



Family First Prevention Services Act and NARA Model Family Home Licensing Standards

NARA Seminar
September 25, 2018
2:15 to 3:15 PM

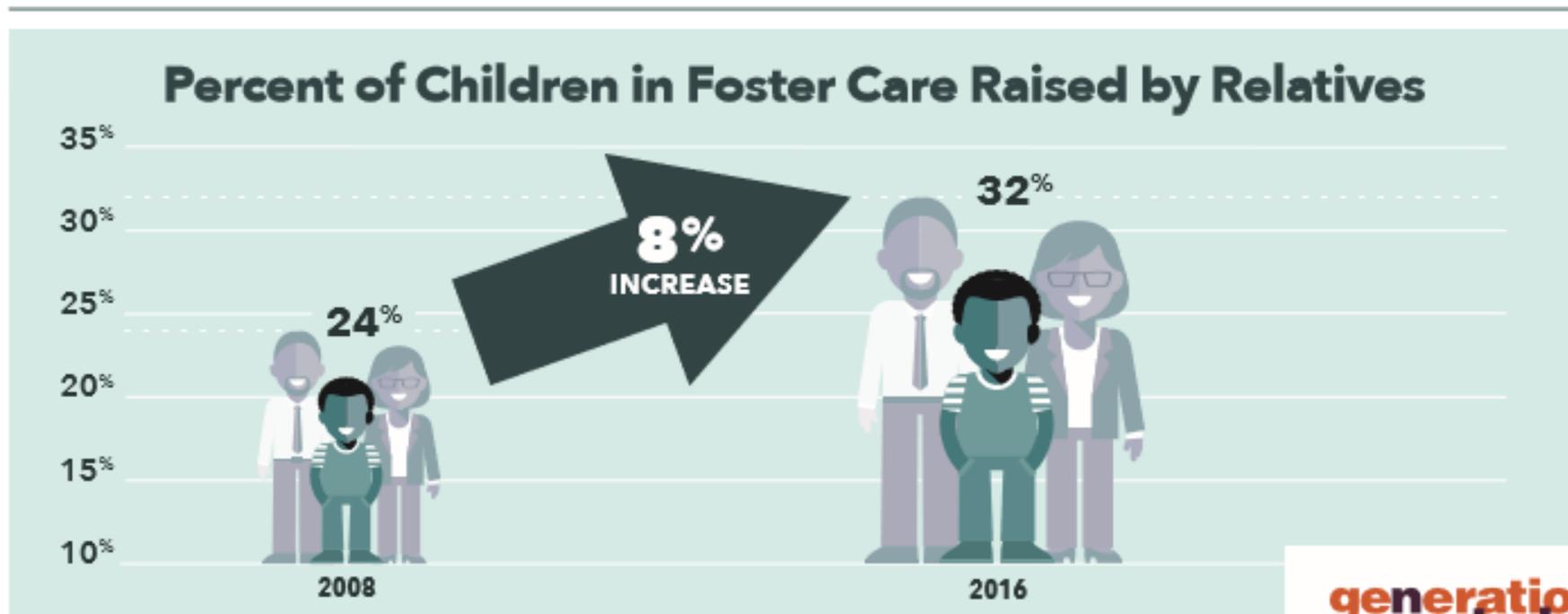
Ana Beltran, Generations United

Joyce DeBolt, National Association for Regulatory Administration

Heidi Redlich Epstein, ABA Center on Children and the Law

Donna Sabo, National Association for Regulatory Administration





data sources available at www.gu.org

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Data is not publicly available on the percentage of these children who are with licensed relatives

