

Family First Prevention Services Act: Candidacy Considerations

Introduction

The Family First Prevention Services Act of 2018 (Family First) allows states and tribes with approved Title IV-E Prevention plans to claim federal reimbursement for certain prevention services provided to eligible populations of children and their caregivers.

Who is eligible for services?

Family First specifies two groups who may receive prevention services:

- A. A child who is a “candidate for foster care” but can remain safely at home or in a kinship placement with receipt of evidence-based services or programs categorically identified in the Family First Act (mental health, substance abuse, in-home parenting services that have a well-supported, supported, or promising evidence-based as defined in the Act)
- B. A child in foster care who is a pregnant or parenting foster youth.

The law allows for the child, parents or kin caregivers of these children to receive the prevention services.

How does Family First define “a candidate for foster care”?

The Family First Prevention Services Act and the Program Instructions (PI) issued by the Administration for Children and Families allow states and tribes with Title IV-E plans the discretion to determine who is a “candidate for foster care,” as long as the child meets each of the following parameters¹:

- 1) At imminent risk of entering foster care
- 2) Identified in a child-specific Prevention Plan
- 3) Can remain safely at home with provided evidence-based prevention services
 - A. The PI states that “The term ‘child who is a candidate for foster care’ means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child’s home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided.”

¹ <https://www.acf.hhs.gov/cb/resource/pi1809>

- B. The PI explains that a candidate for foster care cannot be a child who is already under the placement and care responsibility of the Title IV-E agency (i.e., in foster care). However, children who have been reunified with their families following foster care, are living with relatives/kin who is not a foster care provider, or are in an adoption or guardianship arrangement at risk of disruption or dissolution can be candidates.

What are the criteria for imminent risk of entry into foster care?

The Family First Act does not set criteria for imminent risk of entry into foster care. States are determining state-specific criteria in various ways based on their assessment of child, family and community needs, how their child welfare agency and system operate, and a review of the potential fiscal and operational impacts of Family First.

Determining the criteria for imminent risk of entry into foster care can be thought of along a continuum of narrow to broad with some states using Family First to deepen existing practice. For example, some states are choosing a narrow definition that includes children at high risk who are already being served by the child welfare agency via in-home family preservation services. Others are exploring how to expand practice using a broader definition that includes children in the community with significant risk factors who are not known to the child welfare agency until a referral for services is made.

The candidacy criteria and considerations identified in Prevention Plans submitted thus far for review to the Children's Bureau and awaiting approval are outlined below. Note that the following definitions are for candidacy; in addition, pregnant and parenting youth are eligible for Family First prevention services in all of these states.

WASHINGTON, DC	Candidates for Foster Care
<p>“Front Porch”</p>	<p><i>Families at CFSA’s Front Porch may have engaged with CFSA, but have been able to safely remain, or reunify with their families, and receive community-based prevention services offered by our partnership with DC’s Healthy Families/Thriving Communities Collaboratives.</i></p> <ol style="list-style-type: none"> 1. Children served through the Healthy Families/Thriving Communities Collaboratives following a CPS investigation or closed CFSA case. 2. Children who have exited foster care through reunification, guardianship, or adoptions and may be at risk of re-entry. 3. Children born to mothers with a positive toxicology screening.
<p>“Front Door”</p>	<p><i>Families engaged at CFSA’s Front Door have an open case with CFSA. Whenever possible, CFSA prioritizes keeping families together and working with parents and children in their communities.</i></p> <ol style="list-style-type: none"> 4. Children served through CFSA’s In-Home Services program, which offers intensive case management and service referrals to families. 5. Pregnant or parenting youth in/recently exited foster care with eligibility for services ending five years after exiting foster care. 5. Children of pregnant or parenting youth in/recently exited foster care (non-ward children) with eligibility for services ending five years after exiting foster care. 6. Siblings of children in foster care who reside at home and have assessed safety concerns.

ARKANSAS	Candidates for Foster Care
<i>Candidacy Criteria</i>	<ol style="list-style-type: none"> 1. Garrett’s Law investigation that did not result in removal. 2. A Protection Plan was put in place. 3. A TDM was held that did not result in removal. 4. High or intensive risk assessment. 5. Risk of adoption or guardianship disruption. 6. Supportive Services case opened to prevent removal. 7. A Less Than Custody petition has been filed. 8. A 30-day petition has been filed. 9. Child is living with a relative caregiver (Not including provisional or relative foster care) 11. Reunification has occurred, and the case remains open. 12. A sibling is in foster care. 13. The parent or caregiver was in foster care as a child. 14. Failure to Thrive (FTT) 15. Medical Neglect if the child is 5 or under 16. Inadequate Supervision with a child in the home who is 5 or under 17. Domestic Violence in the home

