

Protocol:

Court Process for Placement in a Short-Term Residential Therapeutic Program (STRTP)

OVERVIEW

The purpose of this protocol is to provide the requirements on the implementation of the court review and reporting process for Short-Term Residential Therapeutic Program (STRTP) placements mandated through the [Federal Family First Prevention Services Act \(FFPSA\)](#) and [Assembly Bill \(AB\) 153](#).

AB 153 establishes the state requirements for placements of children and Nonminor Dependents (NMDs) into STRTPs. These requirements include additional detailed case plan documentation, as reflected in amendments to [WIC 16501.1](#) and new court review requirements, as reflected in the addition of [WIC Section 361.22](#).

Children and NMDs being considered for or placed in an STRTP on and after October 1, 2021, including a placement change from one STRTP to another, must be independently assessed by a Qualified Individual (QI) and the Court needs to authorize the placement as well as continued placement in an STRTP every 6 months.

Please find below these court requirements for Social Workers who are placing a child in a Short-Term Residential Therapeutic Program (STRTP). For details on the CFT, QI and case plan requirements please refer to [Requirements for New Emergency Placements in a Short-Term Residential Therapeutic Program](#).

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DEFINITIONS

FFPSA (Families First Prevention Services Act): This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. The bill aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training. It also seeks to improve the well-being of children already in foster care by incentivizing states to reduce placement of children in congregate care. Part IV of FFPSA incorporates new requirements when a placement is made in an STRTP.

Child and Family Team (CFT) Meeting: A CFT meeting is a gathering of family members, fictive kin, friends, child welfare representatives, and other individuals invested in the family's success who join together to strengthen a family and provide a protection and care plan for the child to achieve child safety, permanency and well-being. This meeting is required within 60 days of entry into foster care as well as for any STRTP placement referrals made on or after October 1, 2021.

STRTP (Short-Term Residential Therapeutic Program): A residential facility operated by a public agency or private organization and licensed by the department pursuant to Section 1562.01 that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children.

Qualified Individual (QI): A County Mental Health clinician who assesses any new placement into an STRTP, or when a youth or NMD moves from one STRTP placement to another STRTP placement.

QI Assessment: QI will determine and document whether and how the needs of the youth or NMD can be met with family members, in a tribally approved home in the case of an Indian child, or in another family-based setting, or if the needs of the child/NMD cannot be met in a family based setting and require higher level placement. The QI will identify short- and long-term mental health and behavioral health goals for the youth or NMD, and share their recommendations with the CFT.

Emergency Placement: A placement made prior to a determination by the Interagency Placement Committee (IPC) in order to address the immediate and acute needs of the child/youth/NMD, because delaying the placement in order to obtain an IPC determination or Qualified Individual (QI) assessment would be contrary to the well-being of the youth or NMD.

PROCEDURES

Primary Social Worker/Designee

STEP 1 **Social Worker (SW) attends, participates and completes CFT where the team determines that the child requires placement into a Short Term Residential Therapeutic Program (STRTP) in order to meet the ongoing needs of the child. In the event of an emergency placement, the Social Worker shall notify and engage known CFT members within one (1) business day of the placement.**

NOTE: SW must make a copy of the CFT Action Plan indicating placement of child in STRTP and attach it to the court report. If ICWA applies or there is Reason to Know the child is an Indian child, then ensure the tribe(s) are conferred with regarding departure from ICWA placement preferences as well as ensure all active efforts are maintained through the STRTP process.

STEP 2 **SW completes and submits the Referral for Qualified Individual Assessment to Behavioral Health at ContraCostaQI@cchealth.org** to initiate the Qualified Individual (QI) Assessment. This must occur within two (2) business of an emergency placement, and also within two business days if this is a non-emergency and the CFT has recommended placement in an STRTP. The referral is available in the CFS Staff Portal. For additional guidance on documents to be submitted with the QI referral, including a release of information form, refer to [Requirements for New Emergency Placements in a Short-Term Residential Therapeutic Program](#).

NOTE: Timely completion of the referral is vital. The QI Assessment cannot be initiated until the referral is received. A QI inbox monitor will confirm receipt of the referral and supporting documentation within three (3) business days. Furthermore, the Court cannot make a determination until the QI Assessment is completed and the Court only has 45 days from start of placement to conduct the hearing.

