

Implementing Family First & QRTP Webinar

July 21, 2021



THE SUPREME COURT *of* OHIO
OFFICE OF COURT SERVICES



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OFFICE OF COURT SERVICES

Implementing Family First & the QRTP Process

July 23, 2021 | Webinar

AGENDA

12:00 – 12:30

Overview of Family First Prevention Services Act

Hannah Kniese, *Ohio Department of Job & Family Services*

12:30 – 1:30

Implementing the QRTP Court Process

Hon. Denise Cubbon, *Lucas County Juvenile Court*

Mag. Kathleen Lenski, *Montgomery County Juvenile Court*

Hannah Kniese, *Ohio Department of Job & Family Services*

SPEAKER BIOS

DENISE NAVARRE CUBBON was elected Lucas County Juvenile Court Judge in November, 2004. She became the Lucas County Juvenile Court Administrative Judge in April, 2007. Her caseload is all matters involving juveniles and related matters including delinquency, dependency, neglect and abuse matters, custody, child support, truancy and unruly matters. She currently serves on a number of committees and advisory boards including The National Council of Juvenile and Family Court Judges (NCJFCJ), The Supreme Court of Ohio Advisory Committee on Children and Families and The Ohio Department of Youth Services RECLAIM Advisory Committee. Judge Cubbon is known nationally, statewide, and locally for her reform efforts in juvenile justice and child protection matters. Judge Cubbon prioritizes community partnerships, family engagement and meaningful interventions through the lens of racial and cultural equity in her efforts to assist children, youth, and families in their journey to live and thrive in safe, healthy, and happy homes. Judge Cubbon presents as a speaker and faculty at national, state and local conferences on topics in the areas of juvenile justice and child welfare. Prior to taking the bench, she served as a Lucas County assistant prosecuting attorney for 23 years, assigned to the juvenile division, criminal division, and senior protection unit having held supervisory positions in the juvenile division and senior protection unit. She holds a Bachelor of Arts degree in Anthropology from The American University, Washington, D.C. and a Juris Doctor degree from the University of Toledo College of Law.

HANNAH KNIES has a bachelor's degree in social work from Anderson University and a master's degree in social work from Ohio State University. Ms. Kneis started with the Ohio Department of Mental Health and Addiction Services as a graduate intern, then worked at the Ohio Department of Education before coming to Ohio Department of Job and Family Services in 2017. She started in the Bureau of Cash/Food Policy and Technical Assistance, then worked as the Program Administrator for the Office of Family Assistance before joining the Office of Families and Children in September 2020. She is currently the Project Manager for the Family First Prevention Services Act.

KATHLEEN SWIGER LENSKI received her BA in American Studies and History at Georgetown College in 1994 and earned her JD from the University of Dayton School of Law in 1997. She began her legal career while in law school as a legal intern in the U.D. Law Clinic and as a legal intern at the Miamisburg City Prosecutor's office. In 1997, she began practicing at Baver and Bookwalter L.P.A., a small, general practice firm in Miamisburg, Ohio.

In 2001, Magistrate Lenski left private practice for Western Ohio Legal Aid Services, a former legal aid society and in 2002 joined the Montgomery County Public Defender's Office specializing in criminal and juvenile law. In 2004, she was appointed as a juvenile magistrate at the Montgomery County Juvenile Court. Magistrate Lenski has presided over delinquency and child welfare cases. Since around 1999, she has also served as a magistrate over juvenile diversion cases at Miamisburg Satellite Court, with an emphasis on truancy and unruly cases.

Magistrate Lenski teaches as an adjunct professor of juvenile law at University of Cincinnati School of Law. She is also a member of the Ohio State Bar Association and was the chairperson of the OSBA juvenile law committee from 2015-2017. She currently serves as the vice-chairperson on the OSBA Advisory Committee for Diversity and was also elected as the 2nd District governor for the OSBA Board of Governors with a term from July 2018 to July 2021 and re-elected for a second three-year term in April 2021. She is a member of the Board of Governors' Government Affairs Committee where she served as chairperson from June 2019 to June 2021.


Magistrate Lenski was also appointed by Governor Kasich in 2018 to serve on the Governor's Council for Juvenile Justice. She was re-appointed by Governor DeWine in 2021. She is also a member of the Ohio Association of Magistrates and is a member for the Coalition for Juvenile Justice where she serves on the Government Affairs Committee. Finally, she was inducted as a fellow for the 2019 Ohio State Bar Foundation Fellows Class.



Ohio | Department of
Job and Family Services
Mike DeWine, Governor
Jon Husted, Lt. Governor
Matt Damschroder, Director

Family First Prevention Services Act

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What is Family First?

- The federal Family First Prevention Services Act (Family First) was adopted on February 9, 2018 and will be implemented nationwide by October 1, 2021.
- Family First goals:
 - Help children remain safely at home with their families whenever possible;
 - Ensure that children who must come into care are in the most family-like and least restrictive setting possible; and
 - Set the expectation of high standards of care and services for our children and families.

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What is Family First?

- Family First amends parts of the Social Security Act (Title IV-B and Title IV-E) to allow states to use federal matching funds for prevention services (mental health, substance abuse, family counseling and parenting skills training) to help keep at-risk children safely in their homes and to prevent removal, agency custody, and placement in foster care.
- Places limitations on IV-E Foster Care Maintenance payments for residential/congregate care placements and adds new standards.

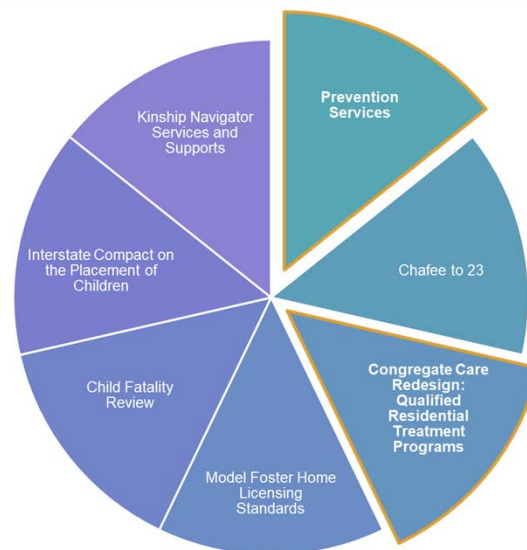
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Family First Overview

Family First aligns financing with research about what is best for children:

- At home, with family, and in community whenever safe and possible
- If children/youth must enter care, they are in the most family-like setting to meet their needs



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Family First Requirements

Prevention Services Requirements

- Family First provides new funding for prevention services that are trauma-informed and rated promising, supported, or well-supported in the Title IV-E Clearinghouse to qualify for federal reimbursement.
- Each fiscal year, 50% of spending must be on well-supported practices.
- Each state must have an approved Title IV-E Prevention Plan before they can begin drawing down funds.

