



# Qualified Residential Treatment Program (QRTP) Level of Care Assessments

*Toolkit for Judicial Use*







---

# Qualified Residential Treatment Program (QRTP) Level of Care Assessments

*Toolkit for Judicial Use*

June 2021

---

**Maureen O'Connor**

CHIEF JUSTICE

**Sharon L. Kennedy**

**Judith L. French**

**Patrick F. Fischer**

**R. Patrick DeWine**

**Michael P. Donnelly**

**Melody J. Stewart**

**Jennifer Brunner**

JUSTICES

**Stephanie E. Hess**

INTERIM ADMINISTRATIVE DIRECTOR

## Office of Court Services

**Stephanie Graubner Nelson**

DIRECTOR

## Children & Families Section

**David Edelblute**

MANAGER

**Kyana Pierson**

POLICY COUNSEL

**Anne Murray**

POLICY COUNSEL

**Debra Copeland**

COURT IMPROVEMENT PROGRAM ANALYST

**Renee Bellamy**

PROGRAM ASSISTANT

## Acknowledgments

This guide was developed under the guidance and oversight of the Subcommittee on Responding to Child Abuse, Neglect & Dependency of the Supreme Court Advisory Committee on Children & Families. The Subcommittee and the Supreme Court of Ohio wish to extend special recognition to the members of the QRTP – Court Oversight Workgroup. These workgroup members dedicated their time, experience, expertise, and energy to drafting this guide.

QRTP – Court Oversight Workgroup Members:

Justin Abel, *Ohio Department of Job & Family Services*

Hon. Denise Navarre Cubbon, *Lucas County Juvenile Court*

Jon Ford, *Legal Aid Society of Greater Cincinnati*

Mark Ingles, *The Village Network*

Hon. Jim James, *Stark County Family Court*

Grace Kolliesuah, *Ohio Department of Mental Health & Addiction Services*

Mag. Kathleen Lenski, *Montgomery County Juvenile Court*

Randy Muth, *Mahoning County Children Services*

Victoria Smith, *Capital University Family & Youth Law Center*

Tequilla Washington, *Ohio Department of Job & Family Services*

Brandon Wheeler, *Portage County Prosecutor's Office*



# Table of Contents

- I. Introduction
- II. Family First QRTP Court Oversight Workgroup
  - A. Recommendations Summary
- III. Applicable Federal and State Laws
  - A. Review Hearing
  - B. Permanency Hearing
  - C. Case Planning and Reviews
  - D. QRTP Definition
  - E. QRTP Responsibilities
  - F. QRTP Assessment Information and Related Definitions
  - G. Assessment Requirements
  - H. Additional, Related Case Plan Information
  - I. Transitioning Out of a QRTP
  - J. Federal Foster Care Maintenance Payments
- IV. Recommendations
  - A. Options for Conducting Hearings
  - B. Required Hearings and Findings by Judicial Officers
  - C. Hearing Processes and Procedures
  - D. Changes to Statute and Court Rules
  - E. Consolidating Family First QRTP Required Hearings and Current Hearings
  - F. Placement Changes
- V. Appendix
  - A. PCSA Case Flowchart
  - B. Judicial Oversight of Quality Residential Treatment Provider Placement
  - C. Juvenile Delinquency Case Flowchart
  - D. QRTP Flowchart
  - E. Judicial Bench Guide
  - F. Sample Court Forms
    - i. Ohio Judicial Determination on Placement in QRTP
    - ii. Ohio Notice of Placement in QRTP
    - iii. Ohio QRTP Placement Hearing Judgment Entry
    - iv. Ohio Request for Hearing on Child's Placement in QRTP





---

## I. Introduction

In 2018, the Family First Prevention Services Act (Family First) was signed into law as Public Law 115-123 and overhauled child welfare programs and policy. This Act amended Title IV-E and Title IV-B of the Social Security Act and sought to keep children, who might otherwise be subject to foster or congregate care, safe and supported at home when possible. The primary focus of this historic act was to reform child-welfare practices across the nation by providing federal funding to services for families with children who are at-risk of entering foster care, and to change the standards for placement of youth in congregate care settings.

The Ohio Department of Job and Family Services (ODJFS) was tasked with developing, implementing, and overseeing Family First for Ohio. One of the first tasks following the enactment of Family First was for ODJFS to create an advisory council to make recommendations for the implementation of the necessary programs. This council consists of many stakeholders, including representatives from the Supreme Court of Ohio, ODJFS, the Ohio Department of Youth Services, local courts, private and public children's services agencies, caregivers, foster care alumni, and other statewide agencies involved in the child welfare system in different capacities.

Over the last two years ODJFS has identified necessary changes in the Statewide Automated Child Welfare Information System (SACWIS), including the reimbursement structure, family case plans, and federal reporting, in anticipation of the October 2021 effective date. ODJFS also drafted new administrative rules around Qualified Residential Treatment Program (QRTP) level of care assessments.

The purpose of this toolkit is to provide guidance for conducting the required QRTP hearings. This toolkit will also explain how the QRTP hearings fit into the existing court structure and statutory framework of Ohio's child welfare system. The toolkit outlines recommended adjustments to existing court hearings, cites relevant state and federal law, and contains sample court forms to be used for these hearings.

---

## II. Family First QRTP Court Oversight Workgroup

As part of the advisory council's planning process, ODJFS asked the Supreme Court of Ohio's Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND) to form a judicial workgroup to create a structure for QRTP hearings, make recommendations regarding the juvenile court's role in the program, and provide guidance on how the program will be implemented from the court's perspective.

The workgroup reviewed the Family First Prevention Services Act, the Ohio Revised Code, the Ohio Administrative Code, and other states' implementation plans and documentation. As a result, the workgroup recommended a court oversight procedure, which is as follows:

Within 60 days of the placement in the QRTP, the juvenile court is required to:

1. Consider the qualified individual's assessment, determination, and documentation;
2. Determine whether the needs of the child can be met through placement in a foster family home; if not, whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment and whether that placement is consistent with the child's short- and long-term goals as stated in the permanency plan; and
3. Approve or disapprove the placement [[42 U.S.C. 675a\(c\)\(2\)](#)].

