

The Family First Act: *The Tailwind Needed to Increase Family-Based Care in NY*



On February 9th, the child welfare field woke up to the dawn of a new era: the **Family First Prevention Services Act (FFPSA)** became the law of the land, shepherding in a renewed national focus on family-based foster care and preventive services. The new law includes federally-funded preventive service provisions to keep families together, an extension of Chafee funding to age 23, new federal funding opportunities for kin navigator programs, and an expansion of Education and Training Vouchers up to age 26. Perhaps most important for New York, the FFPSA reforms federal financing to prioritize family-based foster care over residential care by limiting federal reimbursement for certain residential placements. With some of the highest residential placement rates in the country, New York State and its counties must be proactive: **NY needs to prepare now by improving policies and practices to recruit and strengthen foster and kinship families and evaluate its current use of residential care.**

With agency and government partners, the Redlich Horwitz Foundation has been working in New York to increase family-based foster-care placements and drive improved permanency outcomes. This paper presents our initial recommendations to counties regarding the residential care provisions of the Family First Act.



Foster Care Best Practices

Child welfare researchers and practitioners agree that children in foster care achieve better permanency and well-being outcomes when placed with loving and nurturing families.

► **Core tenets of an effective foster care system include:**

- Foster care should be temporary, lasting only as long as necessary to return children safely to their birth families or to achieve guardianship or adoption.
- When children cannot remain safely with their parents, research shows that children generally do best with kin whom they know and trust.¹
- When kin are not available to step in, children should be placed with well-supported foster parents who are committed to helping them return to their parents or, when reunification is not possible, to otherwise achieve permanency.²
- Residential care³ can be an important element of the foster-care service continuum, but should be used only as a time-limited therapeutic intervention.
- Children who have transitioned from residential settings to families should have community-based or in-home services to ensure that they continue to feel stable and well-supported.

New York's Child Welfare System

New York's child welfare system deserves to be commended: as a national leader in reducing its foster-care census by providing strong preventive services, it has ensured that many more children can remain safely at home with their birth parents. In addition, some New York counties and New York City have already recognized the importance of shifting from residential to family-based care, as demonstrated by system-reform efforts currently underway in Onondaga, Westchester, and Dutchess counties. These counties prioritize kinship foster care and have developed residential and kin-first gatekeeping policies that require senior-level approval of any non-kin and/or residential placement.

Just last year, Onondaga County increased family placements by 7% and kinship placements by 4% through key reforms that included: kin-first gatekeeping, expanded family finding, a triage team for initial placements, and more flexible training options for caregivers. Westchester County has reduced its residential placements by 21% in six months by adjusting case review practice and by requiring senior-level approval for any non-family placement. Westchester County has also nearly tripled kinship guardianship (KinGAP) placements from the previous year. Additionally, OCFS is working to improve outcomes across the state. In support of child- and family-centered practices, it has prioritized data transparency and invested in thoughtful, data-driven county improvement plans.





New York's Child Welfare System (cont.)

These improvements, in large part, have been spurred on by federal data that show New York has stubborn permanency and well-being challenges:

- NY is ranked third worst in the nation in finding permanent homes for children who are in foster care for over a year.⁴
- At the end of 2016, approximately 1,700 children in foster care in NY had a goal of APPLA and were at risk of aging out of foster care without a permanent family.⁵ National data show that the majority of youth who age out of care have disproportionately poor outcomes on measures such as financial security, homelessness, unemployment, and criminal justice involvement.⁶
- Counties outside of NYC on average place 26% of children in residential care compared to the national average of 13%. If these counties constituted their own state, it would have the fifth highest percentage of residential placements in the nation.⁷

FFPSA provides the platform for counties to build upon, and further advance, efforts to decrease residential care, increase kin placements, provide aftercare support and improve permanency outcomes for all foster youth.

Family First Act's Residential Care Provisions

The provisions of the Family First Act are tailored to prioritize family placement over unnecessary residential placement for children in the foster care system.

► **It directs states to:**

- Assess residential settings to determine if they meet the qualifications for a Qualified Residential Treatment Program (QRTP).
- Provide for initial and ongoing assessments by a “qualified individual who is not an employee of the State agency and not connected to, or affiliated with, a provider agency” to determine the appropriateness of a child’s placement in residential care.
- Organize family permanency teams for each child in foster care made up of family and fictive kin resources to monitor placement decisions, ensure frequent family visitation, and move children towards permanency.
- Require court approval for a child’s continued residential placement within 60 days of placement and every 12 months thereafter.
- Institute senior-level “gatekeeping” that requires signed approval by the state agency director of the continued need for a residential placement longer than 12 months.
- Prioritize services for kinship foster families and provide 50% matching funds to kin navigators.

