Foster residence settings: modifications for the implementation of Family First Prevention Services Act (FFPSA)

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Topics

- Background: Title IV-E and impact of FFPSA (Public Law 115-123) on child foster care
- Modifications to foster care maintenance payment procedures
- Licensing considerations
- License certifications: options and process
- Process outline for Title IV-E approval
- Next steps
- Questions
Background: what is Title IV-E?

- Important funding stream for counties and tribes for child foster care costs.
  - Provides federal reimbursement for a portion of the maintenance and administrative costs of foster care for children.
  - Requires specific placement and settings requirements for residential placement.
- Promotes safety, well-being and permanency by establishing standards of care for children in foster care.
- Before FFPSA, in Minnesota foster residence settings and family foster care settings have all been eligible for Title IV-E reimbursement.
• Definition change for “family foster home”:  
  • Minnesota Statutes, chapter 260C.007, subd. 16b: "Family foster home" means the home of an individual or family who is licensed for child foster care.
  • Foster residence settings (corporate foster care) now considered child care institutions.

• Family foster homes no longer include foster residence settings (corporate child foster care), and so are no longer automatically qualify for Title IV-E.

• Payment procedures and practices will change, including placements in foster residence settings being excluded from Northstar.
## What is new for foster residence settings

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<th>Lead county contract</th>
<th>DHS license certification options</th>
<th>DHS Title IV-E approval</th>
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| • Necessary to receive foster care maintenance payments  
• Required regardless of IV-E eligibility | • Certification is required for IV-E eligibility | • Separate process from certification  
• Approval is required for IV-E eligibility |
Eligible for payment as child care institutions.

Lead (host) county contracts – typically negotiated by county where provider is located.

Contract is written by the county with the provider outlining legal terms of services to be provided.

Contract is negotiated on behalf of any child who utilizes the provider’s foster care services.

If local county chooses not to enter into a contract, contract may be negotiated with another county.
Licensing considerations for foster residence settings

• Process to obtain/maintain foster residence setting license uncharged (through county or private licensing agency).

• For programs that have 245D license, process to obtain/maintain 245D license uncharged (DHS administered).
• Current bills for FFPSA certifications in the House and Senate:
  • HF 1340
  • SF 1063
• These bills are currently being discussed in committees and amendments are being introduced/considered.
• If these bills become law, DHS plans to begin accepting requests for certifications by July 2021.
FFPSA proposed legislation establishes standards for four new certifications the DHS Licensing Division will regulate to assist in determining program eligibility for Title IV-E:

1. Qualified Residential Treatment Programs (QRTP) for youth with serious emotional or behavioral disorders or disturbances
2. Residential settings for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation
3. Residential settings specializing in providing prenatal, postpartum, or parenting supports for youth
4. Supervised Independent Living Settings for youth 18 years of age or older.

Certifications may be issued to a children’s residential facility or a child foster residence setting (corporate foster care)
Program certifications
how they work

• Certifications create a framework for DHS to verify programs comply with federal standards for these types of programs

• Certification standards are in addition to existing licensing requirements for children’s residential facilities and child foster residence settings and a program must also have one of these licenses

• DHS will issue certifications and review the certification standards for programs licensed by DHS, DOC, counties, and private licensing agencies

• Programs choose whether or not to seek these certifications

• Programs may have multiple certifications if the design of the program is appropriate
• Serves youth with serious emotional or behavioral disorders or disturbances
• Trauma-based treatment model requirements
• Must have certain types of staff on-site according to the program’s treatment model and available 24 hours a day and seven days a week including a registered nurse or licensed practical nurse and other licensed clinical staff
• The program must be accredited (CARF, COA, or The Joint Commission)
• Involve family in treatment process
• Provide family-based aftercare support for at least six months after discharge
Programs for youth who have been or are at risk of sex trafficking or commercial sexual exploitation
summary of proposed requirements

