



# Leveraging the Family First Prevention Services Act to Improve Use of Title IV-E GAP

The Family First Prevention Services Act (Family First Act), enacted in February 2018, makes historic reforms to the child welfare system to better support children, families, and relative caregivers. Many of the reforms have significant implications for connecting children to relative caregivers and further promoting permanency through relative guardianships. States and tribes operating a federal Title IV-E Guardianship Assistance Program (GAP) can use these new reforms to further strengthen their programs. For states and tribes that have not yet taken the GAP option, new opportunities in the Family First Act may encourage them to apply. Currently 35 states, the District of Columbia, and 11 tribes operate Title IV-E GAP (see map, p. 2).



## Resources

For more information on:

*Family First Act and kinship care:*

- [New Opportunities for Kinship Families: Action Steps to Implement the Family First Prevention Services Act in Your Community](http://www.grandfamilies.org/Portals/0/Documents/FFPSA/new-opportunities-kinship-families.pdf) (www.grandfamilies.org/Portals/0/Documents/FFPSA/new-opportunities-kinship-families.pdf)

This brief highlights provisions in the Family First Act related to kinship families and federal Title IV-E GAP (GAP). It suggests how states and eligible tribes can build on these provisions to promote use of assisted guardianship for children in kinship foster care.

## Family First helps remove barriers to licensure:

### *Provision:*

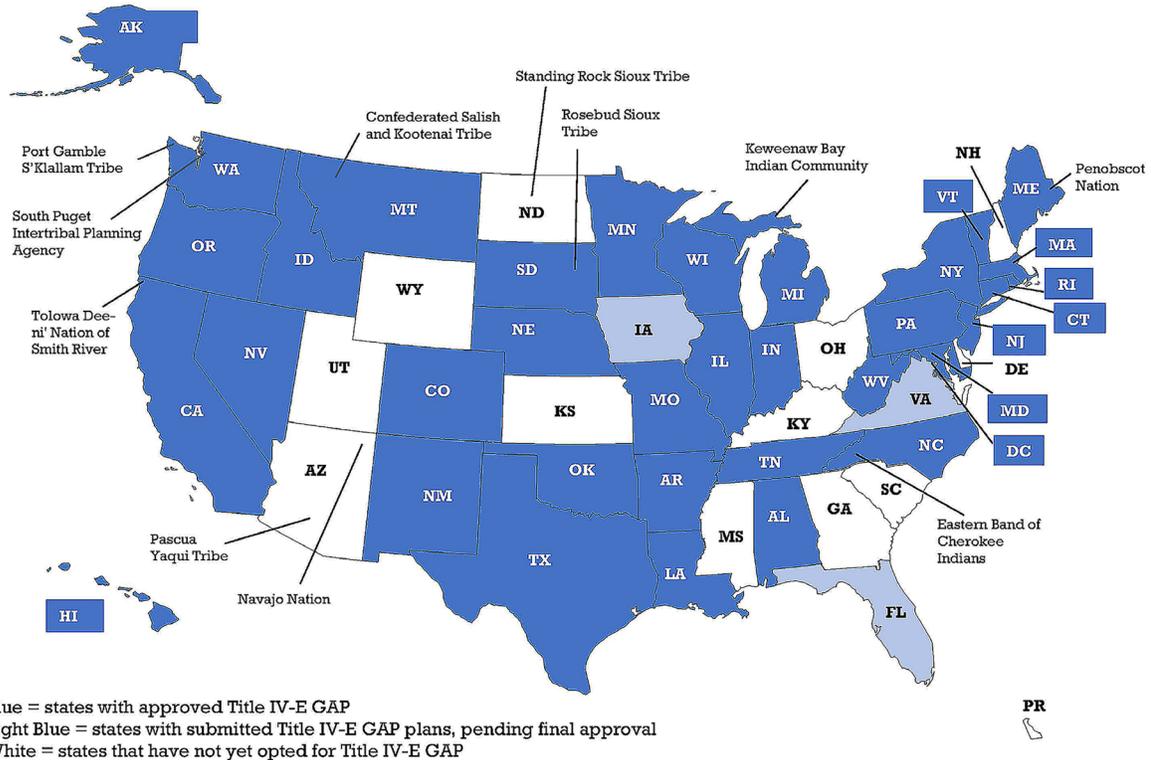
The Family First Act encourages states and eligible tribes to improve their standards and procedures for licensing foster parents, with the goal of removing unnecessary barriers to licensure for relatives who want to become licensed foster parents. The Family First Act requires the U.S. Department of Health and Human Services (HHS) to develop model family foster home licensing standards, which HHS released in February 2019, and requires states and eligible tribes to compare these model standards against their own to identify potential barriers in licensing relatives. If state or tribal licensing standards are not consistent with the model standards, the Act requires states and tribes to report the reasons for a specific deviation from the model standards and why a standard is not appropriate for their jurisdiction.