At every review and permanency hearing in order to approve a QRTP placement, the court shall find by a preponderance of the evidence:

1. That an on-going assessment conducted by a qualified individual shows:
  - a. The needs of the child cannot be met through placement in a foster family home;
  - b. Placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment; and
  - c. That the placement is consistent with the child's short- and long-term goals as stated in the permanency plan.
2. That the specific treatment/services the child requires and the length of time for the stated treatment are documented in the case plan.
3. The state's efforts to prepare the child to return home or to be placed with a relative, guardian, or custodian are documented in the case plan.

---

## A. Recommendations Summary

Throughout this document, the word “hearing” will be used to describe both hearings in front of judicial officers and administrative reviews that do not need to be overseen by a judicial officer. While it is at the discretion of the court to use a hearing or administrative review, the recommended best practice would be hearings presided over by a judicial officer, either in person or in a virtual setting.

“Placing agency” is used throughout the toolkit to mean either a public children’s services agency (PCSA), a private child placing agency, Title IV-E court, or private non-custodial agency certified by ODJFS, responsible for placing the child.

The workgroup recommends all QRTP-related hearings be conducted only by judicial officers. At these hearings, any members of the child’s family, kin, and permanency team should be welcome to attend.

A hearing must be held within 60 days of the placement of the child in the QRTP where the court will decide whether to approve or deny the level of care. The court shall only determine whether the child’s needs are met by the level of care provided by the QRTP. The court shall not approve or deny the particular placement identified by the placing agency. The judicial officer at the hearing shall consider the child’s assessment, the level of care determination, and other documentation to determine whether the needs of the child can be met with a foster care family. If the court determines that the child’s needs cannot be met with a foster care family, then the judicial officer shall determine if the level of care provided for by the QRTP placement would provide the most effective level of care and if that placement is consistent with the child’s short- and long-term goals as outlined in the child’s case plan. At all subsequent review hearings, the court shall determine whether placement in a foster care family home is not appropriate, whether the QRTP placement provides the most effective level of care in the least restrictive setting, and whether that placement remains consistent with the child’s short-and long-term goals. The court shall also review the child’s case plan to determine whether the placing agency appropriately documented specific services and treatment for the child, including timelines of when it would be appropriate for the child to return to a family setting.

The court shall make judicial findings **by a preponderance of the evidence** regarding the child’s continued QRTP placement.

An assessment by a qualified individual must be conducted within 30 days of the child’s placement and submitted to the court prior to the hearing. The assessor is not required to attend the hearing. If necessary, the assessor may be subpoenaed and may also appear virtually.

---

A new assessment of the child is required each time the child re-enters a QRTP placement. New assessments are not required when the child transfers between two different QRTP placements. New assessments should reference past assessments to ensure continuity of the child's care.

This workgroup recognizes that Title IV-E courts may also utilize a QRTP placement and a qualified individual to complete the required assessment. Title IV-E courts will follow the same process and procedure as a PCSA when working with a child in need of placement in a QRTP.

### III. APPLICABLE FEDERAL AND STATE LAWS

#### A. Review Hearing

- [42 U.S.C. 675\(5\)\(B\)](#) states that a review hearing must be held at least once every six months by court or administrative review.
- [R.C. 2151.417\(A\)](#) allows a juvenile court to review a child's case and case plan at any time.
- [R.C. 2151.416](#) requires children's services to hold an administrative review no later than six months after the complaint was filed or the children entered shelter care, whichever is earlier. Additional reviews are to be held at least every six months following, to review the child's health, safety, and case plan.

#### B. Permanency Hearing

- [42 U.S.C. 675\(5\)\(C\)](#) requires permanency hearings be held no later than 12 months after a child enters foster care and at least every 12 months thereafter that the child remains in foster care.
- [R.C. 2151.417\(C\)\(1\)](#) requires the court to hold an initial permanency review hearing one year after the complaint was filed or the child entered shelter care, whichever is earlier. Additional review hearings are to be held no later than 12 months after the initial permanency review hearing and thereafter until the child is adopted, returned to the parents, or the court terminates the placement [[R.C. 2151.417\(C\)\(2\)](#)].

#### C. Case Planning and Reviews [[Ohio Adm.Code 5101:2-38](#)]

- PCSAs are directed to use JFS 01410 "Comprehensive Assessment Planning Model – I.S., Case Plan." There are a few requirements for PCSAs to include in the case plan – a written visitation plan for siblings if not jointly placed with the child; a written visitation plan for the child's parent/guardian/custodian; and JFS 01443 "Child's Education and Health Information" [[Ohio Adm.Code 5101:2-38-05](#)].

- 
- Case planning for private children’s services agencies is addressed in [Ohio Adm.Code 5101:2-38-05](#) and [5101:2-38-07](#).
  - [R.C. 2151.412\(C\)\(1\)](#) states that ODJFS shall adopt rules regarding the content and format of case plans. The case plans shall at a minimum comply with the requirements set forth in [42 U.S.C. 671](#). [42 U.S.C. 671\(a\)\(16\)](#) defines case plan by reference to the definition of the same in [42 U.S.C. 675](#).

D. QRTP Definition [[42 U.S.C. 672\(k\)\(4\)](#)]

A Qualified Residential Treatment Program is a program that:

1. Has a trauma-informed treatment model designed to meet the needs (including clinical needs) of children with serious emotional or behavioral disturbances, and is able to treat the child;
2. Has registered or licensed nursing or clinical staff who can provide the necessary care and are on-site as required by the trauma-informed treatment model and available 24 hours a day, seven days a week; and
3. Is licensed by ODJFS and accredited by:
  - a. Commission on Accreditation of Rehabilitation Facilities;
  - b. Joint Commission on Accreditation of Healthcare Organizations;
  - c. Council on Accreditation; or
  - d. Any other independent, not-for-profit accrediting organization approved by the U.S. Secretary of Health & Human Services.