- Specializes in serving youth who have been or are at risk of sex trafficking or commercial sexual exploitation
- Trauma-informed model of care
- Safe setting designed to prevent ongoing and future trafficking
- Provides equitable, culturally-responsive, and individualized services
- Assists youth with accessing services based on individual needs
- Provides educational, life skills, and employment supports
- Offers a trafficking prevention education curriculum
- Staff required to be trained by DHS on human trafficking
Pregnant or Parenting Youth programs
summary of proposed requirements

• Serves prenatal, post-partum, or parenting youth
• Provide services to youth with their children
• Provides support services
• Assists youth with accessing postpartum services including sexual and reproductive health and mental health assessment and follow up
• Infant and child safety requirements:
  • Provide education to parents on prevention of sudden unexpected infant death and abusive head trauma and safe bathing
  • Parent's capacity to meet health and safety needs of child
  • Child supervision
Supervised Independent Living settings
summary of proposed requirements

• Programs with this certification may serve younger people, but Title IV-E funding requirements only apply to youth 18 years of age or older.

• Programs must provide training, counseling, instruction, supervision, and assistance for independent living according to the youth's needs.

• Programs may also provide services to assist the youth with locating housing, money management, meal preparation, shopping, health care, transportation, and other support services.

• Service plans must contain an objective on independent living skills.
If the proposed certification standards become law, by July 1, 2021, DHS licensing will begin accepting requests for certifications that DHS will add to a foster residence setting or children’s residential facility license.

Licensors will review information submitted to DHS by each program that chooses to be certified to verify the program is able to meet the certification standards.

DHS will provide an informational webinar about the forms and instructions for applying for a certification in late April or early May.
Certification monitoring

• DHS will monitor programs to ensure the standards are met during regular licensing review for DHS directly licensed programs

• Programs licensed by DOC, counties, or private placing agencies will be reviewed for only the certification standards by the DHS licensing division

• Non-compliance with certification standards may be addressed in a correction order or the program may be decertified

• Non-compliance with the new certification standards will **not** be included as grounds for a conditional license
Children placed prior to September 30, 2021 will be considered legacy.

If child moves to a different foster residence setting after September 30, 2021, the legacy classification ends.

Department must approve foster residence settings for Title IV-E reimbursement.

Counties and Tribes may not claim Title IV-E for placements unless the facility is one of the approved settings and is approved by the department.

**Overview Title IV-E approval for foster residence settings**

**Approved settings**
- Qualified residential treatment program (QRTP)
- Programs for prenatal, postpartum, or parenting youth
- Programs for youth who have been or are at risk for sex trafficking or commercial exploitation
- Supervised independent living settings
Title IV-E eligibility considerations

• **New process** for foster residence settings to determine Title IV-E eligibility
  
  • Provider must obtain lead county contract.
  
  • Provider must obtain new license certification from DHS Licensing.
  
  • Provider must obtain approval for Title IV-E eligibility (including a site visit) from DHS Child Safety & Permanency.

*Fully outlined process is forthcoming*
Title IV-E approval process

• Provider negotiates lead county contract.

• Provider applies for and obtains relevant certification through the Minnesota DHS Licensing Division.

• Lead county contract agency (county or tribe) submits application for Title IV-E approval to Minnesota DHS Financial Operations.

• Financial Operations sets provider up in system and forwards information on to Child Safety and Permanency Division for Title IV-E review.

• Title IV-E staff in Child Safety and Permanency Division contact provider to review necessary paperwork, and site visit.
Title IV-E approval process contd.

- Title IV-E staff reviews information from site visit and possibly requests more information from provider.

- Title IV-E staff may follow-up with Licensing division.

- Title IV-E staff makes decision to approve or deny application for Title IV-E.

- The Title IV-E review and approval process can take from 3-6 weeks.

- This timeline and process may be altered due to pandemic.
Next steps

• Engage with your county and tribal partners:
  • Determine necessary steps to develop a lead county contract.
  • Discuss the new FFPSA settings and services the foster residence will provide.

• Keep informed:
  • Visit department website frequently
  • Sign up for bulletin notifications
  • Attend informational meetings
Questions?
Thank you!

For additional questions, please contact:
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