



**Assessment of Arizona's Implementation of
The Interstate Compact for the Placement of Children
(ICPC)**

Project Report

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***National Council of Juvenile and Family Court Judges
Permanency Planning for Children Department***

**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
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PROJECT PURPOSE AND GOALS

The Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) established a new assessment requirement for courts under state Court Improvement Projects. States that received the basic Court Improvement Grant through the Children's Bureau of the U.S. Department of Health and Human Services were required to assess their role, responsibilities, and effectiveness in the interstate placement of children and to implement improvements to develop the best strategy to use to expedite these placements.

P.L. 109-239 specifies that states assess the effectiveness of their laws and strategies for courts sharing information with out-of-state courts, developing methods to obtain information and testimony from agencies and parties in other states without requiring interstate travel by the agencies and parties, and permitting parents, children, other necessary parties, and attorneys to participate in cases that involve interstate placement without requiring those parties to travel interstate.

Based on this requirement, the National Council of Juvenile and Family Court Judges (NCJFCJ) through its Permanency Planning for Children Department (PPCD) worked with the State of Arizona to assess Arizona's implementation of the Interstate Compact on the Placement of Children (ICPC). The assessment was designed to conform to the requirements of the Interstate Placement Act and P.L. 109-239; to examine and compare current state and federal law to determine if there are legal barriers to effective judicial decision making; to assess current court practices in cases involving interstate child placement; to identify practical barriers to more effectively handling such matters; and to recommend change or improvements to remove those barriers. The assessment included review and description of current Arizona laws and policies; developing an overview of the ICPC process from selected ICPC cases; conducting interviews of judicial officers and stakeholders; developing and implementing an online survey of judicial officers; and developing a report providing conclusions and recommendations related to Arizona's implementation of the ICPC process.

This assessment report includes the following:

- ❖ Summary of law and policy;
- ❖ Description of current agency and judicial practice;
- ❖ Summary of the results of the interviews and survey; and
- ❖ Recommendations for possible reforms.

KEY FINDINGS AND RECOMMENDATIONS

I. Summary of Law and Policy

Review of Arizona's ICPC legal and policy framework (attached as Appendix A) was not intended to be an in-depth examination of statutory nuances and case interpretation, but to highlight core issues that may impede or undermine efforts for the timely interstate placement of children. In general, Arizona's ICPC legal and policy framework is in conformity with the provisions of P.L. 109-239. Strengths include provisions for early and frequent review of dependency matters generally (rather than for specific ICPC review hearings), and opportunities for all parties to participate in court proceedings regardless of their location (e.g., through support of obtaining testimony through telephonic and video conferencing).

However, with a few exceptions, Arizona statutes lack specificity with regard to interstate placements, such as interstate information sharing and obtaining testimony from out-of-state. Arizona rules and statutes do not provide for specificity related to court orders for interstate placements. In addition, the Arizona Department of Economic Security's Children's Services Manual does not include specific information related to the requirements of ICPC Regulation 7 for priority placement requests, nor does it include the mandated data collection requirements. For more detailed information, please see Appendix A.

II. Description of Current Agency and Judicial Practice

Information related to agency and judicial practice in Arizona can be found in Appendices B, C and D. When participating in an ICPC case, the State of Arizona serves as either the Sending state or the Receiving state. ICPC cases are coordinated through the ICPC office. The process when Arizona is the **Receiving state** is as follows:

- ❖ Review ICPC packets from Sending states for completeness;
- ❖ Determine which of the six districts in Arizona to send the packet to;
- ❖ The local agency conducts a home study, completes a report and makes recommendations, and forwards the report to the Arizona ICPC office, who reviews the information and forwards it to the Sending state ICPC office;
- ❖ The Arizona ICPC office makes a determination to accept or decline placement based on the home study; and
- ❖ The Sending state ICPC office is notified.

The process when Arizona is the **Sending state** is as follows:

- ❖ The local agency prepared the ICPC packet and sends it to the Arizona ICPC office;
- ❖ The Arizona ICPC office reviews the packet for completeness;
- ❖ Once approved, the packet is sent to the Receiving state ICPC office, which engages in a similar process of review, home study, and acceptance or declination recommendation; and
- ❖ The Arizona ICPC office notifies the local agency, private attorney or private agency of the Receiving state recommendation.

Timeliness findings for the cases reviewed in this assessment may be found in detail in Appendices B and C. The total timeframe set forth in the ICPC to complete the process is 69-100 days. Based on the six cases reviewed, it appears that it takes longer for Arizona to process cases as a Sending state than as a Receiving state, with the overall impression being that Arizona ICPC processes are timely. Strengths include the existence of an ICPC Referral Checklist used by local agencies. Some improvements which can be made to the process include more active court involvement, clearer documentation of court orders, more information on the frequency of court review of ICPC status, and clear documentation of form numbers on state ICPC documents.

