



Interstate Compact on the Placement of Children

ICPC Presentation

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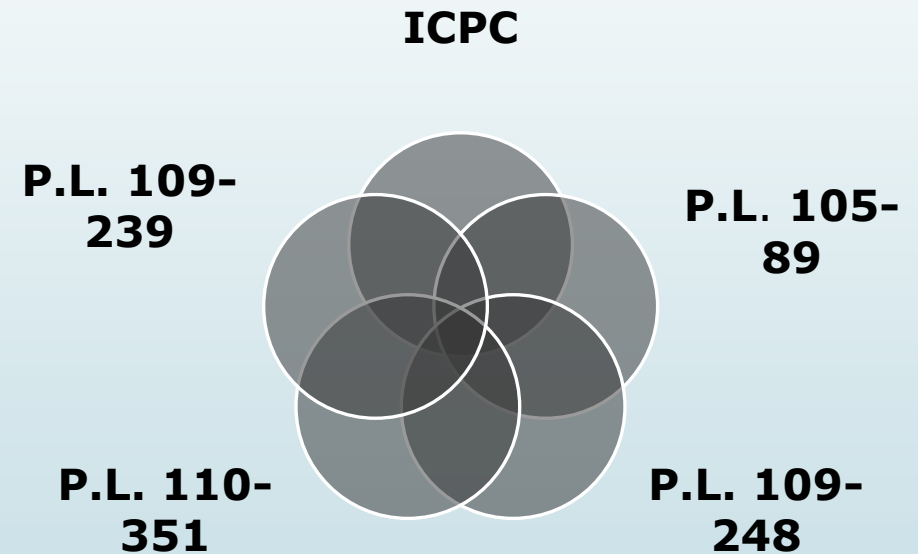


Interstate Compact on the Placement of Children – When and Why?

- ▶ The need for the Compact was recognized by social service administrators in 1950's as a means of regulating the orderly movement (placement) of children between states.
- ▶ No protection for children placed between states previously existed.
- ▶ New York was first state to adopt it in 1960.
- ▶ Adopted by all 50 states, District of Columbia, Virgin Islands.
- ▶ Not adopted by Puerto Rico, not used for international placements.

FEDERAL MANDATES WITHIN OR RELATING TO THE SOCIAL SECURITY ACT

- ▶ P.L. 109-239: Safe & Timely Interstate Placement of Foster Children Act 2006
- ▶ P.L. 109-248: Adam Walsh Child Protection and Safety Act of 2006
- ▶ P.L. 105-89: Adoption and Safe Families Act of 1997
- ▶ P.L. 110-351: Fostering Connections to Success and Increasing Adoptions Act of 2008





Why do we need the Compact?

► **Protects the child:**

- Continuity of legal and financial protections
- Ensures safety of the placement prior to the move
- Ensures continued supervision after placement

► **Benefits to the sending agency:**

- Ensures the safety of the proposed placement through evaluation and home study
- Allows receiving state to ensure that placement is not contrary to the interest of the Child
- Sets out the responsibilities of the receiving state and sending state
- Sending Agency retains jurisdiction over the child
- Ensures supervision and continued, regular reporting after placement



The Compact - Articles

The Compact contains 10 Articles:

- The Articles define the types of placements subject to the law established by the compact;
- The Articles establish administrative procedures (Regulations) to be followed when requesting an interstate placement;
- The Articles provide specific protections, services and supervision.



Regulations

- Reg. 1 – Relocation of Family Units (Intact Family)
- Reg. 2 – General Placement
- Reg. 3 – Definitions
- Reg. 4 – Residential Placement
- Reg. 5 – Central State Compact Office
- Reg. 6 – Permission to Place Child: Time Limitations, Reapplication
- Reg. 7 – Priority Placement
- Reg. 8 – Change of Placement Purpose
- Reg. 9 – Definition of a Visit
- Reg. 10 – Guardians
- Reg. 11 – Supervision
- Reg. 12 – Private Adoptions

ICPC Request Process

Sending Agency:
Public or private
agency, or court

Completes 100A and requests home study.
Submits this along with supporting documents

Sending State
ICPC administrator

Reviews packet for completeness and for
compliance with sending state laws

Receiving State
ICPC administrator

Reviews packet for completeness and compliance
with receiving state laws and rules. Requests
the local agency review the proposed placement.

