

<b>ISSUE DATE</b> June 29, 2021	<b>EFFECTIVE DATE</b> <b>October 1, 2021</b>	<b>NUMBER</b> <b>3130-21-03</b>
<b>SUBJECT</b> Policies and Procedures for Implementation of the Title IV-E Prevention Program under the Family First Prevention Services Act	<b>BY</b>  Jonathan Rubin, Deputy Secretary Office of Children, Youth & Families	

## SCOPE

Administrative Office of Pennsylvania Courts  
Chief Juvenile Probation Officers  
County Children and Youth Social Service Agencies  
Private Children and Youth Social Service Agencies  
County Children and Youth Agency Solicitors  
Juvenile Court Judges' Commission  
Pennsylvania Commission on Crime and Delinquency  
Pennsylvania Court Appointed Special Advocates Association  
Pennsylvania Children and Youth Administrators  
Pennsylvania Council of Children, Youth and Family Services

## PURPOSE

This bulletin is to inform county children and youth agencies (CCYAs) about new prevention services requirements for serving children and families as a result of the Family First Prevention Services Act (Public Law (P.L.) 115-123) (Family First). Specifically, these new requirements must be implemented as part of Pennsylvania's election to participate in the federal Title IV-E Prevention Program established under Family First. Participating in this program provides Pennsylvania the opportunity to strengthen efforts to prevent out-of-home placement of children by expanding the use of evidence-based services and programs to better support families in their own homes and communities.

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**ORIGIN OF BULLETIN:**  
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Visit the Office of Children, Youth and Families website at [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov)

## **BACKGROUND**

Family First was enacted on February 9, 2018 and amended Titles IV-E and IV-B of the Social Security Act (the Act) by expanding funding and the availability of enhanced supports to eligible families and children. Under the Title IV-E Prevention Program, federal Title IV-E funding was made available for evidence-based mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to reduce out-of-home placement. Notably, Family First also allows for the use of Title IV-E funding to provide these services not only to children and youth, but also to their parents and/or kin caregivers. Under the Family First changes, income is not considered in determining eligibility for reimbursement through the Title IV-E prevention services program, which is a departure from historical Title IV-E requirements. By re-aligning and expanding critical federal financial resources, Family First takes an unprecedented step towards providing resources for keeping families together, preventing child maltreatment, out-of-home placement, and the trauma of unnecessary parent-child separation as well as ensuring that children grow up in safe and loving families.

The goals of Family First align with the outcomes, values and principles that were established as part of Pennsylvania's [Child Welfare Practice Model](#). Pennsylvania has long held prevention programming as a priority and a critical component of the child welfare service array. After engaging with stakeholders and system partners, Pennsylvania decided to opt into the Title IV-E Prevention Program under Family First to further solidify Pennsylvania's commitment, support and advocacy of prevention services. While foster care placement prevention efforts are the focal point of Family First, the opportunities afforded by Family First can be used as a catalyst for Pennsylvania's broader vision for prevention by building upon existing efforts and expanding the array of community-based programs and services available to families.

In order to opt into the Title IV-E Prevention Program and draw down the federal funding available through the program, states must submit a five-year Title IV-E Prevention Program Plan (five-year plan) that meets statutory requirements. The Administration for Children and Families, Children's Bureau (ACF/CB) has encouraged states to implement the program as broadly as possible to make prevention services available to as many families in need of those services. Under Family First, only certain evidence-based programs (EBP) are eligible for federal reimbursement, however, the ACF/CB will continue to expand this list of EBP services, and this list will be maintained on the [Federal Title IV-E Prevention Services Clearinghouse](#). States need to include the EBPs it will implement in its five-year plan but Pennsylvania will have the option to add EBPs to the five-year plan at any time.

