



THE SUPREME COURT of OHIO  
OFFICE OF COURT SERVICES

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**Implementing Family First & the QRTP Process Webinar**  
**July 23, 2021**  
**Questions & Answers**

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***Will the courts start this effective October 1<sup>st</sup> and will there be any review of children placed prior to October 1<sup>st</sup>?***

The QRTP requirements take effect October 1, 2021. There will not be any required reviews of youth placed prior to that date.

***Do the QRTP facilities need to have the qualified staff onsite 24/7? Or just available?***

As required in Section 472(k)(4) of the Family First Prevention Services Act and [Ohio Administrative Code 5101:2-9-42](#), qualified residential treatment program agencies must have a registered or licensed nurse and other licensed clinical staff available onsite, as needed. The clinical and nursing staff must be available to come onsite 24/7 based on the youth's needs, but the staff or contract employees do not have to physically be on-site 24/7. For more information about the nursing and clinical staff requirement, please review the [Nursing and Clinical Support Infosheet](#).

***The QRTP Level of Care Assessments Toolkit for Judicial Use states on page 6 that the qualified individual cannot be an employee of the placing agency, is this correct? I thought they just couldn't be a part of the case and/or make supervisory decisions on the case.***

That is correct. The federal language allows for states to request a waiver to this requirement (see below). Ohio has requested a waiver and it is pending with U.S. Department of Health & Human Services, Administration for Children & Families.

[42 U.S. Code §675a\(c\)\(1\)\(D\)\(ii\)](#)

*The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.*

***What is the time frame for the CANS to be completed? If we have a child that needs emergency placement will it be done ASAP? Or will we place and then when the CANS assessment is available, potentially have to move the child causing more trauma?***

The CANS (Child & Adolescent Needs and Strengths) assessment must be completed prior to or within 30 days of placement in a QRTP.

***Is the CANS the approved and expected tool to be used in Ohio for the assessment? The toolkit does not state this but only a federally approved assessment tool that is recognized evidence-based findings.***

Yes, the CANS is the level of care tool that will be used in Ohio. The Ohio specific version of the CANS will need to be used by the qualified individual.

***Will the CANS assessor be required to provide testimony in most circumstances, or will the caseworker be able to provide the required information?***

There is no requirement that the qualified individual provide testimony at any court hearings. Also, there is no requirement that a court hold a hearing for each semi-annual review.

Per proposed [Ohio Administrative Code 5101:12-42-12\(G\)](#), when a child is placed in a QRTP, the Title IV-E agency is to submit to the court the following at each semi-annual review and permanency hearing:

- (1) Evidence that the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home.
- (2) Documentation that the placement of the child in the QRTP provides the most effective level of care for the child in the least restrictive environment.
- (3) Documentation that continued placement in the QRTP is consistent with the short-term and long-term goals for the child, as specified in the family case plan for the child.
- (4) Documentation of the specific treatment or service needs that will be met for the child in the QRTP and the length of time the child is expected to need the treatment or services.
- (5) Documentation of the efforts made by the title IV-E agency to prepare the child to return home or to be placed with a fit and willing.

***If an employee not involved in case does the level of care assessment or this is contracted out to another agency, will be funding from the state to support this? In larger counties this is going to be a full-time position internally or requirement payment to a contract agency for fulltime work on this.***

ODJFS is working with the Ohio Department of Medicaid on reimbursement for the CANS and will provide additional information soon. There is also funding available for the level of care assessments through the Communities of Support grants.

***How do youth already in residential at the time of implementation transition to this process? Do they have to have the CANS assessment? Do they have to have a court review of the level of care?***

No, youth in residential placement prior to October 1, 2021 are not required to have the level of care assessment or judicial determination.

***Is the court required to hold a hearing on the placement level of care, or can this be reviewed and approved by a filing from children services and judgment entry from the court?***

The court is not required to hold a hearing to provide approval or disapproval of the level of care. The federal language speaks to this. [42 U.S. Code §675a\(c\)\(2\)](#) provides that within 60 days of the start of each placement in a qualified residential treatment program, 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, independently, shall:

- (A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

- (B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and
- (C) approve or disapprove the placement.

***Are the requirements for the judicial determinations the same when a Title IV-E court places the child?***

For any Title IV-E placement, the requirements will be the same.

***Can the QTRP hearing be held with an annual or semiannual review, or must they be physically separate hearings? I would imagine that the decisions and orders must be separate physical documents.***

The QTRP 60-day hearing requirement can be held in conjunction with an annual/semiannual review as long as the hearings meet the 60-day requirement. They could be combined or be separate judicial orders.

***The court actually is approving or denying the placement and cannot agree with a placement level and not approve it correct?***

The court is approving or disapproving the child being placed into the QTRP level of care, not the specific placement.

***If the court does not approve of the level of care, does this allow the court to halt the placement?***

No, the court cannot halt the placement. If the court does not approve the level of care, the Title IV-E agency has 30 days to locate an alternative placement. Also, the agency can leave the child in the QTRP; however, there is no federal reimbursement.

***If a court disapproves of a level of care, they can alter a placement correct? This needs to be made clear if this is true.***

A court is not to order a specific placement and risks losing a child IV-E reimbursability unless the court has considered the Title IV-E agency's information and opinion.

***If a judicial determination is made to deny the placement and a lower level of care is unable to located, what is the next step for the PCSA or IV-E Court?***

The Title IV-E agency will have 30 days to transition the child to another placement and/or allow the child to remain in that placement, but not be reimbursable.

***What about a situation when foster care would be appropriate but is not available?***

Pursuant to Family First Prevention Services Act and proposed [Ohio Administrative Code 5101:2-42-12\(D\)\(3\)](#), a lack of available foster homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster home.

***Occasionally, a child has to be placed out of state when we cannot find appropriate treatment services in Ohio. Would placement out-of-state have identical requirements/time frames?***

Yes. The timeframes will not change.

***If Sam had stayed at “the Ranch” but stepped down, he wouldn't need the review, right?***

Correct.

***Who is considered the Title IV-E agency director? The judge or the court administrator?***

For PCSAs, it is the PCSA Director or JFS Director. For Title IV-E Courts, it will be the Judge.

***Who determines which family members will be part of the process and what safeguards are in place to make sure that the chosen family members are not simply the most docile and willing to go along with what the agency may suggest?***

The permanency team is to be pulled together by the Title IV-E agency and include family and permanency team is to consist of all appropriate family members, relatives, and kin of the child, as well as appropriate professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy.

In the case of a child who has attained age fourteen, the family and permanency team is to include the members that are selected by the child pursuant to rules [Ohio Administrative Code 5101:2-38-05](#) and [Ohio Administrative Code 5101:2-38-07](#).

***For DYS's Title IV-E program, we reach out to the court prior to placing the youth at Paint Creek (unlocked placement) for approval. Under QRTP we are going to have to get an approving entry, place the youth in a IV-E placement, complete the CANS, and then ask the court again if they are ok with the placement they already approved? Is that accurate we will have to ask the court twice?***

The court will have to find that the youth still requires a residential level of care within 60 days of placement. This is an opportunity for the court to see the youth's progress and review the QRTP assessment that was conducted by a qualified individual, as well as discuss the youth's short and long term goals.

***Where can we get the content of OAC 5101:2-42-12 (from the first slides). It's not available on Lexis or the Ohio Legislative Services Commission website.***

ODJFS is currently going through the rule making process for the approval of QRTP-related rules. Text of the rules can be found at [Rule Details \(state.oh.us\)](#).