

QUALIFIED RESIDENTIAL TREATMENT PROGRAMS (QRTP)

Considerations for the Tennessee Bar



AGENDA

- I. Family First Prevention Services Act
- II. Congregate Care Settings
- III. QRTP Basics
- IV. Tennessee Facts
- V. QRTP Federal Requirements
- VI. QRTP Process
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THE FAMILY FIRST PREVENTION SERVICES ACT (FFPSA)

- FFPSA was enacted as part of the federal Bipartisan Budget Act of 2018 on February 9, 2018.
- Overarching focus is on foster care prevention and family preservation when possible and more effective and efficient reunification, when it's not.
- Increased scrutiny related to congregate care foster care placements, with a preference for less restrictive, family type settings.



TITLE IV-E ELIGIBLE CONGREGATE CARE SETTINGS UNDER FFPSA

- Qualified Residential Treatment Program (QRTP)
- Residential programs for prenatal, post-partum, or parenting youth
- Supervised independent living for youth ages 18 and older
- Residential care for youth found to be, or at risk of becoming, sex trafficking victims
- Family-based residential substance abuse treatment facility



At this time, QRTP is the only available IV-E funded congregate care setting in Tennessee for youth under 18. This is subject to change. (Note: EFC settings are available for young adults over 18).

QRTP BASICS



The QRTP process applies to a small proportion of Tennessee children and youth in foster care that require residential placement.

- There are also some youth in foster care placed in sex offender treatment programs that are not QRTPs.
- Since Tennessee is not receiving IV-E draw down for these youth, the placements they are in are not required to be a QRTP. They are referred to as congregate care settings and also by the setting service level type.

WHY?

On average, youth in congregate care vs. youth in foster care:

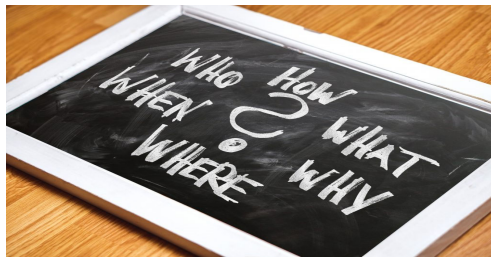
- Are more than twice as likely to become delinquent.
- Have poorer educational outcomes, including lower test scores in basic English and Math.
- Are more likely to drop out of school and less likely to graduate high school.



Annie E. Casey Foundation (2018). What are the outcomes for youth placed in congregate care settings? https://caseyfamilypro-wpengine.netdna-ssl.com/media/SF_CC-Outcomes-Resource.pdf

QRTP BASICS

A *Qualified Residential Treatment Program* (QRTP) is a placement designed to support youth struggling with complex emotional, mental and behavioral health needs that cannot receive appropriate services and support in their home or in another home-like setting.



QRTP BASICS

Beginning July 1, 2021 in Tennessee, the new QRTP protocol applies to Department of Children’s Services’ (DCS’) placement of certain IV-E eligible children and youth in non-foster family, residential settings.

- **Note on non-citizen, undocumented children and youth:** Tennessee can not draw down IV-E dollars for undocumented youth. While DCS provides the same level of support and supervision for these youth as citizen youth, non-citizen youth are not eligible for judicial review of QRTP when so placed.

FREQUENTLY ASKED QUESTION #1



Q: Must all facilities where children and youth in foster care live be QRTP?

A: **No. The congregate care provisions under the FFPSA only applies to “child care facilities” receiving IV-E dollars.**

Tennessee does not draw down IV-E funds for every youth in its custody that requires congregate care.

Example: Acute and long term psychiatric care placements are funded under TennCare/Medicaid.

FREQUENTLY ASKED QUESTION #2



Q: Which facilities in Tennessee are certified QRTP?

A: **A congregate care setting is one in which no foster parent resides. Almost all Tennessee Level 2 and Level 3 group home/facility placements are certified QRTP.**

The only non-QRTP congregate care settings are those funded under TennCare/Medicaid.

