Family First Prevention Services Act: Implications for Grandfamilies

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Family First Prevention Services Act

• Landmark legislation to help kinship families included in the Bipartisan Budget Act
• Passed and signed into law on February 9, 2018
• Themes:
  • Focus on prevention to keep families together
  • Children do best in families
  • Reduce over-reliance on congregate care
  • Investments in evidence-based programs
Key Kinship Provisions

• **Prevention services** - *option* to use federal child welfare dollars for evidence-based services and programs to prevent children from entering foster care by supporting children, kinship caregivers and parents

• **Kinship navigator programs** – *option* to offer these programs and receive federal reimbursement up to 50%

• **Improving Licensing Standards for Placements with Relatives** – *required* to report back to HHS on the licensing standards and use of waivers

• **Group care** – no federal reimbursement for inappropriate group placements – the law encourages placement of children in family-like settings and inclusion of kin in treatment and permanency planning

• **Improving Relative Placement Across State Lines** – states are *required* to develop an electronic case processing system to expedite placements across state lines
## Comparison of Kin Services and Supports
Before and After the Family First Prevention Services Act

### BEFORE Family First
- Most federal money supports children in foster care—not preventing their entry into foster care
- Home of removal income test to qualify for federal foster care funds
- Limited prevention services funded by different sources, often not child welfare funding
- No federal funds for prevention services to kin

### AFTER Family First
- New federal child welfare funds for prevention services.
- No income test required
- Services provided based on what children and families need to prevent entry into foster care including mental health and substance use treatment and prevention, and in home parent skill based services
- Federal child welfare funds for up to a full 12 months of prevention services to keep children out of foster care
- Pregnant and parenting youth in foster care have access to these services
- Federal child welfare funds for up to a full 12 months of prevention services to keep children out of foster care
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### Child Welfare Funding
- Prevention Services to: Child
- Prevention Services to: Parent
- Prevention Services to: Kin
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| **Many state specific barriers to licensure for kin** |
| **Foster Care Licensing** |
| **Helps states identify barriers and best models for licensing kin** |
| **6-month time limit no longer applies if receiving prevention services—kin may pursue licensure after provision of prevention services** |

| **No ongoing federal funds for Kinship Navigator Programs** |
| **Kinship Navigator Programs** |
| **Ongoing federal funds for Kinship Navigator Programs** |

| **Family engagement not required for critical decision-making** |
| **Aftercare services not required** |
| **Family engagement, including parents, siblings and extended family, required for all critical decision-making** |
| **Family-based aftercare supports required for at least 6 months after the child leaves group care** |

This resource was developed in partnership by the ABA Center on Children and the Law, Children's Defense Fund, and Generations United. Visit [www.grandfamilies.org](http://www.grandfamilies.org) for more resources.
Prevention Services

• Federal funds for 12 months of services to prevent children from entering or re-entering foster care
  • May seek additional 12 months - no lifetime cap on services.
  • Can receive more than once if child is again identified as a candidate
• Who is eligible for prevention services:
  • Children who are “candidates” for foster care; and
    • at imminent risk of entering but can stay safely with parents or kinship caregivers with prevention supports
  • Includes pregnant and parenting youth in foster care
  • Previous Child Welfare Manual definition does not apply, may be broader (ACYF-CB-PI-18-09)
    • Birth parents; and
    • Kinship caregivers providing temporary or permanent care for children
    • Children whose adoption or guardianship is at risk of disruption/dissolution
• Eligibility for services is determined without regard to eligibility for federal foster care maintenance payments (IV-E eligibility)
Prevention Services

- 3 Categories of Prevention Services:
  - Mental Health
  - Substance Abuse Prevention and Treatment
  - In-Home Parent Skill-Based Programs including:
    - parenting skills training
    - parent education
    - individual and family counseling
- Must be trauma-informed
- Must be evidence-based - either
  - Promising,
  - Supported, or
  - Well-supported (at least 50% of services must be deemed well-supported)
- November 30, 2018 - HHS released state requirements and initial practice criteria and services and programs currently for review to determine inclusion in the new Title IV-E Prevention Services Clearinghouse
- Spring 2019 - Approval of qualifying programs expected
- October 1, 2019 - Federal funds available if in compliance with congregate care provisions
Prevention Services & Foster Care Maintenance Payments for Kin

- 6-month time limit after a child’s removal from the parents’ home to qualify for federally funded foster care payments no longer applies if the child, parents and/or kinship caregiver is receiving prevention services.

