



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

October 1, 2018

Dear Child Welfare Community,

On behalf of the Children's Bureau (CB) of the United States Department of Health and Human Services, I am writing to provide an update on federal efforts to implement the Family First Prevention Services Act (FFPSA). I share with you below the major efforts that CB has made to date, and will be making in the future, in support of states and tribes to ensure that the FFPSA is implemented in ways that best serve children and families.

The FFPSA is an important tool that, if utilized effectively, will help move child welfare in the United States to a more preventative system that works to strengthen families and reduce unnecessary family disruption. As I am sure you are aware, it is also a highly complex piece of legislation that requires the CB, tribes and states to work together to make critical decisions that will affect the lives of children and families. The states and tribes must make significant decisions regarding policy, practice, and service array. It is CB's hope that the resulting thoughtful and well-informed decisions by states and tribes will re-shape the way the child welfare system serves children and families.

To prepare for implementation that meets the spirit and intent of the FFPSA, CB has embarked on a broad stakeholder engagement strategy to hear concerns, respond to questions, and assist states and tribes as they move forward. This strategy includes the following activities, many of which have already transpired, all geared toward informing a thoughtful, well-informed and comprehensive implementation plan that will best position all states and tribes for success:

- Hosting 5 regional conference calls with title IV-E agencies to discuss the technical aspects of FFPSA. (48 states, 2 territories and 8 tribes participated);
- Co-hosting, in partnership with Casey Family Programs, a series of 3 regional listening sessions in Seattle, Denver and Atlanta to discuss FFPSA implementation, as well as to hear concerns and questions from the states and tribes. Approximately 500 representatives from over 30 states and 15 tribes attended. (Held July 9, August 1, and August 16, 2018);
- Issuing formal requests for public comment on certain FFPSA provisions;
- Making multiple site visits across the country to observe the most promising and effective community-based prevention service approaches and programs;
- Conducting national webinars;
- Convening teams from all states (up to ten team members per state, including child welfare agency, legal/judicial, prevention representatives) to develop state plans with a prevention and family strengthening focus;
- Holding in-person discussions with all Children's Bureau mandatory and discretionary grant clusters;

- Participating in numerous child welfare professional membership or association annual conferences, including the State Human Services Commissioners and Child Welfare Directors, meetings with the National Governor’s Association and National Council of State Legislators, and scores of individual meetings and calls with state and county child welfare leaders; and
- Holding formal tribal consultations on FFPSA provisions and other tribal meetings, including devoting one of the aforementioned listening sessions to tribal concerns.

To expedite implementation and meet pending timelines, CB has decided to provide sub-regulatory guidance and instruction through the form of Program Instructions and Information Memoranda as opposed to the much more lengthy regulatory process. As of this date, we have released two Program Instructions providing guidance on implementation of FFPSA and an Information Memorandum providing an overview of the requirements. This fall, we will release additional guidance on the prevention services components of the FFPSA, including the review criteria and process that we will use to include programs and interventions in the clearinghouse. This additional guidance will address the public comments and questions we have received. A timeline with links to guidance and other useful documents is below.

- **April 12, 2018:** published Information Memorandum [ACYF-CB-IM-18-02](#) providing basic information and an overview of FFPSA requirements;
- **May 31, 2018:** published Program Instruction [ACYF-CB-PI-18-06](#) addressing the amendments to title IV-B of the Social Security Act and the Chafee Foster Care Independence Program (now renamed as the John H. Chafee Foster Care Program for Successful Transition to Adulthood);
- **June 22, 2018:** published a [Federal Register notice](#) requesting public comment on prevention services review and eligibility criteria and prospective services to be reviewed;
- **July 9, 2018:** published Program Instruction [ACYF-CB-PI-18-07](#) addressing the title IV-E Foster Care, Prevention, and Permanency Program state plan requirements;
- **July 24, 2018:** provided [testimony](#) before the United States House Ways and Means Committee, Sub-Committee on Human Resources regarding implementation of FFPSA
- **August 1, 2018:** published [Federal Register notice](#) requesting public comment model licensing standards; and
- **Late Fall 2018:** CB will release additional guidance on the title IV-E prevention services provisions of FFPSA, including guidance on requirements, and claiming and maintenance of effort, and will schedule an additional webinar to cover the prevention services provisions of FFPSA.

In addition to guidance in the form of PIs and Federal Register notices, we are dedicated to providing ongoing clarifications and assistance to states and tribes as they implement the FFPSA. For example, we understand that there is some confusion regarding the certification of intent for states and tribes to request a delay of the congregate care requirements. We have worked to clarify this with our regional offices, and with states and tribes on recent calls about the FFPSA. We would also like to take this opportunity to provide clarification that this certification is non-binding and that states have until September 29, 2019 to make a final decision. We requested that title IV-E agencies provide certifications by November 9, 2018 to help us make important

budget decisions around technical assistance that states and tribes may require to prepare for the congregate care transition. We appreciate the submission of certifications by all states or tribes that are actively contemplating a request for delay, but also want to assure all title IV-E agencies that they can still elect the delay (or un-elect the delay) at a later date.

The passage of the FFPSA provides an opportunity and an impetus to re-examine fundamentally the child welfare system in the United States, and how it can function better to reverse harmful trends of increased entries of children into the child protection and foster care programs, family separations, and trauma to children and their parents. The CB strongly encourages all state, county, and tribal child welfare agencies to engage their partner courts, attorneys, providers, prevention service providers, communities, parents and children with lived child welfare experience, and other critical stakeholders to work together to create a shared vision for what child welfare should look like in your jurisdiction. We encourage you to reflect critically on inherent values that may exist within programs and policies regarding the children and families your child welfare system serves, and consider how service models and the manner in which families are treated reflect those values. We strongly encourage you to use this time as an opportunity to ensure that the programs and systems you operate reflect a commitment to the integrity of the parent-child relationship and importance of preventing the trauma of unnecessary family separation. The CB believes reaching children and families sooner through prevention is the key to avoiding unnecessary trauma, disrupting intergenerational cycles of maltreatment, and achieving better outcomes for children and families.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Milner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jerry Milner
Acting Commissioner
Administration on Children, Youth
and Families