



AMERICAN BAR ASSOCIATION

Center on
Children and the Law

Access to Justice for Children and Families

Legal Professional Roles: Implementing the Family First Prevention Services Act

The Family First Prevention Services Act (FFPSA) became law in February 2018. FFPSA is a landmark child welfare law with the potential to establish significant changes in how the child welfare system is funded and operates across the country. Provisions especially relevant to the legal community are:

1 Prevention services available to support candidates for foster care and their parents or kin

2 Child placement option with a parent in residential family-based treatment

3 Extended timelines for federally supported reunification services

4 Kinship navigator programs

5 Model Licensing Standards for foster parents

6 Limitations on non-foster family home placements

7 Qualified Residential Treatment Program (QRTP) placement reviews and restrictions

8 Data tracking on juvenile justice system impact

9 State protocols to prevent inappropriate diagnoses of youth in care

10 Chafee Foster Care Independence Program improvements and extensions

11 Interstate placement system compatibility

12 Eligibility of Indian Tribes or Tribal Organizations

Legal Community Roles

Legal professionals have several key responsibilities and opportunities for implementing this new legislation.

State and local policy change and guidance

Legal Professionals:

Legal professionals in all three branches of government have significant responsibilities implementing the provisions of Family First through changes in state and local law and practice.

- Chief justices and state court administrators
- State, county, or city legislators
- Attorneys who represent child welfare agencies and other government offices responsible for implementing federal law

State Implementation Team Members:

We recommend the following legal professionals participate in a state's implementation team to help plan for challenges and benefits of the law and to maximize buy-in and positive impact for families:

- Dependency court judges
- Attorneys who represent children, parents, and child welfare agencies
- Attorneys and advocates for kin caregivers
- Court Improvement Program Directors

Roles:

- Establishing processes for assessing and approving group home placements
- Expanding access to residential treatment placements for children and parents
- Defining how key terms in the legislation will apply under state law
- Comparing state licensing requirements with the federal Model Licensing Standards
- Providing guidance for caseworkers to determine prevention services eligibility
- Developing state protocols to prevent misdiagnoses of mental health conditions
- Conducting background checks of all group care personnel
- Seeking Title IV-B funding for reunification services expansion for up to 15 months after a child's return home

Direct practice implementation

Legal Professionals:

Attorneys and judges have a significant role advocating for and applying key provisions of the new law to individual cases.

- Dependency court judges
- Attorneys who represent agencies
- Attorneys who represent children and youth
- Attorneys who represent parents
- Attorneys and advocates for kin

Roles:

- Addressing the implications of prevention services for establishing reasonable efforts
- Advocating for extended reunification services funding options to stabilize a child's return home
- Seeking access to residential placement with a parent
- Implementing model licensing standards for kin and other foster parents
- Applying the Chafee extensions for youth in care

QRTP and non-family foster home placement cases

Legal Professionals:

Judges, attorneys and agencies have new responsibilities and advocacy opportunities in any case that involves a Qualified Residential Treatment Placement (QRTP) recommendation.

- Dependency court judges
- Court administrators
- Court Improvement Programs
- Agency attorneys
- Attorneys and advocates for children, youth, parents and kin

Roles:

- Judges must review and authorize QRTP placement assessments
- Agency counsel must submit evidence supporting QRTP recommendations
- Attorneys and advocates for children, youth, parents and kin have new opportunities to advocate for client participation in a child's permanency team
- CIPs must train attorneys and judges on the non-family foster home setting review process

For more information about the ABA's work on legal community engagement for FFPSA implementation, contact Cristina Cooper, cristina.cooper@americanbar.org and Anne Marie Lancour, annemarie.lancour@americanbar.org