



# FAMILY FIRST PREVENTION SERVICES ACT QUALIFIED RESIDENTIAL TREATMENT PROGRAMS

AUGUST 27, 2020 MDHHS PRESENTATION TO THE MICHIGAN ASSOCIATION OF COUNTIES



# AGENDA

- Overview of FFPSA
- Congregate care implications
- QRTP requirements
- Draft QRTP process
- Legislative changes
- Training
- Timeline



# THE LAW

- On February 9, 2018, the landmark bipartisan Family First Prevention Services Act (FFPSA) was signed into law as part of the Budget Act of 2018.
- Historically, federal funding for child welfare was not aligned with the ability to best provide services to address the needs of children and families, support good practice, or enhance child and family well-being.
  - Title IV-E dollars could only be used for children who were eligible under the outdated Aid to Families with Dependent Children (AFDC) program and allowed only when a child entered out-of-home care.
  - Federal funding did not support children being placed in the least restrictive setting.

One Hundred Fifteenth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,  
the third day of January, two thousand and eighteen*

An Act

To amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

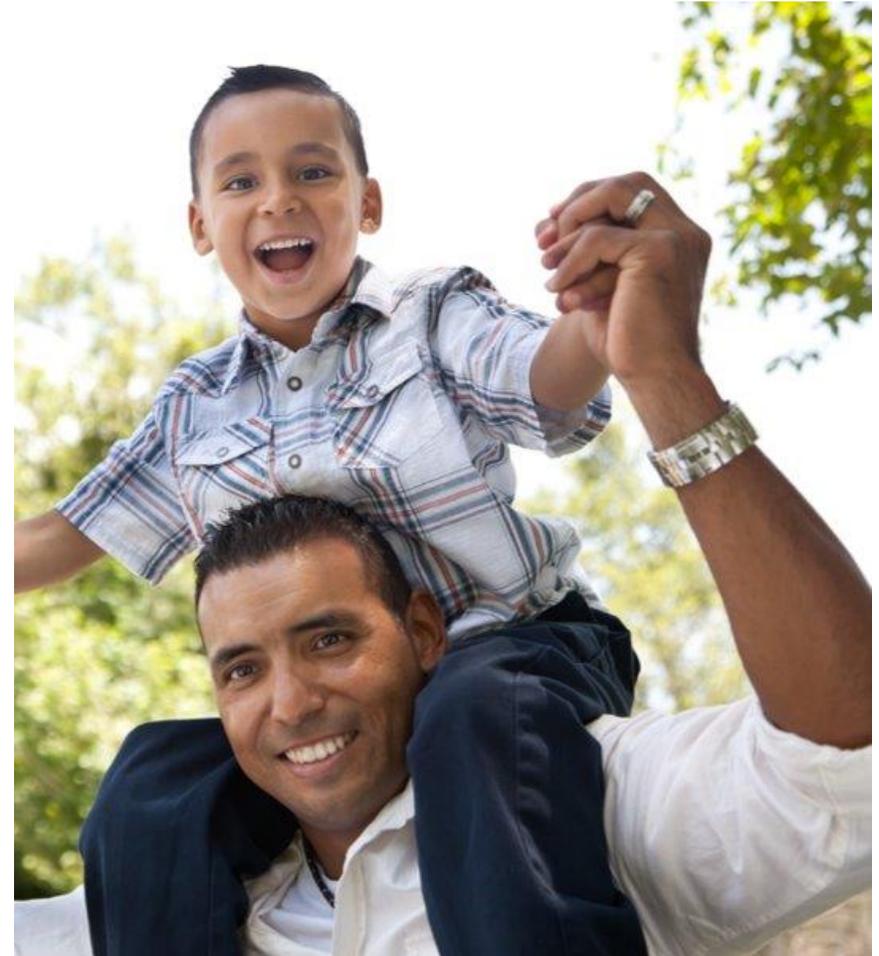
**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Bipartisan Budget Act of 2018”.

