

The Family First Prevention Services Act:

Key Implementation Issues and Strategies for Judges





This project was supported by Grant #15PJDP-21-GK0035-CATP awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice or the National Council of Juvenile and Family Court Judges.

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Suggested Citation: Barnett, R., Brindisi, K., Pearce, J., Rincón, F., Trowbridge, S. (2026). The Family First Prevention Services Act: Key Implementation Issues and Strategies for Judges. Reno, NV: National Council of Juvenile and Family Court Judges.

ACKNOWLEDGEMENTS:

The guide authors wish to express gratitude to those who participated in NCJFCJ's listening sessions on the Family First Prevention Services Act and Hon. Lyttonia L. Cunningham, Ret. Juv. Magistrate Judge, for her review.

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Introduction

The Family First Prevention Services Act (FFPSA) was signed into law as part of the Bipartisan Budget Act of 2018 “to provide enhanced support to children and families and prevent foster care placements. . . .”¹ This legislation represented a significant shift in federal child welfare policy by prioritizing prevention services, family-based placements, and improved oversight of residential treatment settings. The FFPSA restructured Title IV-E of the Social Security Act to allow states and tribes to use federal dollars for evidence-based mental health treatment, substance use services, and in-home parenting programs designed to keep children safely with their families whenever possible.² These changes required courts, agencies, and systems’ stakeholders to understand the new federal requirements, adjust local practices, and collaborate across systems to support effective implementation. The FFPSA also expanded support for kinship caregivers, strengthened older youth services under the John H. Chafee Foster Care Independence Program for Successful Transition to Adulthood, and required states to develop plans to prevent child abuse and neglect fatalities.³ Because the FFPSA fundamentally reshapes how child welfare systems deliver services, judicial officers across all court settings—state, tribal, and territorial—have a critical role in ensuring that the statute’s goals are achieved in practice.

Although child welfare agencies are primarily responsible for administering FFPSA, implementation of the Act directly affects core judicial functions. FFPSA influences reasonable efforts determinations, placement decisions—particularly for Qualified Residential Treatment Programs (QRTPs)—and court findings that may impact a jurisdiction’s ability to access federal Title IV-E funding. Judicial oversight is essential to ensure that statutory requirements are met in individual cases and that placements and services align with federal law and the best interests of children and families. Judges are uniquely positioned to identify gaps in services, hold agencies accountable to FFPSA mandates, use their convening authority to encourage cross-system collaboration, and implement best practices.

¹42 U.S.C. § 622 note.

²*Id.* at § 671(e).

³*Id.* at §§ 671(e), 673, 677.

The NCJFCJ's Enhanced Resource Guidelines (ERG),⁴ which are known as the best practices of child welfare courts, are closely aligned to the FFPSA's goals and objectives. When the FFPSA and the ERG's are used in tandem, they help reduce unnecessary removals, ensure children receive appropriately aligned services and placements, and enhance collaboration between courts and agencies. Jurisdictions may be at different stages of FFPSA implementation; many states have already had their initial five-year Title IV-E prevention program plan approved by the Children's Bureau but not all have submitted one;⁵ some states have already revised their initial Title IV-E prevention plans; and tribes may also opt in to Title IV-E prevention plans either where they are a direct IV-E jurisdiction or via a state tribal agreement on IV-E funding. This guide primarily speaks in terms of states because most tribes are not direct IV-E recipients. However, tribal courts should read the following with the understanding that all of these provisions could be relevant one of those two ways.



To inform this guide, the NCJFCJ gathered input from judicial officers and systems stakeholders from multiple jurisdictions through three facilitated listening sessions. Participants included current and retired judicial officers, attorneys, court improvement staff, and other child welfare systems stakeholders. The purpose of these sessions was to understand how judicial officers currently interpret and apply the FFPSA, how the Act is influencing court processes, and what implementation challenges or successes courts are experiencing. The feedback from these sessions helped shape the direction of this guide by highlighting common areas of uncertainty, identifying gaps in shared understanding, and raising practical questions courts are navigating as FFPSA implementation continues to evolve.

⁴ Sophie Gatowski et al., Nat'l Council of Juv. & Fam. Ct. Judges, *Enhanced Res. Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (2016).

