



**CENTER FOR NATIVE  
AMERICAN YOUTH**  
AT THE ASPEN INSTITUTE

## Center for Native American Youth Roundtable:

Child Welfare in Tribal Communities: Implementing  
The Family First Prevention Services Act  
*May 14<sup>th</sup>, 2018*

### KEY FINDINGS

- It is imperative that our society and laws prioritize maintaining family ties, connections, and structures whenever possible. It is equally important that we do so in a way that honors a diversity of family structures.
- Federal and state governments must emphasize tribal consultation as they implement the Family First Prevention Services Act. Moreover, they must allocate necessary funds to properly train and support staff responsible for tribal relations.
- The Family First Prevention Services Act provides a new opportunity for tribes to receive Title IV-E Funding for prevention services. Tribes who currently do not have a Title IV-E state agreement and are interested in these funds should reach out to their state's child welfare agency to learn more about what services and programs are covered, and how the state plans to implement the Act.
- Although much of the new law still remains vague, particularly as it relates to tribes, it is critical that state child welfare agencies keep in close communication with tribes as they draft their state plans.
- The Family First Prevention Services Act has the potential to greatly benefit tribes, helping to provide prevention services, however, this is not inevitable. Federal, state, and tribal parties must work collectively and cooperatively in the implementation of this Act and prioritize meaningful tribal consultation as they proceed.

### **JADE TILLEQUOTS – NATIVE FOSTER YOUTH ADVOCATE**

- At the age of 4 I was taken from my biological mother and placed in the foster care system with my little sister. I was not told what was happening but I was just relieved I was with my sister.
- While in this placement I was physically and verbally abused and neglected. To this day I am shaken when someone raises their voice at me, as it evokes horrible memories of my time being abused in foster care.
- Thankfully others who shared this placement with my sister and myself spoke out about this treatment and an investigation ensued. I am very thankful that my time in this placement lasted only 4 years.

- After those four horrible years, my sister and I moved into our biological auntie’s house.
- Although I was relieved to be leaving my horrible foster placement, my transition into my auntie’s home was far from easy. When I first went to the dentist they threatened to report my auntie for neglect because my teeth were so bad, a lingering effect from my previous placement.
- Additionally, I was so scarred from my previous placement that I remained incredibly untrusting of adults. I did not receive any counseling or services to help me cope with my horrific experience, and to this day I still struggle with the traumas endured in those 4 years of my original placement.
- I do not remember ever meeting my case-worker and I was never made aware that I was eligible for any services. Because I knew nothing else this was normal to me, but I now know this is not the case. No child should have to endure such an upbringing, and no child should cope with such trauma alone.
- I believe that the Family First Prevention Services Act would have helped me receive the services that I needed for the trauma I faced and the transition I have been faced with. Additionally, my parents would have gotten help as well, and perhaps we could have remained together.
- In the absence of any therapy or services, I was able to endure these conditions only because I was with my sister. At times she was the only person who kept me going and I do not know where I would be without her. Keeping families together is critical, especially when children must be removed from their biological parents.
- I am very pleased that the Family First Prevention Services Act has been passed but it is critical that tribes and states educate not only their own government about these programs but their people as well—services and programs mean nothing unless they reach those whom they are designed to serve.
- As a society we must prioritize protecting our children and keeping families together. My connection to my family has been the single greatest contribution to my healing process.

***JOHN SCIAMANNA – VICE PRESIDENT OF PUBLIC POLICY, CHILD WELFARE LEAGUE OF AMERICA***

- States have the option to use Title IV-E funds to provide prevention and intervention services and programs for up to 12 months.
- These services must be evidence-based mental health prevention and treatment services, substance abuse prevention and treatment services, or in-home parent skill-based programs.
- The following individuals and families are eligible for Prevention and Family Services under Title IV-E: (1) a child who is a candidate for foster care who can remain safely at

home or in kinship and is identified as being at imminent risk of foster care; (2) a child in foster care who is either pregnant or parenting; and (3) parents or kin-caregivers who need services to prevent the candidate for foster care from entering care.

- These Title IV-E services and programs must be trauma-informed and be “promising”, “supported”, or “well-supported” (see below.) Promising Practices must be based on at least one study that uses some form of a control group
- Supported Practices must be based on the results of at least one study that used a random control or quasi-experimental trial; carried out in a usual care of practice setting; and sustained an improved outcome for at least 6 months beyond the end of treatment.
- Well-Supported Practices must be based on the results of at least 2 studies that used a random control or quasi-experimental trial; carried out in a usual care of practice setting; and sustained an improved outcome for at least one year beyond the end of treatment.
- By October 1, 2018 the Department of Health and Human Services will release the practice criteria required for these services and programs, as well as a pre-approved list of services and programs.
- The new law requires states to write a state plan, which is to outline how providing services & programs are expected to improve specific outcomes for children and families; how the state will monitor and oversee the safety of children who receive the services; a list of the services and programs provided, and who they’re targeting; and training and support programs for the state’s child welfare workforce.
- The new law allows for tribes with a Title IV-E program to begin using IV-E funds for prevention services.
- HHS must permit programs and services adapted to the culture and context of the tribal communities served.
- Under the Family First Prevention Services Act a Qualified Residential Treatment (QRTP) program must use a trauma-informed treatment model, and have licensed nursing or clinical nursing staff available 24/7.
- QRTPs must also have a family outreach component, and must have a post discharge plan lasting at least 6 months.
- When a QRTP is not appropriate the state has 30 days to provide the child with an alternate form of care.

