>\$2.37 Billion increase</b>

# Recent Activities by HHS

- On May 4, HHS published availability of one-time funding of \$20 million in FY2018 for all states and direct-funded title IV-E tribes to develop, enhance and evaluate Kinship Navigator programs
  - Applications from states and tribes were due by July 20. All but five states applied.
  - Funds have no match requirement.

# Recent Activities by HHS

- On June 22, a Federal Register Notice was published by HHS requesting comments on decisions related to developing a Clearinghouse of Evidence-Based Practices as required by Family First.
  - Comments were due by July 22



# Recent Activities by HHS

- On July 9, a Program Instruction (PI) was released outlining how states must implement the new Title IV-E provisions.
  - Family First has five different deadlines for states to meet.
  - Of note, the PI outlines that states who wish to delay the QRTP provisions for up to two years must notify HHS by November 9, 2018.

# Recent Activities by HHS

- On July 13, HHS published an opportunity to apply for funding for Regional Partnership Grants to increase the well-being and permanency of children impacted by substance use.
  - Up to 10 grants will be awarded for a 36-month period.
  - Application deadline is August 13, 2018.

# Recent Activities by HHS

- On August 1, a Federal Register Notice was published by HHS requesting comments on the Proposed Model Family Foster Home Licensing Standards.
  - Comments are due by October 1, 2018.
  - By April 1, 2019, state agencies & tribes must inform HHS about the consistency of their licensing standards with the model and their policies and practices for waiving non-safety licensing standards for relative foster family homes.

# Questions?

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