

Overview of Qualified Residential Treatment Program Legal Requirements

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Presenters

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Agenda

1. DFPS Qualified Residential Treatment Program (QRTP) Model and Pilot Overview
2. QRTP Legal Requirements
3. Case Scenario (QRTP Referral Example)
4. Breakouts by Discipline
 - Judges
 - Attorneys for DFPS
 - Attorneys for Parents & Children
 - Guardians ad Litem
5. Key Takeaways from Breakouts



DFPS QRTP Model & Pilot Overview





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Background

The Family First Prevention Services Act (or FFPSA) was enacted under the Bipartisan Budget Act of 2018. FFPSA changed the way we are paid for congregate care (General Residential Operations or GRO's) and limits funding under IV-E eligibility.

DFPS then released our FFPSA Strategic Plan in September 2020 which included a plan to pilot a Qualified Residential Treatment Program (QRTP).



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Background

FFPSA allows DFPS to continue to use contracted residential care providers for placement. However, as of September 29, 2021, there is no longer Title IV-E maintenance payments allowed for any child in a General Residential Operation (GRO) after the first 14 days unless the placement meets specific criteria.

One of the criteria is if a provider meets the requirements of being a QRTP.



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Background

On April 1, 2022, DFPS published an Open Enrollment opportunity for licensed GRO's to become contracted QRTP Providers.

Anticipated date to be ready to serve the first DFPS youth in a QRTP is approximately July 1, 2022.



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What is a QRTP?

QRTPs are providers who are **accredited** and licensed as General Residential Operations providing qualified treatment services to children and youth in DFPS conservatorship with the most complex emotional, mental and behavioral health needs.



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QRTP Requirements

A QRTP must:

- Have a Trauma-informed treatment model
- Provide 24/7 availability of nursing and clinical staff according to the provider's treatment model
- Complete family outreach, family engagement and family inclusion in treatment
- Provide discharge and aftercare support for at least 6 months



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TWO KEY QRTP Requirements

- A QRTP assessment **must** be completed by a qualified individual within 30 days of initial placement; and
- A court review **must** be held within 60 days of initial placement, and at each subsequent status and permanency hearing. The court must either approve or disapprove of the placement within that 60 days.



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QRTP Pilot – Length of Treatment

- For a child or youth ages 13 and up, the length of treatment cannot exceed 12 consecutive months or 18 non-consecutive months.
- For a child or youth under the age of 13, the time frame cannot exceed 6 consecutive or non-consecutive months.



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QRTP Pilot – Eligibility for Placement

- Are under the age of 18
- Have complex emotional, behavioral and mental health issues
- Have had unsuccessful placements in lesser restrictive environments
- Have multiple episodes of being a child without placement (which must be directly related to their needs, not lack of placement option)
- Have been diagnosed with an emotional disorder
- Have been placed in or discharged from acute or sub-acute psychiatric hospitals
- Have a history of Juvenile Justice involvement
- Exhibit child sexual aggression or have a sexually reactive disorder diagnosis
- Are aggressive and/or violent with serious behavioral disorders
- Exhibit serious self-injurious behaviors



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QRTP Pilot – Assessment

The QRTP assessment process during the pilot includes these 3 steps which **must** be completed within 30 days of initial placement:

1. Child & Adolescent Strength & Needs (CANS)
2. QRTP Permanency Team Meeting (QRTP PTM)
3. 3rd Party review - clinical assessment, review and recommendations by a qualified individual for placement into a QRTP



