

Key Points of the Family First Act

Summary of the Act:

Supports preventions services. The law gives states and tribes the ability to target their existing federal resources into an array of prevention and early intervention services to keep children safe, strengthen families and reduce the need for foster care whenever it is safe to do so.

Provides support for kinship (relative) caregivers. Provides federal funds for evidence-based Kinship Navigator programs that link relative caregivers to a broad range of services and supports to help children remain safely with them, and requiring states to document how their foster care licensing standards accommodate relative caregivers.

Establishes requirements for placement in residential treatment programs and improves quality and oversight of services. Allows federal reimbursement for care in certain residential treatment programs for children with emotional and behavioral disturbance requiring special treatment

Improves services to older youth. Allows states to offer services to youth who have aged out of foster care up to age 23 (now 18-23), along with adding flexibility to the Education & Training Voucher (ETV) program (now up to age 26).

Key points:

There will no longer be a time limit on reunification services for a child in foster care preparing to return home, and a child returning home will now have access to 15-months of family reunification services beginning on the date the child returns home.

Federal financial participation (FFP) for the prevention services and programs will be phased in to allow for careful analysis of the progress being made in the delivery and outcomes of the services.

- Beginning October 1, 2019 and before October 1, 2026, the FFP available to states will be 50 percent for the prevention services and programs that are promising, supported, and well-supported practices.

- Beginning after September 30, 2026 the FFP will be the state's Federal Medical Assistance Percentage (FMAP) for the prevention services and programs that are promising, supported, and well-supported practices.

Services and programs provided to or on behalf of a child will not be counted against that individual as receipt of aid or assistance in regards to their eligibility for other programs.

Eligibility:

Children who are "candidates" for foster care, meaning they are identified in a prevention plan as being at imminent risk of entering care but can safely remain at home or in a kinship placement if provided services that prevent entry into foster care. This includes children whose adoption or guardianship arrangement is at risk of disruption or dissolution that would result in entry into foster care.

Children in foster care who are pregnant or parenting.

Parents or kin caregivers of candidates for foster care where services are needed to prevent the child's entry into care or directly relate to the child's safety, permanence or well-being.

Eligible children, youth, parents and kin caregivers are eligible for prevention services and programs regardless of whether they meet the AFDC income-eligibility requirements required for Title IV-E reimbursement.

Status of states 5-year plan approval as of 9/13/21 (<https://imprintnews.org/youth-services-insider/family-first-act-where-things-stand-takes-effect/58660>):

-Have submitted and been approved: 15 states, the District of Columbia, and one tribe

States: **Arkansas**, D.C., Hawaii, Illinois, Iowa, **Kansas**, Kentucky, Maine, **Maryland**, **Nebraska**, North Dakota, Oregon, Utah, Washington, Virginia, West Virginia

Tribe: Eastern Band of Cherokee Indians, North Carolina

-Have submitted, awaiting decision: 18 states, three tribes

States: Alaska, Arizona, **California**, Colorado, Connecticut, **Indiana**, Illinois, Maine, Michigan, Missouri, Montana, Nevada, New Hampshire, **Ohio**, Oklahoma, Pennsylvania, **Rhode Island**, South Carolina, Tennessee, **Wisconsin**

Tribes: Aleut Community of St. Paul Island, Alaska; Keweenaw Bay Indian Community, Michigan; Salt River Pima Maricopa Indian Community, Arizona

-Have not submitted: 17 states, seven tribes, two territories

States: Alabama, Delaware, Florida, Georgia, Idaho, Louisiana, **Massachusetts**, Minnesota, Mississippi, New Jersey, New Mexico, New York, **North Carolina**, South Dakota, Texas, Vermont, Wyoming

Tribes: Cherokee Nation, Oklahoma; Mashpee Wampanoag Tribe, Massachusetts; Navajo Nation Window Rock, Arizona; Pascua Yaqui Tribe, Arizona; Penobscot Indian Nation, Maine; Port Gamble S'Klallam Tribe, Washington; Tolowa Dee-Ni' Nation, California

Territories: U.S. Virgin Islands, Puerto Rico

FCT Rating:

FCT is rated as a supported practice because at least one study carried out in a usual care or practice setting achieved a rating of moderate or high on design and execution and demonstrated a sustained favorable effect of at least 6 months beyond the end of treatment on at least one target outcome.

(FCT still reflects as Promising status on California Evidence-Based Clearinghouse website with an updated date of Feb 2021)

<https://www.childtrends.org/publications/the-family-first-transition-act-provides-new-implementation-supports-for-states-and-tribes>):

Phased-in evidence requirements for Title IV-E reimbursement of state expenditures on prevention programs