III. Summary of the Results of the Interview and Survey

The Judicial Online Survey Data Report is attached to this assessment report as Appendix D. A total of 54 judges who hear dependency cases were invited to participate in the survey and 12 completed the online survey (a response rate of 22%). Results from the online survey of judges indicate that approximately 50% of the judicial caseloads of survey respondents are dependency cases, and of those, 10% or less are ICPC cases. The average number of total ICPC cases heard by the judges who responded to the survey was ten to 15 cases over a period of approximately less than ten years. Hence, according to the survey respondents, ICPC cases constitute a small fraction of the total dependency cases heard by judges in Arizona.

Strengths of the ICPC process in Arizona were identified as the ability to hold review hearings as needed and to include participation through telephone and video conferencing by participants in other states. Barriers identified included delays in preparation of the ICPC packet by the agency, and home study delays in both Arizona as the Receiving state, and in other states as Receiving states. The survey also indicated that dependency stakeholders did not appear to take an active or proactive role in moving ICPC cases forward through the court.

The Judicial Interview Data Report and Stakeholder Interview Data Report are attached to this assessment report as Appendices E and F. A total of five dependency court judges participated in telephone interviews. Similar to the responses to the judicial online survey, ICPC cases made up a small percentage of total cases heard by the judges interviewed. Information obtained from the interviews included that the courts are passive recipients of information about ICPC cases and generally do not actively request ICPC status information. In addition, the judicial officers were not aware of the ICPC forms used by the State of Arizona, nor did they generally set hearings specific to ICPC updates, relying instead on 6-month Adoption and Safe Families Act (ASFA) review hearings to receive information on ICPC process status. Judicial officers stated that they rarely reach out to judicial officers in other states regarding ICPC cases. Barriers identified included delays in preparing paperwork, lack of communication among stakeholders, and delays in home study completion. There was also a sense of frustration that the judicial officers had no authority to enforce compliance in other states.

A total of nine dependency court stakeholders participated in interviews, including ICPC office staff, agency and private case workers, and an Assistant Attorney General. Barriers to timely ICPC placement identified by these stakeholders included placement by the court without a home study being completed, de facto placement through extended visitation, lack of information to complete paperwork, conflicting laws and policies in different states, and lack of resources for background checks, licensing home

studies, and foster care training. The stakeholders noted that they generally did not receive active inquiry from courts in Sending states. They did state that they received direct contact from other state caseworkers, despite encouragement to contact the Arizona ICPC office instead and the existence of a contact protocol directing contact to be made to the ICPC office. However, the Arizona ICPC office reports that it encourages contact by agency staff to the assigned worker in the Receiving state to facilitate information sharing.

IV. Recommendations for Possible Reforms

Based on the assessment results summarized above, the following recommendations are being made. The recommendations have been broken-down into four sections: one related to judicial and legal policy recommendations; one related to state legal and policy recommendations; one related to training recommendations; and one related to provision of resources.

Judicial Legal/Policy

1. Modification of Arizona statute and/or Court Rule to require specific language in court orders related to ICPC cases:
 - a. Court orders pertaining to out-of-state placement must have been ordered within the last 12 months;
 - b. Court orders must document the court's jurisdiction over the case as well as establishing custody of the child;
 - c. Priority placement requests (Compact Regulation 7) must contain specific information in the court order to expedite an out-of-state placement; and
 - d. Court orders pertaining to delinquent children being placed in residential treatment must contain specific language as well.
2. Policy development wherein judges call the Arizona ICPC office for status on ICPC cases during hearings. The State of Arizona can coordinate an agreement with the courts and the ICPC office to have a collaborative agreement to set calls at hearings in a non-adversarial way. Similarly, the State of Arizona can enter into agreements with neighboring state ICPC offices to arrange for collaborative and non-adversarial contact via calls related to hearings:
 - a. where Arizona is the Sending state, the call to the Arizona ICPC office can be part of the hearing; and
 - b. where Arizona is the Receiving state, the call can be a conference call with the Sending state ICPC office as part of a hearing, coordinated by and through the Arizona ICPC office.
3. Establishing a specific judge in each of the six ICPC districts to whom all Receiving state ICPC cases are assigned for oversight of the process from the Arizona end; working in concert and in collaboration with the ICPC office. This can either be done informally, or with formal jurisdiction taken by the court through statutory amendment.
4. Set a hearing to review the ICPC process and status only. Since ICPC cases are a small percentage of overall cases, this should have little effect on the calendar of individual judges. An in-person hearing rather than a paper review allows for added oversight and accountability from all parties, and allows for participation of out-of-state parties if needed.