### *Impact on GAP:*

To qualify for a federal Title IV-E GAP subsidy from the state, the relative must be the licensed foster parent of the child for six consecutive months before receiving GAP. However, many relative caregivers have struggled to meet state licensing requirements for foster family homes. While states and eligible tribes can waive nonsafety licensing standards for relatives, this does not always happen, and relatives struggle to become licensed foster parents.

## Approved Title IV-E Guardianship Assistance Programs

35 states, D.C. and 11 tribes as of 10/1/19



HHS' model licensing standards provide a set of licensing standards that encourage states and tribes to identify and eliminate requirements that are overly restrictive and unnecessary to ensure a safe and appropriate home for a child. This thoughtful process will make it easier for relatives to become licensed, and therefore eligible for GAP.

### Family First promotes family-based care for children in foster care:

#### **Provision:**

The Family First Act emphasizes ensuring children in foster care are placed in family-like settings by restricting federal funding for certain group care settings. This law requires family members to be engaged in planning for children's placements and treatment and emphasizes keeping children connected to their families. It further requires family-based services for at least six months after children successfully leave group care.

#### **Impact on GAP:**

Prioritizing family foster care will continue to encourage placing more children with relatives. Using GAP will help states and tribes move many of these children to permanency through guardianship with supported family members. Child welfare agencies should identify relatives who could be placement options and help them become licensed foster or therapeutic foster homes for related children. Many children identified in need of group settings



## Resources

### For more information on:

#### **GAP:**

- [Making it Work: Using the Guardianship Assistance Program \(GAP\) to Close the Permanency Gap for Children in Foster Care](http://www.grandfamilies.org/Portals/0/Making%20it%20Work%20-%20GAP%20report%202012.pdf) (www.grandfamilies.org/Portals/0/Making%20it%20Work%20-%20GAP%20report%202012.pdf)
- [Grandfamilies.org Webpage on Subsidized Guardianship](http://www.grandfamilies.org/Resources/Subsidized-Guardianship) (www.grandfamilies.org/Resources/Subsidized-Guardianship)
- [Checklist for Guardianship Assistance Program](http://www.grandfamilies.org/Portals/0/GAP%20checklist%20%283%29.pdf) (www.grandfamilies.org/Portals/0/GAP%20checklist%20%283%29.pdf)
- [National Quality Improvement Center for Adoption and Guardianship Support and Preservation](https://qic-ag.org/) (https://qic-ag.org/)

#### **Licensing:**

- [www.grandfamilies.org/Resources/Foster-Care-Licensing](http://www.grandfamilies.org/Resources/Foster-Care-Licensing)

#### **Kinship Navigator Programs:**

- [www.grandfamilies.org/Resources/Kinship-Navigator-Programs](http://www.grandfamilies.org/Resources/Kinship-Navigator-Programs)

have unique behavioral or physical health needs and therefore require a specialized placement. Child welfare agencies can provide access for licensed relatives to receive training and necessary supports, such as respite care and automatic Medicaid coverage for the child. Further, with appropriate training and supports, relatives may be the best placement option for children as they step down from group care settings. Upon successful placement in licensed relatives' homes, GAP availability can make it easier for relatives to eventually care permanently for children with unique needs.

## Family First helps relative caregivers understand the support available to them through kinship navigator programs:

#### **Provision:**

The Family First Act allows states and eligible tribes to receive federal support to establish or maintain kinship navigator programs, which provide information, referral, and follow-up services to grandparents and other relatives raising children to link them to critical benefits and services. Programs must meet evidence-based requirements to qualify for funding. Kinship navigator programs can be used to help families inside and outside the formal child welfare system.