+ Children Thrive in Grandfamilies

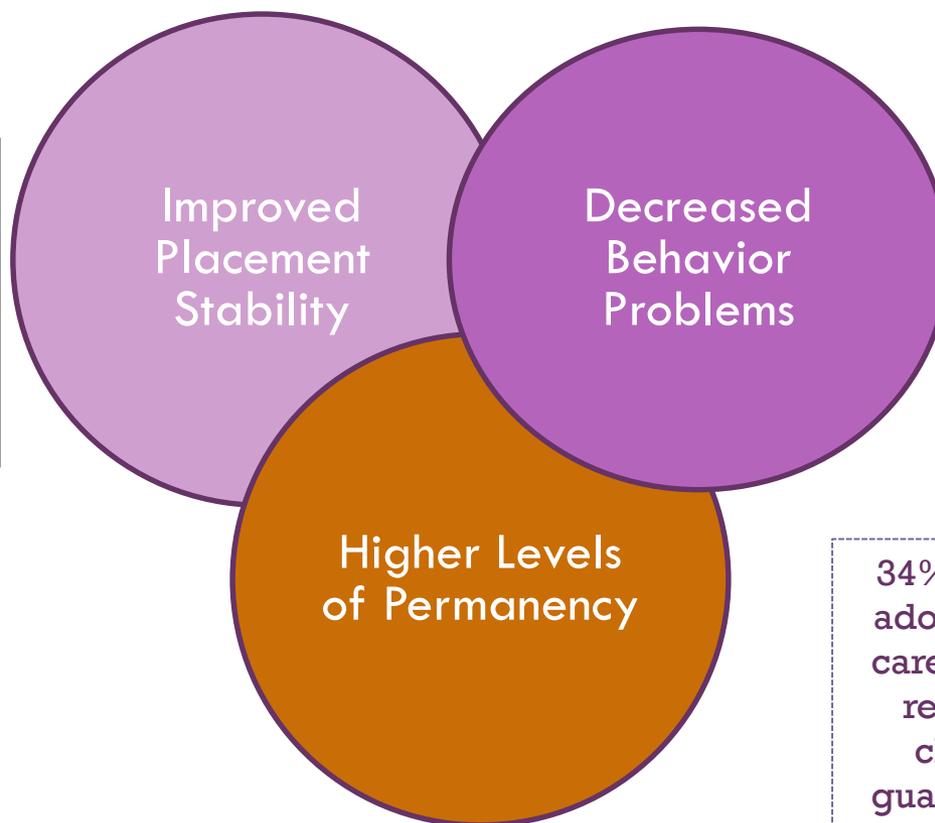


* See Children Thrive in Grandfamilies fact sheet, available at www.grandfamilies.org and www.gu.org

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+ Kinship Care Improves Child Welfare Outcomes For Children



“Being placed in kinship care has been found to decrease the risk of disruption”

“Children placed into kinship care had fewer behavioral problems three years after placement than children who were placed into foster care.”

34% of the children adopted from foster care are adopted by relatives; 10% of children exit to guardianship (2016)

“Children initially placed in kinship care as compared to family foster care were more likely to reunify or exit to guardianship.”



+ Family First Prevention Services Act

+ Family First Prevention Services Act (Family First)

- Landmark legislation to help kinship families
- Passed and signed into law on February 9, 2018
- Full bill H.R. 1892 available at [congress.gov](https://www.congress.gov)



+ Family First – Important Progress for Kinship Families

- **Prevention services** – states and tribes (the 12 operating IV-E programs) have the **option** to use federal child welfare dollars for evidence-based services and programs to prevent children from entering foster care by supporting children, kinship caregivers and parents
- **Kinship navigator programs** – states and tribes have the **option** to offer these programs and receive federal reimbursement up to 50%
- **Group care** – states and tribes **will not** be federally reimbursed for inappropriate group placements – the law encourages placement of children in family-like settings

+ Family First – Improving Licensing Standards for Placement in a Relative Foster Family Home

- By **October 1, 2018**, HHS must identify a model of family foster home licensing standards
- By **April 1, 2019**, each state and the 12 tribes that operate IV-E agencies must report to HHS:
 - Are the state or tribal standards in accord with the model and if not, why not?
 - Does the state or tribe waive non-safety licensing standards for relatives, as allowed by federal law?
 - which standards are most commonly waived?
 - if the state does not waive, why not?
 - how are caseworkers trained to use the waiver authority?
 - Is there a process or tools to assist caseworkers in waiving non-safety standards so they can place quickly with relatives?
 - what steps are being taken to improve caseworker training or the process?

