

The Family First Prevention Services Act was signed into law as part of the Bipartisan Budget Act on February 9, 2018. This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. The bill aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training to families and children. It also seeks to improve the well-being of children already in foster by incentivizing states to reduce placement of children in group care.

Part I. – Prevention Activities under Title IV-E (Sec. 50711, 50712, 50713)

Sec. 50711. Foster Care Prevention Services and Programs

State Option – At the option of the state, the Secretary may make a payment to a State for providing the following services or programs for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children.

What services are available for federal reimbursement?

- Mental Health Services
- Substance Abuse Prevention and Treatment services
- In-home Parent Skill-based programs

Who is eligible for services?

- Children who are identified as candidates for foster care identified in a prevention plan as safe to remain safely at home or in a kinship placement with receipt of services or programs
- Children in foster care who are pregnant or parenting,
- The parents or kin caregivers where services are needed to prevent the child's entry into care.

Duration of Services:

- 12 months beginning at identification of prevention strategy
- New prevention plan may begin another 12 months for children/families identified again as candidates.

State Requirements:

- Must identify and maintain a written prevention plan for the child to remain safely at home, live temporarily with a kin caregiver, or live permanently with a kin caregiver and list the services or programs to be provided to or on behalf of the child (including information about how they will monitor, assess, train workforce etc.)

- For pregnant or parenting foster youth the prevention plan must list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared or able to be a parent and describe the prevention strategy for any child born to the youth.
- Services must be trauma informed and should be promising, supported, well-supported practices as modeled by the California Evidence-Based Clearinghouse for child welfare.
- Must report outcomes for those receiving services and costs associated.
- HHS to issue guidance on practices criteria and pre-approved services and programs no later than October 1, 2018

Technical Assistance:

- HHS will establish a clearing house for evidence-based practices
- HHS will provide technical assistance for data collection

Federal Payments:

- 50 percent of amount spent for prevention services and programs will be available to states beginning October 1, 2019- October 1, 2026,
- Beginning October 1, 2026 the FFP will be the state's FMAP for the prevention services and programs
- States may use IV-E funds for associated training and administrative costs at 50 percent reimbursement
- Maintenance of effort requirement for foster care expenditures so that states do not substitute their state and local prevention dollars for IV-E prevention dollars

Eligibility for Indian Tribes, Tribal Organizations (Sec. 50711):

- Tribes with an approved Title IV-E plan have the option to use Title IV-E funds for prevention services and programs. HHS will specify the requirements applicable to tribes, which will be consistent with state requirements, to the extent possible, but allow for cultural adaptation that best fits the context of the tribal community.

Title IV-E Payments for Evidence-Based Kinship Navigator Programs

- Approved kinship navigator programs are eligible for foster care maintenance payments under Title IV-E.

**Part II. - Enhanced Support Under Title IV-B: Elimination of time limit for family reunification services
(Sections 50721, 50722, 50723)**

Sec. 50721 Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care

- Eliminates time limit for family reunification services while the child is in foster care and permits 15 months of services and activated when a child returns home from foster care

Sec. 50722 Reducing Bureaucracy and Unnecessary Delays when Placing Children in Homes Across State Lines

- Requires states to implement electronic interstate case processing system for children in foster care, guardianship or adoption, by 2026
- Provides grants for states to develop the electronic system- \$5 million per year from 2018-2022

Sec. 50723 Enhancements to Grants to Improve Well-being of Families Affected by Substance Abuse

- This section gives the reauthorization/continuation of Regional Partnership Grants that work to alleviate the substance abuse problem and yields outcomes that support parents
- These grants are competitive, both non-profit and state programs are able to receive them

**Part III - Miscellaneous
(Sect. 50731, 50732, 50733)**

Sec. 50731 Reviewing and Improving Licensing Standards for Placement in a Relative Foster Family Home

- HHS to establish model licensing standards for placement in a relative foster family home by October 1, 2018
- States will have to report by April 1, 2019 whether their licensing standards are in accord with the model and If not, why there is a deviation.

Sec. 50732 Development of a Statewide plan to prevent child abuse and neglect fatalities

- States to report on steps to compile complete and accurate information on maltreatment deaths
- Description of steps state is taking to develop and implement a comprehensive state-wide plan to prevent fatalities

Part IV – Ensuring the Necessity of a Placement that is not in a Foster Family Home

(Sections 50741, 50742, 50743, 50744, 50745, 50746)

Sec. 50741 Limitation on Federal Participation for Placements that are not in Foster Family Homes

- After two weeks, federal reimbursement will only be made for group homes if the child is in:
 - A qualified residential treatment program
 - A setting specializing in providing prenatal, post-partum, or parenting supports for youth,
 - Supervised independent living for youth over 18

Components of a Qualified Residential Treatment Program:

