



The Family First Prevention Services Act Summary

On February 9, 2018, Congress passed the Bipartisan Budget Act of 2018. Division E of this budget agreement included the Family First Prevention Services Act (FFPSA), a bill that advocates supported and tried to move, in various forms, for over three years (see [Public Law 115-123](#), pg. 169-206). The law expands the use of federal Title IV-E child welfare dollars (previously only available once a child was removed from their home) for use in time-limited, evidence-based services to prevent foster care placement for those at imminent risk who can remain safely at home, and it encourages relative placements by supporting kinship navigator programs. The bill pays for these foster care prevention services by restricting reimbursement for out-of-home placements that are not foster family homes to “specified settings” after two weeks; re-linking adoption assistance to AFDC for children under age 2 until 2025; increasing child support enforcement fees; and limiting incentive payments to prisons for certain data reporting. “Specified settings” include programs for pregnant and parenting teens, independent living programs for youth 18 and over, programs that serve children who have been or are at risk of being sexually trafficked, and the creation of a new category of residential intervention called a Qualified Residential Treatment Program (QRTP).

The effective date for the changes to IV-E reimbursement is October 1, 2019, unless a state requests a delay for up to two years.

Overview of FFPSA Provisions

Division E, Title VII - Family First Prevention Services Act

Part 1 – Prevention Activities under Title IV-E

1. Allows title IV-E dollars to fund promising, supported, and well-supported mental health and substance abuse prevention and treatment provided by a qualified clinician, and in-home parent skill-based programs, for up to 12 months for candidates for foster care and for pregnant or parenting foster youth. Services must be described as part the State’s plan and the child’s individual plan. The Secretary may waive the evaluation requirement for a well-supported practice if evidence of effectiveness is compelling.

The services or programs to be provided to or on behalf of a child must be trauma-informed, and the Secretary will create a Clearinghouse of approved practices. The Secretary must collect data for the purpose of assessing whether services reduce the likelihood of foster care placement, increase use of kinship placements, or improve child well-being and provide a periodic report to Congress regarding the prevention service programs being implemented.

2. Requires states electing to provide prevention services with IV-E dollars to demonstrate Maintenance of Effort (MOE) of state foster care prevention spending at FY2014 levels. Small states with less than 200,000 children in the 2014 census can choose to base MOE on FY2014, FY2015, or FY2016 expenditures.

3. Clarifies that the provision of prevention services to children residing with a kin caregiver does not disqualify a child from being eligible for IV-E foster care at a later date



4. Clarifies that territories are eligible for prevention funding.
5. Permits title IV–E foster care maintenance payment support, for up to 12 months, for a child in foster care who is placed with a parent in a licensed residential family-based substance abuse treatment facility.
6. Provides 50% federal reimbursement for promising, supported, or well-supported kinship navigator programs.

Part 2 - Enhanced Support Under Title IV-B

7. Reauthorizes program through FY2021. Provides funding authority (instead of a grant process) to support requirement that states establish an electronic interstate processing system to expedite the interstate placement of children in foster care, or guardianship, or for adoption, where the Secretary prioritizes states not yet connected to the system. Indian Tribes are exempt.

Provides \$5 million in grant funding to improve interstate placement of children, available through FY2022.

8. Requires HHS to continue regional partnership grants for five years, and would allow the grants to be used on a statewide basis and include partners other than state agencies only.

Part 3 - Miscellaneous

9. Establishes model licensing standards for relative foster family homes and require states to demonstrate that the state standards are in accord with the corresponding national model standards.
10. Requires state child welfare agencies to more fully document the steps taken to track and prevent child abuse and neglect deaths, as well as explain how they are implementing a comprehensive plan to deal with this problem.
11. Changes the formal heading of Title IV-E to “Federal Payments for Foster Care, Prevention, and Permanency,” to reflect the authorization of title IV–E prevention services and programs included in the law.

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

12. Limits federal payments for out-of-home placements that are not foster homes. After 2 weeks in placement, only “Specified Settings” will be eligible for federal foster care maintenance payments.
Mandatory change takes effect October 1, 2019.

****States may opt to delay the effective date for up to two years, which would also delay funding for prevention services for the same length of time.****

13. Defines “Specified Settings” as: Qualified Residential Treatment Programs (QRTPs); programs for pregnant and parenting youth; independent living programs for youth 18 and older; *and* “settings 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.”



14. Specifies that QRTP placement requires states to provide additional assessment, documentation, and oversight to justify such placements. QRTPs must be licensed and accredited by an HHS approved organization (CARF, JCAHO, COA, possibly others), have a trauma-informed treatment model, facilitate and document family involvement and outreach, and provide at least 6 months post-discharge family-based aftercare support.

15. Requires that QRTPs have a registered or licensed nurse and other licensed clinical staff on-site “in accordance with the [QRTP’s] treatment model” and available 24 hours a day, 7 days a week. Nurses and behavioral health staff do not have to be employees of the QRTP.