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Prevention Services

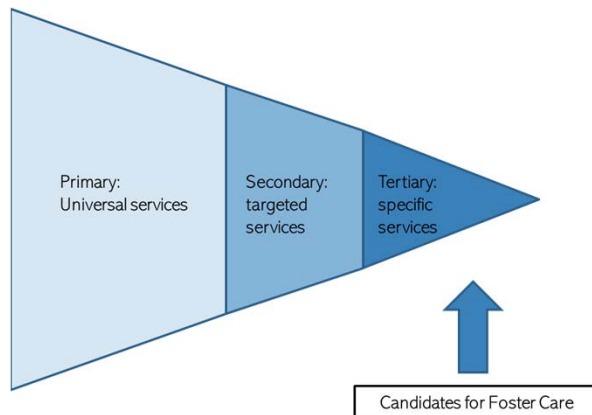
- Eligibility:
 - Children who are candidates for foster care
 - Parents and caregivers of children who are candidates
 - Pregnant and parenting youth in foster care
- Services:
 - Mental health, substance abuse, in-home parent skill-based programs
- Evidence Criteria:
 - Well-supported, supported, promising
 - Clearinghouse continues to rate programs
 - Guidance for tribes operating IV-E systems
- Requires states to submit a Title IV-E Prevention Plan



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Prevention Services Continuum



- Family First Prevention Services are considered tertiary prevention services.
- Families must have an open case with the PCSA to access these services.

[Resource link for a more detailed continuum graphic](#)

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Candidacy

- **From the law:** ‘child who is a candidate of foster care’ to mean “a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care...but who can remain safely in the child’s home or in kinship placement as long as services of programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided.” (Sec. 50711).
- **Program instruction:** A “child who is a candidate for foster care” includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement (section 475(13) of the Act).
- As soon as a case is screened-in, the child may be determined a candidate at any point in their involvement with the PCSA.

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Candidacy Definition

1. A child who has an open in-home child welfare case and is receiving services. This includes the following types of open in-home cases: court ordered protective supervision, voluntary cases, children with an in or out of home (including with kinship) safety plan, and children who are involved in multiple systems including juvenile justice, behavioral health, and developmental disabilities.
2. Infants with an inadequate plan of safe care in accordance with CARA who have been screened-in at the hotline and have assessed safety and risk concerns/identified for Family First track by the Title IV-E Agency.
3. Siblings and other children in the home of a child in foster care who are 1) living with the parent who the child in foster was removed from and 2) there is an open case with a goal of reunification for the child who is in foster care with the removal parent.

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Candidacy Definition

4. Siblings and other children in the home of a child who has experienced a screened in fatality with a substantiated or indicated TR and siblings and or the child and siblings of a child who has experienced a screened in near-fatality who has a substantiated or indicated TR and has assessed safety and risk concerns/identified for Family First track by the Title IV-E Agency.
5. Children who have discharged from custody and achieved permanency, including with a relative, recently (within the last 12 months) and the parent/caregiver agrees to ongoing services.
6. Children who have been adopted recently (within the last 12 months) and there are assessed safety and risk concerns/identified for Family First track by the Title IV-E Agency.
7. Children who are at-risk of experiencing a dissolved adoption.
8. Pregnant and parenting youth in foster care, including those who are in extended foster care.

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Title IV-E Prevention Services

Phase 1

- **MH:** Multisystemic Therapy, Functional Family Therapy
- **SU:** OhioSTART⁺
- **PP:** Parents as Teachers, Healthy Families America

Phase 2

- **MH:** Hi-Fi Wrap[^], Triple P, Incredible Years⁺
- **SU:** 7 Challenges⁺, Motivational Interviewing

Phase 3

- **MH:** Trauma-Focused Cognitive Behavioral Therapy, Brief Strategic Family Therapy, Child Parent Psychotherapy, Parent-Child Interaction Therapy
- **PP:** Nurse Family Partnership

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Prevention Services Timeline

	March 2021 - Original File - IV-E Rules	April 1, 2021 - Effective Date - CPS Rule Package	April-October 2021 - SACWIS Financial Updates	April-October 2021 - SACWIS Other Impacts	September-December 2021 - SACWIS Federal Reporting Changes	
	March 2021 - Final File - CPS Rule Package	April/May 2021 - JCARR - IV-E Rules	April-October 2021 - SACWIS Other Tool Updates	June 2021 - Final File - IV-E Rules	October 1, 2021 - Effective Date - IV-E Rules	

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Prevention Services

- March 18, 2021: Prevention Services Enhancements in SACWIS
- April 1, 2021: Prevention Services Rules Effective
- April 1, 2021: Prevention Services Pilot Began

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Prevention Services Plan

- November 2, 2020: Original Plan Submission
- January 26, 2021: Call with ACF to Discuss Feedback
- April 8, 2021: Revised Plan Resubmitted to ACF
- May 27, 2021: ACF Feedback Received
- June 21, 2021: Call with ACF to Discuss Feedback
- July 13, 2021: Revised Plan Resubmitted to ACF

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Prevention Services Pilot

- Seven counties and one IV-E Court
 - Fairfield, Licking, Knox, Lucas, Stark, Trumbull, Butler, and Ashtabula's IV-E Court
- Five evidence-based services in Phase 1
 - Multisystemic Therapy, Functional Family Therapy, Ohio START, Healthy Families America, and Parents as Teachers
- Feedback and evaluation

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Prevention Services Statewide

- Pathway to Prevention Services
- Checklist for Planning and Implementation
- Trainings, Resources, and Tiered Technical Assistance

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Center of Excellence

- The role of the center will be to provide:
 - Technical assistance,
 - Training,
 - Fidelity monitoring,
- Among its primary responsibilities, the center will be responsible for:
 - Building and sustaining a standardized assessment process, Evaluating the effectiveness of services,
 - And expanding service and care coordination capacity
- Other services include orientation, training, coaching, mentoring, etc.

