

Youth Justice and the Family First Prevention Services Act

**INSIGHTS FROM A CONVENING OF
STATE & NATIONAL YOUTH JUSTICE
ADVOCATES**

July 2020

CAMPAIGN FOR YOUTH JUSTICE | WITH SUPPORT FROM THE ANNIE E. CASEY FOUNDATION

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Introduction

In May and June 2020, the Campaign for Youth Justice, with support from the Annie E. Casey Foundation, convened state youth justice advocates from across the country, individuals who have been impacted by youth justice involvement, and national stakeholders to discuss the Family First Prevention Services Act (Family First). Over the course of three 90-minute virtual meetings,¹ the group discussed the law's potential impact on youth involved (or at risk of involvement) with their states' youth justice systems.

The overarching goals of the meetings were to:

- Learn more about how states were involving youth justice stakeholders and impacted youth in their work to implement and plan the implementation of Family First;
- Discuss potential opportunities and concerns raised by Family First for youth involved in the justice system, given the status of implementation as of our meetings; and
- Better equip state youth justice advocates to seize opportunities and avoid possible negative impacts related to Family First.

As of May 2020, several states were already actively implementing Family First and many others were in the process of planning their own implementation. We did not expect, over the course of three brief meetings, to "fix" the long-standing problems in the child welfare and juvenile justice systems, nor to dramatically alter current state efforts around Family First. Instead, we wanted to equip youth advocates to leverage opportunities presented by the law, to be prepared to fight against unintended consequences, and to share ideas with peers from other states.

Our meetings assumed that participants had a baseline understanding of the core provision of the law itself, and several resources were shared in advance of the meeting (and are listed in Appendix A of this document). We did share a brief update on implementation of the law as of May 2020, as well as additional resources on specific topics that came up throughout our conversations (also included in Appendix A). Throughout all of the conversations, all participants were clear that the focus was on child welfare and juvenile justice system improvement, and that although Family First was a tool for achieving that, its provisions were a floor, rather than a ceiling, on system improvements.

Family First Implementation in States; Advocates' Roles

"I'm interested in how to utilize Family First to support all the efforts we're making to get youth out of placement but also making sure there are community family-based placements if they are needed and that money is put into enhanced community-based services...because if we had more of that available it would get kids out as well as keep kids from (re-)entering." -Meeting Participant²

"We are working through how we can integrate therapeutic foster care and family-based care as an alternative to institutional care for youth who have been adjudicated delinquent. We are also looking at the issue of candidacy and how to effectively frame that. There's great concern, as I'm sure there is in other jurisdictions, about making sure the definition is not too big, too wide, sweeping up too many families, so finding the right balance is important. We're also looking at family engagement, thinking about how we respond to the services and supports families tell us they want and need." -Meeting Participant

¹ The group originally planned to have a one day in person convening, but the meeting was delayed and switched to an online gathering due to COVID-19.

² All quotes have been lightly edited for length and clarity.

“A lot of the Family First discussion in my state has centered around substance abuse, which is an opening for juvenile justice because so many of our youth and families also struggle with that.” -Meeting Participant

The states represented in our meetings were at different points in Family First implementation, and had engaged youth justice advocates to different degrees. Some states had already had their prevention plans approved by the Children’s Bureau and were already implementing Family First; others had draft plans, and some were still in the early stages of discussing and planning. Some of the advocates in our discussions were directly involved in planning and implementation efforts, such as serving on relevant state or local workgroups. Other advocates shared that they had heard very little about what their state

Family First Act Implementation as of May 2020

During our meetings, we shared a snapshot of the implementation of Family First as of our meeting dates. This included sharing that, as of May 2020:

