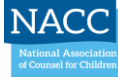




Colorado Office of the
Child's Representative



A Courtroom Advocate's Guide to the Family First Prevention Services Act

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Allison Green, National Association of Counsel for Children

1

Roadmap for Today's Session

- Background/ History of Legislation
- Four Main Themes
 - Each tied to specific advocacy strategies
- Systemic Advocacy Opportunities
- Q &A/ Discussion

2

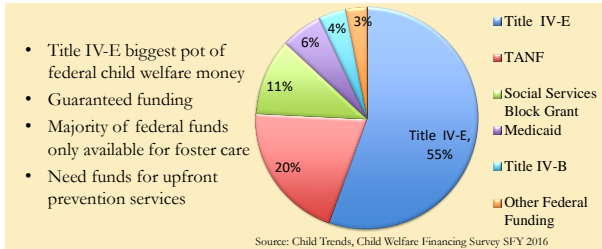
Why Family First?

The Family First Prevention Services Act (FFPSA) creates a reimbursement pathway for federal funds to provide services to keep children safely with their families and out of foster care, and when foster care is needed allows federal reimbursement for care in family-based settings and certain residential treatment programs for children with emotional and behavioral disturbance requiring special treatment.

- ✓ Child welfare federal financing legislation
- ✓ Bipartisan support
- ✓ Staged implementation timeline spans several years (2018 → 2026)

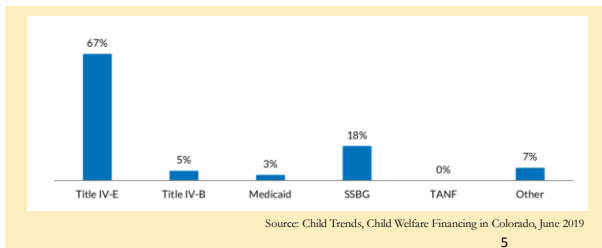
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Financing 101



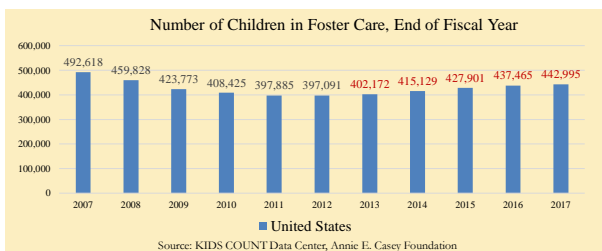
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Colorado's Child Welfare Financing



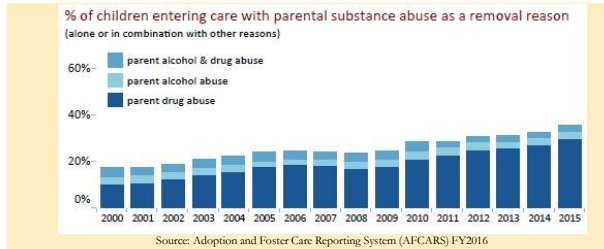
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Rising Foster Care Population



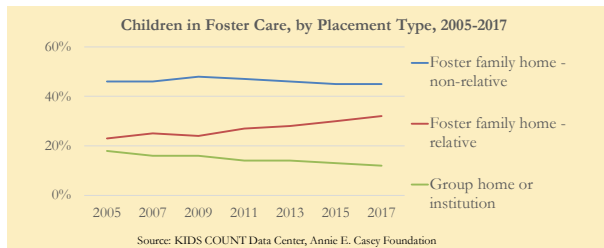
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Substance Abuse Overwhelming Child Welfare Systems



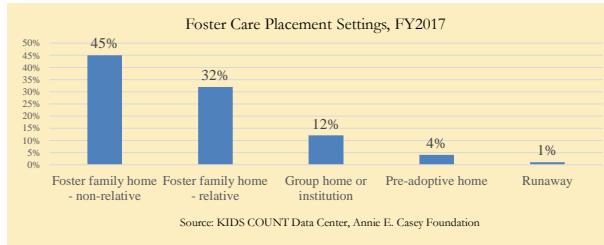
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Increased Utilization of Kinship Families...



8

...Yet Overreliance on Institutional Care Persists



9

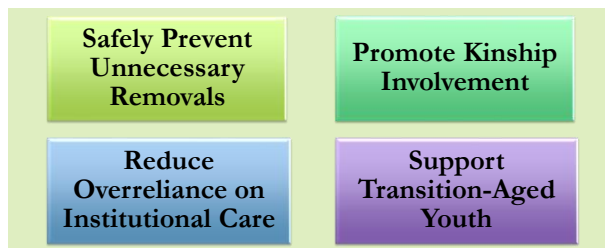


Family First Prevention Services Act

enacted February 9, 2018

10

Family First's 4 Themes:



11

Prevention Services & Treatment

Beginning **October 1, 2019**, 50% reimbursement for eligible services to prevent entry/reentry into foster care.

