

**National Child Welfare Resource Center on Legal and Judicial Issues
American Bar Association Center on Children and the Law
Impact of Safe and Timely Interstate Placement Act: Results from Questionnaire**

In April 2008, the National Child Welfare Resource Center on Legal and Judicial Issues prepared a short questionnaire regarding delays in interstate placement of children, the effect of the Safe and Timely Interstate Placement of Foster Children Act of 2006 (the Act), and suggestions for legal reform for improving safe and timely interstate placements.

The questionnaire consisted of 11 open-ended questions regarding the Interstate Compact on the Placement of Children (ICPC), the Act, and local practices and asked respondents to identify their role in the process. Respondents could give more than one answer for questions. Answers were clustered into the results where substantially similar. For example, “somewhat,” and “to some extent,” would be placed in one cluster while “a little,” and “minimally,” would be placed in another. Highly specific responses were placed in broader categories. For example, an answer reading “Foster parent training is only held quarterly in some counties,” was included under ‘Foster parent training.’

The intent of the questionnaire was to reveal common systemic problems and solutions. Accordingly, where an answer was only given once, it was omitted as an outlier unless otherwise indicated. Indications that respondents did not know the answer were omitted.

The questionnaire was sent in mid April 2008 via American Bar Association e-mail lists, to Court Improvement Programs, to ICPC administrators, and to state child welfare agency heads. A total of 32 respondents answered the questions including individuals from 16 Compact Administrator’s offices, 6 representatives from other agency offices, 6 judges, 3 children’s attorneys and 1 agency attorney. Responses were received from a total of 20 states.

The original questions and results follow:

1. What are the most common sources of delay where your state is the sending state (the state attempting to send a child to another state for placement)?

Sending State Sources of Delay

- Background checks..... 8
- Completing home studies in general..... 8
- Caseworker staff shortages..... 7
- Incomplete referral packets.....3
- Inadequate caseworker training..... 2
- Foster parent training.....2
- Sending state ICPC office policies..... 2

2. What are the most common sources of delay where your state is the receiving state?

Receiving State Sources of Delay

- Caseworker staff shortages..... 11
- Background checks..... 9
- Completing home studies in general..... 7
- Lack of cooperation of placement resource.....5
- Incomplete referral packets.....4
- Medical Insurance coverage..... 3
- Requirement that relatives become fully..... 3
licensed foster homes
- Foster parent training..... 2

3. Has the timeliness of home studies improved since the enactment of the Safe and Timely Interstate Placement of Children Act of 2006 (the Act) i.e. the 60/30 day timeframes in 42 USC 671(a) and 42 USC § 673c? If yes, please explain.

Has Timeliness Improved

- Timeliness has improved..... 12
- Timeliness has not improved..... 13

Many of those that reported timeliness did not improve cited the fact that the Act did not address background checks and staff shortages. Many that reported the Act led to improvements noted that the Act effectively prioritized interstate cases in agency practice. In addition, four respondents who indicated timeliness has improved since the Act added that marked improvements were seen in some states and counties and not in others. Three individuals reported that though the Act improved receipt of timely home studies, it did not improve timely placements because homes were required to be fully licensed prior to placement.

4. What are the most common reasons that your state or other states' ICPC offices will require a home study request be resubmitted?

Reasons for Resubmission of Referrals

- Incomplete information.....13
- Lack of court order.....2
- Lack of medical insurance information..... 2
- Request type (foster, adopt, relative) unclear..... 2
- Changes in prospective home..... 2

5. In cases where your state's ICPC office has returned a home study request as invalid or incomplete, does the 60/30 day timeframe begin on the date it received the original or the corrected request?

30/60 Day Timeframe

- Corrected Request..... 13
- Original Request..... 6

6. How effective was the Act in improving the timeliness of home studies? How could it be more effective?

Effect of Act on Timeliness

- Somewhat.....5
- Minimal.....4
- No positive effect.....3
- Very effective.....1
- Made it worse.....1

There were no repeated answers as to how the Act could be more effective in response to this question.

7. What are the perceived consequences for the state, courts, agencies, or other parties for failing to complete home studies within the timeframes?

Consequences for Noncompliance

- Loss of federal funding..... 14
- Delay in permanency for children.....10
- No perception of any consequences.....9

8. What do judges do to help or hinder the timeliness of interstate placements? How often do they do it? What could judges do to improve interstate placements?

Role of Judges

- Judges can/do encourage participants to..... 11
advocate for smooth and timely process
- Judges hinder process by ignoring ICPC..... 8
- Judges can/do help process by ordering priority..... 5
placements (“Regulation 7”)
- Judges help via judge-to-judge communication..... 3

9. What do attorneys do to help or hinder the timeliness of interstate placements? How often do they do it? What could attorneys do to improve interstate placements?

Eight respondents agreed that attorneys can help interstate placements by communicating with participants including the in and out-of-state agencies, the placement resource, and parents. Several referenced their answers to question 8 suggesting attorneys are involved with the practices reported of judges that help and hinder timeliness.

10. Are there 'loopholes' states use to avoid the requirements of the Act?

Loopholes

- Extended or repeated 'visits'..... 6
- Inapplicability to birth parents.....3
- Using corrected date of resubmitted request.....2

11. What additional steps do you recommend to improve the safety and timeliness of interstate placements?

Recommendations

- Training for all participants..... 7
- Allowing placement with relatives after.....7
safety is ensured but without requiring
they become fully licensed foster homes
- Address agency staff shortages.....5
- Improve communication between participants..... 3
- Establish national home study standards.....3
- Improve speed of background checks..... 3

Mark Hardin, Esq., Scott Trowbridge, Esq., and Charles Teague
National Child Welfare Resource Center on Legal and Judicial Issues, American Bar Association
Center on Children and the Law.

Copyright © 2008 American Bar Association

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

The American Bar Association Center on Children and the Law is a program of the Young Lawyers Division.

Nothing contained in this report is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. This report and any other materials herein are intended for informational and educational purposes only.