

Family First Prevention Services Act

Summary of Title IV-E Maintenance Claiming Opportunity for Non-Foster Family Home Settings

Introduction:

Signed into law on February 9, 2018, the Family First Prevention Services Act (Family First) provides optional, conditional federal funding for select services to prevent placement in foster care and restricts funding for non-foster family home settings under many circumstances. Family First also introduces Qualified Residential Treatment Programs (QRTPs), a specific category of non-foster family home settings that is allowable for Title IV-E reimbursement under the new restrictions.

Federal Reimbursement for Non-Foster Family Home Settings

Beginning October 1, 2019 (or alternate effective date – see below), the federal Title IV-E program will not reimburse foster care maintenance payments made on behalf of a child placed in a non-foster family home after the second week for which maintenance payments have been paid, unless:

- The placement is a QRTP; or
- The placement specializes in providing prenatal, post-partum, or parenting supports for the youth; or
- The child is 18 years old and placed in a supervised independent living setting; or
- The placement provides high quality residential care and support services to children and youth who have been found to be, or are at the risk of becoming, sex trafficking victims, in accordance with each state's policies and procedures.

For QRTP settings, Family First establishes additional claiming requirements related to child assessment and court approval of a non-foster family home placement. See the "Guide to Title IV-E Maintenance Claiming Opportunity for Non-Foster Family Home Settings" for more detail.

Title IV-E will continue to reimburse for Title IV-E agency administrative costs for eligible children regardless of placement type.

Effective Date and Implications

The restrictions on federal funding for non-foster family home settings take effect on October 1, 2019. However, states can elect to delay the effective date of these provisions until no later than October 1, 2021. In such case, the effective date of federal reimbursement for prevention services will be likewise delayed.

ACYF-CB-PI-18-07 states that the limitations on Title IV-E foster care maintenance payments for non-foster family home settings apply only to new placements in these settings made on or after the effective date. Title IV-E agencies may claim foster care maintenance payments for a child placed in a non-foster family home setting prior to the effective date for as long as the eligible child continuously remains in that setting. If the child later leaves that setting and enters a different non-foster family home setting, then the new rules will apply to that new placement.

This means that if any children placed in non-family foster home settings were placed prior to a state's effective date, the state will have to apply two sets of claiming rules:

- For children who were placed in non-family foster home settings prior to the effective date, the restrictions on Title IV-E reimbursement outlined in Section 472(k) of the Social Security Act do not apply.
- For children who were placed in non-family foster home settings after the effective date, the restrictions on Title IV-E reimbursement outlined in Section 472(k) of the Social Security Act do apply.

QRTP Requirements

A placement setting must meet the following requirements to qualify as a QRTP:

- Utilizes a trauma-informed treatment model to address clinical needs documented in the treatment plan.
- Has registered or licensed nursing staff and other licensed clinical staff who provide care within the scope of their practice, as defined by state law, are on-site in accordance with the selected treatment model, and available 24 hours a day and seven days a week (these staff do not have to be employees of the QRTP).
- Facilitates outreach to the family members of the child, including siblings; documents how the outreach is made (including contact information); maintains contact information for any known biological family and fictive kin of the child; and documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;
- Provides discharge planning and family-based aftercare support for at least six months post discharge.
- Accredited by one of the independent, not-for-profit organizations specified or one approved by the Secretary.

Guide to Title IV-E Maintenance Claiming Opportunity for Non-Foster Family Home Settings

On the following page, the "Guide to Title IV-E Maintenance Claiming Opportunity for Non-Foster Family Home Settings" is a step-by-step chart showing the claiming rules and opportunity for Title IV-E claiming under Family First. In decision tree format, the chart walks through the criteria for Title IV-E maintenance claiming and includes the number of days that can be claimed to Title IV-E under each circumstance.

QUESTION # 1

Does the placement specialize in one of the following?

- 1. prenatal, post-partum, or parenting supports for youth
- 2. supervised independent living for youth age 18 or older
- 3. high-quality residential care & support services for children who are, or are at risk of becoming, victims of sex trafficking?

NOTE: Claiming refers to Title IV-E Foster Care Maintenance Payments for Title IV-E eligible children.

State and local Title IV-E agency administrative costs are claimable for eligible children regardless of the specialized setting.

YES
Claim Title IV-E as normal (ACYF-CB-PI-18-07, pg. 7)

QUESTION # 2

Is the placement a QRTP?

YES
Was an assessment by a "qualified individual" completed within 30 days?

NO
Claim Title IV-E for the first 14 days (ACYF-CB-PI-18-07, pg. 7)

YES
Did the results of the assessment recommend placement in a QRTP?

NO
No days of care can be claimed to Title IV-E, not even the first 14 days (ACYF-CB-PI-18-07, pg. 10)

YES
Was a court decision issued within 60 days?

NO
Claim Title IV-E up to additional 30 days after the assessment (length of time to transition elsewhere). (ACYF-CB-PI-18-07, pg. 11)

YES
Was the QRTP placement approved?

NO
First 60 days of placement can be claimed to Title IV-E. (ACYF-CB-PI-18-07, pg. 11)

YES
All QRTP requirements have been met.

NO
Claim Title IV-E until the court decision and up to 30 days after (length of time to transition elsewhere). (ACYF-CB-PI-18-07, pg. 11)

Has a decision been made for the child in an approved QRTP placement to return home or be placed with a fit and willing relative, legal guardian, or adoptive parent, or in a family foster home?

YES
Claim Title IV-E for up to 30 days after (length of time to transition elsewhere). (ACYF-CB-PI-18-07, pg. 11)

NO
Claim Title IV-E until the next court date, and not longer than 12 consecutive months, 18 non-consecutive months, or 6 months for a child under 13 unless supporting documentation is retained and available to HHS on request (ACYF-CB-PI-18-07, pg. 12).

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