

Family First Prevention Services Act Update - Testimony to be presented 3/17/21 by Deputy Secretary

Jonathan Rubin

Good morning Chairpersons Delozier and DeLissio, committee members and staff. I am Jonathan Rubin, Deputy Secretary for the Office of Children, Youth, and Families (OCYF) within the Department of Human Services and I am pleased to join you today for this informational meeting on the Family First Prevention Services Act.

The Family First Prevention Services Act (Family First), Public Law (P.L.) 115-123, was signed into law February 9, 2018. This law amended sections Title IV-B and IV-E of the Social Security Act. Family First provides states with an opportunity to enhance their child welfare systems to further support the delivery of evidence-based prevention services to help keep children safely with their families whenever possible and to help ensure that children who cannot be safely maintained in their own homes are placed in the least restrictive, most family-like settings, or in residential treatment programs appropriate to their needs.

The law allows Pennsylvania to use federal Title IV-E funding to support trauma-informed and evidence-based parenting services, and mental health and substance abuse prevention and treatment services when provided by a qualified clinician. The programs and services must meet criteria established under Family First to be considered evidence based. In addition, children and their parents or kin caregivers must also meet certain eligibility criteria. Pennsylvania intends to opt into this provision on October 1, 2021.

While Family First provides a new funding opportunity for prevention services, the law also limits Title IV-E reimbursement currently available to states for eligible youth in non-specialized congregate care settings. Currently, Title IV-E placement maintenance funding is available for eligible children and youth in these programs for the duration of their placement. Family First limits placement maintenance

reimbursement to 14 days. There is no change in Title IV-E administrative reimbursement for non-specialized congregate care programs or the placement maintenance reimbursement of foster family care and congregate care programs certified as specialized settings.

Opting into the Title IV-E prevention program creates additional financial supports for existing and new evidence-based programs and services and reduces the overall loss of Title IV-E projected when the congregate care funding limitations take effect.

Recently, OCYF worked with the Independent Fiscal Office (IFO) on a funding impact analysis of Family First implementation in Pennsylvania. The analysis predicts an overall loss of over \$20 million in federal Title IV-E dollars during the first year of implementation due to the restriction on congregate care reimbursement and the small amount (less than \$3 million) we can expect to gain in revenue at the start of the program.

While states could implement as early as October 1, 2019, Pennsylvania originally intended to implement Family First October 1, 2020. We extended our delay until July 1, 2021 and recently until October 1, 2021, the latest date possible, in an effort to mitigate the loss of federal funds during the current public health emergency and economic crisis. While we still anticipate a loss of Title IV-E placement maintenance funds for congregate care, it is our hope and expectation that over time we will increase Title IV-E prevention funds as we increase the delivery of evidence-based programs and services that are approved on the Title IV-E Federal Clearinghouse.

While this loss is significant, we are moving forward with planning for implementation as required by the act. We feel very strongly that the goals of Family First, building strong community-based prevention programs and limiting youth placements in congregate care facilities, are worthy goals. We seek to leverage the implementation of the Family First Prevention Services Act to enhance and accelerate our efforts to prevent child maltreatment, strengthen families by understanding and

addressing the social determinants of health, confront disproportionate outcomes based on race and poverty, promote racial equity, and increase the utilization of evidence-based services to prevent removing a child from their home when it is safe to do so. This will only be successfully accomplished by empowering communities to build supports that will enhance the safety of children and youth.

To move forward, Pennsylvania must develop and receive approval for our five-year prevention plan from the Administration for Children and Families (ACF). Allow me to update you on how we are moving forward with development of our plan and implementation of Family First, starting with growing and building on our current effective prevention services.

Unfortunately, the Family First Prevention Services Act, as written, has significant limits on the use of Title IV-E prevention funding. The funding is not available for every family in Pennsylvania. To be eligible, a county child welfare agency must determine that the children and/or youth in a family are at significant risk of foster care placement in the absence of a Title IV-E prevention services. The law requires the county agency to make the determination, document it in the case record, and develop a prevention plan that matches services to the safety or risk concerns for the child. Once candidacy is established, the child may be eligible for use of federal Title IV-E funds for services only if the child participates in a service that is evidence-based as determined and approved by the Federal Administration for Children and Families (ACF) as part of Pennsylvania's Prevention Plan. In other words, funding is limited to certain approved programs for children who are documented as eligible for the services.

For a prevention program to be eligible for IV-E reimbursement, it must be listed on the Title IV-E Prevention Services Clearinghouse of evidence-based practices. Each program on the federal clearinghouse has a degree of scientific evaluation behind it that proves effectiveness if the program is implemented with fidelity to the program's model. The highest degree of evidence base for a program is

considered “well-supported” and there is a requirement that at least 50% of the financial claims from services utilized are from this well-supported category. We do have until 2024 to achieve that milestone. Evidence-based services on the clearinghouse are also limited to prevention services for mental health, substance abuse, and in-home parent skill-based programs that demonstrate positive outcomes for prevention of the need for foster care placement.

