

Family First Prevention Services Act summary

The Family First Prevention Services Act was passed and signed into law (P.L. 115-123) as part of the Bipartisan Budget Act on February 9, 2018. Below is a high-level summary of the provisions in the Family First Prevention Services Act.

Prevention activities under Title IV-E of the Social Security Act

- Allows states and tribes, tribal organizations or tribal consortiums who operate Title IV-E programs the option to use new open-ended Title IV-E funds to provide prevention services and programs for up to 12 months for children at imminent risk of entering foster care, any parenting or pregnant youth in foster care, and the parents — biological or adopted — as well as kin caregivers of these children.
 - The new Title IV-E prevention services, as well as training and administrative costs associated with developing these services, would have no income test (be “delinked” from the AFDC income eligibility requirement).
 - Eligible services are evidence-based mental health and substance abuse prevention and treatment services, and in-home parent skill-based services.
 - The Secretary of HHS has authority to specify what the requirements will be for tribes, tribal organizations or tribal consortium who operate Title IV-E foster care programs to operate prevention programs. The law specifies the requirements, to the greatest extent possible, should be consistent with the requirements for states, and shall permit that services and programs are adapted to the culture and context of the tribal communities served.
 - The new option would take effect as early as October 1, 2019, with the federal level of support set at 50 percent. There is no deadline by which a state, tribe, tribal organization or tribal consortium must decide they will operate a federally-funded Title IV-E prevention program.
 - Beginning October 1, 2026, the federal level of support for states would be the state’s FMAP rate. The federal level of support for tribes would be the tribal FMAP unless the tribal FMAP is less than the FMAP of the state.
- Allows for Title IV-E foster care maintenance payments to be made for a child in foster care placed with a parent in a licensed residential family-based treatment facility for up to 12 months. No income eligibility test would apply for receipt of these services.

- Permits Title IV-E support for evidence-based kinship navigator programs with the federal level of support at 50 percent of the state's total cost.

Enhanced support under Title IV-B

- Eliminates the time limit for reunification services provided during a child's placement in foster care and adjusts the start of time limits for family reunification services in the Promoting Safe and Stable Families Program to the date of reunification instead of the date of foster care placement. This change will allow activities to be provided to a family for a 15-month period that begins on the date that the child returns home (is reunified).
- Requires that states operating a Title IV-E program use an electronic interstate case processing system to expedite the interstate placement of children in foster care by FY2027, guardianship or adoption and provides \$5 million in grants to states. Provides an exception to this requirement for tribes, tribal organizations, or tribal consortiums that elect to operate a Title IV-E program.
- Reauthorizes and makes changes to the Regional Partnership Grants to provide evidence-based services to prevent child abuse and neglect related to heroin, opioids and other substance abuse for FY2017 through FY2021.

Other provisions

- Requires the Secretary of the U.S. Department of Health and Human Services to identify model licensing standards for relative foster family homes.
- Requires states to document steps taken to track and prevent child maltreatment deaths.

Ensuring the necessity of a placement that is not in a foster family home

- Establishes new procedures and protocols to promote placement in foster family home settings. The following placement options already are allowable under current Title IV-E and will continue under Family First:
 - Facility for pregnant and parenting youth
 - Supervised independent living for youth 18 years and older
 - Specialized placements for youth who are victims of or at-risk of becoming victims of sex trafficking

- Foster Family Home (defined) – no more than 6 children in foster care, with some exceptions
- Beginning as early as October 1, 2019, after 2 weeks in care, Title IV-E federal support for foster care maintenance payments will be available for Title IV-E eligible youth placed in a Qualified Residential Treatment Program (QRTP) which meets all the following requirements:
 - Has a trauma informed treatment model
 - Has registered or licensed nursing and other licensed clinical staff onsite, consistent with the QRTP's treatment model.
 - Facilitates outreach and engagement of the child's family in the child's treatment plan
 - Provides discharge planning and family-based aftercare supports for at least 6 months
 - Is licensed by the state and accredited

States may opt to delay this provision for up to 2 years. However, delays in implementation of these placement setting provisions requires a delay in when the state may receive prevention services funding.

- Requires that judges and attorneys and other legal personnel in child welfare cases are educated on these changes as a condition of the highest state courts receiving Court Improvement Program (CIP) funding.
- Requires criminal records checks and checks of any child abuse and neglect registries for adults working in child care institutions and other group care settings.

Continuing support for child and family services

- Provides \$8 million in FY2018 for grants to states and tribes to support the recruitment and retention of high quality foster families.
- Reauthorizes Title IV-B programs and services, including 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 (Chafee) from FY2017 through FY2021.

- Makes revisions to the Chafee program to emphasize more successful transitions to adulthood, including allowing states to provide services to youth who have aged out of foster care up to age 23, and allowing 5 years of eligibility for Education and Training Vouchers up to age 26. It also allows HHS to redistribute any unspent Chafee funds.

Continuing incentives to states to promote adoption and legal guardianship

- Reauthorizes and funds at the current level of \$43 million per year the Adoption and Legal Guardianship Incentive Programs through FY2022.
- Amends Title IV-B state plan requirements to include information about what the state is doing to address the developmental needs of all vulnerable children under 5 years of age who are receiving services under Title IV-E or Title IV-B (not just children in foster care).

Ensuring states reinvest savings resulting from the increase in adoption assistance

- Delays eligibility for Title IV-E adoption assistance that was enacted as part of the Fostering Connections to Success and Increasing Adoptions Act of 2008. The delay would affect children with special needs who are less than 2 years old when their adoption assistance agreement is finalized between FY2017 to FY2023; or in FY2024 in the case of a child 2 years old or for whom an adoption assistance agreement is entered into on or after July 1, 2024, of any age. In FY2025 and thereafter, children of any age would be eligible regardless of income.
- Directs the U.S Government Accountability Office (GAO) to examine whether states are reinvesting all of the state savings under this provision, and whether not less than 30 percent of these savings are used for post-adoption and post-guardianship services, and services that support permanency and other outcomes for children who would otherwise enter foster care.