16. Clarifies that a state can continue to receive federal reimbursement for administrative expenses associated with overseeing a child placed in a congregate care setting for which the state will no longer receive federal maintenance payments.

17. Defines foster family home as a home where a licensed foster parent resides with 6 or fewer foster children (with allowable exceptions), provides for training of judges and legal personnel, and requires states to assure new policies will not increase the state’s juvenile justice population.

18. A “qualified individual” must assess and determine the appropriateness of placement for a child referred to a QRTP within 30 days of the start of each QRTP placement, including use of a validated functional assessment tool approved by HHS and in partnership with a “family and permanency team.” The qualified individual must document in writing how the QRTP will meet the child’s short and long-term goals as specific in the permanency plan. If placement is not approved, there is a 30-day reimbursable transition period allowed to move a child out of that placement.

Within 60 days of the start of each QRTP placement, and at each regular status hearing thereafter, a family or juvenile court (or administrative body approved by the court) must independently approve or disprove the placement. The head of the State agency must sign off on placement approval, and submit to HHS the most recent documentary evidence presented to the court, for children 12 and under after 6 months (consecutive or non-consecutive) in a QRTP, and for children 13 and older after 12 months consecutive or 18 months nonconsecutive in a QRTP.

19. Requires state plans to include procedures and protocols to ensure children in foster care are not inappropriately diagnosed with mental, behavioral, emotional, medically fragile, or other disorders and thus placed in settings that are not foster family homes. By January 1, 2020, HHS shall submit a report to Congress on the effectiveness of state procedures and protocols and identify best practices.

20. Requires states to report additional data on out-of-home placements that are not foster family homes, including classification of placement; age, race, ethnicity, and gender of each child; length of stay for each child; whether the placement is the child’s first placement; whether each child has special needs or diagnosed mental health conditions; and the extent of specialized education, treatment, counseling, or other services.

21. Requires states to have provisions to conduct criminal history and child abuse and neglect registry checks, including fingerprint-based checks, on any adult working in a child care institution, including group homes, residential treatment centers, shelters, or other congregate care settings. **Effective October 1, 2018.**



Part 5 - Continuing Support for Child and Family Services

22. Provides a one-time appropriation in FY2018 (available through FY2022) of \$8 million in competitive grants to states or tribes to support recruitment and retention of high-quality foster families.

23. Reauthorizes the Stephanie Tubbs Jones Child Welfare Services, Promoting Safe and Stable Families, Regional Partnership Grants, and Court Improvement Programs through each of FY2017-FY2021.

24. Gives states the authority to use John H. Chafee Foster Care Independence Program funds for youth up to twenty-three years of age who have aged out of foster care, as long as the state has elected to extend federal title IV-E funds to children up to age 21 or comparable assistance with other non-title IV-E funds. Extends access to education and training vouchers to 26 years old (no more than five years total).

25. Requires a report to Congress by October 1, 2019 on the National Youth in Transition Database and other databases where States report outcomes on youth who age out of foster care.

Part 6 - Continuing Incentives to States to Promote Adoption and Legal Guardianship

26. Continues state's eligibility to earn incentive payments for adoption and legal guardianship programs each year from FY2016 to FY2020 and extends annual discretionary funding authority, at the current law annual level of \$43 million, for each year from FY2017 to FY2021.

Part 7 - Technical Corrections

27. Rewrites provisions to require HHS to develop regulations concerning the categories of information that state child welfare agencies must be able to exchange with another state agency as well as federal reporting and data exchange required under applicable federal law.

28. Clarifies that a state must describe in its title IV-B Child Welfare Services plan what it is doing to address the developmental needs of all vulnerable children under five years of age who receive benefits or services under the title IV-B programs or the title IV-E foster care and permanency program (not just children in foster care).

Part 8 - Ensuring States Reinvest Savings Resulting from Increase in Adoption Assistance

29. Phases in title IV-E adoption assistance, part of Fostering Connections, by delaying assistance without meeting an income test for children with special needs who do not reach their second birthday in the fiscal year their adoption assistance agreement is signed, would require use of an income test for an additional six and a half years. Beginning on January 1, 2018 and through June 30, 2024, the income test will need to be applied for any child who is under the age of two when the adoption assistance agreement is signed, provided the child will not reach his/her second birthday before the last day of the fiscal year in which that agreement is signed. As of 2025, no income test would be used for purposes of determining a child's eligibility for Title IV-E adoption assistance, regardless of the child's age.

30. Requires the Government Accountability Office (GAO) to study whether states are complying with the requirement that they spend, for child welfare purposes, an amount equal to the amount of savings (if any) resulting from phasing out the income eligibility requirements for federal adoption assistance.

Please feel free to contact [Lisette Burton](#), ACRC Public Policy Committee Chair, with any questions.