⁵ "The state Title IV-E agency electing to provide the title IV-E prevention program must submit a five-year Title IV-E prevention program plan . . ." Admin. For Child. & Fams., U.S. Dep't of Health & Hum. Servs., *State Requirements for Electing Title IV-E Prevention and Family Services and Programs, Program Instruction 24-10* 5 (Dec. 20, 2024), <https://acf.gov/sites/default/files/documents/cb/pi-24-10.pdf> [hereinafter ACF Program Instruction 24-10]. The aforementioned *Program Instruction* by the Administration for Children and Families provides guidance on time frames and what must be included in a state's five-year Title IV-E prevention program plan. You can find the status of submitted Title IV-E prevention program five year plans by going to <https://acf.gov/cb/data/status-submitted-title-iv-e-prevention-program-five-year-plans>.



Major Provisions in the Family First Prevention Services Act

Prevention Services and Programs

There are a number of major provisions in the FFPSA that judges need to be aware of. The FFPSA focuses on services designed to prevent removal and provides funding to assist states and tribes in this effort. Under the FFPSA, participating states and tribes can request federal reimbursement of 50%⁶ for eligible prevention services and programs in the following areas: mental health prevention and treatment services, substance use prevention and treatment services,⁷ in-home parent skill-based programs which include parenting skills training, parent education, and individual and family counseling, and kinship navigator services.⁸ These services can be provided for up to 12 months to a child who is at serious risk⁹ for foster care, a pregnant or parenting foster youth, and the child's parents or kin caregivers, provided that the service or program would allow the child to remain safely in the home.¹⁰

⁶ The Administration for Children and Families has explained “[f]rom FYs 2020–2026, costs of Title IV–E prevention services are reimbursable at 50 percent FFP under title IV–E. Beginning in FY 2027, title IV–E prevention services are reimbursable at the applicable FMAP rate for the state.” Admin. for Child. & Fams., U.S. Dep’t of Health & Hum. Servs., *State Requirements for Electing Title IV–E Prevention and Family Services and Programs*, Program Instruction 24–07 11 (May 21, 2024), <https://acf.gov/sites/default/files/documents/cb/PI-24-07.pdf> [hereinafter ACF Program Instruction 24–07].

⁷ As of February 2, 2026, the Administration for Children and Families will allow states and tribes to utilize Title IV–E prevention services funding for certain FDA–approved Medications for Opioid Use Disorder (MOUD). If a state or tribe intends to add MOUDs to their prevention services array and they already have an approved Title IV–E prevention plan, a plan amendment must be submitted.

⁸ 42 U.S.C. § 671(e)(1). See also ACF Program Instruction 24–07, *supra* note 6, at 3.

⁹ For purposes of prevention services, states and tribes will define the terms around imminent risk. You will see the term ‘candidate’ in this regard. States and tribes may choose to follow the federal definition of candidacy for foster care or adopt their own definition. FFPSA defines a candidate for foster care as “a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 672 of this title or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 673 of this title) but who can remain safely in the child’s home or in a kinship placement as long as services or programs specified in section 671(e)(1) of this title that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.” 42 U.S.C. § 675(13). See also Am. Bar Ass’n Ctr. on Child. & the Law, *The Family First Prevention Services Act of 2018: A Guide for the Legal Community* 3 (Dec. 2020).

¹⁰ 42 U.S.C. § 675(13). The FFPSA allows these services to be provided for additional 12–month periods. ACF Program Instruction 24–07, *supra* note 6, at 4.

Additionally, prevention services and programs must meet certain requirements to qualify for reimbursement.¹¹ For example, services must be specified in advance in the child’s prevention plan, must be trauma-informed, and must be rated as promising, supported, or well-supported by the Title IV-E Prevention Services Clearinghouse (Clearinghouse).¹²

Restrictions on Children in Group Care

In addition to foster care prevention services and programs, the FFPSA placed restrictions on federal reimbursement for children in group care settings. “Under Family First, states and tribes may no longer access federal Title IV-E foster care funds to pay for a child’s stay in a traditional, nonspecialized group home or residential care setting after a two-week period.”¹³ Beginning in the third week, Title IV-E will only provide foster care maintenance payments to a state for children placed in one of the following placements:

- Q RTP¹⁴
- Specialized setting providing prenatal, postpartum, or parenting supports for youth;
- A supervised independent living setting for youth age 18 or older;
- High-quality residential care setting offering supportive services for children and youth who’ve either been a sex trafficking victim or are at risk of being sex trafficked.¹⁵



¹¹ See 42 U.S.C. § 671(e)(4) for the full list of requirements.

