

FAMILY FIRST PREVENTION SERVICES ACT OF 2018

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NATIONAL CONFERENCE OF STATE LEGISLATURES



NATIONAL CONFERENCE OF STATE LEGISLATURES

- Bipartisan, membership organization
 - Each of the 50 states and all territories
 - 7,383 state legislators
 - 30,000+ state legislative staff
- Research, education, technical assistance
- Mission:
 - Improve the quality & effectiveness of state legislatures
 - Promote policy innovation and communication among state legislatures
 - Ensure states have a strong, cohesive voice in the federal system



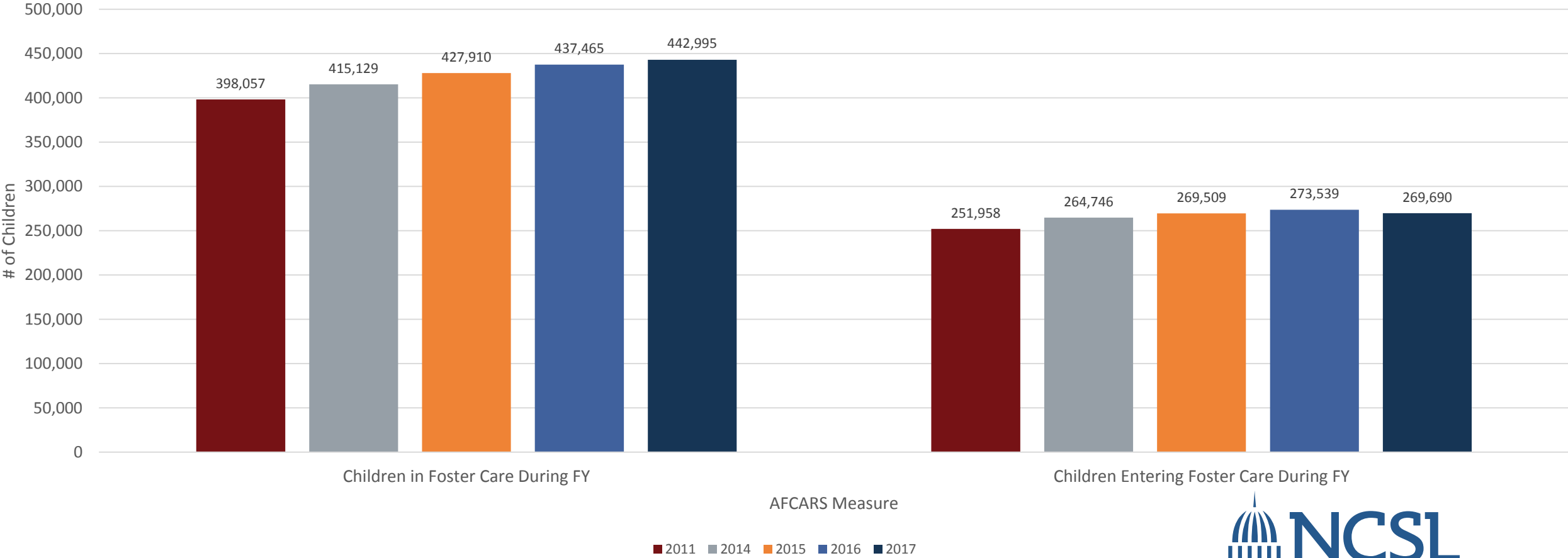
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- Brief overview of Family First
- State legislation in the 2018 and 2019 legislative sessions
- State legislative role in implementation, planning and oversight
- Next steps/questions for lawmakers to consider



