FEDERAL FAMILY FIRST PREVENTION SERVICES ACT (FFPSA) OVERVIEW AND FOCUS ON PART IV IMPLEMENTATION

CHILD WELFARE COUNCIL
SEPTEMBER 8, 2021
TODAY’S PRESENTATION

- Summary of Major Provisions of Family First
- Overview of California’s Approach to Prevention Services
- Focus on Part IV and Integrating Requirements for Qualified Residential Treatment Programs
SUMMARY OF MAJOR PROVISIONS OF FAMILY FIRST PREVENTION SERVICES ACT

Two areas of primary focus

- Part I: Allows states to access Title IV-E funds for prevention services (optional)
- **Part IV: Restricts use of Title IV-E funds when youth are in residential settings (mandatory – states must be in compliance by October 1, 2021)**

Other provisions of Family First

- Allows states to claim Title IV-E funds to allow a child in foster care to be placed with a parent in a licensed residential treatment program for substance abuse disorders for up to 12 months
- Allows state to claim Title IV-E funds to support kinship navigator programs
- $8 million for states for foster parent recruitment and retention programs
- Allows states to increase maximum age for Chafee program up to age 23 (no additional federal funding)
- Allows states to increase maximum age for Education and Training Vouchers up to age 26 (no additional federal funding)
- Required states to amend state plans to address whether their licensing standards conform to the model standards adopted by HHS
- Changes timelines for reunification services to allow reunification services to be provided for 15-months after a child returns home (no additional federal funding – just changed to rules on when states can use existing IV-B dollars)
- 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
OVERVIEW OF CALIFORNIA’S APPROACH TO PREVENTION SERVICES
PREVENTION-BASED INITIATIVES

- OCAP Strategic Plan
- ICWA
- Foster Care Model of Care
- Integrated Core Practice Model
- Continuum of Care Reform
- FFP SA
VISION: COMPREHENSIVE PREVENTION SERVICES

An integrated statewide system that supports families to provide safe, stable, nurturing relationships and environments for their children and youth.

FFPSA is one part of prevention

Opting into FFPSA is opting into a larger comprehensive prevention-based initiative

This vision can be achieved by focusing on:

- Family Voice Centeredness
- Racial Equity
- Tribal Consultation and Collaboration
- Strength-Focused and Trauma-Informed
- Community Capacity Building
- Workforce Excellence
- Integration and Collaboration
- Monitoring Integrity and Continuous Quality Improvement
Optional program to receive IV-E reimbursements for the provision of prevention services to children at imminent risk of entering foster care

- California submitted a State Five-Year Prevention Plan to the Administration for Children and Families (ACF) detailing how the program will be implemented and comply with requirements

This law is important because:

- It's the first entitlement program for prevention services
- It's an opportunity to strengthen best practices by aligning prevention services with active efforts required under the Indian Child Welfare Act (ICWA).
Federal funds for prevention services can be claimed for individuals who meet federal eligibility requirements

- **Candidates** for foster care; OR expectant and parenting youth (no candidacy determination); OR parent(s) or relatives of the candidate or the EPY

- Prevention services must fall into one of three categories: (1) mental health; (2) substance abuse; (3) in-home parent skills based program

- **Evidence-based program (EBP)** that has been rated as promising, supported or well-supported in the IV-E Prevention Services Clearinghouse AND 50% of all funds are for well-supported programs (beginning 2024)

- Process to confirm **model fidelity** to the EBP standards

- Title IV-E is the payor of last resort

- **Per child claiming** and tracking of child after they are no longer receiving prevention services (requires automation)

- Ongoing **continuing evaluation**
### Purpose

- **FFTA $43.8 M**
  - One-time, flexible grants to states and eligible tribes to support implementation of the FFPSA, child welfare waiver demonstration project transitional activities, and purposes allowable under Title IV-B of the Social Security Act.
- **Block Grant $222.0 M**
  - State General Fund monies that provide funds for comprehensive prevention activities including, administrative activities, services, and training to establish a comprehensive prevention program.
- **ARPA CBCAP $25.0 M**
  - CBCAP supplemental grant funding to be used towards primary and secondary prevention activities and services.
- **Title IV-E**
  - Establishes the FFPSA prevention program to allow states who opt-in the ability to claim for federal IV-E funds from qualifying prevention services.

### Source

- **FFTA**
- **State General Fund**
- **American Rescue Plan Act of 2021 – Section 2205**
- **Family First Prevention Services Act (FFPSA)** codified as CA AB 153

### Distribution Schedule

- **FFTA**
  - Can begin claiming for April 2021
  - Eligible for use through Sept. 30, 2025
- **Block Grant**
  - Three-year allocation beginning January 1, 2022 until June 30, 2024
  - One-Time allocation
  - The funding must be obligated by September 30, 2025 and liquidated by December 30, 2025.
- **ARPA CBCAP**
  - One-Time allocation
  - The funding must be obligated by September 30, 2025 and liquidated by December 30, 2025.