In order to develop a plan for how Pennsylvania can meet these federal requirements and best position CCYAs to leverage the supports to families through the Title IV-E Prevention Program, OCYF convened a group of stakeholders who provided recommendations for what implementation of the Title IV-E Prevention Program should look like in Pennsylvania. The policies and procedures outlined in this bulletin form the basis for many elements of Pennsylvania's five-year prevention program plan. In the five-year plan, Pennsylvania is required to address numerous federal requirements, including, but not limited to, how the state will assess children and their parents or kin caregivers to determine eligibility for funding through the Title IV-E Prevention Programs, the approved federal EBPs for which the state will seek Title IV-E reimbursement, how the state plans to implement and gather needed data to continuously monitor the services implemented in partnership with the counties to ensure fidelity to the practice model, and how the state will monitor and ensure the safety of children and families who are receiving these services.

The following individuals will be eligible for federal Title IV-E reimbursement for specific prevention services being implemented through Family First:

- A child who is a candidate for foster care, defined under federal Family First standards, as a child who is identified in a prevention plan as being at imminent risk of entering foster care but who can remain safely at home (or in a kinship placement and not under the placement and care of the CCYA) as long as Title IV-E prevention services that are necessary to prevent the entry into foster care are provided. Family First does not further define “imminent risk” and the federal ACF/CB, has indicated it does not plan to further define “candidate for foster care.” Pennsylvania has chosen to use the terminology “significant risk” instead of “imminent risk” as the standard term for determining eligibility of a “candidate for foster care” under Family First.
- A pregnant or parenting foster youth. The ACF/CB has indicated it does not plan to further define “pregnant or parenting.” Pennsylvania has elected to also add “expecting” to those youth in foster care who may be eligible under the Title IV-E Prevention Program.
- Parents or kin caregivers of a candidate for foster care or a pregnant and parenting foster youth when the need for the services is directly related to the safety, permanence and well-being of the child or to prevent the child from entering foster care.

Prior to the passage of Family First, states were able to receive Title IV-E reimbursement for administrative activities as determined through the Random Moment Time Study (RMTS) related to pursuing the removal, or providing reasonable efforts to prevent the removal, of a “candidate for foster care.” This availability of Title IV-E reimbursement remains in place and will continue to be an allowable use of federal dollars for those children who are deemed to be candidates for foster care but do not receive a prevention service that is eligible under the Title IV-E Prevention Program and included in Pennsylvania’s five-year plan.

The definition of “candidate for foster care” that Pennsylvania is proposing as part of Family First implementation supports a broader framework for prevention. Pennsylvania is proposing that any child deemed to be at significant risk of placement must have clearly established placement prevention services within their Family Service Plan (FSP) and receive needed prevention services, even if the prevention services provided to the child and family are not part of Pennsylvania’s five-year plan and not eligible for Title IV-E reimbursement under the Title IV-E Prevention Program.

The Federal [Program Instruction 18-09](#) (PI) on this makes a clear distinction between the Family First prevention “candidate” and the non-Family First “candidate.” Page seven of the PI explains that the ACF Child Welfare Policy Manual (CWPM) instructions on candidates and imminent risk specifically in [8.1D](#) do **not** apply to the Family First definition of candidate/imminent risk in Section 475(13) of the Act.

The PI states that a “child who is a candidate for foster care” is defined as a child who is identified in a title IV-E prevention plan as being at imminent risk of entering foster care (without regard to whether the child would be eligible for title IV-E foster care maintenance payments, title IV-E adoption assistance or title IV-E kinship guardianship assistance payments), but who can remain safely in the child's home or in a kinship placement as long as the title IV-E prevention services that are necessary to prevent the entry of the child into foster care are provided. In contrast, a “child who is a candidate for foster care” includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement (section 475(13) of the Act).

ACF chose not to further define the phrase “candidate for foster care” as it appears in section 475(13) of the Act or further define the term “imminent risk” of entering foster care for the title IV-E prevention

program. However, because a child may not be simultaneously in foster care and a “child who is a candidate for foster care,” once the child enters foster care, reimbursement for the child under the title IV-E prevention program must end, unless the child is pregnant, expecting, or parenting and receiving an eligible prevention service.

As such, a child who is *not* under the legal placement and care of the state title IV-E agency and in an informal kinship placement could be considered a “child who is a candidate for foster care” as defined in section 475(13) of the Act.