- **Eligibility:**
 - Candidates for foster care
 - Parents and/or relative caregivers
 - Pregnant or parenting foster youth
- **Duration:**
 - 12 months (no lifetime limit)
- **No income-test!** All children and families eligible, regardless of income

Check out your materials for Colorado's finalized candidacy definition.

12

Prevention Services & Treatment



13

Colorado's Trauma Informed definition

"A trauma-informed service system is one in which all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the system including children, adolescents and adults, caregivers and service providers. Programs and agencies within such a system infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies. They act in collaboration with all those who are involved with their clients, using the best available science, applied in a culturally sensitive manner, to facilitate and support recovery, developmental growth, and resiliency".

- National Child Traumatic Stress Network (NCTSN)

14

Prevention Services – Round 1

Mental Health

- Parent-Child Interaction Therapy (WS)
- Trauma-Focused CBT (P)
- Functional Family Therapy (WS)
- Multisystemic Family Therapy (WS)

Substance Abuse

- Families Facing the Future (S)
- Methadone Maintenance Therapy (P)
- Motivational Interviewing (pending)

Parenting Skills & Training

- Nurse-Family Partnership (WS)
- Healthy Families America (WS)
- Parents as Teachers (WS)

Kinship Navigator Programs

- KIN-Tech (NS)
- Children's Home Society of New Jersey Kinship Nav. Model (NS)

P: Promising; S: Supported; WS: Well-supported; NS: Not supported

15

Prevention Services Under Review – Round 2

- Attachment & Biobehavioral Catch-Up
- Brief Strategic Family Therapy
- Child Parent Psychotherapy
- Incredible years
- Interpersonal Psychotherapy
- Multidimensional Family Therapy
- Solution Based Casework
- Triple P- Positive Parenting Program
- Family Behavior Therapy
- Seeking Safety
- The Seven Challenges
- Homebuilders
- Nurturing Parenting
- SafeCare
- Ohio's Kinship Supports Intervention
- YMCA Kinship Support Services

Clearinghouse Website:
<https://preventionservices.abtsites.com>

16

Family-Based Substance Abuse Treatment

IV-E funding may be used to support placement in a licensed, residential family-based substance abuse treatment facility:


- Must be trauma-informed
- Up to 12 months
- Funds became available 10/1/18
- No income test
- At least 3 of these in Colorado (maybe more!)



17



18



Advocate's Opportunities

“The Children’s Bureau strongly encourages all states to take this opportunity to not only use the title IV-E prevention program to fund these important services, but also to envision and advance a vastly improved way of serving children and families, one that **focuses on strengthening their protective and nurturing capacities instead of separating them.**”
(ACYF-CB-PI-18-09)

- Trauma-Informed
- Evidence-Based
- Qualified Clinician
- Citations: Sec. 471(e)(4) and Ex. ACYF-CB-PI-18-09 (Ex. 1)

19




Advocate’s Opportunities (Cont’d)

Request High-Quality Services:

- Trauma-Informed
- Evidence-Based
- Qualified Clinician
- Citations: Sec. 471(e)(4) and Ex. ACYF-CB-PI-18-09

Move for Creative Alternatives to Removal/ Reentry:

- ✓ Family-based, residential substance abuse treatment
- ✓ In-home, court-supervised cases
- ✓ Post-reunification services
- ✓ Agency Attorneys: educate court about agency’s safety assessment tool



20


Promote Kinship Involvement

Kin are eligible for the new prevention services and treatment

- Prevention services also for adoption and guardianships at risk of disruption or dissolution

Title IV-E funds for Kinship Navigator Programs

- Must be evidence-based (i.e. promising, supported, well-supported)
- No income-test!
- Open to any kinship families, do not need to be “candidate for foster care”
- Statewide or focused within localities



21

Promote Kinship Involvement

Improving licensing standards for relative foster homes

- Model licensing standards issued by HHS

Enhanced kin involvement in residential assessment and treatment

- More on that later in this presentation!



