



CHILDREN NOW



## **Facts about Child Welfare in California and the Critical Fixes Needed to the Family First Prevention Services Act for Our Children**

The Family First Prevention Services Act has a laudable goal: preventing child abuse and ensuring that children are being raised with loving families, instead of in group homes. It's a goal that California counties, foster youth and advocates support, too.

Unfortunately, in a rush to push the legislation through Congress without any meaningful debate or reasonable amendments, the needs of individual children and their caregivers – especially relatives – are being lost. If passed as-is, Family First will compromise the ability of child welfare systems and their community partners to keep children safe and secure.

California organizations serving and advocating for abused and neglected children like ours have long been part of the community seeking additional federal funds for prevention services. We also recognize that every bill is a compromise. While the Act was significantly reduced in scope and effectiveness in the drafting process, our organizations would support it, if it weren't for several fatal flaws that make the bill, on balance, worse for the children of California.

Congress must fix the Act before its passage. The consequences for California's children are too great if the bill is passed without the critical changes outlined below.

### **Fact in California**

California has spent years building a system where kin caregivers are treated the same as foster parents. Sadly, prevention services do not always succeed, and the bill would only fund these services for children who are already at imminent risk of entry into foster care, meaning abuse or neglect has likely already occurred.

### **Fix Family First**

While it is laudable that the bill allows prevention services to be provided for up to 12 months while a child lives with relatives, children who ultimately need to formally enter foster care, should those prevention services fail to rehabilitate the family, will be forever ineligible for federal foster care funding if they were living in the relative's home for more than six months. Statutory change is needed to specify that a child who is living in a kinship home for more than six months can still receive federal foster care benefits if he or she ultimately must come into foster care.

## Fact in California

California is implementing the landmark Continuum of Care Reform to reduce the use of congregate care – a massive effort more than four years in the making and based on input from current and former foster children and youth, and child welfare experts. Unfortunately, elements of the Family First Act would curtail the state's efforts and result in poor outcomes for especially vulnerable abused and neglected children, such as children who have been victimized by sex traffickers.

## Fix Family First

- Under Family First, only children with “serious emotional or behavioral disorders or disturbances” can be served by qualified residential treatment programs, forcing states like California to shut down innovative programs that meet the needs of specific populations of foster youth, including victims of child sex trafficking and children with severe medical needs, who need specialized care in carefully selected placements. A statutory change is needed to ensure that children with other documented behavioral or therapeutic needs can be served by qualified residential treatment programs.
- Family First also requires assessments to be completed within 30 days of placement. The children who come into foster care have often been horribly abused, adults in their lives have failed them, and they need time to develop new, healthy connections. Statutory change is needed to provide flexibility in certain cases to ensure children who are uncommunicative have time to rebuild that trust and open up to the professionals who are working to help repair the damage.

## Fact in California

California's Continuum of Care Reform requires congregate care homes to include clinical staffing to meet the documented needs – health, mental or behavioral - of children placed in these programs. California also makes extensive use of public health nurses to monitor the timely provision of health care services to children in foster care.

## Fix Family First

The bill requires qualified residential treatment programs (QRTPs) to have certified or registered or licensed nursing staff and other licensed clinical staff who are on-site during business hours and are available 24 hours a day, 7 days a week. Requiring on-site nursing staff at QRTPs in order for placements to receive federal financial reimbursement is overly broad and too narrowly defined for what may actually be needed to ensure a child's well-being. Statutory change is needed to allow for states that have documented systems of care in place for children's health care as an alternative to this requirement.

## Fact in California

California has an effective Transitional Housing Placement Program (THPP) for foster youth ages 16 to 18 in 13 counties that is particularly successful at helping homeless youth transition to foster care and supporting our transgender youth.

## **Fix Family First**

Family First prohibits the use of federal funding for THPP and would essentially eliminate this lifeline for transitional age foster youth, leaving young people without the services they benefit from today to successfully move toward adulthood. Statutory change is needed to allow states to develop and continue to operate transitional housing programs for youth aged 16 to 18 as an alternative to congregate care.

## **Reasonable Solutions and Time to Fix Family First**

Our organizations oppose passage of the bill as written. We have put forth reasonable and targeted amendments that will better align the bill with the needs of children and families and enable us to support it.

It is not too late to amend the bill, as a number of child welfare reform bills have been passed in the last few months of the session in recent years, including the Fostering Connections Act of 2008 (Fall 2008), Uninterrupted Scholars Act (January 2013), and Preventing Sex Trafficking & Strengthening Families Act (Fall 2014). Our organizations supported these policies to improve the lives of the children, families and caregivers we serve.

Without the changes above, the Family First Prevention Services Act will make children's lives worse off in California, not better. We call on the Senate to adopt these amendments and move the bill back to the House for concurrence.