

New Guidance on Community Pathways from the Children's Bureau

On February 28, 2023, the U.S. Administration for Children and Families (ACF) Children's Bureau released a [Letter to Child Welfare Directors](#) that includes, "resources to aid jurisdictions as they develop their plans, including links to prevention plans that have been approved, sample program plans, resources for tribes, and responses to policy questions." The letter is a useful resource to states and tribes who are developing Five Year Title IV-E Prevention Services Plans, and to all who are considering future amendments to their submitted or approved plans.

States and tribes have taken a variety of approaches to how they are implementing the Family First Prevention Services Act (Family First). One of the strengths of the law is that it allows every state and tribe to submit their own plan, outlining their goals and objectives for Title IV-E preventive services, and defining which services they will fund through the Title IV-E and which children and families will be eligible to receive these services. This approach allows state, tribe, and community specific approaches to implementing the law and allows jurisdictions to learn from one another as different approaches are proposed and tested over time.

In page 6 of the February 28th letter, the Children's Bureau includes a discussion of recent updates to the Child Welfare Policy Manual (CWPM). These updates are of **particular interest and importance to jurisdictions who are providing, or planning to provide, Family First prevention services to children who are served by community organizations and not known to the child welfare agencies**, also known as a "Community Pathway." In framing these changes to the CWPM, Children's Bureau says:

"When designing Title IV-E prevention plans, we encourage jurisdictions to consider how to use the flexibilities that the Social Security Act provides, including in terms of how to define "foster care candidate," so that Title IV-E agencies and their community partners can provide Title IV-E prevention services to as many eligible individuals and families as possible."

Below are key takeaways from the clarifying questions and answers included in the February Letter to Child Welfare Directors.

Federal guidance states,

"States and tribes have the flexibility to define and operationalize the concept of 'imminent risk' in a way that fits within the scope and goals of the agency's 5-year title IV-E prevention plan, consistent with the statute."

What does this new guidance mean?

The Child Welfare Policy Manual (CWPM) §8.6 Eligibility has been updated to reinforce the language of ACYF-CB-PI-18-09, that the Children's Bureau is not further defining the phrase "candidate for foster care" as it appears in the law or further defining the term "imminent risk" of entering foster care. In this answer, the Children's Bureau indicates states and tribes have the flexibility to **define** and **operationalize** imminent risk in a way that is consistent with their Five Year Title IV-E Prevention Services Plan, and consistent with the statute.

States and tribes have taken different approaches to how they define a candidate in their Five Year Title IV-E Prevention Services Plans. Some states are taking a more **literal** approach to defining a candidate who is at

imminent risk of placement into foster care, meaning that they are defining imminent risk to mean that the child could be placed in foster care immediately. Under that definition, the children who are defined as candidates in the state plan are already known to the child welfare agency through child protective services or with an active in-home case. Other states are taking a more **functional** approach to defining a candidate, meaning that they are looking at both the FFPSA and the actions of the Children's Bureau to inform their definition of candidacy and imminent risk. For example:

- Within Family First, the law states that services can be provided to an eligible child and family that, “are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care¹” (emphasis added) and that the Clearinghouse “shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement²” (emphasis added). In these definitions, the services funded through the Title IV-E prevention program can support outcomes like improving child well-being, preventing abuse and neglect, and reducing the likelihood of placement as a future probability of occurrence in addition to occurrence in real-time.
- ACF chose to include an expansive definition of services that could be approved on the Title IV-E Prevention Services Clearinghouse in OPRE Report 2019-56, “Title IV-E Prevention Services Clearinghouse, Handbook of Standards and Procedures, v 1.0” (the Handbook³). The Handbook does not define target populations, but rather identifies target outcomes, including child safety, child permanency, child well-being and adult well-being. Additionally, evidence-based programs designed for upstream primary prevention of child abuse and neglect are included.

A more functional definition of candidate that aligns with the services approved on the Clearinghouse that are designed for children upstream of child welfare could mean that a state or tribe defines a candidate as a child who has been, or whose caregiver:

- Has been assessed to be in need of a specific evidence-based practice (EBP)
- The EBP is approved on the Clearinghouse
- The EBP is included in the state’s approved Five Year Title IV-E Prevention Services Plan, and
- The EBP is included in the child specific prevention plan

Additionally, the CWPM §8.6c clarifies that organizations external to the Title IV-E agency, when under contractual agreement, may conduct an assessment of need for an EBP and to inform the candidacy determination by the Title IV-E agency, providing further guidance that a child or family need not enter Title IV-E funded Family First services through the child protective services (CPS) hotline or other direct CPS engagement⁴.

Federal guidance states,

“There is no requirement in the statute that the title IV-E agency have an open child welfare case for a child who is receiving title IV-E prevention services. The title IV-E agency, however, must still meet the requirements of the agency’s title IV-E prevention 5-year plan regarding these children.