- Kin may pursue licensure after provision of prevention services.
Prevention Services: Action Steps to Help Kin

• Identify current supportive prevention services
  • Do they serve kin? Could they? Can they become evidence-based?

• Make sure child welfare agency provides information about licensing to kin
  • Are there written materials detailing the benefits and requirements of licensing?
  • Are caseworkers required to explore licensing before the end of prevention services?

• Encourage a process for establishing a legal relationship with the kinship caregiver, if reunification is not successful
  • Is the kin caregiver referred and connected to supportive services after prevention services end?
  • What is the plan for continued contact with birth parents?
Kinship Navigator Programs

- Kinship navigator programs assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and promote effective partnerships among public and private agencies to ensure kinship caregiver families are served. 42 U.S.C. 627
- Kinship Navigator Programs must be evidence-based
- Can serve all kinship families regardless of eligibility for federal foster care payments
- Initial list of programs under consideration for the Clearinghouse include two kinship navigator programs:
  - Children’s Home Network Inc., Kinship Interdisciplinary Navigation Technologically-Advanced Model (KIN-Tech), Florida
  - Children’s Home Society of New Jersey, Kinship Navigator Model
Federal Funding for Kinship Navigators

• 2018 $20 million appropriation
  • 46 States, 8 tribes, and 2 territories applied and received funds
  • Did not apply: Delaware, Chickasaw Nation, Idaho, Maine, South Dakota

• 2019 $20 million appropriation
  • Similar process as 2018
  • Applications were due March 15, 2019

• Both 2018 and 2019 appropriations
  • May be used to develop, enhance and/or evaluate kinship navigator programs and
  • Do not have to meet the federal kinship navigator requirements as long as designed to ultimately fulfill these requirements

• Family First Prevention Services Act
  • Ongoing 50% federal reimbursement
  • Must meet evidence-based and other requirements
Requirements under Federal Law for Kinship Navigator Programs

MUST:
• Coordinate with other State or local agencies that promote service coordination or provide information and referral
• Plan and operate with kinship caregivers, youth raised by kinship caregivers, relevant government agencies and community-based or faith-based organizations
• Establish information and referral systems that link kinship caregivers, kinship support group facilitators and kinship providers to legal assistance and help obtaining legal services, etc.
• Provide outreach to kinship care families, including through a kinship care website or other materials
• Promote partnerships between public and private agencies

MAY:
• Also establish and support a kinship care ombudsman

42 U.S.C. § 627
Additional Guidance for Kinship Navigators

• Title IV-E agency has discretion to determine scope of population: inside or outside foster care system, legal relationship etc.

• Statute does not define kinship caregiver so may include tribal kin, extended family or other “fictive kin” caring for children

• Not required to operate in all counties or locations in state/tribe but encouraged to implement as broadly as possible

Program Instruction released Nov. 30, 2018 - ACYF-CB-PI-18-11
Kinship Navigator Programs: Action Steps to Help Kin

• Determine if your state or tribe applied for funds and what they propose to accomplish
• Partner with your state or tribe in their efforts to develop, enhance or evaluate a kinship navigator program
• Work with your state or tribe to meet Family First Act requirements for ongoing federal reimbursement
Improve Licensing Standards for Relative Foster Homes

• Family First Act seeks to eliminate barriers caused by state licensing standards so more relatives can become licensed and receive ongoing monthly financial assistance, supports and pathways to exit the system.

• On February 4, 2019, the Children’s Bureau released final National Model Foster Family Home Licensing Standards (National Model).