- 6 jurisdictions’ prevention plans had been approved by the federal Children’s Bureau:
 - Arkansas
 - District of Columbia
 - Kansas
 - Kentucky
 - Maryland
 - Utah
- 7 additional states and tribes had submitted prevention plans to the Children’s Bureau:
 - Alaska
 - Aleut Community of St. Paul Island, AK
 - Eastern Band of Cherokee Indians, NC
 - Nebraska
 - Virginia
 - Washington
 - West Virginia
- Numerous interventions had been rated promising, supported, or well-supported by the Title IV-E Prevention Services Clearinghouse, including:
 - Brief Strategic Family Therapy
 - Functional Family Therapy
 - Homebuilders
 - Motivational Interviewing
 - Multisystemic Therapy
 - Trauma-Focused Cognitive Behavioral Therapy
- Three additional interventions had been approved for transitional payments through the Children's Bureau's independent systematic review process:
 - Family Centered Treatment (FCT)
 - Sobriety Treatment and Recovery (START)
 - YVIntercept

was doing to plan for implementation and had no personal involvement. One advocate noted that she sits on a statewide crossover youth task force but had not yet heard any conversations about Family First planning. Several advocates expressed interest in learning more about Family First in their state, and in getting involved in implementation planning. Meeting facilitators were able to provide contact information for relevant leaders in each state, provided by the Annie E. Casey Foundation.

Child welfare and youth justice

In our discussions about Family First, there was an acknowledgment that many youth become involved in both systems, or could become involved in either system depending on which system encounters them first. It was clear that the relationship between a state's child welfare and juvenile justice systems (e.g., how well they collaborate, if they are housed in the same agency) can impact both the opportunities and the risks Family First presents. Additionally, the relative strengths and weaknesses, or specific policies or resources, of each system impacted what advocates saw as opportunities and risks. For example, an advocate in one state said that the fact that their juvenile justice system had strict policies around when they would take custody of youth and for how long allayed some concerns about youth being sent to the juvenile justice system solely because child welfare had fewer available placements. Overall, however, participants felt that “the best system is no system” and that the amount of time children are currently taken away from families in either system is harmful. Advocates felt that the systems needed to understand each other better--and that they each needed some education on the consequences of involvement in the other system (for example participants noted that the child welfare system does not always recognize the dangers of incarceration, and that youth in child welfare proceedings lack the same due process protections and access to counsel as youth in delinquency cases). Finally, juvenile justice advocates were

COVID-19 and Family First Implementation

Participants also discussed the COVID-19 pandemic's impact on child welfare and youth justice systems generally, and on Family First implementation specifically, identifying the following trends and implications:

- As COVID-19 response planning takes precedence, Family First planning is being carried out by a small number of stakeholders, primarily in child welfare agencies, rather than including a broad range of partners, experts, and community members;
- Child protection reports are expected to decline during school closures and stay-at-home orders, but are expected to spike as re-opening begins, and economic hardships are expected to lead to increased child welfare caseloads including for older children and teens;
- Given the budget shortfalls created or worsened by COVID-19, and the economic impacts on families, strong advocacy is needed to ensure that children and families don't get lost or suffer disproportionately from state budget cuts;
- Advocates were concerned that COVID-19 could lead to an increase in the number of youth who experience trafficking; and
- Advocates are using COVID-19-related releases of incarcerated youth to support calls to “right size” the youth justice system, arguing that despite reductions, states and counties still incarcerate too many youth.

supportive of Family First’s push to offer more in-home services and, when those were not sufficient, to keep young people in family settings (e.g., with kinship caregivers) given the large number of youth in the justice system who have previous foster care/group home placements.