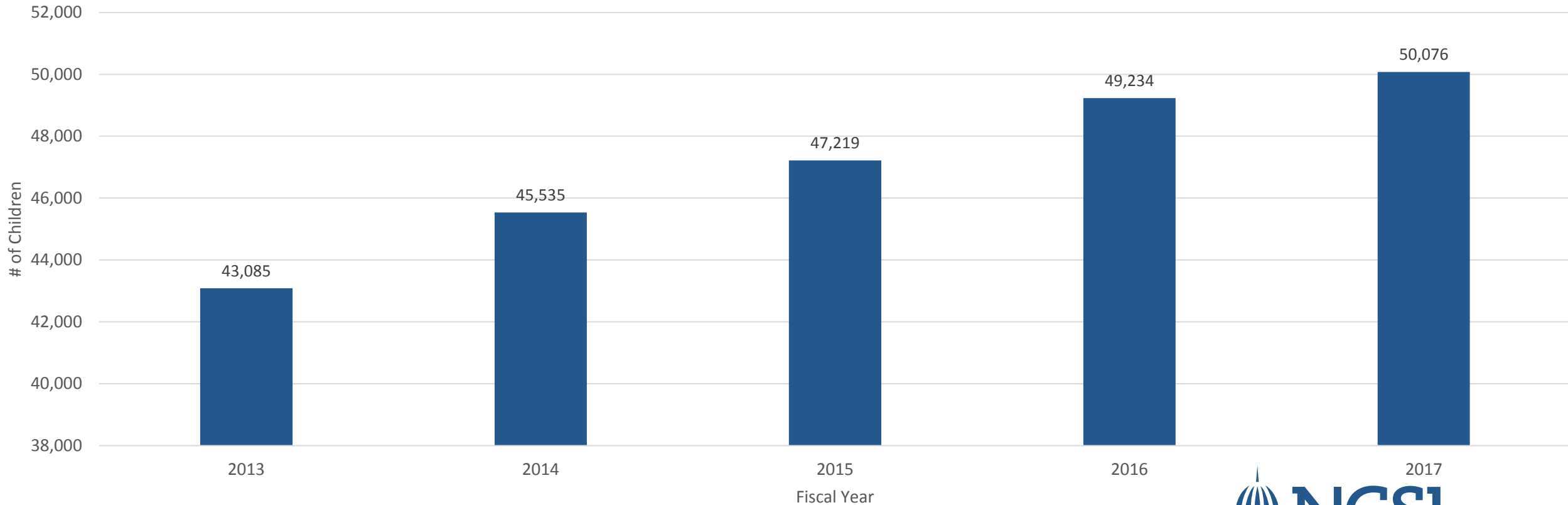
IN FY2017, THERE WERE APPROXIMATELY 442,995 CHILDREN IN FOSTER CARE IN THE U.S., THE HIGHEST CASELOAD SINCE 2008. IN THE SAME YEAR, MORE THAN 269,000 CHILDREN ENTERED CARE

Number of Children in Foster Care and Number of Children Entering Foster Care



THE NUMBER OF CHILDREN UNDER THE AGE OF 1 ENTERING FOSTER CARE IS INCREASING, THE HIGHEST PERCENTAGE, BY AGE GROUP, OF CHILDREN ENTERING FOSTER CARE

of Children Under Age 1 Entering Foster Care during FY
Represents 19% of all Entries



Source: AFCARS

FAMILY FIRST PREVENTION SERVICES ACT OF 2018

On Feb. 9, 2018 Bipartisan Budget Act of 2018 (H.R. 1892) (P.L. 115-123) signed into law; included in the act is the **Family First Prevention Services Act (Family First)**:

Potential to dramatically change child welfare systems across the country.

- **New:** States and Tribes can claim open-ended federal Title IV-E reimbursement for certain prevention services beginning October 1, 2019. This policy is optional for states.
- **New:** Policy for residential/congregate care placements for children in foster care beginning October 1, 2019.

- A monumental shift in child welfare funding and structure.
- Child welfare experts agree that many children and youth can safely remain at home while their parents receive necessary community services, and that removing children from their homes often subjects them to trauma and grief.
- To ensure the safety, permanency and well-being of children and their families, and to begin to address the current opioid and substance abuse crisis, the federal government will reimburse states for prevention services for children at imminent risk of entry into foster care.
- Federal reimbursement for prevention services is available regardless of the income of the child, parents, or kinship caregiver.
- Legislators can play key roles in educating members, convening stakeholders, planning, implementation and oversight.
- Time is critical.