With these factors in mind, OCYF has worked to determine which evidence-based programs would best serve our children and families. We based our selection on several factors including current utilization of a program in the state, whether the evidence-based outcomes matched the reasons why children and youth come into our care in Pennsylvania, the desire to have a broad range of programs that increase safety for children of all ages, and programs that address addiction, mental health, and parenting needs. Additionally, OCYF has selected evidence-based programs that are culturally relevant and have foundations of success in communities.

Using these criteria, Pennsylvania has chosen eight evidence-based programs to begin our process of receiving Title IV-E reimbursement for our prevention services. However, these eight programs are a starting point for implementation and not a final list of services; after our plan is submitted and approved by ACF we can continue to add additional evidence-based services to our plan as often as needed.

Once programs are selected, Pennsylvania is also required to document how we will monitor the programs for effectiveness and fidelity to the evidence model. To define these activities, we are working closely with partners from the Child Welfare Resource Center (CWRC) and the Evidence-Based Prevention and Support Center (EPIS Center) to develop appropriate outcome goals and oversight strategies that will require partnerships with county child welfare agencies and community-based organizations for tracking and data collection. While there are significant evaluation activities required

for every program on our prevention plan, programs that are not considered “well-supported” through evidence but are listed on the federal clearinghouse as eligible require a rigorous evaluation effort on the part of the state. Pennsylvania is considering two such programs at this time.

It is this evaluation component that limits the number of evidence-based practices that can be implemented in the first iteration of our plan. As stated, once our initial plan is approved and implementation has begun, we will strive to include additional prevention programs and continuously expand and improve our available services and supports.

It should be noted that throughout this process of development and implementation of evidence-based prevention programs, it will always be most important that children, youth, and families are matched to the services that are most appropriate to meet their needs. There are currently many community-based programs and services that are already being utilized and, should counties wish to continue programs already in place, those may continue. The list of eligible programs on the Title IV-E Prevention Services Clearinghouse is not comprehensive enough to meet all of the needs of our families in Pennsylvania, and we will continue to fund and support needed programs and services that are not part of our Family First prevention plan through other available funding streams, as we have done prior to Family First implementation.

Despite our best efforts to keep children and youth safely at home, we know that some will still require out-of-home care, and for those children and youth, there will be some who need specialized services and supports that a traditional foster home or care with a relative cannot provide. For those circumstances, we have already developed programs that will meet the criteria for what we are calling specialized settings. These specialized settings enhance services youth receive in traditional congregate care placements. This key action will better serve children and youth with specific treatment needs and also mitigates the loss of Title IV-E funds for children and youth in congregate care placements while the

prevention programs are implemented and additional programs are added to the Title IV-E Prevention Services Clearinghouse.

Children and youth may be placed in specialized settings and Pennsylvania will receive Title IV-E placement maintenance payments if a child or youth is otherwise Title IV-E eligible and in need of any of these specialized services:

1. Supports for youth who are pregnant, expecting or parenting.
2. A supervised setting in which the child is living independently (Title IV-E claiming for this setting is limited to eligible youth over age 18) or,
3. A setting designed to provide high-quality residential care and supportive services to children and youth who have been or are found to be at-risk of becoming sex trafficking victims.

These specialized settings have enhanced program requirements beyond current congregate care regulatory requirements including:

- Identification and demonstration of a trauma-informed approach;
- Enhanced levels of staffing ratios, staff training, training and skill development for the youth served and levels of youth supervision provided;
- Enhanced physical site safety considerations;
- Enhanced emphasis and demonstration of meaningful family and child engagement throughout the placement experience;
- Enhanced emphasis and demonstration of reality-based discharge/transition planning;
- and,

- Specialized training for staff and youth (as appropriate) on sex trafficking awareness, assessment and screening practices, reporting requirements and social media/cyber security cautions.

So far in Pennsylvania, four providers that represent approximately 20 licensed programs have already been approved as specialized setting providers. Currently, OCYF is working with approximately twenty additional legal entities representing over one-hundred licensed programs to determine whether these programs meet the criteria to be certified as a specialized setting that would serve youth who are at risk of or a victim of sex trafficking, pregnant, expecting or parenting youth, or youth 18 or older in placement and transitioning to adulthood.

Beyond the information already shared, Family First provides states with additional opportunities to enhance services.