QRTP FEDERAL REQUIREMENTS



Under FFPSA requirements, QRTP providers must:

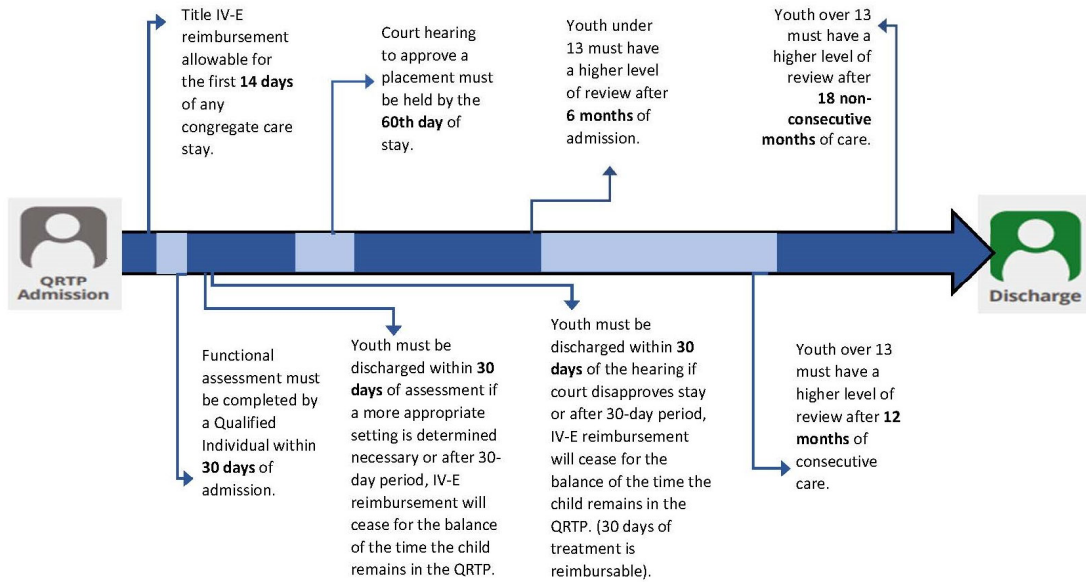
- Have a trauma-informed treatment model that is designed to address the behavioral and emotional needs of children requiring placement.
- Provide 24/7 access to registered or licensed nursing staff, on-site according to the provider's treatment model.
- Facilitate family participation (provided this is in the child's best interest).
- Provide discharge planning and family-based aftercare support (support varies by program).
- Be accredited by specific, non-profit agencies (JCAHO, CARF, COA).

QRTP PROCESS FEDERAL REQUIREMENTS



- Title IV-E reimbursement is allowable for the first 14 days of any congregate care stay, if the child or youth stays that long, but not long enough to meet longer thresholds under FFPSA.
- Within 30 days of entering a QRTP, a child must receive an assessment from a **“qualified individual”** using an appropriate functional assessment tool to determine whether they need care in a QRTP and whether that particular QRTP can meet their specific treatment needs.
- **Within 60 days of placement, court review of the appropriateness of a child's placement in a QRTP** for additional oversight and assurance that it is the correct setting for that child. Court reviews repeat at regular review intervals (ratification and permanency hearings as well as reviews), as long as the child remains in QRTP.

QRTP PROCESS TIMELINE



QRTP FEDERAL REQUIREMENTS: REVIEWS



- **The judicial officer should have notice of the 60 day review** so that he/she can review the relevant documentation which is filed by DCS in advance. A Motion to Review Qualified Residential Treatment Facility should be served on the parties/their attorneys pursuant to Rule 106.
- The FFPSA does not require the 60 day review to be a separately held special review. If an already scheduled review such as Permanency Plan Ratification, annual review, or possibly even FCRB review (at the judge's discretion and approval) falls within that 60 day timeframe, the review could be held at that time as well and no additional Motion to Review is required to be filed.

QRTP NOTICE OF REVIEW

IN THE JUVENILE COURT FOR _____ COUNTY, TENNESSEE
STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
File _____

IN THE MATTER OF:
_____, d.o.b. _____
A CHILD/CHILDREN UNDER 18 YEARS OF AGE

MOTION TO REVIEW QUALIFIED RESIDENTIAL
TREATMENT FACILITY

Comes the State of Tennessee, Department of Children's Services, by and through its attorney, and respectfully MOVES this Honorable Court to hold a hearing on the child's placement to determine whether said placement is an appropriate placement and to approve the child's placement in this qualified residential treatment facility.

