



Family First Prevention Services Act

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Family First Prevention Services Act

On February 9, 2018, President Trump signed into law the Family First Prevention Services Act, as part of Division E, in the Bipartisan Budget Act of 2018


- Redirects Title IV-E funds to provide services to keep children safely with their families and out of foster care
- When foster care is needed, federal reimbursement is permitted for care in family-based settings and certain residential treatment programs for children with emotional and behavioral disturbance requiring special treatment

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Federal Guidance

"If states and tribes focus their efforts solely on meeting the technical requirements of the law, they may not achieve the goals of the FFPSA. Successful implementation must also occur in communities and in collaboration with stakeholders that affect the lives of families in those communities every day, including the legal and judicial community, and public and private service providers."

Jerry Milner
Associate Commissioner
Children's Bureau

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Family First Prevention Services Act

Federal reimbursement available for certain prevention services for candidates

- Effective October 1, 2019 (assuming state opts in) Title IV-E funds available to support trauma-informed and evidence-based prevention efforts for
 - Mental Health and substance use prevention and treatment services; and
 - In-home parent skill-based services
- Services are limited to 12 months for:
 - children who are at candidates for foster care;
 - pregnant or parenting youth in foster care; and
 - the parents/kin caregivers of the above youth.

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Federal reimbursement for children and youth in residential family-based substance abuse treatment with a parent:

- Opportunity to opt in effective October 1, 2018
- Service is limited to 12 months
- Facility must provide parenting skills training, parent education, and individual and family counseling
- Treatment and related services must be trauma-informed

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Federal reimbursement limited for non foster family placement expenses

- Effective October 1, 2019 (could be delayed to October 1, 2021 but prevention service funding would also be delayed)
- Restricts Title IV-E reimbursement to first two weeks in congregate care when not placed in these settings:
 - Q RTPs
 - Special Treatment settings for
 - Youth age 18 or older living independently
 - Youth who are pregnant or parenting
 - Children and youth who are, or are at risk, of being victims of sex trafficking
 - Children and youth placed in a licensed residential family-based treatment facility

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QRTPs must:

- Be licensed and accredited by:
 - Commission on Accreditation of Rehabilitation Facilities (CARF); or
 - Joint Commission on Accreditation of HealthCare Organizations (JCAHO); or
 - Council on Accreditation (COA)
 - HHS may approve others
- Provide a trauma-informed treatment model to meet the needs of the assessment
- Have licensed nursing or clinical staff available onsite 24/7 in accordance with the treatment model
- Provide at least 6 months post-discharge aftercare services
- Is inclusive of family in treatment

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QRTPs appropriateness must be determined by:

- Assessments:
 - Each child must be assessed within 30 days of placement by an independent qualified individual in conjunction with a federally-defined team of individuals
 - Qualified Individual is a trained professional or licensed clinician not an employee of state, county or affiliated with a placement setting in which children are placed
 - Age-appropriate, evidence-based, validated functional assessment tool must be approved by HHS
 - Shortage of foster family homes not an acceptable reason
 - Within 60 days of placement in QRTP, court must review assessment and approve/disapprove placement
 - For children who remain in QRTP, evidence must be provided at every permanency hearing that placement setting remains the most appropriate

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QRTPs appropriateness must be determined by:

- On-going assessments must be completed and continue to be reviewed by the court
- For stays longer than 12 consecutive months, or any 18 months, the head of the state agency must approve and request HHS approval

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Legislation also:

- Provides federal funds for evidence-based Kinship Navigator Programs that link relative caregivers to a broad range of services and supports
- Permits Title IVB, Promoting Safe and Stable Families (PSSF) (Part 2), to be used for unlimited family reunification services for children in foster care and an additional 15 months of services once they return home
- Reauthorizes two Title IVB programs (PSSF and Stephanie Tubbs Jones Child Welfare Services (Part 1), including an extension of the adoption-kinship incentives, court improvement funds, workforce development funds tied to caseworker visits, and Regional Partnership Grants which support evidence-based services to prevent child maltreatment related to substance use

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Legislation also:

- Requires states to have statewide plans to track and prevent child maltreatment fatalities
- Establishes a competitive grant program to support the recruitment and retention of high quality foster families
- Permits states to opt into an extension of the Chafee program:
 - o Independent living services to former foster youth until age 23; and
 - o education and training vouchers for these youth to age 26
- Ensure states are reinvesting their adoption savings in post-adoption services
- Establishes an electronic interstate case-processing system to expedite interstate placement of children in foster care, adoption or SPLC

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Timeline:

