



Children's Defense Fund

The Family First Prevention Services Act

Historic Reforms to the Child Welfare System will Improve Outcomes for Vulnerable Children

February 2018

On February 9, 2018, President Trump signed into law the landmark bipartisan Family First Prevention Services Act, as part of Division E in the Bipartisan Budget Act of 2018 (H.R. 1892). Family First includes long-overdue historic reforms to help keep children safely with their families and avoid the traumatic experience of entering foster care, emphasizes the importance of children growing up in families and helps ensure children are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed. Family First builds on the original version of the bill passed in the House of Representatives in June 2016 (H.R.5456).

In 2016, more than 437,000 children were in foster care. After years of decline, the number of children in foster care has risen steadily since 2012, with anecdotal evidence and expert opinion linking this increase to the parallel rise in opioid addiction and overdoses. Family First provides struggling and overburdened child welfare agencies with the tools needed to help children and families in crisis, including families struggling with the opioid epidemic.

The Family First Prevention Services Act redirects federal funds to provide services to keep children safely with their families and out of foster care, and when foster care is needed allows federal reimbursement for care in family-based settings and certain residential treatment programs for children with emotional and behavioral disturbance requiring special treatment. Family First includes:

- **Long overdue federal investments in prevention for children at risk of foster care.** The act provides federal funds under Title IV-E of the Social Security Act, beginning in FY2020, to support evidence-based prevention efforts for 1) mental health and substance abuse prevention and treatment services and 2) in-home parent skill-based services. The services may be provided for not more than 12 months for children who are at imminent risk of entering foster care, their parents and relatives to assist the children, and pregnant or parenting teens.
- **Federal funds targeted for children in foster family homes, or in qualified residential treatment programs, or other special settings.** Federal funding is limited to children in family foster homes, qualified residential treatment programs, and special treatment settings for pregnant or parenting teens, youth 18 and over preparing to transition from foster care to adulthood, and youth who have been found to be – or are at risk of becoming – sex trafficking victims. The act requires timely assessments and periodic reviews of children with special needs who are placed in qualified residential treatment programs to ensure their continued need for such care. After FY2020 (unless the state opts to delay until 2022), Title IV-E reimbursement will be provided only for administrative costs for children in other group care settings, and not for room and board.
- **The new dollars for preventing children from entering foster care and restricting federal funds for group care take effect in FY2020 (or states may choose to delay until no later than 2022) so states can make necessary accommodations.** The act recognizes adjustments will be needed to establish prevention services to keep children safely in families and in care that meet their special treatment needs. States have flexibility in defining the safety services they provide to children and families, and how they will ensure quality residential treatment for children with emotional and behavioral needs.

Additional investments to keep children safely with families

- Offers additional support for relative caregivers by providing 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.
- Allows Promoting Safe and Stable Families Program funds to be used for unlimited family reunification services for children in foster care and an additional 15 months of family reunification services for children once they return home.
- Extends for five years the Stephanie Tubbs Jones Child Welfare Services Program and the Promoting Safe and Stable Families Program, including the Court Improvement Programs grants.
- Requires states to have statewide plans to track and prevent child maltreatment fatalities.
- Establishes a competitive grant program to support the recruitment and retention of high quality foster families to help place more children in these homes, with special attention to states and tribes with the highest percentage of children in non-family settings.

Helps address opioids and other substance abuse

- Reauthorizes and updates the Regional Partnership Grant program, which funds state and regional grantees seeking to provide evidence-based services to prevent child maltreatment related to substance abuse as an important step in addressing the recent spike in requests to child welfare systems due to opioids and other drugs.

Supports youth transitioning from care

- Extends the John H. Chafee Foster Care Independence Program's independent living services to assist former foster youth up to age 23 (currently available to youth between ages 18-21) and extends eligibility for education and training vouchers for these youth to age 26 (currently only available to youth up to age 23).

Promotes permanent families for children

- Establishes an electronic interstate case-processing system to help states expedite the interstate placement of children in foster care, adoption or guardianship.
- Extends the Adoption and Legal Guardianship Incentive Payment program for five years, which allows states to receive incentive awards for increasing exits of children from foster care to adoption or guardianship.
- Takes steps, including requiring a GAO Report, to ensure states are reinvesting in post-adoption services state dollars freed up by making additional children eligible for Title IV-E Adoption Assistance payments. To help pay in part for these new reforms, a federal income eligibility requirement for the adoption assistance payments for children under age two was established.