E. QRTP Responsibilities [[42 U.S.C. 672\(k\)\(4\)](#)]

1. Facilitate the participation of family members in accordance with the child’s best interest to the extent appropriate;
2. Provide discharge planning and family-based aftercare support for at least six months post-discharge;
3. Facilitate outreach to the child’s family members and document how that outreach is made;
4. Maintain contact information for any known family members; and
5. Document how family members are integrated into the treatment process for the child, including post-discharge and maintaining sibling connections.

---

## F. QRTP Assessment Information and Related Definitions

- **Qualified individual:** a trained professional or licensed clinician who is not an employee of the placing agency and who is not connected to or affiliated with any placement setting. The U.S. Secretary of Health & Human Services may waive any requirement upon submission by the placing agency that the individual can maintain objectivity [[42 U.S.C. 675a\(c\)\(1\)\(D\)](#)].
- A qualified individual must conduct an assessment of the child's placement in the QRTP within 30 days of the start of the placement. If the assessment is not completed within this timeframe, federal payments for the child will not be made [[42 U.S.C. 672\(k\)\(3\)\(A\)](#)].

## G. Assessment Requirements [[42 U.S.C. 675a\(c\)\(1\)\(A\)](#)]

1. Assess the child's strengths and needs using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the U.S. Secretary of Health & Human Services;
2. Determine whether the child's needs can be met with family members or a foster family home, or if not, which QRTP would be the "most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child" as specified in the permanency plan; and
3. Develop a list of child-specific short- and long-term mental and behavioral health goals.

The qualified individual shall work with the family and the permanency team while conducting and making the assessment.

The family and permanency team is:

- Created by the placing agency for each child;
- Consists of all appropriate family members and professionals who are a resource to the family (e.g., teachers, mental health providers who have treated the child, clergy). If the child is 14-years-old or older, the team shall include up to two members who are chosen by the child and who are not a foster parent of, or caseworker for, the child;
- Assists with the assessment and determination of the child's placement needs.

---

The placing agency shall document in the child's case plan [42 U.S.C. 675a(c)(1)(B)(iii)]:

- Information and evidence regarding the family and permanency team showing:
  - Reasonable and good faith efforts of the placing agency to identify and include all relatives and fictive kin on the family and permanency team;
  - All contact information for family and permanency team members and other relatives or fictive kin not members of the team;
  - The assessment was made in consultation with the family and permanency team;
  - The parent from whom the child was removed provided input on the members of the family and permanency team if reunification is the goal; and
  - The assessment was determined in conjunction with the family and permanency team.
- Placement should be made with siblings unless there is a court finding otherwise;
- Reasons why the placement recommended by the qualified individual is not the same as the family and permanency team, if they differ;
- Reasons why the family or a foster family home is not in the child's best interest and why the QRTP will provide the child with the "most effective and appropriate level of care in the least restrictive environment" and how placement in the QRTP is consistent with the child's goals as specified in the permanency plan.

#### H. Additional, Related Case Plan Information [42 U.S.C. 675]

A "case plan" means a written document that includes at least one of the following:

- A description of the type of home or institution where a child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency responsible for the child plans to carry out the voluntary placement agreement/judicial determination.
- A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to their own safe home or the permanent placement of the child,

---

and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

- If the child is 14-years-old or older, the plan (and any revision/ addition to the plan) shall be developed in consultation with the child and, at the option of the child, with up to two members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for the child. A placing agency may reject an individual selected by a child to be a member of the case planning team at any time if the placing agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent-parent standard to the child.
- The health and education records of the child, including the most recent information available regarding:
  - Names and addresses of the child's health and educational providers;
  - Child's grade-level performance;
  - Child's school records;
  - Child's immunization records;
  - Child's known medical problems;
  - Child's medications; and
  - Any other relevant health and education information concerning the child determined to be appropriate by the placing agency.
- If the child is 14-years-old or older, a written description of the programs and services which will help the child prepare for the transition from foster care to a successful adulthood.
- A plan for ensuring the educational stability of the child while in foster care, including:
  - Assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
  - An assurance that the placing agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or



- 
- If remaining in such school is not in the best interests of the child, assurances by the placing agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

If the permanency plan is adoption or placement in another permanent home, the case plan must include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of state, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-state and interstate placements.

If the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments, a description of the following details must be included in the case plan:

- Steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
- Reasons for any separation of siblings during placement;
- Reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;
- Ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
- Efforts the agency has made to discuss adoption by the child's relative as a more permanent alternative to legal guardianship and, in the case of a relative who has chosen not to pursue adoption, documentation of the reasons therefore; and
- Efforts made by the placing agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

#### I. Transitioning Out of a QRTP [[42 U.S.C. 672\(k\)\(3\)\(B\)](#)]

Upon the determination that a child is no longer to be placed at the QRTP, federal payments will only be made for the period necessary for the child to transition home or to a new placement, not to exceed 30 days from the determination that placement at the QRTP is no longer needed or appropriate.

A child may be removed from a QRTP if the court disapproves of the placement or the child is going to return home or be placed elsewhere (kinship or foster placement).

---

If a child is placed in a QRTP for more than 12 consecutive or 18 non-consecutive months (or more than six total months while under the age of 13), the placing agency shall submit the most recent documentation prescribed in [42 U.S.C. 675\(a\)\(c\)\(5\)](#) and the signed approval of the head of the placing agency for continued placement.

J. Federal Foster Care Maintenance Payments [[42 U.S.C. 672\(k\)](#)]

Federal payments shall be made to the state while a child is placed in a QRTP up to 30 days after a determination has been made to transition the child back to their family or to a relative, guardian, or custodian; or placement in a QRTP has been disapproved or deemed no longer appropriate.