STEP 3 **Within five (5) calendar days of each placement of a child or nonminor dependent into a STRTP, the Social Worker, must request that the court schedule a hearing to review the placement by completing the JV 235.**

- 1) Complete notice of hearing **JV 235 Request for Review of Placement** form and send out to all parties via secure email or certified mail, include the **JV 236, Input Form**-blank copy (please make sure the header info is accurate). Also, ensure the SW's email is on #1 next to the phone number. (see screenshot below)

JV-235

Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program

Clerk stamps date here when form is filed.

The request for review must be served on all parties together with a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236).

- ① Agency requesting review: Children and Family Services
 Name and title of person filing the form: Todd Lenz, Court Analyst

Address: 5300 Ellinwood Way PH, 94523
 Phone: (925) 324-4997 lenzt@ehsd.cccounty.us
- ② The child or nonminor dependent was placed at the following short-term residential therapeutic program
 (name): Justine Testingagain
 on (date): Oct 4, 2021

Fill in court name and street address:

Superior Court of California, County of

NOTE: The request for hearing form, JV 235, and objection form, JV 236, can be sent to parties of record by [secure email](#) or certified mail.

2) Next, complete the JV 237 Proof of Service form checking only the first check box (see screenshot below) and then send both JV 235 and JV 237 to the JV juvenile clerk’s office via FAX at (925) 608-1259 so they can expedite scheduling the hearing and ensure CFS met the noticing requirement. The clerk’s office will send the date of hearing to the social worker via email (using the email provided on the JV 235). Please, contact the juvenile clerk’s office at (925) 608-2704 after faxing them a copy of the completed JV 235 and JV 237 to ensure they check their fax. If the court sets the court hearing outside 60 days from the date of placement in the STRTP please let the courtroom clerk know that per the mandate it must be set before 60 day mark. A completed example of the JV 235 is [here](#) and for the JV 237 is [here](#).

CHILD'S/NONMINOR'S NAME: Justine Testingagain	
CHILD'S/NONMINOR'S DATE OF BIRTH: 08/30/2006	
HEARING DATE AND TIME: November 22, 2021	
Proof of Service—Short-Term Residential Therapeutic Program Placement	CASE NUMBER: JV21-00123
I served a copy of: This is checked at initial placement when requesting a date for hearing	
<input checked="" type="checkbox"/>	Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) AND a blank copy of: Input on Placement in Short-Term Residential Therapeutic Program (form JV-236), and/or
<input checked="" type="checkbox"/>	the report as described in Welfare and Institutions Code section 361.22(c) or 727.12(c), for a hearing on (date): Nov 22, 2021 This is checked when report is completed and distributed to parties

NOTE: The request for hearing Judicial Council form, JV 235, Input form, JV 236 and Proof of Service JV 237 are located on CWS in the documents workbook, green button, under ‘County’ section or gavel/court (pink button) section. **If requesting the placement be approved without a hearing**, please be sure to check number 4 on the JV 235, complete the [JV-240](#) and follow the remainder of the steps. The Court will only consider approval without a hearing if there are no objections and the report was served and filed within 10 days of the hearing date.

STEP 4 Using the hearing date provided by court clerk’s office create the hearing in CWS, generate the court report template for STRTP placement and populate remaining required JV forms.

In order to create the hearing, hearing type and the report in CWS start by clicking on the **pink button**, then the **gavel icon +**. From there enter the hearing date, select the courtroom from the dropdown, next click on the **‘Minors’** tab (which is to the right of the ID tab that you are currently on).

Next, go to the **‘Hearing Type’** dropdown and select **‘Special/Interim’**. Lastly, click back to the ID tab and select the button **‘ICWA/JV document.’** From the new pop up window, select **‘County’** and scroll down to select, **‘STRTP Placement Report.’**

NOTE: For any needed assistance with this step please reach out to your clerical lead for support.

Once the report is generated, complete the report in its entirety making sure to include the specified information from the QI Assessment, case plan documentation as well as any known objections to the placement. Please see Step 6 for further information pertaining to completing the report especially when asking for an additional 6 months of placement in an STRTP. Attach the QI assessment, CFT Action Plan and updated case plan as well as the required JV forms to the report. See below for required JV forms that also need to be submitted with the report.