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QRTP Pilot – Assessment

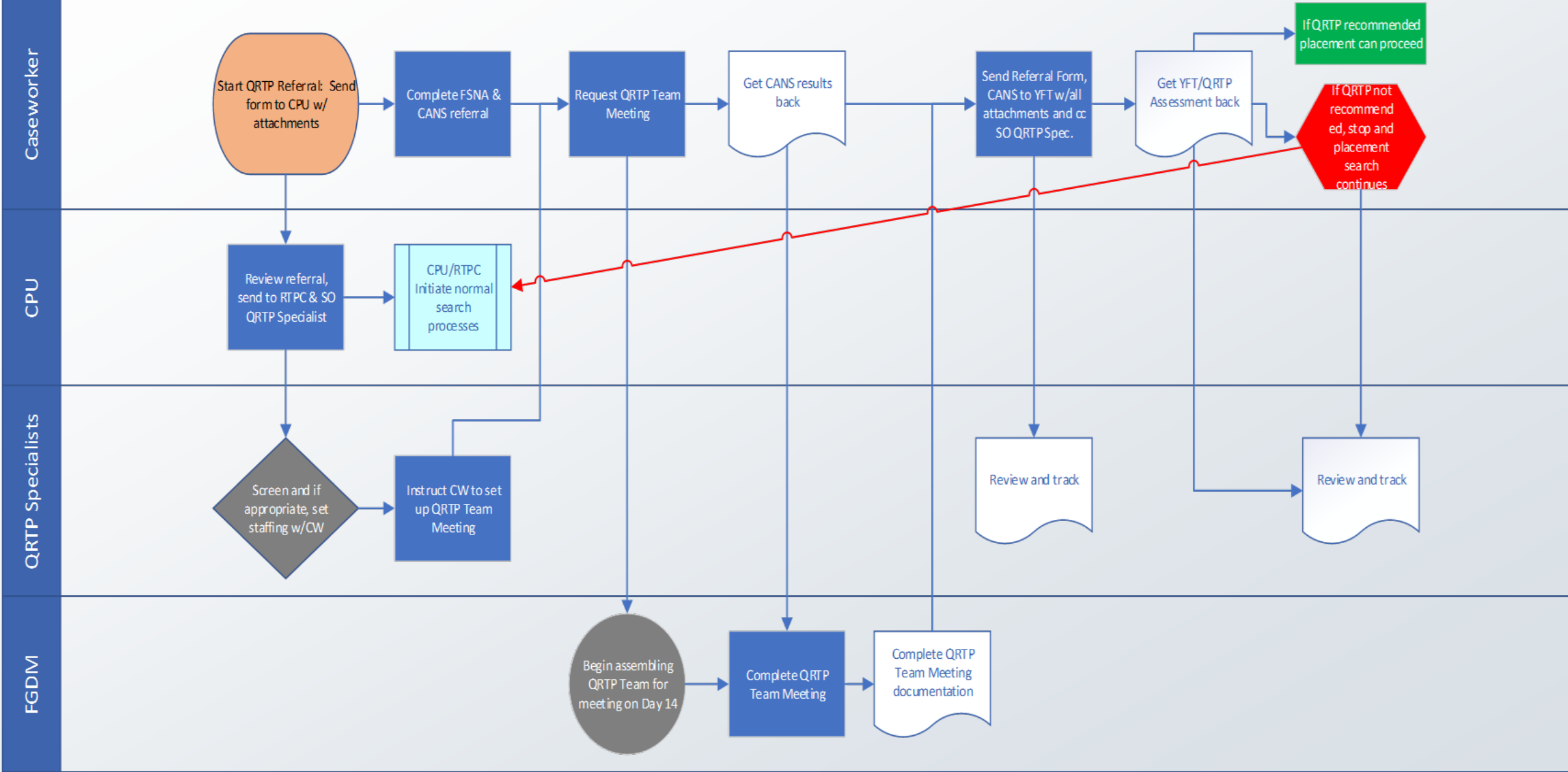
Caseworkers will be responsible for ensuring timely completion of the CANS for the child or youth and for the delivery of all required documentation and notifications to the appropriate individuals.

DFPS Family Group Decision Making (FGDM) staff will assist in coordination and facilitation of all QRTP PTMs and will ensure the requirements under FFPSA are met regarding the Permanency Meeting.

Youth for Tomorrow (YFT) will be conducting the 3rd Party clinical review and assessment to provide recommendations regarding placement of children or youth referred for QRTP placement.

QRTP PROCESS FLOW CHART

TIMELINE: DAY 1 DAY 2 DAY 14 DAY 18 DAY 20





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QRTP Pilot – Placement Approval

When assessments recommend a QRTP all placements into QRTPs will be subject to approval by the Director/Associate Director of Placement or their designee.