Local Agency in
receiving state

Conducts home study assessment and makes recommendation on the
suitability of the proposed placement.

If placement is approved by receiving state, the
home study is reviewed and a placement
determination is made; 100B is issued.

Reviews packet for completeness and for
compliance with sending state laws.

Reviews packet for completeness and for
compliance with receiving state laws and rules.
Reviews recommendation and approves or
denies placement.

An ICPC Request Includes:

- ▶ 100A
- ▶ 101 (Regulation 7)
- ▶ 100B (Regulation 1)
- ▶ Cover letter
 - ▶ Identify Child
 - ▶ Identify Proposed Placement
 - ▶ Reason for placement
 - ▶ Statement of Confirmation
 - ▶ Brief statement of legal status
 - ▶ Long term plan
- ▶ Legal Documents
 - ▶ Signed Court Order establishing the authority to place;
 - ▶ Regulation 7 priority court order;
 - ▶ Termination of Parental Rights (adoptive placements)
- ▶ Financial/Medical Plan
- ▶ Title IV-E eligibility documentation
- ▶ Social/Medical history
 - ▶ Child's social history
 - ▶ Psychological evaluations
 - ▶ Specific placement needs
 - ▶ Expectations of the providers
 - ▶ IEP's/school records
 - ▶ Immunization records
 - ▶ SSN Card
 - ▶ Birth Certificate
 - ▶ Medical Records
- ▶ Indian Child Welfare Act (ICWA)
 - ▶ Tribal notice and necessary response



ICPC FORMS:

- 100A – ICPC Request
- 101 – Sending State's Expedited Home Study Request
- 100B – ICPC Report on Child's Placement Status
- Financial/Medical Plan
- Case Manager's Statement

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ICPC FORM 100A

- ▶ Initiates Process
- ▶ Provides notice and request to receiving state of desire to place child
- ▶ Identifies the nature of placement or services requested
- ▶ Must be signed by both Sending and Receiving states!



ICPC FORM 100B

- ▶ Provides response to 100A
- ▶ Indicates the status of the placement
- ▶ Indicates the status of the initial request

Every 100A must have a corresponding 100B



The ICPC Enters the Digital Age!

- A Continuing Resolution was passed by the House and the Senate and signed by Pres. Trump on February 9, 2018
- Requires ALL STATES to implement an electronic mechanism for exchanging information by 2027



NEICE

The National Electronic Interstate Compact Enterprise

NEICE: A national electronic system for quickly and securely exchanging the data and documents required by the Interstate Compact on the Placement of Children (ICPC) to place children across state lines.

- Accepted as an “approved method” by the AAICPC
- Believed that NEICE fulfills the purpose and intent of the continuing resolution
- NEICE currently being implemented in 38 states



NEICE

Its Benefits

- ▶ **Time and effort required to exchange information is significantly reduced**
- ▶ The NEICE system does not have the vulnerability of an e-mail transmission or a paper copy
- ▶ Improves quality and performance of the ICPC process by allowing states to more efficiently and effectively monitor their ICPC cases
- ▶ Improves collection and analysis of applicable data
- ▶ Improves accountability and transparency of all parties involved in the child welfare process (caseworkers, compact administrators, attorneys, judges, Court Appointed Special Advocates [CASA], etc.).
- ▶ Saves administrative costs



When does the Compact apply?

