

# Qualified Residential Treatment Program (QRTP)

## A Court Reference Guide for Tennessee Child and Parent Attorneys, Multidisciplinary Professionals and Court Staff

A qualified residential treatment program (QRTP) is a non-family foster placement category for which child welfare agencies must meet assessment, case planning, documentation, judicial determinations and ongoing review requirements to receive federal IV-E funding.

### THE PURPOSE

Federal child welfare policy promotes the use of family-based placements in child welfare. Ideally, children and youth in out-of-home care should be placed in family foster care settings whenever possible.

Group or congregate care placements are time-limited and considered only when they provide the "most effective and appropriate level of care in the least restrictive environment." (*Children's Bureau, 2018, Attachment C, p. 2*).

QRTPs are designed to address the behavioral health needs of young people who cannot be served in a family-based setting.

### THE LAW & POLICY

The *Family First Prevention Services Act (FFPSA) of the Bipartisan Budget Act of 2018* amended Title IV-E of the Social Security Act to limit foster care maintenance payments (payments for room, board, and certain other costs for children in foster care) to 14 days for children placed in childcare institutions. One exception to this limitation is for children placed in facilities designated as QRTPs.

The FFPSA provides a timeline for a child or youth's involvement with QRTP:

1. A qualified individual must complete the assessment that recommends QRTP placement or a less-restrictive level of care **within 30 days of the child or youth's arrival** at the QRTP. (42 U.S.C. § 675a(c)(1)(A)).
2. **Within 60 days of that placement**, a family or juvenile court (or another court, including a tribal court of competent jurisdiction or an administrative body appointed or approved by the court) must approve the placement for the agency to access Title IV-E funding. (42 U.S.C. § 675a(c)(2)).
3. If the court approves placement, the child welfare agency must submit evidence at each subsequent hearing demonstrating:
  - That the child or youth needs to remain in the QRTP setting.
  - The plan to return the child to a family-based setting. (42 U.S.C. § 675a(c)(4)).

DCS Administrative Policy 16.46, *Child/Youth Referral and Placement and Supplemental Protocol for Placing Children in a QRTP*, guides DCS practice.

### Attorney Tips for Child and Family Team Meetings and QRTP Hearings

Attorneys representing children in child and family team meetings (CFTMs) and judicial hearings reviewing QRTP placement should approach them with a focus on advocating for the child's best interests and ensuring compliance with legal requirements.

#### 1. Understand the Legal Framework.

- Familiarize yourself with the FFPSA and Title IV-E funding requirements, including QRTP requirements and timelines for assessments and court approvals. \*See *timelines and requirements on the reverse side*.
- Review Relevant Policies: Be well-versed in policies, procedures, and protocols related to QRTPs, including DCS Policy 16.46.

#### 2. Advocate for the Appropriate, Least-Restrictive Placement at the 60-day Review. Consider These Questions:

- Does the Qualified Individual (QI) recommend a QRTP placement in their assessment?
- Did any child and family team (CFT) members, such as the child or parents, express a different placement preference?
- If so, did the QI provide a rationale for their recommendation that differs from the preference of CFT members?
- Is the QRTP placement the most appropriate level of care and the least restrictive environment for the child? Could the child's needs be effectively met in a less restrictive setting, such as a foster family home? (Note: Lack of available placements is not sufficient justification.)
- If the placement is in an out-of-state QRTP, why can't the child's needs be met within an in-state QRTP?
- Does the placement align with the child's short-term and long-term permanency goals?

#### 3. Advocate for the Appropriate, Least Restrictive Placement at Ongoing Permanency Reviews. Consider These Questions:

- Does the ongoing assessment of the child's strengths and needs support the determination that the child cannot be appropriately served in a foster family home?
- Is the QRTP still the most effective placement option and the least restrictive environment to meet the child's needs?
- Does the placement continue to align with the child's short-term and long-term permanency goals?
- What specific treatment and services are the child currently receiving at the QRTP, and are these services meeting the child's identified needs?
- How long is the child expected to need the treatment or services provided by the QRTP?
- What steps are being taken to prepare and transition the child back to their family, a foster family, or a less restrictive placement?

#### 4. Engage with the Child's Voice and Input.

- Ensure the child's voice is considered in placement decisions.
- Confirm the child has been consulted about their placement.

## QRTP JUDICIAL TIMELINES

The following protocols apply to the Department of Children's Services' (DCS) placement of certain IV-E eligible children and youth in non-foster family, residential settings. Note the protocols below do not apply to placements in which DCS is not drawing down IV-E funds, nor do they apply to specific types of IV-E placements that are not subject to QRTP requirements (i.e.: programs specifically serving parenting youth, trafficked youth, young adults in supervised settings, and drug treatment family programs).

### Initial Judicial Review within 60 Days of Placement

Court review required: Judge, Magistrate or judicially appointed administrative body.

#### Court Reviews:

1. CANS assessment;
2. Child's permanency goals;
3. CFTM determination regarding the least restrictive/most appropriate level of care required; and
4. Assessment Consultant/QI documentation of approval of QRTP.

After court review, the Court must formally find agreement or disagreement with QRTP placement.

**IN GENERAL, THE COURT SHOULD PROVIDE WEIGHT TO THE RECOMMENDATION OF THE QI AND THE CHILD AND FAMILY TEAM.**

If Court disagrees, child moved within 30 days or IV-E funding ends.

### Subsequent Status Reviews and Permanency Hearings Include QRTP review

Court review required at regular child welfare intervals: Judge, Magistrate or judicially appointed administrative body.

#### Court Reviews:

1. CANS assessment;
2. Child's permanency goals;
3. QRTP placement provides least restrictive/most appropriate level of care required;
4. QRTP treatment and service needs; and
5. Preparation made for child's step down into family home or less restrictive placement.

Court determines whether QRTP remains the most appropriate level of care.

### QRTP Requirements

Licensed in TN and Nationally Accredited

Operate with a Trauma Informed Treatment Model

Provide 24/7 Access to Nursing and Licensed Clinical Staff

Facilitate Family Participation

Provide Discharge Planning and Aftercare