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QRTP Pilot – Discharge and Transition

- Discharge planning must begin at the time of placement and should include the QRTP provider, child's family or subsequent caregiver support and members of the Permanency Team
- Transition requires post-discharge aftercare services and support by the QRTP provider for a minimum of 6 months



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QRTP Pilot – Extension Requests

All QRTP Placement extension requests must:

- Be submitted 90 days prior to the original discharge date
- Have all required supporting documentation, including detailed statement from the operation Clinical or Treatment Director
- Have specified length of time requested
- Be approved by the DFPS Commissioner



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QRTP Pilot – Court Requirements

When children or youth are placed into a QRTP, the courts are required to:

- Review the recommendations of the initial QRTP assessment within 60 calendar days of the start of the initial placement
- Review QRTP placements at each subsequent permanency or status hearing
- Approve or disapprove the placement at each review



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QRTP Pilot – Provider Overview

Under FFPSA requirements QRTP providers must:

- Be Accredited
- Have 24/7 licensed Nursing and Clinical staff according to their treatment model
- Have a trauma-informed treatment model
- Provide family outreach, engagement and inclusion
- Provide aftercare support for six months



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QRTP Pilot – Provider Overview

Under the DFPS Model a provider must also:

- Be Accredited by one of the three DFPS approved Accrediting Entities: JCHOA, CARF or COA
- Have a trauma-informed treatment model that is evidence based, promising practice or research supported AND that is submitted and approved
- Facilitate family finding activities
- Provide aftercare support for six months, that includes crisis intervention and monthly contact with family or next caregiver and the child/youth
- Provide 1:4 supervision during awake hours and 1:5 during sleep hours



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QRTP Pilot – Provider Overview

- Accept any youth referred when they meet the operations admission criteria
- Not discharge the youth without the approval of the Associate Director of Placement/Director of Placement or their designee
- Conduct twice monthly multidisciplinary team meetings for individualized treatment planning, that includes the child and permanency team
- Provide a minimum of 3 therapeutic sessions weekly for the child or youth, with at least one being individual therapy



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State Office QRTP Team Contacts

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Thank you!

If you have any additional questions, please
feel free to contact our DFPS QRTP Team at:

DFPSQRTP@dfps.Texas.gov

Legal Requirements



Qualified Residential Treatment Program (QRTP)

- Required QRTP components:
 - Be licensed and accredited
 - Use a trauma-informed treatment model
 - Utilize a family and permanency engagement team
 - Have registered or licensed nursing AND licensed clinical staff on-site according to the treatment model and available 24/7
 - Provide six months of family-based post-discharge services
 - **Comply with court review requirements**



Required Court Findings

With 60 days of placement in a QRTP, the court must:

- Consider an assessment by a qualified individual regarding the child's placement;
- Determine whether the child's needs can be met in a foster home;
 - If not...
 - whether placing the child in the QRTP is the most effective and appropriate level of care for the child in the least restrictive environment; and
 - whether placement in the QRTP is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and
- Approve or disapprove the placement.

TFC § 263.00201



Court Approval

Within 60 days of the placement

- The court must consider the independent assessment performed by the evaluator and formally approve the placement

If the court does not approve within 60 days

- The agency may only claim IV-E reimbursement for the child's first 60 days in the QRTP

If the court disapproves of the placement

- The agency may claim IV-E for only 30 days longer following the court's determination



Ongoing Review

As long as child is placed in the QRTP, DFPS must provide the court with information at the status hearing and every permanency hearing that demonstrates:

- 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;
- placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and
- the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

The information must also document:

- the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and
- the efforts made by the department to prepare the child to return home or to be placed in a foster home or with a fit and willing relative, legal guardian, or adoptive parent.

TFC § 263.00201



Significant Event Notification

Placement in a QRTP is a significant event, requiring notice to legal parties under the Texas Family Code. Notice must be provided within 10 days.