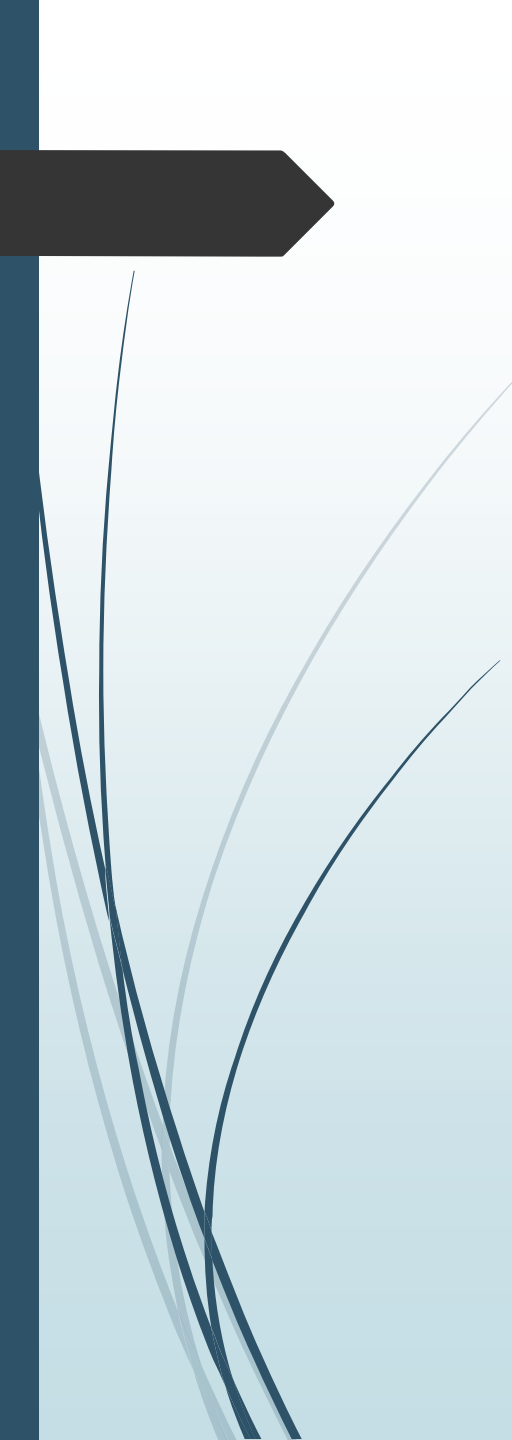
Transfer of a child to another state for a duration of over 30 days, including:

- “Out of State” placements into **foster care**, including foster homes, group homes, residential treatment facilities and kinship care.
- “Out of State” placements with parents and **relatives** when a parent or relative is **not making the placement**.
- “Out of State” placement **preliminary to an adoption** (including placements through a public agency, private agencies or attorneys).

When does the Compact NOT apply?

Transferring a Child out of state associated with:

- Placement made in medical and mental health facilities for **acute treatment**
- Boarding schools or “any institution primarily **educational in character**”
- Placement of a child made **by and to** a parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or non-agency guardian
- Transfer associated with **Divorce or Custody** procedures

- 
- **International** studies or international adoptions (Hague Act)
 - Canada, Mexico, etc.
 - ICWA Placements (New ICPC provides for development of guidelines in ICWA cases)
 - Puerto Rico currently seeking to join ICPC applicability

 - The “**New ICPC**” Expands **inapplicability** under Art. III to include placement by parents with:
 - Relatives
 - Residential Treatment Facilities
 - Non-Relatives if placement is NOT a preliminary step to adoption



PARENTAL PLACEMENTS

- ▶ Parental placements have been a hot topic among ICPC circles, and continues to be litigated across the country.
- ▶ Some of the courts that have held that ICPC does not apply to parents urge that something be done to correct this as they understand that making a placement “blindly” is not safe.



Parents: Reg 2.3(a):

- **3. Placements made without ICPC protection: Regulation No. 2 does not apply to:**
- **(a) A placement with a parent from whom the child was not removed: When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent, the receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.**



Regulation 3, Section 26

- ▶ Defines Foster Care as including placement with a parent when the placement is made pursuant to a court order.



Conflict with Article III?

- ▶ No sending **agency** shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing placement of children therein.



Where is the conflict?

