



FAMILY FIRST PREVENTION SERVICES ACT

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WHAT IS TITLE IV-E FOSTER CARE

- Uncapped entitlement program for eligible populations (eligibility includes income test that is set at 1996 ANFC eligibility rate, valid removal, and placement in eligible setting)
- Prior to FFPSA, funding was primarily used to pay for portion of the cost of out of home placement (for eligible children/youth, the FFP is FMAP x rate of eligible children)
- In VT, this FFP is 26%
- In VT, our total IV-E eligible placement costs are \$ 6,316,694.76
- In VT, our total expenditure for non-foster family care is \$16,646,627, of which \$2,204,152 is paid with IV-E
- IV-E is also used to pay for a portion of staff time (admin) related to IV-E activities including case planning, eligibility determination, and transportation costs

ACF

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Family Connection Grants, Adoption and Guardianship Incentives

INFORMATION MEMORANDUM

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and/or Title IV-B of the Social Security Act

SUBJECT: NEW LEGISLATION – Public Law 115-123, the Family First Prevention Services Act within Division E, Title VII of the Bipartisan Budget Act of 2018.

<https://www.acf.hhs.gov/sites/default/files/cb/im1802.pdf>

FFPSA AREAS OF IMPACT

Title IV-E Prevention Services

- Time Limited Foster Care Prevention Program and Services

Title IV-E Plan Requirements and Foster Care Requirements

- Limitations on Title IV-E foster care payments for placements that are not foster family homes
- Criminal Record and Registry Checks for Adults Working in Child-Care Institutions
- Electronic case processing system
- Model Licensing Standards for Foster Family Homes
- Preventing increases to the juvenile justice population
- Limit on the number of children in a foster family home
- Proof of foster care
- Title IV-E foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse

TITLE IV-E PLAN REQUIREMENTS AND FOSTER CARE REQUIREMENTS

LIMITATIONS ON TITLE IV-E FOSTER CARE PAYMENTS FOR PLACEMENTS THAT ARE NOT FOSTER FAMILY HOMES

Title IV-E foster care payments are limited to two weeks for child care institutions.

After two weeks, title IV-E foster care maintenance payments for a child placed in a child care institution are only available if that child care institution is one of the following specified settings:

- “qualified residential treatment program”
- A setting specializing in prenatal, post-partum, or parenting supports for youth
- In a case of youth who has attained 18 years of age, a supervised setting in which the youth is living independently
- A 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
- A licensed residential family-based treatment facility for substance abuse

QUALIFIED RESIDENTIAL TREATMENT PROGRAM

A QRTP must be a program that:

- has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to the child, is able to implement the treatment identified for the child by the required 30 day assessment of the appropriateness of the QRTP placement
- To the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program
- Facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child
- Documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained
- Provides discharge planning and family-based aftercare support for at least 6 months post-discharge
- Is licensed in accordance with the title IV-E requirements and is accredited by any of the following independent, not-for-profit organizations: CARF, JCAHO, COA or any other independent, not-for-profit accrediting organization approved by HHS
- Has registered or licensed nursing staff and other licensed clinical staff who provide care within the scope of their practice as defined by state/tribal law, are on-site according to the treatment model, and are available 24 hours a day and 7 days a week.

TITLE IV-E PLAN REQUIREMENTS AND FOSTER CARE REQUIREMENTS

LIMITATIONS ON TITLE IV-E FOSTER CARE PAYMENTS FOR PLACEMENTS THAT ARE NOT FOSTER FAMILY HOMES

Foster care maintenance payments are contingent upon the following QRTP placement requirements:

- 30 day assessment of the appropriateness of a QRTP placement
- Family and permanency team requirements
- Case plan requirements
- 60 day court approval would be required

TITLE IV-E PLAN REQUIREMENTS AND FOSTER CARE REQUIREMENTS

LIMITATIONS ON TITLE IV-E FOSTER CARE PAYMENTS FOR PLACEMENTS THAT ARE NOT FOSTER FAMILY HOMES

Areas of Opportunity

- Creates increased focus on the needs of children/youth in residential settings

Areas of Challenge

- VT has a number of small programs and the requirements for (1) accreditation and (2) nursing will be a significant, costly burden which will likely result in higher rates.
- Larger programs will most likely be able to absorb these costs with move us from smaller, home like settings.
- In order to gain access to title IV-E prevention funds (which are limited in scope and have considerable requirements/barriers), we would need to pursue QRTP status for programs where we decide to continue to claim foster care maintenance for children in those programs.