+ Federal Licensing Requirements

- Federal law says little about the actual licensing of foster homes:
 - States and the 12 tribes have broad flexibility in developing and implementing standards so long as those standards “***are reasonably in accord with recommended standards of national organizations...***” 42 U.S.C. § 671 (a)(10)(A)
 - Family First builds on this longstanding requirement
- The federal Adam Walsh Act also requires criminal background and child abuse registry checks (42 U.S.C. § 671(a)(20)(A))
- Federal law prohibits a two-tiered system of licensing, one for relatives and another for non-relatives.
Final rule to the Adoption and Safe Families Act (ASFA).



+ NARA Model and HHS Model

+ HHS Proposed Model Standards

- HHS released proposed [National Model](#) Family Foster Home Licensing Standards in the Federal Register on August 1
- Comments are due by October 1
- HHS Model "relied heavily" on the NARA Model as the "main source"
 - HHS says the NARA Standards are "the best available research to base a federal standard on..."
 - Acknowledges the multiyear effort by Generations United, the ABA, and NARA

+ Multi-Year Effort to Develop the NARA Model

- Multiyear effort that began with researching licensing standards in all 50 states and DC
- Reviewed national associations with standards, including CWLA, COA, JCAHO and CARF
- Once the research was completed, developed the standards with NARA leadership, members and experienced licensors in Florida, Ohio, and Kansas
- Received input from other NARA members representing many states
- NICWA's staff provided a helpful review and we incorporated their changes
- The NARA Model points to the NICWA standards – “For the development and implementation of tribal foster care standards, please refer to the National Indian Child Welfare Association (NICWA) materials ...” page 4, NARA Model

+ NARA Model Endorsements

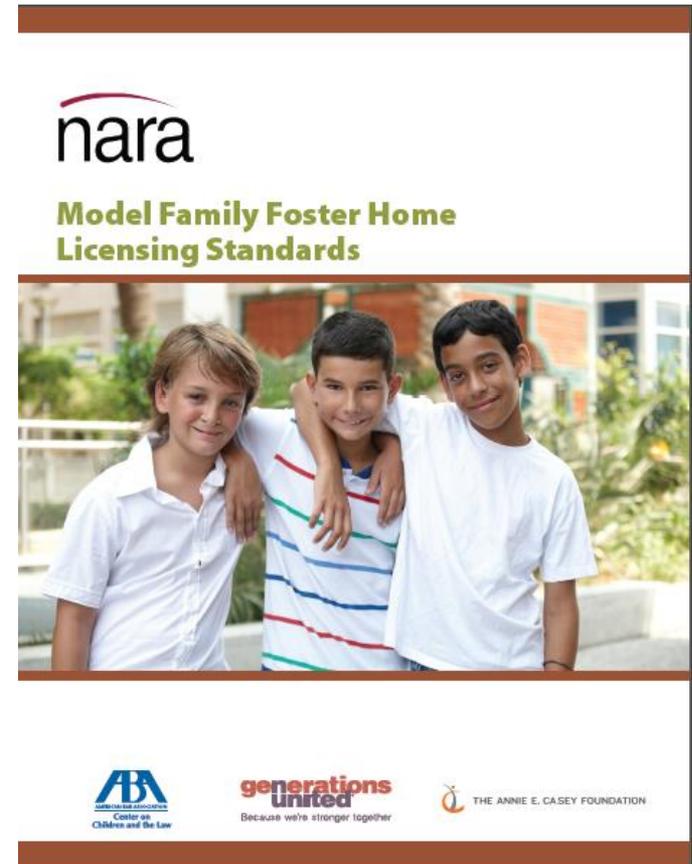
- CWLA has pointed to our Model as the one to consider
 - In a report issued to Massachusetts in May 2014, CWLA recommended that it consider adopting the NARA Model. See page 18, number 9 at: http://extras.mnginteractive.com/live/media/site106/2014/0529/20140529_100645_CWLA%20report.pdf
- The Congressional Coalition on Adoption Institute recommended that Congress require states and the 12 tribes to adopt the Criminal History Records Check Standards of the NARA Model
 - See page 5 at https://s3.amazonaws.com/ccai-website/CCAI_Foster_Youth_Internship_Program%C2%AE_Congressional_Report.pdf
- Congressional colloquy pointed to the NARA Standards as the one to use
 - See [Congressional Record, pages H4955-58](#)

+ NARA Model Standards Package of Materials

NARA, Generations United, and ABA created the standards for relatives and non-relatives

