



Texas Department of
Family and Protective Services

House Appropriations Committee Subcommittee Article II:
Family First Prevention Services Act (FFPSA)

February 19, 2019

The Family First Prevention Services Act FFPSA became law in February 2018. FFPSA aims to:

- decrease the use of congregate care settings;
- prevent additional entries into foster care;
- encourage and support kin placements;
- elevate the quality of specific types of prevention services* provided to families with children at risk of entering foster care; and
- allow children to be placed with their parents in substance abuse treatment facilities.

FFPSA establishes several new opportunities for states:

- Federal Title IV-E match for children placed in limited specialized settings for specific populations;
- Open-ended federal match for approved evidence-based prevention services; and
- Federal match for certain evidence-based, approved Kinship Navigator programs.

In November 2018, Texas notified the federal Administration for Families and Children (ACF) that it intended to delay implementation of FFPSA until September 2021. Texas needs additional information to inform the Legislature about potential options for implementation.

- Still analyzing guidance from ACF on Model Licensing Standards and potential cost for compliance*;
- Still analyzing information from ACF on Kinship Navigator Programs and potential cost of approved programs;
- Awaiting information from ACF on Clearinghouse for Prevention Programs and potential cost of approved programs;
- Awaiting approval/direction on required provisions that Texas feels are already in compliance or options and cost to come into compliance;
- Awaiting results of University of Houston study on options for Kinship Navigator Programs in Texas; and
- Awaiting results of the Service Array Capacity Study with Casey Family Programs and the Texas Alliance for Child and Family Services (Due Spring 2020).

*ACF provided guidance in early February that differs from current Texas licensing standards and Texas is determining next steps, including the established waiver process.

What does delaying implementation of FFPSA mean?

- Texas maintains access to Title IV-E funding for congregate care settings through September 2021
 - Without delay, Texas would need additional General Revenue to pay for appropriate settings for children that require this level of service.
- During the delay, Texas will not be able to pull down additional federal match prevention programs included in the federal clearinghouse
 - ACF is still creating the clearinghouse and the service array capacity study will help inform the legislature on where services are needed and state funds required for federal match and additional reporting and administrative requirements.
- If Texas were to determine that it was ready to fully implement sooner than September 2021, it can notify ACF and proceed without penalty.

Required FFPSA Provisions for States

FFPSA included five required provisions which cannot be delayed for each state:

- Creation of an Interstate Compact on the Placement of Children (ICPC) National Electronic Interstate Compact Enterprise (NEICE) system to quickly and securely exchange data and documents for children placed across state lines;
- Creation of a statewide fatality prevention plan, to prevent abuse and neglect fatalities;
- Establish protocols to prevent inappropriate diagnoses and ensuing inappropriate placements;
- Create procedures for providers to conduct abuse and neglect registry and criminal records checks, including fingerprint-based checks; and
- Compliance with federal model licensing standards.

Required FFPSA Provisions for States

Creation of an Interstate Compact on the Placement of Children (ICPC) National Electronic Interstate Compact Enterprise (NEICE) System (Required by 2027)

- This system would more easily facilitate the placement of children in other states around the country. DFPS works diligently to place children with relatives and adoptive homes, and this sometimes necessitates out-of-state placements. Texas currently uses a manual process, which is burdensome due to the large number of placements that must be coordinated

Creation of a Statewide Fatality Prevention Plan, to Prevent Abuse and Neglect Fatalities

- Texas has maintained a statewide fatality prevention plan for several years. Texas produces an annual report on abuse/neglect fatalities, participates in the State Child Fatality Review Team, and critically exams fatalities. Texas believes it is already in compliance.

Establish Protocols to Prevent Inappropriate Diagnoses and Ensuing Inappropriate Placements

- Texas informs placement decisions through the use of the Youth For Tomorrow (YFT) contract and the use of a Common Application. YFT examines a child's records to set a proper level of need for children who enters the foster care system and the Common Application details a child's experience and needs. Texas believes that it is in compliance with this provision.

