

# Review of Recent Legislative Changes & What They Mean for the Continuum of Care Reform initiative

Chief Probation Officers of California's  
Partnership for CCR Success: A Better Future for Probation Foster  
Youth

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## CDSS Speakers:

Sara Rogers, Chief, Continuum of Care Reform Branch

Jess Torrecampo, Chief, Continuum of Care Policy & Performance Bureau

Krsangi Knickerbocker, Legislative Consultant, Office of Legislation

Megan Lape, Federal Legislative Coordinator, Office of Legislation

## Agenda

- AB 404 (Stone, Chapter 732, Statutes of 2017)
- Family First Prevention Services Act (FFPSA)
- Q&A

- California's Continuum of Care Reform (CCR) initiative broadly addresses child welfare practice across the full continuum of foster care placement settings to ensure children and youth in foster care have their physical, mental, and emotional needs met and are able to grow up in permanent and supportive family homes.

- The CCR initiative has been implemented through a series of bills sponsored by the California Department of Social Services and authored by Assembly Member Mark Stone. AB 403 (2015), AB 1997 (2016), AB 404 (2017), and AB 1930 (2018).

- AB 403 (2015)
  - Group Homes to short-term residential treatment centers
  - Core services and supports required of all Foster Family Agencies and STRTPs
  - Services, including mental health services, now provided across the continuum of placement settings
  - Required CDSS to develop a new rate structure for all placement types

- AB 1997 (2016)
- Codified the detail of requirements for STRTPs
  - mental health program approvals by DHCS
  - eligibility criteria for placements through the interagency placement committee (IPC) process
  - clarified the accreditation process and timeline, including status updates
  - letter(s) of support from county placing agencies
  - program statement requirements, including detail on transition plans and maintaining continuity of care
  - For probation youth 13 years of age and older, a 12 month instead of 6 month placement review

- AB 404 (2017) contained numerous technical and conforming changes, such as ensuring resource families and short-term residential therapeutic program references were included in all Education, Family, Health & Safety, and Welfare and Institutions Codes.
- The main larger policy changes were creating:
  - Resource family approval portability
  - Inactive status for resource families
  - Performance standards and outcome measures for home-based care providers
  - IPC process clarification
  - Certification process for respite care providers
  - An increase in the wraparound rate equal to the STRTP rate
  - Intensive Services Foster Care program
  - Confidentiality protections for RFA hearings

- RFA portability (HSC 1517.5 & WIC 16519.58)
  - May need to be reprinted to ensure wrapbacks go to the right approving entity
  - Written reports must be shared within 20 business days upon request by new approving entity
- RFA inactive status (HSC 1517.4 & WIC 16519.56)
  - Only at the request of the resource family
  - May not exceed two years
  - “Inactive status” means a period of time during which a resource family is not eligible to provide foster care for a child and is not subject to an approval update
  - All approval standards to be met upon ending inactive status

- RFA Hearing Confidentiality (HSC 1551.3 & WIC 16519.6)
  - Proceedings shall be confidential and not open to the public (OAH and SHD hearings) in order to preserve the confidential information of a child or resource family consistent with the confidentiality requirements in WIC Sections 827, 10850, and 16519.55, HSC Section 1536, and Penal Code 11167.5.

- Performance Standards & Outcome Measures (WIC 11469.2)
  - To determine the effectiveness of the care and supervision provided
  - Designed to measure outcomes for the client and the performance of programs in areas over which the service provider or a county acting in the capacity of, or is licensed as, a service provider has meaningful managerial or administrative influence.
  - Shall include, but are not limited to, the effectiveness of services provided by each program, and the extent to which the services provided by the programs assist in obtaining the child welfare case plan objectives for achieving the desired outcomes in safety, permanency, and well-being for the child.
  - CDSS to develop and implement a technical assistance and support plan that utilizes the performance standards and outcome measures to identify and assist low performing service providers.

- Performance Standards & Outcome Measures Con't (WIC 11469.3)
  - They shall include indicators of quality of care, including, but not limited to, stability of placement, reduction in recidivism, educational progress, and improvement in social behavior, and shall not consist solely of fiscal indicators, such as cost-avoidance due to reduction or avoidance of out-of-home care.
  - They shall apply to providers of services provided either directly by, or under contract with, a county welfare department or county probation department.
  - They shall be used to develop baseline standards against which to measure future performance and to provide a basis for making comparisons among different programs and placements.