• By March 31, 2019, each Title IV-E agency must have reported to HHS:
  • Are the agency’s foster family home licensing standards consistent with the National Model? If not, why not?
  • Does the agency waive non-safety licensing standards for relative foster family homes, as allowed by federal law? If not, why not?
  • Which standards are most commonly waived?
  • How are caseworkers trained to use the waiver authority?
  • Is there a process or tools to assist caseworkers in waiving non-safety standards so they can place quickly with relatives?
  • What steps are being taken to improve caseworker training or the process?
NARA Model is the “main source” for the National Model

- National Association for Regulatory Administration (NARA), ABA and Generations United created model standards
- Available free of charge at www.naralicensing.org and www.grandfamilies.org
- Virtually all of the language in the Children’s Bureau Model is straight from the NARA Model
- The National Model does not incorporate all of the NARA Model, but nothing in the National Model contradicts the NARA Model
- The NARA Model and its tools can be used by states and tribes to help compare and align their standards - it provides important guidance and additional clarity
- Crosswalk tool available at grandfamilies.org
Foster Home Licensing Categories

- Foster Family Home Eligibility: Threshold Requirements
  - Must have sufficient income “prior to” addition of child in foster care
  - Functional literacy – rather than high school diplomas
- Foster Family Home Eligibility: Physical and Mental Health
  - Many comments from private citizens re: immunization requirements
  - Despite comments, immunizations required
  - Elevated responsibility when caring for other people’s children
- Foster Family Home Eligibility: Background Checks
  - Strictly adheres to Adam Walsh Act, as does NARA Model
  - Does not provide additional guidance for crimes outside of Adam Walsh; see NARA Model for guidance
Foster Home Licensing Categories

- Foster Family Home Eligibility: Home Study
  - Doesn’t define household member; see NARA Model for definition
  - Can use technology such as skype and facetime to conduct interviews

- Foster Family Home Health and Safety: Living Space and Condition of the Home
  - Breaking down barriers for rural families; e.g., water can be well water
  - Bathroom facilities don’t all have to be in one room
  - Refers to “community standards”; see NARA Model for definition

- Foster Home Capacity
  - Strictly follows Family First Act of 6 foster children, with exceptions for siblings, parenting youth, child with established relationship with family, family with special training for a child who has a severe disability
  - No overall maximum total children in home (NARA = 8 children)

- Foster Family Home Sleeping Arrangements
  - Importance of using “sleeping space” language – rather than bedrooms
  - Notion of equity
Foster Home Licensing Categories

• Emergency Preparedness, Fire Safety, and Evacuation Plans
  • Principle of helping with costs important
  • Slight difference from NARA – carbon monoxide detectors only required if home needs them
• Transportation
  • Another effort to break down licensing barriers – does not require applicants to own vehicles
• Training
  • No minimum number of hours – NARA requires a minimum of 6 hours
  • Tailoring training to relatives is important
• Foster Parent Assurances
  • Importance of informing applicants of behaviors required after licensing
  • NARA has additional assurances, which you can consult
The National Model does not include emergency placement procedures, also known as provisional licensing standards:

- Children’s Bureau did not reject such standards
- Considered them outside scope of Family First Act’s legislative requirements

NARA Model has emergency placement procedures:

- Allows a child to be placed safely with a relative immediately after removal from the parents’ home
- The relative then completes the remaining licensing process while the child is in their home
- Often prevents multiple placements and reduces trauma of removal
Foster Home Licensing: Action Steps to Help Kin

• Although March 31 reporting date has passed, consider this an ongoing opportunity to improve licensing
• Establish workgroup or taskforce to compare and align state standards with National Model and NARA Model
  • Use crosswalk tool available on www.grandfamilies.org
  • Include diverse voices: kin caregivers, foster youth, birth parents
  • Consult tribal standards available at www.NICWA.org
• Determine common barriers to licensing for relatives in your state
  • Common barriers include:
    • Criminal history of relative
    • Training requirements
    • Housing requirements like square footage, etc.
• Look at waiver practices in your state
  • Are waivers or variances approved at the local or state level?
  • Are they commonly used and if so for what standards?
  • See Kinship Foster Care wikiHow for tools
• Designate kinship liaisons to help relatives through the difficult licensing process
Use of Group Care and Involvement of Families