While Family First provisions are set to take effect on October 1, 2019, many NY observers expect the State to request and receive a two-year delay.





Recommendations for New York

Given its history of prioritizing family preservation and stabilization through preventive services, New York is well-positioned to further extend a family-centered approach throughout the foster care system and, in so doing, meet the requirements of Family First.

Currently, approximately 2,822 children are in residential placements in NY, with 1,794 of these children in rest of state counties.⁸ Over the next two years, NY and its counties must prepare for the Act's implementation by building capacity and implementing strategies to increase significantly the number of children placed with well-supported kin and other foster families, with a strengthened focus on permanency.

Based upon the current population and national trends, an initial estimate for the rest of state counties (outside of NYC) suggests that these counties might need to move nearly 920 youth currently in group care to kinship and foster families. In order to make these moves to family foster homes and reduce new residential placements, NY may need to develop 820 new kinship homes and recruit 200 more new foster homes.⁹

▶ To accomplish these statewide goals, counties should consider the following strategies:

1 Revise placement procedures to increase family-based care and reduce unnecessary residential care.

◆ **Minimize residential placements.**

- Develop placement protocols to prioritize family-based placements.
- Limit the range of rationales for utilizing residential care as the first placement to a limited set of therapeutic needs.
- Limit referrals made to providers where distance is a barrier to family visitation and supports, and to permanency.
- Provide respite care, foster-parent coaching, and crisis interventions to prevent disruptions in foster families that may lead to residential placements.

◆ **Initiate child-centered kin- and foster-family recruitment when a child first becomes known to the child welfare system, and also when transitioning children out of residential placements.**

- Review residential cases to identify youth who are ready to be returned to a family setting or can achieve permanency.
- Involve extended family in treatment and discharge planning for children in residential settings.
- Deploy Wendy's Wonderful Kids recruiters to step down and find permanency for teens in residential placements.
- Utilize Family Search and Engagement (FSE) Strategies, including:
 - ▶ [*Six Steps to Finding a Family*](#)¹⁰, a practical guide for family search and engagement developed by the National Resource Center for Family-Centered Practice and Permanency Planning.
 - ▶ [*Family Finding*](#)¹¹, a model for relative search and engagement developed by Kevin Campbell.
 - ▶ [*Family Search and Engagement*](#)¹², a model developed for child welfare agencies by 3PLLC.
 - ▶ [*30 Days to Family*](#)¹³, a program of the Missouri Foster & Adoptive Care Coalition that is modeled after their Extreme Recruitment initiative.
- Research family connections through genograms, government databases, search engines, social media, and emergency school contacts through partnerships with education systems.
- Develop trauma-informed programming to foster trust and healing among youth, and strengthen permanency outcomes.
- In localities with high foster-care placements, develop a network of faith leaders and institutions able to mobilize community members to foster and support children and families.

◆ **Reinvest the savings from reductions in residential placement to augment recruitment, retention and support of foster and kin families.**

- Provide foster and kinship parents with a dedicated worker who can troubleshoot all issues related to providing safe and nurturing care to children.
- Provide opportunities for peer support and exchange among foster and kinship parents.
- Train and support foster parents to meet the needs of special populations, such as children with disabilities, pregnant and parenting youth, and LGBTQ youth.

2 Implement a kin-first set of policies.

- Create policies that improve processes for expedited approval of kinship caregivers, including expedited walk through, criminal and CPS background check, and kin-family assessment.
- Strongly consider kin-first and/or residential-care firewall policies that require senior-level sign-off on any exceptions to policy.
- Institute family team meetings¹⁴ from the start of a preventive case to identify and involve kin.
- Grant foster-care approval waivers for kin whenever safe and appropriate to facilitate placement.
- Dedicate staff to support kin during the weeks immediately following the placement with material needs, services, guidance on court procedures, and other resources.

3 Significantly intensify the recruitment of foster families.

◆ **Under the Family First Act, counties are prohibited from placing children in a residential treatment facility solely because a foster home is unavailable. To increase the pool of qualified foster families, counties should:**

- Conduct a foster-family utilization review to understand the status of the current foster-family pool and how it aligns with the needs of children in foster care.
- Implement child-centered recruitment practices such as those described above when a child first becomes known to the child welfare system.
- Target recruitment of individuals in the “caring professions,” such as medical personnel, educators, civil servants and others and focus efforts in the communities from which the majority of children are removed.
- Involve foster parents as recruiters and reward them when successful.
- Engage the faith community in recruiting foster families, similar to programs such as the Christian Alliance for Orphans that works with churches nationwide to recruit foster parents.

4 Re-vamp certification, training, and support services to meet the needs of families raising teens.

Counties should focus on improving training and licensing practices to eliminate lengthy, complicated processes that discourage potential foster parents from pursuing certification.

