

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

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casey family programs

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Casey Family Programs

- The nation's largest operating foundation focused on safely reducing the need for foster care and building Communities of Hope for children & families.
- We work to influence long-lasting improvements to the safety and success of children, families and the communities where they live.
 - We operate in all 50 states, DC, Puerto Rico, and the Virgin Islands.
 - We have direct agreements with 16 tribes.
 - We operate 7 field offices providing direct services to youth in care.

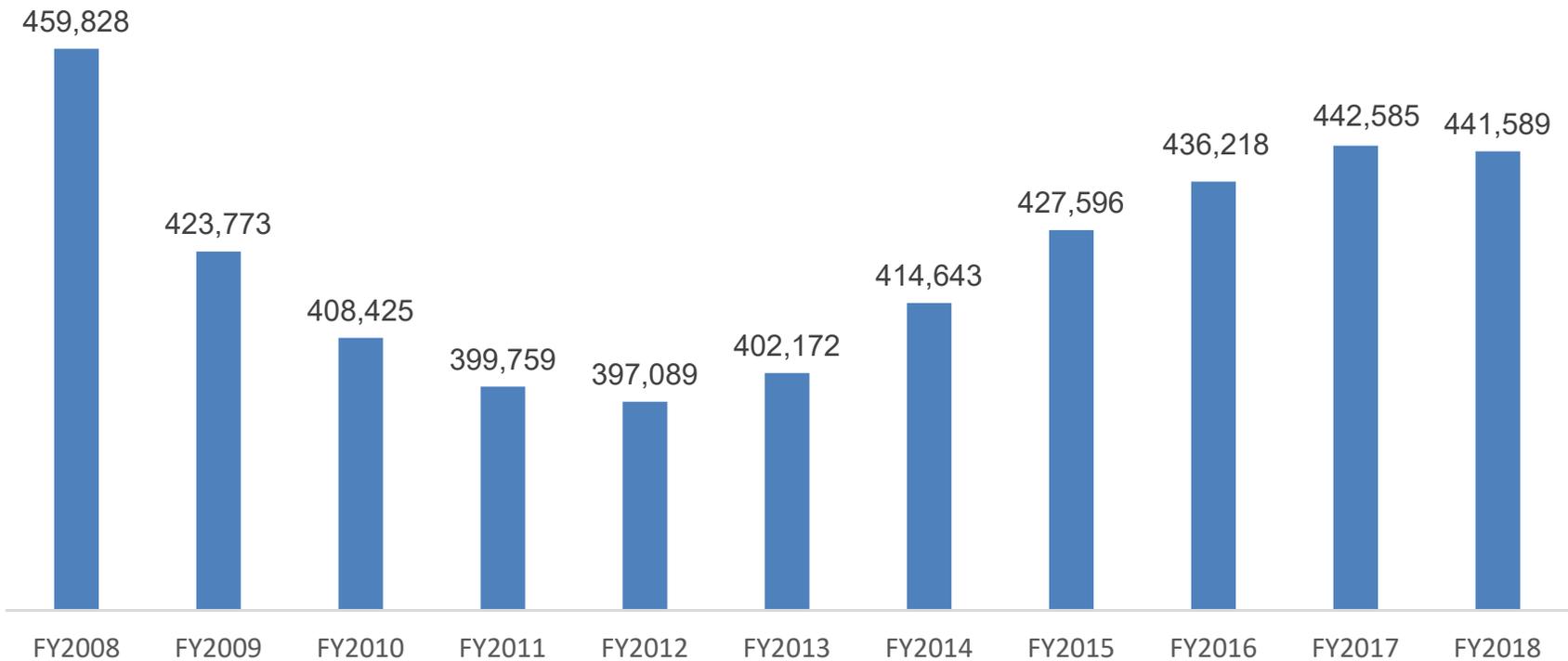
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The Family First Prevention Services Act