Regardless of whether a title IV-E agency is providing the Family First title IV-E prevention program, it may continue to claim administrative costs under the statutory authority at 472(i) of the Act for candidates for title IV-E foster care if, among other things, the child is at imminent risk of removal from the home and the agency is making reasonable efforts to prevent the need to remove the child from the home. The agency should continue to apply section 8.1D of the (CWPM) for guidance on section 472(i) of the Act.

The new prevention services requirements outlined in this bulletin focus on the practices to be applied to **all** children who are determined to be candidates for foster care as defined by Pennsylvania and pregnant, expecting, and parenting youth in foster care **regardless** of Title IV-E eligibility of the actual prevention services provided. Therefore, this bulletin does not focus on the specific EBPs in Pennsylvania’s five-year plan that will be eligible for Title IV-E Prevention Program funding. OCYF will provide further fiscal guidance to CCYAs on the procedures for appropriate claiming for Title IV-E administrative, program, and service funding costs related to prevention services in separate policy issuances in advance of October 1, 2021 implementation.

## **DEFINITIONS**

**Candidate for Foster Care** – a child that is determined to be at significant risk of entering foster care but can remain safely in the child’s home or in an agreed upon informal kinship placement with prevention services.

**Child’s Permanency Plan (CPP)** – an addendum to the family service plan, that describes a specific plan for a child in placement, to promptly and safely reunite with the child’s family or to explore all options to arrange for a permanent, lifelong home. CPP documents should include the data elements listed later in this bulletin as well as a section to identify specific prevention services.

**Evidence-Based Program (EBP)** – programs that use a defined curriculum or set of services that, when implemented with fidelity have been validated by scientific evidence. While there are other Clearinghouses that certify evidence-based programs, only the EBPs that are listed on the Federal Title IV-E Prevention Services Clearinghouse are eligible for Title IV-E reimbursement.

**Family Service Plan (FSP)** – a documented plan for each family accepted for services with individualized objectives, services, and actions for the family to help mitigate the reason they were accepted. FSP documents should include the data elements listed later in this bulletin as well as a section to identify specific prevention services.

**Periodic Risk Assessment** – a Commonwealth-approved systematic process that assesses a child's need for protection or services based on the risk of harm to the child completed by the CCYA (or their designee if assessment services are contracted out) as follows:

- At the conclusion of the intake investigation which should take no longer than 60 calendar days; every six months in conjunction with the Family Service Plan or judicial review unless one of the following applies:
  - the risk remains low or there is no risk
  - the child has been in placement for more than six months and there are no other children residing in the home.
- Thirty calendar days before and after the child is returned to the family home unless:
  - the risk remains low or there is no risk
  - the child has been in placement for more than six months and there are no other children residing in the home.
- Thirty days prior to case closure. However, risk assessments should also be completed as often as necessary to assure the safety of the child and when the circumstances change within the child’s environment at times other than required, as stated above.

**Pregnant, Expecting or Parenting Youth in Foster Care** – a child who is in foster care that is pregnant, expecting, or parenting. The terms pregnant, expecting or parenting youth in foster care refers to a mother, father, or individual acting in a parenting role of a child who is in need of prevention services.

**Safety Assessment** – a Commonwealth-approved systematic process that assesses a child's need for protection or services, based on the threat to the safety of the child.

## **DISCUSSION**

Effective October 1, 2021, in addition to current FSP/\_CPP documentation requirements, placement prevention efforts must be documented in the FSP and CPP for:

1. Any child assessed and determined to be a candidate for foster care and;
2. Any pregnant, expecting or parenting youth in foster care.

For Title IV-E purposes, any prevention services provided to a parent or kin caregiver are considered to be delivered on behalf of the eligible child and therefore any documentation requirements for parents or kin caregivers are incorporated into the data elements outlined below. The prevention services provided are to be easily identifiable and covered in the FSP/ CPP in addition to the required elements outlined below. Counties may choose to develop a standalone placement prevention plan if needed or maintain the required elements within the FSP/ CPP. Beginning October 1, 2021, families and children previously accepted for in-home services and pregnant, expecting or parenting youth in foster care must be assessed to determine whether they need specific prevention efforts to be completed as part of their FSP or CPP. This assessment may occur at any time, but CCYAs must complete the assessment and placement prevention section of the FSP or CPP at the next FSP or CPP review at the latest.