¹² *Id.* at § 671(4)(C).

¹³ ABA Legal Guide, *supra* note 9, at 18.

¹⁴ A qualified residential treatment program is defined, in part, as a program that “has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified by the assessment of the child required [under the Act].” 42 U.S.C. § 672(k)(4).

¹⁵ *Id.* at 42 U.S.C. § 672(k)(1), (2).



clinical assessments, trauma-informed treatment, family-driven treatment planning

The FFPSA established detailed requirements for QRTP placements including clinical assessments, trauma-informed treatment, family-driven treatment planning, as appropriate, and specific timelines for court review and approval.¹⁶ Regardless of the placement type, courts must still ensure that children are placed in the least restrictive, most family-like setting that meets their needs.¹⁷ The FFPSA also requires states, as part of their state plan, to establish protocols and procedures to prevent youth in foster care from receiving inappropriate diagnoses of mental illness or other conditions that would result in non-foster family home placements.¹⁸

Family Reunification Services

It is important to note that the FFPSA also allows states and tribes to receive Title IV-E payments for evidence-based kinship navigator programs.¹⁹ Additionally, subject to certain restrictions, the FFPSA allows Title IV-E foster care maintenance payments when a child is placed with their parent in a licensed residential family-based treatment facility for up to 12 months.²⁰ This provision supports family preservation by allowing parents to receive treatment while remaining safely together with their children. Additionally, “[t]he Family First Act expands the period when a family can receive reunification services available under Title IV-B. . . .”²¹



¹⁶ *Id.* at 42 U.S.C. § 675(c). See also ABA Legal Guide, *supra* note 9, at 22.

¹⁷ ABA Legal Guide, *supra* note 9, at 18.

¹⁸ 42 U.S.C. § 622(b)(15)(vii).

¹⁹ *Id.* at § 674(7).

²⁰ *Id.* at § 672(j).

²¹ ABA Legal Guide, *supra* note 9, at 30. See 42 U.S.C. § 629(a)(7) for the full list of family reunification services.



FFPSA Implementation Issues:

What Judges Should Know

Despite the Act's promise, several implementation issues have been identified which are preventing it from being fully utilized. For example, some jurisdictions are struggling with how to appropriately define or operationalize candidacy for foster care to ensure the appropriate individuals are receiving prevention services. Still others struggle with ensuring there are available services or specialized placements that meet the FFPSA's requirements.

Defining Imminent Risk

The definition around “imminent risk” of foster care entry²² will directly impact who is eligible to receive prevention services under the FFPSA. States and tribes can construct a definition that fits the nuances of their environment and are not required to follow the federal definitions.²³ As states are determining, or refining, their definitions, it's important to know how broadly or narrowly this is defined.²⁴ “Child welfare agencies must delicately balance using a threshold of ‘imminent risk of foster care entry’ that allows them to intervene to prevent child abuse and neglect, while avoiding being so expansive that families unnecessarily fall under child welfare surveillance.”²⁵

Understanding how your jurisdiction defines these in the FFPSA context is essential for judicial officers because these definitions determine who is eligible for Title IV-E prevention services which may in turn impact reasonable efforts determinations.

²² See also footnote 9.

²³ ACF Program Instruction 24–10, *supra* note 5, at 10.

²⁴ For helpful tips in defining candidacy see Ctr. for the Study of Soc. Policy, *Responsibly Defining Candidacy within the Context of FFPSA: Five Principles to Consider*, <https://cssp.org/wp-content/uploads/2025/03/Policy-Responsibly-Defining-Candidacy-FINAL-11182019.pdf>.

²⁵ Letter from Am. Pub. Hum. Servs. Ass'n to Hon. Ron Wyden and Hon. Mike Crapo, United States Senate Committee on Finance (June 5, 2024), https://aphsa.org/wp-content/uploads/2024/06/2024-06-05_Response-to-FFPSA-Senate-Finance-Committee-Hearing.pdf [hereinafter Letter].