Prevention Services

“[Youth Justice stakeholders should be asking] ‘isn’t this the chance to really think about our systems [and] how can we use Family First to really prevent youth from entering either system?’ The investment in prevention services could be very significant in terms of getting the conversation started about how to develop true continuums of community response that prevent children from going into either system” -Meeting Participant

"Don't just start with the law, start with 'what do we have,' 'what do we want,' and then 'how are we going to pay for it?' If you start with only what is in the Clearinghouse, or what out-of-home care the federal government will fund, you end up with small box thinking and not the sort of results that you want to see, and that the opportunity is there for with this law.” -Meeting Participant

One of the biggest changes that Family First makes to child welfare funding is allowing Title IV-E funds to be used to partially reimburse states and territories for services that can prevent youth from entering foster care. The group briefly discussed the two ways in which services can become eligible for reimbursement: by being rated promising, supported, or well-supported by the federal [Title IV-E Prevention Services Clearinghouse](#); or (for transitional payments) by being approved through an [independent systematic review process](#). One participant reminded the group that prevention under Family First is not a "light touch service," but requires a fair amount of system contact (the child must be determined to be at "imminent risk" of foster care placement, must have a caseworker and prevention plan, etc.). Facilitators also noted that several evidence-based services that are frequently used by youth justice systems, such as Multisystemic Therapy (MST) and Functional Family Therapy (FFT), were among the first services rated by the Prevention Services Clearinghouse.

Interventions

Our discussions included several breakout sessions to discuss different aspects of Family First implementation. One such small group discussion involved what types of services we thought would be most beneficial for adolescents (and more specifically, youth involved in the child welfare system who are also at risk of youth justice involvement). Participants recognized that youth are the experts on their own futures, and that they need supports and services that are culturally relevant and developmentally appropriate--allowing for peer interaction and support. Some noted that child welfare systems sometimes believe juvenile justice systems are best equipped to “deal with” adolescents. There was some concern expressed that some of the most common evidence-based programming, which focuses more on family-system therapy delivered by clinicians, rather than interventions that build on building relationships in community, may not meet these goals. Credible messenger mentoring (e.g., [Arches Transformative Mentoring Program](#)), [Youth Advocate Programs](#), and [Community Passageways-Family Integrated Transitions](#) were shared as examples of adolescent-appropriate and culturally relevant interventions that states could consider. Advocates also noted that establishing an evidence base for effective programs is difficult and expensive, and many programs that are culturally relevant and work well “on the ground” would not qualify as evidence-based programs (EBPs) because they don’t have the accepted type of studies behind them.³ Although there was a concern that states will only fund and use

³ For more on concerns about and alternatives to traditional Evidence Based Programs, see the EBP+ Collaborative's policy brief, *The EBP-PLUS Model: Liberating Youth, Families, and Community from the Justice System*, available at:

EBPs rather than other promising programs that might be better, Family First was also seen as an opportunity if:

- States invested in building the evidence base for programs so that they could eventually draw down federal funding; or
- States used federal funding to pay for well-established EBPs and their own funds to pay for other programs.

The groups discussed advocating for states to use funds made available through the 2019 [Family First Transition Act](#) to build the evidence base for programs that meet the goals discussed above. The [National Council on Crime and Delinquency](#) was also mentioned as a research organization that is currently assisting several states with independent systematic reviews of prevention programs.

Candidacy

"If a service is going to happen at all, better for it to happen in a non-punitive system like child welfare."
-Meeting Participant

"For families, is this just another system that we're asking them to get engaged in, and is that going to be something that they want?" -Meeting Participant

"Conversations I've had with [my state's child welfare agency] have been very discouraging; they were not interested in expanding [candidacy] to juvenile justice...they argued that they are struggling just to implement the program for child welfare alone, let alone think about juvenile justice." -Meeting Participant

Our conversations around preventative services also included small group discussions on how states are defining (or should define) who is a *candidate for foster care* and therefore eligible to receive prevention services under Family First. As with other parts of the meetings, structural realities were recognized as playing a part: who is included in a candidacy definition may be different if a state's youth justice system is a joint agency with child welfare, a distinct agency within a human services department, or housed within a corrections department. Our candidacy discussions primarily focused on the fact that states should try to balance:

- Ensuring youth and families receive needed services and avoid out of home placements whenever possible; and
- Avoiding expanding the system through "net-widening" and/or involvement in either system solely to receive services, recognizing that many families would rather not engage with (yet another) system, even to receive needed services.

