

*The Changing Landscape of Child Welfare:  
Two Transformational Initiatives are Occurring in the  
Child Welfare System Today*



TEXAS CENTER  
—★—  
FOR THE JUDICIARY

**Family First Prevention Services Act (FFPSA)**

Kristene Blackstone, DFPS

## What is FFPSA?

- The Family First Prevention Services Act (FFPSA) passed in February 2018.
- FFPSA looks to improve service and outcomes for four main populations:
  - Children placed in congregate care;
  - Kinship caregivers and the children they care for;
  - Parents who struggle with substance abuse and their children; and
  - Children who are at imminent risk, as defined by Texas, for entering foster care.
    - Any time a child is the subject of a safety plan, and absent preventive services the plan is removal.
    - A child is not the subject of a safety plan but is at high or very high risk of abuse or neglect, and absent preventive services the plan is removal.

## What is FFPSA?

### FFPSA aims to:

- Elevate the quality of specific types of prevention services\* provided to families with children at risk of entering foster care.
- Encourage and support kin placements.
- Support our pregnant and parenting Foster Care youth.
- Decrease the use of congregate care settings.
- Allow children to be placed with their parents in substance abuse treatment facilities.

## Texas' Decision

- 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 is currently conducting analysis of information available, and has begun engagement of stakeholders.
- Texas is developing a strategic plan due September 1, 2020, to inform the Legislature about potential options for implementation.

## Required FFPSA Provisions for States

### **FFPSA included five required provisions to start FFPSA funding:**

- Creation of an Interstate Compact on the Placement of Children (ICPC) National Electronic Interstate Compact Enterprise (NEICE) System (Required by 2027)
- 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
- Compliance with Federal Model Licensing Standards

| Section  | Required/Optional                          |
|--|--|
| 50711- Prevention Services                             | Optional                                   |
| 50712-Substance Abuse Services                         | Optional                                   |
| 50713-Kinship Navigator Program                        | Optional                                   |
| 50721-Family Reunification Services                    | Additional Analysis                        |
| 50722-ICPC/NEICE System                                | <b>Required, seeking grant opportunity</b> |
| 50731-Model Licensing Standards: Foster Homes          | <b>Required, submitted to ACH</b>          |
| 50732-Fatality Prevention Plan                         | <b>Required, Likely in Compliance</b>      |
| 50733-Title IV-E Name Change                           | Additional Information Required            |
| 50741-QRTPs/Accreditation                              | Optional                                   |
| 50742-30-day Assessments                               | Optional                                   |
| 50743-Prevent Inappropriate Diagnoses                  | <b>Required, Likely in Compliance</b>      |
| 50744-Reporting Requirements                           | Additional Information Required            |
| 50745-Background Check Requirements                    | <b>Required, Pending</b>                   |
| 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            |

## FFPSA Eligibility

- FFPSA supports Prevention Services for:
  - Mental Health
  - Substance Abuse Treatment
  - In-Home Parenting Skills
- FFPSA allows for funding of Prevention Services with no financial eligibility requirements.
- Due to new federal funds, new data requirements will also be enforced.

## FFPSA Eligible Services

- Services must meet well-supported, supported, or promising ratings.
- 12 programs have been reviewed at this time and nine of those have been rated.
  - Six well-supported
  - One supported
  - Two promising
- Healthy Families and Parents as Teachers are a couple of the current programs that have received a well-supported service rating.
- Currently, 21 services are waiting for review, to include Nurturing Parenting. This was our FBSS pilot that has just completed a year of service.

## FFPSA Eligible Federal Matching

- Placement requirements for Foster Care funding will change.
- If a placement does not meet new requirements, we will lose IV-E funding after two weeks.
- Federal Match will continue for the following placements:
  - Facility for pregnant and parenting youth;
  - Supervised independent living for youth 18 years and older;
  - Specialized placements for youth who are victims of or at-risk of becoming victims of sex trafficking;
  - Foster Family Home - no more than 6 children in foster care, with some exceptions, such as sibling placement; and
  - Qualified Residential Treatment Program (QRTP) congregate care

## Qualified Residential Treatment Program

In order to meet federal reimbursement requirements the facility must:

- Be licensed and accredited;
- Follow a trauma-informed treatment model;
- Employ registered/licensed nurse or clinical staff consistent with treatment model;
- Do outreach and have engagement of family in the treatment plan; and
- Have a child discharge plan and provide at least six months of after care

As a state we are responsible for a:

- 30-Day independent child assessment;
- 60-day court approval; and
- Review every six months

Texas has already been practicing support for the goals of FFPSA...

## How has Texas supported the goals of FFPSA?

### Prevention Services

- Texas currently serves families at eminent risk of entering the foster care system through Family-Based Safety Services;
- Accesses free or low-cost services for parenting skills training and support;
- Utilizes Purchase Client Service dollars and HHSC programs for mental health and substance abuse; and
- SB 11 (85R) required the establishment of 1 pilot for FBSS case management. The pilot is required to use evidence-based services, be trauma-informed, and demonstrate improved outcomes for the families it serves. The El Paso FBSS pilot with Pathways has been serving families since June 2018.

## How has Texas supported the goals of FFPSA?, cont.

### Kinship Supports

- Texas Kinship placements have grown to account for over 40% of substitute care placements.
- 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. They also have the ability to apply for SNAP, Medicaid, and TANF.
- 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.

