



# MINNESOTA JUDICIAL BRANCH

## Guide to Qualified Residential Treatment Program (QRTP)

### Placements

STATE COURT ADMINISTRATOR'S OFFICE

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## Overview

This guide supplements the [Handout -QRTP Review](#) by providing additional, detailed information and resources about Minnesota's Qualified Residential Treatment Programs. (QRTPs). QRTPs are group care settings introduced by the Family First Prevention Services Act (FFPSA). The FFPSA is federal legislation that focuses on placing children in foster care with relatives or in foster family homes. It does this by limited IV-E funding to certain group care placements. 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 costs for children in foster care.

The federal government reimburses the state for a significant portion of the foster care placement costs if a child is IV-E eligible and then placed in an approved IV-E placement. A child must meet certain criteria and income requirements to be IV-E eligible. If a child is IV-E eligible, the social services agency may seek reimbursement for placement in any of the following settings:

- Foster family homes – defined as the home of an individual or family licensed for child foster care. The foster parent(s) must reside in the home with the child.
- Children placed with parent(s) in a residential treatment facility for substance abuse.
- The following types of childcare institutions (with no more than 25 children):
  - Placements for pregnant or parenting youth
  - Supervised independent living placement for youth 18 and older
  - Specialized placements for victims and those at-risk of becoming victims of sex trafficking
  - Qualified Residential Treatment Programs (QRTPs) for children and youth with treatment needs
  - Non-QRTP group care facilities (only up to 2 weeks)

Placements that do **not** qualify for reimbursement include:

- Detention facilities
- Forestry camps
- Training schools
- Any other facility mostly operated for the detention of children deemed to be delinquent.

### Qualifying as a QRTP

QRTPs must meet federal and state requirements. They must be licensed and certified through the Minnesota Department of Human Services (DHS). DHS has a [Licensing Information Lookup](#) tool providing up-to-date information about which facilities meet QRTP and other specialized placement requirements.

To qualify for IV-E reimbursement, a QRTP must have the following components per [Minn. Stat. § 260C.007, subd. 26d](#):

1. Trauma-informed treatment model designed to address the needs of children with serious emotional or behavioral disorders or disturbances.
2. Registered or licensed nursing staff and other licensed clinical staff who provide care within the scope of their practice and are available 24 hours a day/7 days a week.
3. Licensed according to Title IV-E requirements and accredited by any of the following independent, nonprofit organizations:
  - The Commission on Accreditation of Rehabilitation Facilities (CARF)
  - The Joint Commission on Accreditation of Healthcare Organizations (JCAHO)
  - The Council on Accreditation (COA)
  - Any other nonprofit accrediting organization approved by the United States Department of Health and Human Services
4. If it is in the child's best interests, facilitates outreach to and participation of the child's family members (including siblings) in the child's treatment programming consistent with the child's out-of-home placement plan.
5. Documents how the facility assists with outreach to the child's parents and relatives, maintains the child's sibling connections, and includes family in the child's treatment process (including after the child's discharge). The facility must document the child's parents' and other relatives' contact information.
6. Provides the child and the child's family with discharge planning and family-based aftercare support for at least six months after the child's discharge.

## Proposing a QRTP Placement

### Family and Permanency Team

When the social services agency's juvenile treatment screening team recommends placing a child in a QRTP, the agency must assemble a family and permanency team within **10 days** that includes (as appropriate):

- Biological family members
- Parents, legal guardians, or custodians
- Foster care providers
- Relatives
- Professionals who are a resource to the child's family, such as teachers, medical or mental health providers, or clergy.
- If the child is 14 or older, the team must include members selected by the child.

If the child is an Indian child under the [Indian Child Welfare Act \(ICWA\)](#) or the [Minnesota Indian Family Preservation Act](#), the social services agency must make active efforts to include the child's tribal representative on the family and permanency team.

### Qualified Individual Assessment

Pursuant to [Minn. Stat. § 260C.704](#), a Qualified Individual (QI) conducts an assessment prior to a child's placement in a QRTP. A QI is a trained culturally competent professional or licensed clinician (including a mental health professional under [Minn. Stat. § 245.4871, subd. 27](#)) who conducts QRTP assessments approved by the commissioner of the Minnesota Department of Human Services. QIs cannot be individuals to or affiliated with any placement setting. If the child must be immediately placed in a QRTP due to crisis, the QI shall conduct an assessment within **30 days** of the placement. If the QI assessment is not completed within 30 days, then the social services agency may lose its ability to receive IV-E funding for the placement.