Participants generally felt that if a service was going to be delivered, the child welfare system was preferable because it was less punitive (for the youth). Some advocates also noted that Family First was a good tool to encourage youth justice systems to adopt the law's emphasis on keeping children with their families. Facilitators pointed to the Utah and Maryland plans as examples of how states can approach candidacy:

- Maryland's [Prevention Plan](#) says that "at this time" they are limiting prevention services to certain categories of youth who are already receiving in-home services, including any youth currently involved with the Department of the Juvenile Services.
- Utah's [Prevention Plan](#) also includes a subset of juvenile justice youth, with Division of Juvenile Justice Services caseworkers using a risk assessment tool (the Protective and Risk Assessment,

https://static1.squarespace.com/static/58ba8c479f7456dff8fb4e29/t/5abec8166d2a73e772895bd4/1522452509081/e_bp.policy.brief.30mar2018.formatted.pdf

or PRA) and another screening tool (the Utah Family and Children Engagement Tool (UFACET)-Family Focused) to determine which youth are candidates for care.

Other forms of prevention

Although Family First's prevention funding can only be used to prevent *placement in foster care* rather than preventing child maltreatment or involvement in the child welfare or juvenile justice system, some jurisdictions have also addressed other forms of prevention as part of their Family First implementation planning (or prior to Family First), using state/local funding. For example, the District of Columbia considers their new [Families First DC Success Centers](#); to be part of their Family First prevention work, although the Centers are funded by local dollars, not Title IV-E. Advocates felt that through creative development and use of resources, the larger prevention goals of Family First could be realized.

Education settings came up throughout our discussions, but were a particularly big part of our prevention conversations. Participants felt that comprehensive school-based mental and physical health care, trauma-informed care in (and out of) school, and decreased use of harsh school discipline and law enforcement in schools could prevent system involvement for many youth and families. In discussing prevention efforts, participants also highlighted the importance of collaboration with other partners, such as community service groups or civil legal providers (see box on cross-system collaboration).

Participants also recognized that for youth who are already justice-involved, re-entry could be an important opportunity for prevention of child welfare or (further) youth justice system involvement. (Depending on how a state defines candidacy, services could also be offered to some families with closed child welfare cases to prevent future maltreatment.) Participants agreed, however, that any services families are offered during aftercare must be voluntary (rather than conditions of release), so that youth do not end up back in placement because they or their parents have not engaged in therapy or other services.

Coalition Building and Cross-System Collaboration

Throughout our discussions, the importance of working with a range of partners on Family First advocacy was a recurring theme. Participants noted the following groups as important potential collaborators for youth justice and child welfare advocates:

- Foster care alumni and families who have experienced child welfare involvement;
- Individuals with lived experience in the youth justice system and their families;
- Judicial officers, particularly judges who are influential in the state;
- Youth justice system stakeholders such as juvenile probation department leaders and state juvenile justice directors (particularly those who have successfully implemented reforms and built a community-based continuum);
- Child welfare direct service staff (e.g., case managers/workers) and agency leadership focused on Family First;
- Juvenile defenders, child welfare lawyers, and civil legal assistance providers who are doing case-level advocacy;
- Providers across a spectrum of services (e.g., prevention, foster care, residential treatment) working with families involved in youth justice, child welfare, and behavioral health systems;
- Stakeholders from each tribal community within a state;
- Schools and other education stakeholders;
- Youth service providers addressing housing and other basic needs; and
- Advocates, providers, and individuals with lived experience in trafficking.

The group also discussed potentially working with conservative or libertarian groups who might be supportive of advocacy efforts based on concerns about government overreach or fiscal irresponsibility (e.g., using state funds to pay for group care to avoid having to meet QRTP rules).