5. Develop a policy that Arizona judges as the Receiving state call the Sending state judge, who already has jurisdiction, to discuss and coordinate eliminating barriers and delays.
6. Incorporate more details in court orders as to the status of ICPC process, steps completed, barriers encountered, and how barriers were addressed.
7. Active inquiry by the court at disposition as to whether the case will include the ICPC process, and at each hearing thereafter. This inquiry process can be built into the court's dependency checklists.
8. Promotion of federal legislation that a case is initiated in the Receiving state so that there can be judicial oversight on both ends of the case.

State Legal/Policy

1. Revise the Arizona Department of Economic Security Children's Services Manual to more fully address Regulation 7 priority placement referrals requirements, and requirements for data collection and maintenance of standardized data on ICPC placements.
2. Coordinate calls between agencies through the respective ICPC offices, not through individual case workers with proactive, regularly-scheduled monthly conference calls to update on all ICPC cases with a particular state.
3. Assign specific case workers in each of the six ICPC districts to serve as "ICPC Liaisons" and to be the main contact points to the Arizona ICPC office, as well as for Sending state ICPC offices for regularly scheduled conference calls on a monthly basis.
4. Increased communication with identified placement families in Arizona, including regular updates, receipt of all information in the ICPC packet as soon as it is received in the district, and with active encouragement for extended relatives to be involved in all aspects of the case, possible through:
 - a. holding 1-2 "family group meetings" on the status of the ICPC process with the placement family; and
 - b. encouraging the placement family to attend hearings.
5. Include as part of the case report, and ICPC status update whether there is a judge in the other state whom the Arizona judge can contact to discuss barriers and delays.
6. Since ICPC cases are a small percentage of the overall dependency caseload, timeliness may also be a matter of prioritization – statutory reform mandating priority to ICPC cases in home studies, background checks, licensing, etc., may also address delays.

Training

1. Build on existing good communication among stakeholders and the court by setting up regular ICPC process updates – status of new laws, policies, regulation, changes in checklists and paperwork, etc. See Recommendation 1 in Resource Development below.
2. The ICPC Referral Checklist should be made available to all stakeholders and all stakeholders should be trained on it as part of a larger ICPC training.
3. Hold a statewide multidisciplinary ICPC training as a kick-off in conjunction with other statewide ICPC actions taken, with follow-up trainings to keep new staff up-to-date as turnover occurs.

4. Include a detailed and comprehensive training on the ICPC as part of regular judicial trainings, with a focus on best practices and the role judicial officers can play in ensuring timely interstate placements. Judicial benchbooks should be adapted to include the same materials. Disseminate best practice materials to relevant stakeholders throughout the state.

Resource Development

1. Create formal and informal opportunities for ICPC updates among the agency attorney, the child's attorney, and the parents' attorneys so that all parties are aware of the status of the ICPC process, any barriers and delays, what is being done to remove the delays or barriers, and who is responsible for eliminating the barrier or delay. Ways to achieve this can include:
 - a. Email newsletters with ICPC information to all stakeholders on a quarterly basis;
 - b. Set up a list serve or message board where stakeholders can ask general and non-case specific ICPC-related questions, and download documents and forms. Through agreements with other states, this forum can be expanded to include stakeholders from other states.
 - c. Providing copies of the Children's Services Manual to all stakeholders; and
 - d. Providing electronic updates to the Children's Services Manual as the manual is amended or appended.
2. Allocate more funds for foster care payments, background checks, and an increased number of foster care trainings.
3. Numbers and titles on ICPC forms should be made clear and consistent on each form.
4. Modify forms to include narrative information about decisions and recommendations, including when decisions and recommendations are received and when they are submitted.
5. Develop means for ICPC materials to be submitted electronically, and for all stakeholders to have access to information electronically as appropriate.

Assessment of Arizona's Implementation Of the Interstate Compact for the Placement of Children (ICPC)

Appendix A: Arizona ICPC Legal Analysis

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Purpose of this Analysis

The Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) amends Titles IV-B and IV-E of the Social Security Act and encourages states to improve protections for children and holds them accountable for the safe and timely placement of children across state lines. The Act also established a new assessment requirement for courts under the Court Improvement Program (CIP). State courts that receive the basic CIP grant now must assess their role, responsibilities and effectiveness in the interstate placement of children, and must implement improvements to develop the best strategy to use to expedite these placements. P.L. 109-239 specifies that state courts should assess the effectiveness of their laws and strategies for:

- Sharing of information with out-of-state courts;
- Obtaining information and testimony from agencies and parties in other states without requiring interstate travel by the agencies and parties; and
- Permitting parents, children and other necessary parties and their attorneys to participate in cases that involve interstate placement without requiring those parties to travel interstate.