One such opportunity is funding for the development of services to support children and youth in Kinship placements. Kinship placements occur when a child or youth needs out-of-home care but is able to be kept in a home-like setting with an identified relative or known caretaker. This is different from traditional foster care where the child or youth typically would not know the foster parents prior to placement in their home. Pennsylvania has long supported placing children and youth in kinship homes and, as of September 30, 2020 (our most current set of data), 41 percent of children and youth who had been placed in out-of-home care had been placed with kin. Family First funding has supported our development of a kinship navigator hotline and website that helps kin care for the children and youth that have been placed with them. Kinship Navigator services can be found at www.kinconnector.org or by calling 866-546-2111. It should be noted that this service is not specific to children and youth placed in kinship care through a formal court process with child welfare involvement. Anyone caring for kin, even if the family arranged the care on their own, can utilize the service as it is available for all families.

Family First also provided states the opportunity to expand the population of children and youth eligible for federally-funded aftercare services and employment and training grants, absent additional federal funding. Pennsylvania completed an analysis to determine the benefits of expanding the population and chose to extend the eligibility for aftercare services for older Pennsylvania youth exiting the foster-care system until age 23 effective July 1, 2020. This change made a myriad of supportive services available to a particularly vulnerable population of youth as they transition to adulthood. Previously, youth became ineligible for aftercare services on their 21st birthday. In addition, beginning July 1, 2020, we extended the eligibility for education and training grants to youth up until their 26th birthday. This program provides eligible youth financial support to attend post-secondary education and training classes for up to five years (consecutive or non-consecutive). The previous cutoff age was 23.

During the period of the COVID-19 public health emergency, aftercare services and education and training grants are extended for youth up to age 27 through the recent federal Consolidated Appropriations Act.

As we build capacity for these new opportunities and develop county and state infrastructure to support evidenced-based program evaluation and the oversight of new programs, we are thinking deeply about ways to address the challenges associated with successful implementation. To support implementation, we have developed a Family First governance structure that maintains meaningful communication with our county and provider agency partners. Our steering team is now meeting several times a month and our statewide project team is regularly engaged in planning discussions. We have kept our county partners informed through monthly all-county calls and we update the Child Welfare Council on progress at each meeting. In late 2019, we held four regional convenings inviting counties to come together as a team and we formally began the process of discussing what implementation will mean at the local level.

To support implementation, the federal government awarded Pennsylvania more than \$16 million in “Transition Act” funds that were allocated as one-time, flexible funding sources. These funds have been allocated to the counties based on class size to support their efforts at the local level to recruit and retain foster and kinship parents, develop the evidence-based programs in our approved prevention plan, and support provider agencies as they develop their Specialized Settings programs as there have been no other start-up costs provided for implementation. Pennsylvania has until September 30, 2025 to expend the funds.

As we move closer to official implementation on October 1, 2021, OCYF is working closely with all partners to identify additional strategies needed for success. Beyond the big-picture explanations provided in this testimony, there are major operational changes we are currently working on, including changing our invoicing and tracking system for Title IV-E payments since many of the business requirements are changing at the state and county levels. We are also coordinating with our county partners to develop new policies and procedures that align with changes to the individualized family service plan. These changes include the addition of a section for prevention plans as part of overall service planning with families. There are implications for updating our training and staff development systems, as well as revising how we use data and outcome measures to strengthen services for children, youth, and families.

As we move forward, our focus will continue to be improving outcomes for the children and families we serve. It is our hope that, through Family First implementation, we will strengthen community-based programs and evidence-based services, so they are trauma-informed, culturally relevant and responsive to unique child and family strengths and needs. These evidence-based services will prevent child abuse and neglect through meaningful family engagement practices and strengths-based teaming.

As we increase effective services and community supports, our long range vision is that over time prevention services will grow in communities and be accessible to all families, whether the family is known to child welfare or seeks support on their own. We will promote, develop, and continuously maintain an accessible array of high-quality community services that: support families impacted by the effects of stress, mental health, and behavioral health conditions, including substance use disorders; assures that basic needs such as food, healthcare, education, and shelter are met; addresses cross-generational trauma; and provides parental support for safely caring for their children and securing positive outcomes for the whole family.

When children are unable to safely remain in their primary home, connecting the child to safe kinship care will continue to be prioritized and supported. All placements requiring a higher level of care are to be safe, trauma-informed, and focused on children safely returning home and attaining permanency and positive outcomes for the whole family.

Finally, we will use clear, well-articulated and transparent output and outcome measures regarding safety, permanency, and well-being for our children, youth, and families and monitor those outputs and outcomes to measure success.

In closing, I would like to emphasize that we will promote and further cultivate the child welfare system's values of honesty and respect and we will work collaboratively to engage and empower children, youth, families and other system partners, including other government agencies, private community-based organizations, local leadership, and the court system to assure this vision is achieved.

None of us can do it alone.

Thank you for your time and interest and I will be happy to answer any questions you have at this time.

Thank you.