

FFPSA Information Sheet 1
Family First Prevention Services Act

[The Family First Prevention Services Act of 2018](#) (FFPSA), Public Law (P.L) 115-123 was signed into law February 9, 2018 as part of the Bipartisan Budget Act of 2018 and represents the biggest change to the structure of federal child welfare funding since the establishment of the Title IV-E program in 1980. FFPSA makes changes in three areas: preventative services, congregate care, and reauthorization of other services.

Part I: The central feature of FFPSA is the use of title IV-E federal dollars for time-limited (12-months) preventative services. Under FFPSA, states can spend federal money on three types of preventative services: mental health treatment, substance abuse treatment, and in-home skill-based programs. Eligibility for these services requires a showing that: 1) The parents or relatives are caring for a child(ren) who is a candidate for foster care¹ or the youth is in foster care and is pregnant or parenting; or, 2) A formal prevention plan is in place for the foster care candidate that includes a strategy for the child to remain home, or live with a relative caregiver temporarily or permanently.

Court's Role in Implementing Part I:

Currently, the court is required to make a finding at the detention hearing that reasonable efforts were made to prevent the need for removal. Once FFPSA is implemented, the court will be required to consider the degree, duration, and continuity of preventative services before making that finding. FFPSA's focus on the court's role in prevention is in harmony with state policy² that encourages judges to provide active leadership within the community to determine the needs of, and obtain and develop resources and services for, at-risk children and families.

Part II: A number of programs are impacted by FFPSA, however, the single greatest impact on the court will be had by doing away with time-limited reunification services.

Court's Role in Implementing Part II:

The main issue in Part II is the elimination of time-limited reunification. Depending on how California decides to implement this provision under FFPSA, this could lead to more court hearings and additional findings for the court to consider.

Part IV: FFPSA imposes additional limits on Congregate Care beyond those recently implemented by Continuum of Care Reform. Under FFPSA, title IV-E dollars may only be used to fund a congregate care placement for two weeks, unless: the youth is in a prenatal, postpartum, or parenting home to support teens; a supervised setting for a child 18 years of age or holder; a high quality residential facility for youth who have been victims of human trafficking; or a qualified residential treatment program (QRTP). Children placed in a QRTP must be assessed within 30 days by a qualified individual to determine whether the needs of the child may be met in a lower level of care and a case-planning team meeting must be convened.

Court's Role in Implementing Part IV:

FFPSA enacts a new court hearing for youth in congregate care that requires the court, within 60 days of placement in a QRTP, to consider a qualified expert's assessment to determine whether the child's needs can be met in a foster family, and if not, determine whether the QRTP is the most appropriate level of care in the least restrictive environment. Further, at every status review hearing the case plan must include evidence that the child's continued QRTP placement is appropriate and meets the child's needs in the least restrictive placement.

¹ A candidate for foster care is child who would have entered foster care, but for the preventative services being offered.

² See, [the California Standards of Judicial Administration, Standard 5.40](#).

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