In accordance with federal mandates, this analysis of Arizona Statutes, Regulations and Court Rules, examines what is currently permissible under state law and policies to determine the current strengths and challenges of interstate placement. Specifically, this analysis determines:

- Whether state laws (including the state's version of the Uniform Child Custody and Jurisdiction Enforcement Act) and/or state court rules and regulations permit the forms of interstate information sharing and participation described by P.L. 109-239 above;
- Whether there are any legal barriers that prevent timely and thorough judicial decision-making regarding interstate placement; and
- Whether changes are needed to improve and expedite interstate placement.

A Brief Review of the Interstate Compact for the Placement of Children (ICPC)

The Interstate Compact on the Placement of Children (ICPC) was established in 1960 as an agreement among states to coordinate the movement of children who cross state lines for the purpose of placement in foster care, adoptive homes, group homes, residential treatment centers, or on a trial basis with a parent or relative. The ICPC was also intended to ensure that appropriate responsibility and communication among all parties involved in a child's case occurs until the ICPC is terminated. Procedures for the interstate placement of children were intended to ensure that the proposed placement is not contrary to the interests of the child, and that the placement is in compliance with state laws and regulations.

The original Compact, adopted in 1960, contained ten articles that defined the types of placements and placement agencies subject to the law, the procedures to be followed in making interstate placements, and the specific protections, services, and requirements enacted by the law. By 1990, the ICPC became statutory uniform law in all 50 states, the District of Columbia and the U.S. Virgin Islands. The existing Compact provisions and rules are administered by the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), which is an affiliate of the American Public Human Services Association (APHSA).

Renewed focus on the safety and permanency of children in the child welfare system generally, brought the effectiveness of the ICPC under considerable scrutiny, highlighting many problems with its implementation. Specifically, concerns were expressed regarding:

- Timeliness of the ICPC process, resulting in unnecessary delays for children being placed across state lines;
- ICPC's "overly broad" application to all interstate placements of children not just those in foster care;
- Outdated administrative process and lack of accountability;
- Outdated Compact language and insufficient procedures;
- Lack of compliance with the terms and conditions of the Compact; and
- Inconsistent interpretation and application of the Compact by different state courts.

In 2004, the leadership of the APHSA adopted a policy resolution directing a re-write of the ICPC. In response to this resolution, a drafting team comprised of diverse organizations¹ was convened to identify and provide recommendations for addressing problems associated with the Compact and its implementation. This drafting team disseminated a re-written Compact for review and comment, which took place in 2004 and 2005. Comments were compiled and integrated, and any issues that remained unresolved were outlined and sent to state human service administrators, who were asked to submit their position on the issue. The majority of state positions were then taken into account in a final draft of the Compact, which was sent to each state for final approval in November, 2005. In March 2006, the APHSA began providing assistance to states in adopting the new Compact.

The "new," proposed Interstate Compact for the Placement of Children establishes more uniform procedures for states to adhere to when children are being placed across state lines. The "new" ICPC:

- Clarifies language regarding the applicability of the Compact;
- Clarifies rulemaking authority;
- Enables states to enforce the terms of the Compact, including provisions that provide tools to secure state compliance;
- Provides for the collection of standardized information to assist with timely information-sharing among states, training, and technical assistance;

¹ Organizations included: the American Academy of Adoption Attorneys; the American Bar Association, Center on Children and the Law; the Child Welfare League of America; the Council of State Governments; the National Association of Attorneys General; the National Indian Child Welfare Association; the National Council of Juvenile and Family Court Judges; and the U.S. Department of Health and Human Services, Administration of Children and Families, Children's Bureau.

- Provides for administrative review of a Receiving state’s decision at the request of an interested party;
- Clarifies courts’ and judges’ authority to retain jurisdiction over children placed out-of-state; and
- Clarifies and defines the home study process.

LEGAL ANALYSIS OF ARIZONA’S INTERSTATE PLACEMENT OF CHILDREN PROCESS

Assessing Arizona’s Legal Framework for the Interstate Placement of Children

Arizona Revised Statutes §8-548 govern the ICPC in the State of Arizona and speaks to the requirements under the Compact. Sections R6-5-8001 through R6-5-8003 of the Arizona Administrative Code also addresses the goals, objectives, and authority of the ICPC. In addition, Chapter 10 of the Arizona Department of Economic Security, Children’s Services Manual, outlines the policy and procedures to be followed when implementing the ICPC.

