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# Congress of the United States

## U.S. House of Representatives

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September 20, 2018

Dear State Child Welfare Administrators and Stakeholders,

On July 24, 2018, the Human Resources Subcommittee held a hearing featuring U.S. Department of Health and Human Services Associate Commissioner of the Children's Bureau, and Acting Commissioner of the Administration on Children, Youth and Families Jerry Milner on the implementation of the Family First Prevention Services Act (P.L. 115-123). It was our intention to gather as many responses as possible to outstanding questions that may be impeding your work toward a successful and timely implementation of the Family First Prevention Services Act.

While there are many more questions to be answered, and we remain committed to continuing to oversee implementation and work with you and other stakeholders on the ground, we thought it useful to share the hearing transcript and highlight a few of the policy responses that were received at the hearing.

If you have any questions about the July 24<sup>th</sup> hearing or the Family First Prevention Services Act, please contact our subcommittee staff directors, Anne DeCesaro and Morna Miller.

Thank you for your continued effort to care for our nation's most vulnerable children.



Adrian Smith  
Chairman  
Subcommittee on Human Resources



Danny Davis  
Ranking Member  
Subcommittee on Human Resources

## **Selected HHS Responses**

### **Candidate for Care and Imminent Risk (page 28)**

HHS does not plan to define “imminent risk” or “candidate for care” beyond what is in the statute.

HHS plans to issue any guidance or parameters for States to use as they explain their eligibility criteria in their State prevention plans in the first quarter of federal fiscal year 2019.

### **November 9 “Deadline” for Delayed Implementation (page 28)**

The November 9<sup>th</sup> “deadline” is not binding but merely for planning purposes, and a state can change its mind at any point, both to go ahead or delay.

### **Services to Pregnant and Parenting Foster Youth (page 31)**

Fathers, as well as mothers, are “absolutely” categorically eligible for services as “parenting foster youth.”

### **Kinship Navigator Services (page 29-30,155-160)**

States should offer federally-funded kinship navigator services to a broad population of caregivers, not just families at imminent risk of foster care. The kinship services do have to be evidence-based, but are not subject to the requirement that 50 percent of spending be for services in the “well-supported” category. HHS will issue additional guidance to states on claiming the kinship navigator match in November 2018.

Forty-six States, two territories, and eight Tribes have applied for FY18 bridge funds to provide kinship navigator services. Since not every States applied, there will be some balance that is left over, and HHS will distribute that balance of funds across those who applied.

### **Model Foster Care Licensing Standards (pages 132, 138)**

HHS did review the National Association for Regulatory Administration (NARA) standards, as directed by Congress, and a Federal Register notice/request for comment on model licensing standards is “in clearance” and should be published soon. (Note: The draft standards, with a request for comment, were [published in the Federal Register by HHS](#) shortly after the hearing, with comments due by October 1, 2018. Model standards will be available before the October 1, 2019 deadline.

**State vs. County Services** (page 151)

Prevention services can vary from county to county/be offered on a county basis, so long as the state opts into offering some IV-E prevention services.

**Private Agency Service Delivery** (page 134,135)

Private agencies can receive reimbursement for providing IV-E prevention services, so long as they have a contractual agreement with the state and meet the evidence standard.

**QRTF reimbursement** (page 150)

The statute does not allow states to be reimbursed for IV-E maintenance costs if the assessment is not completed in 30 days.

**Criminal Background Checks** (page 153)

States that are out of compliance with the requirement for criminal background checks for child care facility staff will need to submit and comply with a program improvement plan or risk losing federal IV-E funding.

The July 24, 2018 hearing transcript can be accessed on the Committee on Ways and Means website at: <https://waysandmeans.house.gov/>