



ADVOCACY IN ACTION: THE FAMILY FIRST PREVENTION SERVICES ACT

Advocacy in Action is a series of briefs focused on issues of potential importance to the court-appointed special advocates (CASAs) or guardians ad litem (GALs) who advocate for the best interests of children who have been neglected or abused. Understanding how these issues may impact child and family outcomes is foundational to being a successful advocate.

Each *Advocacy in Action* brief starts with a summary of the issue and how it may impact children who have been neglected or abused,

followed by recommended actions for advocates in light of the research. Each brief also includes a promising practice from the nationwide network of CASA/GAL programs and a list of resources for those interested in learning more.

Though these issues are interrelated, each brief is categorized as pertaining to either children's safety, permanency, or well-being.



THE FAMILY FIRST PREVENTION SERVICES ACT

WHY IT MATTERS

On February 9, 2018, President Trump signed into law the Family First Prevention Services Act. This law, which received bipartisan support, provides long-overdue reforms to help children stay safely with their families and avoid the trauma associated with being separated from their parents when placed in out-of-home care. This act reforms the federal child welfare financing streams, Titles IV-E and IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system.

The Family First Act is built on the premise that restructuring how the federal government spends money on child welfare can improve the safety, permanency and well-being outcomes for children

and youth who have experienced abuse and/or neglect. The bill aims to prevent children from entering foster care by allowing federal

reimbursement for mental health services, substance use treatment and in-home parenting skill training. Federal reimbursements will also be used to prioritize placement of children in

families; in contrast, reimbursements will not be available for placement of children in group facilities when such a placement is not warranted.

Research has shown that foster care placement and removal from caregivers to whom they are attached, for many children and youth, exacerbates their trauma. Research has also

For those children who cannot safely stay with their families, the law ensures that children are placed in the least-restrictive, most family-like settings.

shown that children do best, with appropriate services, when they can safely remain with their parents or with other family members.

While legislation was a crucial first step, it will be imperative that states are provided robust

funding and the resources they need to fully implement *Family First*. Extensive collaboration between program providers, states and the federal government will ensure the law is being implemented effectively and to the benefit of the children and families it is meant to support.

KEY INFORMATION FROM THE FAMILY FIRST ACT

The resources highlighted in the “Selected Resources” section of this brief provide in-depth information on this law and the various parts and activities that are included. There are 8 parts to the entire Act, of which Part 1 is most applicable to CASA advocates and programs.

Here is a summary of relevant information from Part 1, “Prevention Activities under Title IV-E”:¹

WHEN: Beginning October 1, 2019, states will have the option to use Title IV-E funds for prevention services for eligible children at risk of foster care placement and their families.

WHAT: States may use Title IV-E funds to provide up to 12 months of mental health services, substance abuse treatment, and in-home parenting training to families at risk of entry in the child welfare system. Services must be evidence-based and trauma-informed.² For a child to remain at home or live with a kin caregiver, states must maintain a prevention plan that lists the services or programs to be provided.

WHO: Qualified candidates include children identified as able to remain safely at home or in kinship placement with receipt of services, children in foster care who are parenting or expecting, or parents or caregivers for whom services are needed to prevent children’s entry into care. This includes children whose adoption or guardianship arrangement is at risk of disruption or dissolution that would result in entry into foster care.

HOW: Title IV-E dollars can only be used to provide services for a maximum of 12 months, beginning on the date the child or family is identified in a prevention plan as a candidate for services. Children and families can receive these services more than once if they are later re-identified as eligible.

ADVOCATES IN ACTION

This law will have an impact on the children and families that CASA/GAL volunteers serve, and it is important that they understand the prevention services aspects of the Act. These include preventing children from being removed or preventing re-entry into foster care; focusing on placement in the most family-like setting and least-restrictive environment (with a particular focus on reducing congregate or residential placement); and placement with other family members as priority over placement with strangers.

While the recommendations below are intended for both CASA staff and volunteers, advocates will need appropriate support, training and supervision in implementation.

GENERAL CONSIDERATIONS FOR CASA/GAL STAFF AND VOLUNTEERS

- **Participate in state working groups** or task forces related to the Act, to ensure that CASA/GAL staff and volunteers are part of the dialogue as states prepare for implementation.
- **Attend training, webinars or other presentations** to learn more about this law and how it will be implemented in both your state and local community.
- **Collaborate with court personnel and your local child welfare partners** to identify ways that you can work together to implement relevant pieces of this legislation.

PREVENTING CHILDREN'S ENTRY INTO CARE³

- **Understand how federal funds can be drawn down** through Title IV-E to fund in-

home support programs and services and what funding your program might receive.

- **Learn about in-home support programs** that are available in your community and that address substance abuse, mental health concerns and/or parenting needs for families at risk of having their children placed in foster care. Find out how they can be accessed and used by families you work with.
- **Encourage the use of these programs** for parents who are at risk for maltreatment of children, especially if they have already had children removed from their care. Explain to them the benefits of these programs in helping them be stronger parents.⁴
- **Partner with others to activate services.** Public health professionals, nurses, physicians, domestic violence counselors, case workers and other advocates are good partners to start with.

REDUCING CONGREGATE CARE AND RESIDENTIAL PLACEMENT⁵

- **If children or youth you advocate for are currently in a congregate care placement, ask tough questions about whether such a setting is appropriate.** If you do not believe this is the best placement for the child, raise your concerns through your court reports, with your CASA supervisor, during hearings, and with judges, parent attorneys, parents, case workers, and others involved in the case.
- **Educate others about Family First legislation,** particularly related to reducing restrictive placements for youth in foster care.