- Interagency Placement Committee (IPC) process (WIC 4096)
  - Eligibility clarified in AB 1997, namely (1) medical necessity, (2) seriously emotionally disturbed, (3) individual behavior or treatment needs can only be met by the level of care provided by a specific program.
  - IPC determination to include:
    - Provides the care and services the child needs
    - Commonality of need is met
    - Consideration of the detailed history, provided by the placing agency, to determine threats to the health and safety of the child or other children in the facility and consider potential interference in the effectiveness of care and services provided to that child or other children
    - Describes additional safety measures and therapeutic interventions to mitigate identified challenging behaviors or risks to the child or other children
    - Present determination to the placing agency within five business days of referral

- Respite Care Provider Certification (WIC 16501.01)
  - Home and grounds inspection, consistent with RFA
  - Criminal record check, with associated clearance or exemption
  - Child Abuse Central Index (CACI) check
  - Training requirements, consistent with RFA
  - Willing & able to provide the care needed
  - Not AFDC-FC or ARC eligible
  - Unanticipated need, if relative or nonrelated extended family member:
    - CLETS check
    - CACI check
    - Willing & able to provide the care needed

- Wraparound Rate update (WIC 18254)
  - Retroactive to January 1, 2017, the rate for the county-optional wraparound services program was set to be equal to the STRTP rate, less the cost of any concurrent out-of-home placement
  - “Eligible child” means a child or nonminor dependent who is any of the following:
    - Adjudicated as either a dependent, transition dependent, or ward of the juvenile court pursuant to Section 300, 450, 601, or 602.
    - Subject of a petition filed pursuant to Section 602 and who is participating in a program described in Section 654.2, 725, or 790, and is at risk of placement in out-of-home care.
    - Currently, or who would be, placed in out-of-home care.
    - Eligible for adoption assistance program benefits when the responsible public agency has approved the provision of wraparound services in lieu of out-of-home care.

- Intensive Services Foster Care Program (Chapter 6.3, WIC 18360 et seq.)
  - A licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require *specially trained resource parents and intensive professional and paraprofessional services and support* in order to remain in a home-based setting, or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center.
  - Higher rate: Current as of April 2018, the ISFC rate is \$6,092 with \$2,410 going directly to the ISFC resource family.



- AB 1930 (2018)
  - Cease review of RFA applications if applicant becomes nonresponsive, after proper noticing
  - Assembly Human Services Hearing on April 24

## Family First Prevention Services Act (FFPSA) of 2018

Family First Prevention Services Act (FFPSA) was passed as part of the Bipartisan Budget Act of 2018 (Public Law (P.L.) 115-123).

The law includes a new federally funded preventive service option and requirements for foster care placement settings, amends existing provisions within Title IV-B and Title IV-E of the Social Security Act, as well as reauthorizes several existing programs through 2021.

## FFPSA – IV-E: Prevention Services

### Prevention Services

- Mental health, substance abuse, and in-home parent skill-based programs for 12 month period by a qualified clinician that are:
  - Promising, Supported or Well-Supported Practice
  - Accompanied by a rigorous evaluation strategy
  - Included on a pre-approved list of services determined by HHS

## FFPSA – IV-E: Prevention Services

### Services may be provided to:

- A child who is a candidate for foster care
- A child in foster care who is a pregnant or parenting foster youth
- A parent or kin caregiver of the child

## FFPSA – IV-E: Prevention Services

### Definition of candidate for foster care:

- A child who is identified in a prevention plan as being at imminent risk of entering foster care (regardless if eligible for foster care maintenance payments or is or would be eligible for adoption assistance or kinship guardianship assistance payments) but who can remain safely in the child's home or in a kinship placement as long as services specified are necessary to prevent the entry of the child into foster care.
- Includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

## FFPSA – IV-E: Prevention Services

### Prevention Plan Requirements:

- Strategy for child to remain in the home, temporarily with caregiver, or live permanently with caregiver
- Trauma-informed organizational structure & treatment framework
- Promising, Supported, Well-Supported Practice
- List of pre-approved services to be provided
- Inclusion of specific operational plan components

## FFPSA: IV-E Prevention Services

- Promising Practice:
  - Supported by at least one study
  - Utilized a control group
- Supported Practice:
  - Supported by at least one study
  - Utilized a random-controlled trial (or at least a quasi-experimental design)
  - Conducted in a practice setting
  - Demonstrated sustained effect for at least 6 months
- Well-Supported Practice:
  - Supported by two studies
  - Utilized a random-controlled trial (or quasi-experimental design)
  - Conducted in a practice setting
  - Demonstrated sustained effect for at least 1 year

