


Guide to Qualified Residential Treatment Programs

September 2019

Overview

Title IV-E of the Social Security Act governs foster care funding (42 U.S.C. §§ 670-679b). It provides federal funding to states to pay a portion of the foster care costs for children who were or would have been eligible for the former Aid to Families with Dependent Children (AFDC) program, but for removal from their home. A child must meet certain criteria in addition to income requirements to be “IV-E eligible.” If the child is eligible and subsequently placed in an approved IV-E placement, then the federal government reimburses the state for a majority of the foster care placement costs.

Family First Prevention Services Act now limits IV-E payments for congregate care placements and is focused on placing the vast majority of children and youth in foster care with relatives or in foster family homes.

DCFS and DJJS (also receives IV-E funding for placements; thus, the FFPSA limitations on congregate care will be applicable to DJJS cases) can only seek IV-E reimbursement for placements in the following settings:

- Foster family homes - defined as “home of an individual or family,” and requires that the foster parent reside in the home with the child. 42 U.S.C. § 672(c)(1)(A)(ii).
- Child Care Institution (no more than 25 children) includes:
 - Placements for pregnant or parenting youth
 - Supervised independent living placements for youth 18 and older
 - Specialized placements for victims and those at-risk of sex trafficking
 - Qualified Residential Treatment Programs (QRTP) for youth with treatment needs

Does not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children determined to be delinquent. 42 U.S.C. § 672(c)(2)(C).

- Children placed with parent(s) in residential treatment facility for substance abuse
 - Non-QRTP congregate care facilities (only up to 2 weeks)
- 42 U.S.C. § 672(k)(2).

Qualified Residential Treatment Programs

To qualify for IV-E reimbursement, a QRTP must:

- Be licensed and accredited by the Council on Accreditation (COA), Commission on Accreditation of Rehabilitation Facilities (CARF), or Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or other approved organization by the U.S. Department of Human Services;
- Follow a trauma-informed treatment model designed to address the needs of children with serious emotional or behavioral disorders or disturbances and implement the treatment identified by the qualified individual assessment;
- Employ licensed nursing and other clinical staff who are able to provide services 24 hours, 7 days a week according to the trauma-informed treatment model;
- Facilitate participation of family members in treatment program – if appropriate and aligned with child’s best interests;
- Facilitate and document family outreach (including siblings), including how the family is integrated into the treatment process, including post-discharge and how sibling connections are maintained;
- Provide for discharge planning and family-based aftercare support for at least 6 months post-discharge; and
- Require all staff to undergo and pass criminal background checks and abuse and neglect clearances.

42 USC § 672(k)(4); Utah Code 78A-6-311.5(1).

Qualified Individual Assessment

Within **30 days** of each QRTP placement, the Qualified Individual (QI) shall conduct an assessment using an age-appropriate, evidence-based, validated, functional assessment tool that is approved by the U.S.

Department of Health and Human Services. The QI may conduct the assessment prior to the placement in the QRTP. The QI assessment is done in conjunction with the family and permanency team for the child.

“Qualified individual” is a trained professional or licensed clinician that cannot be a DCFS or DJJS employee (but can be a DHS employee if waiver obtained from U.S. DHHS) and cannot be connected to, or affiliated with, any placement setting in which children are placed by DCFS or DJJS. 42 USC § 675a(c)(1)(D)(i); Utah Code 78A-6-311.5(1).

The QI assessment shall:

- Assess the strengths and needs of the child;
- Determine whether the child’s needs can be met with family members or in a foster-family home. If not, what allowable child care institution (*see list above*) would provide the most effective and appropriate level of care in the least restrictive environment consistent with the child’s short- and long-term goals per his or her permanency plan;
- Develop a list of child specific short- and long-term mental and behavioral health goals; and
- Involve the child’s Family and Permanency Team while conducting the assessment.

42 U.S.C. § 675a(c)(1)(A).

If the QI assessment is not completed within 30 days after the start of the placement then DCFS or DJJS cannot seek IV-E payment for that placement. 42 U.S.C. § 672(k)(3)(A).

If QI recommends placement other than with family or in a foster home, the assessment shall specify in writing:

- Reasons why the needs of the child cannot be met by the child’s family or in a foster family home (a shortage or lack of foster homes is not an acceptable reason for residential placement);
- Why the proposed placement in a QRTP is the most effective and appropriate level of care in the least restrictive environment;
- How the QRTP placement is consistent with the child’s short- and long-term goals as specified by the child’s permanency plan; and
- Reasons why the placement preferences of the Family and Permanency Team and of the child were not recommended (children should be placed with their siblings, unless there is a finding by the court that such placement is contrary to the child’s best interest).

