



# Family First Prevention Services Act Overview and Update

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Lisa Bayley | Acting Assistant Commissioner, Children and Family Services

Jamie Sorenson | Division Director, Child Safety and Permanency Division

# Family First Prevention Services Act (Family First)

The Act became law in February of 2018, and was a major amendment to the Social Security Act, section Title IV-E.

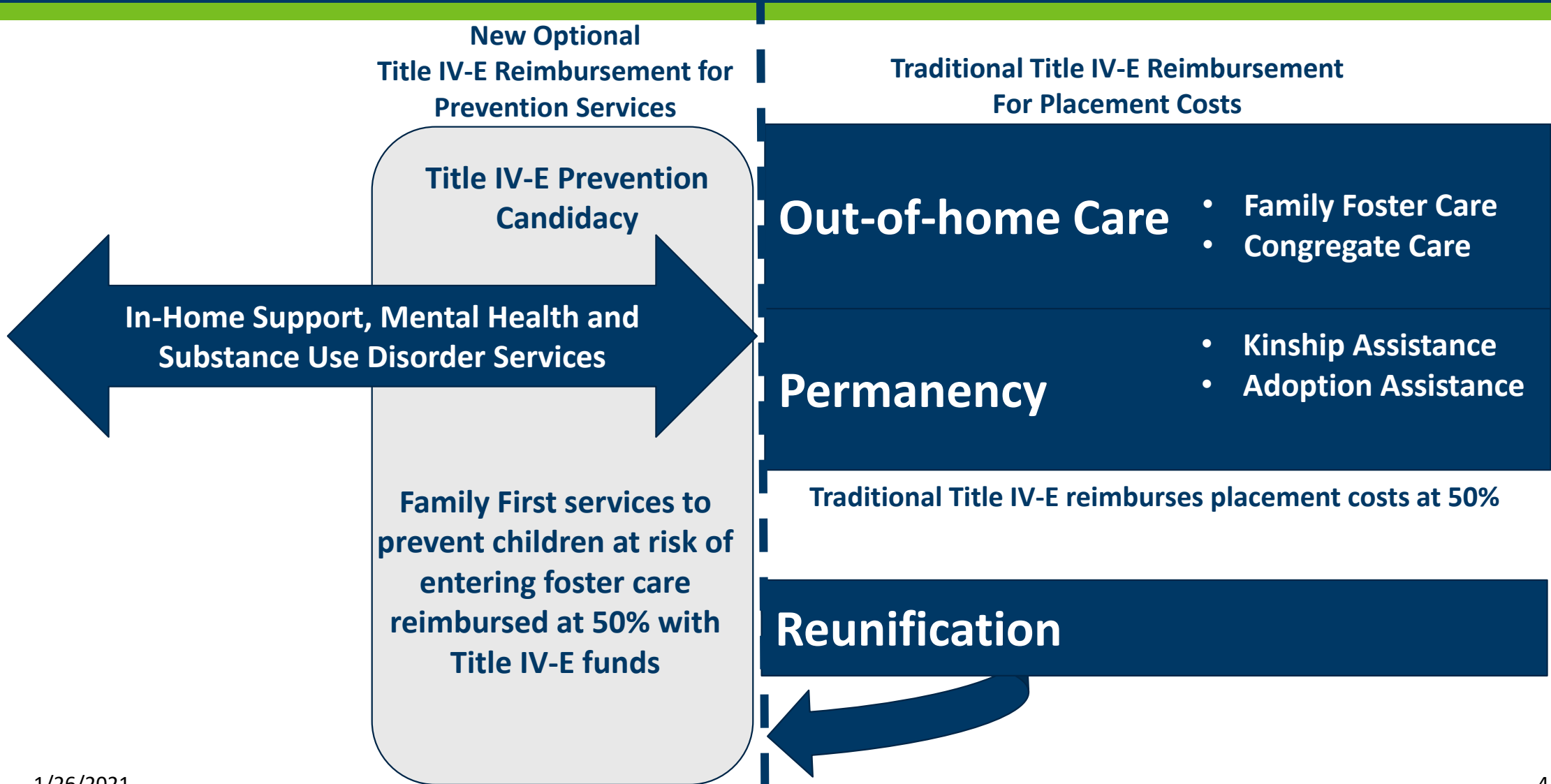
Most significantly, it:

- I. Creates new optional **prevention services funding reimbursement** to keep children with their families. However, this is only available if the services are approved on the National Family First Clearinghouse. Prior to Family First, federal Title IV-E funds could not be used to support prevention or family preservation efforts
- II. Strictly **limits federal reimbursement** for children placed in a child care institution (congregate care) by 1) establishing higher standards for congregate care facilities, 2) establishing stricter requirements when placing children in congregate care and 3) establishing increased oversight by the court

# Reasons why Family First was enacted

- To reduce the federal contribution for congregate care placements by shifting cost to states
- To respond to long time requests from states for more flexibility in financing child welfare
- To reduce the number of children entering foster care system by allowing federal Title IV-E reimbursements for evidenced based prevention services, and
- To reduce the number of children and their length of stay in non-family foster care settings by establishing limitations on when children can be placed in congregate care (child foster residence, short-term residential shelter care, group homes and residential treatment facilities) and to ensure children are placed in the least restrictive setting

# Title IV-E funding under Family First



# Family First timelines

There are multiple deadlines in the Act and Minnesota has already met several:

- Implemented required criminal record/registry checks for **any** adult working in child care institutions (congregate care)
- Passed legislation authorizing Title IV-E reimbursements for foster care maintenance payments for children co-located with their parents in a licensed residential family-based treatment facility for substance abuse
- Amended statute modifying Chafee Foster Care Independence Program to:
  - Extend support to age 23 (previously 21)
  - Extend eligibility for educational training vouchers to age 26
- Amended model foster care standards in state Title IV-E plan
  - Family foster homes have limit of six children

# Timelines for major components of the Act

Implementation of new Qualified Residential Treatment Program requirements must be implemented by Oct. 1, 2021

- To ensure counties can continue to receive Title IV-E reimbursements for foster care, regardless of placement type, or kinship and adoption assistance, the state must meet the new requirements for placements in 1) qualified residential treatment programs (congregate care), 2) residential setting for youth who have been or at risk of becoming sex trafficked victim and 3) residential facility specializing in providing prenatal, post-partum or parenting supports for youth no later than **Oct. 1, 2021**
- State has submitted Sept. 30, 2021 as Minnesota's effective date
- Estimated potential loss of Title IV-E funding is over \$100 million a year if we are not in compliance

## Implementation of new prevention services option

- Minnesota has elected to seek Title IV-E reimbursements for federally approved prevention services
- Department will submit federally required Five Year Family First Prevention Services plan this summer
- Minnesota must make new investments in prevention services to receive new 50% reimbursements
- Prior to these funds becoming available the state must:
  - meet the residential services requirements for qualified residential treatment programs, residential settings for youth who have been or are at risk of becoming sex trafficking or residential settings specializing in providing prenatal, post-partum or parenting supports to youth and
  - have an approved Five Year Prevention Services Plan
- There is no deadline for meeting this requirement but we are working towards Oct. 1, 2021 for implementation

# Steps taken to achieve compliance

- The department assessed current evidence-based prevention services array and capacity
- The department determined residential facility requirements and assessment standards and process for certification
- Legislature enacted funding to pay for initial staffing needs and funding for costs associated with the changes to the Social Services Information System (SSIS)
- Legislation enacted to align state law with federal requirements
- The department amended state Title IV-E plan to meet early federal deadlines