I. BACKGROUND AND INTRODUCTION

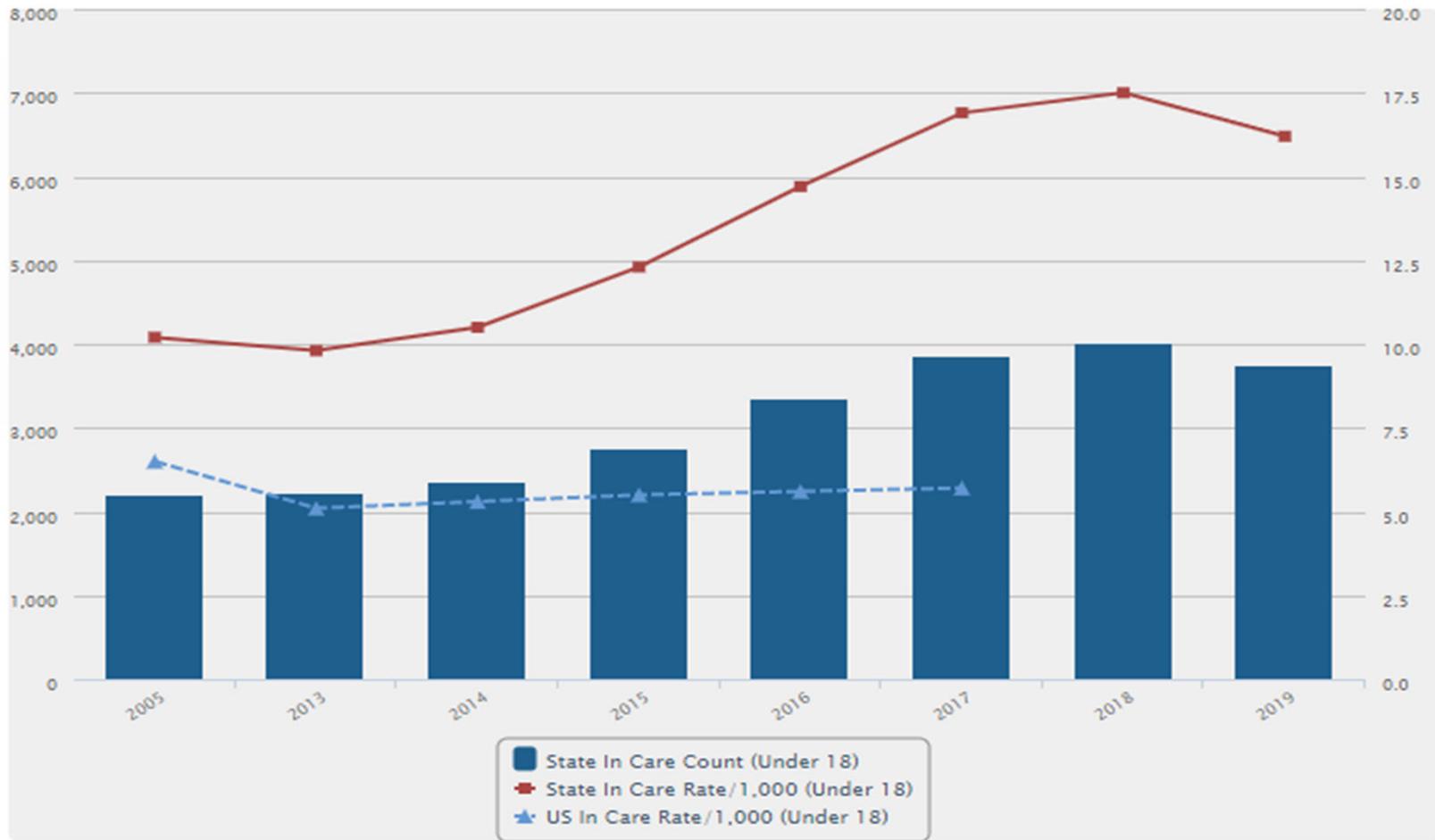
After years of decline, the number of children in foster care has steadily risen in recent years, with a small decrease for the first time in 2018.

Number in foster care on September 30 of Fiscal Year

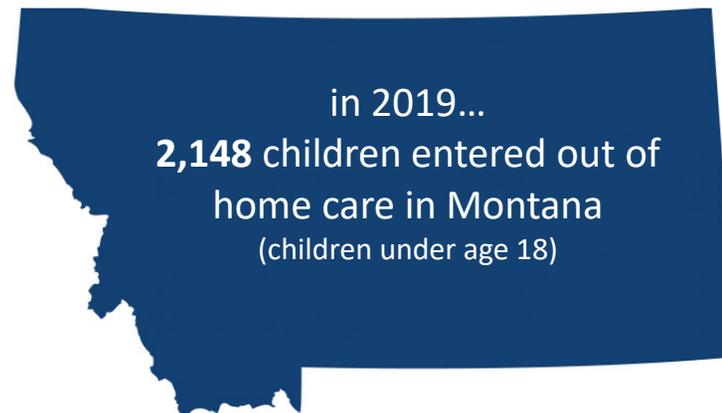


Source: Adoption and Foster Care Analysis and Reporting System (AFCARS)

Montana recently reduced the number of children in care, but the placement rate remains much higher than the national rate.