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Family First Requirements

Qualified Residential Treatment Program (QRTP) Requirements

- Has a trauma informed treatment model and a registered or licensed nursing and other licensed clinical staff onsite;
- Facilitates outreach and engagement of the child's family in the child's treatment plan;
- Provides discharge planning and family-based aftercare supports for at least six months; and
- Licensed and accredited.

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Ensuring Appropriate Placements

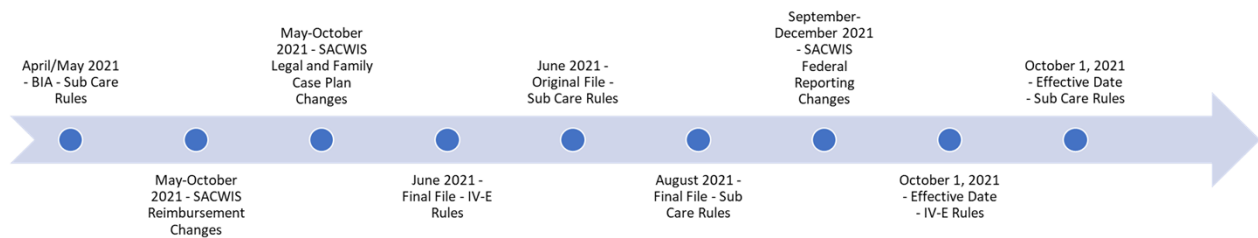
- Promoting appropriate placements:
 - Array of placements
 - Recruitment and retention of foster parents
 - Support for kin
 - Assessment of needs
 - Judicial oversight
- Qualified Residential Treatment Program requirements:
 - Discharge planning, family engagement, accreditation, needs-based
- Exclusions:
 - Semi-independent living programs



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QRTP Timeline



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QRTP

- QRTP rules went into external clearance at the end of April 2021.
- SACWIS design for the last set of QRTP requirements began in March and will be deployed in early fall of 2021.

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QRTP Readiness

- Lunch and Learn Sessions <https://ifs.ohio.gov/ocf/Family-First.stm>:
 - Trauma Informed
 - Nursing and Clinical Support
 - Accreditation Forums
 - Family Engagement
- QRTP Compliance Checklist <FFPSA-QRTPComplianceChecklist.stm> (ohio.gov)
- Transition Act Funding Applications:
 - 207 applications received
 - Applications – 150 applications approved
- Readiness Survey – May 5, 2021

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QRTP Updates

- 19 QRTP applications under review
- Reaching out to an additional 7 agencies that marked “Ready” in all areas
- QRTP report will be sent out monthly once agencies are identified as QRTP compliant
- QRTP Compliance Report is currently available in SACWIS

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QRTP – October 1, 2021

- QRTP requirements go into effect on October 1, 2021.
- Any child or youth placed prior to October 1 will remain IV-E reimbursable until they are moved to a new placement.
- Youth placed after October 1, 2021 will require a level of care assessment and judicial determination.

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CANS Update

- Biweekly CANS Meetings
- Decision Support Model and Testing
- Training
- CANS IT System
- CANS Assessors for QRTP
 - State employee or contractor;
 - Title IV-E agency employee;
 - Community Resource;
 - Administrative Agency

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5101:2-42-12

Assessment to determine child's placement into a
QRTP

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Qualified Individual

- Trained professional or licensed clinician who is knowledgeable on local resources.
- Is not connected to or affiliated with any placement setting where children may be placed.
- Is trained to administer the child and adolescent needs and strengths (CANS) tool.
- Must remain objective when determining the most appropriate placement for a child.

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CANS Assessors – Qualified Individual

- On October 1, 2021, Title IV-E agencies can choose between three options to be the Qualified Individual in their community:
 - Agency Employee - PCSAs will use staff who are not in the chain of command for the case oversight and placement decision-making to fulfill the role of the Qualified Individual. For example, agencies with a separate unit able to conduct the assessment will have the Qualified Individual report to someone outside of the chain of command for the case.
 - Community Resource - The PCSA will identify and enter into an agreement with a local community resource to conduct the assessments. The community resource may be from the local Mental Health and Addiction Services Board, Family and Children First Council, or other service provider. If a service provider is under PCSA contract (e.g. Family and Children First), their objectivity is compromised, and cannot be used for this assessment.
 - Administrative Agency - One PCSA, serving as the administrative agent, will establish and maintain an agreement (e.g. Memorandum of Understanding or Regional Council of Government (<http://codes.ohio.gov/orc/167>) with at least one other PCSA to provide a Qualified Individual. The administrative agent will be the fiscal agency and direct the Qualified Individual to agreement PCSAs. Although the Qualified Individual will conduct assessments for partner counties, no such assurance can be made for assessments done for the administrative agent.

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Qualified Individual

- Prior to or within 30 days of the placement into a QRTP, the qualified individual will complete an assessment using the Ohio Brief version of the CANS.
- The assessment is to be completed in conjunction with the family and permanency team for the child.
- The QI will determine whether the needs of the child can be met with family members, kin, or in a foster home and which setting would provide the most appropriate level of care. If the QRTP is the recommended level of care, the reasons why the needs of the child cannot be met by family, kin, or in a foster home must be documented.

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Judicial Review

- Within 60 days of the placement into a QRTP, the juvenile court is to consider the assessment, determination, and documentation made by the qualified individual.
- The court then determines whether the placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment.
- Approves or disapproves of the placement of the child in a QRTP.
- Approval is needed to maintain IV-E reimbursability.