# Program implementation underway

- Governance structure developed and implemented
  - Stakeholder engagement
    - Initial stakeholder meeting occurred in July 2019
    - Advisory and Coordinating Committees launched in September 2019 with diverse group of stakeholders and partners
  - On-going outreach and coordination with our county, tribal and provider partners as well as parents and youth with lived experience, advocates and more
    - Numerous work groups and sub workgroups met over the course of 16 months
    - These work groups focused on operationalizing the numerous requirements
  - Active discussions underway with Minnesota Association of County Social Service Administrators (MACSSA) and Tribal leaders to guide implementation
- Work has begun on drafting the Five Year Family First Prevention Services Plan

# Program implementation continued

- System changes in SSIS for federal reporting and meeting the residential services requirements are on target to be ready Oct. 1, 2021 so counties and tribes can submit Title IV-E claims for eligible Family First costs
- New required background checks for all staff working in congregate care sites (child care institutions) has been implemented
- Grant funding has been made available for kinship navigator programs
  - Grants assist kinship caregivers in accessing programs and services to meet the needs of the children they are raising

# Progress on implementing new residential services requirements

- Assessment of which of the current congregate care facilities that have been approved for Title IV-E could most easily meet new Family First requirements
- Survey of providers to understand what the barriers would be for them to become certified as a Qualified Residential Treatment Program (QRTP)
- Legislative budget request to cover costs of accreditation for providers
- One time state reimbursement to facilities to cover increased cost of background studies for all of their employees provided in 2019
- Selection of required QRTP assessment tool as well as definition of Qualified Individual who will administer the tool has been determined
  - These decisions were based on recommendations from the work groups
  - Department is exploring options to cover new cost for counties and tribes

# Family First Policy Bill passed in 2020

- New and amended definitions were added to Minnesota Statutes, Chapter 260C
- Changes to payment arrangements for child foster residence settings (also known as corporate foster homes)
  - Child foster residence (shift staff provide care; caregiver does not live in the home) will no longer be considered family foster homes and will be considered congregate care settings effective Sept. 30, 2021
  - This means child foster residences will no longer be included in Northstar Care for Children and counties will need to enter into lead county contracts with these facilities to establish a statewide daily rate and must be approved by the department as a Title IV-E facility
  - Child foster residences will need to be certified as a Qualified Residential Treatment Program by the licensing division before counties and tribes can submit Title IV-E claims on behalf of children in this placement setting

# Policy Bill 2020 continued

- Juvenile treatment screening team requirements are amended to meet new federal requirements
- New requirement for updating out-of-home placement plans for children placed in a QRTP within 30 days of placement and requirements for keeping the court informed of this placement
- New section of Chapter 260C created to align state statute with federal statute for requirements for placements in qualified residential treatment programs
- Court approval of placements in QRTP are required within 60 days of placement and agency must provide updates to the court at each subsequent hearing

# 2020 Policy Bill continued

- Placement in a QRTP for extended periods of time are subject to additional oversight and administrative review by the responsible social services agency. Agencies must submit signed approval by the county social services director, and evidence supporting extended placement
- Extended placement is defined by age. For children under age 13, an extended placement is specified as placement for more than six consecutive or non-consecutive months. For all other children, extended placement is specified as placement for more than 12 consecutive months, or 18 non-consecutive months

# Family First Policy Bill for 2021 Legislative Session

- Includes needed policy modifications or clarifications that have arisen as the state comes into compliance and begins the implementation of Family First
  - Clarification of QRTP requirements related to juvenile court process
    - Adding clear guidance that placing agencies submit a QRTP report to the court, the contents of the report, court findings and order and what should occur if the court does not approve placement in a QRTP
  - Clarification regarding sex trafficked youth or youth at risk of sex trafficking
    - Adding protections to children who are victims of commercial sexual exploitation
    - Mandatory training on identification and response for survivors, youth at risk of sex trafficking or commercial sexual exploitation
  - Modification to Successful Transition to Adulthood federal program
    - Adding language to clarify when a youth is eligible and for how long as well identifying list of eligible support services to the youth and changes to notice requirements for youth leaving foster care after age 18