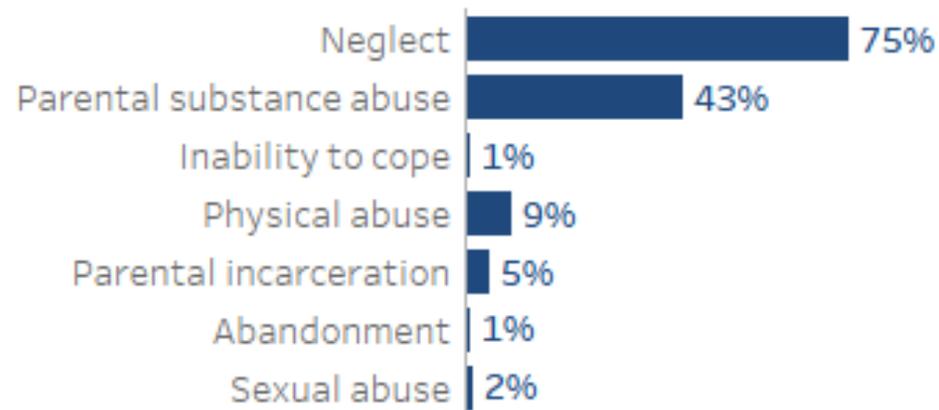


Why do Montana children enter foster care?



% of children in Montana entering care for each removal reason*

(note: multiple reasons may be selected for a single child, Federal Fiscal Year 2019)



Source: State submitted Adoption and Foster Care Analysis and Reporting System (AFCARS)

Foster care is intended to be a temporary safe haven.

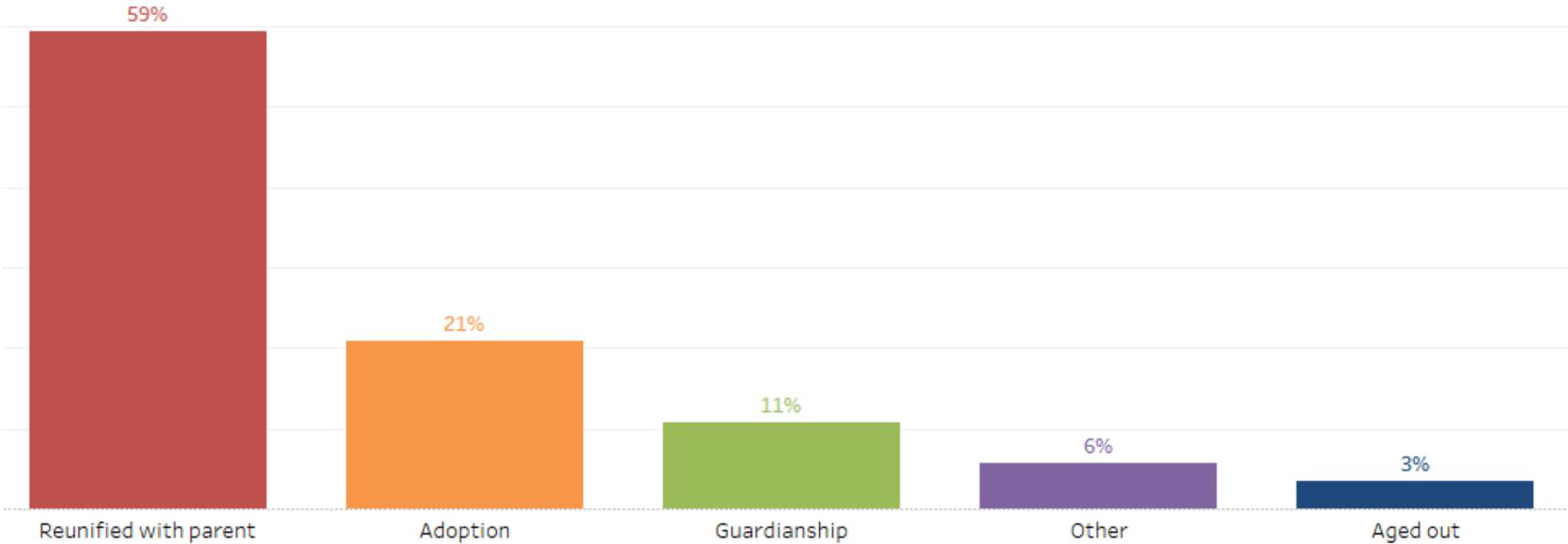
- Until a child can be safely reunified with parents.
- If safe reunification is not possible, the next options are timely placement in a permanent home with appropriate kin or with an adoptive family.
- The goal in child welfare should be to ensure the safety, permanency and well-being of children ***and their families.***