These statutes, code, and policy regulations were reviewed as part of the overall assessment of the implementation of the ICPC in Arizona. The legal review and assessment served three primary purposes: (i) To ensure that the assessment team had an in-depth understanding of the overall child protection process in Arizona, including statutory requirements and timelines, the general court hearing sequence, the role of the primary system stakeholders, and the overall organization of the court; (ii) To assess the degree to which statutory requirements, regulations, standards, and rules facilitate interstate sharing of information and participation of all relevant parties (as per P.L. 109-239); and (iii) To provide a broader context within which the interviews, survey and case file review analyses will be interpreted and recommendations for improvements made.

The purpose of this legal analysis is to identify provisions within Arizona’s legal and policy framework that may undermine or delay compliance with the Interstate Compact for the Placement of Children as well as undermine information-sharing and participation of relevant parties in the process.

The review is not intended to be an in-depth examination of statutory nuances or case interpretation. Rather, this legal analysis is intended to highlight core issues that may impede or undermine efforts for the timely placement of children.

I. OVERALL GENERAL IMPRESSIONS OF ARIZONA’S ICPC LEGAL AND POLICY FRAMEWORK AND RECOMMENDATIONS

The Arizona ICPC legal and policy framework is in general conformity with the provisions of the Safe and Timely Interstate Placement Act [P.L. 109-239]. However, some of the procedural and substantive provisions of the Arizona statutes and rules can be improved to facilitate the achievement of the safe and timely interstate placement of children.

Particular strengths of Arizona statutes and rules are provisions for early and frequent judicial review of dependency matters *generally*, as well as early and frequent opportunities for *all* parties to participate in court proceedings. Arizona statutes and rules

also support obtaining testimony through telephonic and video conferencing, reducing the need for travel by parties to participate in hearings.

Nevertheless, with the exception of A.R.S. §8-548, which governs the ICPC in the State of Arizona, and sections R6-5-8001 through R6-5-8003 of the Arizona Administrative Code, Arizona statutes and rules lack specificity with respect to interstate placements. Arizona statutes and rules could be strengthened by specifically addressing the sharing of information out-of-state, obtaining testimony out-of-state and judicial review of interstate placements. Arizona statutes and rules should also provide more specificity with respect to orders required for an out-of-state placement for children. For example:

- Court orders pertaining to an out-of-state placement must have been ordered within the last 12 months;
- Court orders must document the court's jurisdiction over the case as well as establish custody of the child;
- Priority placement requests (Compact Regulation 7) must contain specific information in the court order to expedite an out-of-state placement; and
- Court orders pertaining to delinquent children being placed in residential treatment must contain specific language as well.

While priority placement referrals may be addressed in other practice manuals, the Arizona Department of Economic Security, Children's Services Manual, which outlines the policy and procedures to be followed when implementing the ICPC, fails to fully address Regulation 7 priority placement referrals.

P.L. 109-239 also requires that states collect and maintain standardized data on: the total number of interstate home studies requested for children in foster care; what other States were involved; the number of timely home studies completed; the identity of "Receiving states." States must also verify the data by both Sending and Receiving states. While Arizona statutes (A.R.S. § 8-526 (2008)) outline reporting requirements for the child welfare agency, they do not specifically address reporting requirements with respect to interstate placements. The Arizona Department of Economic Security, Children's Services Manual covering the implementation of and procedures for the ICPC also does not address the need to collect and maintain standardized data on interstate placements. Policy and procedure should be developed to collect standardized data for all ICPC cases.

II. ANALYSIS OF EXTENT TO WHICH ARIZONA'S ICPC LEGAL AND POLICY FRAMEWORK SUPPORTS THE SAFE AND TIMELY INTERSTATE PLACEMENT OF CHILDREN

This analysis examines the extent to which Arizona statutes, court rules, and Department of Economic Security policy support compliance with The Safe and Timely Interstate Placement of Children Act of 2006, Public Law (PL) 109-239, by facilitating:

1. Sharing of information with out-of-state courts;
2. Obtaining information and testimony from agencies and parties in other states;
3. Participation of parents, children, and other necessary parties and their attorneys in cases involving interstate placement; and
4. Frequent and early judicial review of cases involving interstate placement.

1. Sharing of Information with Out-Of-State Courts

➤ Does Arizona law facilitate cooperation and sharing of information between courts?

The Interstate Compact on the Placement of Children is enacted into law in Arizona in A.R.S. § 8-548 (2008). This statute explicitly states that it is the “purpose and policy of the party states to **cooperate** with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may **have full opportunity to ascertain the circumstances of the proposed placement**, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made **may obtain the most complete information** on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.” (A.R.S. § 8-548 (2008); emphasis added).