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Resources

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Family First Resources

- <http://jfs.ohio.gov/ocf/Family-First.stm>
- <https://www.childrensdefense.org/policy/policy-priorities/child-welfare/family-first/>
- <http://jfs.ohio.gov/ocf/FFPSA-Roadmap.stm>
- <http://jfs.ohio.gov/ocf/FFPSA-PreventionRecommendations.stm>
- <http://jfs.ohio.gov/ocf/FFPSA-CaseFlow.stm>
- <https://www.acf.hhs.gov/cb/laws-policies/whats-new>
- <https://familyfirstact.org/>
- <https://preventionservices.abtsites.com/>

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Family First Resources

- <https://emanuals.jfs.ohio.gov/FamChild/FCASM/FCASPL/>
- <https://emanuals.jfs.ohio.gov/FamChild/FCASM/FCASMTL/FCASMTL-439.stm>
- <https://mha.ohio.gov/Portals/0/assets/AboutUs/Regulation/Rules/5122-30-32>
- <https://mha.ohio.gov/Portals/0/assets/AboutUs/Regulation/Rules/5122-09-09.1>

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Family First Resources

- <https://odjfs.force.com/ocalm/s/>

Welcome to the Ohio Certification and Licensing Management (OCALM) system

Manage your agency's information and certification all in one place.

Foster Care Licensing

The Ohio Department of Job and Family Services (ODJFS) oversees Ohio's foster care and adoption providers and agencies. It licenses agencies to provide foster care, adoption and/or residential services for children, to make sure they are fit to provide care and fit to authorize others to provide care.

ODJFS licensing staff conduct announced and unannounced inspections of all licensed foster care agencies and facilities. They also inspect a sample of foster homes licensed by each agency. Several types of agencies require licensure:

- County public children services agencies (PCSAs)
- Residential programs and group homes operated by PCSAs.
- Private child-placing agencies, which accept temporary or permanent legal custody of children. These agencies may operate residential facilities – such as group homes, residential centers and crisis care facilities – or independent living programs. They recommend foster homes for certification and place children in foster and/or adoptive homes.
- Private noncustodial agencies, which provide many of the same services as private child-placing agencies but do not accept legal custody of children.
- Local public entities that are not PCSAs but operate residential programs (for example, juvenile courts).

How to apply for certification

If you are interested in opening a licensed foster care/adoption agency, click the button below to inquire about the certification application process and you will be assigned to a specialist.

After you've been assigned to a licensing specialist, you will be provided a login to this community website where you can complete your certification application.

[Inquire About Certification](#)

Helpful Links

ODJFS Families and Children Website
Discover initiatives, programs and publications provided by the Office of Families and Children for the state of Ohio.

ODJFS Foster Care Licensing Website
Find more information for prospective agencies as well as links to partner agencies, reports, and regulations.

SACWIS Knowledge Base
View current SACWIS issues, refer to articles with step-by-step instructions, find answers to frequently asked questions from Ohio SACWIS users, and watch instructional videos and webinars.

e-Manuals Foster Care Licensing
Access the Family, Children and Adult Services Manual's Foster Care Licensing and Social Services sections that outline applicable Ohio Administrative Code rule requirements.

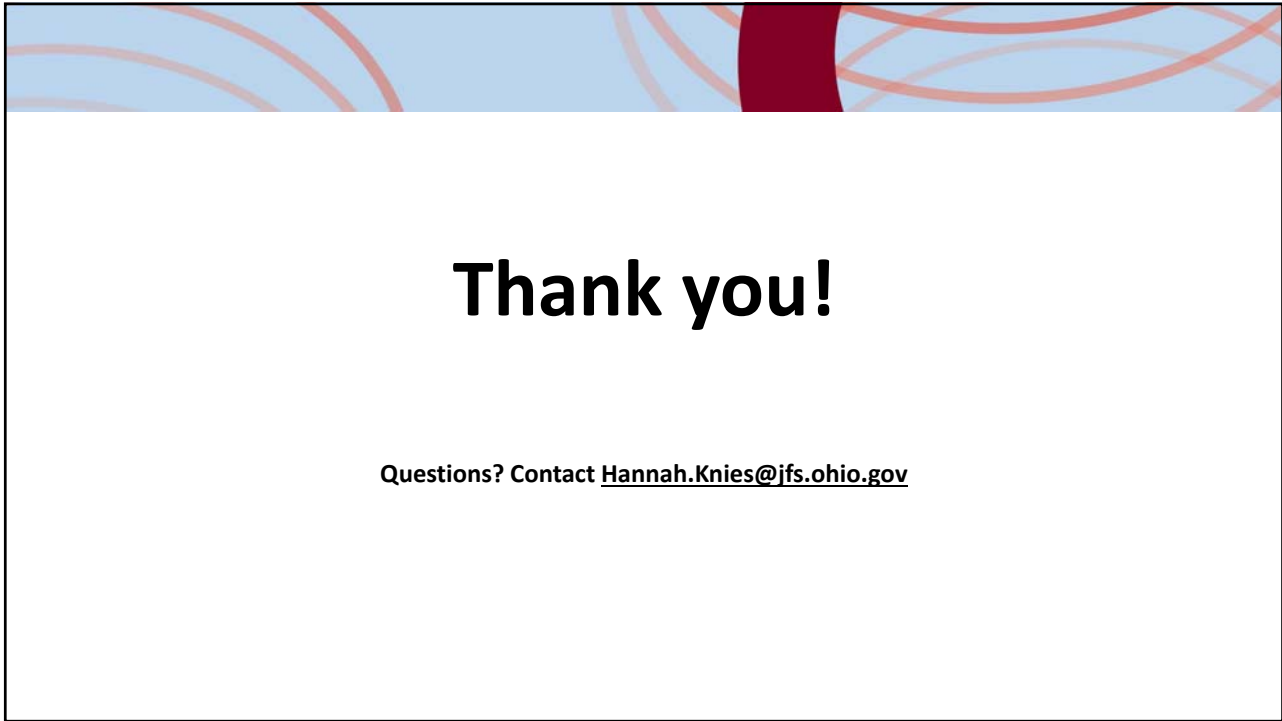
LAWriter Ohio Laws and Rules:
Ohio Revised Code - Chapter 5103: Placement of Children
Ohio Administrative Code - 5101.2: Division of Social Services

Published Documents
Statewide List of All Certified Agencies
FCL Quarterly Compliance Reports

Training and Technical Assistance Videos
ORTP Trauma Informed Lunch and Learn October 2020
ORTP Nursing and Clinical Support Lunch and Learn January 2021
ORTP Family Engagement, Buckeye Ranch Lunch and Learn April 2021

