



Children's Defense Fund

## Family First Prevention Services Act Implementation Timeline

*The following timeline summarizes the dates by which the new provisions of the Family First Prevention Services Act go into effect.*

2018	
Effective Upon Enactment	<p><b>HHS will provide technical assistance, disseminate best practices, establish a clearinghouse, and collect data and conduct evaluations</b> for the prevention services and programs. There is \$1 million appropriated to HHS to carry out these provisions beginning in FY2018 and each year afterwards. [Sec. 50711(d)]</p> <p>Title IV-E is renamed <b>“Part E—Federal Payments for Foster Care, Prevention, and Permanency”</b> and the purpose of Title IV-E is amended to reflect the new use of federal funds for prevention services and programs. (Sec. 50733)</p> <p>The <b>Adoption and Legal Guardianship Incentive Payment program is reauthorized</b> for an additional five years, from FY2017 through FY2021. This takes effect as if enacted on October 1, 2017. (Sec. 50761)</p> <p>*We assume the following provisions go into effect upon enactment:</p> <ul style="list-style-type: none"> <li>• <b>Amends the John H. Chafee Foster Care Independence Program</b> by extending independent living services to assist former foster youth up to age 23 (previously for youth ages 18-21) and extends eligibility for education and training vouchers for these youth to age 26 (previously only available to youth up to age 23). (Sec. 50753)</li> <li>• <b>Amends the state plan requirement under Title IV-B, Subpart 1 to describe activities to reduce the length of time to permanency for children under age 5</b> and the activities the state undertakes to address the developmental needs of all vulnerable children under age 5 who receive services until Title IV-B or Title IV-E. (Sec. 50772)</li> <li>• <b>Requires the GAO to review states’ compliance with the various requirements of the Title IV-E Adoption Assistance “delink”</b> and the savings and reinvestments that results from the federal reimbursement phase-in (Sec. 50782)</li> <li>• <b>Reauthorized a number of Title IV-B programs are for five years, from FY2017 through FY2021, including:</b> The Stephanie Tubbs Jones Child Welfare Services Program (Title IV-B, Subpart 1), and the Promoting Safe and Stable Families Program (Title IV-B, Subpart 2), funding reservations for supporting monthly caseworker visits, and state Court Improvement Program Grants (Sec. 50752)</li> </ul>

<p>Beginning in FY2018</p>	<p>HHS will provide \$5 million under Promoting Safe and Stable Families to help states <b>develop electronic interstate case-processing systems</b>. The funds will remain available through FY2022; HHS is required not later than one year after the final year that funds are awarded to submit a report to Congress (available to the public) on the impact of the electronic interstate case-processing systems. (Sec. 50722)</p> <p>\$8 million in competitive grants will be available to states and tribes to support the <b>recruitment and retention of high-quality foster families</b> to help place more children in foster family homes. The grants will be focused on states and tribes with the highest percentage of children in non-family settings. The funds will remain available through FY2022. (Sec. 50751)</p>
<p>Effective as if enacted January 1, 2018</p>	<p>The Court Improvement Program (CIP) in Title IV-B, Subpart 2, will need to include <b>training for judges, attorneys and other legal personnel in child welfare about the new changes made to federal policy and reimbursement for children placed in settings that are not foster family homes</b>. (Sec. 50741(c))</p> <p>States will need to establish as part of their health care services oversight and coordination plan <b>procedures and protocols to ensure that children in foster care are not being inappropriately diagnosed</b> with mental illnesses, disorders or disabilities that may result in the child not being placed with a foster family home. (Sec. 50743)</p> <p>States will need to collect and <b>report data on children in child-care institutions</b> or other settings that are not foster family homes. (Sec 50744)</p> <p>The <b>Title IV-E Adoption Assistance income eligibility requirements for children under age 2 will be reinstated until June 30, 2024</b>. In the interim, children with special needs under 2 years of age will continue to be eligible for Title IV-E Adoption Assistance if they meet the existing Title IV-E eligibility requirements or are eligible for state-funded Adoption Assistance payments. (Sec. 50781)</p>
<p>Not later than October 1, 2018</p>	<p><b>HHS will release guidance on the practice criteria required for the prevention services or programs</b>, and a pre-approved list of services and programs that meet the requirements of promising, supported, or well-supported practices. This guidance will be updated as often as necessary. (Sec. 50711)</p> <p>HHS will identify reputable <b>model licensing standards</b> for foster family homes. States will need to review how their standards compare to these standards and submit in their state plan to HHS why they are different if they are by April 1, 2019. (Sec. 50731)</p>
<p>On October 1, 2018</p>	<p>States can get Title IV-E reimbursement for up to 12 months for a <b>child who has been placed with a parent in a licensed residential family-based treatment facility for substance abuse</b>, regardless of whether the child meets the AFDC income-eligibility requirement for Title IV-E. (Sec. 50712)</p> <p>States can start receiving Title IV-E reimbursement for 50 percent of the state's expenditures on <b>kinship navigator programs</b> that meet the evidence-base requirements of promising, supported, or well-supported practices, without regard to whether those services were accessed on behalf of children who meet the AFDC income-eligibility requirements for Title IV-E. (Sec. 50713)</p> <p>The <b>15-month time limit will be eliminated in the renamed "Time-Limited Family Reunification Services"</b> program in Title IV-B. There will no longer be a time limit on</p>

