Family First Prevention Services Act

The Family First Prevention Services Act is a major piece of federal legislation that will potentially change the way child welfare services are provided in Minnesota. The act, known as Family First, gives states the ability to leverage federal funding to provide prevention services to children at risk of out-of-home placement, allowing children to remain safely in their home by identifying and addressing families’ needs earlier in the process. Family First establishes restrictions on placements in congregate care, and requirements for residential treatment facilities.

The Minnesota Department of Human Services, in collaboration with county and tribal governments, private and nonprofit community agencies, other state agencies, community members and elected officials, are engaged in efforts to successfully implement Family First.

Background

The Family First Prevention Services Act was signed into law Feb. 9, 2018, and modifies many sections of federal child welfare laws. Most significantly, it:

- Amends the federal foster care program to create new optional funding for prevention services
- Strictly limits federal reimbursement for children’s placement in group foster care.

Some provisions of the act, such as kinship navigator programs and model foster care licensing standards, are being implemented. The prevention services and qualified residential treatment program provisions are expected to go into effect July 1, 2021.

Prevention services to be covered

Family First expands federal reimbursement to include prevention services for mental health/substance abuse treatment and in-home parenting skill-based programs for parents or kin caring for children at-risk of entering foster care. The broad categories of prevention services eligible for reimbursement are:

- Mental health and substance abuse prevention and treatment services provided by a qualified clinician
- In-home parent skill-based programs that include parenting skills training, parent education, and individual and family counseling
- Kinship navigator programs that help kinship caregivers access programs and services to address their needs and the needs of children in their care in a way that is meaningful for their family.

Prevention services must be:

- Rated and approved as promising, supported or well-supported in accordance with the federal Title IV-E Prevention Services Clearinghouse
- Identified in the state’s five-year prevention plan as services that prevent child maltreatment and the unnecessary removal of children from their families while keeping children safe.

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Limits on group foster care

When Family First is fully adopted, Minnesota will no longer receive federal reimbursement for costs of children’s placement in some types of group foster care settings, as occurs now. Minnesota has licensed programs that meet criteria for all types of group foster care allowed under Family First, except for qualified residential treatment programs.

New qualified residential treatment program standards

To meet the standards for qualified residential treatment programs, a facility must:

- Use a trauma-informed treatment model designed to address needs, including clinical needs of children with serious emotional or behavioral disorders or disturbances.
- Have registered or licensed nursing staff/other licensed clinical staff (either employee or contractor) who provide care within their scope of practice; are on-site according to the treatment model; are available 24 hours a day, seven days a week.
- Facilitate participation of family members in a treatment program, as appropriate, and provide outreach to family members.
- Document how family members are integrated into treatment and post-discharge activities, with sibling connections maintained.
- Provide discharge planning and family-based after-care for at least six months after foster children are discharged from the program.
- Be licensed by the state and accredited by the Commission on Accreditation of Rehabilitation Facilities, Joint Commission on Accreditation of Healthcare Organizations, Council on Accreditation or another federally approved body.

Aspects of the act already in effect

The Family First Prevention Services Act, currently in effect:

- Allows Title IV-E foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse
- Requires criminal record/registry checks for any adult working in child care institutions, such as congregate care settings
- Limits the number of children in a foster family home to six, except with an approved waiver
- Requires proof of foster care documentation for youth aging out of foster care.

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