### **1. Candidate for Foster Care**

- CCYAs must determine candidacy.
- Determination that a child is a candidate for foster care may occur at any time during intake or ongoing services.
- Candidacy is determined through general case practice efforts as outlined and governed by state laws, regulations and policies which include but are not limited to:
  - Information gathered during safety and risk assessments,
  - Discussions with all family and household members,
  - Observations during home visits, and;
  - Other forms of collateral contacts or assessments deemed necessary by the CCYA.

For the purposes of this bulletin, it should be understood that Family First provides states the opportunity to define candidacy in a way that best serves the population and supports development of meaningful prevention efforts.

Determining that a child is a candidate for foster care is not dependent on having a finding of an indicated CPS or validated GPS. Children whose CPS investigation is unfounded, or GPS assessment is invalid may still face significant threats or circumstances that increase the risk of future out-of-home placement. Substance abuse, mental health, or parenting skills prevention services may still serve to prevent future out-of-home placement. It is also known that observable family behaviors or conditions that occur now may have a negative impact on the child's development or functioning later that would require a higher level of child welfare involvement or intervention that is preventable with appropriate supports.

Pennsylvania recognizes that while categories of prevention-eligible children can be identified, actual "imminent risk" of foster care entry and candidacy can only be determined on a case-by-case basis, with thoughtful consideration for each child and family's unique needs and circumstances.

If a child is determined to be a candidate for foster care, the CCYA must collaborate with the family to identify strategies to prevent placement of the child and services needed to support the child and/or the parents/kin caregivers. The CCYA should document the placement prevention efforts within the FSP or CPP as quickly as possible to implement the needed service. CCYAs may maintain the required information and data elements that capture placement prevention efforts and services as a separate placement prevention document or may incorporate the required elements into the FSP/ CPP. At a minimum the required elements must include:

- Identifying information of parents/caregiver and child.
- Demographics for family members including date of birth, gender, race and ethnicity, along with the Master Client Index (MCI) identification number of the child who is a candidate for foster care. This information may be collected in other parts of the FSP/ CPP and transferred for data collection. The MCI number may be able to be collected and maintained outside of the FSP/ CPP but must be accessible as part of invoicing for the specific EBP.
- Indicate the child is a candidate for foster care.
- Initial reason parents/caregiver/child was determined to need a prevention service (combination of all visits, assessment).
- Describe the foster care prevention strategy or strategies for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver that prevents the CCYA from assuming custody.
- Identify the specific prevention services or programs that the child/youth/parent/caregiver will engage in to ensure the success of the prevention strategy
- Beginning and ending dates of each prevention service or program.
- Identify the prevention plan progress, which includes any changes to safety and risk.
- Signature line of CCYA caseworker and date.
- Signature line of CCYA supervisor and date
- Signature line for parents/caregiver and date.
  - Document if parents/caregiver refuse to sign.

## **2. Pregnant, Expecting or Parenting Youth in Foster Care**

- Automatically eligible to receive prevention services. No additional determination is required by the CCYA.
- A child of a youth in foster care is automatically eligible to receive Title IV-E reimbursement for prevention services.
- Foster care is based on the federal definition (45 CFR 1355.20) and is inclusive of more than foster family homes.

Documentation of the prevention services within the CPP should occur as quickly as possible for youth in foster care identified as pregnant, expecting or parenting. CCYAs must document the required information that captures placement prevention services as either a separate placement prevention document or they may incorporate the required elements into the CPP (See Appendix A for FSP example). At a minimum the elements must include:

- Identifying information of foster youth.
- Indicate if the youth is a parent.
- Indicate if the youth is pregnant or expecting.
  - Indicate projected due date.