Foster care maintenance payments will be withheld if the qualified individual's assessment is not conducted within 30 days of the placement of a QRTP; or if, by the beginning of the third week of placement, the case plan does not contain written documentation of the reasons why the child's needs cannot be met by the family or in a foster family home, and why the QRTP will provide the child with the "most effective and appropriate level of care in the least restrictive environment," and how placement in the QRTP is consistent with the child's goal as specified in the permanency plan.

## IV. RECOMMENDATIONS

### A. Options for Conducting the Hearings

The workgroup recommends that all QRTP hearings required pursuant to the Family First Prevention Services Act (FFPSA) be conducted by judicial officers only and that review boards not be used as an option for these hearings. This recommendation is consistent with policies in most other states.

At these hearings, any members of the child's family and permanency team should be welcome to attend. It is at the court's discretion to have parties or other related individuals in attendance in person or virtually.

### B. Required Hearings and Findings by Judicial Officers

For any youth being recommended to or placed in a QRTP, an assessment by a qualified individual must be conducted within 30 days of the child's placement. The level of care assessment does not recommend a specific placement. The assessment must be submitted to the court prior to the hearing. The hearing must be held within 60 days of the placement in a QRTP to approve or disapprove the QRTP placement. Following this hearing, the court should also perform review and permanency hearings.

---

Under [42 U.S.C. 675\(a\)\(c\)\(2\)](#) the juvenile court is required to consider the qualified individual's assessment, level of care determination, and case plan documentation at the hearing, and then determine whether the needs of the child can be met through placement in a foster family home. If the child's needs cannot be met with placement in a foster family home, the juvenile court must determine whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment and whether that placement is consistent with the child's short- and long-term goals as stated in the permanency plan. Short-term goals are procedural milestones used to make long-term goals more attainable by the child. Applying these considerations, the juvenile court must then approve or disapprove the placement.

At any review hearings, the court shall find by a preponderance of the evidence that the on-going assessment shows that:

1. The needs of the child cannot be met through placement in a foster home;
2. Placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment; and
3. The placement is consistent with the child's short- and long-term goals as stated in the permanency plan.

Additionally, the placing agency needs to document in the case plan the specific treatment and services the child needs and for how long the child needs treatment and services, as well as the placing agency's efforts to prepare the child to return home or be placed with a custodian.

At each review hearing conducted regarding a child placed in a QRTP, the court shall make judicial findings regarding the child's continued placement by a preponderance of the evidence.

Hearings for a child in the placement and care of a Title IV-E court in the need of a QRTP setting must follow the guidance above. If a child is being placed or considered for placement in a QRTP, an assessment by a qualified individual is required to be submitted to the court on the same timeline. A hearing to approve or disapprove the placement and associated review hearings are required to be held within the same timelines as outlined above.

Judicial officers should refer to Appendix E: Judicial Bench Guide, containing guiding questions for the judicial officer to determine whether to approve or disapprove the QRTP placement. This guide can be used at both initial placement and review hearings.

---

### C. Hearing Processes and Procedures

Required hearings may occur in-person or virtually. An administrative option should also be made available, but certain situations such as a disrupted placement, would require a traditional rather than administrative hearing.

A review of other states that have enacted similar QRTP placement options showed that no state offered guidance as to what degree the child should be involved in QRTP hearings. Section [475A of 42 U.S.C. 675a](#) requires the placing agency to assemble a family and permanency team for the child eligible for QRTP placement, consisting of appropriate family members and professionals. Since the family and permanency team has a high level of involvement 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.

Best practice also encourages a child to attend hearings and share input in an age- and developmentally-appropriate way, including through the guardian ad litem. The court should also consider other factors that may limit a child's ability to attend and share at hearings. A written report of the assessment conducted by the qualified individual must be submitted to the court; however, there is no statutory or case law requirement that a qualified individual must appear before the court to explain or defend the findings or recommendations. Subpoena or virtual means can be used as necessary to permit the qualified individual's attendance. The court is responsible for approving or disapproving the level of care and may then enter the qualified individual's assessment as evidence. The qualified individual must discontinue the assessment work if they do not feel competent or do not fall under specific guidelines for working with children with special needs.

Further information on best practice guidelines and tips on hearing processes and procedures is available in the appendix.

### D. Changes to Statute and Court Rules

The workgroup reviewed all relevant federal codes, state codes, and local rules and determined that no changes to these bodies of law were necessary, other than those changes made to the Ohio Administrative Code. ODJFS has since promulgated the appropriate rule, [Ohio Adm.Code 5101:2-9-42](#), establishing definition for a QRTP and reiterating the relevant United States code.

### E. Consolidating Family First QRTP-Required Hearings and Current Hearings

[R.C. 2151.417](#) permits a review hearing at any time, but [R.C. 2151.416](#) requires a semiannual administrative review (SAR) hearing every at least every six months. QRTP review hearings are recommended to be incorporated into existing required hearings on the child's case plan in order to increase court efficiency.

---

Hearings performed by a judicial official are preferred, but administrative hearings are permissible by the statute.

#### F. Placement Changes

A new level of care assessment is required upon admission to a QRTP placement. If a child is in the placement longer than 12 months or 18 non-consecutive months, or more than six months total if under the age of 13, the federal government would expect that the assessment was done more than once in the life of that child's residential placement history. The level of care assessment does not recommend a specific placement.

If a child is transferred from one QRTP to another, a new level of care assessment is required. If a child is discharged home and then re-enters residential care, a new level of care assessment shall be completed. A level of care assessment is not required upon discharge from a QRTP before placement outside of a QRTP.