Availability of Reimbursable Prevention Services and the Title IV-E Prevention Services Clearinghouse

In order for a state or tribe to claim reimbursement for prevention services, those services must be rated as “promising,” “supported,” or “well-supported” by the Clearinghouse.²⁶ One challenge states and tribes have encountered with the Clearinghouse is the pace with which services and programs are reviewed.²⁷ Additionally, the Clearinghouse’s evidentiary standards, while intended to ensure effectiveness, can present challenges for jurisdictions seeking to expand service arrays. For example, the demanding criteria can contribute to creating service gaps and limit services that match the needs of various communities.²⁸ Tribes, in particular, may struggle with the requirements because traditional healing practices often lack the Western-style longitudinal studies required for approval.²⁹ Importantly, the FFPSA does allow tribes some leeway in meeting the Clearinghouse’s strict requirements.³⁰ Judges should be aware of the exceptions that allow for adaptations and inquire about it when needed to address the service gaps.

As states and participating tribes are in different stages of FFPSA implementation, the exact number and type of services approved by the Clearinghouse will vary. Therefore, it’s helpful for courts to know about the prevention services array in their community, which includes things eligible under FFPSA.³¹ This is especially important if judges will be using that information to make reasonable efforts findings.³²

Funding and Reimbursement Challenges

Another challenge for some jurisdictions has to do with funding and ensuring they have the appropriate infrastructure in place to implement the FFPSA.³³ “Although FFPSA shifts funding toward prevention, **states must still invest upfront in expanding service capacity** before they receive full federal support. This creates financial strain, particularly for states with already limited child welfare budgets.”³⁴

²⁶ 42 U.S.C. § 671(e)(4)(c). You can search the Title IV-E Prevention Services Clearinghouse website to determine the status of programs or services that have been submitted. Admin. for Child & Fams., U.S. Dep’t of Health & Hum. Servs., *Title IV-E Prevention Services Clearinghouse*, <https://preventionservices.acf.hhs.gov>.

²⁷ Letter, *supra* note 25.

²⁸ *Id.*

²⁹ *Id.*

³⁰ ACF Program Instruction 24-10, *supra* note 5, at 5.

³¹ Cristina Cooper, Am. Bar Ass’n, Child and Practice Law Today, *Family First Prevention Services Act: Initial Implementation and Considerations*, (Jan.–Dec. 2022), https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january-december2022/family-first-implementation/.

³² *Id.* See also Am. Bar Ass’n Ctr. on Child. & the Law & Nat’l Council of Juv. & Fam. Ct. Judges, *Action Alert: Using the Family First Prevention Services Act to Strengthen Reasonable Efforts Determination*, 2 (June 2023), <https://www.ncjfcj.org/publications/judges-action-alert-using-the-family-first-prevention-services-act-to-strengthen-reasonable-efforts-determinations/>.

³³ Bipartisan Policy Center, *Overview of the Family First Prevention Services Act*, <https://bipartisanpolicy.org/issue-brief/overview-of-the-family-first-prevention-services-act/>; The Annie E. Casey Found., *Overview of the Family First Prevention Services Act*, Casey Connects (March 11, 2025), <https://aecf.org/blog/overview-of-the-family-first-prevention-services-act>.

³⁴ The Annie E. Casey Found., *supra* note 33 (emphasis added). “Additional financial support and technical assistance to build out the infrastructure to drastically increase claiming of IV-E prevention funds remains sorely needed.” Letter, *supra* note 25.

Additionally, even if a state opts in to receive federal reimbursement for prevention services under the FFPSA, **it will not cover the entire cost of those services.**³⁵ Therefore, “states and tribes may choose to provide a range of separate services that may not fall within these specific categories and are not eligible for federal reimbursement.”³⁶

An additional challenge jurisdictions may confront is difficulty understanding how the FFPSA interacts with other funding sources such as Medicaid.³⁷ While the court is not responsible for determining how to solve funding issues agencies may be encountering because of the FFPSA’s requirements, it is imperative that courts are aware of what other funding sources are out there. This guide will describe later in the publication how other funding sources intersect with the FFPSA.