Respectfully Submitted:
STATE OF TENNESSEE
Department of Children's Services

TENNESSEE QRTP PROCESS A Closer Look



The Family Service Worker (FSW) or Juvenile Service Worker (JSW) is responsible for initiating and completing the CANS for each child/youth.

He/she then routes the CANS to his/her immediate supervisor for review.

The CANS is sent from the supervisor to the assigned COE Assessment Consultant.

The Assessment Consultant reviews case information and provides consultation to the FSW/JSW re: documentation & item scoring.

Once the Assessment Consultant has completed the review and consultation, he/she marks the CANS approved.

QRTP PROCESS



TENNESSEE APPLICATION

Department of Children's Services Responsibility*

1. **Prior to or at the start of the placement**, the DCS Case Manager completes the DCS Child and Adolescent Strengths and Needs Assessment (CANS).
 - The DCS CANS Assessment must be completed in conjunction with a Child and Family Team Meeting.
 - *The Child and Family Team will determine what type of placement is least restrictive and most appropriate to meet the needs of the child/youth.*

* Department of Children's Services' Protocol for Placing Children in a Qualified Residential Treatment Program (QRTP)

YOUR ROLE



- As part of the Child and Family Team (CFT), attorneys and advocates for children, youth, parents and kin will play a critical role in the initial determination of the appropriateness of a child's placement in a QRTP.
- The Child and Family Team (CFT) members' placement preference should be considered at the placement reviews. If the members of the CFT had a different placement preference than the qualified individual, the qualified individual should provide a rationale for their differing recommendation.

QRTP PROCESS

TENNESSEE APPLICATION



Attorneys' Responsibility

- Attorneys and advocates for children, youth, parents and kin have new opportunities to advocate for client participation in a child and family team meetings and motion hearings.
- Understanding the QRTP process, from CFTM to Judicial Review, is critical.

QRTP PROCESS

TENNESSEE APPLICATION



Department of Children's Services Responsibility

2. **Within 30 days of placement in a QRTP**, the Vanderbilt Center of Excellence (COE) Assessment Consultant ("Qualified Individual" under the FFPSA) approves the DCS CANS and the recommendation of the Child and Family Team.
 - "If the needs identified on the CANS indicate and the Child and Family Team finds that placement in a foster home is not appropriate, the COE Assessment Consultant will document why the child/youth's needs cannot be met in a foster home setting and why the QRTP will provide the most appropriate care and how the chosen QRTP placement is the most consistent with the child/youth's short and long term Permanency Plan goals."*

* Department of Children's Services' Protocol for Placing Children in a Qualified Residential Treatment Program (QRTP)

QRTP PROCESS

TENNESSEE APPLICATION

Department of Children's Services Responsibility



3. **Following the completion of the Qualified Individual's Assessment, DCS should notice the court that QRTP Review is required.**
 - Placement in a QRTP must be reviewed by the court within 60 days of placement.

* Department of Children's Services' Protocol for Placing Children in a Qualified Residential Treatment Program (QRTP)

QRTP PROCESS

JUDICIAL REVIEW



- Within 60 days of the start of each QRTP, the court, or an administrative body appointed or approved by the court, must consider the assessment, determination, and documentation made by the qualified individual in approving the placement and formally approve the QRTP placement.
- If the court does not approve the QRTP, DCS may claim an additional 30 days of IV-E funding to step down the child, or proceed in QRTP without IV-E funds.

QRTP PROCESS JUDICIAL REVIEW



Within 60 days of placement in a QRTP, the court must make the following findings in the Order of the Court, with deference to the report provided by the COE :

- Whether the child's needs be met with relatives or in a foster family home.
- If not...
 - Whether a QRTP is the most effective and appropriate level of care for the child in the least restrictive environment.
 - Whether the QRTP is consistent with the short-term and long-term goals for the child as specified in the permanency plan.
- Formally approve or disapprove the QRTP.