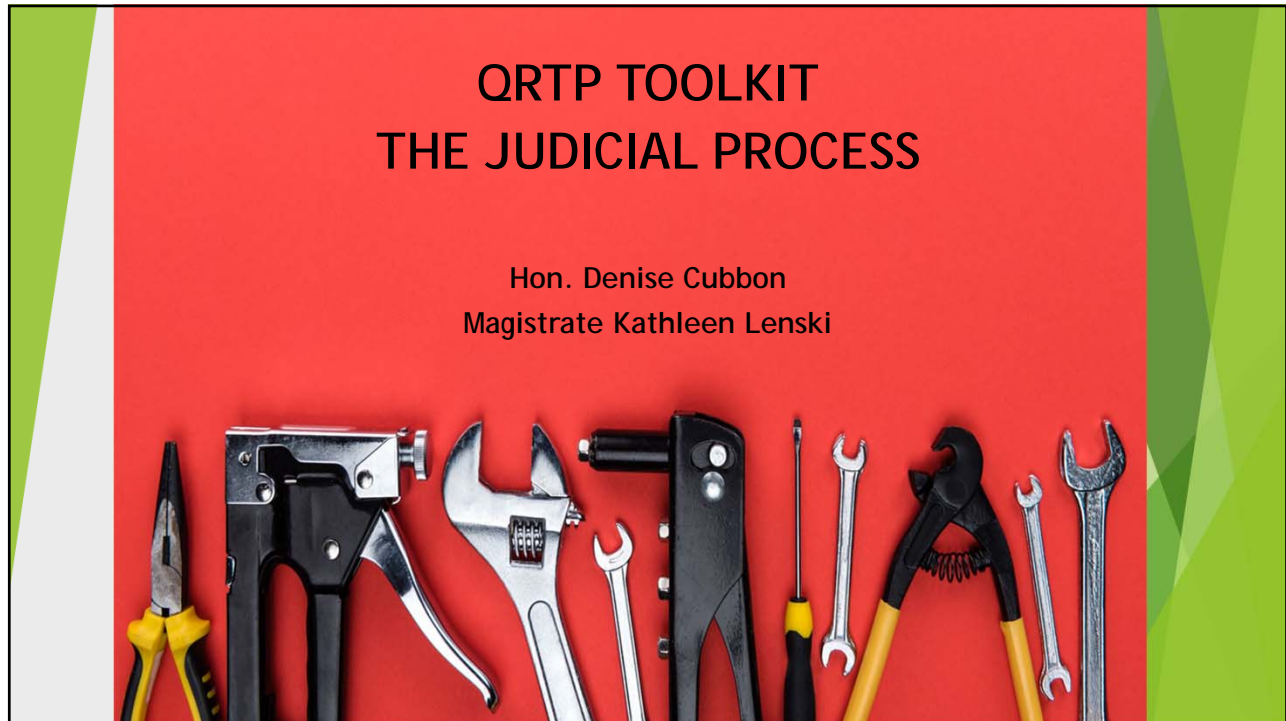
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Thank you!

Questions? Contact Hannah.Knies@jfs.ohio.gov



QRTP TOOLKIT THE JUDICIAL PROCESS

Hon. Denise Cubbon
Magistrate Kathleen Lenski

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QRTP Toolkit for Judicial Use

- ▶ Purpose: Provide guidance for conducting the required QRTP hearings.
 - ▶ Explain how the QRTP hearings fit into the existing court structure and statutory framework of Ohio's child welfare system
 - ▶ Explain recommended adjustments to existing court hearings
 - ▶ Provide sample court forms to be used for the hearings

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QRTP Judicial Framework

- ▶ What is the Juvenile Court required to do as of October 1, 2021?
 - ▶ Following the initial placement of a child in a "Qualified Residential Treatment Placement" (QRTP) such as a group home or a children's residential facility, the Court, within 60 days, MUST review the decision to place the child in this type of facility to determine whether the child requires this "level of care".
 - ▶ After this initial placement review, the Court MUST continue to review the placement setting at every review and permanency hearing to determine whether this child continues to require this "level of care" of the QRTP.

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QRTP Judicial Framework

▶ IMPORTANT PRACTICE TIP:



- ▶ The Juvenile Court is NOT approving and/or naming the actual placement setting. The decision to place a child in a particular facility rests with the PCSA/Title IV-E Agency. INSTEAD, the Juvenile Court is only determining whether the child needs are met through placement in the "level of care" provided by the QRTP placement.
- ▶ In other words, the Juvenile Court does not approve/deny placement in Facility X. The Juvenile Court only approves/denies the "level of care" provided for by the QRTP.

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QRTP Judicial Framework

▶ Important Practice Tip:



- ▶ Family First Prevention Services Act (FFPSA) does not require the Juvenile Court to hold a court hearing for the purposes of the initial placement review.
- ▶ The Juvenile Court can conduct the initial placement review administratively so long as the Court considers the necessary information and makes the required findings.
- ▶ The Juvenile Court can conduct the subsequent placement review hearings administratively as well so long as the Court considers the necessary information and makes the required findings.
- ▶ **Best Practice:** Placement reviews should be hearings instead of administrative reviews and should be held by judicial officers instead of Citizen Review Boards. At the hearings, any members of the child's family, kin and permanency team should be welcome to attend. The youth should also be encouraged to participate. For any youth 14 years or older, the Act permits the youth to select members of the family and permanency team. (See OAC 5101:2-38-05)

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Conducting the Initial Placement Review Hearing (60 Day Review)

Initial Placement Review Overview:

For all placement review hearings, the standard of review is Preponderance of the Evidence.

A hearing/review 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 appropriateness of a child in a QRTP setting.

At the hearing/review the judicial officer 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 in a less restrictive setting.

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 case plan.

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Conducting the Initial Placement Review Hearing (60 Day Review)

Overview:

The Child's Assessment:

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/review. The assessor is not required to attend the hearing. If necessary, the assessor may be subpoenaed and may also appear virtually. If the assessment is not completed within this timeframe, federal payments for the child will not be made.