- States holding that the ICPC does not apply to parental placements do so on the basis that placement with a parent does not equate to placement in foster care (Article III).
- They further conclude that Regulations are not binding if they expand the Articles
- Including “parent” in the definition of Foster Care is beyond the scope of the Articles.
- “Foster Care” is *not* defined in the Compact



In Re: R.S. 470 Md. 380 (Ct of App., 2020)

- ▶ Child came into custody of Maryland as a result of Mother's neglect.
- ▶ Father resided in Delaware
- ▶ Father was required to complete services, and despite completion the Delaware social worker did not believe placement with father was appropriate (likely due to his TBI and resultant deficits causing him to reside with his parents)
- ▶ Lower Level Court denied placement with dad, appeal followed
- ▶ Appellate Court held:
 - ▶ ICPC does not apply as it expands the scope of the Articles
 - ▶ Placement with a Parent is not placement in Foster Care
 - ▶ Placement with a Parent is not Preliminary to a Possible Adoption



How does the Compact Apply to Parental Placements?

- ▶ Article VIII says:
 - ▶ The compact shall not apply to:
 - ▶ The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.
- ▶ A state agency is not in this list. So, if a child has been removed by the government and is in the custody of the government, placement with a parent falls under ICPC



How does New York view non-custodial parental placements?

- ▶ Matter of Emmanuel B. (Lynette J.) 2019 NY Slip Op 05640,
July 16, 2019 Supreme Court, Appellate Division , First Judicial Department
Case of First Impression
- ▶ Holding: ICPC does NOT apply to out of state, non-custodial parents
- ▶ Art. III of the ICPC is expressly aimed at placement in foster care or adoptive settings.
- ▶ Parents clearly excluded from adoption or foster
- ▶ Court dismissed Reg 3(2) amended 10/1/2011 on basis that it was *"ironic a statute with a stated purpose of providing more opportunities for children in need of placement would be construed to effectively prohibit the placement of a child with a natural parent"*



➤ Matter of Solia J. 2019 NY Slip Op 29093

March 13, 2019 Family Court, Kings County

- Holding: ICPC does NOT apply to out of state, non-custodial parents
- Art. II of the ICPC defines Placement as arranging for the care of a child in a family free, boarding home or child caring agency – By its terms, the court held it only applied to foster care.
- Art. III provides that no sending agency shall bring a child into another state for placement in foster care or as a preliminary to possible adoption without complying with the ICPC.
- *Because a Parent cannot foster or adopt it's own child*
- *Distinguished this case on the basis that the child welfare agency, ACS did not take custody of the child and become the sending agency*

- 
- *In The Matter of Alexis M.*, 2012 N. Y. Slip Op. 00211

Jan 10, 2012, Supreme Court Appellate Division, Second Department

- Child came into services of the Family Court and out of state Father and terminated supervision
- Court held placement was violative of the ICPC
- Art. I of the ICPC requires that states have a full opportunity to ascertain the circumstances of the proposed placement
- Art. III of the ICPC requires the sending state to furnish the receiving state with written notices, and that a child shall not be brought into a receiving state until appropriate public authorities in the receiving state shall notify the sending state that the proposed placement does not appear to be contrary to the interests of the child.

What states - which standards?

ICPC Does NOT Apply to Parental Placements:

- ▶ Arkansas
- ▶ California
- ▶ Connecticut
- ▶ New Hampshire
- ▶ Washington
- ▶ Texas
- ▶ Indiana
- ▶ Kansas
- ▶ Maryland
- ▶ Oregon

ICPC Reg. 3(a) Makes ICPC Applicable to Parental Placements:

- ▶ Arizona
- ▶ Delaware
- ▶ Florida
- ▶ Massachusetts
- ▶ New York (???????)
- ▶ Oregon
- ▶ Tennessee
- ▶ Montana
- ▶ Mississippi



The sending state holds the key!

- ▶ Courts are divided on whether the ICPC applies to an out of state parental placement:
- ▶ Tennessee – ICPC applies, but Reg 3 will govern (a provisional placement may be a required first step)
- ▶ Texas – ICPC does not apply to placement of children with their out of state parents.
- ▶ Arizona – ICPC applies IF the state already has evidence or seeks evidence of the out of state parents unfitness, but cannot keep the child from placement while it investigates
- ▶ Montana – ICPC applies only if objective, demonstrable circumstances warrant the evaluation of the non-custodial parent



In Re C.B.