The assessment must use an age-appropriate, evidence-based, validated, functional assessment tool that is approved by the commissioner of human services. The QI assessment is done in conjunction with the child's family and permanency team. The QI assessment shall:

- Assess the child's strengths and needs
- Determine whether the child's needs can be met by the child's family members or through placement in a foster family home. If not, determine which allowable childcare institutions (see

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list above under the [Overview](#) Section) would provide the child with the most effective and appropriate level of care in the least restrictive environment consistent with the child's short- and long-term goals as specified in the permanency plan.

- Develop a list of short- and long-term mental and behavioral health goals for the child.
- Work with the child's family and permanency team using culturally competent practices.

If the QI recommends placement outside the family or outside a foster family 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 (especially when considering the use of in-home services or outpatient services). A shortage or lack of foster family homes is not an acceptable reason.
- Why placement in a QRTP is the most effective and appropriate level of care for the child 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?
- Reasons why the placement preferences of the child, child's tribe (if ICWA applies), parent(s) or legal guardians(s), family and permanency team were not recommended, if different from the recommendation of the QI.

### Social Services Agency Report

When the QI Assessment is complete, the QI submits it to the social services agency who prepares it into a report that can be filed with the district court. If the QI agrees with the agency that the QRTP is the most appropriate setting for the child, then the report needs to be filed with the district court within 35 days of placement in the QRTP, along with a request for a hearing or for a court order without a hearing. [Minn. Stat. § 260C.71, subd. 2.](#)

If the QI disagrees with the agency that the QRTP is the most appropriate setting for the child, the agency must place the child in a more appropriate setting. If the child is already placed in a QRTP the child must be moved within **30 days of the QI's determination**. Court review to approve or not approve the QRTP placement is not required in this case. The agency must provide a copy of the assessment of the parents or legal guardians and the guardian ad litem and file the assessment determination with the district court in connection with the next regularly scheduled review in the case.

[Minn. Stat. § 260C.71, subd. 5,](#) and [Minn. Stat. § 260C.704\(f\).](#)

## Court Review of QRTP Placement

### Initial Review

Within 60 days of each QRTP placement approved by a QI, the court must:

- Review the QI assessment, determination, and documentation.
- Determine whether the needs of the child can be met through placement in a foster family home. If a foster family home won't meet the child's needs, determine whether the QRTP:
  - Provides the most effective and appropriate level of care for the child in the least restrictive environment.
  - Is consistent with the short- and long-term goals as established in the child's permanency plan.
- Approve or disapprove the child's placement in the QRTP. [Minn. Stat. § 260C.71](#)

If the court disapproves the child's placement in a QRTP, the social services agency shall remove the child from the QRTP within **30 days** of the court's order and plan for the child to be placed somewhere that is consistent with the child's best interests. [Minn. Stat. § 260C.71, subd. 4.](#)

### Subsequent Reviews

While the child remains in the QRTP, the court must review the QRTP placement at each subsequent hearing. The social services agency is required to submit evidence at each court review showing:

- Ongoing assessment of the child's strengths and needs continues to support the need for residential treatment (child's needs still cannot be met through placement in a foster family home).
- QRTP placement continues to provide the most effective and appropriate level of care for the child in the least restrictive environment.
- QRTP placement remains consistent with the short- and long-term goals for the child, as specified by the permanency plan.
- The specific treatment or services needs that will be met for the child with continued placement.
- The length of time the child is expected to need additional treatment or services.
- The agency's efforts to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, or foster family after discharge. [Minn. Stat. § 260C.712.](#)

## Limitations on QRTP Placements

### Out-of State QRTP Placements

There must be compelling reasons for placing a child out-of-state and why the child's needs cannot be met by an in-state placement. [Minn. Stat. § 260C.71, subd. 2](#) and [Minn. Stat. § 260C.712](#).

### Extended QRTP Placements

There are limits on how long children and youth can be in QRTP placements unless signed approval is received from the county social services director.

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

[Minn. Stat. § 260C.714](#).