Residential Care

“To me, the danger in Family First is the congregate care provisions...that would be the one I'd be worried about, because as the supply of congregate care facilities in child welfare diminishes as people can't meet those standards...courts may say ‘what system should I put the kid into?’ There's a relevant worry there, you shouldn't probably rest until you know there's accountability and dialogue...to make sure that kids are winding up in the right system for the right amount of time.” -Meeting Participant

"I want to figure out, as we have conversations about what does support look like [for youth in out of home placements], making sure that we're incorporating that intersectional lane of education attainment there as well."
-Meeting Participant

Family First restricts the use of Title IV-E funding for non-family foster care (beyond a 2-week stay) to a few specific settings. Our discussions around group care changes highlighted a few key themes:

- It's important for advocates to know if their state currently draws Title IV-E funds for any youth in out-of-home placements through the delinquency system, and if so, how much funding it receives annually; this information can impact advocacy strategies and potential allies;
- Ensuring that attention is paid to all of the decision points (e.g., if a placement even needs to happen) that occur before a young person faces group care, to resolve issues and avoid reaching the point of a group placement;
- Ensuring that states have foster family homes that welcome and are appropriate for adolescents, including sufficient homes offering therapeutic foster care (one participant noted that having foster youth be part of foster parent training can help increase success);
- Ensuring that the “exceptions” to the group care restrictions are not overused (e.g. youth at risk of or being trafficked), so that all youth have every opportunity to remain at home, or to live in a family setting;
- Sustaining (and accelerating) the reduced use of detention and secure confinement as the group home landscape changes (e.g., many placements can no longer be funded with IV-E dollars, some providers will close due to Family First changes or rely on direct payments from juvenile justice agencies); and
- Identifying opportunities for other potential improvements (relative to youth justice) within states' Family First work (e.g., drawing parallels between overuse of out-of-home placements in both child welfare and youth justice).

As mentioned above, Title IV-E funding *can* be used to pay for group placements for up to two weeks and one participant encouraged the group not to overlook the benefits of quality short-term programming/housing. He noted that workers in short-term care placements develop strong expertise in crisis response, family mediation, and service planning/safety planning in that short time, potentially getting young people to a point where they can return home, with good community-based supports in place.

Family-based care for adolescents

"Kids do better in foster care [as compared to group homes]. I can't think of any kid I've ever had in a group home who couldn't be handled in [family] foster care with the right supports.” -Meeting Participant

The lack of family foster homes generally, and homes for adolescents specifically, is a concern as states move away from group placements. Participants shared a couple of examples of how their states had addressed this issue through the youth justice system:

- Some Michigan juvenile [courts](#) have been certified as child-placing agencies, allowing them to license and support foster care parents who can serve as an alternative to congregate care or incarceration facilities;
- Kentucky has used therapeutic foster care (TFC) to serve as an alternative to residential placement (or as a re-entry option) for youth who have been adjudicated delinquent, and specifically recruited foster families who would be interested in caring for adolescents. One participant who formerly worked for Kentucky's youth justice system shared that TFC had better met the needs of several young people who'd been considered "difficult to manage" in the state's maximum-security youth facility.

One participant also highlighted that [recruiting](#) family placements for adolescents is not enough, support needs to be offered to ensure foster family [retention](#). Participants discussed looking at the types of adults who might be a good match for adolescents, such as "empty nesters" or those who have been involved with local high school sports and activities. They also discussed the importance of foster families knowing they will have constant support (from responders who are not law enforcement) for whatever they need, whether it's a 3 am crisis, or a bike so the teen can get to school or work. One small group member suggested that a useful tool would be an adolescent case practice model that builds young people's resilience and is anchored in strong adolescent development principles.