What happens to children in foster care?

Montana

Exits reasons for all children who exited foster care in 2019:



Source: State submitted Adoption and Foster Care Reporting System (AFCARS) data available from National Data Archive on Child Abuse and Neglect (NDACAN) at Cornell University

What do research and experience tell us about Child Well-Being?

- The goal should be to ensure the safety, permanency and well-being of children ***and their families.***
- To support child well-being, it is important to intervene as early as possible.
- The act of removing children from their families and homes creates additional emotional distress and trauma that should be avoided whenever possible.
- Some children can be better served by remaining safely at home while their parents receive the community services and support they need.
- A child welfare system should include a complete continuum of services to support strong and healthy families.

Big Opportunities for Child Well-Being

Pre-2018 federal law

Most federal \$\$ for foster care

Federal \$\$ for services only for the 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

Major Components of the Family First Act

- **Prevention Services:** New option for states and tribes to receive 50% federal reimbursement for services to strengthen families and prevent unnecessary placement of children in foster care.
- **Improved Quality of Foster Care:** For those children who cannot remain safely at home, new federal policies to ensure appropriate placements.
- **Additional Funding and Provisions:** Support for child safety, permanency and well-being.

New 2019 legislation provides federal funding and other provisions to help states and tribes transition to Family First.

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II. NEW FUNDING FOR PREVENTION ACTIVITIES

New Funding for Prevention Services

Beginning October 1, 2019, states and eligible tribes have the option to receive new open-ended funding for evidence-based prevention services for candidates for foster care.

Who is eligible?

- 1) Children at imminent risk of placement in foster care
- 2) Pregnant and parenting youth in foster care
- 3) Their parents or kinship caregivers also are eligible.

No income requirement for eligibility. States and eligible tribes will determine who will receive services supported through these new federal funds.

New Funding for Prevention Services

- Prevention services eligible for up to 12 months of federal reimbursement at a 50% match rate are:
 - Substance abuse prevention and treatment services
 - Mental health services
 - In-home parenting skill-building programs
- There is no limit on how many times a state or tribe can receive federal reimbursement for these services.
- Services do not have to be provided statewide: States can target specific communities and populations.
- States also may claim 50% federal reimbursement for administrative costs and training costs related to prevention services.

Prevention Services Must Be Evidence-Based.

- The level of evidence must meet specified standards: ***promising, supported, or well-supported.***
 - Federal HHS must issue guidance to states regarding the practice criteria required for services or programs.
 - Guidance must include a pre-approved clearinghouse list of services and programs that satisfy the requirements.
 - Some programs have been reviewed. The Clearinghouse will add programs on a rolling basis.
- At least 50% of the State's spending in every fiscal year must be for well-supported practices. ***New legislation delays this requirement.***

Recap: Prevention Opportunities of Family First

- New federal funds with no cap--limited only by how much the State chooses to implement and provide matching funds.
- Federal funding aligned with policies and practices, recognizing that to help children thrive, we must help their families.
- Children, parents, and kinship caregivers can receive services to safely prevent foster care entry or re-entry.
- Children can stay with their families or kinship caregivers while family's needs and challenges are addressed.
- Federal reimbursement starts at 50% for services, administration, and training costs.

