



## Court Review of Qualified Residential Treatment Program (QRTP) Placements

### Overview

Court review of QRTP placements are necessary to ensure that children are consistently placed in the most appropriate setting. This handout explains the court's role and expectations around placement of children in QRTPs in accordance with the Family First Prevention Services Act (FFPSA), fully implemented in Minnesota effective September 30, 2021.

### Timeline of Events

The following timeline must be adhered to in order to secure continued federal funding for QRTP placement:

- Child placed at QRTP starts the timeline.
- Within 30 days of placement—Qualified Individual (QI) Assessment must be complete.
- Within 35 days of placement—Social Worker Report with QI's Assessment filed with court along with request for hearing or for a court order without a hearing.
- Within 60 days of placement—court reviews Social Worker Report with QI's Assessment & approves/disapproves QRTP placement.
- Subsequent Hearings— court reviews QRTP placement decision.

### Event Definitions

#### Qualified Individual (QI):

A trained culturally competent professional or licensed clinician, who is not an employee of the agency or placement setting.

#### QI Assessment:

QI will assess the strengths and needs of the child, in consultation with family and permanency team. Assessment must include:

- Reasons why the child's needs cannot be met by the child's family or in a foster family home through use of services;
- Why the recommended placement provides the child with the most effective and appropriate level of care;
- How placement is consistent with the child's short- and long-term goals; and
- If recommendation differs from the preferences of the parents, Family and Permanency Team, child, or tribe, the reasons why.

#### Social Worker Report must include:

- Updated Out-of-Home Placement Plan;
- QI's Assessment;
- Request for hearing or for a court order without a hearing; and
- Other information provided by the parties.



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<b>Initial Review</b> <b>Minn. Stat. § 260C.71</b>	<b>Subsequent Review</b> <b>Minn. Stat. § 260C.712</b>
<p><b>Judicial officer reviews the Social Worker Report and considers the following:</b></p> <ul style="list-style-type: none"><li>• Why can't the child's needs be met by the family or in a foster family home?</li><li>• Why is QRTP placement the most effective and appropriate level of care in the least restrictive environment? (Lack of available placements is not a valid reason.)</li><li>• How is placement in a QRTP consistent with the child's short- and long-term goals, as specified in the permanency plan?</li><li>• If it's an out-of-state QRTP, what are the compelling reasons why the child's needs can't be met in an in-state QRTP?</li><li>• What is the placement preference of the child, parent(s), Child and Family Permanency Team, and child's tribe, if ICWA applies?<ul style="list-style-type: none"><li>• Does the QI agree?</li><li>• If not, why did the QI recommend something different?</li></ul></li></ul>	<p><b>At all subsequent review hearings, the judicial officer considers the following:</b></p> <ul style="list-style-type: none"><li>• Does the ongoing assessment of the strengths and needs of the child continue to support the need for residential treatment?</li><li>• Does placement in the QRTP continue to provide the most effective and appropriate level of care for the child in the least restrictive environment? (Lack of available placements is not a valid reason.)</li><li>• Does placement in the QRTP remain consistent with the child's short- and long-term goals, as specified in the child's permanency plan?</li><li>• How will the child's specific treatment or service needs be met with continued placement in the QRTP?</li><li>• What is the length of time that the child is expected to need additional treatment or services?</li><li>• What efforts are being made by the agency to prepare the child to return home or to be placed with a fit and willing relative, legal guardian, adoptive parent, or foster family?</li></ul>