Cooperation between the states is also evidenced by the extent to which rulings or decrees in other states have the same force and effect as rulings in Arizona. When parental rights have been terminated in another state, for instance, such a decree has the “...same force and effect as to matters within the jurisdiction of this state [Arizona] as though it had been granted by a court of this state.” (A.R.S. § 8-544 (2008)).

Related Statutes and Rules

While not specific to dependency matters, a philosophy of cooperation between states is apparent in Arizona’s Interstate Compact on Juveniles (e.g., “...cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state. It is therefore the policy of this state, in adopting the interstate compact on juveniles, to cooperate fully with other states in returning juveniles to such other states whenever their return is sought and in accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles (A.R.S. § 8-361 (2008)).

A.R.S. Title 25, Chapter 8, enacts the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and has relevance for interstate placement issues as it further outlines jurisdictional issues, requires communication with other states on child custody matters, and specifically applies to child custody proceedings including, “...proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence, in which legal custody, physical custody or visitation with respect to a child is an issue or in which that issue may appear.” (A.R.S. § 25-1002 (2008)).

The UCCJEA specifically addresses cooperation between Arizona courts and courts of other states. For example, A.R.S. § 25-1012 specifies that:

“...A. A court of this state may request the appropriate court of another state to: 1. Hold an evidentiary hearing. 2. Order a person to produce or give evidence pursuant to procedures of that state. 3. Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding. 4. Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented and any evaluation prepared in compliance with the request. 5. Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child. B. On request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection A. C. Travel and other necessary and reasonable expenses incurred under subsections A and B may be assessed against the parties according to the law of this state. D. A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations and other pertinent records with respect to a child custody proceeding until the child attains eighteen years of age. On appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.” (A.R.S. § 25-1012 (2008)).

Arizona’s UCCJEA also defines communication between courts, including participation of parties in that communication:

“A. A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter. B. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made. C. Communication between courts on schedules, calendars, court records and similar matters may occur without informing the parties. A record need not be made of the communication. D. Except as otherwise provided in subsection C, a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record. E. For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in any electronic or other medium and that is retrievable in perceivable form.” (A.R.S. § 25-1010 (2008)).

The UCCJEA establishes initial child custody jurisdiction in child custody proceedings by defining the meaning of “home state” to determine initial custody between competing states in child custody disputes (e.g., A.R.S. § 25-1002; A.R.S. § 25-1031 (2008)). In emergency situations for example, A.R.S. § 25-1034 (2008) states that:

“...A. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse. B. If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under [section 25-1031](#), [25-1032](#) or [25-1033](#), a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under [section 25-1031](#), [25-1032](#) or [25-1033](#). If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under [section 25-1031](#), [25-1032](#) or [25-1033](#), a child custody determination made under this section

becomes a final determination, if it so provides and this state becomes the home state of the child ..." (A.R.S. § 25-1034 (2008)).

Under the UCCJEA, Arizona may also decline to exercise its jurisdiction to make a child custody determination at any time, if it determines that it is an "inconvenient forum" and that a court in another state is a more appropriate forum (A.R.S. § 25-1037 (2008)).

Although not specifically addressing cooperation with *other* states, cooperation between public officials, departments and government entities is clearly encouraged in Juvenile Court statutes in A.R.S. § 8-236 (2008), where "A. Every public official and department shall render all assistance and **cooperation** within the official's or department's jurisdictional power which may further the objects of this chapter. An institution or agency to which the juvenile court awards a juvenile shall give the court, an officer appointed by the court or the county attorney any information concerning the juvenile as the court, the officer or the county attorney may require" (A.R.S. § 8-236 (2008); emphasis added).

Arizona statutes permit sharing of information from the state's central registry of child protective services information under certain circumstances and conditions:

"A. CPS information shall be maintained by the department as required by federal law as a condition of the allocation of federal monies to this state. All exceptions for the public release of CPS information shall be construed as openly as possible under federal law. B. If there is a reasonable need for the CPS information, the department, or a person who receives CPS information pursuant to this subsection, shall provide CPS information to a federal agency, a state agency, a tribal agency, a county or municipal agency, a county attorney, a school, a community service provider, a contract service provider or any other person that is providing services pursuant to this chapter: 1. To meet its duties to provide for the safety, permanency and well-being of a child, provide services to a parent, guardian or custodian or provide services to family members to strengthen the family pursuant to this chapter. 2. To enforce or prosecute any violation involving child abuse or neglect, including provision of the CPS information to a defendant after a criminal charge has been filed. C. The department shall disclose CPS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for the purposes of and as prescribed in this title ..." (A.R.S. § 8-807 (2008)).

