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Subject: Public Law 115-123, the Family First Prevention Services Act
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: January 16, 2019

TO: Licensed Children's Residential Facilities

FROM: Carl Ayers, Director,
Division of Family Services

SUBJECT: Public Law 115-123, the Family First Prevention Services Act

The Family First Prevention Service Act (Family First) was signed into law on February 9, 2018 and resulted in changes to the title IV-E plan requirements. Changes set forth by the federal government include new requirements for criminal record and central registry checks for all adults working in children's residential facilities (CRF). Family First requires that CRF reimbursed by IV-E implement procedures for fingerprint-based criminal records checks of national crime information databases and child abuse registry checks for any adult working in a CRF.

As a licensed CRF, you are aware that 22VAC40-151-*Standards for Licensed Children's Residential Facilities* stipulates that licensed children's residential facilities be in compliance with background check regulations as required by § 63.2-1726 of the Code of Virginia. This Code currently requires criminal history record checks and child protective services central registry searches to be conducted on employees, volunteers and contractors working alone with children on a regular basis. Family First specifies that the above checks are required for any adult working in a CRF.

Additionally, Family First requires that individuals cannot begin work until results of these background checks are received. Currently the IV-E CRF matrix procedure allows for letters of exemption to begin work at the facility as long as they are not alone with a child prior to receiving the results. **This practice will no longer be accepted. All safety checks are required to be completed and received prior to the employee's date of employment.**

Any CRF that desires to be eligible for title IV-E or Children's Services Act (CSA) reimbursement must meet these new federal background check requirements. Therefore, this could affect the local department of social services' ability to place or to maintain a child in a CRF that is non-reimbursable for IV-E or CSA.

To ensure that Virginia complies with all federal laws, the Virginia Department of Social Services (VDSS) will work with the Virginia General Assembly to amend the current code to require any adult working in a CRF to have completed background checks prior to the start date

of employment. We anticipate an emergency enactment, which would make this law go into effect when signed by the Governor no later than March 30, 2019.

Please begin identifying current employees who are not currently included on the CRF matrix and who do not have the required background checks in their personnel file. It is strongly encouraged, that these staff complete background checks immediately, so that when Virginia Code is amended, your staff and facility will be in compliance.

VDSS will provide additional updates as they become available addressing these new federal requirements. In addition, we will be reaching out to the local departments and their Family Assessment and Planning Teams (FAPT) to notify them of these federal changes.

A link to this law and the Family First Prevention Services Act can be found at the following:

[Public Law 115-123](#)

If you have any questions pertaining to this notification please contact Familyfirst@dss.virginia.gov.