State Legislation in the 2018 and 2019 Legislative Sessions



LEGISLATIVE ROLE IN FAMILY FIRST: 2019 INTRODUCTIONS

As of September, 2019, at least 73 introduced bills in 29 states; 38 bills in 24 states have been enacted/adopted. Topics include definitions, implementation, strategic planning, task forces and more.

NE 2019 L328

Defines candidate for foster care, QRTP, prevention plan, coverage under Medicaid for all eligible services under Family First, creates family and permanency team, yearly report, Kinship Navigator.

NM 2019 HJM 10

Requests the creation of a CPS task force to include an expert in Family First.

NH 2019 SB14

Expands behavioral health services for children to include mobile crisis response and stabilization services and make other improvements in alignment with Family First.

OK 2019 HB2642

Creates an Oversight Committee on the Delivery of Child Welfare Services to review and analyze state laws, agency rules and funding related to the delivery of child welfare services and to ensure state compliance with Family First.

TX SB355

Requires the department to develop a strategic plan to ensure that the provision of prevention and early intervention services meets the requirements of Family First.

VA 2019 HB2014/S1678

Aligns code of Virginia with Family First, defines QRTP and family and permanency team.

WA 2019 HB1900 and SB5826

Defines prevention and family services programs in alignment with Family First, QRTPs, candidates for foster care.

WY 2019 HB170

Ensures that all CPS workers are trained on Family First.

FOR ALL 2019 LEGISLATION, PLEASE SEE:

<http://www.ncsl.org/research/human-services/family-first-updates-and-new-legislation.aspx>



LEGISLATIVE ROLE IN FAMILY FIRST: 2019 ENACTMENTS

2018 CO SB 254, Chapter 216

- Required the state department to perform an analysis and cost projections to determine the fiscal impact of FFPSA. Child welfare allocation formulas must support the implementation of promising, supported, or well-supported practices as required by Family First.
- Each county must perform analysis of available in-home, family-like and out-of-home placements by July 1, 2019. By July 1, 2020, the department must report to the Joint Budget Committee on county utilization rates of those placements and provide an analysis of projected federal reimbursement pursuant to Family First.
- Created a child welfare services task force to analyze laws and rules to ensure alignment with Family First.

2019 CO HB 1308

- Foster care prevention services program for families with children and youth who are candidates for foster care but who can safely remain at home with receipt of foster care prevention services.
- Eligible recipients of foster care prevention services include children and youth and their parents, legal custodians, legal guardians, and kin caregivers, and includes children reported for intrafamilial abuse or neglect or human trafficking
- For a child or youth placed in a QRTP, the court or the administrative review division of the department is required to review the assessment and needs of the child or youth; the county must submit certain evidence to the court during each review and permanency hearing.



LEGISLATIVE ROLE IN FAMILY FIRST: 2019 ENACTMENTS

2019 KANSAS HB 2103

- Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home
- Assessment must determine that QRTP placement provides the most effective and appropriate level of care for the child in the least restrictive environment.
- Requires placement to meet goals.

2019 MARYLAND SB 1043

- Requires the juvenile court to conduct a hearing to review the status of a child placed in a QRTP
- Requires the juvenile court to review the assessment and consider factors at a hearing; state in writing reasons for its decision to approve or disapprove the continued placement of a child in a QRTP.

LEGISLATIVE ROLE IN FAMILY FIRST: 2019 ENACTMENTS

2019 Montana HB 604

- Strategic plan for developing and expanding prevention services.
- Review factors and propose strategies specific to Montana's urban and rural areas, and Indian communities and reservations.
- Adopt definitions for: adverse childhood experiences; prevention services; trauma; and trauma-informed care.
- Inventory existing programs.
- Review research and programs from other states related to prevention services and trauma-informed care.
- Evaluate need and capacity for new prevention-focused services.
- Draft an evidence-based, trauma-informed plan for providing prevention services.

2019 Texas SB 355

- Requires prevention and early intervention strategic plan.
- Must identify a network of prevention and early intervention service providers to provide mental health, substance use, and in-home parenting support services.
- Identify methods to: maximize resources from the federal Family First Prevention Services Act; apply for other available federal and private funds; streamline and reduce duplication of effort in providing prevention and early intervention services; and, streamline the procedures for determining eligibility.
- The legislature must be notified of federal and private funding opportunities and identify opportunities to coordinate with independent researchers to assist community programs in evaluating and developing eligible services.