- **Request that a qualified mental or behavioral specialist regularly evaluate the child.** A child's status may change over time, and the appropriateness of their placement may (and should) change accordingly.
- **Advocate continually for the child or youth's placement in a family like setting.** Given the poor outcomes associated with placement in congregate care,⁶ children who are in congregate care need someone who is constantly raising the issue of placement and whether it is in the best interest of the child. Insist on evidence that supports the more restrictive placement and push back when needed. Invoke the pieces of the Family First Act on this issue as warranted.
- **Ensure that relatives can access financial assistance to meet children's needs.** Children or families may become eligible for access to Temporary Assistance for Needy Families (TANF) or participation in other benefit programs, such as food stamps (or SNAP). Help them understand their eligibility status and how to access benefits.
- **Promote services to grandparents through the network of organizations serving older Americans.** For example, all states have access to National Family Caregiver Support Program (NFCSP) funds⁹ that are used to provide supportive services to children and caregivers in grand families in which the caregiver is age 55 or older, regardless of child welfare involvement. Services available include support groups, counseling, respite care, training and even direct legal services. Up to ten percent of the program's funds can be used to help grand families, but most states do not make full use of these funds to support families.¹⁰

SUPPORTING PLACEMENT WITH KIN⁷

- **Per the Family First legislation, prioritize placement for children and youth with relatives.** Use "family find"⁸ strategies to locate relatives, and remember the father's side of the family (when applicable) as potential placements. Make sure that relatives receive notice about the child's out-of-home placement so they have an opportunity to step in as caregivers.
- **Provide relative caregivers with the services and supports they need.** Many of the children that relatives care for come with high-level emotional, behavioral and/or physical health challenges. Caregivers and children alike will need appropriate services to address these issues.
- **Learn about local licensing standards for relative caregivers.** Licensing standards may be waived in some instances, making it easier for relatives to provide foster care for their kin and possibly receive financial assistance for their care.
- **Learn about Kinship Navigator Programs¹¹** specific to your community and ensure that relatives caring for children are connected to supports and services. There have been positive outcomes for those receiving kinship navigator services, including higher rates of permanency and lower rates of re-entry into care, and cost savings.

SELECTED RESOURCES

Name	Description
<p><u>The Annie E. Casey Foundation, <i>Family First Prevention Services Act will Change the Lives of Children in Foster Care</i></u>¹²</p>	<p>This summary of the legislation lays out the key impacts for children and families.</p>
<p><u>Child Welfare League of America (CWLA), <i>Family First Act</i></u>¹³</p>	<p>This link provides a brief yet comprehensive summary of the Act.</p>
<p><u>Children’s Defense Fund, <i>The Family First Prevention Services Act</i></u>¹⁴</p>	<p>This link contains several summaries, from two-pagers to in-depth reviews of this legislation and how it impacts vulnerable children and families.</p>
<p><u>The Chronicle of Social Change, <i>CliffsNotes on Family First Act, Part One: Services to Prevent Foster Care</i></u>¹⁵</p>	<p>This article provides a full summary of the law, beginning with Part One.</p>
<p><u>National Conference of State Legislatures, <i>Family First Prevention Services Act</i></u>¹⁶</p>	<p>This document provides useful information on all facets of the legislation but focuses on the financing piece, which is important to understand because it redirects priorities for funding.</p>
<p><u>U.S. Department of Health and Human Services, <i>Testimony of Jerry Milner on Family First Prevention Services Act</i></u>¹⁷</p>	<p>Hear from the Associate Commissioner of the Children’s Bureau, Jerry Milner, on his perceptions about the benefits of this legislation and areas in which we are still lacking, especially in terms of approaches to prevention of abuse and neglect and keeping children safe within their families.</p>

ENDNOTES

- 1 **Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.**
- 2 To learn more, see the *Advocacy in Action* issue brief entitled “Trauma Informed Care.”
- 3 To learn more, see the *Advocacy in Action* issue brief entitled “Home Visiting Programs.”
- 4 To learn more, see the *Advocacy in Action* issue brief entitled “Family Preservation Services: Primary and Secondary Prevention.”
- 5 To learn more, see the *Advocacy in Action* issue brief entitled “Children and Youth Living in Congregate Care.”
- 6 For statistics, see the *Advocacy in Action* issue brief entitled “Children and Youth Living in Congregate Care.”
- 7 To learn more, see the *Advocacy in Action* issue brief entitled “Supporting Kin Providers.”
- 8 See the *Advocacy in Action* issue brief entitled “Family Find Strategies.”
- 9 See “Selected Resources” section
- 10 Generations United (2016). *Raising the Children of the Opioid Epidemic: Solutions and Support for Grandfamilies*.
- 11 To learn more, see the *Advocacy in Action* issue brief entitled “Kinship Care Supports.”
- 12 <http://www.aecf.org/blog/family-first-prevention-services-act-will-change-the-lives-of-children-in-f/>
- 13 <http://www.cwla.org/families-first-act/>
- 14 <http://www.childrensdefense.org/policy/welfare/family-first-prevention.html>
- 15 <http://chronicleofsocialchange.org/finance-reform/cliffsnotes-family-first-anatomy-massive-child-welfare-entitlement-reform>
- 16 <http://www.ncsl.org/research/human-services/family-first-prevention-services-act-ffpsa.aspx>
- 17 <http://www.acf.hhs.gov/olab/resource/testimony-of-jerry-milner-on-family-first-prevention-services-act>