For example, section 471(e)(5)(B)(ii) of the Act requires that the agency describe how it will monitor and oversee the safety of children receiving title IV-E prevention services in the 5-year plan. This must include periodic risk assessments throughout the 12-month period, and if the risk of the child entering foster care remains high despite the provision

¹ Social Security Act §471(e)(1)

² Social Security Act §476(d)(2)

³ https://preventionservices.abtsites.com/themes/ffc_theme/pdf/psc_handbook_v1_final_508_compliant.pdf

⁴ [Child Welfare Policy Manual Section 8.6.c.1](#)

of the services, the agency must reexamine the child’s prevention plan during the 12-month period. While the statute does not specify who must conduct the periodic risk assessments, the agency must ensure that it can fulfill its responsibility to examine the prevention plan as necessary based on these risk assessments and provide oversight.”

What does this new guidance mean?

In this guidance, ACF makes explicit that states and tribes’ Five Year Title IV-E prevention services plans can extend services into the community to children and families who are not known to the CPS system. This flexibility aligns with many of the types of services that are approved on the Clearinghouse and demonstrate outcomes related to child and family well-being, including preventing abuse and neglect.

With regard to safety monitoring and risk assessment, states and tribes including a Community Pathway in their Five Year Title IV-E Prevention Services Plans could consider how they can leverage the existing safety monitoring and risk assessments that are embedded in the community-based organizations with whom they contract and within many of the approved EBPs. Relying on community-based organizations and EBP service providers for assessment and services is a strategy for building trust, reducing the over-reliance on intrusive surveillance methods, and increasing family engagement in service uptake and completion. In these instances, states and tribes can describe these safety and risk assessment components in their Five Year Title IV-E Prevention Services Plan as to how they will meet the safety monitoring and risk assessment requirements—there is no need to layer on an additional set of safety and risk assessments or additional documentation. The guidance allows states to design their own criteria and protocols for elevating cases to child welfare when “the risk of the child entering foster care to be high despite the provision of services or programs.” This provides the opportunity for states to define clear protocols whereby elevated risk will be addressed with additional supports and services when appropriate, rather than channeling all such cases to the hotline and reinforcing the system’s existing over-reliance on the investigative response.

Federal guidance states,

“Section 471(e) of the Act does not address what, if anything, the title IV-E agency must communicate to parents about a child’s eligibility for title IV-E prevention services and status as a candidate for foster care. The law specifies only that a child’s eligibility for title IV-E prevention services as a candidate for foster care who is at imminent risk of entering foster care absent the provision of title IV-E prevention services must be documented in the child’s title IV- E prevention plan (section 471(e)(3)(A) of the Act). However, good practice dictates that title IV-E agencies approach families with integrity. The IV-E agency should consider potential practice implications related to family engagement and agency transparency with involved families when providing prevention services.

What does this new guidance mean?

For all children who receive a Family First prevention service, states and tribes must complete a child specific prevention plan that identifies the EBP to be provided. The Family First Prevention Services Act provides no specificity regarding what additional information to include or how the plan is to be operationalized.

This guidance clarifies that language other than “imminent risk,” “candidate for foster care,” and “if not for this service, the plan for your child is foster care,” can be used in the child specific prevention plan and in communications with parents. For example, the child’s Title IV-E prevention plan might state that the child is “an eligible candidate for Family First prevention services per the candidacy definitions reflected in the state’s approved Title IV-E prevention plan”. Agencies may use strengths-based language that highlights how the services being provided will strengthen

the family and create a caring home in which children and caregivers will thrive. In some instances, the plan developed as part of participation in an EBP can serve as the child specific prevention plan.

Federal guidance states,

“Nothing in section 471(e) of the Act specifically requires title IV-E agencies to inform families about the details of the data collection and submission requirements of sections 471(e)(4)(E) and 471(e)(5)(B)(x) of the Act. Title IV-E agencies operating a title IV-E Prevention Program are required to collect and report child-specific data title IV-E prevention services (sections 471(e)(4)(E) and 471(e)(5)(B)(x) of the Act). As clarified in Revised Technical Bulletin #1 (published June 30, 2021), the information shared with ACF for the purposes of the title IV-E prevention data collection must use a unique child identifier number that is encrypted in accordance with ACF standards. This ensures the confidentiality of the children and families receiving title IV-E prevention services while allowing ACF to collect and analyze the data as required under 471(e)(6) of the Act.”

What does this new guidance mean?

Title IV-E agencies and community partners are not required to inform a family receiving prevention services that information about the child, services provided, and outcomes will be collected and shared with ACF. While states and tribes are required to report detailed child-specific information regarding prevention services, as described in [Technical Bulletin #1](#), no direct identifiers, which could be used on their own to identify a child, have to be submitted to child welfare or federal authorities. When a community-based agency provides prevention services to a child or family, the state/tribe is not required to share that child or family’s name, social security number, or other information that is unique to the child or family. States and tribes should consider how to collect information about children and families served by community-based agencies that protects the identity of the children and families. Since identifying information is not required in federal reporting, and because there are no disclosures required by law, ACF is allowing states and tribes to choose not to inform families about the details of the data collection and submission requirements under Family First.