State Legislative Role in Implementation, Planning and Oversight



LEGISLATIVE ROLE IN FAMILY FIRST

Opportunity for long-range planning:

Support planning, implementation and oversight.

- Review existing policies, processes, standards.
- Examine CFSR results, plans in light of Family First.
- Look closely at Family First and other timelines.
- Review best practice in other states.
- Learn about evidence-based practice.
- Learn about the accreditation process.

Conveners of important stakeholders:

Set up regular meetings during the interim to discuss Family First, assess state needs/concerns, examine potential benefits, implementation issues, costs, oversight, set priorities.

- Child welfare, Medicaid, early childhood, courts, education, health and mental health, provider community, university and research partners, and others.
- Foster youth (including transitioning youth), birth parents, kin caregivers, foster and adoptive parents.
- Educate legislative colleagues, including members of Appropriations, Budget, Health, Education committees, and legislative audit, review, finance and similar departments.



LEGISLATIVE ROLE IN FAMILY FIRST

Washington 2018 Work Session

- Included members of Early Learning and Human Services, Health, Appropriations committees
- New Department of Children, Youth and Families
- Medicaid Director
- Washington State Institute on Public Policy (WSIPP) presented on evidence-based practice.

New Mexico 2018 Family First Interim Subcommittee

- Joint interim subcommittee
- Series of informational hearings
- Address next steps in implementation
- Examine maximizing federal dollars
- Federal substance use disorder services grants and overlap with Family First

LEGISLATIVE ROLE IN FAMILY FIRST

Oregon “Three Branch” Family First Implementation and Policy Work Group

Senate Human Services Committee established a “Three Branch” work group – with representation from the legislative, executive and judicial branches of government - to address policy, budget and communication needs related to the implementation of Family First.

- Central hub of communication
- Collaborate to identify actions for OR to meet requirements of Family First
- Meets monthly
- Staffed by legislative research office staff
- In-depth review of Family First
- Information on accreditation process
- Website – Family First legislation, timelines, meeting agendas, model licensing standards:

<https://www.oregonlegislature.gov/gelser/Pages/Family-First.aspx>

LEGISLATIVE ROLE IN FAMILY FIRST

Virginia “Three Branch” Team

Virginia used a “Three Branch” approach to implementing Family First, a structure that allows for participation by the legislative, executive, and judicial branches and has been used successfully in past efforts to improve the child welfare system in Virginia.

- How to calculate Virginia’s maintenance of effort level.
- Defining the population at “imminent risk” of entering foster care.
- Determining providers’ ability to meet the requirements of the new law - offering evidence-based practices for prevention services or to meet the requirements of a “Qualified Residential Treatment Program” for group homes or residential placements.
- Determining resources necessary for implementation, to include technical support and training resources for localities.

Expected implementation date of October 2019.

LEGISLATIVE ROLE IN FAMILY FIRST

NCSL Informational Briefings

**HI, IA, LA, MT, NE,
NM, OK, VT**

- ❑ Hawaii convened an informational briefing June 19, 2018
 - ❑ NCSL, Child welfare agency, Medicaid agency, others
- ❑ Iowa – September 2018
- ❑ Nebraska – October 2018
- ❑ New Mexico – August and November 2018
- ❑ Oklahoma – October 2018
- ❑ Montana – January 2019
- ❑ Vermont – February 2019
- ❑ Louisiana – May 2019
- ❑ Wisconsin – September 2019
- ❑ Utah – September 2019