[Group care settings authorized for funding under Family First](#)

"The QRTPs are important to pay attention to, but the other settings that are eligible for IV-E funding have no definitions of quality around them." -Meeting Participant

Our discussions of the group care restrictions included in Family First touched on all of the "exceptions" that *may* still be funded through Title IV-E: settings for pregnant and parenting youth, programs for youth at risk of or who have experienced sex trafficking, supervised independent living settings (for youth age 18 or older), and qualified residential treatment programs (QRTPs). Some of the key discussion points included:

- States must ensure that group care is truly only used when absolutely necessary (e.g., by making sure youth have plenty of "off-ramp" opportunities, are represented by counsel, aren't blamed for poor placement matches or system failures such as inappropriate service "dosage" or "fit").
- States must ensure that group care restrictions do not lead to unintended negative consequences (e.g. justice system placements, youth staying in hotels and not receiving services).
- The law does not define who is "at risk of trafficking," potentially allowing that category to be used for *any* adolescent in foster care. (This is particularly concerning given the fact that some child welfare placements are already used by traffickers, including some foster caregivers, to groom victims.)⁴
- The juvenile justice system already overuses detention for youth suspected of being trafficked, falsely presuming that youth are "safer" in secure custody than in the community;

⁴ This issue was raised by a meeting participant based on her personal observations, particularly with regard to residential treatment centers, but has also been documented in other parts of the country. See, e.g., SharedHope International. (2009) The National Report on Domestic Minor Sex Trafficking. Retrieved from https://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf

- The needs and best interventions for youth at risk of trafficking may be different than those for youth who have experienced trafficking (and the needs of girls and boys may be different, although both experience trafficking).
- The law requires that the non-QRTP exceptions to group care be trauma-informed and high quality, but does not provide specifics for either, meaning that states can consider any program to meet those requirements.

One participant shared that some states are considering not having their group care settings become QRTPs, and instead will plan to fund group placements using state funds. Another expressed fears that programs that did not want to change their practices to become QRTPs would “market” themselves to juvenile court judges as able to meet the needs of justice-involved youth, leading to those youth being sent to less regulated (and lower quality) services. All of these issues were viewed as potential advocacy points for youth advocates.

Ensuring youth incarceration continues to decline and other youth justice improvements

The lack of availability of group homes was called the “biggest area of concern” for youth involved in the justice system by one meeting participant who previously worked for both state child welfare and youth justice agencies. That participant shared that the lack of non-secure placement options could easily drive youth who would not otherwise be incarcerated into juvenile facilities. Several advocates recognized the importance of collecting and analyzing data to identify and quickly respond to this concern.

Some specific ways that participants felt that Family First could *contribute* to youth justice system improvement included:

- Using the child welfare system changes as an opportunity to push for reforms including earlier and broader diversion, more community-based services, and better options for youth who are placed outside of their homes.
- Using Title IV-E funding to support services that youth justice systems typically provide (e.g., MST or FFT), could also potentially “free up” some funding to be used in other positive ways in the youth justice system. (Note that Family First has some Maintenance of Efforts requirements, which were not part of our conversations.)

Participants recognized, however, that opportunities would depend on what reforms a state had already instituted and the specifics of state law, and how the systems are related. For example, in states where the youth justice system was under a human services agency (rather than corrections), it would be easier to ensure youth involved in the justice system could benefit from child welfare reforms.

Participants also noted that while, in general, the child welfare system was preferable because it is less punitive, youth justice involvement provides more due process protections (right to counsel, determinate sentencing in some cases). Also, youth justice systems solely work with adolescents, while child welfare systems are sometimes seen as lacking expertise on (or de-prioritizing) them. These considerations could impact advocacy efforts but, as with other areas, will depend on the specific legal and systemic realities in each state.

Legislative and Budget Goals and Strategies

"I'm really hoping that in the next legislative session we can get the two systems [juvenile justice and child welfare] to communicate with each other." -Meeting Participant

"[One budget consideration is that] the recruitment and appropriate training of foster families [willing to care for juvenile court-involved adolescents] is a huge lift for us." -Meeting Participant

Following the discussions summarized above, state advocates shared their thoughts on how their legislative agendas and planned advocacy connected with what they learned during the series of meetings.