• Encourages placement of children in foster care in the least restrictive, most family-like settings
  • Federal funds may only be used for appropriate group placements known as quality residential treatment programs (QRTP)
  • May only be used for children with serious emotional and behavioral needs that cannot be maintained at a less restrictive level of care
• Requires involvement of family members (includes siblings and close family friends) in planning for children
  • Must consider placement preference of the family and if not followed, reasons must be documented
  • Encourages the need to maintain family connections for children in group care
  • Family must be part of child’s treatment and family based support must be provided for at least six months post-discharge
Group Care: Action Steps to Help Kin

• Question how family input and preferences are considered when determining placement level
• Look for ways to involve family in the treatment of children in group settings
  • How are family connections maintained?
  • Are relative placements used when a child is discharged from group care?
  • Are relatives trained and supported to provide therapeutic foster care for related children?
Interstate Placement of Children

- Expedites interstate placement of children in foster care, adoption or guardianship by requiring states to use an electronic interstate case-processing system
- Requires all states to use an electronic interstate case processing system by October 2027 to exchange related data and documents
  - Currently 37 states use the National Electronic Interstate Compact Enterprise (NEICE) system
    - 10 states planning to join 2019
    - launched in November 2013
Other Key Provisions for Grandfamilies

• **Extends** services through the John H. Chafee Foster Care Independence Program:
  • to age 23 the financial, housing, counseling, employment, education, and other appropriate supports and services to former foster care
  • to age 26 for Education and Training Vouchers

• **Reauthorizes** for five years the Adoption and Legal Guardianship Incentive Payment program
www.grandfamilies.org

A collaboration of the Generations United 
ABA Center on Children and the Law 
Casey Family Programs
Specific Resources

- **www.familyfirstact.org**
  - National collaborative which houses a database of resources to promote robust implementation of the law
- **www.grandfamilies.org**
  - Family First Prevention Services Act Resources including federal guidance, brief summaries, webinars, tools
  - Model Family Foster Home Licensing Standards
  - Kinship Navigator information and resources
  - wikiHow for Kinship Foster Care
- **www.childrensdefense.org/policy/policy-priorities/child-welfare/family-first/**
  - Children’s Defense Fund - detailed timeline and resources for all Family First Prevention Services Act provisions
Questions or State Assistance – Contact Us

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The federal Family First Prevention Services Act (Family First Act), enacted in February 2018, includes many child welfare system reforms that support children, parents, and kinship caregivers. This tool highlights provisions that help kinship families, along with steps caregivers, advocates, and other leaders can take to help implement the Family First Act.

How the Family First Act Benefits Kinship Families

- Provides prevention services to children, kinship caregivers, and parents to help keep children safely out of foster care.
- Reduces licensing barriers to increase the use of kinship foster homes.
- Encourages kinship navigator programs to assist kinship families.
- Promotes family engagement for children who live in group settings.

How to Help Your Jurisdiction Receive the Full Benefits of the Family First Act

Help your state, territory or one of the 14 tribes that operate a Title IV-E child welfare agency receive the full benefits of the Family First Act by taking the following action steps:

1. **Ensure your jurisdiction is taking advantage of the Family First Act.**
   - Learn your jurisdiction’s policies and approaches to placing children with relatives. Do relative caregivers receive supports and services? Can they become licensed foster parents or are they caring for children outside the formal child welfare system?
   - Read all materials your jurisdiction has produced about this law and share national materials with community leaders (see [www.grand-families.org/Resources/Federal-Laws](http://www.grand-families.org/Resources/Federal-Laws) for national materials).
   - Find out if your jurisdiction has a Family First Act implementation working group, get involved, and advocate to include individuals representing the kinship point of view.
   - Use this tool to share the benefits of this law.

2. **Offer services to prevent foster care entry.**
   The Family First Act provides funds to jurisdictions that choose to offer proven (“evidence-based”) prevention services to eligible children at “imminent risk” of entering foster care, their birth parents, and relative caregivers, so children can stay safely with family and not enter foster care. Services may include mental health and substance use treatment and prevention, and in-home parent skill-based services.
Elevate effective prevention services currently used to serve children, relative caregivers and/or birth parents in your jurisdiction. If existing prevention services do not serve kinship families, could they be changed to serve them?