NCSL AUGUST 2019 FAMILY FIRST POLICY SUMMIT



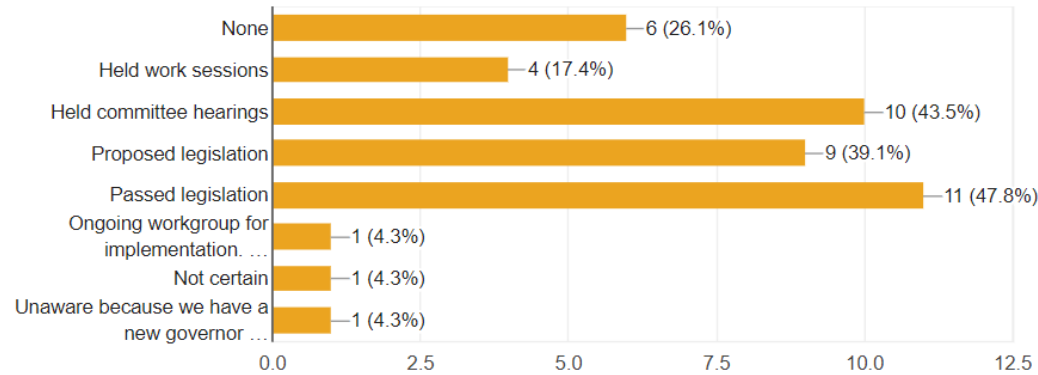
- 30 Legislators
- 3 Legislative Staff
- 24 states

Family First Policy Forum

NCSL AUGUST 2019 FAMILY FIRST POLICY SUMMIT SURVEY RESPONSES

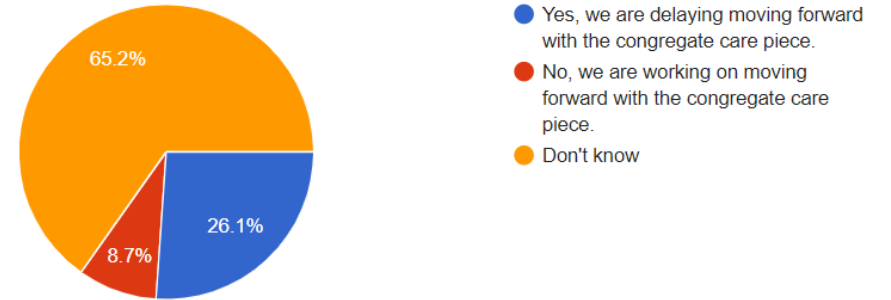
What types of actions has your legislature taken related to Family First?
(select all that apply)

23 responses



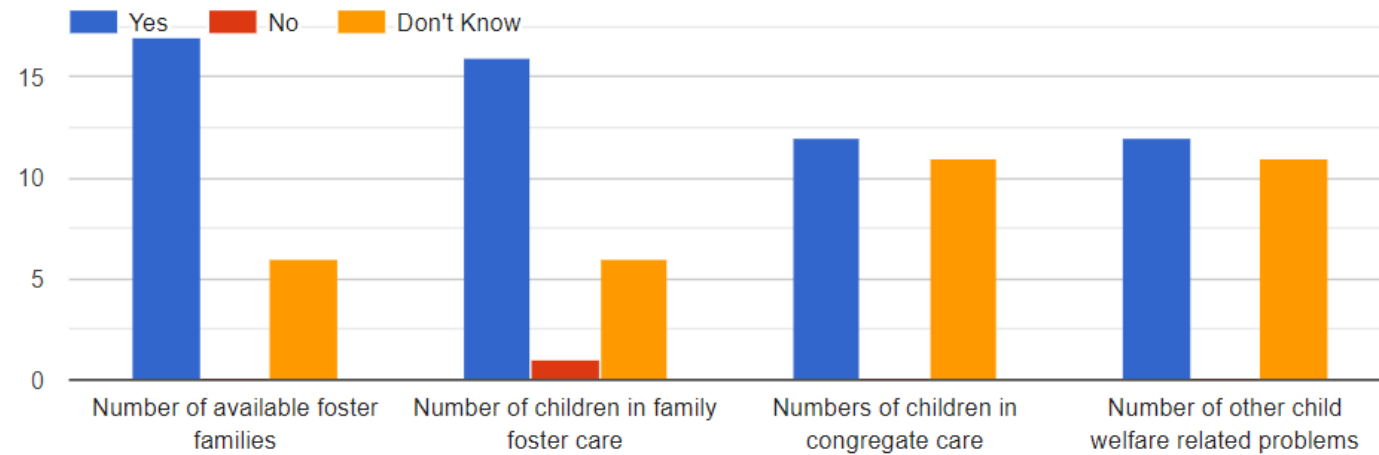
Is your state taking the congregate care delay?

