

Family First Prevention Services Act (FFPSA)

HILL COUNTRY ATTORNEY AD LITEM TRAINING

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Primary Purpose of FFPSA



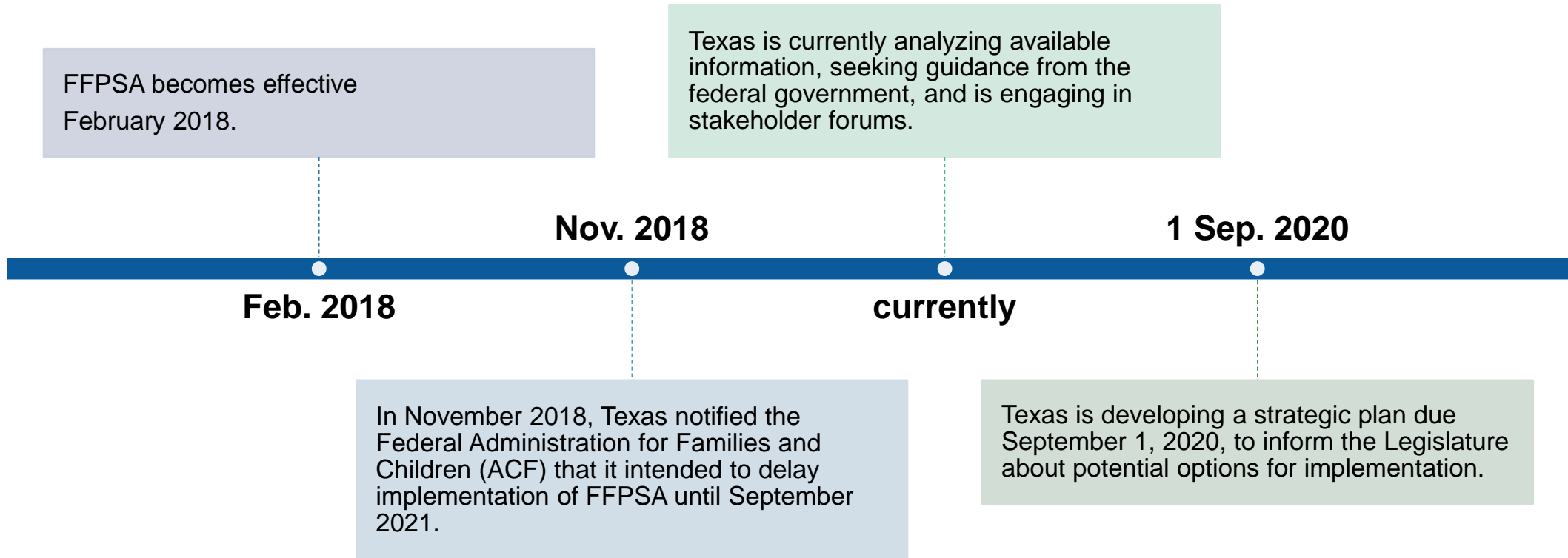
Make IV-E \$ available to help prevent children from coming into the foster care system, including and guardianship and adoption disruption



Limit the use of congregate care



Status



Child Welfare Funding



Title IV-E Prevention

**Local funds/State GR (>50%)
Federal (< 50%)**



Title IV-E Foster Care

- IV-E Prevention \$\$ is to prevent placement in foster care
- Eligibility based on status as a candidate for foster care
- Match is 50% for prevention services
- Match is 50% for training about FFPSA
- Match is 50% for administrative costs

- IV-E Foster Care \$\$ is available while in foster care
- Eligibility based on income
- Match is 30% for foster care
- Match is 50% for administrative



Prevention Services

Must be trauma informed and evidence-based meaning Promising, Supported, or Well-supported

Mental Health services provided by a qualified clinician

Substance use prevention and treatment provided by a qualified clinician

In-home parenting skills: parenting skills training, parent education, and individual family counseling

States can utilize a service or program that has been approved by the federal Clearinghouse or one that is not included in the Clearinghouse, if State conducts independent review, includes in State Plan



How Long?

