

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

Name _____

Case No. _____

Year of Birth _____ A male female

**JUDICIAL DETERMINATION ON PLACEMENT IN
A QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

Pursuant to K.S.A. 38-2291

NOW on this _____ day of _____, 20_____, the above-captioned matters come before the Court regarding the placement of the above named child in a qualified residential treatment program.

THE COURT FINDS AND ORDERS:

1. The child was placed in a qualified residential treatment program on _____.
2. Within 30 days after the child was placed in a qualified residential treatment program, no one who received notice as required by K.S.A. 38-2291 requested a hearing.
3. The secretary provided the court with a written assessment and documentation of the need for the child's placement in a qualified residential treatment program.
4. **a.** The needs of the child **can** be met through placement in a foster family home. The Court **disapproves** of the child's placement in a qualified residential treatment program.

OR

- b.** The needs of the child **cannot** be met through placement in a foster family home.
- i. Placement of the child in a qualified residential treatment program
 - provides** **does not provide** the most effective and appropriate level of care for the child in the least restrictive environment.

AND
 - ii. Placement of the child in a qualified residential treatment program **is** **is not** consistent with the short-term goals for the child as specified in the permanency plan for the child.

AND
 - iii. The Court **approves** **disapproves** of the child's placement in a qualified residential treatment program.

THE COURT FURTHER FINDS:

THE COURT FURTHER ORDERS:

THE COURT FURTHER ORDERS this matter set for a _____ hearing
before **the Court** **the CRB** on the _____ day of _____, 20____, at
____:____ **a.m** **p.m.**

IT IS SO ORDERED THIS _____ day of _____, 20____.

Authority

K.S.A. 38-2291.

Notes on Use

Whenever a child is placed in a (not “the” specific and current placement) qualified residential treatment program (QRTP), the secretary shall notify the court in writing within seven days of placement. Written notice shall also be given to: (1) The petitioner; (2) the attorney for the parents, if any; (3) each parent at the last known address; (4) the Indian Tribe, if any; (5) the child, if 12 or more years of age; (6) the child’s guardian ad litem; (7) any other party or interested party; and (8) the child’s court-appointed special advocate. Within 30 days after a child is placed in a QRTP, any person enumerated above receiving notice may request, in writing, that the court conduct a hearing. If no one requests a hearing, the court must make its judicial determination within 60 days of the child being placed in a QRTP. K.S.A. 38-2291.

The secretary shall provide to the court in writing an assessment and documentation of the need for placement in a (not “the” specific and current placement) QRTP. Within 60 days after the child is placed in a QRTP, the court shall:

- (1) Consider the assessment and documentation provided by the secretary;
- (2) 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 (not “the” specific and current placement) 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-term and long-term goals for the child as specified in the permanency plan for the child; and
- (3) Approve or disapprove the placement of the child in a QRTP.

K.S.A. 38-2291.

If the court determines that the needs of the child can be met through placement in a foster family home, a QRTP is not the most effective and appropriate level of care for the child in the least restrictive environment, a QRTP is not consistent with the short or long-term goals of the child’s permanency plan, or the court disapproves the placement, the court may require that the child be placed in an alternative placement. K.S.A. 38-2291.