42 U.S.C. § 675a(c)(1)(C).

While the QI assessment is occurring, DCFS and DJJS shall assemble the Family and Permanency Team (or Child Family Team (CFT)) that includes: appropriate biological family, fictive kin, professionals who are a resource for the child, medical or mental health professionals who have treated the child, or clergy. If the child is 14 or older, the team shall include members selected by the child. DCFS and DJJS shall document in the child’s DCFS or DJJS record:

- Reasonable efforts to identify and include all of the individuals of the CFT, including all contact information for members of the CFT, and other family members and fictive kin who were not part of the CFT;
- Evidence of family engagement must be documented to include times of meetings relating to the QI assessment were held at a time and place convenient for the family;
- If the permanency goal is reunification, evidence that the parent from whom the child was removed provided input on who should be a member of the CFT;
- Evidence that QI assessment is determined in conjunction with CFT; and
- Placement preferences of the CFT acknowledging the importance of keeping siblings together, unless there is a court finding that such placement is contrary to the child’s best interest.

42 U.S.C. § 675a(c)(1)(B)(iii).

60-Day Court Review of QRTP Placement

Within **60 days** of each QRTP placement, the court shall:

- Review QI assessment, determination, and documentation
- Determine whether the needs of the child can be met through placement in a foster home.
 - If a foster home won't meet child's needs, determine whether the QRTP:
 - Provides the most effective and appropriate level of care for the child in the least restrictive environment; and
 - Is consistent with the short- and long-term goals as established in the child's permanency plan.
- Approve or disapprove child's placement in a QRTP

42 U.S.C. § 675a(c)(2); Utah Code 78A-6-311.5(2).

If QI determines that placement in QRTP is not appropriate, the court disapproves of QRTP placement, or child is going to return home or be placed with a fit and willing relative, a legal guardian, an adoptive parent, or in a foster home, then child can remain in placement for up to 30 days (after the determination that the placement is no longer recommended or approved is made) to allow for transition. 42 U.S.C. § 672(k)(3)(B).

Subsequent Court Reviews of QRTP Placements

As long as the child remains in the QRTP, at each subsequent hearing, the court shall **review the placement decision**.

DCFS and DJJS is required to provide the following information:

- Ongoing assessment of the strengths and needs of the child such that the child's needs cannot be met through placement in a foster home;
- QRTP placement provides the most effective level and appropriate level of care in the least restrictive environment;
- QRTP placement is consistent with the short-term and long-term goals for the child, as specified by the permanency plan for the child;
- The specific treatment or service needs that will be met for the child in placement;
- The length of time the child is expected to need the treatment or services; and
- The agency's efforts to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent or in a foster home after discharge.

42 U.S.C. § 675a(c)(4); Utah Code 78A-6-311.5(3-4).

Limitations on Length of Stay in QRTP Placements

There are limits on how long children and youth can be in QRTP placements unless approval is received from Utah DHS' Executive Director:

- If 13 years and older, no more than 12 consecutive months or 18 non-consecutive months in the same placement.
- If 12 years and younger, no more than 6 consecutive or non-consecutive months in the same placement.

42 U.S.C. § 675a(c)(5).

Frequently Asked Questions

What Cases Do QRTP Court Hearings Apply to? Does it Apply Retroactively?

It applies to both DCFS and DJJS cases. No, it does not apply retroactively to existing placements (prior to October 1, 2019).

When Does the Completion of QI Assessment and 60-Day QRTP Hearing Timeline Start?

It starts from the date the child is placed in the QRTP; **does not** start if child or youth is waiting to be placed in a QRTP.

What if a Child/Youth Disrupts from QRTP?

60-day QRTP hearing and subsequent hearing reviews are required *each time* a child or youth is placed in a QRTP. If a youth runs away from the QRTP placement and returns or has a short-term stay in a psychiatric hospital before the 60-day QRTP hearing deadline then the 60-day QRTP hearing should still occur within the time frame for that QRTP placement. If a youth disrupts from the QRTP placement before the 60-day QRTP hearing and will not return to that placement before the 60-day deadline then the 60-day QRTP hearing on that placement would likely be cancelled.

What if QI Does Not Approve QRTP Placement?

If the Qualified Individual does not approve the youth's placement in a QRTP and the youth is moved to a new placement before the 60-day QRTP hearing then the 60-day QRTP hearing on that placement would likely be cancelled. If youth stays in the QRTP placement, then pursuant to 78A-6-311.5, 60-day QRTP hearing must be held whether or not the QI assessment rejects the placement so as long as the child remains in a QRTP placement.

How Does 60-Day QRTP Hearing Get Scheduled? Do You Have to Calendar 60-Day QRTP Hearing?

60-Day QRTP hearings can occur at the same time as an already scheduled review, permanency, or other hearing. If a 60-Day QRTP hearing needs to be scheduled and there is not another hearing calendared within the 60-day time frame, then a 60-Day QRTP Hearing will be requested by motion. For DCFS cases, the Child Protection AAG will request the hearing. For DJJS cases, the DHS AAG will request the hearing.

There will be a new hearing type in CARE for the 60-Day QRTP hearing. Subsequent hearings after the 60-Day QRTP hearing do not have a new hearing type. Clerical staff will need to make sure that calendar lists both the 60-Day QRTP hearing and the other hearing if the 60-Day QRTP hearing is occurring at the same time as an already scheduled hearing. This is necessary in order to pull data on how many 60-Day QRTP hearings occur and for DCFS cases, ensure the other hearing is captured in the CW Time Line Report.