Create Procedures for Providers to Conduct Abuse and Neglect Registry and Criminal Records Checks, Including Fingerprint-Based Checks

- In order to serve children in the Texas foster care system, providers must submit to a Texas Crime Information Center (TCIC) check, an FBI fingerprint-based background check, and a Central Registry check. Texas believes that its current procedures will be in compliance with federal guidelines.

Compliance with Federal Model Licensing Standards

- ACF released first round of model licensing standards in February. These standards deviate from Texas standards and the state intends to submit a waiver and ask that existing standards be approved. However, if not approved, Texas faces the possible re-licensure of existing placements and providers.
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How has Texas supported the goals of FFPSA?

Congregate Care

- Texas places more than 87% of children in the Texas Foster Care System in family-like settings.
- Expansion of Community Based Care (CBC).
- Treatment Foster Care (TFC) which recruits and trains “professional” foster parents to support children who might have traditionally needed residential treatment services in a family home setting.

Kinship Supports

- Almost 8,000 families who care for nearly 14,000 children on any given day in the Texas Child welfare system, accounting for more than 46% of placements in Texas.
- Kinship caregivers have access to case management services provided by a kinship caseworker and, as a result of HB 4 (85R), a monetary stipend to help care for kids.
- Kin caregivers also have the option to become a verified foster home, allowing them to access additional services and supports, as well as a daily placement rate.
- Outside of child welfare, kin caregivers have access (when eligible) to additional services, such as SNAP, Medicaid, and TANF.

Prevention Services

- SB 11 (85R) required the department to establish two pilots for FBSS case management. These pilots are required to use evidence-based services, be trauma-informed, and demonstrate improved outcomes for the families they serve. The El Paso FBSS pilot with Pathways has been serving families since June 2018 and the Nueces County pilot is in the procurement process.
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What can Texas do to prepare for FFPSA?

Texas could use the 86th Interim to study the implementation options and potential costs for FFPSA and inform the 87th Legislature of options for the state.

- Consider outcomes in other states that have implemented like programs;
 - Determine the efficacy of the approved, evidence-based prevention programs;
 - Examine costs and outcomes for serving children in approved congregate care settings;
 - Determine the benefits of provider accreditation, and effects on child welfare outcomes;
 - Solicit input from child care and service providers, as well as stakeholders;
 - Consider the continued decline in the percentage of children eligible for Title IV-E as costs and benefits are analyzed; and
 - Consider the actions already taken by the Texas Legislature to fulfill the goals of FFPSA.
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- DFPS FY 2020-21 Community Based Care Exceptional Item would further reduce the use of congregate care settings, improve child outcomes and hasten permanency.
 - DFPS is continuing to serve children who might otherwise need congregate care settings in Treatment Foster Care family homes.
 - DFPS has requested to continue using evidence-based services for families through the FBSS pilot program with Pathways in El Paso and the second pilot in Nueces County.
 - DFPS has also requested funding to continue providing up to half of the basic foster family home daily rate to kinship caregivers.

Section Requirements

Section	Required/Optional
50711- Prevention Services	Optional
50712-Substance Abuse Services	Optional
50713-Kinship Navigator Program	Optional, Additional Information Required, UH Study
50721-Family Reunification Services	Additional Information Required
50722-ICPC/NEICE System	Required, seeking grant opportunity
50731-Model Licensing Standards: Foster Homes	Required, awaiting federal guidance
50732-Fatality Prevention Plan	Required, Likely in Compliance
50733-Title IV-E Name Change	Additional Information Required
50741-QRTPs/Accreditation	Optional
50742-30-day Assessments	Optional
50743-Prevent Inappropriate Diagnoses	Required, Likely in Compliance
50744-Reporting Requirements	Additional Information Required
50745-Background Check Requirements	Required, Likely in Compliance
50751-Funding Supporting and Retaining Foster Families	Additional Information Required
50753-Chafee Funding	Optional, Additional Information Required
50771-Data Exchange Standards	Additional Information Required
50781-Delinking Adoption Assistance Eligibility	Additional Information Required