### Access/ Opt-In Procedure

- **FFTA**
  - Submit Letter of Intent by October 1, 2021
- **State General Fund**
  - Submit Letter of Intent by Nov. 1, 2021
  - Submission of Comprehensive Prevention Plan for access to FY 22-23 allocation
- **ARPA CBCAP**
  - Counties are to complete a Letter of Intent to Opt-In
  - Submit Letter of Intent by Nov. 1, 2021
- **Title IV-E**
  - Administrative Program Development: January 2021
  - Services & Individualized Administrative Costs: July 2022 – October 2022 (dependent on automation)

### Allowable Activities

- **FFTA**
  - At least 50% used towards:
    - Prevention & early intervention planning
    - FFPSA evaluation activities
    - Expanding capacity for EBPs
    - Continuing and/or expanding prevention & early intervention services, including those with a “promising” rating
    - Transition activities for former waiver demonstration project counties, to transition to FFPSA prevention services
- **Block Grant**
  - 50 General Fund/50% Title IV-E:
    - Administrative activities to expand FFPSA capacity, support evaluation, and measure FFPSA readiness
    - Training
    - 100% General Fund:
      - Administrative activities to support the delivery of FFPSA services
      - FFPSA-allowable services costs (prior to automation)
      - Non-FFPSA prevention services costs under county comprehensive plan (or written notice during Year 1)
- **ARPA CBCAP**
  - Community-Based Prevention Programs
  - Activities which advance racial equity and support underserved populations
  - [ACYF-CB-PI-21-07 (hhs.gov)](attachmentA)

### Required Reporting

- **FFTA**
  - APSR Reporting Form annually until Feb. 2026
  - Prevention Services Inventory due Nov. 30, 2021
- **Block Grant**
  - Expenditures on FFPSA Part 1 Initial comprehensive prevention plan and ongoing amendments, as applicable
- **ARPA CBCAP**
  - Annually by September 30th via ETO
- **Title IV-E**
  - Administrative activities to support the delivery of services
  - FFPSA-allowable services costs
  - Statewide automation for tracking of services costs
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<thead>
<tr>
<th>Date</th>
<th>Activity</th>
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<tr>
<td>April 2021</td>
<td>Release of FFTA Funding</td>
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| September 2021 | ACIN: ARPA CBCAP funding  
ACL: Prevention Services General Fund Block Grant |
| November 2021 | CFL: Planning Allocation/Claiming Instructions for Prevention Services General Fund Block Grant  
ACL: Allowable Activities, Federal Match, and Comprehensive Prevention Plan Template |
| January 2022 | CFL: Final Funding Allocation for Prevention Services General Fund Block Grant |
| February 2022 | County Submission of APSR Reporting Form                                 |
| March 2022   | ACL: Data Reporting, Outcomes, and Model Fidelity                         |
| April 2022   | ACL: Automation Requirements                                              |
| May 2022     | ACL: Joint Guidance from DHCS and CDSS                                    |
| July 2022    | Release of FY 2022-23 Allocation  
County Submission of Comprehensive Prevention Plan                           |
| (Anticipated) July-October 2022 | Release of FFPSA Part 1 Title IV-E matching funds |
FOCUS ON PART IV AND INTEGRATING REQUIREMENTS FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAMS
The Family First Prevention Services Act (FFPSA) Part IV seeks to limit reliance on congregate care for serving children in foster care.

Related Reform Efforts

- California’s Continuum of Care Reform (CCR) that were implemented pursuant to AB 403 and subsequent legislation
- Addressing Complex Care Needs and Funding
- Foster Care Model of Care
- Children’s Crisis Continuum Pilot
- AB 2083
KEY COMPONENTS OF PART IV OF FFPSA

FFPSA requires states to ensure that congregate care settings where FFP is claimed comply with the following:

1. Accreditation
2. Nursing Requirements
3. Aftercare
4. Qualified Individual Assessment and Determination
5. Court Reporting & Case Planning

FFPSA Part IV QRTP requirements will only apply to new placements and placement changes into STRTPs on or after October 1, 2021.

CDSS estimates the QRTP requirements to apply to approximately 421 children per month, 33% of which are from Los Angeles County.
NEW REQUIREMENTS FOR LICENSURE AS AN STRTP

NURSING REQUIREMENTS & AFTERCARE
On and after October 1st, 2021, STRTPs will be required to provide youth with access to nursing services, 24 hours a day, 7 days a week. This will help ensure that a youth’s medical needs are being met throughout their placement within an STRTP.

When necessary, nursing staff shall provide onsite care according to STRTP’s treatment model or partner with the placing agency to arrange nursing care.

The provided nursing services must:

- Be available 24 hours a day, seven days a week,
- Utilize nursing staff who can provide telehealth care and advice, triage and recommend medical treatment for the youth in the STRTP,
- And, when necessary, establish an agreement to provide on-site nursing staff according to the STRTP’s treatment model or as otherwise required by the needs of any youth in the facility.
- By October 1, 2021, each county child welfare agency, probation department, and mental health plan will jointly provide, arrange for, or ensure the provision of the six months of aftercare services for youth and non-minor dependents transitioning from an STRTP to a family-based setting. Plan must be submitted by this date.