"...H. To provide oversight of child protective services, the department shall provide access to CPS information to the following persons, if the CPS information is reasonably necessary for the person to perform the person's official duties: 1. Federal or state auditors. 2. Persons conducting any accreditation deemed necessary by the department. 3. A standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives for purposes of conducting investigations related to the legislative oversight of the department of economic security. This information shall not be further disclosed. 4. A legislator who is responsible for oversight of the enabling or appropriating legislation to carry out these functions. This information shall not be further disclosed ... 5. A citizen review panel as prescribed by federal law, a child fatality review team as provided in title 36, chapter 35 and the office of ombudsman-citizen's aide ...I. A person who is not specifically authorized by this section to obtain CPS information may petition a

judge of the superior court to order the department to release that CPS information. The court shall balance the rights of the parties entitled to confidentiality pursuant to this section against the rights of the parties seeking release of the CPS information. The court may release otherwise confidential CPS information only if the rights of the parties seeking the CPS information and any benefits from releasing the CPS information sought outweigh the rights of the parties entitled to confidentiality and any harm that may result from releasing the CPS information sought ...M. The department shall provide CPS information on request to a prospective adoptive parent, foster parent or guardian, if the information concerns a child the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care for ...Q. The department shall adopt rules to facilitate the accessibility of CPS information ..." (A.R.S. § 8-807 (2008)).

➤ **Does Arizona law allow verbal, written or demonstrative evidence to be sent between states?**

Arizona's Interstate Compact on the Placement of Children explicitly states that public officers or agencies in a Receiving state may request of a sending agency (or appropriate officer of the sending agency's state) the information necessary to carry out the provisions of the Compact (A.R.S. § 8-548 (2008)).

"...(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and **shall be entitled to receive there from, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.**" (A.R.S. § 8-548 (2008); emphasis added).

While the transfer of evidence is more explicitly addressed in statutes governing transfer between juvenile and criminal courts (e.g., (A.R.S. § 8-302 (2008))), procedures for the transfer or sharing of evidence between states in dependency matters are not specifically outlined or addressed in Arizona statute or rule. Procedures for obtaining and sharing court records or transcripts of proceedings between courts in different states are also not explicitly covered in Arizona statute or rule.

Related Statutes and Rules

The type of admissible evidence in dependency matters is addressed in Arizona statutes governing court determinations in dependency hearings, as well as by Arizona Rules of Juvenile Procedure. In preliminary protective hearings, for example, the court's determination may be based on ...

"evidence that is hearsay, in whole or in part, in the following forms: 1. The allegations of the petition. 2. An affidavit. 3. Sworn testimony. 4. The written reports of expert witnesses. 5. The department's written reports if the protective services worker is present and available for cross-examination. 6. Documentary evidence without foundation if there is a substantial basis for believing the foundation will be available at the dependency hearing and the document is otherwise admissible. 7. The testimony of a witness concerning the declarations of another person if the evidence is cumulative or there is a reasonable ground to believe that the other person will be personally available for trial. B. Evidence considered by the court pursuant to subsection A of this section shall also include

any available evidence of substantiated allegations of abuse or neglect committed in another jurisdiction.” (A.R.S. § 8-825 (2008)).

Arizona Rules of Juvenile Procedure governing the admissibility of evidence provide definitions of reports for evidentiary purposes, what those reports should cover (e.g., including the child’s current placement and recommended changes to placement), and deadlines for submitting reports (Ariz. R. Juv. P. 45 (2007)). With respect to the admissibility of reports or evaluations, Arizona Rules of Juvenile Procedure note that such reports may be admitted into evidence

“if the worker who prepared the report is available for cross-examination and the report was disclosed to the parties no later than: One (1) day prior to the preliminary protective hearing; or 2. Ten (10) days prior to any other hearing Prior to any dependency hearing, a report of any psychological, psychiatric, medical, neurological, psycho-educational, psycho-sexual, substance abuse or similar evaluation of any party or participant, or any person with whom a child is or may be residing shall be admitted into evidence if the report has been disclosed to the parties pursuant to Rule 44(B)(1) and the author of the report is available for cross-examination.” (Ariz. R. Juv. P. 45 (2007)).

Requirements for authentication or identification of evidence generally, are covered in Rule 901 of the Arizona Rules of Evidence (2007), and authentication of records to be admitted into evidence is covered in Rule 44 of the Arizona Rules of Civil Procedure (2007).

2. Obtaining Information and Testimony from Agencies and Parties in Other States

➤ Does Arizona law allow parties to testify and present evidence without being physically present?

Arizona Rules of Juvenile Procedure allow that the Court, through its own motion or through the motion of parties, permit either telephonic or video testimony or argument in any dependency, guardianship, or termination of parental rights hearing (Ariz. R. Juv. P. 42 (2007)) or adoption proceeding (Ariz. R. Juv. P. 71 (2007)). A motion for telephonic or video testimony should be in writing, unless otherwise authorized by the Court.