## Frequently Asked Questions

*What cases do QRTP court review requirements apply to?*

It applies to both 260C child protection cases and 260D voluntary foster care for treatment cases. It could also apply to 260B juvenile delinquency cases, but only when a contract with Corrections involves a Title IV-E agreement. QRTP placements most commonly arise in 260D voluntary foster care for treatment cases.

*Do QRTP court review requirements apply retroactively?*

No, they do not apply retroactively to placements made prior to September 30, 2021.

*When does the 60-day timeline for initial review start?*

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

*What if a child/youth moves from one QRTP to another QRTP?*

Initial review is required **each time** a child or youth is placed in a QRTP on or after September 30, 2021. Moving from one QRTP placement to another QRTP placement would require another initial review within **60 days** of placement in the new QRTP as well as subsequent reviews if approved by the court at the initial review.

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### *If a formal hearing required for the initial review?*

A formal hearing is only required when a party or a child age 10 or older requests it. In all other circumstances, the court has discretion to hold a hearing or issue an order without a hearing within **60 days** of the QRTP placement.

### *If a hearing is requested, how does it get scheduled?*

QRTP initial review hearings can occur at the same time as an already scheduled review, permanency, or other hearing. If a QRTP initial review hearing needs to be scheduled and there is not another hearing calendared within the 60-day time frame, then a Placement Hearing can be scheduled as a standalone event to address it.

Most initial reviews occur administratively (with an order issuing without a hearing) or in connection with another case event scheduled within the 60-day timeframe. Having a separate placement hearing for the initial review is an uncommon scenario.

### *How does a QRTP placement in a 260D Foster Care for Treatment case change the timeline and process for that case?*

For 260D cases involving QRTP placement, court involvement begins sooner. The court receives notification, then reviews, and issues an order approving or not a QRTP placement **within 60 days** of the placement.

Once approved, it's subject to all the regular review requirements of a 260D case with the first continuing review occurring when the initial review would have occurred at **175 days** of placement (or within **10 days** of receiving the report required to be filed within **165 days** of placement).

At each regularly scheduled review in the case, the court needs to find that the QRTP placement continues to be the most effective and appropriate level of care for the child in the least restrictive environment. This is to ensure that the child's best interests are being met and IV-E reimbursement continues to support the placement.

For more information about the timeline and process, please refer to the [Handout – Qualified Residential Treatment Program \(QRTP\) Placement Timeline](#).

### *What happens if the lesser restrictive placement options are unavailable due to long waiting lists or will not accept the child due to history of running, suicidal ideation, or violence?*

Each judicial officer will have to make their own individual determination of whether the proposed placement is in the child's best interests, given the individual needs of the child and restrictiveness of the setting. A child should not be placed in a QRTP solely because another option is not available.

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*Is Minnesota doing anything to increase the number of less restrictive placement setting or family-like options?*

The intent of the FFPSA is to be transformational over time. Child welfare agencies need to engage with relatives and recruit non-relative foster family homes to meet the needs of children and support access to in-home services to prevent residential placement. The FFPSA created other new placement settings such as those specific to older youth, pregnant and parenting youth, youth who are victims or at risk of becoming victims of sex trafficking. These specialized settings present additional options that could be considered more appropriate for a child, depending on the facts of a case.

### Resources

Minnesota Judicial Branch:

- [Help Topic for Family First Prevention Services Act \(FFPSA\)](#)
- [Help Topic for Children’s Justice Initiative \(CJI\)](#)

Minnesota Department of Human Services:

- [Program Resources page for Family First Prevention Services Act](#)
- [Program Resources page for Minnesota’s Family First Prevention Services Act qualified individual program](#)
- [Licensing Information Lookup Tool](#)
- [Program Resources page for Prevention Candidates and Placement Prevention Services](#)

Laws:

- [Full text of the federal law](#)
- [Minnesota Statutes, Chapter 260C](#)
- [Minnesota Statutes, Chapter 260D](#)
- [Social Security Act Title IV-E](#)

Other State and Federal Resources on the FFPSA:

- [Children’s Bureau page for Title IV-E Prevention Program](#)
- [Child Welfare Capacity Building Collaborative’s page for Family First Prevention Services Act \(FFPSA\)](#)
- [American Bar Associations \(ABS\)’s page for Family First Prevention Services Act: Resources and Tools for Practitioners](#)
- [National Council of Juvenile and Family Court Judges \(MCJFCJ\)’s publication: The Role of the Court in Implementing the Family First Prevention Services Act of 2018](#)