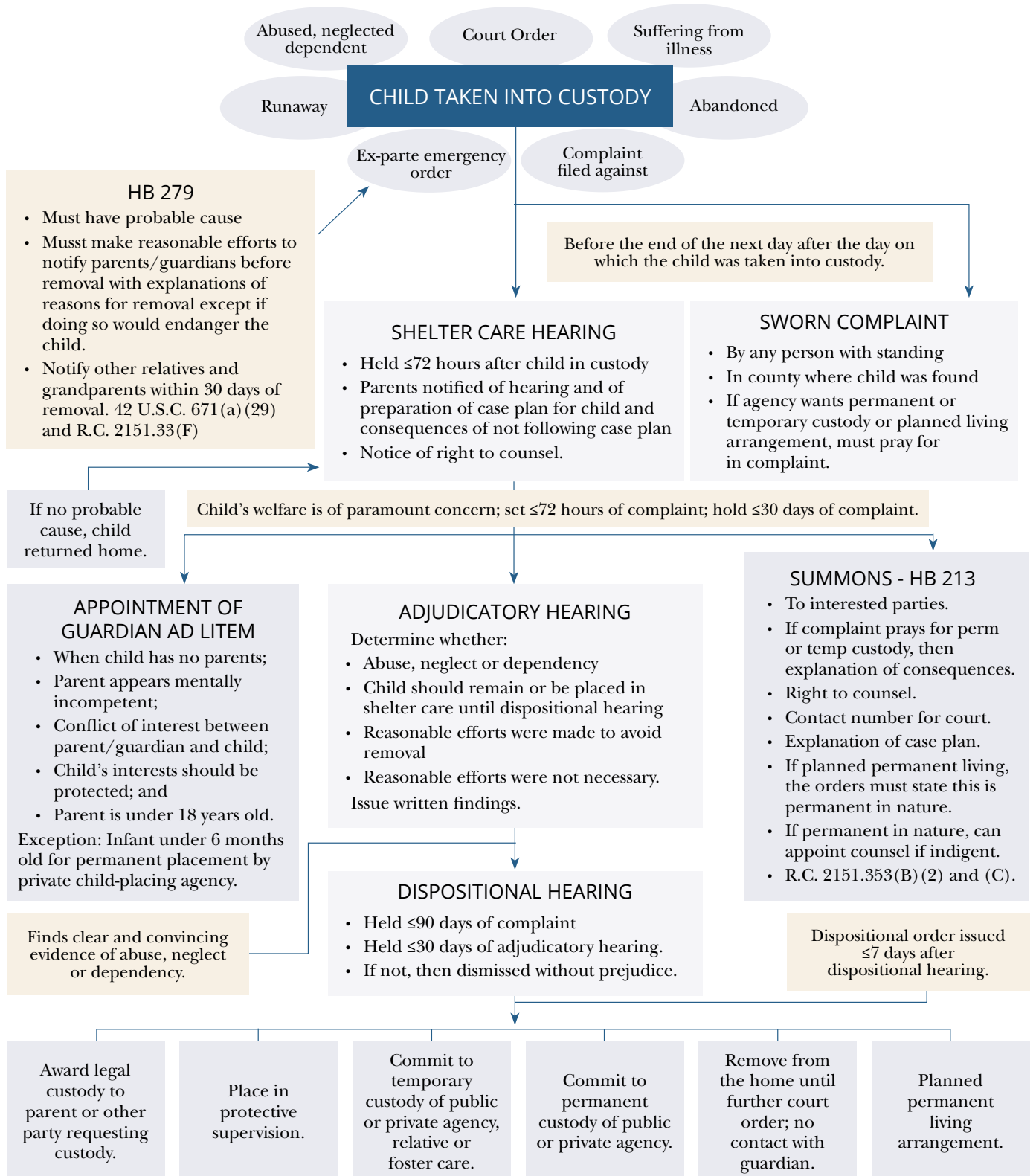
---

# APPENDIX

- A. PCSA Case Flowchart
- B. Judicial Oversight of Quality Residential Treatment Provider Placement
- C. Juvenile Delinquency Case Flowchart
- D. QRTP Flowchart
- E. Judicial Bench Guide
- F. Sample Court Forms
  - i. Ohio Judicial Determination on Placement in QRTP
  - ii. Ohio Notice of Placement in QRTP
  - iii. Ohio QRTP Placement Hearing Judgment Entry
  - iv. Ohio Request for Hearing on Child's Placement in QRTP