- Advocates in two different states noted that Family First was seen as a way to support efforts to establish or raise the lower age of juvenile court jurisdiction (because it demonstrated that the child welfare system should/could be providing needed services for children under age 12).
- Some advocates noted that Family First could also be used to make arguments in support of state legislation that prohibits incarceration for minor and non-delinquent (status) offenses because such legislation would prevent youth from being sent to the juvenile justice system as an unintended consequence of Family First. (One participant noted that when her state made diversion mandatory for all first-time misdemeanors, it cut down on youth entering the justice system from group homes and other placements due to minor incidents in those facilities.)
- One participant suggested that state Juvenile Justice Directors may be good allies in attempts to expand community-based services and reduce out-of-home placements, particularly for younger children (e.g., under 14), noting that many Directors understand that services in the community are more cost and outcome effective.
- Data collection was seen as necessary for any advocacy, both to identify and guard against harms (e.g., increased justice involvement among youth in foster care, or increased incarceration due to group homes closing), and to help identify solutions, (e.g., identifying interventions in communities that could be included in a statewide prevention plan).
- Ensuring that funding is structured so that youth can continue services after system discharge, rather than needing to remain involved with a system to receive services, or having services end too early (e.g., by designating a funding stream specifically to support voluntary aftercare services and creating mechanisms to ensure continuity of services and providers).

Advocacy Priorities

Participants identified the following as priorities for their advocacy after our series of meetings:

1. Ensuring that the best possible *interventions* are included in their state's prevention plan (or in the national Clearinghouse);
2. Ensuring that their state (or states generally) use a *candidacy definition* that includes youth in/at risk for youth justice involvement while avoiding net-widening;
3. Ensuring that child welfare *group care changes* don't lead to more young people becoming involved or incarcerated in the youth justice system;
4. Ensuring that QRTPs and other group care exceptions aren't *overused* for youth in foster care;
5. Ensuring that their state (or states generally) have enough *family and therapeutic foster care providers* to meet the needs of youth in the child welfare and youth justice systems; and
6. Ensuring that stakeholder voice in Family First implementation includes those with *lived experience*.

- Participants also discussed advocating for:
 - Implementing extended foster care (to provide additional support to older youth);⁵
 - Bans on for-profit companies running custodial facilities;
 - Greater availability of School-Based Health Centers;
 - Creating more clarity and structure for court procedures and findings needed before placing a young person in congregate care; and
 - Budgeting for foster family recruitment and appropriate training, and support specifically for youth who've been involved with the juvenile courts.

Recommendations for Future Work

“There is time, and the work is happening, and there's lots of opportunities to influence what states do. States can always revise their state plan at any time, even if it's been submitted, even if it's been approved. For states who did not include juvenile justice in their state plan, it's not too late.”

-Meeting Participant

Advocates attending our meeting were encouraged to use the information and ideas discussed to engage more closely in Family First implementation in their state. Our group also shared many resources with each other, and identified several things they thought would be helpful to have that did not currently exist. These included a single document that included each state's candidacy definition and an analysis of the pros and cons (specific to youth justice) of different aspects of decisions around candidacy definitions. Participants were also interested in additional information about therapeutic foster care and its use in youth justice and with relative caregivers. The meeting facilitators also noted that although our meetings did not focus on financing issues (specifics of drawing down funds under the Family First Act and funding for needed services and supports that do not qualify under Family First), such information is key to improving outcomes for youth.

⁵ The group did not have detailed discussions on the Family First Act's provisions specific to older youth, such as the ability to use the John H. Chafee Foster Care Program for Successful Transition to Adulthood for older youth, but the American Bar Association has published a helpful overview of the issue (see Appendix A).

Appendix A: Resources on Family First and Youth Justice

The following is a list of resources discussed and shared during the Campaign for Youth Justice's virtual meeting series for state youth justice advocates on the Family First Prevention Services Act. For the state contact for your state, e-mail Marcy Mistrett (mmistrett@cfyj.org).