	<p>reunification services for a child in foster care preparing to return home, and a child returning home will now have access to 15-months of family reunification services beginning on the date the child returns home. (Sec. 50721)</p> <p>The standards and grant amount for <b>Regional Partnership Grants</b> will be amended, including updates to the program that specifically address the opioid and heroin epidemic and updates the grant amount. RPGs are also extended for an additional five years (FY2017 – FY2021) (Sec. 50723)</p> <p>States will be required to document in their state plans for Title IV-B Child Welfare Services the steps they are taking to <b>track and prevent child maltreatment fatalities</b>. (Sec. 50732)</p> <p>States are required to have procedures for <b>criminal records checks and checks of child abuse and neglect registries to be carried out on any adult working in group care settings</b> where foster children are placed. (Sec. 50745)</p>
<b>2019</b>	
No later than April 1, 2019	<p><b>States will need to submit in their state plan to HHS how their licensing standards are in accord with the HHS’ model standards</b>, and if not, why they deviate and a description of why that model standard is not appropriate for the state, whether and why they waive licensing standards for relative foster family homes and which ones, how the state trains caseworkers on the relative licensing waiver authority, and improvements the state is making in this area. (Sec. 50731)</p>
Not later than October 1, 2019	<p>HHS will submit to the House Ways and Means and Senate Finance Committees a <b>report on the National Youth in Transition Database</b> and any other databases in which states report outcome measures relating to children in foster care and children who have aged out of foster care or left foster care for kinship guardianship or adoption. (Sec. 50753)</p>
On October 1, 2019	<p>Beginning October 1, 2019 (FY2020), <b>states, tribes and U.S. territories will have the option to use Title IV-E funds, at a Federal Financial Participation (FFP) rate of 50 percent, for evidence-based prevention services and programs that are promising, supported, or well-supported</b>. At least 50 percent of expenditures reimbursed by federal funds must be prevention services and programs that meet the requirements for well-supported practices. States will be allowed to use Title IV-E funds for training and the administrative costs associated with developing the necessary processes and procedures for these services (including expenditures for data collection and reporting), based on a 50 percent reimbursement rate. These service, training and administrative costs are “delinked” from the AFDC income eligibility requirement for Title IV-E. (Sec. 50711)</p> <p><b>New restrictions on Title IV-E foster care maintenance payments</b> for children not placed in 1) foster family homes, 2) Qualified Residential Treatment Programs, 3) settings for pregnant or parenting youth in foster care, 4) independent living settings for youth age 18 and older, or 5) settings providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims. The group care settings will be ineligible for federally-reimbursed maintenance payments, but may receive Title IV-E administrative reimbursement. (Sec. 50741) <u>**States have the option delay the effective date for up to two years; however any state that does so must also postpone seeking Title IV-E prevention investments for the same period of time.</u></p> <p>States will need to include in their state plan a certification assuring that the <b>state will not enact or advance policies or practices that will result in a significant increase in number of youth in the juvenile justice system</b> because of the new restrictions on federal reimbursement for children not placed in a foster family home. (Sec. 50741(d))</p>

