

Family First, Family Justice and More A Federal Policy Roundup



The **CHRONICLE**
of **SOCIAL CHANGE**

CHILDREN & YOUTH, FRONT AND CENTER

www.ChronicleofSocialChange.org

Presented by John Kelly,
Editor-in-Chief



About *The Chronicle*

The Chronicle of Social Change is a nonprofit, independent news site covering child welfare, juvenile justice and other critical systems serving vulnerable children and families.



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Today's Discussion

- I. **Family First Prevention Services Act** : Where we're at, what we know, what we don't know
- II. **Family Justice** : New resource for legal support to parents and children
- III. **Faith -based Protection** : The license to discriminate and Capitol Hill
- IV. **Other legislation** on the horizon



A QUICK OVERVIEW:

Family First Prevention Services Act

1: Preventing the Use of Foster Care

WHAT'S ALLOWED?

- Substance Abuse Treatment
- Mental Health Treatment
- Parenting Skills

WHO'S IT FOR?

- Families where a child is at “imminent risk” of entering foster care
- Pregnant or parenting teens in foster care



A QUICK OVERVIEW:

Family First Prevention Services Act

2: Limiting Federal Funds for Congregate Care

WHAT'S THE NEW LIMIT?

- Two weeks of IV-E funding per youth for placement in group homes, institutions, etc.

NOTABLE EXCEPTIONS

- Housing for extended foster care, pregnant or parenting teens
- Programs serving youth “at risk” of sex trafficking
- Qualified Residential Treatment Programs (QRTP)
- Family-based residential substance abuse treatment*



A QUICK OVERVIEW:

Family First Prevention Services Act

3: All the rest

Kinship Navigator: Federal funds for evidence -based versions

Longer support for reunifications from foster care

Building a national model for licensing foster homes

Extending runway on Chafee Act programs

State reviews of maltreatment -related child fatalities



What We Know

STATES HAVE FLEXIBILITY

Especially in what determines if a child is at “imminent risk” of entering foster care

TIME LIMITS, NO LIMIT ON TIMES

12-month limit on Family First services, but no limit on how many 12-month periods a family could receive.

CLEARINGHOUSE

- Website launched: <https://preventionservices.abtsites.com>
- States will have temporary ability to make case for favorite programs.



First Clearinghouse Approved Candidates

MENTAL HEALTH

- Parent-Child Interaction Therapy
- Trauma Focused Cognitive Behavioral Therapy
- Multi-Systemic Therapy
- Functional Family Therapy

SUBSTANCE ABUSE

- Families Facing the Future

IN-HOME PARENTING

- Nurse-Family Partnership
- Parents As Teachers



Pending or Denied Candidates

PENDING

- Healthy Families America
- Methadone Maintenance Therapy
- Motivational Interviewing

DENIED

- Multisystemic Therapy for Child Abuse and Neglect
- Kin-Tech of Florida
- Kinship Navigator of Children's Home Society of New Jersey



Will They or Won't They?