APPENDIX A

PCSA Case Flowchart





---

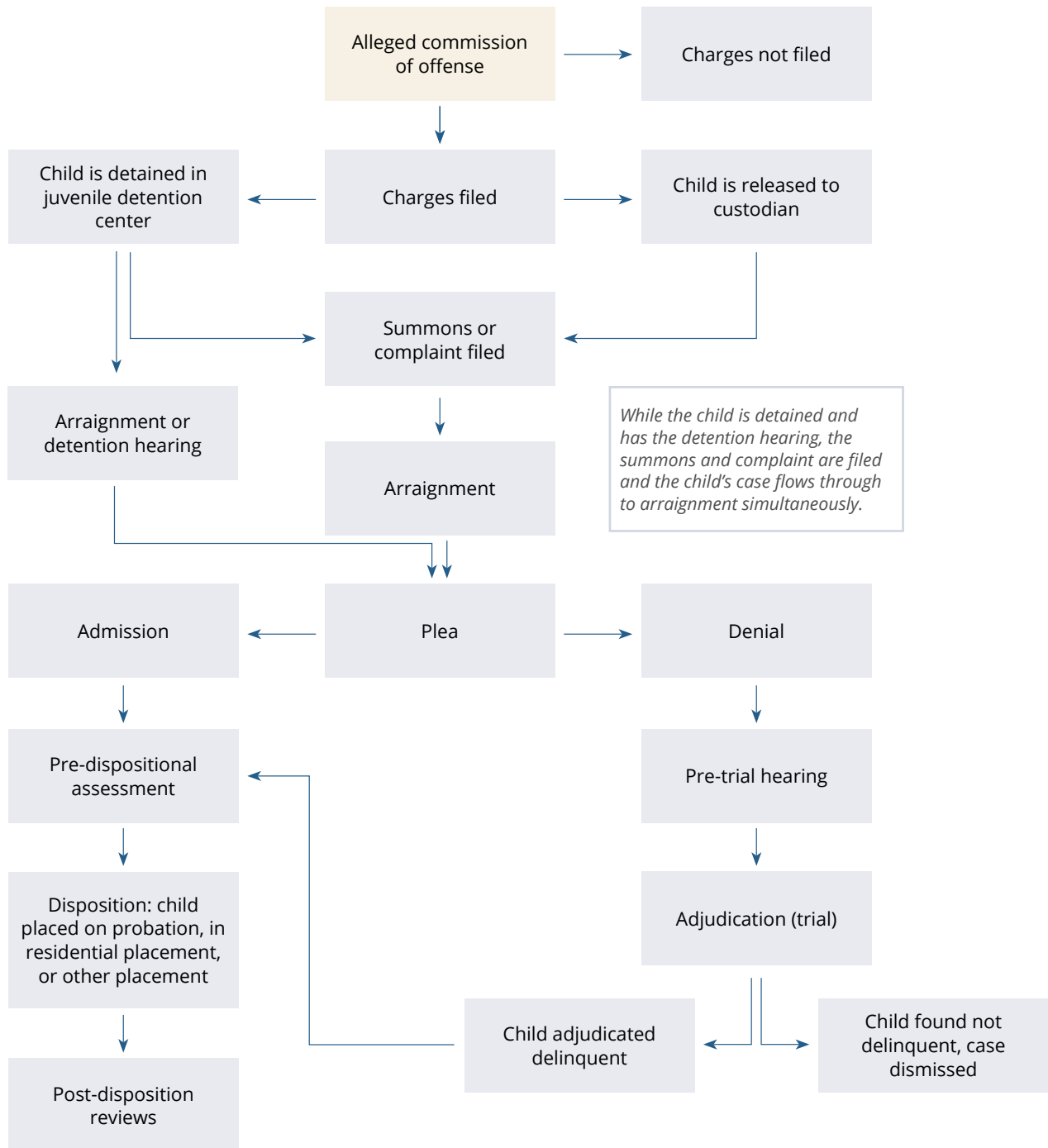
## APPENDIX B

### Judicial Oversight of Quality Residential Treatment Provider Placement

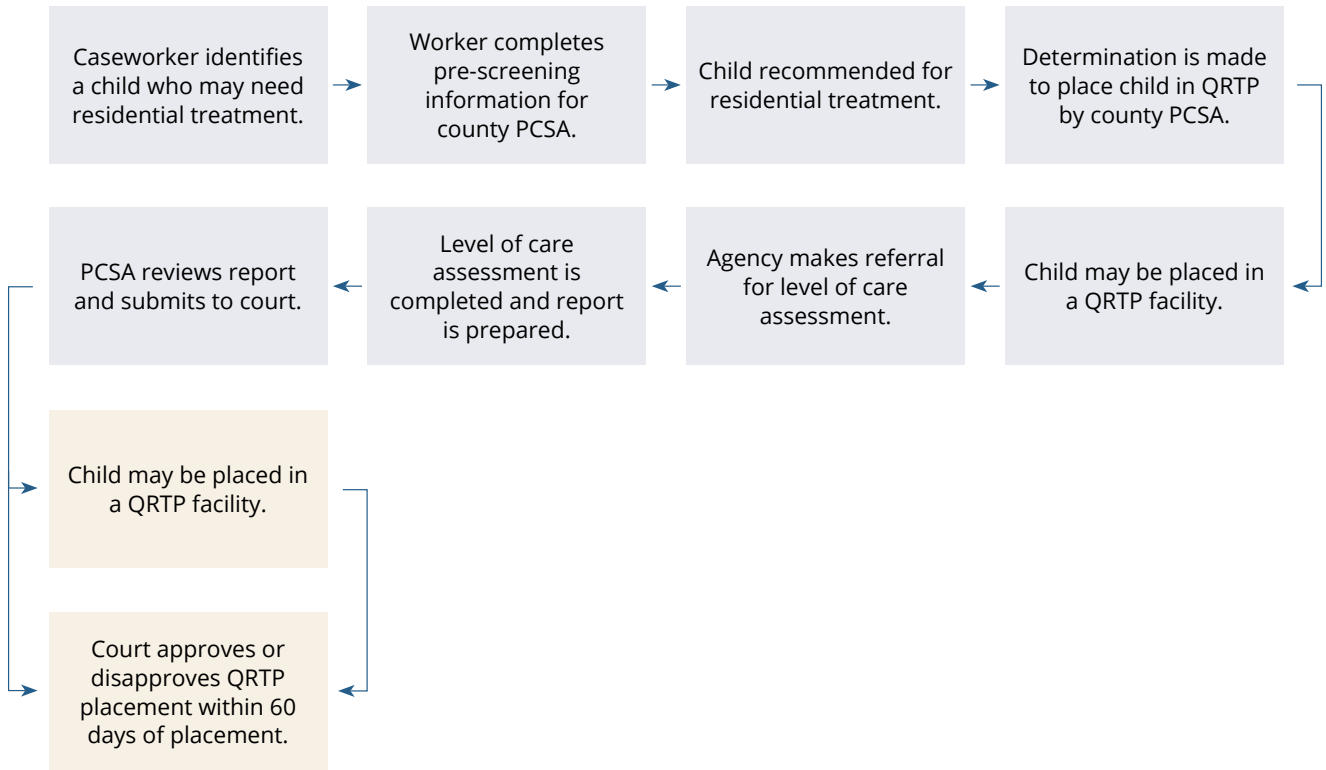
- Judges have a duty to ensure that children under court jurisdiction due to child abuse/neglect are properly assessed and placed in the least restrictive setting.
- Judges should set clear expectations for family engagement and individualized, detailed treatment and transition plans for the child to return home with community services and supports.
- Judges should also ensure that the family and child are fully engaged in the development of the plans, and feel they have the services and supports they need for the child's successful transition home.