Available free of charge at www.naralicensing.org and www.grandfamilies.org includes:

- a purpose statement
- ten guiding principles
- the model standards
- an interpretive guide
- a crosswalk tool

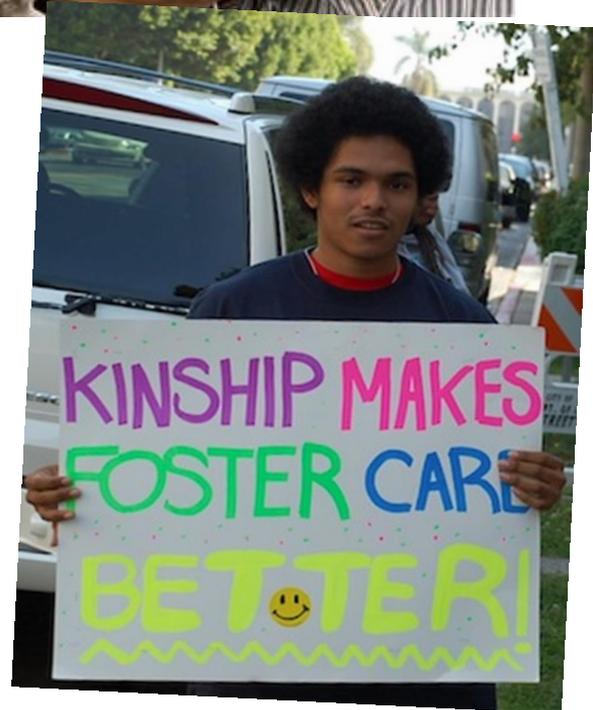


+ Comparison of Both Models

- The HHS Model includes the most important NARA Standards that address barriers that relatives face in becoming licensed –
- Both Models:
 - Strictly adhere to the barrier crimes listed in the Adam Walsh federal law concerning criminal background checks
 - Do not require bedrooms, but instead call for “sleeping spaces” and that each child in the home be treated equally
 - Require the applicant to be “functionally literate”
 - Have the identical income and resources standard - “Applicants must have income or resources to make timely payments for shelter, food, utility costs, clothing, and other household expenses *prior to* addition of a child or children in foster care.”
 - Do not require vehicle ownership and specifically allow public transportation

+ Comparison of Both Models cont'd

- Both reflect community standards
- Both are flexible so children in out of home care are placed in the best homes for them
- While not all the NARA Standards are in the National Model - nothing in the National Model contradicts the NARA Standards
- The NARA Standards and its tools can be used to help compare and align their standards and report back to HHS



+ Comparison of Both Models cont'd

- Unlike the NARA model, the National Model does not have emergency placement standards
 - Nothing that prevents adoption of these NARA standards
 - The National Model did not reject them -HHS simply considered them outside of the scope of Family First
- The NARA Model has a definition section not formally incorporated in the National Model
 - It defines many of the terms used in the National Model
 - Can be consulted for further clarification
- If adopt all NARA Standards, no waivers or variances needed



+ Action Steps

+ Action Steps – Compare State and Tribal Standards with Models

- Establish workgroup or taskforce:
 - Consider what are the barriers to licensing for relatives in your state or tribe?
 - Common barriers include:
 - Criminal history of relative
 - Income/vehicle
 - Housing requirements like square footage
 - Compare state or tribal licensing standards to both NARA and HHS Model Standards
 - For tribes, also compare tribal standards to NICWA materials

+ Action Steps - Look at Licensing Practices

- Tools, see [wikiHow for Kinship Foster Care](#)
- Licensing waivers or variances approved at the local level instead of the state level
- Designated kinship liaisons to help relatives through the difficult licensing process



+ Action Steps – Issues to Consider for Comments to HHS

I. National Model Strengths -

- Include important NARA Standards that address many of the licensing barriers faced by relatives

II. Suggestions for Additional Inclusions From The NARA Model -

- Additional database checks for criminal and abuse background:
 - State and local criminal databases
 - Adult protective registry & sexual offender registry
- Criteria to assess non-Adam Walsh crimes
- Emergency/provisional licensing standards
- A time minimum on “pre-licensing” training