Public Law 115-123

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

**TITLE VII—FAMILY FIRST PREVENTION
SERVICES ACT**

1



Family First Takes

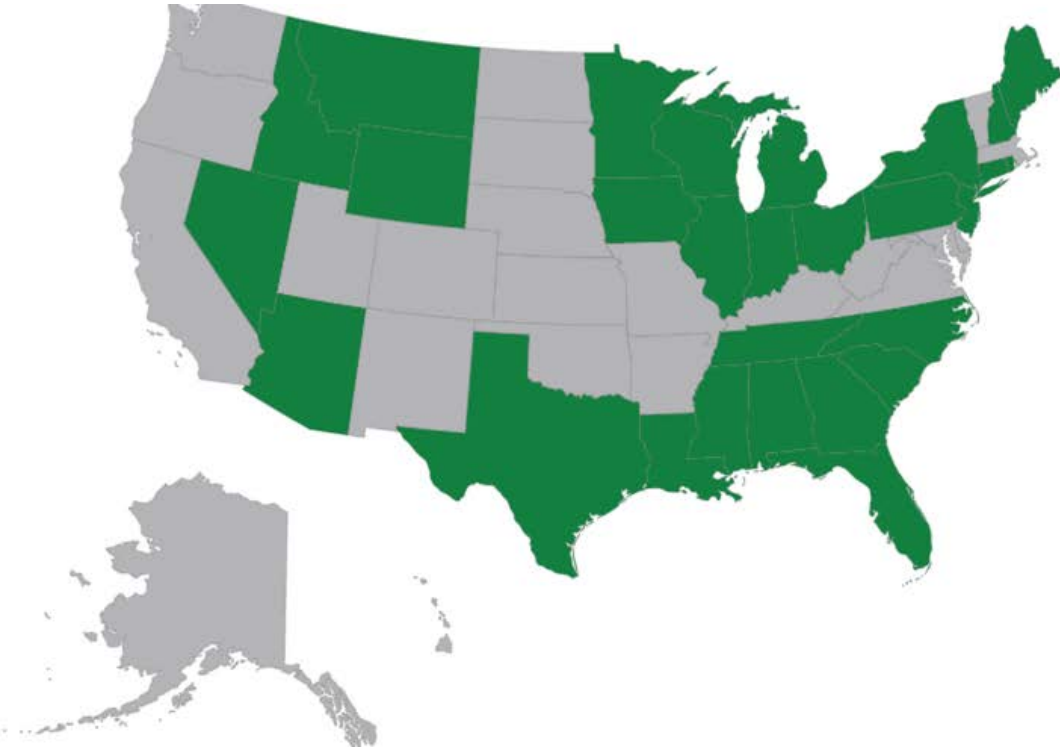
Effect : October 2019

States Can Seek Delay

