

**REFORM CHILD WELFARE IN ILLINOIS - IMPLEMENT FEDERAL LAW**

On February 9, 2018, the Family First Prevention Services Act (FFPSA) became law. This federal action is a strong message to states: families matter. But, it was more than a message: it included transformational tools by removing the rigid “strings” attached to federal monies for child welfare services. With this flexibility, Illinois has exciting opportunities at our fingertips. We can reimagine how our state supports youth and families and realign our child welfare system, but we need to act.

**FAMILY FIRST PREVENTION SERVICES ACT<sup>1</sup>**

**Focus:** put children and families first with nearly twenty distinct provisions of the law that each have the potential to establish significant shifts in the way the child welfare system is funded and operates in practice across the country.

**Purpose:** “to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.”

**Federal Funding Requirements for Child Welfare & New Opportunities**

**Emphasizes early intervention to prevent removal of children from families.** With an approved Title IV-E plan, Illinois would have the option<sup>2</sup> to use Title IV-E funds to prevent the placement of children and youth into the foster care system if: 1) using in-home parent skill-based programs and mental health services and substance abuse prevention and treatment services based on promising practice, supported practice, or well-supported treatment; 2) children are “candidates for foster care,” pregnant or parenting foster youth, or children and youth under the guardianship of a kin caregiver; and 3) demonstrate maintenance of effort of state foster care prevention spending at same level as 2014. Additionally, Illinois could use Title IV-E reimbursement to for up to 12 months for a child who has been placed with a parent in a licensed residential family-based treatment facility for substance abuse, regardless of whether the child meets the AFDC income-eligibility requirement for Title IV-E.

**Curbs use of congregate (group) care for children. Places a new emphasis on family foster homes.** With limited exceptions, the federal government: 1) will not reimburse states for children placed in group care settings for more than two weeks as of October 1, 2019 or as of October 1, 2021<sup>3</sup> for states approved for delayed implementation; 2) requires states to demonstrate alignment with newly established national model licensing standards for relative foster family homes; and 3) limits the number of children allowed in a foster home to six.

**Enhances Support Under Title IV-B.** 1) Provides funding authority to support states in establishing an electronic interstate processing system for the placement of children into foster care, guardianship or adoption; 2) extends substance abuse regional partnership grants for five years, allows the grants to be used on a statewide basis and for organizations that are not state agencies, and provides updates to specifically address the opioid and heroin epidemic; 3) removes time limit on reunification services for a child in foster care preparing to return home; and 4) provides access to 15-months of post-reunification services beginning on the date the child returns home.

**Provides adoption, relative-care and older youth supports.** 1) provides for one-time, competitive grant for recruitment and retention of high-quality foster families made available through 2022; 2) provides parameters for states to expand funding eligibility for youth “aging out” of foster care, and; 3) The Fostering Connections to Success and Increasing Adoptions Act set the income test for federal adoption assistance payments to gradually expire by 2019. Teens were to be the first group to be exempt from the income test and this exemption would gradually extend to newborns.

**Misc. Provisions.** States are also required to: 1) provide certification via state plan assuring they will not enact or advance policies or practices that will result in a significant increase in number of youth in the juvenile justice system because of the new restrictions on federal reimbursement for children not placed in a foster family home and 2) create a plan and fully document the steps taken to track and prevent child maltreatment deaths in their state.

<sup>1</sup> This is a simplified, brief overview of the Family First Prevention and Services Act provisions of the Bipartisan Budget Act of 2018 (Public Law No. 115-123). This summary includes information directly from the 2018 federal law, Children’s Bureau implementation guidance, First Focus, the National Conference for State Legislatures, and the Children’s Defense Fund. Last revised 12.28.18. More nuanced aspects may require additional explanation. **Legislators can contact Nora Collins-Mandeville**, if interested in learning more details, timelines, arranging a briefing, or accessing relevant experts.

<sup>2</sup> Previously funds could be used only to help with the costs of foster care maintenance for eligible children; administrative expenses to manage the program; and training for staff, foster parents, and certain private agency staff; adoption assistance; kinship guardianship assistance; and, if approved, certain waivers permitting flexibility of funds within limited circumstances.

<sup>3</sup> States may delay the implementation of this part of the legislation for two years, but if they choose to do so they will delay funding for prevention services for the same length of time.