- Develop a customer-service mentality with prospective foster parents by being receptive and responsive to inquiries or challenges.
- Create a foster-parent support position that can provide ongoing assistance with licensing, recertification, adjusting to life as a foster parent, and with resolving other challenges.
- Align, where possible, with [*The Model Family Foster Home Licensing Standards¹⁵ for Foster Parent Licensing*](#), which outlines a common-sense, contemporary and flexible set of foster-parent licensing standards.
- Conduct process mapping to identify licensing barriers for foster and kin families.
- Use trauma-informed pre-service and skills-training curricula to prepare families and staff.
- Utilize flexible training options, such as an online curriculum for appropriate portions of required training.
- Adhere diligently to prudent parenting standards.

5 Help transition residential providers to a new business model that emphasizes in-home treatment services

Counties should encourage their contracted agencies to develop community-based therapeutic services to support new foster- and kinship-home stability.

◆ Strategies to consider:

- Shift residential providers' treatment services to a day-treatment, out-patient or in-home modality.
- Develop the organizational capacity to conduct in-home assessments and services.
- Develop mobile crisis-intervention services.



Concluding Thoughts

The Family First Act is unprecedented in the level of policy and practice changes required to meet its residential care requirements. Nonetheless, its vision is achievable.

The Redlich Horwitz Foundation believes that by focusing on placement practices, child-centered recruitment, caregiver support, and community-based programs, counties can and will meet the Act's requirements. The learning curve for all of us will be steep; accordingly, the Foundation will work in collaboration with government leaders, national experts, and the New York provider community to develop and support strategies for effective implementation.

Endnotes

1. Epstein, H. (2017). Kinship Care is Better for Children with Families. *ABA Child Law Practice*, 36(4), 77-101.
2. The Annie E. Casey Foundation. (2016). *A Movement to Transform Foster Parenting*.
3. In New York State, residential care is defined as 24-hour care in a group home, institution, or residential treatment facility.
4. This measure is the percentage of children who are placed into a permanent home within 12 months of the start of the period, after having already been in foster care for 12 to 23 months. Every three years, the federal Health and Human Services Administration for Children and Families Children's Bureau conducts an assessment of states' performance on child welfare outcomes. This 2015 review is based on 2012 data.
5. Based on an estimate developed with data from the 2016 New York State Monitoring and Analysis Profiles by the Office of Children and Family Services. If 10.8% of children in care have a goal of Another Planned Permanent Living Arrangement (APPLA), then with 16,215 in foster care it's estimated that 1735 youth could age out of care.
6. Reilley, T. (2003). Transition from Care: Status and Outcomes of Youth who Age Out of Foster Care. *Child Welfare*, 82(6), 727-746.
7. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. (2015). *A National Look at the Use of Congregate Care in Child Welfare*.
8. New York State Office of Children and Family Services Office of Strategic Planning and Policy Development. (2017). (Report). Retrieved from https://ocfs.ny.gov/main/reports/maps/counties/New_York_State.pdf.
9. Estimate calculated by RHF based upon 2016 placement data for rest of state counties (all NY counties excluding NYC) published by OCFS Monitoring and Assessment Profiles, if placement rates were to change as follows: residential to shift from 25% to 12%, kinship foster care from 11% to 22%, and foster boarding homes from 61% to 64%. Residential and kinship foster-care targets were set in an effort to move closer to national averages.
10. Louisell, M. Six Steps to Find a Family: A Practice Guide to Family Search and Engagement (FSE). Retrieved from <http://www.nrcpfc.org/downloads/SixSteps.pdf>.
11. What is Family Finding and Permanency? Retrieved from <http://www.familyfinding.org>.
12. 3PLLC Resources. Retrieved from <http://www.3pllc.net/pppresouces.htm>.
13. Missouri Foster and Adoptive Care Coalition. 30 Days to Family: Achieving Results for Children, Families, and Child Welfare. Retrieved from https://www.foster-adopt.org/wp-content/uploads/2017/08/2016_30DaystoFamily_Results_Updated.pdf.
14. The Annie E. Casey Foundation. *Strategies in Child Welfare: Four Approaches to Family Team Meetings*. Retrieved from <http://www.aecf.org/m/resourcedoc/FourApproachestoFamilyTeamMeetings.pdf>.
15. The American Bar Association, the Annie E. Casey Foundation, Generations United, & National Association for Regulatory Administration. *Model Family Foster Home Licensing Standards* (Report). Retrieved from http://www.grandfamilies.org/Portals/0/Model_Licensing_Standards_FINAL.pdf.

Our Mission

We believe that every child who experiences foster care deserves to be raised in a loving, stable family. We work to increase and improve family-based care and to reduce time to permanency for all children in the foster care system in NY.



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