

[This is an entirely new rule.]

**Rule 1612. PLACEMENT IN QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

A. **Assessment Order.** An order placing a child in a qualified residential treatment program shall include a directive for the county agency to obtain an independent assessment of the placement by a qualified individual within 30 days of the placement.

B. **Assessment Review.**

- 1) By motion, the county agency shall seek a hearing to review the assessment within 60 days of the placement.
- 2) At the hearing, the judge shall:
  - a) consider the assessment;
  - 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.

C. **Continuing Demonstration and Documentation.** As long as a child remains placed in a qualified residential treatment program, the county agency shall submit evidence at each review and each permanency hearing:

- 1) demonstrating that 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 family home, that the 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 that the placement is consistent with the short and long-term goals for the child, as specified in the permanency plan for the child;
- 2) documenting 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

- 3) documenting the county agency's efforts to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, or in a foster family home.

### **Comment**

This rule is intended to implement the requirements of the Family First Prevention Services Act, as set forth in 42 U.S.C. § 675a(c), and effective on October 1, 2010 in Pennsylvania. A "qualified residential treatment program" is defined in 42 U.S.C. § 672(k)(4). For the definition of "qualified individual" to conduct the assessment, see 42 U.S.C. § 675a(C)(1)(D)(i). Nothing in this rule is intended to preclude the assessment review from being conducted at a permanency hearing provided the 60-day time requirement set forth in paragraph (B)(1) is met.

**Official Note:** Rule 1612 adopted \_\_ \_\_, 2019, effective October 1, 2020.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1612 published with the Court's Order at 49 Pa.B. \_\_ ( \_\_ \_\_, 2019).