Identify evidence-based prevention services that complement existing services in your jurisdiction. Check www.grandfamilies.org/Resources/Federal-Laws for more information on evidence-based services.

Prioritize prevention services for kinship families diverted from foster care. Encourage relative caregivers who have received prevention services to become licensed foster parents for children in their care if these prevention services do not adequately assist and support the family.

Make sure the child welfare agency requires caseworkers to discuss with parents and relative caregivers the benefits and challenges of relative caregivers becoming licensed kinship foster parents for children versus caring for children outside the child welfare system. Caseworkers should provide parents and caregivers written materials explaining the benefits and challenges.

Improve foster care licensing standards and procedures.

The Family First Act requires jurisdictions to improve their standards and procedures for licensing foster parents with related children in their care.

Join your jurisdiction's efforts to improve foster care licensing standards by comparing your standards with the National Model Family Foster Home Licensing Standards. Encourage your jurisdiction to establish a work group for this process.

Promote diverse voices in the licensing work group, including kinship caregivers, non-related foster parents, foster youth, birth parents, people who work with caregivers and families, and those who license foster homes at the state, tribal, and agency levels.

Share with the work group stories and examples of barriers to licensing relatives.

Make sure the jurisdiction's efforts are relative-friendly by encouraging it to align its standards with both the National Association for Regulatory Administration (NARA) Model Family Foster Home Licensing Standards and the National Model Family Foster Home Licensing Standards. See www.grandfamilies.org/Resources/Foster-Care-Licensing

Ensure the licensing work group compares tribal standards to National Indian Child Welfare Association (NICWA) materials.

Establish and maintain kinship navigator programs.

The Family First Act allows jurisdictions to receive federal support to establish or maintain kinship navigator programs, which provide information, referral, and follow-up services to grandparents and other relatives raising children to link them to critical benefits and services. Programs must meet evidence-based requirements to qualify for funding.
• Learn and share the benefits of established navigator programs. For information about existing programs visit: www.grandfamilies.org/Resources/Kinship-Navigator-Programs

• Find out if your jurisdiction applied for and received 2018 funding to develop, enhance, or evaluate kinship navigator programs and learn what they plan to do with this funding. Urge your jurisdiction to track this new funding to help them prepare to access ongoing funding under the Family First Act.

• Encourage your jurisdiction to apply for additional 2019 funding to develop, enhance or evaluate kinship navigator programs. Check www.grandfamilies.org/Resources/Kinship-Navigator-Programs for updates about applying for this new funding.

• In developing and operating a kinship navigator program, encourage your jurisdiction's public child welfare agency to engage relative caregivers and community-based organizations with experience serving kinship families both inside and outside the child welfare system.

• Support kinship navigator programs’ efforts to document proven benefits to meet ongoing federal funding requirements under the Family First Act.

Involve families in residential group settings for children.

For children with serious emotional or behavioral needs requiring foster care placement in federally funded residential group settings, the Family First Act requires group care providers to engage family members in planning where to place children and helping children stay connected to their families. Family members should also be part of the children’s treatment plans and receive family-based services after the children successfully leave group care. Participation by family members includes siblings, extended family members, and adults who are important to the child.

• Explore procedures and methods that your jurisdiction's child welfare agency can use to incorporate and consider family preferences when deciding where children will be placed (e.g., Family Group Decision Making).

• Determine which group settings in your area are frequently used for children in foster care and ask how they involve their families in the children's treatment.

• Demand child welfare agencies provide training, support, and licensing to relatives so they can care for related children with serious emotional or behavioral needs. Allowing relatives to become therapeutic foster parents for related children avoids placing those children in group settings. It also prepares relatives to care for children who are ready to leave group care.
**Comparison of Kin Services and Supports**  
Before and After the Family First Prevention Services Act

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**New federal child welfare funds for prevention services.**

**Services provided based on what children and families need to prevent entry into foster care including mental health and substance use treatment and prevention, and in home parent skill based services**

**Federal child welfare funds for up to a full 12 months of prevention services to keep children out of foster care**

**Pregnant and parenting youth in foster care have access to these services**

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Generations United

Family First Prevention Services Act
Brief Summary
Implications for Grandfamilies

The Family First Prevention Services Act (Family First) became federal law on February 9, 2018, as part of the Bipartisan Budget Act of 2018. Family First is a landmark child welfare law that aligns with the principle that children do best in families.