- Eligible services and programs may be provided for up to 12 months per episode of child welfare involvement
- 12-month clock starts on the date the child is identified in a prevention plan as a candidate for foster care or as a pregnant or parenting youth in foster care
- Waitlists do not toll the 12-month clock
- Episodes can be contiguous as long as documented in the child's prevention plan and on a case by case basis
- No lifetime limit on accessing prevention services
- If a child or youth enters conservatorship, they are no longer a "candidate" for foster care and are ineligible for FFPSA services and programs. The child or youth may be eligible for the traditional IV-E or IV-B services and benefits.



Who is Eligible?

- Children who are “candidates” for foster care, defined by DFPS as being at imminent risk for entering foster care (includes children whose adoption or guardianship arrangement is at risk of disruption or dissolution, does not affect ado subsidy)
- A child who is pregnant or parenting in foster care
- Parents and kinship caregivers of a candidate for foster care or a pregnant and parenting youth in foster care
- No income eligibility test for IV-E prevention services (distinguishable from IV-E foster care)
- Covers youth between 18-21 in states that utilize extended foster care, if the youth fits the definition of candidate for foster care or are pregnant or parenting youth
- Once enacted in a state, the funds can be applied to help a family that already has CPS history or a pregnant or parenting youth already in care
- Tied to the child being a candidate for foster care and not to who they live with



Accessing Prevention Services

- The child must be identified as a candidate for foster care or a pregnant or parenting youth in a prevention plan.
- The plan must:
 - Identify the prevention strategy SO THAT the child can remain at home OR live temporarily with a kin caregiver OR live permanently with a kin caregiver AND list the services to be provided
 - Identify the services to ensure the youth is prepared to be a parent; and describe the prevention strategy for the unborn child
- DFPS defines “candidate for foster care” as a child at imminent risk for entering foster care (includes children whose adoption or guardianship arrangement is at risk of disruption or dissolution):
 - Any time a child is the subject of a safety plan and absent preventive services the plan is removal
 - A child is not the subject of a safety plan but is at high or very high risk of abuse or neglect, and absent preventive services the plan is removal



Initial Clearinghouse Programs

Mental Health

- Parent-Child Interaction Therapy – Well-Supported
- Multisystemic Therapy – Well-Supported
- Functional Family Therapy – Well-Supported
- Trauma Focused-Cognitive Behavioral Therapy – Promising

In-Home Parent Skill-Based

- Healthy Families America – Well-Supported
- Nurse-Family Partnership – Well-Supported
- Parents as Teachers – Well-Supported

Substance Use

- Functional Family Therapy – Well-Supported
- Multisystemic Therapy – Well-Supported
- Families Facing the Future – Supported
- Methadone Maintenance Therapy – Promising
- Motivational Interviewing – Well-Supported *

*Website says well-supported, but new implementation guide says not yet reviewed



Can Texas Access IV-E Prevention \$\$

- Depends on several factors
 - Can't access until September 2021 unless also submit to congregate care restrictions
 - Cannot use the new IV-E prevention services \$\$ to supplant services
 - Need new \$\$ from the Legislature
 - Calculate how much DFPS spent on foster care prevention services in FY2014 (Maintenance of Effort)
 - Previous expenditures must have been used for services and activities that would have met the evidence-based ranking standards under the new structure for IV-E Prevention
 - If a service is not the functional equivalent of one of the services included in the Clearinghouse, the service is not counted in the computation



Placements

- Effective October 1, 2021, regardless of what state is doing related to IV-E prevention, Title IV-E foster care funds are only available for family settings, defined as the home of an individual or family
- No group homes or institution (congregate care / non-family setting)
- Funds limited to first two weeks of placement unless:
 - Facility is for pregnant and parenting youth
 - Supervised Independent Living for youth age 18 and older
 - Specialized placement for youth who are victims or at risk of becoming victims of sex trafficking
 - Qualified Residential Treatment Program (congregate care)
- Any setting that is not one of the above will not be eligible for IV-E reimbursement beyond the first two weeks.