APPENDIX C

Juvenile Delinquency Case Flowchart



APPENDIX D  
QRTP Flowchart



---

## APPENDIX E

### Judicial Bench Guide

#### Initial Placement into a Qualified Residential Treatment Program (QRTP)

##### *Required Findings*

Within 60 days of the placement in the QRTP, the juvenile court is required to:

1. Consider the qualified individual's assessment, determination, and documentation;
2. Determine whether the needs of the child can be met through placement in a foster family home, if not, whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment and whether that placement is consistent with the child's short- and long-term goals as stated in the permanency plan; and
3. Approve or disapprove the placement. [42 U.S.C. 675a(c)(2)].

*The written documentation made under 42 U.S.C. 675(c)(1)(C) and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.*

##### *Questions*

1. Set the groundwork for the qualified individual's assessment, determination, and documentation.
  - Qualified individual: A trained professional or licensed clinician who is not an employee of the State agency and is not connected to or affiliated with any placement setting. [42 U.S.C. 675a(c)(1)(D)]

##### *Questions to ask:*

- Name and occupation of the qualified individual.
  - How does this person meet the requirement of a qualified individual?
2. Assessment: the assessment should [42 U.S.C. 675a(c)(1)(A)]:
    - a. Assess the child's strengths and needs using an age-appropriate, evidence-based, validated, functional assessment tool approved by the U.S. Secretary of Health & Human Services;
    - b. Determine whether the child's needs can be met with family members or foster family home, or if not, which QRTP would be the "most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child" as specified in the permanency plan; and

- 
- c. Develop a list of child-specific short- and long-term mental and behavioral health goals.

*Questions to ask:*

- Describe the child's specific needs: health, social/emotional, mental health, behavioral health, sibling considerations. For each need, ask: can this need be met in a foster family home? If so, how? If not, why not?
- Is placement in a QRTP the most (1) effective and (2) appropriate level of care for this child?
- Is placement in a QRTP the least restrictive environment for this child?
- What are the child's short-term goals as stated in the permanency plan and is QRTP placement consistent with these short-term goals? How?
- What are the child's long-term goals as stated in the permanency plan and is QRTP placement consistent with these long-term goals? How?
- Are there any additional factors the court should consider?

*Approve or disapprove the placement on the record.*

## **Review Hearings**

### ***Required Findings***

At every review and permanency hearing, the state must:

1. Demonstrate that on-going assessment shows:
  - a. The needs of the child cannot be met through placement in a foster family home;
  - b. The placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment; and
  - c. The placement is consistent with the child's short- and long-term goals as stated in the permanency plan.
2. Document the specific treatment/services the child needs and for how long.
3. Document the placing agency's efforts to prepare the child to return home or placed with a relative, guardian, or custodian.

---

*Questions to ask:*

- Describe the child's current placement.
- Describe the ongoing assessment efforts for this child.
- Can the needs of the child be met through placement in a foster family home?
- Why or why not?
- Does a QRTP placement continue to provide the most effective level of care? The most appropriate level of care? Describe how and why.
- Is QRTP level of care placement the least restrictive environment for the child?
- Review the child's short-term goals as stated in the permanency plan.
- Is a QRTP level of care placement consistent with these short-term goals? How?
- Review the child's long-term goals as stated in the permanency plan?
- Is a QRTP level of care placement consistent with these long-term goals? How?
- What are the specific treatment/services the child needs and how long?
  - Mental health;
  - Physical health;
  - Behavioral health;
  - Social/emotional health; and
  - Other needs.
- What efforts has the placing agency made to prepare the child to return home?
- What efforts has the placing agency made? Document the agency's efforts to be placed with a relative, guardian, or custodian.
- What has been the result of each of these efforts?

*Approve or disapprove the placement (level of care) on the record.*

Appendix F

Sample Court Forms

Ohio Judicial Determination on Placement in QRTP

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ Division  
\_\_\_\_\_ COUNTY, OHIO  
\_\_\_\_\_

IN THE MATTER OF:

\_\_\_\_\_  
A Minor

\_\_\_\_\_  
Name

:  
: Case No. \_\_\_\_\_

\_\_\_\_\_  
Street Address

:  
: Judge \_\_\_\_\_

\_\_\_\_\_  
City, State and Zip Code

:  
: Magistrate \_\_\_\_\_

**MOTION FOR JUDICIAL DETERMINATION ON PLACEMENT IN  
A QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

This matter came before the court on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, regarding the placement of the above named child in a qualified residential treatment program.

THE COURT FINDS AND ORDERS:

1. The child was placed in a qualified residential treatment program on \_\_\_\_\_.
2. Within 30 days after the child was placed in a qualified residential treatment program, no person who received the required notice requested a hearing.
3. The qualified individual provided the court with a written assessment and documentation of the need for the child's placement in a qualified residential treatment program.
4.  a. The needs of the child **can** be met through placement in a foster family home. The court **disapproves** of the child's placement in a qualified residential treatment program.

OR

- b. The needs of the child **cannot** be met through placement in a foster family home.
  - i. Placement of the child in a qualified residential treatment program
    - provides**  **does not provide** the most effective and appropriate level of care for the child in the least restrictive environment.
    - AND**
  - ii. Placement of the child in a qualified residential treatment program  **is**  **is not** consistent with the short-term goals for the child as specified in the permanency plan for the child.
    - AND**
  - iii. The court  **approves**  **disapproves** of the child's placement in a qualified residential treatment program.