## How has Texas supported the goals of FFPSA?, cont.

### Congregate Care

- Texas has already been reducing the number of children in congregate care, with a 5% decrease over the last 10 years.
- Texas places more than 87% of children in the Texas Foster Care System in family-like settings.
- We are expanding our Community Based Care (CBC).
- Treatment Foster Care (TFC) recruits and trains “professional” foster parents to support children who might have traditionally needed residential treatment services in a family home setting.

## State legislation and planning

- Texas will use the 86<sup>th</sup> Interim to study the implementation options and potential costs for FFPSA and inform the 87<sup>th</sup> Legislature of options for the state.
- SB 355 requires DFPS to submit a strategic plan for implementation of the prevention services provisions of FFPSA.
- SB 781 requires DFPS to submit an analysis and recommendations associated with the placement provisions of FFPSA.
- These two strategic plans will be combined and completed by September of 2020.

## Work Underway

- U of H completed a kinship navigator study
- 2-1-1 is working to train their staff to meet needs of Kinship families
- Work with Casey Family Programs and Texas Center for Child and Family Studies to survey current landscape of prevention services
- Application for NEICE grant was resubmitted for a larger amount
- Engagement with other states and consideration of outcomes and work they have done with implementation
- Stakeholder Engagement

## Next Steps

- Right now we are only in the research phase of FFPSA implementation.
  - Performing costs and benefits analysis
  - Identifying and researching new requirements
- Some aspects are still in question of whether we will move forward.
- No practice or policy changes are being made in the field yet.

# Community Based Care

Tina Amberboy, Children's Commission

## What is Community-Based Care?

- CBC is a new way of providing foster care and case management services to children and families in the CPS system. Formerly known as Foster Care Redesign, it is intended to:
  - Serve as a community-based approach
  - Operate within a geographic “catchment area”
  - Be managed by a single contractor (SSCC or Single Source Continuum Contractor) who subcontracts with a network of providers
  - Ensure decision-making closer to the local level/community

## Background & Goals

### Background

- In 2010, DFPS began exploring how to provide foster care services differently with goal of exiting children from care sooner

### Public Private Partnership (PPP)

- Develop FC capacity where needed
- Identify and develop targeted, high quality services
- Build "local" provider network
- Engage the community

### Goals

- Purchase high quality services, monitor, and pay for outcomes
- No reject / no eject and no Level of Care
- Rate of pay for incentive or penalty
- Cost neutral

## 12 Guiding Principles

1. Above all, children and youth are safe from abuse and neglect.
2. Children and youth are placed in their home communities.
3. Children and youth are appropriately served in the least restrictive environment.
4. Children and youth have stability in their placements.
5. Connections to family and others important to the child are maintained.
6. Children and youth are placed with their siblings.
7. Services respect the child's culture.

## 12 Guiding Principles

8. Children and youth are provided opportunities, experiences, and activities similar to those enjoyed by their peers who are not in foster care.
9. Youth are fully prepared for successful adulthood.
10. Youth have opportunities to participate in decisions that affect their lives.
11. Children and youth are reunified with their biological parents when possible.
12. Children and youth are placed with relative or kinship caregivers if reunification is not possible.

## Timeline



- 2010 PPP formed, adopted guiding principles for how to redesign



- 2012 signed contract for Regions 2&9
- 2013 contract ended
- 2014 signed second contract for 3b
- 2015 started serving kids in Ft Worth area



- In 2017, the Texas Legislature expanded CBC to include relative / kinship placements
- Transfer sole responsibility for case management to private entity rather than sharing that responsibility with DFPS



- In 2019, the Texas Legislature authorized funding to go live in additional regions and to advance to Stage II in 3b

Community Based Care Catchment Areas

Reg 1  
St Francis  
Ministries  
Stage I

Reg 8b  
RFP

Reg 2  
2Ingage  
Stage I

Reg 3b  
OCOK  
Stage II

Reg 6a  
Assessment /  
Readiness

Reg 8a  
SACS/Family  
Tapestry  
Stage I

TEXAS CENTER  
FOR THE JUDICIARY

25

## Stages

In Stage I, the SSCC develops network of services, builds foster care capacity, establishes relationships across sectors and provides placement services

In Stage II, the SSCC provides all case management, kinship and reunification services, including court duties

Stage III, financial incentives and penalties

TEXAS CENTER  
FOR THE JUDICIARY

23

## Stage II

- Legislature has mandated that DFPS will turn over case management to private entity (a.k.a. Stage II)
- Case management includes all court-related functions
- All public caseworkers will be replaced by individuals who work for a private entity (a non-profit)
- Representation of the State will be provided by a public servant (CA, DA, DFPS Regional Attorney)

## Stage II Contracts Must

Performance review starting 18 months after SSCC starts providing case management

Negotiate financial incentives and penalties for performance outcomes

Gives hiring preference to DFPS employees who are displaced

Includes a community engagement plan to ensure communication and collaboration with local stakeholders in the catchment area

Includes provision that requires SSCC and subcontractors to comply with court orders issued by a court of competent jurisdiction

## Future



By 2020, DFPS/CPS focus will shift to oversight of foster care and services for children and families in conservatorship cases



Section 264.168 of Texas Family Code allows, but does not require, the Department to review, approve, or disapprove a contractor's recommendation with respect to a child's permanency goal



Department may include in contract with the SSCC any necessary oversight measures and review processes to maintain compliance with federal and state requirements



It also requires the Department to develop an internal dispute resolution process to decide disagreements between the SSCC and the Department



*Thank You*