Group Care Restrictions and Q RTP Judicial Oversight

Perhaps the most direct impact of the FFPSA for courts are the requirements around group care. For judicial officers, FFPSA introduces new responsibilities related to placement decisions, and oversight of children placed in a Q RTP. Courts need to ensure that if any youth on their docket are placed in a Q RTP, the court is making the required findings under the Act. A failure to make the required findings could impact the agency’s ability to receive reimbursement. Some jurisdictions have developed specialized resources such as bench cards or modified court order forms to better align with FFPSA requirements.³⁸ These revisions ensure that the necessary findings for Title IV–E reimbursement are accurately captured in the court record.

Given the stringent Q RTP requirements, “some facilities may struggle to meet the new requirements leading to a reduction in available placement options for children who need specialized care.”³⁹ Rural areas, in particular, struggle with a shortage of qualified placements. Additionally, some jurisdictions struggle with “[d]eveloping a sufficient array of family–based placement options to prevent unnecessary reliance on residential options, especially for youth with complex behavioral health needs.”⁴⁰ Courts need to know what, if any, placements in their jurisdiction qualify as a Q RTP and if none, whether their jurisdiction has the capacity to serve that population in the community.

³⁵ ABA Legal Guide, *supra* note 9, at 3 (emphasis added).

³⁶ *Id.*

³⁷ Cooper, *supra* note 31 (discussing Q RTPS and Medicaid coverage).

³⁸ For examples see Minnesota Judicial Branch, Family First Prevention Services Act (FFPSA) Tools and Resources, <https://mncourts.gov/help-topics/cji/ffpsa/tools-resources>; Ohio Supreme Court, *Qualified Residential Treatment Program (Q RTP) Level of Care Assessments: Toolkit for Judicial Use* (2021), <https://www.supremecourt.ohio.gov/docs/JCS/CFC/resources/Q RTPToolkit.pdf>; Admin. Office of the Court, Idaho Supreme Court, *Qualified Residential Treatment Program Bench Card* (Sept. 2022), https://isc.idaho.gov/bc/2024/child-Protection/2024-02/CP_Bench_Card_15_Qualified_Residential_Treatment_Program.pdf; Washington State Dep’t of Children Youth & Families, *Qualified Residential Treatment Program (Q RTP Process) Flow Chart*; http://www.dcyf.wa.gov/sites/default/files/pdf/02042020_Q RTP%20Process%20Flow%20Chart_Update.pdf.

³⁹ The Annie E. Casey Found., *supra* note 33; Bipartisan Policy Center, *supra* note 33.

⁴⁰ Bipartisan Policy Center, *supra* note 33.



Implementation Issues:

What Judges Can Do

While judges do not directly administer the FFPSA, they are an important stakeholder in the delivery of services and supports for at-risk families. As a leader and decision-maker in the justice system, judges should be knowledgeable about not only the needs of the children and families in their courts, but also about the resources available across the continuum of child welfare. With that in mind, there are a number of things that judges can do to ensure that FFPSA is being applied to its fullest extent.

Know What Services Have Been Provided Under FFPSA

Judges should work with their child welfare agencies and other key stakeholders to ensure that information regarding prevention efforts under FFPSA are available on an aggregate and individual case basis and communicate that expectation to agencies, attorneys, and service providers to ensure timely and effective case processing. Knowing what services a family has received before court involvement will provide judges with a clearer idea of what reasonable efforts should look like in that case going forward. Judges should also be informed of any barriers to providing prevention services.



Understand How FFPSA is Implemented Locally

Judges should be well informed about how FFPSA is implemented in their state and jurisdiction.⁴¹ This can include:

Reviewing their state's five-year Title IV-E prevention plan.⁴² If the state doesn't have a five-year plan, judges should inquire about the possibility of participating in the development of the plan.

Reviewing state-specific resources such as manuals, guides, training, and websites which explain what FFPSA implementation looks like in their state.⁴³

Meeting with your child welfare point of contact for FFPSA and asking the following questions:

What services are we currently accessing using FFPSA funding?

What barriers exist in accessing and coordinating FFPSA funding?

How many families annually are served with FFPSA funding?

What barriers exist in accessing the services child welfare clients need?

