

FFPSA Implementation Trailer Bill Narrative

The Youth Law Center (YLC) recently submitted comments to the California Department of Social Services (CDSS) on the initial print version of the proposed budget trailer bill implementing the 2018 federal Family First Prevention Services Act (FFPSA) to raise concerns primarily about the timing and coordination of key elements of the case-planning process and the adequacy of provisions governing probation-supervised foster youth. Congress developed FFPSA to provide additional funding support to state child welfare systems to develop a prevention-focused infrastructure to keep children in families. FFPSA was preceded by California's Assembly Bill 403 (2015), the Continuum of Care Reform (CCR), which was enacted to refocus California's child welfare system on keeping children in families and limiting the use of congregate care. The FFPSA implementation bill has two primary pieces: 1) preventative services to ensure children are supported to avoid entering foster care, and 2) preventing children from entering congregate care. However, the bill falls short of implementing the intent of FFPSA and CCR to keep children in families and does not ensure equitable treatment of probation-supervised youth in foster care. YLC has been actively involved in the development of CCR and in monitoring the FFPSA implementation plan to ensure a child-centered approach that keeps and supports children in families.

YLC's comments regarding coordination and timing of key elements of the placement decision-making process focus on revisions to allow all elements to be properly considered prior to the placement decision so that children are not disrupted and subjected to unnecessary placement moves that do not meet their needs. For example, the bill calls for a qualified individual (QI) to conduct a comprehensive clinical assessment of the child within 30 days after placement in a Short Term Residential Therapeutic Program (STRTP). YLC is recommending, with the exception of emergency placements, that this assessment be conducted prior to placement in order to consider the QI's findings and recommendation in the placement decision and avoid unnecessary placements in STRTPs. Additionally, youth, parent, and child and family team (CFT) member engagement should occur throughout case planning, and the input of these individuals should be considered not only before STRTP placements, but in all placement and other decisions in the case-planning process.

YLC's equity comments primarily concern aligning the foster care case-planning requirements for probation-supervised foster youth, including requirements regarding the timing and coordination of key elements, with the process for child welfare-supervised youth. Federal foster care law requires that foster youth, whether supervised by child welfare or probation, must be treated equally. The case-planning process begins as early as before a child is removed from home for child welfare-supervised youth. However, in practice, the process for probation-supervised foster youth does not begin until as late as disposition. YLC's recommendations include making clear that probation can make emergency foster care placements with relatives or non-related extended family members (NREFMs) pursuant to a detention order, clarifying the role of CFTs in the case-planning process, and requiring documentation of CFT meetings in the case plan. The FFPSA implementation framework should include equitable provisions that require case planning to start as early as possible, continue throughout the case, engage youth and families, and coordinate and consider input from stakeholders prior to STRTP placement.

YLC has been actively involved in the development of CCR and monitoring the FFPSA implementation plan to ensure a child welfare approach that supports children in families. A coordinated case planning process where all necessary information is considered before a child is placed in a residential facility and equitable treatment for probation-supervised foster youth are essential in achieving CCR's goals. YLC will continue monitoring California's implementation of FFPSA in hopes of achieving a framework that benefits all children at risk of or in foster care.