Through October 2021



States Intending to Delay

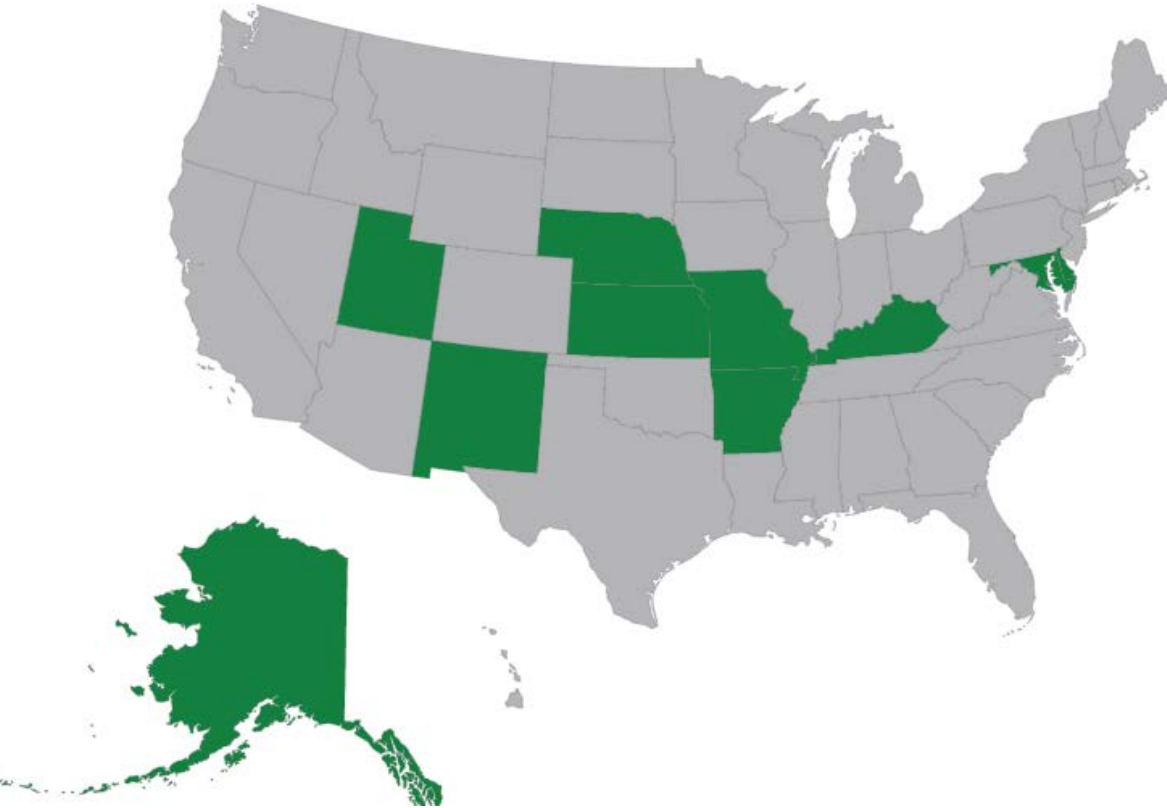


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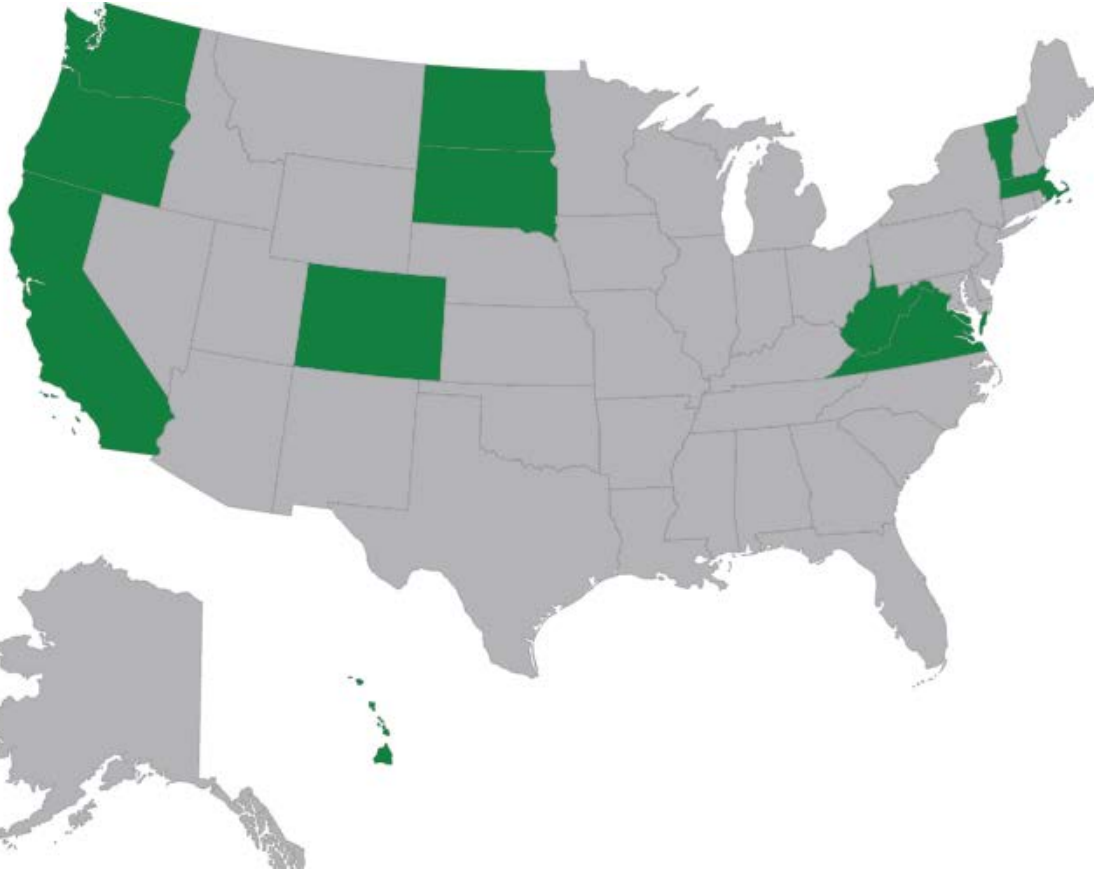
States Likely to Act in 2019