TITLE IV-E PLAN REQUIREMENTS AND FOSTER CARE REQUIREMENTS

LIMITATIONS ON TITLE IV-E FOSTER CARE PAYMENTS FOR PLACEMENTS THAT ARE NOT FOSTER FAMILY HOMES

Current reality...

14 in-state residential treatment providers

- 10 of these programs – we draw down less than \$150,000 per year in FCMP
- 6 of the 10 programs – we draw down less than \$100,000 per year in FCMP

Total FCMP for residential treatment programs - \$2,204,152

We could elect to forego the FCMP for residential treatment in which case we could move forward and access the limited prevention funding to offset the costs incurred by this decision

TITLE IV-E PREVENTION SERVICES

TIME LIMITED FOSTER CARE PREVENTION PROGRAM AND SERVICES

“Provides new options title IV-E funding for time-limited (one year) prevention services for mental health/substance abuse and in-home parent skill-based programs for candidates for foster care without regard to whether the child would be eligible for title IV-E foster care, adoption”.....

CANDIDATE FOR FOSTER CARE

The state may provide services and programs to the following:

A child who is a “candidate for foster care” but can safely remain at home or in a kinship placement with receipt of allowable services or programs.

“Candidate for foster care” is defined as a child identified in a prevention plan as being at **imminent risk** of entering foster care (without regard to whether the child would be eligible for title IV-E foster care, adoption or guardianship payments) but who can remain safely in the child’s home or in a kinship placement as long as service or programs that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in foster care placement”.

TITLE IV-E PREVENTION SERVICES

TIME LIMITED FOSTER CARE PREVENTION PROGRAM AND SERVICES

States electing to provide title IV-E prevention services and programs must submit a Prevention Services and Programs five-year plan as part of the title IV-E plan that must describe:

- The target populations for the services or program how the state **will assess** children and their parents or kin caregivers to determine eligibility for services or programs
- How providing services and programs is expected to improve specific outcomes for children and families
- How the state **will monitor and oversee the safety of the children who receive services and programs, including through periodic risk assessments and reexamination of the child's prevention plan** if the agency determines the risk of the child entering foster care remains high despite the provision of services or programs
- The specific **promising, supported, or well-supported practices** the state plans to use for services or programs
- How the state plans to implement the services or programs, including how implementation will be **continuously monitored to ensure fidelity**
- How each service or program provided will be **evaluated through a well-designed and rigorous process**, which may consist of an ongoing, cross-site evaluation approved by HHS

TITLE IV-E PREVENTION SERVICES

TIME LIMITED FOSTER CARE PREVENTION PROGRAM AND SERVICES

States electing to provide title IV-E prevention services and programs must submit a Prevention Services and Programs five-year plan as part of the title IV-E plan that must describe:

- The consultation engaged in with other agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services
- The steps the state is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services and how the agency will provide training and support for caseworkers in assessing needs, connecting to the families serviced, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services
- How caseload size and type for prevention caseworkers will be determined, managed and overseen

TITLE IV-E PREVENTION SERVICES

TIME LIMITED FOSTER CARE PREVENTION PROGRAM AND SERVICES

Areas of Opportunity

- Funding for services for foster care candidates
- Opportunity to draw down IV-E funding at 50% match rate for these services and programs

Areas of Challenge

- Funding for services is limited to foster care candidates
- High degree of oversight around (1) candidacy (2) reassessment (3) prevention plan at state and individual level
- Robust requirements for evaluation
- Limited to programs that have a certain evidence base
- Most significant challenge is the following: Claiming financial participation for title IV-E prevention services is linked to the implementation of limitations on title IV-E foster care payments for placements that are not foster family homes, i.e. group care