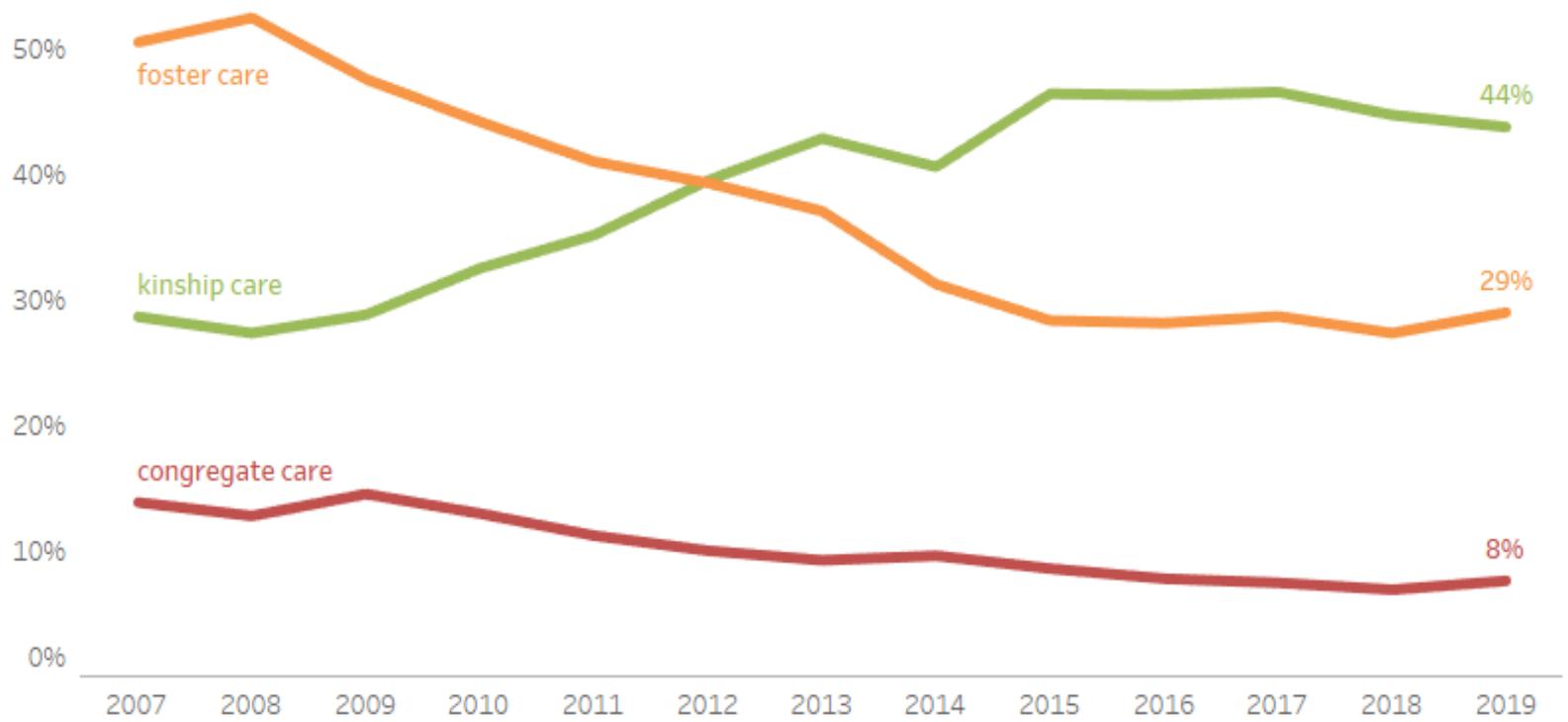
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III. ENSURING APPROPRIATE PLACEMENTS IN FOSTER CARE

For most children who must be removed, kinship care or family foster care is the appropriate temporary placement.