Alaska
Arkansas
Delaware
District of Columbia
Kansas
Kentucky
Maryland
Missouri
Nebraska
New Mexico
Utah



Undecided



California
Colorado
Hawaii
Massachusetts
North Dakota
Oregon
South Dakota
Vermont
Virginia
Washington
West Virginia



Lingering Questions

Will state plans get in? Will they get approved?

Definitions: Candidates, Imminent risk

Medicaid vs. IV-E

IMD Exclusion

Post-Family First Legislation

FAMILY FIRST TRANSITION AND SUPPORT ACT

Short-term boost to Promoting Safe and Stable Families, easing rules on evidence based approval, funds for foster parent recruitment and congregate care licensing -

STATE FLEXIBILITY FOR FAMILY TRANSITIONS ACT

Would extend IV -E waivers until 2021 for states that have them.

KINSHIP BILLS

Several bills aimed at increasing access to safety net services for grandparents and other relatives caring for kids



Title IV-E Legal Fees

Source: CWPM Section 8.1B, Question 18

June 2004 | Child Welfare Policy Manual

THE QUESTION

May a state claim Title IV -E administrative funds for the legal services of a child in foster care or his/her parents, such as the parent or child's legal representation in court hearings?

THE ANSWER

”Only the state agency’s participation in judicial determinations is an allowable cost.”



Title IV-E Legal Fees

Source: CWPM Section 8.1B, Question 30

January 2019 | Update to the Child Welfare Policy Manual

THE QUESTION

May a Title IV-E agency claim Title IV-E administrative costs for attorneys to provide legal representation?

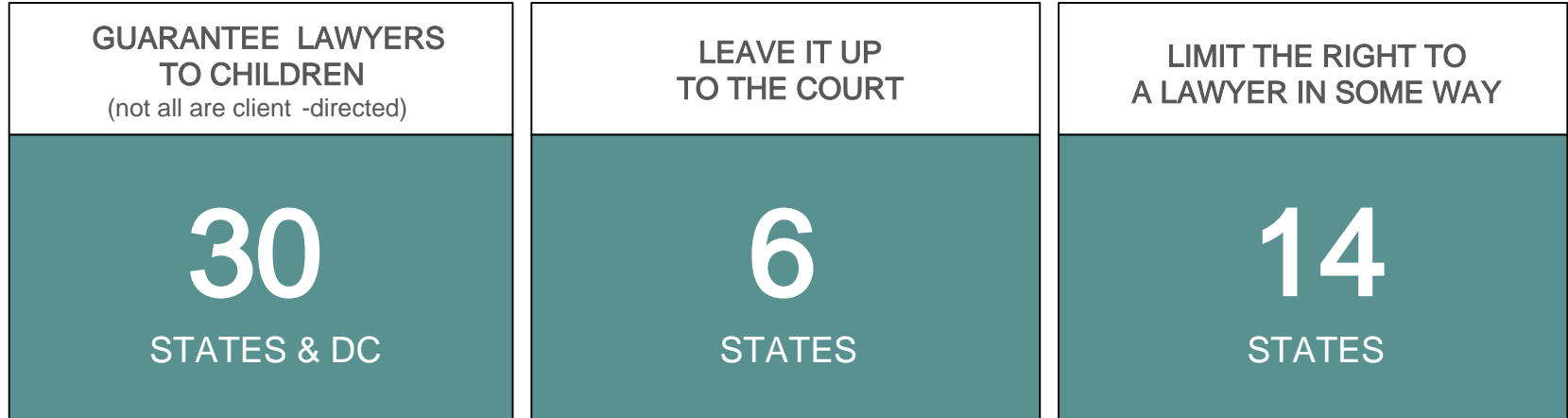
THE ANSWER

“Yes. ...Previous policy prohibited the agency from claiming Title IV-E administrative costs for legal services provided by an attorney representing a child or parent.”