The "qualified individual" will determine whether the child's needs can be met with family members or a foster family home, or if not, by a QRTP. The assessment will provide whether the 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.

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

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Conducting the Initial Placement Review Hearing (60 Day Review)

Overview:

The Child's Assessment (additional information):

A new assessment of the child is required each time a child re-enters a QRTP placement. Accordingly, if a child is discharged/terminated from a QRTP placement and is later placed again in such a facility, even if the same facility, a new assessment is required as this is a "new" placement.

New assessments are NOT required when the child transfers between two different QRTP placements that are within the same network (the licensed facility remains the same) but a new assessment is required when a child is transferred from a placement in one agency to another placement in a different agency. For example, a child is transferred from an acute unit in Facility X to a group home setting in Facility X then no new assessment is required but if the child is transferred from an acute unit in Facility X to a group home in Facility Y then a new assessment is required.

New assessments should reference past assessments to ensure continuity of the child's care.

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 procedures as PCSAs when working with a child in need of a placement in a QRTP.

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Conducting the subsequent Placement Review Hearings

Overview:

Practice Tip

These subsequent Placement Reviews shall be conducted at every review hearing that the Court has already scheduled and at every permanency hearing/Annual Review hearing. If the Court holds the SARs in court, the review shall occur at that hearing. If the SAR is administrative, then the placement review could also be administrative. The goal is to incorporate the placement reviews within existing SAR/AR and other review hearings. These reviews (whether conducted in court or by the PCSA) must address the QRTF findings. Accordingly, courts must include the QRTF placement findings in the SAR/AR and other review entries.

Note that federal and state law require that review hearings are held at least once every six months by the court or by administrative review.

State law requires PCSAs to hold an administrative review no later than 6 months after the complaint was filed or the child entered shelter care, whichever is earlier and to hold additional reviews every six months following. State law also permits courts to hold reviews of the child's case and case plan at any time.

State and federal law require permanency hearings (Annual Reviews) to be held no later than 12 months after the complaint is filed or the child entered shelter care whichever is earlier and at least every 12 months thereafter until the child is adopted, returned to the parents, or the court terminates the placement.

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Conducting the subsequent Placement Review Hearings

Practice Tip

- ▶ FFPSA does not contain dates for these subsequent review hearings like it is outlined for the initial Placement Review hearing. The language contained in the Act is that the subsequent reviews shall be held at every review and permanency hearing.
- ▶ Accordingly, the Juvenile Court is NOT required to schedule additional hearings for these subsequent Placement Reviews. These reviews will occur whenever a hearing is already scheduled in the child welfare case. In other words, the subsequent Placement Review will be incorporated into already scheduled hearings.
- ▶ To satisfy FFPSA, the Juvenile Court must make the required findings about the child's QRTF placement at these hearings which will include SARs and Annual Reviews. And, of course, the Court must continue to make the Reasonable Efforts findings as previously required.

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Conducting the subsequent Placement Review Hearings

Summary:

At all subsequent review hearings, the court shall determine:

Whether placement in a foster care family home is not appropriate.

Whether the Q RTP placement meets the child's needs in the least restrictive setting

Whether there is a continual need for the placement.

Whether the child can return home or be placed with a relative/kin

Whether that placement remains consistent with the child's short and long-term goals

Whether the case plan appropriately documents specific services and treatment for the child, including timelines of when it would be appropriate for the child to return to a family setting.

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Conducting the subsequent Placement Review Hearings

- ▶ Required Findings: At every review and permanency hearing in order to approve the Q RTP placement, the court shall find by a preponderance of the evidence:
 - ▶ 1. That the PCSA documented evidence of the continual need for the Q RTP placement which would show that:
 - ▶ a. The needs of the child cannot be met through placement in a foster family home;
 - ▶ b. Placement in the Q RTP 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.

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Conducting the subsequent Placement Review Hearings

- ▶ Required Findings: At every review and permanency hearing in order to approve the QRTP placement, the court shall find by a preponderance of the evidence:
 - ▶ 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.
 - ▶ 4. For any child placed in a QRTP for more than 12 consecutive months or 18 non-consecutive months OR for any child who has not attained the age of 13 who is placed in a QRTP for 6 consecutive or non-consecutive months, the PCSA must document in the case record the signed approval of the Title IV-E Agency director for the continual placement of the child in the QRTP.
- ▶ NOTE: Don't forget Reasonable Efforts findings.

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What if the QRTP level of care is denied?

- ▶ Upon the determination that a child is no longer to be placed in 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 be returned home or be placed elsewhere such as with a relative/kin or foster family home.
- ▶ Other funding notes:
 - ▶ A child is not eligible for foster care maintenance reimbursement if the "qualified individual's" assessment is not conducted within 30 days of the placement of a QRTP.
 - ▶ Payments will also be withheld if 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 goals as specified in the permanency plan.

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Using the Toolkit

Overview: The Toolkit provides you with details about specific sections in FFPSA along with other important code sections that will work in tandem with FFPSA. We wanted to highlight the location of these in the toolkit and we wanted to draw your attention to other helpful tools in the Appendix.

Page 5: QRTP is defined along with the list of the QRTP's responsibilities

Page 6: Information about the Assessment is detailed which includes a definition of a "qualified individual" and assessment requirements. The family and permanency team are also detailed.