**TITLE VII—FAMILY FIRST PREVENTION  
SERVICES ACT**

# THE FEDERAL VISION

1. Expands Title IV-E to cover certain prevention costs
  - Goal: Prevent foster care entry
2. Limits funding for congregate care
  - Goal: Maintain children in family settings
3. Expands reunification services
  - Goal: Reduce time children spend away from home
4. Supports youth transitioning from care
  - Goal: Achieve better outcomes for youth



# CONGREGATE CARE IMPLICATIONS

**NO** Title IV-E maintenance payments will be allowed for any child caring institution (CCI) placement after the first 14 days **UNLESS** the placement meets one of the following criteria:

- The CCI is a qualified residential treatment program (QRTP), a new program type established in FFPSA.
- The CCI specializes in services for pregnant or parenting teens.
- The CCI provides high quality care and support for human trafficking victims or youth at risk of becoming human trafficking victims.
- The youth is at least 18 years old and living in a supported independent living (SIL) setting.

# QRTP REQUIREMENTS



- Assessment within 30 days of placement justifying need
  - “Qualified Individual” to do assessment
- Court approval within 60 days
- Trauma-informed treatment model
- 24/7 availability of nursing/clinical staff
- Family outreach and inclusion
- Discharge and aftercare support for at least 6 months
- Licensed and nationally accredited program

# COURT APPROVALS

## Initial court approval

- Within 60 days of the start of each placement in a QRTP, the court must:
  - Consider: 30-day assessment and appropriateness of the placement
  - Determine: Can child's needs be met in a foster family home, is QRTP least restrictive, is placement consistent with short- and long-term goals for child, as specified in the permanency plan?
  - Approve or disapprove the placement and document in case plan.

## Ongoing court reviews

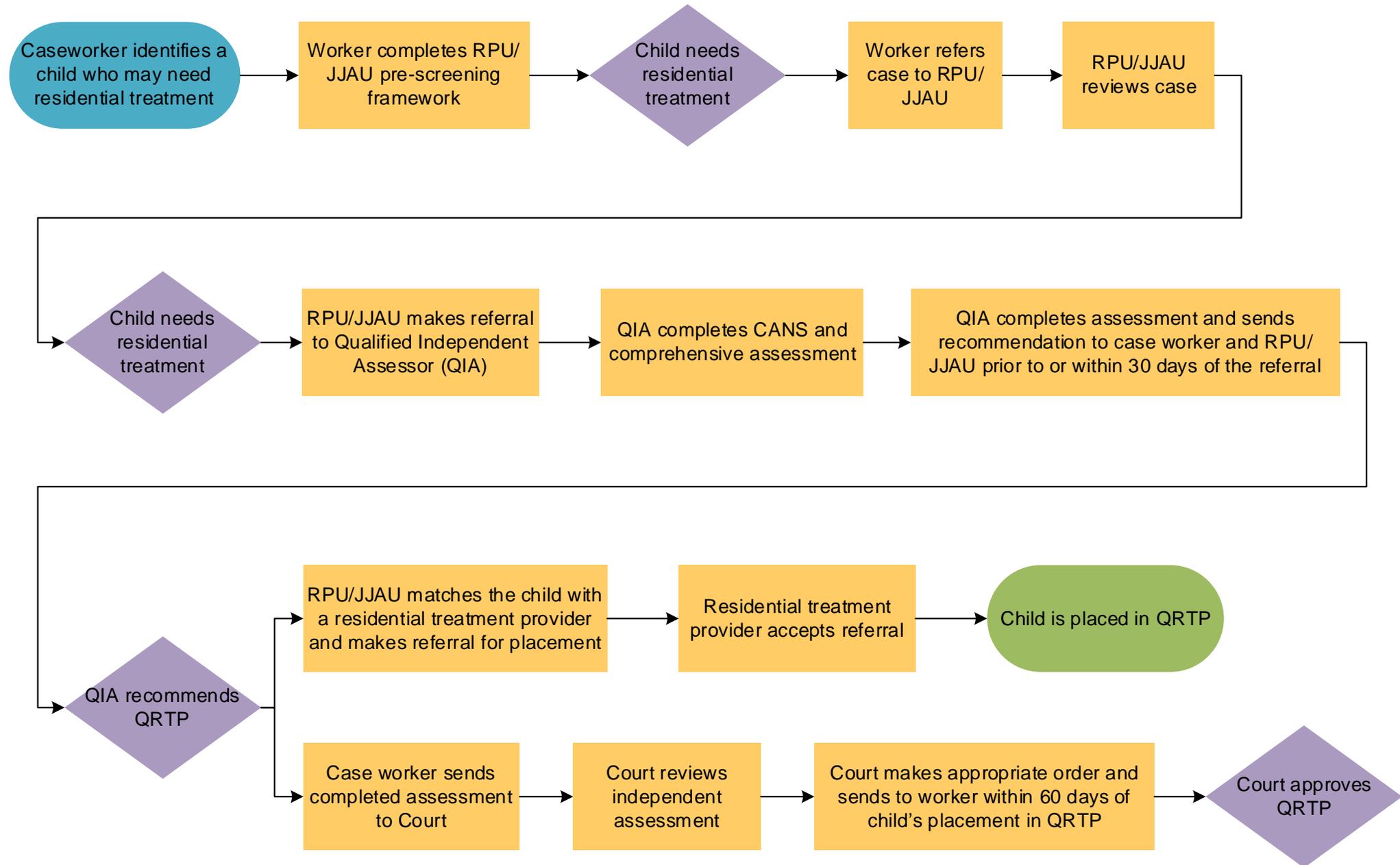
- As long as child remains in a QRTP, the agency must submit at each court review and permanency plan hearing (PPH):
  - Ongoing assessment of child strengths and needs that supports continued need for QRTP.
  - Description of how child needs will be met and the expected duration of the QRTP placement.
  - Efforts to transition to community/family setting and achieve permanency goal.