% of Montana children in care, by placement type

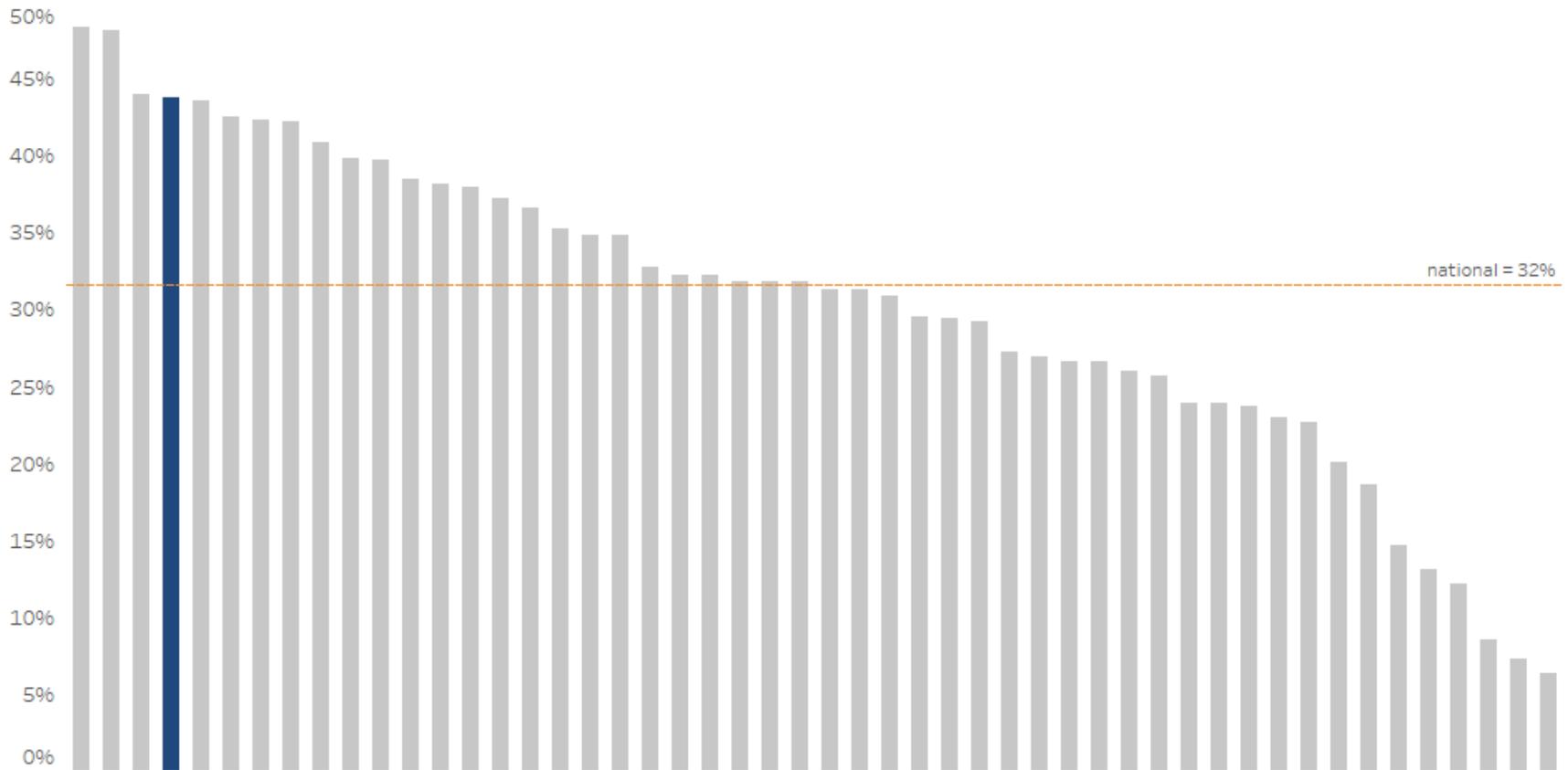


Source: State submitted Adoption and Foster Care Reporting System (AFCARS)

Montana uses more kinship care than most states.

Percent of children in kinship care (all ages)

of all children under age 18 in care on 9/30/2019, what percent were placed with a relative? (2019B)

