

The Federal Family First Prevention Services Act Relating To Child Welfare Financing

The federal Family First Prevention Services Act (FFPSA) passed in February 2018 as part of the Continuing Resolution. The new law represents a substantial shift in the federal approach to and financing of child welfare services. It will allow states to implement evidence-based programs to *prevent* entry into foster care using federal funds that have been historically set aside for foster care. It also enables the state to use federal (IV-E) foster care funding to pay for children to reside with their parent in a family treatment center while that parent seeks treatment for opioid use disorder. What is more, FFPSA prioritizes family-based foster care and puts more requirements on localities to demonstrate the necessity of placing a child into residential, or congregate, care.

Like our partners around the state and the country, we have many questions about the implementation of FFPSA and how it will impact New York State. Below is a list of questions we are asking of our State and federal partners:

General Implementation Questions

Does New York State plan to implement according to the federal timeline or delay implementation of the residential care provisions of the law (thereby also delaying the preventive services portion as well)? Residential care is the 24-hour care of a child in foster care in a group home, an institution, or a residential treatment facility.

- If delay, what will the State do during that two-year delay to help counties and agencies ready for implementation? How can we be a partner in those efforts?
- How will the State support voluntary/non-profit child and family organizations to shift or expand their business model to provide more community-based and in-home services to support family-based care?

Preventive Services

What are New York's plans for implementing the preventive services portion of the law?

- How does the State plan to take advantage of the opportunity to use IV-E federal funding to expand evidence-based preventive services?
- What information do we have about the extent of use of evidence-based prevention outside of New York City?
- How is the State going to help programs that show promise, but may not have a study attached, get an evaluation to prove they are "evidence-based" and eligible for federal funding?
- Is the maintenance of effort (MOE) requirement that must be met before IV-E dollars can be directed to preventive services based solely on spending on evidence-based programs? (As compared to all "traditional" prevention programs)

- How does New York State plan to collect the required data on preventive services? Will it be made publicly available?
- Does the federal definition of “imminent risk” of entry into foster care – which triggers eligibility for IV-E preventive dollars – align with New York State’s existing definition?

Supports for Family Foster Care, Particularly Relative Foster Care

What steps is the State taking to assist counties in expanding their pool of foster families in order to meet the new federal expectations of increased use of family-based care?

- Does New York State plan to seek a competitive grant to improve recruitment and retention of high quality foster families (Sec. 50751)?

Assuming there are reductions in congregate care down the road, resulting in savings, what is the plan for how those savings would be reinvested in supporting family-based care or preventive services?

By 2019, New York State will need to comply with model licensing standards for relative family foster care. (Sec. 50731).

- Can New York State’s standards for licensing, or approving, relative foster homes be improved to lessen obstacles that may prevent relatives from becoming foster families, including immigrant family members?

Substance Use Treatment

What are New York’s plans for implementing the provision that allows IV-E funding to cover children placed with a parent in a residential substance abuse treatment facility (scheduled to go into effect in Oct. 2018)?

- What is the existing availability of these treatment centers around New York State?
- Are there plans to expand?

Relatedly, the budget bill extended Regional Partnership Grants to address opioid and heroin abuse for another five years. Does New York State have a grant?

- Which child welfare stakeholders part of the Regional Partnership Grant planning committee? Who should be on it?
- How will New York State use these funds going forward?

Fiscal

What will be the fiscal implications of implementation of FFPSA for the State and in what timeframes?

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