- Upon Enactment:
 - o Title IV-E renamed "Part E – Federal Payments for Foster Care, Prevention and Permanency" and the purpose is amended
 - o Adoption and Legal Guardianship Incentive Payment program reauthorized as if enacted on October 1, 2017
 - o Chafee program amended to permits states to opt into extension
 - o A number of Title IVB programs reauthorized for 5 years
 - o Funding becomes available to support recruitment and retention of high quality foster families and development of an electronic interstate case-processing system
 - o As of January 1, 2018 - Title IV-E adoption assistance income eligibility requirements for children under age 2 are reinstated until June 30, 2024

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Timeline:

- By October 1, 2018:
 - HHS will release guidance on practice criteria required for prevention services or programs (released November 30, 2018)
 - HHS will identify model licensing standards for foster family homes (not released)
- On October 1, 2018:
 - Title IV-E reimbursement for up to 12 months for a child placed with a parent in a licensed residential family-based treatment facility for substance abuse (option available)
 - Title IV-E reimbursement for evidence-based Kinship Navigator Programs begins (program must meet criteria)
 - Changes to the Time-Limited Family Reunification Services take effect

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Timeline:

- On October 1, 2019:
 - Option to use Title IV-E funds for evidence-based prevention services and programs that are promising, supported or well-supported. 50% must meet well-supported standards. Training and administrative reimbursement available for costs associated with developing processes and procedures for these services (including data collection and reporting).
 - Restrictions on Title IV-E Foster Care maintenance payments. States can delay effective date for up to two years; however, prevention services must also be delayed

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Timeline:

- After September 30, 2026:
 - Federal reimbursement will be made at the Federal Medical Assistance Percentage for allowable prevention services
- By October 1, 2027:
 - States will need to use electronic interstate case-processing system

** If HHS determines that a state needs to enact legislation to bring the Title IV-E or IVB plan into compliance, states are granted additional time.*

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January 1, 2018 provisions

- No additional information has been received regarding Court Improvement Program (CIP) grantees providing training on non-foster family homes.

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October 1, 2019 provisions

By November 9, 2018, the Administration for Children and Families wanted states to provide their intent to delay (up to two years) the following provisions effective October 1, 2019:

- Policy to prevent increases to Juvenile Justice;
- Congregate Care limitations;
- Limitation on the number of foster children in a foster family home; and
- Qualified Residential Treatment Programs (QRTP).

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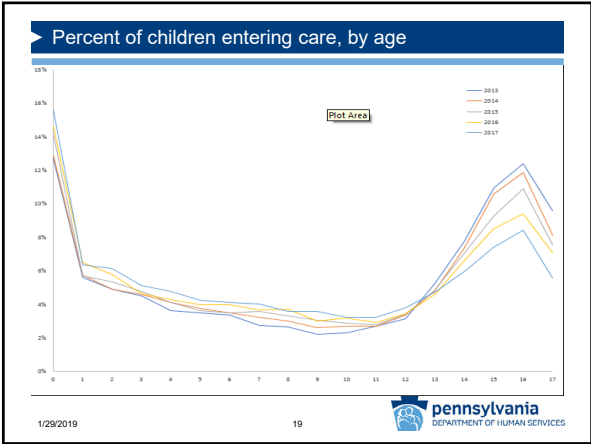
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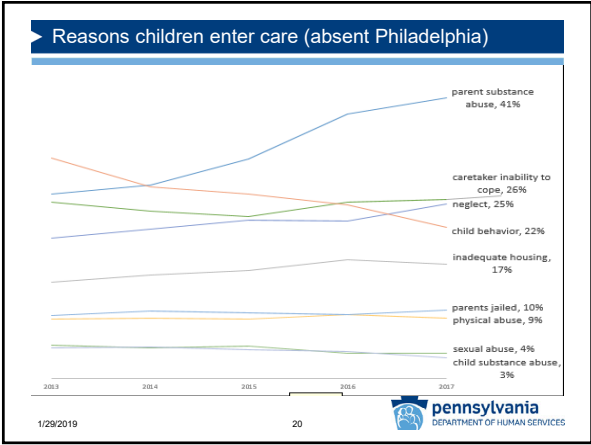
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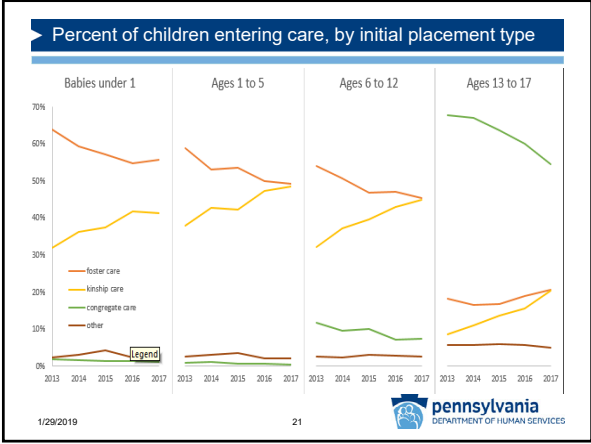
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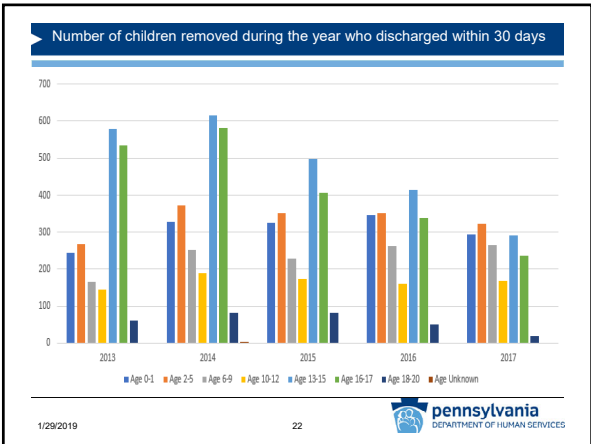
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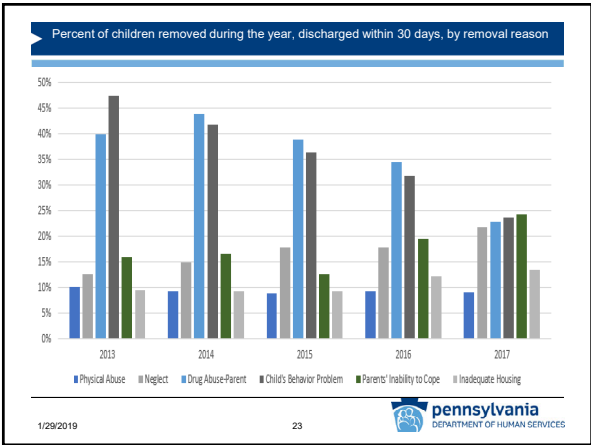