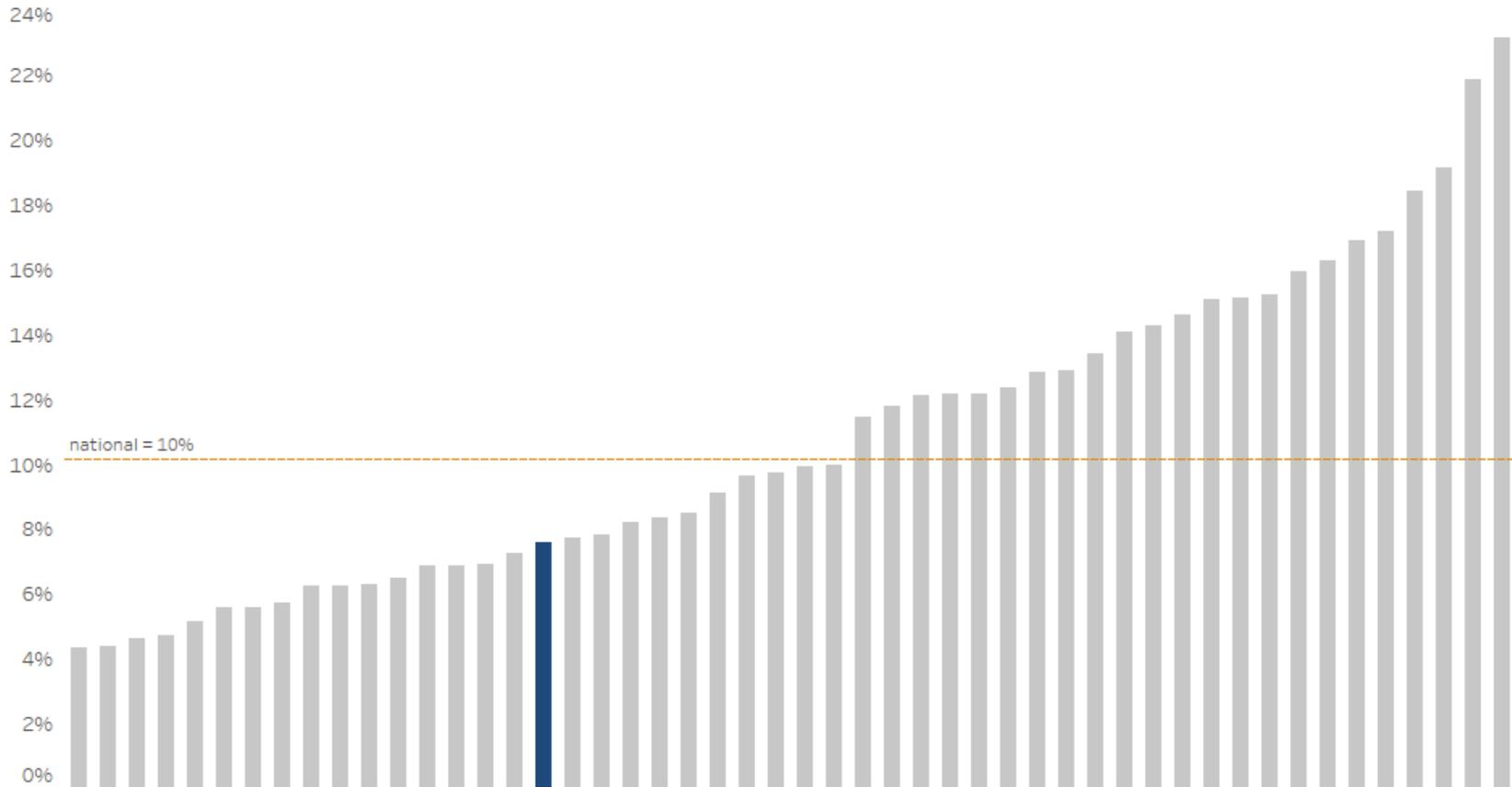


Source: State submitted Adoption and Foster Care Reporting System (AFCARS)

Montana uses less congregate care than many states.

Percent of children in congregate care

of all children under age 18 in care on 9/30/2019, what percent were placed in a group home or residential treatment facility? (2019B)



Source: State submitted Adoption and Foster Care Reporting System (AFCARS)

Ensuring Appropriate Placements in Foster Care

Beginning October 1, 2019, there are new requirements for placements in foster care that receive federal reimbursement.

Goals:

- To encourage placement in family settings.
- To address concerns around an overreliance on congregate care, the law creates “qualified residential treatment programs” with a number of requirements.
- To ensure that children are placed in congregate care only if necessary to meet their needs and for only as long as necessary.

Ensuring Appropriate Placements in Foster Care

The following placement options already are allowed and will continue to be eligible to receive federal reimbursement:

- 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 as early as October 1, 2019, after 2 weeks in care, Title IV-E federal support is available for foster care maintenance payments for eligible youth placed in a Qualified Residential Treatment Program (QRTP).
- 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 accessing the new federal dollars for prevention services for the same period of time.