Can Texas Access IV-E Foster Care \$\$?

- Yes for foster family settings
- Yes for 14 days of non-foster family settings
- No for anything beyond 14 days except for
 - Facility is for pregnant and parenting youth
 - Supervised Independent Living for youth 18 and older
 - Specialized placement for youth who are victims of or at risk of becoming victims of sex trafficking
 - Qualified Residential Treatment Program (congregate care)

Qualified Residential Treatment Program (QRTP)

- QRTP is a model for providing care; the care can be specialized based on the population served
- QRTPs must:
 - Be licensed and **accredited**
 - Use a trauma-informed treatment model
 - Utilize a family and permanency engagement team
 - Have registered or licensed nursing AND licensed clinical staff on-site and available 24/7
 - Provide six months of family-based post-discharge services

Accreditation

- FFPSA requires a QRTP to be licensed by DFPS and accredited by an independent accrediting organization
- If Texas wants to claim IV-E Foster Care \$\$ in September 2021, then must be accredited as QRTP by that date
- \$\$ is not available to a facility that is “in the process”
- There are only three accrediting agencies in the U.S.
- Accreditation process is 12 – 18 months and up to \$40k
- Thousands of organizations across the US are attempting to become accredited

Claim Reimburseme nt for a QRTP Placement

- Child must be eligible for IV-E foster care maintenance payments
- Child must receive an assessment from an independent evaluator within 30 days of placement
 - 30 days begins when child enters the QRTP
 - Must be trained professional or licensed clinician, not an employee of the agency, not affiliated with placement setting
 - There is no prescribed FFPSA assessment tool
- Must have Court approval within 60 days of placement

Additional Limitations

- Agency Commissioner must review QRTP placements:
 - Child younger than 13, in a QRTP for 6+ months
 - Youth older than 13, in a QRTP for 12 consecutive or 18 non-consecutive months
 - Review is specific to each QRTP setting in which the child is placed so the clock resets with each QRTP placement

Court Approval

Within 60 days of the placement

- The court must consider the independent assessment performed by the evaluator, and formally approve the placement

If assessment is not complete within 30 days

- The agency may not receive reimbursement for the 30 days, including the first two weeks and for the duration of the stay

If the court does not approve within 60 days

- The agency may only claim IV-E reimbursement for the child's first 60 days in the QRTP

If the court disapproves of the placement

- The agency may claim IV-E for only 30 days longer following the court's determination (60 days total)

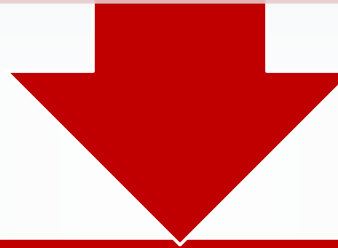


In addition to considering the independent assessment, the court must determine whether:

The child's needs can be met with relatives or a foster family*

QRTP is most effective and appropriate placement and the least restrictive environment

The placement is consistent with the child's short- and long-term goals in the permanency plan



The review process repeats every time the child / youth is placed in a QRTP

Court Approval Beyond 60 Days

- For a child who remains in a QRTP, the state agency must submit evidence **at every status and permanency hearing that:**
 - Demonstrates that ongoing assessment of the strengths and needs of the child continue to support the determination that the child's needs cannot be met in a foster family home;
 - The QRTP provides the child the most effective and appropriate level of care in the least restrictive environment and is consistent with the short- and long-term goals of the child, as specified in the child's permanency plan;
 - Documents the specific treatment or service needs that will be met for the child in the QRTP placement and the length of time the child is expected to need the treatment or services; and
 - Documents the efforts made by the state agency to prepare the child to return home or be placed with a relative, legal guardian, or adoptive parent, or in a foster family home.

