



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

# DEFINING CANDIDACY

## FAMILY FIRST PREVENTION SERVICES ACT

On February 9, 2018, President Trump signed into law the Family First Prevention Services Act (Family First) as part of the Bipartisan Budget Act of 2018 (Pub. L. 115-123). Family First includes reforms aimed at keeping families together by preventing children from entering or re-entering foster care through a federal Prevention Program using the funds previously restricted for the costs of maintaining a foster care program. The Prevention Program provides states with federal support for evidence-based services or programs for families (a child, their parents, or their kin caregivers) when their needs are “directly related to the safety, permanence, or well-being of the child or to prevent the child from entering foster care”.

For the purpose of the Prevention Program, Family First describes a “child” as a “candidate for foster care” who can safely remain with their family if they receive the specified services necessary to prevent their entry into foster care. Candidates for foster care include children whose adoption or guardianship is at risk of disruption. Pregnant or parenting foster youth are also automatically eligible for participation in the Prevention Program.

Federal policy guidance will not further define “candidate for foster care”, nor “imminent risk”.

*A “child who is a candidate for foster care” is defined as a child who is identified in a title IV-E prevention plan as being at imminent risk of entering foster care (without regard to whether the child would be eligible for title IV-E foster care maintenance payments, title IV-E adoption assistance or title IV-E kinship guardianship assistance payments), but who can remain safely in the child's home or in a kinship placement as long as the title IV-E prevention services that are necessary to prevent the entry of the child into foster care are provided. A “child who is a candidate for foster care” includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement (section 475(13) of the Social Security Act).*

**GUIDING QUESTIONS FOR CURRENT  
AND FORMER FOSTER YOUTH**

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- What criteria should the agency use when determining whether a family would benefit from prevention services?
- What suggestions do you have for recognizing an adoption or guardianship at risk of disruption?
- Since participation in the Prevention Program is voluntary, what recommendations do you have for encouraging youth and young adults, including pregnant and parenting foster youth, to take advantage of these supports?
- What does “imminent risk” of entering foster look like to you?

**GUIDING QUESTIONS FOR BIOLOGICAL  
PARENTS AND FAMILY MEMBERS**

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- Since participation in the Prevention Program is voluntary, what recommendations do you have for encouraging families to take advantage of these supports?
- What does “imminent risk” of entering foster look like to you?
- What elements of a family situation might make a child *ineligible* for prevention services?

**GUIDING QUESTIONS FOR CHILD WELFARE**

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- How are families identified for participation in In-Home Services?
- What criteria will the agency use to determine if a family would benefit from prevention services?
- What definitions will apply for other children eligible for prevention services based on adoption or guardianship at risk of disruption/dissolution?
- Will agency counsel review individual determinations of prevention services eligibility?
- Should there be a distinction among families based on their experiences and situations? For example,

should neglected children who are not at imminent risk for abuse be automatically eligible for prevention services?

- How will caseworkers be trained for recognizing families eligible for the Prevention Program?
- What risk factors are caseworkers currently trained to recognize when making a placement decision for a child?
- What elements of the risk of harm would you recommend including in the definition of “imminent risk”? For example, types of harm, level of risk, etc.
- Are you anticipating changes or updates to current risk and/or safety assessments? Should these assessments be tightened to circumvent potential inappropriate usage of prevention services?

#### **GUIDING QUESTIONS FOR THE COURTS**

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- Should agency counsel review individual determinations of prevention services eligibility?
- What is the role of the courts in the prevention program?
- Should the courts be involved in eligibility determinations?
- What are your recommendations for recognizing candidates for foster care?

#### **GUIDING QUESTIONS FOR PROVIDERS**

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- Should service providers prescreen eligible families to ensure the appropriateness of the services?
- What role should providers play in determining eligibility of children or their caregivers for prevention services?
- What are some characteristics of families you serve that could be considered “at risk” of child welfare involvement?
- What are elements of current eligibility requirements for mental health services and substance use disorder treatment?