<p>KANSAS</p>	<p>Candidates for Foster Care</p>
<p><i>Candidacy Criteria</i></p>	<ul style="list-style-type: none"> • A child(ren) or youth placed with a parent who PPS determines is at imminent risk of foster care and out of home placement but can be safe at home with prevention services. • A child(ren) or youth who exited foster care to adoption or permanent custodianship or guardianship, or who was reunified with parents is at risk of entering foster care and out of home placement. • A child(ren) or youth in placement with relative caregivers. • A child(ren) or youth living with parents but needs to be with a relative caregiver as a guardian with prevention services. • Pregnant and parenting youth in foster care and out of home placement. • Siblings of youth already in foster care.
<p><i>Candidacy Considerations</i></p>	<p>Initial reports, pertinent to all of the above subgroups, are made to the Kansas Protection Reporting Center (KPRC). An intake specialist completes an assessment of the report using Structured Decision Making (SDM). If the report meets criteria of Abuse and/or Neglect or Family in Need of Assessment, it will be assigned to the regional DCF Service Center. An assigned Prevention and Protective Services (PPS) practitioner within the region will then locate and assess the family.</p> <p>The PPS practitioner completes an initial assessment of the family, using the research-based Family-Based Assessment (FBA) tool, to determine if they meet criteria for services. If answers to questions 1-3 below are “yes”; and questions 4-7 are either “yes” or “NA,” they are deemed eligible for services:</p> <ol style="list-style-type: none"> 1. The family is at risk of having a child(ren) removed. 2. A parent/caregiver is available to protect the child. 3. A parent/caregiver is willing and able to participate in services. 4. A family with chronic problems has experienced a significant change which makes them able to progress. 5. A parent/caregiver with mental/emotional health issues has been stabilized. 6. A parent/caregiver with limitations demonstrates an ability to care for self and children. 7. A parent/caregiver with substance abuse issues functions adequately to care for children. <p>In addition to the questions above, the regional PPS practitioner will utilize risk and safety assessment decisions to help guide the decision</p>

for candidacy for care and service referral and determine eligibility. Families with the following risk level and safety decisions are deemed eligible for service:

- Risk Level = High to Intense (SDM in pilot counties = High to Very High)
- Safety Decision = Conditionally Safe (SDM in pilot counties = Safe with immediate safety plan)

The PPS practitioner and the family will decide on which program(s) best meets the family's needs. The PPS practitioner will upload the required documentation into Kansas Initiatives Decision Support (KIDS). KIDS is a web-based system to record, maintain, and report assigned abuse/neglect and non-abuse neglect intakes. Key milestones and the family's services are also tracked in the Family and Child Tracking System (FACTS), the DCF-PPS system for maintaining data and reporting to legislature, federal government, internal management, department budget, and the general public.

KENTUCKY	Candidates for Foster Care
<i>Candidacy Definitions</i>	<ul style="list-style-type: none"> • A child who is a victim of substantiated maltreatment in which safety and risk factors can be mitigated by provision of in-home services. • Child exhibits moderate to severe risk factors and services are necessary to prevent subsequent maltreatment and foster care entry. • A child who has been recently reunified and services can be provided to the child and family to mitigate risks and re-entry.
<i>Candidacy Considerations</i>	<ul style="list-style-type: none"> • Determination of being at imminent risk for removal, but the risk and safety issues can be addressed through a prevention plan that is customized to each child.

NEBRASKA	Candidates for Foster Care
<i>Candidacy Definitions</i>	<p>Children and youth identified as being a candidate for foster care are those at imminent risk of entering foster care, as defined by Nebraska Revised Statute 71-1901, but can remain safely in the child’s home or kinship/relative home as long as Title IV-E prevention services are necessary to prevent entry into the foster care system are provided. This includes but is not limited to those children and youth who are:</p> <ol style="list-style-type: none"> 1. residing in a family home accepted for assessment, or with an ongoing services case including non-court and court involved families where the child may be a state ward; 2. reunified following an out-of-home placement; 3. the subject of a case filed in juvenile court as being mentally ill and dangerous as defined by Nebraska Revised Statute 43-247 (3)(c); 4. pre- or post-natal infants and/or children of an eligible pregnant/parenting foster youth in foster care; 5. at risk of an adoption or guardianship disruption or dissolution that would result in a foster care placement; 6. with extraordinary needs and whose parents/caretakers are unable to secure assistance for them; and/or 7. involved with juvenile probation and living in the parental/caretaker home.
<i>Candidacy Considerations</i>	<ul style="list-style-type: none"> • Nebraska’s approach to candidacy is to define the families currently served meeting the requirements of FFPSA. • Nebraska’s candidacy definition, allows a child to transition between traditional IV-E eligibility and FFPSA IV-E eligibility.

UTAH	Candidates for Foster Care
<i>There are some key populations that are eligible for services under the Title IV-E Prevention Program:</i>	<ul style="list-style-type: none"> • Children under 18 who are at imminent risk of entry into foster care, but are able to remain safely in their home or kinship placement as long as mental health, substance use disorder, or in-home parenting skill-based programs/services are provided for the child, parent, or kin caregiver. • A child in foster care who is a pregnant or parenting youth.
<i>Circumstances or characteristics that could put children at risk of entering foster care include:</i>	<ul style="list-style-type: none"> • Child maltreatment, including abuse or neglect • Substance use or addiction • Mental illness • Lack of parenting skills • Limited capacity to function in parenting roles • Parents' inability or need for additional support to address serious needs of a child related to the child's behavior • Developmental delays • Physical or intellectual disability • Adoption or guardianship arrangements that are at risk of disruption
<i>Candidacy Considerations</i>	<ul style="list-style-type: none"> • Usage of a functional assessment tool, The Utah Family and Child Engagement Tool (UFACET), to assess the unique dynamics of each family/substitute caregiver(s). • Risk assessment tools to identify youth's risk of entry into foster care, as well as youth and family needs. • Usage of the Protective and Risk Assessment (PRA) tool to determine the risk of youth involved in the juvenile justice system reoffending and whether they have a need for services. <ul style="list-style-type: none"> ○ A youth is considered a candidate for foster care if they score "moderate" or "high" on the PRA and/or have one or more risk factors that identify the need for services. • Candidate status is confirmed through the creation of a child's prevention plan.