What is our definition of a candidate for foster care which determines who is eligible for accessing FFPSA prevention services funding?⁴⁴

What support, if any, does the agency need from the judiciary and the courts?

Ensure All System Stakeholders are Trained on FFPSA

Understand Other Child Welfare Funding Streams

Ensure State Level Judicial Voice

Judges can work with the child welfare agency and other key stakeholders to ensure cross-system collaboration and community service engagement.⁴⁵ Using the power of convening, judges can invite system stakeholders to work together to ensure that they have a robust continuum of services that take full advantage of the funding in FFPSA or work together to find ways to supplement FFPSA funding. For example, if a needed service is not currently approved to receive FFPSA funding, the stakeholder group can work together to remove barriers to access.

⁴¹ This should include knowing your state's laws and how they intersect with the FFPSA.

⁴² For an interactive map of the United States showing Family First Title-IV E prevention plans and enacted state legislation, see <https://www.ncsl.org/human-services/family-first-state-plans-and-enacted-legislation>.

⁴³ For examples of state-specific FFPSA websites see Colorado's CO4Kids at <https://cofamilyfirst.org/prevention-services/>; California Dep't of Soc. Servs. at <https://cdss.ca.gov/inforesources/cdss-programs/ffpsa-part-iv/overview>; New York State's Office of Children and Family Services at <https://ocfs.ny.gov/main/sppd/family-first.php>.

⁴⁴ ABA Legal Guide, *supra* note 9, at 5–6.

⁴⁵ Shirley A. Dobbin et al., *Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System* (2004), <https://www.ncjfcj.org/publications/building-a-better-collaboration-facilitating-change-in-the-court-and-child-welfare-system/>; see also Gatowski, *supra* note 4.

Ensure All System Stakeholders are Trained on FFPSA

Judges should ensure that FFPSA is part of their larger court training plan. The Court Improvement Program (CIP) was established as part of Title IV–B of the Social Security Act to support ongoing assessment and implementation of strategic improvements in child welfare legal and judicial processes.⁴⁶ Training on QRTPs is specifically in scope for CIPs and, as such, most CIPs will have jurisdiction specific resources available on FFPSA.⁴⁷ Judges are uniquely positioned to advocate for and convene system–wide training on FFPSA.

Understand Other Child Welfare Funding Streams

Everyone in the child welfare system does not need to be an expert on all of the various funding streams available for child welfare services, however, all of the professionals should have a broad understanding of what is available. While it is beyond the scope of this guide to cover all of those funding streams, there are several that intersect in a particularly strong way with the FFPSA and provide opportunities for court involvement. One such example is Title IV–E legal representation.

• Title IV–E Legal Representation

States and tribes can receive federal funding for attorneys to support their work on child welfare cases under Title IV–E.⁴⁸ This funding is available for representation for the agency, parents, children, and relatives. It covers representation when children are in care as well as prevention cases where a “child is at serious risk of removal from their home.”⁴⁹ This funding also supports attorney work in and around “other civil legal proceedings as necessary to carry out the [case plan] requirements....”⁵⁰ This funding is available to states and tribes including tribes via state–tribal IV–E agreements and in Indian Child Welfare Act cases. Given those parameters, Title IV–E Legal Representation intersects with FFPSA in several ways including, for example, around preventing removal, independent investigations of the appropriateness of placements, and advocacy and support around independent living needs.

The availability of this funding is relatively new. To access this funding, an amendment must be made to the state or tribe’s overall funding plan.⁵¹ While the child welfare agencies are ultimately responsible for federal claiming, courts–particularly through their leadership role–may benefit from understanding whether and how this funding is being used in their jurisdiction. Tribal courts also may want to start the discussion with agencies, CIPs, or in any tribal–state partnership forums regarding the availability and use of Title IV–E legal representation funding.

⁴⁶ Admin. for Child. & Fams., U.S. Dep’t of Health & Hum. Servs., *Instructions for State Courts on Applying for State Court Improvement Program Funds for Fiscal Year 2026, Program Instruction 25–06* (May 12, 2025), <https://acf.gov/sites/default/files/documents/cb/pi-25-06.pdf>.

⁴⁷ 42 U.S.C. § 629h (2022) (b)(1) (2025).