- Should have a trauma-informed treatment model designed to address the needs of

- children with emotional or behavioral disorders and be able to implement the treatment identified by the assessment
- Has registered or licensed nursing staff and clinical staff onsite to the extent the program's treatment model requires
 - Facilitates outreach to family members of the child
 - Documents how family members are integrated into the treatment process for the child
 - Provides discharge planning and family based care support for 6 months after discharge

Foster Family Home Definition

- Licensed or approved by state where child in foster care resides
- Adheres to the reasonable and prudent parent standard
- Provides 24-hour care for the child
- Provides the care for not more than 6 children in foster care (there is flexibility here: parenting youth, siblings, meaningful relationship with a family, special family training)

Child Care Institution Definition

- Private child care institution with 25 or less children
- Licensed by the states or approved by agency responsible for licensing
- Includes setting where youth over 18 is living in a supervised independent living setting

Training State Judges, Attorneys and Other Legal Personnel about New Restrictions

- The Court Improvement Program in Title IV-B, is amended to include training to judges, attorneys, and other legal persons in child welfare cases with regards to placements that are not foster family homes

Assurance of Nonimpact on Juvenile Justice System

- State plans to include a certification that the state will not advance policies or practices that would result in significant increase in the state's juvenile justice population.

Sec. 50742 Assessment and Documentation of the Need for Placement in a Qualified Residential Treatment Program (QRTP)

- Assessment must be conducted within 30 days after placement in QRTP to receive federal payment by a qualified individual (a trained professional or licensed clinician, cannot an employee of the state)
- Assessment will look at the strengths and needs of the child using an age appropriate evidence-based validated functional assessment tool approved by HHS
 - Determine which setting is best for the child, ideally the least-restrictive environment
 - Develop list of short- and long-term child specific mental and behavioral health goals

- Family and permanency team must be assembled to work in conjunction with qualified individual
- State must document in child's case plan what the team decides, who was there, etc.
- A shortage of foster family homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster family home
- Within 60 days of placement in a QRTP, a family or juvenile court will consider the assessment, determine the most appropriate placement of the child and approve or disapprove the placement- state has to demonstrate why child is in QRTP if for an extended period of time
- If the assessment determined that the placement of a child in a QRTP is not appropriate, a court disapproves of the placement or the child is returning to a family home setting, federal funds can be used while the child remains in QRTP during the transition period
- No federal funds can be used after 30 days of such a determination

Sec. 50743 Protocols to Prevent Inappropriate Diagnoses

- Establishes protocols to make sure inappropriate diagnoses are not being made to keep child in a QRTP or other non-foster family home

Sec. 50745 Criminal Records Checks and Checks of Child Abuse and Neglect Registries for Adults Working in Child-Care Institutions and Other Group Care Settings

- Requires criminal record checks for adults working in child care institutions beginning October 1, 2018

**Part V. – Continuing Support for Child and Family Services
(Sections 50751, 50752, 50753)**

Sec. 50751 Supporting and Retaining Foster Families for Children

- 8 million dollars to be appropriated for the Secretary to make competitive grants to support recruitment and retention of high quality foster families.

Sec. 50752 Extension of Child and Family Services Programs

- Reauthorizes the Stephanie Tubbs Jones child welfare services program, the Promoting Safe and Stable Families Program, the Court Improvement program, and the John H. Chafee Foster Care Independence Program from FY 2017 - 2021

Sec. 50753 Improvements to the John H. Chafee Foster Care Independence Program and Related Provisions.

- Expands Chafee to allow states to provide services for youth who aged out before 21 until 23, expands use of education and training vouchers until youth are 26
- States must submit report to congress by October 1, 2019 on the National Youth in Transition Database to report outcome measures for youth who have aged out of care

Part VI. – Continuing Incentives to States to Promote Adoption and Legal Guardianship

Sec. 50761 Reauthorizing Adoption and Legal Guardianship Incentive Programs

- Reauthorizes Adoption and Legal Guardianship Incentive Payment Program through 2022

**Part VII. Technical Corrections
Section 50771, 50772**

Sec. 50772 Technical Corrections to State Requirement to address the Developmental Needs of Young Children

- Amends state plan requirement under Title IV-B to describe ways to reduce the length of time to permanency for children under the age of 5 and what the state is doing to address the developmental needs of all vulnerable children under the age of 5 who receive IV-E or IV-B services.

**Part VIII. Ensuring States Reinvest Savings Resulting from Increases in Adoption Assistance.
Section 50781, 50782**

Sec. 50781. Delay of Adoption Assistance Phase-In

- Delays Fostering Connections implementation of federal assistance for adoption of special needs children
- Children with special needs under 2 years old will be eligible for adoption assistance if they meet existing requirements
- GAO study on state reinvestment of savings resulting from increase in adoption assistance