QRTP PROCESS JUDICIAL REVIEW



The Court must consider:

- The DCS CANS assessment;
- The child's Permanency Plan goals;
- The Child and Family Team's determination regarding the appropriateness of QRTP; and
- The COE Assessment Consultant's documented approval of the placement in a QRTP.

Note: Family First does not specify the degree of engagement that the child should have in QRTP hearings. Since the child and family team are very involved in planning aspects of the child's care, best practice would be to allow these members to attend the hearings in order to stay involved and updated.

QRTP PROCESS JUDICIAL REVIEW



As long as the child remains in the QRTP, at all scheduled permanency hearings and progress reviews, pursuant to 42 U.S.C. § 675a(c)(1)(B), (2)-(4), DCS must provide information that demonstrates:

- Ongoing assessment of strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement with a relative or in a foster home.
- Placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment.
- The placement is consistent with the short-term and long-term goals for the child as specified in the permanency plan.
- The efforts made by DCS to prepare the child to return home or be placed with a fit and willing relative, legal guardian, adoptive parent, or in a foster home.

QRTP PROCESS ONGOING REVIEW

Additional DCS review may be required for **children or youth in foster care with extended or repeated QRTP placement.**

- DCS must submit justifying documentation with the signed approval of the DCS Commissioner to the Secretary of U.S. Department of Health and Human Services:
 - For youth 13 years of age or older, QRTP placement for more than 12 consecutive or 18 nonconsecutive months;
 - Or, for children 12 years old or younger, QRTP placement for more than 6 consecutive or nonconsecutive months.

FREQUENTLY ASKED QUESTION # 3



Q: How many IV-E eligible Tennessee children and youth in foster care are in QRTP settings currently?

A: **Count of Youth by Region Requiring QRTP Court Hearing**
(placements 7/1/21 – 6/22/22)

Count of Youth by Region Requiring QRTP Court Hearing (placements since 7/1/2021 (through 6/22/2022))	
Region	Number of Youth Requiring QRTP Court Hearing
Davidson Region	32
East Tennessee Region	30
Knox Region	17
Mid Cumberland Region	37
Northeast Region	23
Northwest Region	24
Shelby Region	18
Smoky Mountain Region	18
South Central Region	32
Southwest Region	14
TN Valley Region	18
Upper Cumberland Region	23
Grand Total	286

Family First Prevention Services Act
Qualified Residential Treatment Program (QRTP)
Tennessee Bench Card

Tool for Tennessee Bar

QRTP QUESTIONS AND RESOURCES



- Children’s Defense (2019). Implementing The Family First Prevention Services Act A Technical Guide for Agencies, Policymakers and Other Stakeholders. <https://www.childrensdefense.org/wp-content/uploads/2020/07/FFPSA-Guide.pdf>
- Children’s Information Gateway (2020). Court Hearings for the Permanent Placement of Children. <https://www.childwelfare.gov/pubpdfs/planning.pdf>
- Capacity Building Center for the States (2021). Congregate Care in the Age of Family First. <https://capacity.childwelfare.gov/states/resources/family-first-overview>
- Annie E. Casey Foundation (2018). What are the outcomes for youth placed in congregate care settings? https://caseyfamilypro-wpengine.netdna-ssl.com/media/SF_CC-Outcomes-Resource.pdf

Congregate Care in the Age of Family First



High-quality, customized congregate care can be promising for children and youth with complex clinical or behavioral needs who require a short-term stay in a residential treatment facility. The 2019 Family First Prevention Services Act (FFPSA) reflects appropriate use of congregate care through an emphasis on family-based placements and the development of qualified residential treatment programs (QRTPs). To ensure informed care and meaningful family engagement are hallmarks of these residential programs, strengthening practice and reporting measures a outcomes for children and youth with serious clinical or behavioral health disorders.

CONTACT INFORMATION



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NOTICE TO REMOTE VIEWERS

You can find a summary of the question and answer portion of the live CLE linked in the CLE materials. Please review this question and answer summary. Should you have any additional questions about the QRTP process, please reach out to us at the Court Improvement Program at CourtImprovement@tncourts.gov