Although Family First addresses an array of services and programs, this brief summary focuses solely on the several provisions specifically important for grandfamilies. These provisions take effect on October 1, 2019 with some exceptions as noted below in this summary.

Allows for federal reimbursement for prevention services and programs
For the first time, this Act will allow federal child welfare dollars to be used for up to 12 months of services and programs to prevent children from entering foster care by supporting the triad of generations in grandfamilies - children, kinship caregivers and parents. The children can get services if they are “candidates” for foster care who are at imminent risk of entering care and can safely remain at home with parents or with kinship caregivers. This includes children whose adoption or guardianship is at risk of disruption or dissolution. Kinship caregivers or parents of the children can also get services if they are needed to prevent the children’s entry into care. Children and families can receive these services more than once if the child is again identified as a candidate for foster care.

The prevention services and programs include:

- mental health treatment
- substance abuse prevention and treatment
- in-home parent skill-based supports

Provides federal support for kinship navigator programs
States can receive federal reimbursement for up to 50% of their expenditures to provide kinship navigator programs that meet certain evidence-based requirements. This federal support is available regardless of whether the children for whom the services are being accessed meet certain income eligibility requirements for Title IV-E foster care funding.

Seeks to improve licensing standards for relative foster family homes
The Secretary of HHS must identify a model of family foster home licensing standards by October 1, 2018 ([Model Family Foster Home Standards](www.grandfamilies.org)) developed by NARA, Generations United and the American Bar Association are available at www.grandfamilies.org). By April 1, 2019, each state must report to HHS on the following:

- are the state standards in accord with the model and if not, why not?
- does the state waive non-safety licensing standards for relatives, as allowed by federal law?
- which standards does the state most commonly waive?
• if the state does not waive, why not?
• how are caseworkers trained to use the waiver authority?
• does the state have a process or tools to assist caseworkers in waiving non-safety standards so they can place quickly with relatives?
• what steps are the state taking to improve caseworker training or the process?

**Works to ensure that each child in foster care gets a family**

If children need to come into the custody of the child welfare system, the law encourages the placement of children in foster care in the least restrictive, most family-like settings appropriate to their needs by not allowing the use of federal funds for inappropriate group placements as of October 1, 2019, although a state may request a delay for up to two years. Federal funds may only be used for a few specific types of group placements, including a qualified residential treatment program (QRTP).

An important component of the appropriate use of QRTPs is the need to maintain family connections. To be considered such a program, the program must facilitate outreach to the child’s family members, including siblings and close family friends known as “fictive kin”; and the child’s family must be a part of the child’s treatment, including family-based support for at least six months post-discharge. As part of the assessment to determine if a QRTP placement is necessary, the placement preferences of the family must be considered, and children must be placed with their siblings unless it is not in their best interest. If the placement preferences of the family are not followed, the reasons must be documented as part of that assessment process.

**Improves Interstate Placements**

The Act expedites interstate placement of children in foster care, adoption or guardianship by requiring states to use an electronic interstate case-processing system by no later than October 2027 for exchanging related data and documents.

**Extends child and family services programs**

The Act extends funding for five years (fiscal years 2017-2021) for two critical service programs for children and families in the child welfare system-- The Stephanie Tubbs Jones Child Welfare Services Program and The Promoting Safe and Stable Families Program.

**Improves the John H. Chafee Foster Care Independence Program**

The Act extends to age 23 the financial, housing, counseling, employment, education, and other appropriate supports and services to former foster care youth. It further extends eligibility to age 26 for Education and Training Vouchers.

**Reauthorizes the Adoption and Legal Guardianship Incentive Program**

The Act reauthorizes for five years the Adoption and Legal Guardianship Incentive Payment program, which allows states to receive incentive payments based on improvements in increasing exits from foster care to adoption or kinship guardianship.