- Indicate the date when the agency became aware that the youth was eligible for prevention programs as a pregnant, expecting, or parenting youth.
- Describe the foster care prevention strategy for any child born to the youth in foster care.
- Identify the services that are being provided to the youth or on behalf of the youth to ensure preparation for parenthood.
- Expected beginning and ending dates of each prevention service or program.
- Identify the plan progress, which includes any changes to safety and risk.
- Signature line of CCYA caseworker and date.
- Signature line of CCYA supervisor and date.
- Signature line for youth in foster care and date.
  - Document if youth refuses to sign.
- Additional signature lines for others who participated in the prevention planning efforts for the youth and/or the child of the youth, and date.

### **Additional Policies and Procedures:**

#### **A. Timeframes**

Placement prevention planning within the FSP is to document the specific placement prevention strategies and the services to be provided to mitigate safety concerns and out-of-home placement. The placement prevention efforts must be documented with the determination of candidacy for foster care and that a specified prevention service is needed to prevent out-of-home placement. The prevention services are considered approved once the family has been engaged, reviewed the plan, provided feedback into the proposed prevention services, and has been provided the opportunity to sign and all required CCYA staff signatures are obtained.

For federal reimbursement purposes, Title IV-E Prevention Eligibility starts for a candidate for foster care when the following occurs:

- Candidacy is determined and documented in the prevention plan and
- A prevention strategy is documented to keep the child out of foster care, AND
- The prevention service that will be provided is identified

For pregnant, expecting, and parenting youth in foster care Title IV-E Prevention Eligibility starts when:

- It is documented that the youth in care is pregnant, expecting, or parenting, and
- The prevention strategy for the child of the youth to stay out of foster care is identified, AND
- The prevention service that will be provided is identified.

#### **B. Monitoring**

As part of the current regulatory required six-month review process as outlined in 55 PA. Code § 3130.63. (relating to review of family service plans), the placement prevention services in the FSP or CPP should be updated to reflect prevention planning progress and include any changes to the level of risk in the home. The ongoing review and monitoring of the services, including documentation of a child's continued safety and level of risk should align with current FSP and CPP practices as outlined in 55 PA. Code § 3130.61 (relating to family service plans) and § 3130.67 (relating to placement planning) and must be completed once every six months, at a minimum. If it is determined that the child who is a candidate for foster care is no longer safe or the level of risk remains high despite the

prevention service(s) provided, the safety concerns must be addressed immediately, and the plan must be re-examined and updated accordingly and reapproved.

If the CCYA determines that after twelve months the child is still a candidate for foster care due to new or the original factors identified during the assessment and there has been little or no improvement, the CCYA must update the prevention services needed and identify and document the determination of candidacy. At that time, the information in the placement prevention services of the FSP needs to be updated to identify that the child is still a candidate for foster care and the reason for continuing the existing prevention services or updated to identify new prevention services to help mitigate the new or continued concern. If after twelve months a child is still identified as a pregnant, expecting or parenting foster youth, the placement prevention services of the CPP needs to be updated to identify that the child remains eligible as a pregnant, expecting or parenting foster youth and any continued need for, or changes to, the services to be provided, and any changes to the foster care prevention strategy for any child born to the youth.

### **C. Discontinuance of Placement Prevention Efforts**

Once the strategies and services outlined in the FSP are completed, the CCYA must determine if the prevention services mitigated the identified concerns that led to the determination of candidacy. If no concerns for safety or risk remain or are subsequently identified and the child is no longer considered a candidate, the CCYA can close out the placement prevention services documented in the FSP. If after twelve months a child is no longer identified as a pregnant, expecting or parenting foster youth or is a pregnant, expecting or parenting foster youth no longer in need of any prevention services, this should be documented in the CPP and the CCYA is not required to continue to complete the placement prevention elements of the CPP.

### **D. EBP Fidelity Monitoring and Continuous Quality Improvement**

Pennsylvania has been committed to implementation of continuous quality improvement (CQI) for over a decade. Family First acknowledges the importance of ensuring states have a CQI framework in place for evaluating the effectiveness of services provided to children and families, achieving positive outcomes, and using data to drive decision making about the most appropriate array of services needed within communities to meet the unique needs of children and families. As part of the Title IV-E Prevention Program, states are required to have a rigorous evaluation strategy in place for every EBP the state selects to implement under its five-year plan. In circumstances where the EBP is determined by the Children's Bureau to be a well-supported practice, states may request to waive the rigorous evaluation requirement, however the state is still responsible for demonstrating how it will ensure the EBP is implemented with fidelity to the model and that information used from monitoring will be used to refine and improve practices.

