



Institutional Placement Decisions in the Dependency System A Benchcard for Judges and Legal Partners

Judges should review each case with this proposition in mind: children do best in families. This benchcard offers inquiries judges can make to ensure they have all relevant and necessary information to guide decision-making when an institutional care placement is proposed. ¹

Judicial Inquiry When an Institutional Care Placement is Recommended

- Were initial child and family assessments conducted? Did they indicate there were no alternative family placements or community services that could safely meet the youth's needs other than an institutional placement?
- What are the reasons for moving this child to institutional care as opposed to a less restrictive placement?
- What is the name of the residential program and where is it? How far is it from the child's home/community?
- What is the child's opinion on the placement?
- What are the parents' opinions on the placement?
- What services will be provided so that the child can leave the residential program at the earliest possible time?
- Does the agency have a discharge plan that identifies the anticipated duration of the intervention, the family whom the youth will return to, and, if necessary, the urgent steps that will be taken to find and engage family?
- Have trauma assessments been conducted with the youth and family, and will they be shared with the proposed residential program?
- What impact, if any, will the placement have on school enrollment and credits?
- Has the child welfare agency director or supervisor reviewed and approved this plan?

Why ask these questions?

Studies have shown:

- 40% of children in institutional care placements have no documented clinical or behavioral need that warrants such placement.
- The benefits of an institutional care placement decline after 6 months.
- When agency directors review and sign off on placement recommendations, institutional care placements decline.

From [Every Kid Needs a Family](#), AECF, 2015

Judicial Inquiry Under the Family First Prevention Services Act (FFPSA)

- Is this recommendation for one of the specific **non-QRTP** institutional care placements?
 - Two weeks of emergency placement;
 - Specialized placement for pregnant and parenting youth;

¹ For more information see [Every Kid Needs a Family: Safely Reducing Reliance on Institutional Care Placements for Children in the Child Welfare System](#) (Annie E. Casey Foundation, 2015)

- Specialized placement for youth at risk of sex trafficking;
- Supervised independent living setting for youth over 18 years old; or
- Family-based substance abuse treatment facility for mothers and children
- If the recommendation is for a QRTP:
 - Is the placement recommended by an independent assessment that meets all formal requirements?
 - Does the placement provide the most effective and appropriate level of care for the child in least restrictive environment?
 - Is the placement consistent with the child's permanency plan?
 - Do either the child or parent object to the placement? If so, is the reason for the objection documented in the case plan?

Judicial Inquiry When a Child is Placed in Institutional Care

Notice

- Have the appropriate parties been notified of the placement change (i.e., the parents or guardians, siblings, the youth/child's attorney, involved relatives, involved non-related extended family members)?
- Has the residential program been informed of the next court date and whether the child needs to appear in court?
- Has the residential program been informed of relevant conditions of probation, if necessary?

Continuity of Treatment and Services

- What is the plan to maintain any other services/treatments that the child is receiving (therapeutic, educational, or health related services)? If a new provider is necessary, have they been connected with the previous provider? Does the child object to any changes being proposed?
- Has a child and family team been created to help guide the course of treatment during the residential intervention and will a comprehensive plan be developed within the first 7 days?
- Is the youth currently on any medications, including psychotropic medications? If so, which one(s), what dosage and who will be administering the medication? Has a supply of the medication traveled with the child so that there is no interruption of the medication regimen?²
- Was the child's personal property moved to the residential program? If not, why not?
- Has the residential program been fully informed of the child's school status?
- Will placement change necessitate a school change? If so, why? What was done to eliminate the need for a school change?
- Who is part of the child's treatment team at the placement? Have they been informed of all relevant members of the child's team?

Permanency & Family Involvement

² See NCJFCJ's [Resolution Regarding Judicial Oversight of Psychotropic Medications for Children Under Court Jurisdiction](#),

- Is the child's family or other supportive individuals currently engaged in the child's care actively participating in treatment planning? Is the child spending time in their home? If not, what steps will be utilized to engage families and support the child spending time at least weekly in their home/community with family? What is the plan to facilitate family visitation?
- If the plan is for the child to age out of the residential program, what specific independent living and transition services will be provided (i.e. job training, educational support, housing services, financial support)? Has a positive adult connection been made for the child? Has a place to live been identified? What efforts is the agency making towards the child's emancipation from care?

Child Engagement

- How has the placement engaged the child to have an active role in establishing their treatment and goals, educational plans, and activities that match their individual strengths and talents?
- Does the program ensure the youth can attend their court hearings and have confidential communication with their attorney and/or guardian ad litem?

QRTP Placement Under the FFPSA

- If the agency seeks to continue the placement in the QRTP, does the documentation submitted by the agency demonstrate:
 - That the QRTP continues to be the most effective and appropriate level of care?
 - The youth's specific treatment or service needs?
 - The expected length of time to achieve the child's goals?
 - The agency's efforts to return the youth to a non-institutional setting?