III. Changes to Both Models, based on Lessons Learned -

- Communication requirements with child and agency that may exclude applicants unintentionally
- Other cultural considerations that may have been overlooked
- *Anything else?*

+ Action Steps – Provide HHS with Comments On Model

- Submit comments to HHS by October 1 to CBComments@acf.hhs.gov
- See handout for language you may copy or adapt
- *Thoughts?*
- *Concerns?*



+ Resources

+ Timeline for Key Family First Grandfamilies Provisions

Now

HHS has released proposed Model Licensing Standards

October 1, 2018

Comments due to HHS on Proposed Model Standards

HHS due to provide guidance on prevention and list of pre-approved programs

Federal reimbursement for certain kinship navigator programs

April 1, 2019

States and tribes must report to HHS about licensing and waivers

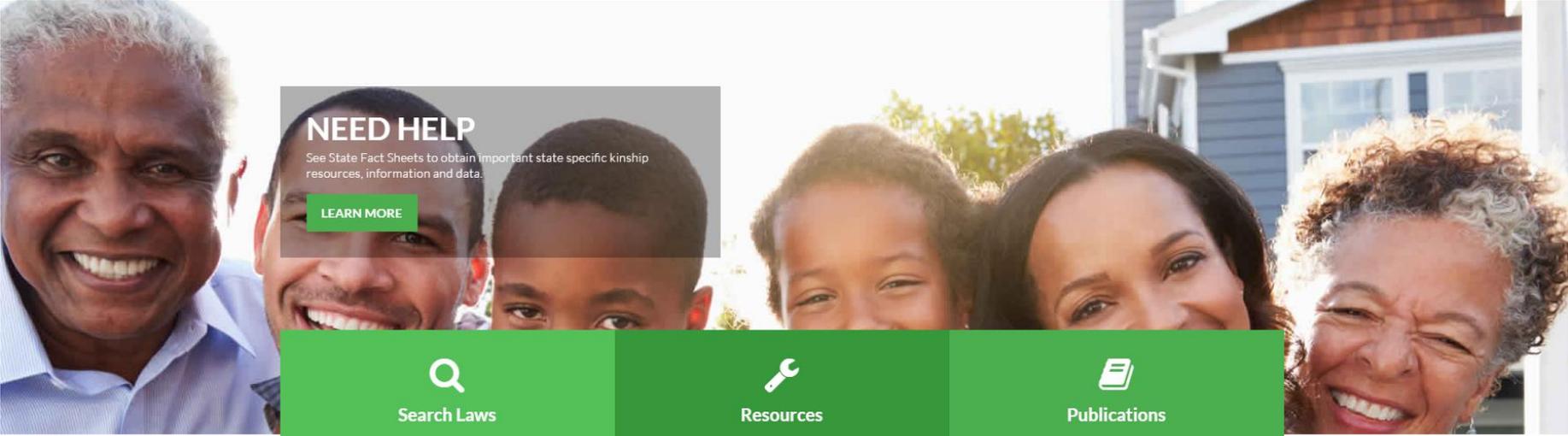
October 1, 2019

States and tribes can use federal funds for prevention services

(If delay group placement provisions by 2 years, can't access prevention funds for 2 years – does not impact kinship navigator reimbursement)

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NEED HELP

See State Fact Sheets to obtain important state specific kinship resources, information and data.

[LEARN MORE](#)

Search Laws

A searchable database of laws and legislation affecting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia.



Resources

Free and online legal resources in support of grandfamilies within and outside the child welfare system.



Publications

View our publications that support grandfamilies including: Model Family Foster Home Licensing Standards, Using the Guardianship Assistance Program (GAP), and Relative Foster Care.

www.grandfamilies.org

A collaboration of the
ABA Center on Children and the Law
Generations United
Casey Family Programs

+ Specific Resources on www.grandfamilies.org

- On www.grandfamilies.org/Resources/Federal-Laws:
 - Family First Prevention Services Act: brief summary, implication for grandfamilies
 - Generations United Webinar on [The Family First Prevention Services Act: Implications for Grandfamilies](#)
 - Detailed timeline and description of all Family First Prevention Services Act provisions
- On www.grandfamilies.org/State-Fact-Sheets:
 - State specific fact sheets for each state and DC

+ Questions or Technical Assistance - Contact Us

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