#### **Impact on GAP:**

Kinship navigator programs can provide critical information to relative caregivers, including helping them understand available services and assistance and the various placement and permanency options to care for related children. Kinship navigators can help relative caregivers make these important decisions so they meet children's needs and provide permanent homes when necessary. Rather than being directly administered by the child welfare agency, kinship navigators may be housed in community-based organizations, area agencies on aging, or other places where kinship caregivers seek support and peers.

Relative caregivers report that kinship navigators connect them with peers and community resources that provide essential support throughout their caregiving experiences. These supports may help to reduce the likelihood of guardianship disruption as children age.

## Family First encourages states to improve exits to guardianship:

#### **Provision:**

The Family First Act reauthorizes an important federal program called the Adoption and Legal Guardianship Incentive Program, which provides states additional funds to help more children exit foster care to either adoption or guardianship. This incentive program was originally limited to exits to adoption, but the program was expanded in 2014 to include exits to guardianship, recognizing the important role guardianship plays in connecting children to permanent families. The four federal incentive



## Resources

### For more information on:

#### *How tribes are addressing cultural barriers:*

- [Strategies for Successfully Recruiting and Retaining Preferred-Placement Foster Homes for American Indian Children](https://www.casey.org/icwa-recruitment-retention/)  
(<https://www.casey.org/icwa-recruitment-retention/>)
- [Preserving Connections: Best Strategies for Recruiting and Retaining Tribal Foster Families for American Indian and Alaska Native Children](https://www.casey.org/preserving-connections/)  
(<https://www.casey.org/preserving-connections/>)

#### *National Electronic Interstate Compact Enterprise (NEICE):*

- [NEICE Evaluation Final Report \(Child Trends\)](https://www.childtrends.org/publications/national-electronic-interstate-compact-enterprise-neice-evaluation-final-report)  
(<https://www.childtrends.org/publications/national-electronic-interstate-compact-enterprise-neice-evaluation-final-report>)
- [NEICE: Expediting the placement of children in safe, permanent families across state lines and reducing administrative paperwork and costs \(APHSA\)](https://aphsa.org/AAICPC/AAICPC/NEICE.aspx)  
(<https://aphsa.org/AAICPC/AAICPC/NEICE.aspx>)

categories are:

- Foster Child Adoption Rate (\$5,000 per child above the baseline rate): Increase in the rate of children adopted from foster care.
- Pre-adolescent Child Adoption and Guardianship Rate (\$7,500): Increase in the rate of preadolescent (ages 9 to 13) adoptions or guardianships.
- Older Child Adoption and Guardianship Rate (\$10,000): Increase in the rate of older (ages 14 and older) foster child adoptions or guardianships.
- Foster Child Guardianship Rate (\$4,000): Increase in the rate of children exiting foster care to guardianship.

#### *Impact on GAP:*

This program encourages states to continue working to improve children's exits from foster care to guardianship. Every year states must improve their rates of exits to guardianship compared to previous years to earn incentive payments. Such incentive payments influence states to better use guardianship and GAP and reward states for their efforts to reduce the time to permanency for children in the temporary status of foster care.

After passage of the Family First Act, Congress appropriated a one-year increase in federal funding for the incentive program to address a previous shortfall in funding. States should use this funding to finance post-permanency supports so children can successfully transition from foster care into permanent homes, including legal guardianship arrangements with their relative caregivers.

## Family First improves interstate placement for foster care, guardianship, and adoption:

#### *Provision:*

The Family First Act requires states to use an electronic processing system for interstate placements of children by 2027. Electronic processing reduces waiting times when moving children across state lines for foster care, adoption, or guardianship placement.

#### *Impact on GAP:*

States using an electronic interstate processing system have reduced administrative costs and staff time to process interstate cases, allowing caseworkers to spend more time helping children and families. The requirement aims to improve the efficiency of the interstate process, allowing children in foster care to be placed with relatives across state lines faster. This will allow children to begin meeting the GAP eligibility requirement of living in licensed foster homes with relatives for six consecutive months sooner and therefore allow children to exit to GAP sooner, when appropriate. Most states are already using an electronic interstate processing system, notably the National Electronic Interstate Compact Enterprise (NEICE). States are encouraged to implement these systems well before the 2027 deadline.