188 Cal App 4th 1024, 1026, 1027 (2010)

- ▶ The lack of uniformity is problematic, as: “One of the key elements of any interstate compact is uniformity in its interpretation” C.B. at 1026
- ▶ “Lack of Uniformity is dysfunctional, that courts and rule makers have not been able to fix it, and hence that it may call for a multistate legislative response.”

C.B. at 1027



The “New” ICPC Clarifies the Conflict:

- Revision to Article III
- Provides an “Exemption” for non-custodial parents **IF**:
 1. Non-Custodial Parent PROVES to Sending State that it has a “**Substantial Relationship**” with the child, AND;
 2. Sending State Court makes a WRITTEN FINDING that the placement is “**Not Contrary**” to the Best Interests of the child, AND;
 3. Sending State Court dismisses its jurisdiction (In cases where the child is placed by a Public agency and is a Party to the proceeding)

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What other Scenarios Create Issues and Conflicts?

- ▶ Guardianship
- ▶ Expectant Mothers



ICPC Violations - Illegal placements and the Ramifications

Effects on the Child Being Placed

Placing a minor child into another state without ICPC approval leaves the minor without:

- ✓ Supervision
- ✓ Medical coverage
- ✓ Services
- ✓ School Enrollment
- ✓ May lead to Disruption!



ICPC Violations - Illegal placements and the Ramifications

Sanctions for Violations

Placing a minor child into another state without ICPC approval may subject the parties involved to:

- ✓ Violation of Laws of both Sending and Receiving States
- ✓ Suspension or Revocation of Licensure, Permit or other Legal Authorization held by the sending agency
- ✓ Monetary Fines
- ✓ Possible denial of Petition to Adopt
- ✓ Possible mandate for retroactive compliance with compact

Regulation 1-Intact Family Move

Regulation 1 factors and considerations:

- Child already placed in sending state with an **approved home study and ongoing supervision**
- Child and approved caregiver moving to another state
- ICPC needed to get supervision and/or services in the other state
- Can travel without prior approval, but must seek home study in the receiving state and bring child back if not approved
- May need to have caregiver become licensed in receiving state
- Need to address payment for caregiver funds in the receiving state before authorizing move

Regulation 2-"Regular ICPC"

- ▶ Regulation 2 Covers the following situations:
 - ▶ Children not yet placed through an approved home study;
 - ▶ Changing status of child already placed;
 - ▶ Child in receiving state without approval;
 - ▶ Supervision terminated and jurisdiction retained.
- ▶ Regulation 2 does NOT Apply:
 - ▶ Child placed with a **parent** from whom the child was **not** removed and:
 - ▶ Court has no evidence the parent is unfit;
 - ▶ Court does not seek such evidence; and
 - ▶ The Court relinquishes jurisdiction.
 - ▶ Placement made following a "**courtesy check**" meaning no home study and no protection or supervision required.

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Home Study Types


Home studies created pursuant to Public Laws 109-239.

- ▶ Parent
- ▶ Relative
- ▶ Foster Care (licensed/equivalent)
- ▶ Adoptive
- ▶ State Specific regarding Home Study Requirements



Home-Study Time lines

- ▶ Federal law requires interstate home studies to be completed within 60 days.
- ▶ Placement must be made within 6 months of the approval of 100A.
- ▶ **Caveat!** A home study may not need to be fully completed to receive a placement recommendation. A preliminary report may suffice!



Regulation 2

“Common” Issues

- ▶ Denied Home study- what now?
 - ▶ Request reconsideration within 90 days (with or without a new home study)
 - ▶ Receiving state has 60 days to make a determination as to reconsideration
 - ▶ NO APPEAL PROCESS THROUGH ICPC– Any appeal of a denial of licensure if available is resolved under state law
- ▶ “NEW ICPC” – Revision of Article IV, Placement Authority
 - ▶ Provides for Administrative Review of a Receiving State’s Denial of placement, conducted in Receiving State pursuant to its applicable Administrative Procedures Act



Regulation 2

“Common” Issues - Continued

- ▶ Return of Child
 - ▶ If the child is in the receiving state without prior approval and receiving state requests removal- child must return to sending state within 5 business days (unless alternative agreement is reached by the Compact Administrators)
 - ▶ If receiving state withdraws approval, child must return within 5 business days (unless alternative agreement)
- ▶ Approved Home Study / Licensure but placement denied.