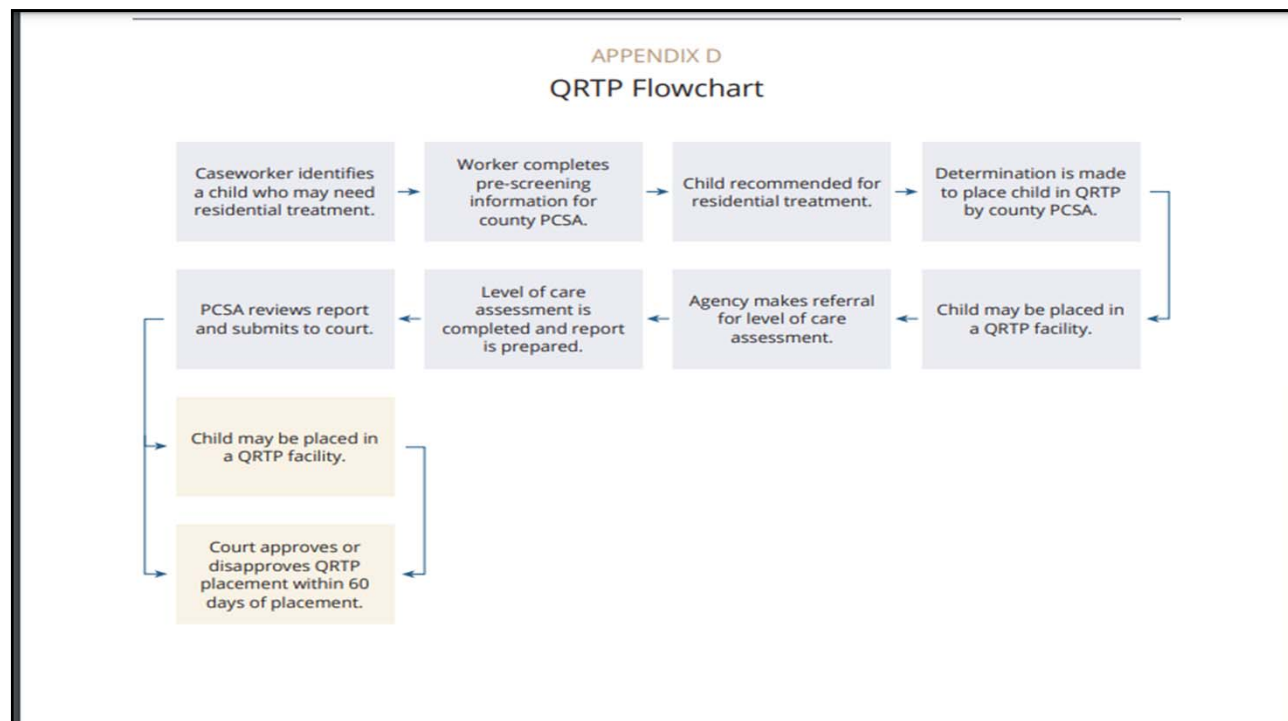
Page 7-9: The new information which must be documented in the case plan regarding the QRTP process are detailed.

Page 19: QRTP Flowchart

Page 20-22: Judicial Bench guide which includes questions for the placement hearings and details the required findings

Page 23-30: Sample Forms

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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 :
City, State and Zip Code : Judge _____
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:

- The child was placed in a qualified residential treatment program on _____.
- Within 30 days after the child was placed in a qualified residential treatment program, no person who received the required notice requested a hearing.
- 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.
- 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

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

- 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
- 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
- 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____.

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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 :
City, State and Zip Code : Judge _____
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

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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

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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

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_____, 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:

- The child was placed in a qualified residential treatment program on _____.
- 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.
- with the court received a written assessment and documentation of the need for the child's placement in a qualified residential treatment program.
- 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

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

- 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
- 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
- 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____.

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Ohio Request for Hearing on Child's Placement in Q RTP	
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 _____
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: _____	
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Working with our partners:

- ▶ Juvenile Courts should collaborate with Title IV-E Agencies (child welfare agencies and/or the Juvenile Courts) along with agency attorneys to develop processes for ensuring that the mandates of FFPSA pertaining to QRTPs are met. An important initial consideration is to determine whether to conduct placement reviews in court or to hold administrative reviews.
- ▶ Most importantly, juvenile courts should work with their partners such as child welfare agencies, agency attorneys, and probation departments to develop procedures so that the courts are given timely notice of when a child is placed in a QRTP so that the placement review hearings are scheduled and notice is timely provided to all parties, counsel, and GAL unless the review will be administrative. Courts may want to consider developing some local trainings to ensure that parents' counsel and CASA/GALS along with prosecuting attorneys and defense counsel are familiar with the QRTP process. The QRTP process applies to both child welfare cases and for placements by IV-E Courts.
- ▶ Processes will also need to be developed so that the child welfare agency timely provides the court with the initial assessment and ongoing assessments of the child necessary for the court to complete the placement review.
- ▶ ICWA: Juvenile courts must ensure compliance with ICWA throughout the child welfare proceeding. FFPSA works alongside existing child welfare federal and state laws.

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Hypothetical 1: Sam's Removal

Facts: Sam who is now 14 years of age, was adopted by the Millers in 2017, along with his three younger biological siblings. The Millers had been the children's foster parents and after permanent custody was granted in 2017, they proceeded to adopt the children.

Sam has severe emotional and behavioral issues and has multiple mental health diagnoses included ODD. Sam has become violent in the Millers' home and has threatened to harm himself, the Millers, and the other younger children. He has damaged property and threatened to kill himself. In the past year, he has been hospitalized about 8 times.

In late July 2021, Sam was again hospitalized because he attempted to commit suicide. The county child welfare agency (IV-E Agency) had been working with the family to stabilize the situation but during this most recent hospitalization, the Millers indicated that they did not feel safe if Sam was returned to their care. The treating psychiatrist recommended that Sam be placed in a residential facility.

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Hypothetical 1: Sam's Removal

Facts: On 8/1/21, the PCSA filed a Dependency complaint and requested an ex parte order of custody which was granted by the juvenile court. A review of the ex parte was scheduled for 8/2/21. At that hearing, the PCSA informed the Court that The Ranch, residential facility which has an acute stabilization unit, had been identified for Sam and the plan was to transfer him from the hospital to The Ranch by 8/5/21.

At the ex parte hearing, the Court continued the PCSA's custody and set the following hearings:

Initial Adjudicatory Hearing/Pre-trial: 9/1/21

Adjudicatory Hearing: 10/1/21

Dispositional Hearing: 10/29/21

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Hypothetical 1: Sam's Removal

- ▶ Question:
- ▶ When would the initial Placement Review hearing be scheduled?:
 - ▶ a. 10/4/21 (60 days from the placement on 8/5/21)
 - ▶ b. 10/1/21 (Set the Placement review hearing with the adjudicatory hearing which is also the first day that FFPSA is effective in Ohio)
 - ▶ c. 10/29/21 (Set the Placement review hearing with the dispositional hearing)
 - ▶ d. No Placement Review hearing is required because Sam was placed before 10/1/21, the effective date of FFPSA

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Hypothetical 1: Sam's Removal

Answer:

d. No Placement Review hearing is required because Sam was placed at The Ranch before 10/1/21, the effective date of FFPSA

Funding Note: Even if Sam is placed in a facility that does not meet QRTP standards and has not been licensed as a QRTP, Sam can remain in that facility and the PCSA can continue to receive foster care maintenance reimbursement (federal IV-E dollars) for the placement because the placement occurred prior to 10/1/21.