<b>2020</b>	
Not later than January 1, 2020	HHS must submit to Congress a report on the results of the <b>evaluation of state procedures and protocols to prevent inappropriate diagnoses of mental illness or other disorders</b> resulting in the placement of children in group care settings, including their effectiveness and best practices. (Sec. 50743)
No later than the date that is 24 months after enactment	HHS will issue a <b>proposed rule on data exchange standards for improved interoperability</b> that identifies federally required data exchanges; includes specification and timing of exchanges; addresses factors used to determine whether and when to standardize data exchanges; and specifies state implementation options and future milestones. (Sec. 50771)
<b>2021</b>	
Beginning in FY2021	<b>HHS will establish national prevention services measures</b> , based on the data reported by the states, on certain indicators to measure the impact of and expenditures for the prevention services. This will be repeated annually thereafter, and reports on the state data made public. (Sec. 50711)
On October 1, 2021	<p><b>New restrictions on Title IV-E foster care maintenance payments</b> for children not placed in 1) foster family homes, 2) Qualified Residential Treatment Programs, 3) settings for pregnant or parenting youth in foster care, 4) independent living settings for youth age 18 and older, or 5) setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims. The group care settings will be ineligible for federally-reimbursed maintenance payments, but may receive Title IV-E administrative reimbursement. (Sec. 50741)</p> <p><b><u>*States that took the option to delay the effective date of the restrictions on the Title IV-E Foster Care Maintenance payments were prohibited from seeking Title IV-E prevention investments for the same period of time.</u></b> States that take the prevention option to use Title IV-E funds for promising, supported, or well-supported prevention services and programs will be reimbursed at a Federal Financial Participation (FFP) rate of 50 percent. At least 50 percent of expenditures reimbursed by federal funds must be prevention services and programs that meet the requirements for well-supported practices. States will be allowed to use Title IV-E funds for training and the administrative costs associated with developing the necessary processes and procedures for these services (including expenditures for data collection and reporting), based on a 50 percent reimbursement rate. These service, training and administrative costs are “delinked” from the AFDC income eligibility requirement for Title IV-E. (Sec. 50711)</p>
<b>2025</b>	
No later than December 31, 2025	GAO will submit to Congress a <b>study evaluating the impact on the juvenile justice system</b> resulting from the new restrictions on federal reimbursement for children not placed in a foster family home. (Sec. 50741(d))
<b>2026</b>	
Beginning after September 30, 2026	<b>States, tribes and U.S. territories will be reimbursed at the Federal Medical Assistance Percentage (FMAP) for evidence-based prevention services and programs that are promising, supported, or well-supported.</b> At least 50 percent of expenditures reimbursed by federal funds must be prevention services and programs that meet the requirements for well-supported practices. States will be allowed to use Title IV-E funds for training and the administrative costs associated with developing the necessary processes and procedures for these services (including expenditures for data collection and reporting), based on a 50 percent reimbursement rate. These service, training and administrative costs are “delinked” from the AFDC income eligibility requirement for Title IV-E. (Sec. 50711)

**2027**

No later than October 1, 2027	<b>States will need to use an electronic interstate case-processing system</b> for exchanging data and documents to help expedite the interstate placement of children in foster care, adoption or guardianship. U.S. territories, Indian tribes, tribal organizations and tribal consortiums are exempt from this requirement. (Sec. 507022)
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\* Family First does allow HHS to determine that if a state needs to enact legislation (other than appropriations) to bring its Title IV-E or Title IV-B plans into compliance with new requirement(s), the state is permitted to have additional time to do so. Specifically, the state would have until the first day of the first calendar quarter that occurs after the close of the first regular state legislative session that begins after the enactment of this act.