The required placement prevention elements outlined in this bulletin represent minimum information required by the ACF/CB under Family First as well as information that is necessary in supporting Pennsylvania's efforts to meet the Title IV-E Prevention Services Program monitoring and CQI requirements. OCYF intentionally sought to limit these informational requirements to reduce burden on CCYAs. However, OCYF plans to work with CCYAs and stakeholders over time to evaluate how this data and information to be collected should be expanded to assist local and statewide CQI efforts to support effective implementation of Family First and ensure provision of quality prevention services to children and families.

CCYAs are to participate in the following activities as part of Pennsylvania's plan for implementing the Title IV-E Prevention Program monitoring and CQI requirements:

- Engage in required evaluation activities at the request of OCYF for EBPs being used by the CCYA that are rated as "promising" or "supported" on the Federal Title IV-E Prevention Services Clearinghouse (or are "well-supported" but the evaluation requirement was not waived). Requests will be made with consideration for CCYA capacity to participate in evaluation activities. Pennsylvania has opted to select mainly well-supported EBPs for inclusion in Pennsylvania's initial five-year prevention plan with requests for evaluation waivers to help minimize the rigorous evaluation activities needed in the early years of implementation of the new Title IV-E Prevention Program.
- Report on CCYA procedures for monitoring model fidelity for EBPs as part of the county Needs Based Plan and Budget (NBPB) submission. Currently, CCYAs are asked to report on how they will monitor EBPs requested under the Special Grants Initiative and how they are delivered with fidelity. OCYF will provide further direction and training support to counties around this as part of the annual NBPB process to improve the quality of information provided by CCYAs. It should be noted that fidelity monitoring of many EBPs is overseen by the model developer and reports and data about these efforts is often available through the model developer or specific EBP provider.
- Determine the specific outcomes the CCYA hopes to achieve through the use of each EBP and the data or information the CCYA will use to monitor achievement of these outcomes. This information will be requested as part of the NBPB and OCYF will provide further direction and trainings to support counties as part of the annual NBPB process.
- Establish clear data sharing policies as part of contracts with EBP providers to ensure the CCYA can obtain child specific data for children and families served by the CCYA who are receiving EBPs that is critical for county evaluation and monitoring activities. OCYF will offer additional guidance and support to CCYAs in this area.

OCYF recognizes that additional guidance will be necessary and many CCYAs will need time and technical assistance to build capacity for completing these activities. OCYF plans to partner with technical assistance providers to work closely with counties in these efforts and will leverage existing CQI structures and practices already in place to the maximum extent possible to meet federal requirements. As Pennsylvania looks to add more EBPs to the state's five-year plan, ensuring a sustainable framework is in place to support monitoring and CQI efforts related to Family First will be necessary. OCYF believes Pennsylvania's existing work in implementing CQI has positioned the state to have a strong foundation from which to build upon so as to meet Title IV-E Prevention Program monitoring and CQI requirements and will continue to work with CCYAs and other stakeholders in strengthening Pennsylvania's CQI framework.

**DHS/OCYF ONGOING GUIDANCE AND SUPPORT**

If additional technical assistance is needed, CCYAs should work with their OCYF Regional Office to determine how capturing the required placement prevention services or other required information and data elements can be integrated with current FSP/PPP and documentation practices to assure proper documentation and clarity of the information. If technical system updates are required to county's case management system and are not able to be completed prior to October 1, 2021, a timeline must be submitted to the OCYF Regional Office identifying the date the required elements will be included in the functionality of their case management system.

Information regarding Family First Title IV-E Prevention Services reimbursement eligibility criteria and invoicing processes will be issued in the Federal Title IV-E Invoicing Procedures Manual Bulletin.

Information on Pennsylvania's five-year plan will be maintained on the DHS [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov) website and updated periodically as needed.