22



Advocate's Opportunities

- **Move the court (and build a record) for kinship placement:**
 - Informal placement as an alternative to court-involvement
 - Formal kinship placement, unlicensed and licensed
 - Licensing waivers remain available
 - Services to prevent removal or disruption
 - Advocate for expanded definition of kin (Ex. ACYF-CB-PI-18-11)



23



Advocate's Opportunities (Cont'd)

- **Request kinship support from the agency:**
 - Routinize court inquiry about efforts to locate kin
 - Services for (1) children and youth (2) for kin caregivers themselves and (3) and parents
 - Includes referrals for benefits, training, and legal assistance
 - Per statute, part of child's case planning team
 - Argue legal nexus between these supports and **Reasonable Efforts** to achieve permanency with kin



24

Reduce Overreliance on Institutional Care

- Beginning **Oct. 1, 2019**, states must safely reduce the inappropriate use of group care
 - States can delay this requirement up to two years (Oct. 1, 2021), **but then forfeit the prevention funds during those two years.**
- Title IV-E maintenance payments** will *only* be available for certain settings:
 - Foster family homes (6 children or fewer, with exceptions)
 - Placements for pregnant or parenting youth
 - Supervised independent living for youth 18+
 - Specialized placements for victims and those at risk of sex trafficking
 - Children with parent(s) in residential treatment facility for substance abuse
 - Qualified Residential Treatment Programs (QRTP)**
 - Non-QRTP congregate care facilities up to two weeks

25

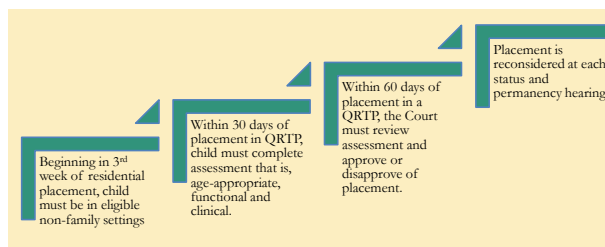
Reduce Overreliance on Institutional Care

Qualified Residential Treatment Programs (QRTPs):

- Assessment to determine appropriateness of placement (30 days)
- Protocols to prevent inappropriate diagnosis
- Court approval (60 days) and ongoing review of placement
- Facilitates outreach to the child's family and participation in treatment
- Provides discharge planning and family-based aftercare supports for at least 6 months after discharge
- Registered or licensed nursing staff and other licensed clinical staff available/ on-call 24/7
- Licensed and accredited by COA, CARF, or JCAHO

26

Court Review of Residential Placements



27



Advocate's Opportunities

Ensure High-Fidelity Independent Assessment:

- Written assessment, to occur within 30 days
- Conducted by a qualified clinician not employed by the state agency or QRTP
- Screening tool: must be age-appropriate, evidence-based, validated, functional assessment tool
- Assessor must consult:
 - all appropriate family, relatives, and fictive kin of the child, as well as relevant professionals (ex. teachers, medical or mental health providers, clergy)
 - child age 14 or over can select additional team members
- Have state protocols to prevent inappropriate diagnosis been followed?
- Assessor must develop child-specific short- & long-term mental & behavioral health goals

28



Advocate's Opportunities (Cont'd)

Review QRTP Case Plan to Ensure Compliance:

- the reasonable and good faith effort of the agency to include all the individuals required to be on the child's family and permanency team;
- all contact information for family, fictive kin and permanency team;
- evidence that meetings of the family and permanency team, including meetings relating to the required 30-day assessment of the appropriateness of the QRTP placement **are held at a time and place convenient for family**;
- if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the team membership;
- if QRTP is recommended over the objection of the child or parent, the reasons why the preferences of the team and of the child were not recommended.
- Citations: Sec. 471(e)(4) and ACYF-CB-IM-18-02

29



Advocate's Opportunities (Cont'd)

Support or Oppose Initial Court Determination:

- Initial review and approval/ disapproval to occur within 60 days
- Law is silent as to whether there must be a hearing; no bar on requesting hearing
- File written opposition if appropriate

****Required Judicial Finding**:**

"Whether or not [QRTP] provides the **most effective and appropriate level of care** for the child in **least restrictive environment**" and is "**consistent with the permanency plan.**"

Request or Object to Exceptions as Appropriate:

- Large sibling groups (6+), parenting youth, meaningful relationships
- Foster homes trained to care for children with "severe disabilities"
- Non-QRTP programs that meet client's needs can still be funded through state dollars

30



Advocate's Opportunities (Cont'd)

Support or Oppose Continued QRTP Placement:

- Agency must submit documentation regarding placement at each future hearing, including documentation of effort's to return the child to a non-institutional setting (link to **Reasonable Efforts**)
- Is the QRTP able to provide the treatment recommended by the Independent Assessor?
- Is QRTP being used as a treatment rather than a placement?
- Is the QRTP facilitating family participation in the child's treatment?
- Aftercare plan for 6 months following discharge
- Citations: Sec. 475A(c)(2) and ACYF-CB-IM-18-02

31

Support Transition-Aged Youth

- **Extends Chafee services to age 23** (previously 18-21)
 - *Only applies to states that extend foster care to age 21
- **Extends ETV eligibility to age 26** (previously 23)
 - 5 year limit on participation
- **Requires agency to provide youth official documentation** to prove they were in foster care – needed for accessing Medicaid to age 26.