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This summary was originally adapted from the Children’s Defense Fund’s detailed summary of the Family First Prevention Services Act of 2016, available at [www.childrensdefense.org](http://www.childrensdefense.org), and the Generations United detailed summary of the Act’s grandfamilies’ provisions, available at [www.gu.org](http://www.gu.org).
Frequently Asked Questions

National Model Foster Family Home Licensing Standards

On February 4, 2019, the Children’s Bureau released final National Model Foster Family Home Licensing Standards (National Model), as required by the Family First Prevention Services Act. The Information Memorandum (ACYF-CB-IM-19-01) containing that Model is available at www.grandfamilies.org.

The Family First Prevention Services Act (Family First Act) requires states and tribes operating IV-E child welfare agencies to compare their foster home licensing standards against the National Model standards and report to the Children’s Bureau in the U.S. Department of Health and Human Services on their comparison and practices related to waiving non-safety standards for relatives. The purpose is to try to eliminate barriers caused by state licensing standards so more relatives caring for children in foster care can become licensed and receive ongoing monthly financial assistance, supports and pathways to exit the system with monthly assistance.

The Family First Act builds on long-standing federal law that states must be “in accord” with national standards. Up until now, the federal government did not point to any such standards, so the states created their own standards without any national guidance. The varying state standards often cause unnecessary barriers for relatives to become licensed. HHS, in releasing a National Model pursuant to the Family First Act, has for the first time given states and tribes guidance that seeks to address these unnecessary barriers to licensing relatives and non-relatives.

(1) What must Title IV-E child welfare agencies do with the National Model Foster Family Home Licensing Standards?

In its July 9, 2018 Program Instruction (PI) and February 4, 2019 Information Memorandum (IM), the Children’s Bureau further clarified the reporting procedure and is requiring IV-E agencies to submit a Title IV-E plan amendment (attachment X, of the pre-print) by March 31, 2019, and provide the following “specific and detailed” information:

- Are the agency’s foster family home licensing standards consistent with the National Model? If not, why not?
- Does the agency waive non-safety licensing standards for relative foster family homes, as allowed by federal law? If not, why not?
- Which standards are most commonly waived?
- How are caseworkers trained to use the waiver authority?
• Is there a process or tools to assist caseworkers in waiving non-safety standards so they can place quickly with relatives?
• *What steps are being taken to improve caseworker training or the process?*

**Please note:** the questions listed here are from a reading of the Family First Act, the PI issued July 9, 2018, the Title IV-E plan pre-print attachment X, and the IM issued February 4, 2019. The PI and IM do not include the 3 italicized questions, and the pre-print attachment asks two of them, but not the final one about steps being taken to improve caseworker training. The Family First Act is clear in requiring states and tribes to answer all of the questions listed here.

**(2) Is the final National Model similar to the proposed National Model released August 1, 2018 for public comment?**

Yes, the final National Model is very similar to the proposed National Model. The modifications contained in the Final Model include:

• Allowing family friends and teen household members to drive the foster child, not just adults in the home, as is consistent with reasonable and prudent parent standards.
• Clarifying that foster parents can meet communication standards through communication aids and non-verbal means.
• Adding immunization requirements for caregivers, provided those immunizations are not contrary to the health of the caregiver.
• Explaining a few additional points raised in the public comment process, which can be found in the endnotes to the final National Model.

**(3) How does the final National Model compare to the National Association for Regulatory Administration (NARA) Model Family Foster Home Licensing Standards?**

The Children’s Bureau used the NARA Model Family Foster Home Licensing Standards (NARA Model) as the “main source” for its proposed National Model, and then accorded it “considerable deference” in deciding whether to modify the proposed National Model. Although the National Model does not incorporate all of the NARA Model, it focuses on some of the most important NARA standards that address many of the licensing barriers faced by relatives. That focus is consistent with both the spirit of the Family First Act and the spirit with which the NARA drafters approached their “multiyear effort.”