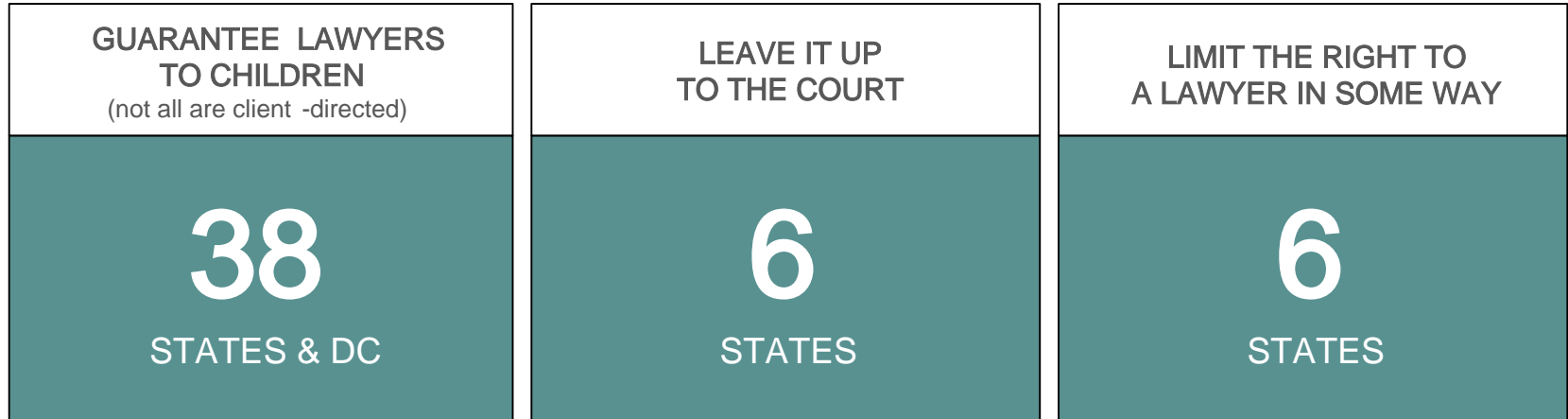
Counsel for Kids

Source: <http://civilrighttocounsel.org/map>



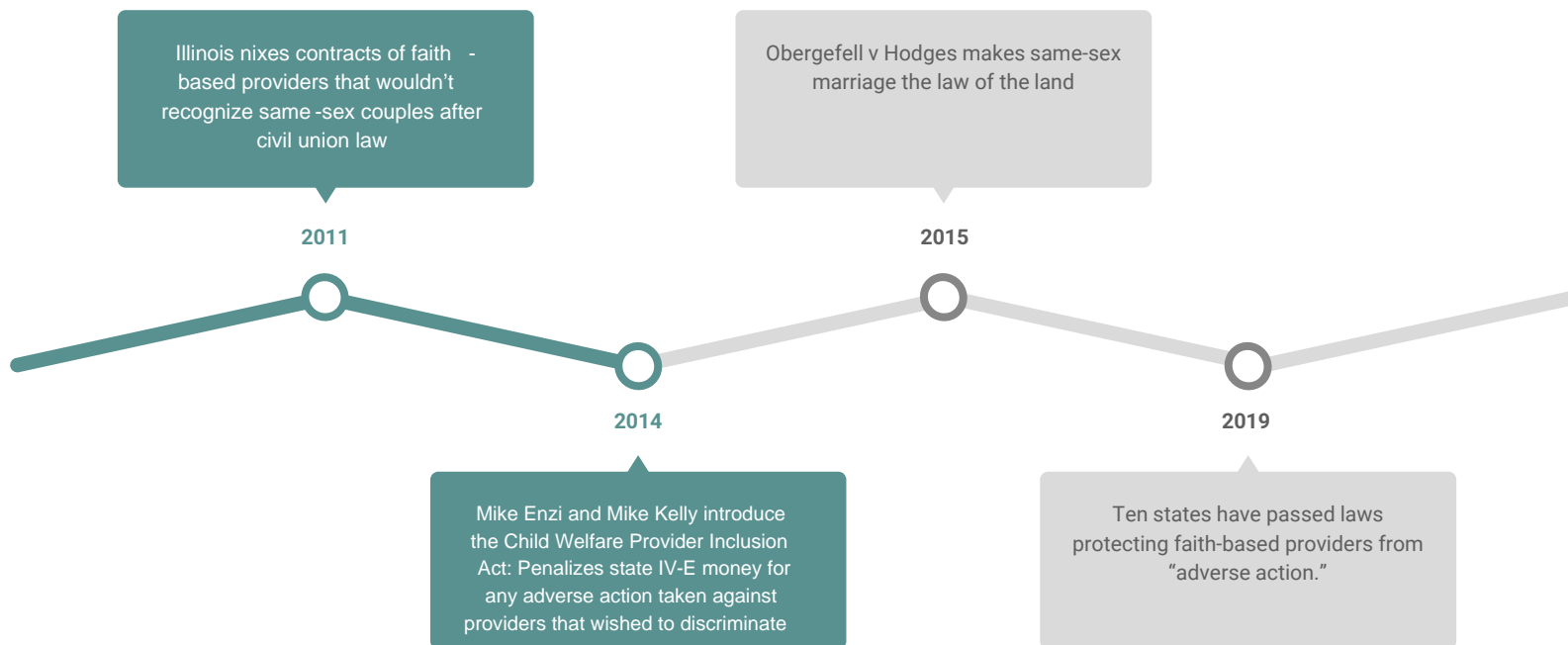