THE COURT FURTHER FINDS:

---



---



---

THE COURT FURTHER ORDERS:

---



---



---

THE COURT FURTHER ORDERS this matter set for a \_\_\_\_\_ hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_:\_\_\_\_  **a.m**  **p.m.**

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



---

**Ohio Notice of Placement in QRTP**

**IN THE COURT OF COMMON PLEAS**

\_\_\_\_\_ **Division**  
\_\_\_\_\_ **COUNTY, OHIO**

IN THE MATTER OF:

\_\_\_\_\_  
A Minor

\_\_\_\_\_  
Name

:

Case No. \_\_\_\_\_

:

\_\_\_\_\_  
Street Address

:

Judge \_\_\_\_\_

:

\_\_\_\_\_  
City, State and Zip Code

:

:

Magistrate \_\_\_\_\_

**NOTICE OF PLACEMENT IN A  
QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

On \_\_\_\_\_, the above named child was placed in  
\_\_\_\_\_, a qualified  
residential treatment program.

Within 30 days from the date the child was placed in a qualified residential treatment program (date provided above), you may submit a written request to the court that the court hold a hearing regarding the child's placement in a qualified residential treatment program.

\_\_\_\_\_  
Clerk of the Juvenile Court

**CERTIFICATE OF SERVICE AND MAILING**

I certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I sent a true copy of this Notice by the method indicated below:

*(document name, address, and method of notification)*

Petitioner: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Parent 1: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Parent 1's Attorney: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Parent 2: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Parent 2's Attorney: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Indian Tribe: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Child (12 years of age or older): \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Guardian ad litem: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Court Appointed Special Advocate: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Other or Interested Party: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Other or Interested Party: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

Other or Interested Party: \_\_\_\_\_

Regular U.S. Mail  Fax  Hand Delivery  Other: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Juvenile Court

**Ohio QRTP Placement Hearing Judgment Entry**

**IN THE COURT OF COMMON PLEAS**

\_\_\_\_\_  
\_\_\_\_\_  
Division  
COUNTY, OHIO

IN THE MATTER OF:

\_\_\_\_\_  
A Minor

\_\_\_\_\_  
Name : Case No. \_\_\_\_\_  
\_\_\_\_\_  
Street Address :  
\_\_\_\_\_  
City, State and Zip Code : Judge \_\_\_\_\_  
:  
:  
: Magistrate \_\_\_\_\_

**QUALIFIED RESIDENTIAL TREATMENT PROGRAM  
PLACEMENT HEARING JOURNAL ENTRY AND ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above-captioned matters came before the Court regarding the placement of the above named child in a qualified residential treatment program.

Notice to parties, interested parties and those required to receive notice has been given as required by law.

The petitioner appears by \_\_\_\_\_  Attorney or designee  
 other \_\_\_\_\_.

The child appears  in person,  appears virtually or  not in person, but by the child's guardian *ad litem*, \_\_\_\_\_.

\_\_\_\_\_, the mother  appears in person as a self represented,  
 appears virtually as a self represented  appears in person, and through her attorney, \_\_\_\_\_,  appears virtually, and through her attorney, \_\_\_\_\_  appears not in person, but by and through her attorney \_\_\_\_\_  does not appear

---

\_\_\_\_\_, the  father  putative father of \_\_\_\_\_,  appears in person as a self-represented,  appears virtually as a self-represented  appears in person, and through his attorney, \_\_\_\_\_,  appears virtually, and through his attorney, \_\_\_\_\_  appears not in person, but by and through his attorney, \_\_\_\_\_  does not appear.

(*Other parent appearances*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Interested parties appearing are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Also present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE COURT FINDS AND ORDERS:

1. The child was placed in a qualified residential treatment program on \_\_\_\_\_.
2. Within 30 days after the child was placed in a qualified residential treatment program (QRTP), the  petitioner  mother  father  Indian Tribe  child  child's guardian ad litem  child's court-appointed special advocate  other: \_\_\_\_\_ requested the court conduct a hearing regarding the placement of the child in a QRTP.
3. with the court received a written assessment and documentation of the need for the child's placement in a qualified residential treatment program.
4.  a. The needs of the child **can** be met through placement in a foster family home. The Court **disapproves** of the child's placement in a qualified residential treatment program.

OR

**b.** The needs of the child **cannot** be met through placement in a foster family home.

i. Placement of the child in a qualified residential treatment program

**provides**  **does not provide** the most effective and appropriate level of care for the child in the least restrictive environment.

**AND**

ii. Placement of the child in a qualified residential treatment program  **is**  **is not** consistent with the short-term goals for the child as specified in the permanency plan for the child.

**AND**

iii. The court  **approves**  **disapproves** of the child's placement in a qualified residential treatment program.

THE COURT FURTHER FINDS:

---

---

---

THE COURT FURTHER ORDERS:

---

---

---

THE COURT FURTHER ORDERS this matter set for a \_\_\_\_\_ hearing  
before on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_  **a.m**  **p.m.**

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Ohio Request for Hearing on Child's Placement in QRTP**

**IN THE COURT OF COMMON PLEAS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Division**  
**COUNTY, OHIO**

IN THE MATTER OF:

\_\_\_\_\_  
A Minor

\_\_\_\_\_  
Name : Case No. \_\_\_\_\_  
\_\_\_\_\_  
Street Address : \_\_\_\_\_  
\_\_\_\_\_  
City, State and Zip Code : Judge \_\_\_\_\_  
\_\_\_\_\_  
: \_\_\_\_\_  
\_\_\_\_\_  
: Magistrate \_\_\_\_\_

**REQUEST FOR HEARING ON PLACEMENT IN A  
QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

On \_\_\_\_\_, the above named child was placed in  
\_\_\_\_\_, a qualified  
residential treatment program.

I, \_\_\_\_\_, request that the court conduct a hearing regarding the  
child's placement in a qualified residential treatment program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_





PUBLISHED BY  
The Supreme Court of Ohio  
June 2021