## FFPSA: IV-E Prevention Services

### Federal Reimbursement:

- 50% Federal Financial Participation (FFP) – 10/1/19
- Switches to Federal Medical Assistance Percentage (FMAP) in 2026
- 50% of services must be in “Well-Supported Practice” category
- Must include a rigorous evaluation strategy –may be waived
- 50% FFP for administrative costs and training costs
- Maintenance of Effort

### Effective Dates:

- Pre-approved list of services – 10/1/2018
- Funding - 10/1/2019

## FFPSA : IV-E – Placement Settings & Other Requirements

### Placement Settings

- Qualified Residential Treatment Program (QRTP)\*
- Specialized setting providing prenatal, post-partum, or parenting supports for youth
- Supervised Independent Living Programs for youth 18+
- High-quality residential care and supportive services to youth who are or who are at-risk of becoming, sex trafficking victims (CSEC)
- Licensed Residential Family-Based Treatment Facility for Substance Abuse

## FFPSA : IV-E – Placement Settings & Other Requirements

### Limitations on IV-E Foster Care Maintenance Payments:

- Payments are limited to two weeks for child care institutions, unless it is a specified placement setting.
- Administrative costs are able to be claimed for the duration of the time the youth is in the child care institution if other requirements are not met

## FFPSA : IV-E – Placement Settings & Requirements

### QRTP Requirements:

- Eligible children with serious emotional or behavioral disorders or disturbances
- Trauma-informed treatment model
- Registered or licensed nursing staff and other licensed clinical staff that:
  - Provide care within the scope of their practice as determined by State law;
  - Are on-site according to the treatment model
  - Are available 24/7

## FFPSA : IV-E – Placement Settings & Requirements

### QRTP Requirements Cont'd:

- Facilitates outreach and participation of family members in child's treatment plan
- Provides discharge planning and family-based aftercare supports for up to 6 months post-discharge
- Accredited by CARF, JCAHO, CoA, other approved accrediting organization

## FFPSA : IV-E – Placement Settings & Other Requirements

### Assessment & Documentation of Need for Placement in QRTP:

- W/in 30 days of the start of the placement, a qualified individual must conduct an assessment of the child, including but not limited, to determining the appropriate level of care
- Qualified individual is a trained professional or licensed clinician not an employee of the state and who is not connected to/affiliated with the placement setting – may be waived

## FFPSA : IV-E – Placement Settings & Other Requirements

### Assessment & Documentation of Need for Placement in QRTP Cont'd:

- Work alongside of Family and Permanency Team during the assessment
- W/in 60 days of the start of each placement, court shall determine appropriateness of placement

## FFPSA : IV-E – Placement Settings & Other Requirements

### Effective Dates:

- 10/1/2019 – unless a delay is requested. States may only delay up to 2 years.
- If delay is requested, state is not allowed to claim FC maintenance payments for prevention services over the same period of time.

## FFPSA : Additional IV-E Changes

- Model licensing standards for foster family homes
- Definitions of Child Care Institutions & Foster Family Homes
- Criminal Record Checks for Adults Working in Child Care Institutions
- John H. Chafee Foster Care Program for Successful Transition to Adulthood
- Delay of Adoption Assistance De-Link



## FFPSA: IV-B Provisions

- Extends family reunification services for those receiving substance use services to 15 months
- Regional Partnership Grants
- National Electronic Interstate Compact Enterprise (NEICE)
- Additional reporting requirements to prevent Child Abuse and Neglect Fatalities
- Preventing Inappropriate Diagnoses
- Requires state to address developmental needs of children under 5 years of age
- Data Exchange Standards

## FFPSA: Other Provisions

### Reauthorizations & Funding Extensions through 20201:

- Stephanie Tubbs Jones Child Welfare Services
- Program Promoting Safe & Stable Families Program
- Discretionary Grants
- Adoption and Legal Guardianship Incentive Program
- Monthly Casework Visits & the RPGs
- Court Improvement Program

## Resources

- Family First Prevention Services Act (P.L. 115-123):  
<https://www.congress.gov/bill/115th-congress/house-bill/1892/text>
- Administration for Children, Youth & Families' Information Memorandum (ACYF-CB-IM-18-02)

Questions?

Q & A

Contact Info:

Sara Rogers: [sara.rogers@dss.ca.gov](mailto:sara.rogers@dss.ca.gov)

Jess Torrecampo: [jessica.torrecampo@dss.ca.gov](mailto:jessica.torrecampo@dss.ca.gov)

Krsangi Knickerbocker: [krsangi.knickerbocker@dss.ca.gov](mailto:krsangi.knickerbocker@dss.ca.gov)

Megan Lape: [megan.lape@dss.ca.gov](mailto:megan.lape@dss.ca.gov)