Licensing and Training Requirements Prior to Approval of a Relative Placement

Always refer to the state pages found at www.AAICPC.com/Statepages to determine whether or not the receiving state requires licensure of the prospective relative placement prior to approval. Each state has its own, peculiar requirements which will need to be satisfied prior to receiving approval of a placement, relative or not!


Some states require Relatives seeking to be placement to become licensed as foster caregivers before they will consent to the placement being made.

This information is subject to change and **often** does! Check the AAICPC website state pages section prior to seeking placement for clarification and conditions of placement which may or may not require licensure.



New ICPC Changes affecting Reg. 2

- ▶ Art IV is Amended to provide:
 - ▶ Distinguishes between **Assessment** and **Home Study**
 - ▶ Assessment: Evaluation of prospective placement to determine if meets individualized needs of child
 - ▶ Home Study: Evaluation of home environment in accord with Receiving State Requirements
 - ▶ Provides for Provisional Travel prior to final approval of adoption by a Private Child Placing Agency
 - ▶ Provides for a Provisional Placement – a safe and suitable placement *without* meeting the Receiving State requirement for education and training *prior* to placement



Regulation 4

Residential Treatment Facilities

- ▶ Regulation 4 applies when dependent or delinquent children are placed into RTFs across state lines.
- ▶ **The regulation also applies to such placements made by parents. The “New ICPC” revises Art. III and EXEMPTS application**
- ▶ Residential facility / residential treatment center / group home is defined as: a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. Does not include institutions primarily educational in character, hospitals, or other medical facilities.
- ▶ The residential treatment facility, not the receiving state child welfare agency, is responsible for the supervision of the placement. The **sending state** remains responsible for establishing the frequency and nature of supervisory visits.



Regulation 7-Expedited Placement

- ▶ Intent of the regulation is to:
 - Expedite ICPC approval or denial for placement of a child with its parent, step-parent, grandparent, aunt/uncle, adult sibling or guardian
 - Help protect the safety of the child while minimizing the potential trauma caused by interim or multiple placements while awaiting a more comprehensive ICPC placement approval
 - Provide the sending state court and/or agency with expedited approval or denial to enable them to timely explore placement alternatives



Regulation 7 -Expedited Placement Time Frames

- The receiving state is expected to complete the home study and approve or deny placement within **20 business days from the receipt of the placement request.**
- The child cannot be in the home while a Reg. 7 study is being completed.
- Some states are not able to comply with Regulation 7 timelines.



Regulation 7-Expedited Placement Application

Applies to children:

1) 4 years old and younger and their siblings (if the siblings are being placed in same home)

or

2) one child being placed has **substantial relationship** with prospective placement

or

3) unexpected dependency

or

4) in emergency placement



Regulation 7-Expedited Placement Pre-Requisites and Limitations

- ▶ Court must enter order with specific findings that child meets Reg. 7 criteria
- ▶ Court can **ask** for provisional placement, but the receiving state is **not** required to approve a provisional placement
- ▶ Provisional placement is **not final approval and can be withdrawn at any time**
- ▶ Court can ask for jurisdiction to be relinquished upon approval of placement with a parent – receiving state not required to do this



Regulation 7-Expedited Placement Findings Required in Order of Court

Before an Order of Compliance is obtained, the court must find that a signed statement has been provided that:

- the potential placement is interested and will cooperate
- name and correct physical and mailing address of placement
- number and type of bedrooms in the home
- sufficient financial resources or explanation for how children will be fed, clothed and cared for
- acknowledgement that a criminal records and child abuse history check will be done
- if placement with a parent, is there a request to relinquish jurisdiction



