

Family First Prevention Services Act (FFPSA)

February 9, 2018 (IN10858)

Related Author

- [Emilie Stoltzfus](#)

Emilie Stoltzfus, Specialist in Social Policy (estoltzfus@crs.loc.gov, 7-2324)

The Family First Prevention Services Act (FFPSA) was enacted [as part of Division E](#) of the Bipartisan Budget Act of 2018 ([H.R. 1892](#)). Among other changes, FFPSA expands federal support for services to prevent the need for children to enter foster care, while adding new restrictions on federal room and board support for some foster children placed in group care settings. With limited exceptions, the enacted provisions match the [standalone FFPSA provisions](#) approved by the House in June 2016 ([H.R. 5456](#), 114th Congress).

New Support for Prevention of Foster Care

FFPSA responds to longstanding criticism that most federal child welfare dollars are [available only after a child has been removed from the home](#). It amends the [federal foster care program](#) (included in Title IV-E of the Social Security Act) to authorize federal support for (1) in-home parent skills-based programs; and (2) substance abuse and mental health treatment services. Beginning with FY2020, federal support for these services and programs will be available for up to 12 months for any child a state determines is at "imminent risk" of entering foster care, and to the child's parents or kin caregivers so long as the service would enable that child to remain safely in the parent's home or with a kin caregiver. Also as of FY2020, any state or eligible tribe electing to provide these prevention services and programs under its Title IV-E program will be entitled to receive federal funding equal to at least 50% of their cost, as long as the services and programs met certain evidence-based standards, and the spending was above the state's "maintenance of effort" (MOE) level.

The Congressional Budget Office (CBO) estimates that these FFPSA provisions would increase federal spending over 10 years (FY2018-FY2027) by \$1.480 billion.

New Limits on Support for Children Placed in Group Care

Separately, FFPSA will restrict availability of Title IV-E room and board support ("maintenance payments") for children in foster care who are placed in non-foster family homes *unless* that placement is made to [meet clinical or other treatment or service needs](#). Use of congregate (or group) care has been declining nationally, although there is [wide variation across](#) and [within states](#) in both [the extent and causes of use](#).

For any child not placed in family foster care, FFPSA will limit federal Title IV-E foster care room and board payments to just 14 days unless the child is placed in one of a handful of specified settings. Among those listed settings is a "qualified residential treatment program" (QRTP), that, as verified by an assessment within 30 days of the child's QRTP placement, is able to meet the child's specific clinical, emotional, or behavioral health needs. The enacted provisions vary slightly from those in the 2016 bill, in that they

- add settings providing high-quality residential care and supportive services to children who are victims of (or at risk of) sex trafficking to the list of foster care living arrangements where support may be available for more than 14 days;
- provide that registered nursing and clinical staff must only be onsite of a QRTP to the extent the program's treatment model requires this (instead of during all business hours);
- stipulate that a QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff;
- require that the 30-day assessment done to determine the appropriateness of a QRTP for a child acknowledges the importance of keeping siblings together; and
- clarify that the new limitation on room and board support does not preclude Title IV-E support for case planning and other administrative work, carried out on behalf of otherwise-eligible children.

Generally, the provisions related to a child's placement setting are effective with FY2020, although states may delay the effective date for up to two years. Any state that does so, however, must also postpone seeking federal support for Title IV-E prevention activities for the same period of time. Separately, and effective with FY2019, the modified proposal requires states to have procedures for background checks to be carried out on any adult working in group care settings where foster children are placed.

[CBO estimates](#) these proposals, as modified in the funding legislation, would decrease federal spending across FY2018-FY2027 by \$641 million.

Substance Abuse Treatment Services, Kinship Care Navigators, and Other Services and Programs Authorized or Extended

FFPSA makes other changes to boost efforts to address substance abuse in child welfare involved families, support kin, and extend existing child welfare programs. These include

- extending [regional partnership grants](#) to improve outcomes for children and families affected by parental substance abuse;

- permitting federal room and board support under Title IV-E for children placed with their parents in residential family-based substance abuse treatment centers;
- permitting Title IV-E support of kinship navigators;
- requiring states to review their licensing requirements for foster family homes;
- extending the Promoting Safe and Stable Families and Child Welfare Services programs [authorized under Title IV-B](#) of the Social Security Act, (including maintaining support for the Court Improvement Program);
- authorizing one-time grants to support recruitment and retention of foster parents;
- requiring states (as of FY2028) to use electronic interstate case-processing to permit greater speed and cost efficiency in placement of foster children across state lines;
- extending federal [Adoption and Legal Guardianship Incentive Payments](#); and
- amending the [Chafee Foster Care Independence Program](#) to permit these services to be made available to older youth, along with other changes.

While not all of these provisions are expected to increase federal spending, [CBO estimates](#) those that do (primarily kinship navigators and the IV-B program extension) will increase federal spending across FY2018- FY2027 by \$210 million.

Temporary Reduction in Adoption Assistance Support

FFPSA temporarily halts (from January 1, 2018, through June 30, 2024) increased federal support for adoption assistance available for certain children adopted before their 2nd birthday. [CBO estimates](#) this policy change will decrease federal spending across FY2018-FY2027 by \$505 million.