- By October 1, 2022, aftercare services to utilize California high-fidelity Wraparound model. Plan must be submitted by this date.

- High-Fidelity California Wraparound:
  - Encompasses family/youth voice
  - Inspires transformation and hope in families’ lives
  - Informed by data (fidelity tools, admin data, CANS, etc.)
  - Consistent across California
  - Based in the California Wraparound Standards (ACIN I-52-15).
Although this is not a new requirement for licensure as an STRTP, the Family First Prevention Services Act (FFPSA), brings changes regarding national accreditation that will impact Short-Term Residential Therapeutic Programs (STRTPs) as a condition of Federal Financial Participation (FFP). FFPSA requires that Qualified Residential Treatment Programs (STRTPs in California) be accredited by October 1, 2021.

CDSS recognizes that some providers may be impacted by this new legislation and is reaching out to STRTPs with the goal of helping impacted providers receive their accreditation prior to October 1, 2021.

CDSS accepts accreditation from the following entities:
- The Council of Accreditation (COA)
- Commission on Accreditation of Rehabilitation Facilities (CARF)
- The Joint Commission on Accreditation of Healthcare Organizations (JCAHO)
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<td>Currently incorporating stakeholder feedback.</td>
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<td>PIN &amp; ACL on Nursing Requirements</td>
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<td>ACL on Case Planning and Court Reporting</td>
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NEW REQUIREMENTS FOR PLACEMENT INTO AN STRTP

THE QUALIFIED INDIVIDUAL & COURT REPORTING / CASE PLANNING
On or after October 1, 2021, a QI must conduct an assessment prior to a youth’s placement into an STRTP but no later than 30 days after placement as a condition of title IV-E funding.

The QI is defined as a trained professional or licensed clinician who is not an employee of a IV-E agency and who is not connected to, or affiliated with, any placement setting.

In California the QI is either an employee of or contracted by the County Behavioral Health agency.

The QI assessment is clinical in nature and will be conducted as a Specialty Mental Health Service.
THE QI FRAMEWORK

VISION
- All children live in committed and loving families

PURPOSE
- Determine what supports are needed to meet the child and caregiver’s specific needs in a family setting

QI ACTIVITIES
1) Engage members of the CFT including the youth and the caregiver
2) Review comprehensive mental health assessment
3) Conduct the QI assessment using the IP-CANS tool as a component of the assessment
4) Identify strengths and needs of the child and how those needs can be met with a family member
FFPSA PART IV

COURT REPORTING

- FFPSA requires additional court oversight. This includes:
  - Court hearings within 60 days of the start of each STRTP placement, including change in STRTP placements.
    - For each new placement and/or placement change, a new court hearing is required to approve the level of care based on an assessment by the Qualified Individual (QI).
    - At each court hearing, the court of jurisdiction must take into consideration the QI’s assessment when determining whether the STRTP is the most effective and appropriate level of care and whether the placement is consistent with the child’s short- and long-term behavioral health and permanency goals.
  - Review of Placement at Post-Permanency, Status, and Probation Status Review Hearings
    - These hearings will require a supplemental report, or for probation a social study, to include evidence of the QI’s ongoing assessment of the child’s strengths and needs.
  - The Judicial Council of California will be amending or adopting new rules of court and must develop or amend the appropriate forms to implement WIC Sections 361.22 and 727.12 by October 1, 2021. The Judicial Council will also develop a procedure for the court to review the placement without having a hearing.
The FFPSA requires additional documentation in the child welfare or probation case plan for youth placed in an STRTP.

Section 16501.1 applies to children and nonminor dependents placed in foster care by a county placing agency, and WIC Section 706.6 applies to minors placed into foster care by a probation agency.

Within 30 days of a child’s placement into an STRTP, documentation in the child welfare or probation case plan is to include:

- Information that demonstrates permanency planning, that is inclusive of the child and family, is occurring.
- Information reflecting the Child and Family Team’s (CFT) efforts and collaboration with the QI.
- The QI’s determinations and assessments, and whether the QI recommendation aligns with the child and CFT’s placement preference.
- A description of home-based services to encourage the safety, stability, and appropriateness of the next placement, and a plan for the provision of family-based aftercare support.
HOW COUNTIES CAN START PREPARING

QI Implementation:
1. Work with MHP on referral process (we will have a template)
2. Develop local processes for integrating the QI with the CFT
3. Develop joint processes for gathering and decimating info to the QI when a referral is made
4. Develop local processes for how QI recommendations will be implemented by CFTs and local child serving agencies
5. When needed, processes for how the IPC will support removing barriers to implement QI recommendation

Courts Process and Case Planning:
1. Inform caseworkers of forthcoming changes
2. Plan trainings for caseworkers regarding how FFPSA will change the work
3. Create a timeline to meet court deadlines, consistent and supportive of current county practices
QUESTIONS AND ANSWERS

You can also email questions regarding FFPSA Part IV to: ffpsa@dss.ca.gov