- JV 235, Placing Agency request for review of STRTP (complete & sign [see example])*
- JV 237, *Proof of Service (with second box checked and sign [see example])*
- JV 239, Order for STRTP 9 (complete header, enter hearing info & recs [see example])*
- JV 240, Notice of Request for Approval of STRTP Without a Hearing (complete, if app.)*

*JV237 proves we met the timelines for noticing the court and parties of the hearing and sent out the report to all parties.

The Court will send out the notice of hearing date to all parties. Furthermore, if the Court decides to not hold a hearing they will notice all parties to the effect.

NOTE: All JV forms can be found on CWS under County Documents (green button) and under gavel/court section (pink button). When using pink button be sure to select document from 'ICWA/JV document' button. The form will auto-populate case info. For case plans ensure the objectives are to help the youth stabilize mental health as well as maintain placement and under 'Other Service Objective,' include stepping down to a family-based home. For 'client responsibilities' of the youth, ensure mental health is addressed as well as any medication management and/or placement stipulations/requirements.

STEP 5 **Submit report and attachments to court per normal procedures (original to Court, OCR for attorneys/county counsel, certified mail for parents) ensuring it is distributed to all parties of record by 7 calendar days before the hearing date. If this is a request to approve the placement without holding a hearing then the report must be served and filed with the court 10 calendar days before the hearing date.***

CHILD'S/NONMINOR'S NAME: Justine Testingagain CHILD'S/NONMINOR'S DATE OF BIRTH: 08/30/2006 HEARING DATE AND TIME: November 22, 2021	CASE NUMBER: JV21-00123
Proof of Service—Short-Term Residential Therapeutic Program Placement	

I served a copy of: This is checked at initial placement when requesting a date for hearing

Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) AND a blank copy of: Input on Placement in Short-Term Residential Therapeutic Program (form JV-236), and/or

the report as described in Welfare and Institutions Code section 361.22(c) or 727.12(c), for a hearing on (date): Nov 22, 2021 This is checked when report is completed and distributed to parties

The clerk's office will confirm receipt of the JV 237 and the filing within 7 calendar days of the hearing by courier with a file stamped copy.

Note: Submit report to parties of record by OCR and to parents/LG (and if ICWA to Indian Custodian or tribe(s)) by certified mail, if address is known. If parent(s)/legal guardian(s) are not involved and their whereabouts are unknown then only submit to parties of record via OCR.

STEP 6

Follow court recommendations listed on the JV 239 of either continue placement in STRTP or remove child from STRTP. If the child was authorized to be placed in STRTP the placement it will need to be re-authorized every six months with an updated case plan and statements in the report that highlight the ongoing need for STRTP placement. Please ensure the recommendation includes that the Court re-authorize the existing placement for an additional 6 months and that the following are stated/provided in the report:

- An 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 and that placement in an STRTP provides the most effective and appropriate level of care for the child in the least restrictive environment;
- Further that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;
- The attached case plan provides 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;
- Lastly, CFS has made efforts highlighted in the case plan/report to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

NOTE: When completing the report please ensure hidden text is enabled and be sure to follow the prompts and directives. There is specific language and information that is required in the report.

NOTE: For youth placed in an STRTP for more than 12 consecutive months, or 18 nonconsecutive months, or, in the case of a child who has not attained age 13, for more than six consecutive or nonconsecutive months, CFS Policy will submit to CDSS:

- The most recent versions of the evidence and documentation submitted for the most recent status review or permanency hearing; and
- The signed approval of the head of the title IV-E agency for the continued placement of the child in that setting

If the court does not approve the placement, the court will order the SW to transition the child/NMD to a placement setting that is consistent with the court determinations. This transition must take place within 30 calendar days of the disapproval. Please consult with your direct supervisor on next steps.

NOTE: If the child is removed from the current STRTP placement and placed into another STRTP, even within the same agency, it must be authorized by Court. Therefore, follow all steps in this protocol to authorize the placement in a new STRTP.

RESOURCES

Requirements for New Emergency Placements in a Short-Term Residential Therapeutic Program
Referral for Qualified Individual Assessment
Authorization for Use of Protected Health and Private Information (CFT ROI 1)
JV 235- Example Placing Agency's Request for Review of Placement in a STRTP
JV 236- Example Input on Placement in Short-Term Residential Therapeutic Program
JV 237- Example Proof of Service
JV 239- Example Findings & Order for STRTP Placement

REFERENCES

WIC Section 361.22
WIC 16501.1
Assembly Bill (AB) 153, chapter 86
ACL 21-113
ACL 19-87