23 responses



NCSL AUGUST 2019 FAMILY FIRST POLICY SUMMIT SURVEY RESPONSES

Has your state assessed the following:



NCSL AUGUST 2019 FAMILY FIRST POLICY SUMMIT

SURVEY RESPONSES

What do you see as the major challenges (fiscal, capacity, etc.) your state will face implementing Family First?

23 responses

At the moment, I would say not prioritizing implementation (and foster care in general) & lack of awareness of the FFPSA.

Impact on current local providers

Having appropriate providers. Being a QRTP is not enough-- it has to be the right QRTP for the right kid. DHS and providers seem focused on accreditation only, and are having a difficult time moving beyond the "bed" concept to "appropriate services for right kid" concept which is what underlies FF.

Getting infrastructure in place to serve families.

Foster Family availability

Change in process. Case workers hesitation with this change.

Funding
Change in provider business model - shortening length of stay in congregate Care & fewer number of kids going into care
Extending length of time and requirements with after care.
We must be QRT compliant to our Qualified residential treatment program

As usual, funding is always a challenge but also the recruitment of foster families and the support they need.

Funding and perhaps capacity on neighbor islands.

having enough staff and cost

current administration

Fiscal, organizational/departmental comprehension of implementation, building collaboration between states, communities of color, and tribes

Fiscal

Fiscal, implementation, staff shortages

Adequate workforce of counselors and other professionals to meet family needs, especially in rural areas is by far the biggest challenge

We are working on it but we are watching other states to see what happens with them.

Unknown at this time.

I would probably say that guidance on the law and its proposals will be important to implement legislation.

Not sure

capacity

Unintended consequences and complications

Funding and political will

NCSL 2019 HEALTH AND HUMAN SERVICES CHAIRS FAMILY FIRST STRATEGIES

Legislative strategies:

- Introducing legislation.
- Hearings.
- Work with executive and judicial branch.
- Partnering with community organizations.
- Stakeholder meetings.
- Work with agencies and mental health providers to increase capacity.
- Educate foster families, the public and other elected officials.
- Build up the behavioral health system.
- Support child welfare agency efforts at collaboration and breaking down silos and barriers.
- Collaborate with local university on assessments.
- Decrease out of state placements.
- Improve mental health and substance use treatments/preventions throughout the states.

LEGISLATIVE ROLE IN FAMILY FIRST

Next Steps and Questions for Lawmaker Consideration



LEGISLATIVE ROLE IN FAMILY FIRST

Next Steps and Questions for Lawmaker Consideration

Identify current prevention and foster care prevention service.

What is the quality of those services? Are they evidence-based?

How will you build up your evidence-based services capacity?

What does congregate care look like in your state?

What is your foster family capacity to provide family foster care? How many are licensed, trained and prepared to accept children? What is your plan to increase capacity?

How will you identify children in congregate care whose needs can be met through family foster care?

Examine requirements for accreditation.

Monitor implementation through periodic reports to the legislature.



LEGISLATIVE ROLE IN FAMILY FIRST

More Next Steps and Questions for Lawmaker Consideration

1. What outcomes for children does the state need to improve?
2. How can children and families benefit from FFPSA?
3. What other systems need to be involved in planning for FFPSA?
4. How can legislators ensure that Medicaid, behavioral/mental health, substance abuse treatment, public health, the courts, and others are engaged?
5. What is the return on investment for services to prevent the need for foster care?
6. What resources will be invested in the state share of Family First prevention funding?

Contact NCSL

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Resources

NCSL Family First Prevention Services Act webpage: <http://www.ncsl.org/research/human-services/family-first-prevention-services-act-ffpsa.aspx>

NCSL Child Welfare Webpage:

<http://www.ncsl.org/issues-research/human-services.aspx?tabs=858,51,16#16>

Title IV-E (Family First) Prevention Services Clearinghouse: <https://preventionservices.abtsites.com/>

National Model Licensing Standards:

<http://www.grandfamilies.org/Portals/0/Documents/FFPSA/final%20AECF%20model%20licensing%20standards.pdf>