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 QRTP Placements: Assessment

- Conducted within 30 days of placement in a QRTP.
- Conducted by a “qualified individual:”
 - a trained professional or licensed clinician
 - not an employee of the State agency and not connected to, or affiliated with, any setting in which children are placed by the State.
- Conducted with child’s family, and with a family & permanency team assembled by the State.
- Must assess child’s strengths and needs using age-appropriate, evidence-based, validated functional assessment tool.

Ensuring Appropriate QRTP Placements: Court Review

- Within 60 days of QRTP placement, court review and approval of the placement is required.
 - Must determine whether QRTP placement is the most effective and appropriate level of care in the least restrictive environment consistent with the short- and long-term goals for the child.
- At each subsequent status review and permanency hearing, the State must demonstrate that ongoing assessment continues to support the need for QRTP placement.

New Family First Resources for Substance Abuse Treatment

- Residential Family-Based Treatment. Federal reimbursement for up to 12 months for maintenance payments on behalf of children in foster care placed with their parent in a licensed residential family-based treatment facility.
 - There is no income eligibility requirement.
 - This opportunity is already available -- regardless of whether State chooses to operate the new Family First prevention program.

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

New Funding for Kinship Navigator Services

- **Family First Act:** Provides 50% federal support for evidence-based kinship navigator programs.
- **Federal Kinship Navigator Program Grants:** In FFY 2018, 2019 and now 2020, \$20 million in grant funds have been available each year for states/tribes to continue to develop, improve and evaluate Kinship Navigator Programs in order to meet the evidence-based standard in the Family First Prevention Services Act.



Prevention of Child Abuse and Neglect Fatalities

- Family First requires the development of a statewide plan to track and prevent child abuse and neglect fatalities.
- States were required to document the steps taken to:
 - track child maltreatment fatalities, including working with other relevant agencies and stakeholders;
 - develop and implement a comprehensive, statewide plan to prevent the fatalities.

Foster Parent Licensing Standards

- HHS identified model foster parent licensing standards.
- States were required to identify the licensing standards they implement, if state standards differ from the model standards, and why they differ.

Expands Child Welfare Funding for Older Youth

- Modernizes and reauthorizes the John H. Chafee Foster Care Independence Program until FY2021.
 - Allows states that have extended care to 21 to provide services to youth who have aged out of foster care up to age 23. Includes Montana.
 - Allows 5 total years of eligibility for Education and Training Vouchers up to age 26. Does not have to be 5 consecutive years.



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Helping States Make Changes

V. NEW OPPORTUNITIES

Federal Funding for Legal Representation for Children and Parents

- States can now claim Title IV-E federal reimbursement for independent legal representation for children and parents.
 - 50 percent reimbursement for representation at all stages of foster care legal proceedings.
 - Applies to representation for children who are Title IV-E eligible and their parents.
 - State agency must submit claims – not courts or legal organizations. Agreements likely need to be developed.

Family First Transition Act

Part of the year-end spending package signed by the President in December 2019.

1. Allows states to receive reimbursement for a wider range of evidence-based prevention programs while HHS builds up the Clearinghouse.

- Delays the 50% “well-supported” requirements for prevention services for two years (through FFY2021).
- Then allows spending on both “supported” and “well supported” programs to count toward the 50% requirement in FFYs 2022 and 2023.
- The 50% requirement of claims for well-supported would resume in FFY 2024.

Family First Transition Act

2. One-time funding of \$500 million to all states.

- Based on a federal formula. Montana's estimated allocation is \$1.7 million.
- No state match is required.
- Provided in FFY2020 and available for two years (through Sept. 30, 2021).

3. Short-term funding for states and tribes currently operating child welfare waivers.

- Additional funding available in FFY2021 and FFY2022.
- Not an extension of the waiver; instead addresses a gap.
- Montana is not eligible for these funds.

Family First Transition Act

- The federal spending package also significantly increased resources for HHS to review and rate prevention programs for Family First eligibility.
- Transition funding provides:
 - Resources for effective planning and implementation of evidence based prevention services and appropriate placements.
 - Federal aid for shifting child welfare systems to family-strengthening.
 - Incentive to plan and implement Family First without delay.



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