⁴⁸ Foster Care Legal Representation, 89 Fed. Reg. 92,40400 (May 10, 2024) (to be codified at 45 C.F.R. pt. 1356), <https://www.federalregister.gov/documents/2024/05/10/2024-09663/foster-care-legal-representation>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Admin. for Child. & Fams., U.S. Dep’t of Health & Hum. Servs., Information Memorandum IM–21–06: Title IV–E Prevention Program and Title IV–E Foster Care Legal Representation (July 9, 2021), <https://acf.gov/sites/default/files/documents/cb/im2106.pdf>.

• Regional Partnership Grants

Regional partnership grants support multi-systemic approaches to improving outcomes for children who are in, or at risk of, entering foster care due to parental substance use. Previously, most of these grants had been awarded to child welfare agencies, in partnership with treatment providers, and courts have sometimes been part of these partnerships.⁵² In January 2025, the federal law supporting these grants was modified to require courts to be partners in the grants.⁵³ Furthermore, though courts have been eligible to lead these projects, this change makes it more likely that courts might be selected to lead.



Ensure State Level Judicial Voice

Judges should ensure that judicial voice is part of the FFPSA planning and implementation process. Whether a state is currently implementing their five-year plan, planning for their initial five-year plan, or preparing their next five-year plan, the inclusion of the judicial perspective is vital. If a representative from the judiciary is not already part of the planning process, judges should consider volunteering and making themselves available to participate. Often agencies are unsure if the court is interested in, or how to ask for, judicial participation.

The Child and Family Services Review (CFSR)⁵⁴ is one area for courts to provide leadership around the topics covered by FFPSA. While the CFSR does not focus solely or specifically on FFPSA, it is an opportunity for judicial leadership to provide a voice that bridges the statewide policies and procedures with the needs of local jurisdictions.⁵⁵ The December 2025 CFSR technical bulletin also provides key details as to state flexibilities (link below).⁵⁶

⁵² See Admin. for Child & Fams., U.S. Dep't of Health & Hum. Servs., Regional Partnership Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Substance Abuse: Seventh Report to Congress, <https://rpg-cse.acf.gov/sites/default/files/2024-03/RPGSeventhReportCongress508.pdf>.

⁵³ Supporting America's Children and Families Act, Pub. L. No. 118-258, §105, <https://www.congress.gov/118/plaws/publ258/PLAW-118publ258.pdf>.

⁵⁴ 42 U.S.C. § 1320a-1a(a)(1) (2022); 45 C.F.R. Parts §§ 1355.31-1355.39 (2022).

⁵⁵ The Children's Bureau provided a quick guide for courts on how to connect to the CFSR process as part of the most recent round of reviews. Admin. for Child. & Fams., U.S. Dep't of Health & Hum. Servs., *Child and Family Services Review (CFSR) Fact Sheet: Legal and Judicial*, <https://acf.gov/sites/default/files/documents/cb/cfsr-fact-sheet-legal-judicial.pdf>.

⁵⁶ Children's Bureau, CFSR Technical Bulletin No. 14 (Dec. 19, 2025), <https://www.cfsrportal.acf.hhs.gov/document/download/WdZJrn>.