**JACK TROPE – SENIOR DIRECTOR, INDIAN CHILDREN PRGRAMS, CASEY FAMILY PROGRAMS**

- Much of the new law has yet to be interpreted by the Children’s Bureau, particularly regarding issues related to tribes. It is critical that the Children’s Bureau consults tribes

and allows them the opportunity to provide input on the implementation of the new law.

- It is unclear whether or not tribes who do not receive direct Title IV-E funding, and who reside in a state choosing not to implement Family First programming, will be afforded other mechanisms to receive funding through the Family First Prevention Services Act.
- Although the law makes it clear tribes are able to create culturally adaptive programming for their people, it is unclear how broadly this provision will be interpreted. Furthermore, it is unclear if this provision will be applied in the same way to direct-funded tribes as it is with Title IV-E agreement tribes.
- The Children's Bureau must provide performance measures specific to tribes that are consistent with those for states to the extent possible, and are considerate of factors unique to the provision of services by tribes.
- Unlike states, the implementation date for tribes is not fixed, regardless of whether the tribe is direct-funded or accesses Title IV-E funds through a tribal-state agreement. The law allows tribes to have as much additional time as the Secretary determines is necessary, but it is still unclear how this provision will be interpreted.
- It is unclear what sort of technical assistance the Children's Bureau will provide to tribes to help properly implement the law.
- Funding for Kinship Navigator programming will be available to tribes operating Title IV-E directly on an entitlement basis if they submit an application.
- The new law also provides funding for substance abuse grants, which tribes are still eligible for.
- Tribes are also eligible for new Foster Care Recruitment grants, which prioritize jurisdictions with high numbers of children in non-family settings.
- With new funds and resources available to states under the new law there is the opportunity to bolster the proper implementation of the Indian Child Welfare Act.
- Tribes are exempt from the requirement in the new law that Title IV-E programs must have an electronic system dealing with intern-state transfers.
- With the new law there is the potential for tribes without Title IV-E agreements to contract only for preventative services programming. There is no need for eligibility determinations or cost allocation systems.
- The Children's Bureau will be providing further program guidance related to evidence-based programming and licensing in October 2018. There is no timeline for when they will provide guidance on other issues.

***SHERRIL KUHNS – FEDERAL POLICY AND RESOURCES MANAGER, OREGON STATE CHILD WELFARE PROGRAM***

- The first Title IV-E Agreement between Oregon and an Oregon tribe was signed in 1996.

- The biggest roadblock to successful implementation of Tribal Title IV-E Agreements is the State did not have dedicated staff. Without dedicated staff to properly implement the IV-E programming, Oregon was unable to provide the training and support necessary for tribes to receive Title IV-E reimbursements.
- In 2006 Oregon created two dedicated staff for the Tribal Title IV-E Agreements: (1) the Federal Tribal Liaison, who provides training, daily technical assistance and processes the Tribe's Title IV-E Administrative reimbursement; and (2) the Tribal Title IV-E Specialist, who completes Title IV-E eligibility determinations for all Tribes and assists the Federal Tribal Liaison to enter required information into the Oregon Child Welfare system to obtain the Title IV-E foster care maintenance reimbursement
- It is critical that states provide their workforce with the resources necessary to properly implement Title IV-E agreements with tribes.
- In preparation for implementing the Family First Prevention Services Act, Oregon plans to meet with each of the tribes individually to discuss the new provisions of the law, and the potential benefits of implementation.
- In these meetings Oregon also wishes to develop procedures and processes with the least of amount of administrative burden on the Tribe while ensuring compliance with the federal regulation.
- It is still unclear what prevention services HHS will allow tribes to implement, and how tribes may go about creating culturally adaptive programming for their people.
- Currently, Oregon's IV-E agreements include the State providing the general fund match for foster care maintenance reimbursement, although it is unclear if Oregon will do the same for prevention services under the new law.
- In order to properly implement and uphold the new law it is critical that Oregon create a new position dedicated to Title IV-E Family First Prevention Services provision of Oregon's Tribal Title IV-E Agreements.

### ***PROGRAM SPOTLIGHT: FAMILY SPIRIT***

The in-home parenting program [Family Spirit](#) is the only evidence-based home-visiting program recognized by HomVEE designed for and by tribal communities. It has evidence to address maternal stress, substance use, depression and behavior problems, while promoting children's earliest social, emotional and behavioral development. Family Spirit is being implemented across the country in over 100 tribal communities across 19 states and can be considered by tribal welfare systems as part of the new "Family First" Title IV E legislation that will allow tribes to allocate some of their child welfare funds for evidence-based early childhood home-visiting interventions to prevent child abuse, neglect and risk of having children placed in congregant foster care.

**For more information** about how to bring Family Spirit to your community, please contact Program Manager for Outreach, Training and Implementation, **Crystal Kee** at [ckee1@jhu.edu](mailto:ckee1@jhu.edu) or **928-674-3911**.

## **RESOURCES**

- [Child Welfare League of America Overview](#)
- [Children's Defense Summary](#)
- [Children's Bureau Information Memorandum](#)
- [Federal Register Call for Comments](#)
- [Family Spirit Website](#)
- [Family Spirit Resource Page](#)
- [National Indian Child Welfare Association Policy Update](#)
- [Casey Family Programs Summary](#)
- [First Focus Short Summary](#)
- [First Focus Section Summary](#)