**(4) Who developed the NARA Model, and why?**

Generations United, the American Bar Association (ABA) Center on Children and the Law, and NARA, with support from the Annie E. Casey Foundation, developed the NARA Model. The process began with attorneys at Generations United and the ABA Center on Children and the Law researching all 50 states’ licensing standards, along with standards found in national associations, including the Child Welfare League of America and the Council on Accreditation. This research informed the 12-month process of developing the standards in concert with NARA leadership, members and experienced licensors in Florida, Ohio, and Kansas. Input was also obtained throughout the process from other NARA members representing many states.
The primary purpose of the NARA Model is to help ensure children in foster care are safe while also establishing a reasonable, common-sense pathway to enable more relatives and non-relatives to become licensed foster parents. The NARA Model contains a complete set of the categories necessary to license a safe family foster home and is designed to eliminate unnecessary barriers caused by licensing standards that have more to do with lawsuits and middle-class ideals than licensing safe homes. Gone are standards such as requiring applicants to have high school diplomas, own their own cars, and have homes that meet strict square footage requirements.

(5) Can IV-E agencies consider both the National Model and the NARA Model in assessing their standards as part of this process required by the Family First Act? Yes, the NARA Model and its tools can be used by IV-E agencies to help compare and align their standards. While neither the proposed nor final National Model incorporate all of the NARA standards or tools, nothing in the National Model contradicts them.

(6) Will consulting the NARA Model provide IV-E agencies with further guidance? Yes, there are certain NARA definitions, principles, standards, and tools that will provide state and tribes with important guidance and additional clarity. The NARA Model is available free of charge at www.grandfamilies.org.

- NARA Definitions: The National Model uses the terms “community standards,” “functional literacy” and “household member” as in the NARA Model, but does define them. The NARA definition section can be of help to IV-E agencies wanting to include their own definitions of these critical terms.

- NARA Principles: Ten principles in the NARA Model may be of help to states and tribes. Principle #5, for example, emphasizes the importance of cultural considerations in licensing homes and that “[i]f necessary, the agency should assist the applicant with costs associated with meeting the standards.” Such costs could include buying a required fire extinguisher or crib or fixing a hazard in the home.

- NARA Standards: A variety of standards in the NARA Model may assist states and tribes striving to improve their licensing standards. As an example, the NARA standards provide further guidance on implementing the federal Adam Walsh criminal background check requirements and how to assess foster parent applicants who are convicted of non-Adam Walsh crimes.

- NARA Interpretative Guide: The guide contains additional information to help licensors make their compliance determinations.

- NARA Crosswalk Tool: This tool is available as part of the NARA Model package. The NARA partners are also creating a new crosswalk tool that will have both the National Model and NARA Model standards side-by-side with a column for states and tribes to
insert their standards and compare. Expect it to be posted to www.grandfamilies.org in mid-February 2019.

(7) Does the National Model include emergency placement procedures for relatives?
No, the National Model does not include emergency placement procedures, also known as provisional licensing standards. The Children’s Bureau did not reject such procedures or standards, they simply considered them outside the scope of the Family First Act’s legislative requirements.

(8) How about the NARA Model? Does it have emergency placement procedures that IV-E agencies could consider?
Yes, the NARA Model does have a section on emergency placement procedures. Title IV-E agencies should consider including such emergency procedures as they are often the first step in the process for relatives to become fully licensed. Unlike unrelated foster parent applicants, children are usually placed with relatives prior to licensing. These standards allow a child to be placed safely with a relative virtually immediately after removal from the parents’ home. The relative then completes the remaining licensing process while the child is in their home. Using this type of emergency procedures, a child can be placed safely with a relative right away and does not have to experience multiple placements.

(9) What about tribal considerations in this process?
As stated in the NARA Model, “[w]hen working with American Indian and Alaska Native families, public and private agencies should consult with tribes and nearby urban Indian organizations with expertise in recruiting and licensing tribal family homes.” Furthermore, those developing tribal standards should refer to NICWA materials at www.nicwa.org.

(10) Is there any special guidance for therapeutic foster homes, whether related or not?
Yes, for licensing standards for therapeutic foster homes, please see Foster Family-based Treatment Association Program Standards for Treatment Foster Care, www.ffta.org.

If you have any questions concerning this document, please contact Ana Beltran, Special Advisor, Generations United at abeltran@gu.org.