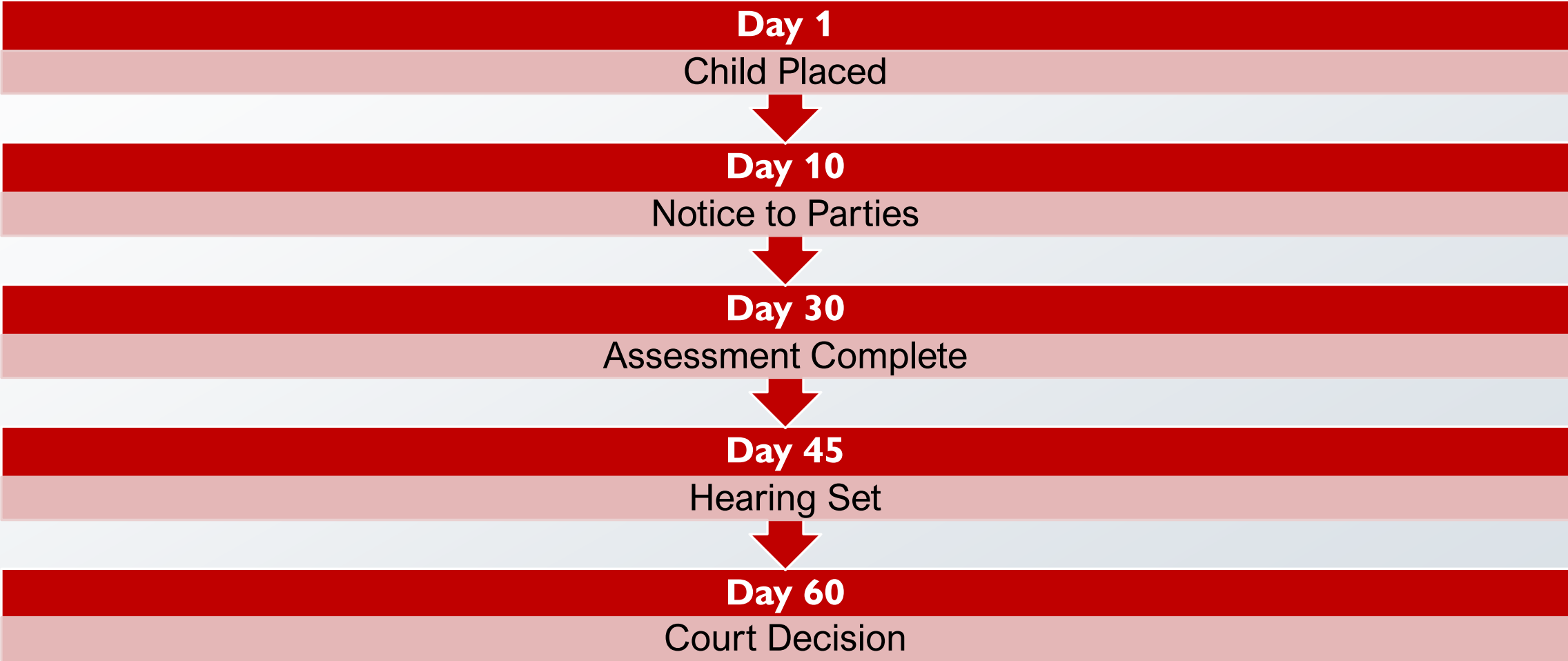
Parties entitled to notice:

- the child's parent;
- an attorney ad litem appointed for the child under Chapter 107;
- a guardian ad litem appointed for the child under Chapter 107;
- a volunteer advocate appointed for the child under Chapter 107;
- the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;
- a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and
- any other person determined by a court to have an interest in the child's welfare.

TFC §264.018



QRTP Pilot Court Review Timeline



Contact Information

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Supreme Court of Texas Children's Commission

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Case Scenario





QUESTIONS?

THANK YOU!

MCLE Information

Please scan the QR code to self-report your MCLE. MCLE Course # is 174158018



PLEASE CONTACT CCTRAINING@TXCOURTS.GOV WITH QUESTIONS.

THANK YOU!