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Hypothetical 2: Sam's Placement

Facts: On 10/29/21, Sam, who was adjudicated dependent, was placed in the temporary custody of the PCSA with a termination date of 8/1/22. An Annual Review date was scheduled for July 12, 2022. The SAR, which occurs administratively in this court, was scheduled to be completed 2/8/22. No other in-court reviews were scheduled except for the Annual Review on 7/12/22.

On November 1 2021, Sam was discharged from the acute unit at The Ranch. The Ranch did not have any openings within their agency at a stepped down placement. Sam's treating psychiatrist at The Ranch did not recommend that Sam be placed in a family foster home or returned to the Millers. The child welfare agency did identify a stepped-down QRTP (a group home) with The Villages.

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Hypothetical 2: Sam's Placement

- ▶ Question: Is the Court required to conduct a Placement Review hearing when Sam is transferred from The Ranch to The Villages?
 - ▶ a. Yes: A review hearing is required because Sam is being placed in a new placement with a different agency and this placement occurred after 10/1/21. A new assessment would have to be completed within 30 days and a review hearing would have to be scheduled by 12/31/21 which is 60 days from the placement into the group home.
 - ▶ b. No: A review hearing is not required because Sam is being transferred between 2 different QRTP placements and the initial placement at The Ranch occurred prior to 10/1/21.

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Hypothetical 2: Sam's Placement

Answer:

b. Yes a placement review hearing is required because Sam is being transferred between 2 different agencies. If Sam had been placed by The Ranch to a different placement setting that was under The Ranch then a new review hearing would not be required.

In this scenario, a new placement review hearing is required because the placement with The Villages is considered a new placement wherein if he was transferred to a different setting within The Ranch that placement would be considered a continual placement.

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Hypothetical 3: Sam returns home

Facts: Sam continues to do well in his placement at The Villages group home and he and the Millers are addressing issues in family counseling. Sam begins to have home visits which also go very well. Sam wants to reunify with his family and the Millers have expressed that they want Sam home. Sam is placed with the Millers on a trial home visit with the plan to discharge him absent any issues. The PCSA does continue to hold temporary custody.

Unfortunately, the holidays seem to really trigger Sam's PTSD and he spirals out of control. He begins to threaten to harm himself and the others in the home and he breaks down a couple of doors and punches a television set.

On 1/2/22, Sam is hospitalized because he swallowed a bottle of pain pills belonging to Mrs. Miller. The treating psychiatrist again recommends a residential facility and the Millers inform the PCSA that they do not want Sam discharged to them. Sam says he does not feel safe returning to the Millers' home.

On 1/5/21, Sam is returned to The Villages group home.

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Hypothetical 3: Sam returns home

- ▶ Question: Is the Court required to conduct a Placement Review Hearing?
 - ▶ a. Yes: A Placement Review hearing is required because Sam is re-entering a QRTP and this placement occurred after the effective date of FFPSA, 10/1/21.
 - ▶ b. No: A Placement Review hearing is not required because Sam is being returned to the group home at The Villages which is not a new placement.

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Hypothetical 3: Sam returns home

- ▶ For this Question Only: On 1/5/22, Sam was not returned to The Villages because The Villages did not feel they could meet his acute needs. He was then discharged from The Villages and placed again in the acute setting at The Ranch. Since this is a new placement a new placement review would be scheduled which does require a new assessment within 30 days of the placement. When can the placement hearing be scheduled with the Court?
 - ▶ a. A hearing will be scheduled no later than 3/6/22 which is 60 days from the placement.
 - ▶ b. The Placement Review can occur along with the administrative SAR which was scheduled on 2/8/22.
 - ▶ c. Either a or b.

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Hypothetical 3: Sam returns home

- ▶ Question: Once the initial Placement Review hearing is scheduled, when will the Court be required to review the placement again?
- ▶ a. No future review hearings are necessary
- ▶ b. Every 60 days until Sam is discharged from the placement
- ▶ c. At the Annual Review scheduled for 7/12/22

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Hypothetical 4: Sam returns home Part II

Facts: The Annual Review and Placement Review are held on 7/12/22 and the reports are very positive. Sam is scheduled to be discharged from the placement around September 2022 and the PCSA plans to reunify him with the Millers.

On June 5, 2022, the Agency did file a Motion for 1st Extension with an alternative of a request for reunification. The Court scheduled a hearing on the Agency's motion on 9/15/22.

At the hearing on 9/15/22, the Court terminated the temporary custody to the PCSA and returned custody to the Millers. At that point, Sam wished to reunify and he had successfully completed his treatment. The Millers had continued to express that they wanted Sam to return home when his treatment was completed. In October, the PCSA closed its case.

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Hypothetical 4: Sam returns home Part II

Facts: After the PCSA closed its case, the Millers enjoyed about a month of calm with Sam before he began to refuse his medications, attend school, and comply with their rules. On December 5, 2022, Sam attacked one of his siblings with a knife causing minor injuries. The police were called to the home and Sam was arrested and charged with felonious assault. He was detained and remains detained pending final disposition.

At a hearing on January 9, 2023, Sam admitted to a charge of misdemeanor assault and the juvenile court set over disposition until January 23, 2023 to determine if Sam would benefit from a residential treatment program. This juvenile court is a IV-E court.

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Hypothetical 4: Sam returns home Part II

- ▶ Question:
- ▶ Is the delinquency court required to complete an Initial Placement Review Hearing?
 - ▶ a. Yes, the juvenile court is required to complete the QRTP placement process the same as if a child welfare agency received custody because this is a IV-E court.
 - ▶ b. No, the juvenile court is NOT required to complete the QRTP placement process unless the child welfare agency is granted custody.
 - ▶ c. Yes, the juvenile court is required to complete the QRTP placement process regardless if the court is a IV-E court.

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