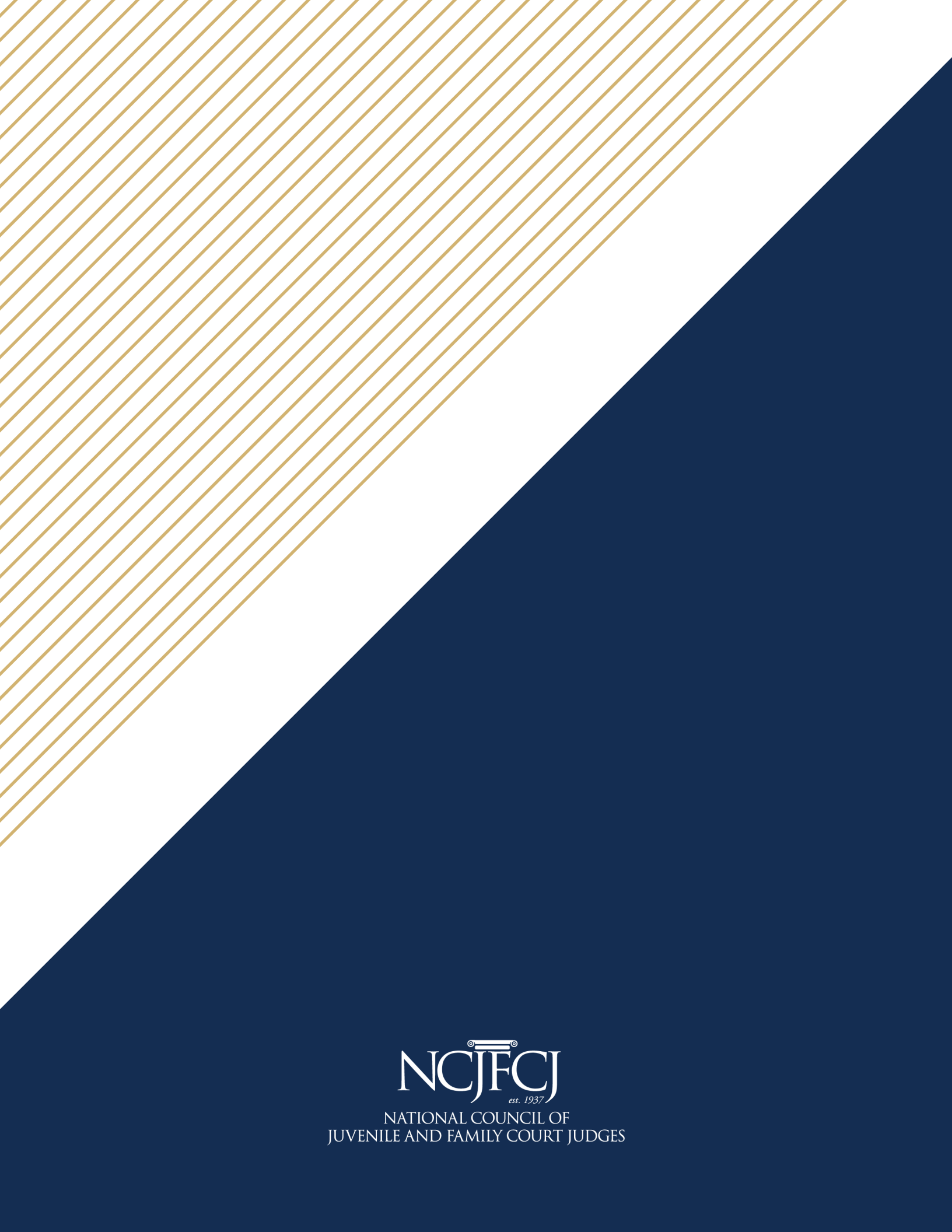


Conclusion

FFPSA offers courts a significant opportunity to strengthen family-centered practice and improve outcomes for children and youth. By understanding the Act's prevention service framework, placement limitations, and Q RTP oversight requirements, judicial officers can help ensure that families receive timely and appropriate services and that children are placed in settings that best support their safety and well-being.

Successful implementation of FFPSA requires ongoing collaboration among courts, child welfare agencies, attorneys, tribes, service providers, and community partners. Judges can support this work by participating in FFPSA steering committees, engaging with CIPs, reviewing updated forms and procedures, and staying informed about available prevention services and placement options.⁵⁷ As states and tribes continue to refine their FFPSA plans and expand service capacity, judicial leadership remains essential to ensuring that the goals of FFPSA—strengthening families, reducing unnecessary foster care placements, and improving the quality of residential treatment—are fully realized.

⁵⁷ Am. Bar Ass'n Ctr. on Child. & the Law, *Tool for Engaging the Legal Community in Implementing the Family First Prevention Services Act* (2020), https://www.americanbar.org/content/dam/aba/administrative/child_law/ffpsa-tool-legal-community-engagement.pdf; Connie Hickman Tanner & Hon. Karen Howze, Nat'l Council of Juv. & Fam. Ct. Judges, *The Role of the Court in Implementing the Family First Prevention Services Act of 2018* (2018), <https://www.ncjfcj.org/publications/the-role-of-the-court-in-implementing-the-family-first-prevention-services-act-of-2018/>.



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