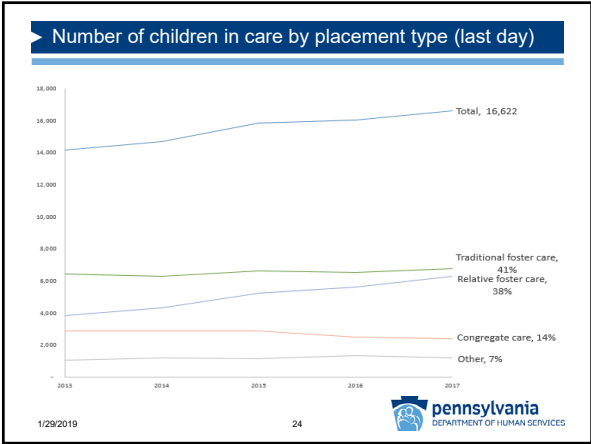




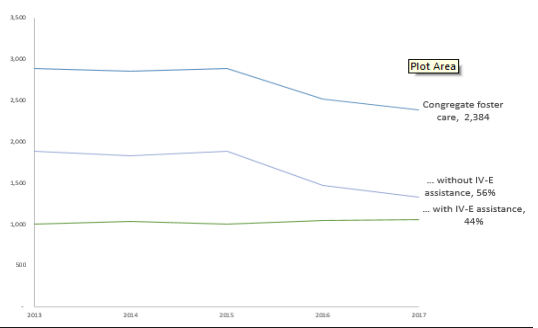






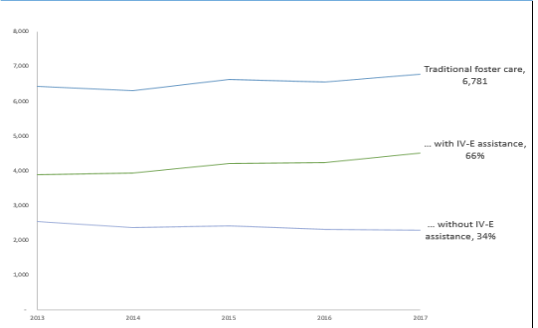


Number of children in congregate care



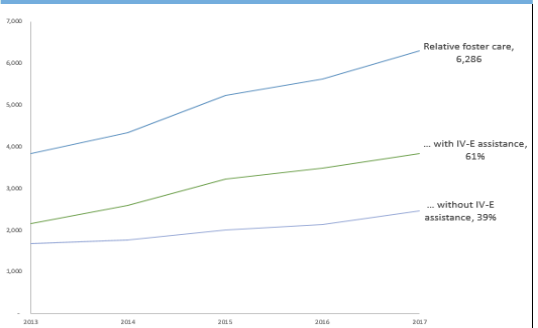
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Number of children in traditional foster care



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Number of children in relative foster care



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