Counsel for Parents

Source: <http://civilrighttocounsel.org/map>



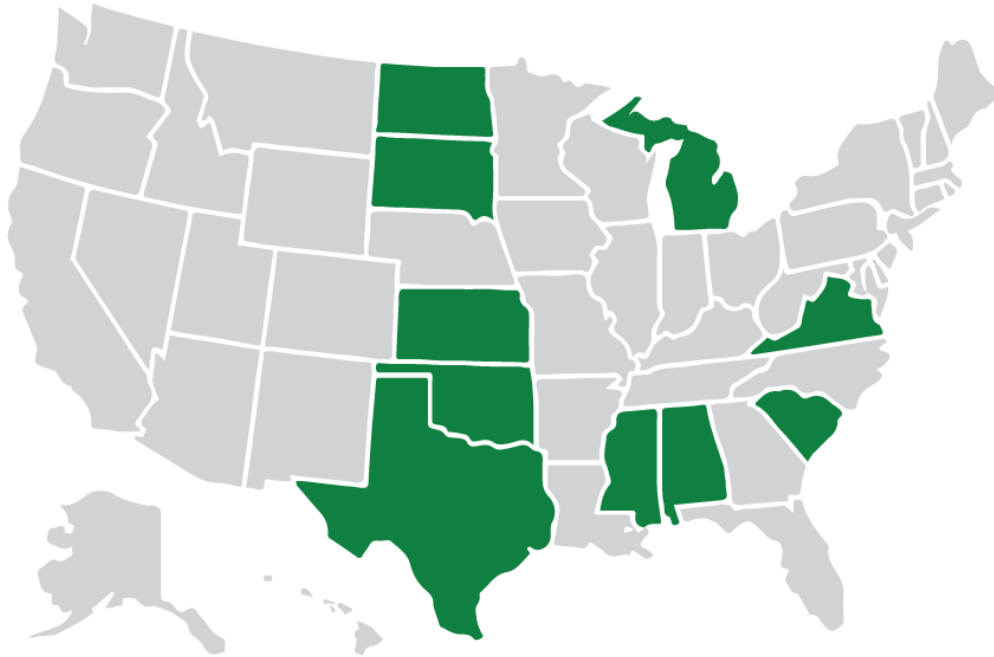
LICENSE TO DISCRIMINATE:

Faith-Based Protection Laws and Child Welfare



Post-Obergefell

STATES WITH FAITH-BASED PROTECTION LAWS



Alabama
Kansas
Michigan
Mississippi
North Dakota
Oklahoma
South Carolina
South Dakota
Texas
Virginia



Federal Interference

2014-2019: Annual Introduction of Child Welfare Provider Inclusion Act

Co-Authors: Sen. Mike Enzi (R-Wyo.) and Rep. Mike Kelly (D-Penn.)

FY 2019: Child Welfare Provider Inclusion Act in Appropriations Bill

Included by Rep. Robert Aderholt; ultimately stripped



Federal Interference

May 2018: Letter to Trump Urging Administrative Actions

HHS FUNDING ALLOCATION

Ensure that HHS funding is not “being used to exclude any qualified faith-based agencies.” The letter suggests enforcement against jurisdictions found to be canceling contracts or prohibiting faith-based providers that will not license any foster or adoptive candidate.

TWO CURRENT FEDERAL POLICIES

Rescinding Obama-era policies that require HHS funding recipients not to discriminate in the administration of the money, and require recipients to recognize same-sex marriages. The letter said the two policies “wrongfully target faith-based Child Placing Agencies.”

POLICY REVIEW

Review all policies and identify any that create obstacles for faith-based agencies in the child welfare space.



Federal Interference



Miracle Hill
MINISTRIES

Miracle Hill Exception

January 2019: HHS approves Miracle Hill Ministries, a faith-based provider, to receive federal funds

Approval includes any other faith-based “sub grantee” in the state “that uses similar religious criteria.”





“This decision sets a dangerous precedent: if South Carolina agencies receiving federal taxpayer funds can discriminate so long as they cite ‘religious freedom,’ that means it can happen in other states, too. Turning away otherwise qualified parents simply because they do not pass a specific religious litmus test threatens the well-being of children by denying them the opportunity to find loving, stable homes.”

-Christina Remlin, Children's Rights



Legal Challenges

Rep. Pete Stark (D-Calif.) introduces Every Child Deserves a Family Act for first time.

January 2009

Aimee Maddonna challenges the Trump waiver for Miracle Hill agency said Maddonna wasn't "the right kind of Christian."

February 2019

Children's Rights announces Interfaith Coalition for Children's Rights "will oppose legislation and policy changes that would enshrine a 'license to discriminate' into law and ultimately deprive vulnerable children of safe, loving homes."

June 2019

Marouf v. Azar: Same sex couple denied right to foster refugee children by federal sub-contractor. Denied because the couple did not "mirror the holy family."

February 2018

Michigan settles with plaintiffs challenging state's faith-based protection law.

March 2019



Other Stuff on Horizon

ADOPTION TAX CREDIT

Bill to make this credit refundable introduced in Senate

DE-LINKING IV-E FOSTER CARE

Family First Act cleanup bill would remove the income eligibility test for IV -E payments in foster care

REAUTHORIZATION OF CHILD ABUSE PREVENTION AND TREATMENT ACT

Moving in House, expected soon in Senate.

IMPROVED EMPLOYMENT OUTCOMES FOR FOSTER YOUTH ACT

Current/former foster youth added to Work Opportunity Tax Credit



We Want to Hear From You!

What conversations are happening around
Family First in your area?

What are the best family preservation services in
your system?



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