## Action Steps to Promote Use of GAP

States and tribes should consider several steps when preparing their systems for the new reforms in the Family First Act. These steps simultaneously support relative caregivers and improve efforts to promote GAP. With effective implementation, states and tribes that currently use the GAP option should see an increase in use and hopefully non-GAP jurisdictions will begin pursuing this option. When taking these steps, states and tribes should engage relative caregivers and consider their input and personal experiences when developing materials, policies, and other planning discussions that will impact them.



### Remove Barriers to Licensing Relatives

- Consider diverse voices and opinions when amending licensing standards. Include the voices of relative caregivers, nonrelated foster parents, foster youth, birth parents, people who work with caregivers and families, and those who license foster homes at the state, tribal, and agency levels.
- Survey stakeholders to learn which licensing standards are barriers for relatives. Share stakeholders' stories with individuals who review your state or tribe's licensing standards and procedures.
- Improve foster care licensing standards by comparing your standards with national licensing standards. Review the National Model Foster Family Home Licensing Standards and the National Association for Regulatory Administration (NARA) Model Family Foster Home Licensing Standards and modify your standards accordingly to make them more relative-friendly. (The NARA and proposed National Model Standards are available at [www.grandfamilies.org/Resources/Foster-Care-Licensing](http://www.grandfamilies.org/Resources/Foster-Care-Licensing).)



### Provide Written Materials

- Explain the benefits and challenges of relative caregivers becoming licensed kinship foster parents versus caring for children outside the child welfare system.
- Provide guidance for relatives about the different permanency options available to care for related children, including the benefits they could receive like guardianship assistance or adoption assistance.
- Explain supports and services available to help relatives care for related children, including information about GAP availability in your state or tribe.



### Improve Training

- Train child welfare staff, kinship navigators, court staff, attorneys who represent relative caregivers, children and parents, and other system partners on the various placement and permanency options so they can discuss them with parents and relative caregivers.
- Provide training and support to relatives on caring for children with serious emotional or behavioral needs, so they can care for related children as therapeutic foster parents when they leave group settings or instead of putting those children in such settings.



## Establish Kinship Navigator Programs

- Learn and share the benefits of established kinship navigator programs. For information about existing programs visit: [www.grandfamilies.org/Resources/Kinship-Navigator-Programs](http://www.grandfamilies.org/Resources/Kinship-Navigator-Programs)
- In developing, operating, and partnering with kinship navigator programs, engage relative caregivers and community-based organizations with experience serving kinship families both inside and outside the child welfare system.



## Maximize Incentive Payments for Improvements in Guardianship

- Make sure child welfare agency staff know about the federal incentive payments to states for increased exits to guardianship and the criteria-based incentives, such as age of child. Ensure your state's priorities, policies, and practices on timely permanency align with these federal fiscal incentives.
- Examine your state or tribal data to see if certain groups of children (e.g., children in foster care for a year or longer, or children in congregate care who have relationships with relatives) could benefit from timely exits to guardianship. Child welfare agencies can use various practices to identify individual children who can benefit from GAP. These include regular assessments required by the Family First Act for children in group care, routine administrative reviews of children in care, permanency roundtables, and rapid permanency reviews.
- Ensure your state or tribe is strategically planning to improve exits from foster care to guardianship (e.g., routinely identifying Title IV-E GAP eligible children).
- Make sure additional funds from incentive payments are financing post-permanency supports and services for relative caregivers and the children they raise.



## Make Other Improvements for Relative Caregivers and Children

- Explore procedures and methods to incorporate and consider family preferences when deciding where children will be placed (e.g., Family Group Decision Making).
- Make sure your state is using an electronic interstate processing system to process out-of-state placements, and if not develop plans to begin using one.



This resource was developed in partnership with the ABA Center on Children and the Law, Casey Family Programs, Children's Defense Fund, and Generations United. Visit [www.grandfamilies.org](http://www.grandfamilies.org) for more resources.