# Family First Policy Bill continued

- Modification to incorporate QRTP requirements in Chapter 260D
- Clarification that income means test is not required for placements of a child with a parent in substance use disorder facilities for Title IV-E reimbursement
- Amends definitions so child foster residence settings (corporate foster homes) no longer meet the definition of family foster homes but instead meet the definition of congregate care. Federal law states that when shift staff provide care to children then those facilities must be considered congregate care and meet the new qualified residential treatment program requirements in order for counties to claim Title IV-E reimbursements



# Family First Policy Bill continued

- Changes to the licensing statute, Chapter 245A to bring Minnesota into compliance with qualified residential treatment program and other allowed child care institution requirements and establish a certification process
  - Establishes documentation requirements for background checks for staff in children's residential facilities and foster care residences
  - Establishes standards that a children's residential facility or child foster care residence setting must meet to be certified as a: 1) qualified residential treatment program, 2) residential setting for youth who have been or are at risk of becoming a sex trafficked victim or 3) residential setting specializing in providing prenatal, post-partum, or parenting supports for youth

# Family First Policy Bill continued

- Examples of some of the certification requirements are:
  - trauma informed care model
  - registered nurse or licensed practical nurse must be available 24 hours a day/7 days a week
  - certified by one of three national accreditation organizations
  - must facilitate participation of family members in child's treatment program
  - facilitate outreach to family members
  - discharge planning and six months of family based after care support
- Establishes monitoring and inspection process and timelines
- Establishes decertification and variance process

# Chapter 260D Voluntary Placements Legislative Report Summary

- During the 2020 legislative session, the department put forth legislation to bring Minnesota into compliance with new federal requirements for foster care from the 2018 Family First Prevention Services Act
- In March 2020, representatives from NAMI and AspireMN raised concerns that Family First requirements should not apply to families accessing voluntary foster care for mental health treatment for children under Chapter 260D
- After hearing those concerns, legislators advised department staff that they must collaborate with NAMI and AspireMN to reach a compromise before the bill could move forward during the 2020 session

# 260D Legislative Report Findings

Through work group meetings, discussions with federal partners, and policy research by multiple department business areas, department staff determined that the legislature's decision not to include Minnesota's 260D voluntary foster care statute into Family First compliance would result in the following:

- Counties will lose between \$2-3 million in federal Title IV-E reimbursements annually, and department staff will need to remove 260D voluntary placements from the Title IV-E state plan
- SSIS is not programmed to distinguish children placed in foster care through Chapter 260D from the general foster care population. County agency staff will face significant difficulties in tracking 260D cases in the Social Service Information System (SSIS), ensuring Title IV-E claims are not submitted in error
- Vulnerable children will be prevented from receiving federal protections intended to better ensure they receive care in the least restrictive environment possible

# 260D Legislative Report Recommendations

- The legislature should incorporate Family First requirements into Chapter 260D, as originally proposed during the 2020 legislative session

MACSSA has taken a position supporting inclusion of Family First requirements in Chapter 260D

- In recognition of advocate concerns regarding Family First being applied to children placed voluntarily in foster care through Chapter 260D, the legislature should develop an option to access residential behavioral health treatment services for children and families who may be better served outside the foster care system
- If the legislature does not incorporate Family First requirements into Chapter 260D, the legislature should:

Appropriate a minimum of \$2.1 million annually to cover lost federal Title IV-E funding for counties

Appropriate funding to enable Minnesota IT services (MNIT) to update SSIS so county agencies are able to claim Title IV-E reimbursements only for eligible children. The initial cost estimate for this work is \$72,000 and \$15,000 ongoing

# Thank You!

**Lisa Bayley** [Lisa.Bayley@state.mn.us](mailto:Lisa.Bayley@state.mn.us)

**Jamie Sorenson** [Jamie.Sorenson@state.mn.us](mailto:Jamie.Sorenson@state.mn.us)