32



Advocate's Opportunities

- **Educate clients and court partners about expanded eligibility for Chafee services**
 - Youth who have experienced foster care at age 14 or older
 - Youth who have aged out of foster care at age 18 or older
 - Youth who left foster care for adoption or guardianship at age 16 or older
 - In applicable states, Chafee services until 23 years old and ETV funds until 26 years old
- **Request court orders for foster care status and vital documents**
- **Encourage youth participation in CFSR, PIP, APSR and other agency efforts**
- **Argue for/ against Reasonable Efforts** to transition to adulthood
- Citations: ACYF-CB-IM-18-02, ACYF-CB-PI-18-06 and (new!) ACYF-CB-IM-19-03

33

Additional Family First Changes

- Electronic ICPC system (all states by FY2028)
- State plans to prevent child abuse and neglect fatalities (Oct 1, 2018)
- New competitive grants to recruiting and retaining foster parents (\$8 million between FY2018 - FY2022)
- Reauthorizes Adoption and Guardianship Incentive Program
- Delays the Title IV-E Adoption Assistance phase-in for children under two

34

Systemic Advocacy Opportunities

- Join Colorado's Family First implementation efforts
 - Public meeting schedule available here: <https://www.colorado.gov/pacific/cdhs-boards-committees-collaboration/family-first-prevention-services-act-implementation-team>
- Subscribe to Colorado's DHS newsletter:
 - <http://www.co4kids.org/subscribe-child-welfare-blog>
- Suggest programs poised for Clearinghouse review: <https://www.acf.hhs.gov/opre/research/project/title-iv-e-prevention-services-clearinghouse>
- Develop and attend trainings: QRTIP requirements (required), trauma, primary prevention, etc.

"The Children's Bureau strongly encourages state, county, and tribal child welfare agencies to engage their partner courts, attorneys, providers, prevention service providers, communities, parents and children with lived child welfare experience, and other critical stakeholders to work together to create a shared vision for what child welfare should look like in your jurisdiction."

35



Learn More

- **Family First Website:** <https://familyfirstact.org/>
 - One-stop-shop for helpful summaries, TA briefs and federal guidance
- **Colorado's FFPSA Update:** <https://co4kids.org/community/update-family-first-prevention-services-act#learn%20more>
- **HHS's written guidance:**
 - April 2018 (Overview)
 - May 2018 (IV-B and Chaffee)
 - July 2018 (IV-E)
 - November 2018 (IV-E Prevention and Kinship Nav.)
 - February 2019 (Model licensing)
 - March 2019 (Tribes)
 - July 2018 (Transitional Prevention Payments)
 - August 2019 (Youth & Family Voice)

36

Family First Quick Snapshot

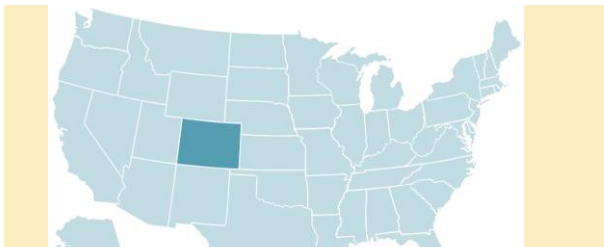
Pre-Family First: <ul style="list-style-type: none"> Most federal child welfare funds for foster care Services only for child Income test to qualify for federal funds No money for family-based SUD treatment Unrestricted IV-E funds for children in institutional care Many barriers to licensure for kin 	Post-Family First: <ul style="list-style-type: none"> New federal child welfare funds for prevention Prevention funds for child, parent and kinship caregivers No income test 12-months of money for family-based SUD treatment Restricts money for institutional care if not clinically appropriate Helps states identify barriers and best models for licensing kin
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37

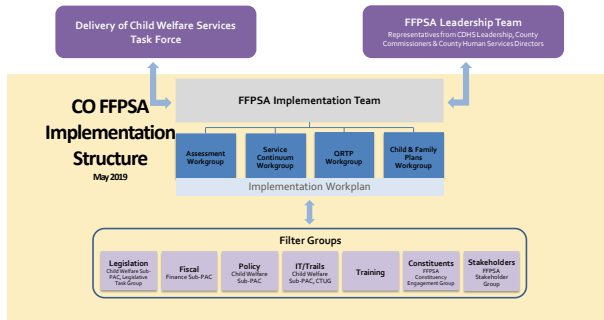
Questions?

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What's Happening in Colorado?



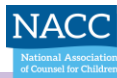
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40



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41
