



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #208

### **Qualified Residential Family-Based Treatment Facilities and Placements in Other States (Children and Families - Child Welfare Services)**

[LFB 2019-21 Budget Summary: Page 83, #7 and Page 86, # 12]

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#### **CURRENT LAW**

Children may be placed in out-of-home care as a result of one of four types of actions: (a) a children in need of protection or services (CHIPS) court order, in cases where a court determines that the removal of a child from his or her home and placement into out-of-home care is necessary to assure the child's safety; (b) a juvenile in need of protection or services (JIPS) court order, in cases where a court determines that a child has demonstrated certain behaviors, including being uncontrollable, running away, or truancy; (c) a delinquency court order, in cases where a child has engaged in a criminal act; or (d) a voluntary placement agreement (VPA) between a parent and the child welfare agency. If legal grounds exist to continue to hold the child in custody pending disposition of a CHIPS/JIPS case, the child may be held temporarily in certain placements, including the home of a relative or guardian, a foster home, a group home, or a shelter care facility.

#### **GOVERNOR**

Modify the Children's Code (Chapter 48) to conform to changes in federal law under the Family First Prevention Services Act (enacted as part of the federal Bipartisan Budget Act of 2018) by establishing qualified residential family-based treatment facilities (QRFTFs) as a placement option under specified circumstances. A "qualifying residential family-based treatment facility" would mean a certified residential family-based alcohol or drug abuse treatment facility: (a) that provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and (b) whose substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of

trauma and facilitate healing.

Under the bill a court would have jurisdiction under the Children's Code over a child whose parent: (a) is residing in a QRFTF; (b) signs the petition requesting jurisdiction; and (c) with the DCF's consent, requests that the child reside with him or her at the QRFTF. A child, or expectant mother, held in custody pending the disposition of a CHIPS case could be placed with their parent in a QRFTF if the child's permanency plan includes a recommendation for such a placement before the placement is made and the parent consents to the placement.

## **MODIFICATION**

Modify the bill to clarify that a QRFTF where a child may be placed with a parent in a residential alcohol or drug abuse treatment facility means a facility that is certified by DHS as a residential alcohol or drug abuse treatment facility and is approved by DCF as meeting the criteria for a residential family-based alcohol or drug abuse treatment facility. Further, modify the bill to clarify that a court would have jurisdiction over a child whose parent will be residing in a QRFTF at the time of a child's placement with the parent (rather than currently residing in the QRFTF at the time of the CHIPS petition, as provided in the bill). Further, modify the bill to specify that either a county agency or DCF (rather than only DCF) must consent to the placement in the QRFTF and also prepare the permanency plan. Also, modify the bill sections related to the foster care aid program to insert cross references to the newly created QRFTF, instead of creating a new subdivision relating exclusively to QRFTF placements (as provided in the bill, which is unnecessary). Finally, modify the language used in the bill in order to match the language used elsewhere in related sections of the bill as follows: (a) change facility to the plural "facilities;" and (b) insert a more specific reference to the statutory subsection related to permanency plans and clarify that such a plan would need to be made before the placement in a QRFTF.

**Explanation:** The corrections described above are needed to comply with federal Family First Prevention Services Act (FFPSA). The changes would improve the clarity and accuracy of the proposed state statutes and ensure consistency with existing state statutes.

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