Questions

- Is a hearing required to get court approval or can be agreed to by parties?
- If a hearing is required, who sets it?
- Do we need to amend Texas Family Code?
- Must DFPS serve the evaluator's assessment on all the parties?
- Even if DFPS isn't required to set a hearing, can other parties?
- Would placement in a QRTP be considered as a Significant Event which requires notice to parties under TFC 264.018?
- What about CASA? Cannot request a hearing, not a party
- What about PMC youth who do not have an attorney ad litem?
- From a practical standpoint, is 30 days enough time to accomplish all of this?

Additional Provisions

- Kinship
 - FFPSA supports kinship in three ways:
 - Provides federal reimbursement for qualifying Kinship Navigator Programs
 - Requires states to review their licensing standards in order to identify barriers to licensing relatives; and
 - Provides IV-E funds for prevention services to help prevent children living with relatives from entering foster care
- Family Reunification Services
 - FFPSA allows for family reunification services for up to 15 months after a child returns home
- Chafee (effective Jan 2018, States can opt to make changes at any time)
 - No additional funds, but FFPSA eliminated the requirement that unused funds flow back to the federal government and changed the age youth are eligible and the age at which services stop



Eligibility for Chafee

Minimum Age

- Age 14

Maximum Age

- 21st birthday or 23rd birthday if State has Extended Foster Care (EFC)

Eligibility for youth in foster care

- Any youth in care starting at age 14 until 21st birthday or 23rd birthday if EFC

Eligibility for youth who aged out at age 18

- Youth who aged out at 18, 19, or 20 can receive services until 21st birthday or 23rd birthday if EFC

Eligibility for you who exited to adoption or legal guardianship

- Youth who exited to either adoption or legal guardianship after 16 can receive services until 21st birthday or 23rd birthday if EFC

Eligibility for you who exited for reasons other than adoption, legal guardianship, or aging out

- Youth who exited for reasons other than adoption, guardianship or aging out (i.e., reunified) can receive services if they were in care at age 14 or older and can receive services until 21st or 23rd if EFC



Juvenile Justice System Impact

- FFPSA requires State Plan to certify that in response to the new payment limitations related to children placed in a non-family setting, the state will not enact or advance policies or practices that would result in a significant increase in the population of youth in the state's juvenile justice system
- FFPSA suggests data collection on:
 - Youth placed in out-of-home care pursuant to a delinquency adjudication and their placement type
 - Youth involved in both the juvenile justice and child welfare systems
 - The service and placement array available as part of delinquency dispositions



FFPSA Section Requirements

Section	Required/Optional
50711- Prevention Services	States can seek reimbursement for EB MH, SUD, Parenting Skills
50713-Kinship Navigator Program	States can seek IV-E reimbursement for EB Kinship Nav Programs
50721-Family Reunification Services	Child returning can access up to 15 months of Fam Reunification
50722-ICPC/NEICE System	Required, Texas is seeking grant opportunity
50731-Model Licensing Standards: Foster Homes	Required, submitted to ACH
50732-Fatality Prevention Plan	Required, Likely in Compliance
50741-QRTPs/Accreditation	States can establish QRTPs or not
50742-30-day Assessments	Only required if child is placed in a QRTP
50743-Prevent Inappropriate Diagnoses	Required to ensure children are not inappropriately diagnosed with mental illness, disorders, disabilities that may prevent being placed in a foster family home.
50744-Reporting Requirements on children in non-family settings	Effective now
50745-Background Check Requirements for any person working in a non-family setting where foster children are placed	Required, DFPS seeking additional information
50751-Funding Supporting and Retaining Foster Families	Available now
50753-Chafee Funding extended ILS to assist former foster youth up to age 23 and extends EETV for these youth to age	Available now

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