

To: DCF/DMCPS Administrator
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove 
Administrator

Re: Federal Family First Prevention Services Act

PURPOSE

The purpose of this memo is to provide information about the federal Family First Prevention Services Act (FFPSA), which was recently enacted.

BACKGROUND

The federal Family First Prevention Services Act (FFPSA) was passed and signed into law (P.L. 115-123) as part of the Bipartisan Budget Act on February 9, 2018. The FFPSA includes provisions related to the use of federal Title IV-E funding for prevention services and congregate care placements, Chafee Independent Living funds, out-of-home care licensing requirements, federal reporting requirements, and federal funding. Many of these provisions are subject to further guidance from the federal Administration for Children and Families (ACF). This memo provides preliminary information on the major sections of the Act based on information and guidance received to date. A full summary of the Act published by ACF is available at the following link: <https://www.acf.hhs.gov/cb/resource/im1802>

INFORMATION SUMMARY

The two major sections of the FFPSA are related to a state's ability to claim federal Title IV-E funding for costs associated with prevention services and congregate out-of-home care settings. The motivation behind these new sections is (1) to support increased investment in child maltreatment services by allowing the use of federal Title IV-E funding for certain prevention services and (2) to limit the use of congregate care by restricting the use of federal Title IV-E funding to certain types of congregate care settings and certain circumstances. Both of these provisions are explained in more detail below.

Prevention activities

The FFPSA allows federal Title IV-E reimbursement for time-limited foster care prevention services, which include mental health and substance abuse prevention and treatment services and in-home parent skill-

based programs, that meet certain criteria. Following are the key criteria in the law, which are subject to further guidance from the federal ACF:

- *Eligible population:* To be eligible for claiming federal Title IV-E through the FFPSA prevention services funding, a child must be a “candidate for foster care” which is defined as a candidate at imminent risk of entering foster care but who can remain safely in the child’s home or in kinship care (i.e., relative care) with allowable services. In addition children/youth who are already in out-of-home care and who are pregnant or parents are eligible. Parents or kinship caregivers (i.e., relative caregivers) of these populations are also eligible.
- *Eligible programs:* Programs must use a trauma-informed approach and be a “promising, supported, or well-supported practice”. At least 50% of the prevention services must meet the “well-supported” practice standard.
- *Maintenance of effort (MOE):* States must maintain the same level of expenditures on prevention services as the amount the state spent in FFY2014. State expenditures funded by federal Temporary Assistance to Needy Families (TANF), Title IV-B, Social Services Block Grant (SSBG), and state and local revenue are included in the MOE.

Congregate Care

After the initial two weeks in out-of-home care, the FFPSA provides federal Title IV-E reimbursement only to congregate care placements that meet certain criteria. Following are the key criteria in the law, which are subject to further guidance from ACF:

- *Type of Facility:* A congregate care facility must meet the FFPSA criteria for a Qualified Residential Treatment Program (QRTP). Key criteria for a QRTP is that the facility is nationally accredited, has a nurse employed or under contract who is available 24/7, and uses a trauma-informed treatment model.
- *Aftercare:* The QRTP must provide aftercare support for at least 6 months post-discharge.
- *Assessment:* To be placed in a QRTP, a child must be assessed within 30 days of the initial placement day, by a “qualified individual” who is not an employee of the Title IV-E child welfare agency and not affiliated with any out-of-home care providers. The assessment must utilize a tool approved by the federal Health and Human Services (HHS) Department.
- *Court Review/Approval:* Within 60 days of placement in a QRTP, a court or administrative body appointed or approved by the court, must review the assessment and approve or disapprove the QRTP placement.
- *Length of Time in QRTP:* The head of the child welfare agency (i.e., the Wisconsin DCF Secretary) must approve and send to HHS signed approval for a child to remain in placement in a QRTP for a period exceeding 12 consecutive months or 18 nonconsecutive months or for a child less than 13 years old to remain in placement in a QRTP for a period exceeding 6 months.

The prevention services and congregate care provisions are effective October 1, 2019 unless the state exercises the option in the bill to request up to a two-year delay. The bill requires that the delay option, if exercised, applies to both the prevention and congregate care provisions (i.e., a state cannot request a delay of only one of these provisions).

Other Provisions

Following are other noteworthy FFPSA provisions, which may require state statutory and/or policy changes.

- Allow federal Title IV-E reimbursement for the cost of children residing with parents in residential AODA programs.

- Require that *fingerprint* criminal background checks be completed for all workers in licensed child welfare facilities, which is not currently required in Wisconsin statute or policy.
- Comply with national licensing standards for family foster homes.
- At the discretion of the state, authorize states to: (a) extend Independent Living services funded by federal Chafee Independent Living Funds to 23 from the current age limit of 21; (b) lower eligibility for federal Education and Training Vouchers (ETV) to age 14 from current age of 16; and/or (c) extend eligibility for federal ETV to age 26 from current age of 23.
- Availability of funding for Federal Fiscal Year 2018 for developing, enhancing, or evaluating Kinship Navigator programs.

Next Steps

The FFPSA prevention and congregate care provisions have significant programmatic and fiscal implications for Wisconsin's child welfare system. To identify and plan for both the opportunities and challenges in a thoughtful, effective, and collaborative manner with counties and other stakeholders, the Department of Children and Families (DCF) will be exercising the two-year delay option for the FFPSA prevention and congregate care provisions. DCF will be establishing a collaborative planning process and structure and inviting counties and other stakeholders to participate in that process. Details about the FFPSA planning process and ways to participate will be provided in a future memo.

CENTRAL OFFICE CONTACT: Policy Initiatives Advisor
Division of Safety and Permanence
608-422-6896

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>