Regulation 7-Expedited Placement Limitations

- Must be placed with parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or legal guardian
- Does not apply if child already placed in receiving state in violation of ICPC, even if the child is on a visit
- Does not apply to licensed foster care or adoption placements without pre-existing familial or guardianship relationship with child
- Judicial recourse may be possible in receiving state if time frames not honored
 - Sending state court can inform appropriate court in receiving state, and request assistance
 - Within its jurisdiction and authority, receiving state court can hold hearings, take evidence, and enter orders for purpose of obtaining compliance with ICPC

Regulation 7 -Expedited Placement Criteria Re-Cap (the Who)

Proposed placement is with:

- ❖ Parent
- ❖ Step-parent
- ❖ Grandparent
- ❖ Adult uncle or aunt
- ❖ Adult sibling, or
- ❖ Legal guardian

Regulation 7 -Expedited Placement Criteria Re-Cap (the Why)

and the case meets at least one of the following criteria:

- ✓ Unexpected dependency due to recent incarceration, incapacitation, or death of a parent or guardian, **or**
- ✓ The child is under 4 years of age, **or**
- ✓ The court finds that any child in the sibling group to be placed has a substantial relationship with the proposed placement, **or**
- ✓ The child is currently in an emergency placement.

Regulation 9-Visits

- A visit is not a placement within the meaning of the ICPC. Visits and placements are distinguished on the basis of
 - Purpose – social or cultural experience
(Camp or Friend / Relative Visit)
 - Duration- No more than 30 days or length of school vacation
 - NO EXTENSIONS!
 - Intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
- If a home study request is pending and the child is sent to the state on a "visit", the receiving state may view it as a placement.



Regulation 11- Placement Supervision

Supervision occurs with a monthly face-to-face visit in the home in which the child is living.

Supervision Reports are to be provided to the sending agency at least once every ninety (90) days. Frequency may be increased upon request.



The “NEW” ICPC

- The current version of the ICPC was drafted in 1960
- Renewed focus on safety and permanency for children in public welfare has highlighted issues in current ICPC’s language, legal framework and administrative process
- March 2004 a policy was adopted directing a re-write of the Compact
- Re-Write started in June of 2004 and concluded with the APHSA moving forward to assist states in adopting the new compact nationally in March 2006
- Requires 35 states to enact before it becomes in effect
- Currently only 13 states have “signed on”



Changes in the New ICPC: Applicability

- ▶ Not Applicable in custody proceedings where child placing agency is not a party, so long as placement is not intended to effectuate an adoption
- ▶ Not Applicable when placing with a Non-Custodial Parent so long as:
 - ▶ Non-Custodial Parent proves substantial relationship with child
 - ▶ Sending State enters written finding that placement is not contrary to the best interests of the child
 - ▶ Sending State dismisses its jurisdiction where public child placing agency is a party



Changes in the New ICPC: Jurisdiction

- Sending State has authority to Terminate Jurisdiction along certain guidelines
- In **Private and Independent Adoptions**, Substantive Laws of the state in which the adoption will be finalized shall govern all issues relating to the adoption. (When the child is in the custody and/or control of a Sending State's Public Child Placement Agency, a Final Decree of Adoption shall not be entered until Receiving State approves placement)
- Hearing Testimony before any judicial officer may be in person, via telephone, audio-visual conference or any means approved by the Interstate Commission



Changes in the New ICPC Placement Evaluations

- ▶ Distinguishes between an Assessment and a Home Study:
 - ▶ Assessment – is an evaluation of a prospective placement by a Public Child Placement Agency to determine if the placement meets individualized needs of the child.
 - ▶ Home Study – means an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located.
- ▶ Establishes guidelines for placement in Private Requests for Adoption
- ▶ Provides for “Provisional Travel” pending final approval
- ▶ Both Sending and Receiving states may request additional information pending final approval, but cannot delay travel
- ▶ The Sending State shall not impose on Public Child Placing Agencies additional home study requirements unless the adoption is to be finalized in the Sending State