Overviews and Summaries; General Resources

[Act4JJ Resource on Youth Justice and Family First](#) (Also see this document's extensive resource list)

[March 24, 2020 webinar overview of the federal Family First Act](#) (The Annie E. Casey Foundation and Casey Family Programs)

[Family First Prevention Services Act](#) (Full text)

[Family First Act Summary](#) (from Congressional Research Service)

Family First Transition Act [Senate summary](#) and [Child Trends fact sheet](#)

FamilyFirstAct.org

[Family First Legislation Compilation from NCSL](#)

[Family First and Older Youth](#) (by Jennifer Pokempner for American Bar Association)

Candidacy; Preventative Services

State prevention plans (note that not all of these are approved as of 6/15/20)

[Utah*](#)

[Kansas](#)

[Arkansas](#)

[Washington](#)

[Nebraska*](#)

[DC](#) (Also see [Families First DC Success Centers](#))

[Maryland*](#)

[Kentucky](#)

*Candidacy definition specifically refers to youth justice system involvement

[Status of Submitted Plans](#) (from Children's Bureau)

Candidacy

[CSSP on Responsibly Defining Candidacy](#) (Child welfare focused)

Compilation of [Candidacy Definitions by Jurisdiction](#) (as of March 12, 2020, from Chapin Hall and Casey Family Programs)

[Guiding Questions for Defining Candidacy](#) (From Oregon, child welfare focused)

Interventions/Payments

[Prevention Services Clearinghouse](#)

[List of Services Approved for Transitional Payments](#) (through Children's Bureau Independent Systematic Review Process)

[Children's Bureau Guidance on Transitional Payment Process](#)

[Interventions Included or Being Considered for Inclusion in State Plans](#) (Compilation from Casey Family Programs)

[National Council on Crime and Delinquency](#) (conducts independent reviews of interventions)

[Community Passageways/CP-FIT](#); [Family Integrated Transitions](#) (FIT)

[Youth Advocate Programs](#)

[Credible Messenger Mentoring](#) and [Arches Transformative Mentoring Program](#) Urban Institute Evaluation

CFYJ's "[If Not the Adult System Then Where?](#)" (Discusses several of the interventions mentioned above, e.g., TFC, credible messenger mentoring, Youth Advocate Programs, Community Passageways), in the context of youth charged with serious offenses.

Urban Institute's [Promoting a New Direction for Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity](#)

[Three Fiscal Elements for Using the Family First Act](#) (Webinar from the Annie E. Casey Foundation)

Foster Care/Group Care/Avoiding Incarceration

[How to Leverage Continuum of Care Reform for Placement Instead of Custody](#) (Pre-Family First guide for juvenile defenders)

Michigan example of juvenile [courts](#) serving as a foster care placement agency

[CHAMPS](#) (Foster parent recruitment and retention resource)

[Treatment \(or therapeutic\) foster care resources](#) (from Child Welfare Information Gateway)

[Treatment Foster Care Oregon](#) (formerly called Multidimensional Treatment Foster Care)

Vera Institute of Justice's [Initiative to End Girls' Incarceration](#)

Education

[Kentucky law](#) on education for youth in foster care

[Legal Center for Foster Care and Education](#)

Appendix B: Family First and Youth Justice Meeting Participants

Facilitators

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State Advocates

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Ann Howell, Wind River Reservation (WY)
Kate Lowenstein, Citizens for Juvenile Justice (MA)
Polly McKinnon, Voices for Children (GA)
Jenny Pokempner, Juvenile Law Center (PA)
Vicki Reed, Kentucky Juvenile Justice Initiative
Krystal Seruya, Youth Advocate Programs, Inc. - NJ
Donna Sheen, Wyoming Children's Law Center
Jason Smith, Michigan Center for Youth Justice
Jill Ward, Maine Center for Juvenile Policy & Law

National Stakeholders

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Alyson Clements, National Juvenile Justice Network
Carmen Daugherty, Youth First
Kim Dvorchak, National Association of Counsel for Children
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