# MDHHS APPROVALS FOR EXTENDED STAYS IN QRTP

- If the child is in a QRTP for more than 12 consecutive months or 18 non-consecutive months, or if child is 12 years old or under for more than 6 consecutive or non-consecutive months, the agency must maintain in the file available for federal HHS to review:
  - Documentation that was submitted to the court to continue placement
  - Signed approval of the head of the Title IV-E state agency to continue placement.



Model QRTP Process Flow Chart (DRAFT 8/8/20)



# LEGISLATIVE CHANGES

The Michigan Legislature passed Public Acts 6-10 of 2020 to support implementation of FFPSA.

- PA 0006 of 2020: Children; services; family first prevention services act; implement a qualified residential treatment program. (Sen. John Bizon, M.D.)
- PA 0007 of 2020: Children; foster care; regulation of foster family homes or foster family group homes; modify. (Sen. Marshall Bullock)
- PA 0008 of 2020: Children; services; placement in a qualified residential treatment program; provide regulations for. (Sen. John Bizon, M.D.)
- PA 0009 of 2020: Children; services; court's approval or disapproval of a qualified residential treatment placement at certain hearings; require. (Sen. Marshall Bullock)
- PA 0010 of 2020: Human services; children's services; criminal history check for child caring institution staff and retention of certain data; update as required by the federal families first prevention services act. (Sen. John Bizon, M.D.)

SCAO and MDHHS are in the process of updating court rules and forms to reflect these changes.

# TRAINING

- Per FFPSA, to continue funding under title IV-B, subpart 2, the Court Improvement Program will need to include:
  - Training for judges, attorneys, and other legal personnel in child welfare about the new changes made to federal policy and reimbursement for children placed in settings that are not foster family homes.
- SCAO and MDHHS will be drafting training for courts and counties as well as child welfare staff.



# FFPSA Timeline (DRAFT 8/10/2020)

— Duration

Pass legislative changes

Draft Title IV-E QRTP SP Amendment

Title IV-E QRTP SP Amendment Review

Submit Title IV-E QRTP SP Amendment to ACF

Claim under FFPSA QRTP rules

Budget Appropriations

QRTP Judicial Reviews Commence

Stakeholder review RFCAN/QRTP contracts

Execute RFCAN/QRTP Contracts

Refine QRTP Policies

Release Independent Assessor RFP

Execute Independent Assessor Contract

Ramp-up/train Independent Assessor

Dec'19 Jan'20 Feb'20 Mar'20 Apr'20 May'20 Jun'20 Jul'20 Aug'20 Sep'20 Oct'20 Nov'20 Dec'20 Jan'21 Feb'21 Mar'21 Apr'21