Uniform Law Commission

- ▶ Drafting model legislation to address unregulated custody transfer (UCT)
- ▶ Children being moved by adoptive parents to strangers without a home study, sometimes across state lines with intent to make a permanent placement
- ▶ Adoptive parents give up trying to obtain services to address child's behavioral and mental health issues, resort to self-help
- ▶ Utah first state to pass comprehensive legislation addressing this – makes it a third-degree felony, but requires training for prospective adoptive parents
- ▶ Goal of uniform legislation is to have a nationwide approach to the problem so that fewer unregulated custody transfers occur, and children are protected from being placed without appropriate background done on new home and court approved process

Case Study 1

Facts:

- A baby boy is removed at birth due to substance misuse by the parents and placed locally in a private foster home.
- 6 months later, the paternal grandmother from out of state contacts the DCM (Dependency Case Manager) and wants the child placed in her home. She arrives in the state of the dependency to be near her grandson but is told to return to her home state so the ICPC process can begin.
- 11 months later, a female child is born and removed from the birth parents. An ICPC is done right away, and the female child is placed with the grandmother through an approved home study.
- Almost 2 years after the first child was born, the parental rights to both children are terminated.

Results: The foster parents wants to adopt the male child and the grandmother applies to adopt both children....

What happens now?

Case Study 2

Facts:

- ❖ A 9 year old child is sheltered from her abusive parents.
- ❖ The child is first placed in a group home and then a foster home that doesn't work out.
- ❖ The child's third placement is in a private foster home and she bonds with the other children in the home. She does very well in this placement. The child's goal becomes adoption.
- ❖ Prior to the TPR (Termination of Parental Rights) trial, the child's aunt in Texas contacts the Department for placement.
- ❖ An ICPC is requested but delayed because the aunt's family was in the process of moving to another state.
- ❖ While the ICPC is pending, the DCM tells the aunt and her family that they cannot have unsupervised visits with the child and only very limited contact.

Results: The TPR is granted and both the foster family and the aunt's family apply to adopt the child....

What happens now?

Case Study 3

Facts:

- ▶ Two children in the care of their mother are sheltered due to extreme neglect. The children have different fathers.
- ▶ The children are placed in two separate foster homes in the same state and are adjudicated dependent.
- ▶ A paternal aunt for one of the children is located in another state, and she is willing to take both children.
- ▶ The Department was previously granted placement authority by the Dependency Court and therefore the DCM travels to the second state with the children. She does a walk through of the Aunt's home and completes a home study while there. All looks fine and she makes the placement.

Results: When the DCM contacts the second state's child welfare office to request a report on the placement to include in her Judicial Review, the second state's ICPC learns of the unauthorized placement. The original state is told to pick up the children within 24 hours....

What happens now?



Case Study 4

Facts:

- ▶ Two children are removed from their parents. The children were removed from the Father's custody due to allegations of substance misuse and neglect. The children were adjudicated dependent.
- ▶ After agreeing to a Case Plan for Reunification including services for drug treatment, the Father moved to another state and began receiving services.
- ▶ At a Judicial Review hearing, the original state's Dependency Court ordered the Children to be reunified with the Father in the new state immediately.
- ▶ At hearing, the Department objects to immediate placement because the ICPC is still pending, therefore no approved home study, ability to monitor or provide services, etc.

What happens now?



Case Study 5

Facts:

- ▶ Three months ago, two siblings were placed with their aunt and uncle in receiving state through an approved ICPC home study.
- ▶ The sending state case remains open and the receiving state is providing reports and supervision.
- ▶ An abuse report is received by the receiving state with allegations of abuse and neglect in the aunt and uncle's home. The receiving state determines the children cannot safely remain in the home and removes the children.

Results: Sending state's ICPC office is notified the next morning and told that the children have been sheltered and placed in foster care in the receiving state.

Now What?

Questions or concerns?

- ▶ ICPC state pages: <http://icpcstatepages.org/>
- ▶ APHSA Home Page: <http://aphsa.org>
- ▶ AAICPC Home Page: <https://aphsa.org/AAICPC/default.aspx>

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