Relevant Statutes and Rules

In addition, local Court Rules for Arizona’s Superior Courts allow for telephonic, or conference call testimony, as do Arizona Rules of Family Law Procedure (Ariz. Fam. Law Proc. R. 8 (2007)). Arizona’s Rules of Civil Procedure also permit depositions to be taken via telephone or video (Ariz. R Civ. P. 30 (2007)).

Examples of Local Arizona Superior Court Rules Permitting Telephonic or Video Testimony

Ariz. Super Ct. Apache Co. R. 10 (d) (2007): Oral argument by telephone **conference call** may be had on any motion upon prior approval by the Court. Counsel requesting the telephonic argument shall institute the call, at his client's expense, at a date and time mutually agreeable to all parties and the Court or as directed by the Court.

Ariz. Super. Ct. Cochise Co. R. 14 (2007): Oral argument by telephone **conference call** may be had on motion or prior approval of the court, provided all conversations are audible. The institution and cost of the call shall be at the expense of the party requesting it and at a date and time mutually agreeable to all parties and the court or as directed by the court. If a court reporter is requested, the hearing shall be under such conditions as directed by the court.

Ariz. Super. Ct. Gila Co. R. 16 (c) (2007): Oral argument by telephone **conference call** may be had on any motion upon prior approval by the court. Unless otherwise specified by the court, counsel who requests the telephonic argument shall institute the call, at that party's expense, on the date and time scheduled for oral argument. The party responsible for the **conference call** shall utilize a method of calling which assures that the transmission is audible to all parties, the court, and any court reporter. Evidentiary hearings shall not be conducted by telephonic means unless expressly permitted by the court, with the agreement of the opposing party, or by statute or rule.

Ariz. Super. Ct. Graham Co. R. 1.13 (c) (2007): Oral argument by telephone conference call maybe had on any motion upon prior written consent of the court. Unless otherwise specified by the court, counsel who requests the **telephonic** argument shall initiate the call, at that party's expense, on the date and time scheduled for oral; argument through a "conference call" operator. Evidentiary hearings shall not be conducted by **telephonic** means unless expressly permitted by the court in writing. In-house conferencing systems are not permitted.

Ariz. Super. Ct. Mohave Co. R. 1 (2007): Telephone argument and conference. When permitted by this rule, oral argument may, in the discretion of the court, be presented by **telephonic** conference call. The party filing the motion shall initiate the **telephonic** conference call unless otherwise ordered by the court. The call shall be scheduled as indicated in the order setting the time for oral argument. Counsel requesting any change or continuation of the oral argument shall schedule such calls at a time mutually agreeable to all parties and the court. The court may direct which party shall initiate and/or pay the cost of the call.

Arizona's enactment of the UCCJEA also permits testimony to be taken in another state, including by telephone, audiovisual or other electronic means (A.R.S. § 25-1011 (2008)).

"...A. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms on which the testimony is taken. B. **A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location in that state.** A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

C. Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing shall not be excluded from evidence on an objection based on the means of transmission.” (A.R.S. § 25-1011 (2008); emphasis added).

➤ **Do Arizona Judges have subpoena power in other states?**

Arizona statutes and rules do not specifically address, or afford, judicial officers’ subpoena power in other states.

3. Participation of Parents, Children, and Other Necessary Parties and Their Attorneys in Cases Involving Interstate Placement

➤ **Do Arizona laws permit attorneys in other states to file motions and question and cross examine witnesses in Hearings?**

Arizona laws do permit attorneys barred in other states to practice law in hearings in Arizona. Lawyers, who are admitted to the Bar in another state and not disbarred or suspended from practice in any jurisdiction, may provide legal services in Arizona, provided that they: “...are undertaken in association with a lawyer who is admitted to practice in this jurisdiction [Arizona] and who actively participates in the matter ...” (Ariz. Rules of Prof’l Conduct R. 5.5 (2007)). Out-of-state lawyers must also comply with Rules of the Supreme Court of Arizona governing *pro hac vice* admission (i.e., any out-of-state lawyer wanting to practice in Arizona must request permission from the court to be able to appear as an attorney of record through a motion to appear *pro hac vice*, where another attorney who is licensed in Arizona requests that the out-of-state attorney be admitted to practice in a particular case (Ariz. Sup. Ct. R. 38 (2007)).

➤ **Do Arizona laws foster participation and communication by all parties in the dependency court process?**

Arizona statutes and rules do not specifically address the involvement of out-of-state parties in dependency proceedings for the purpose of interstate placement.

Notice to persons and service of process *outside the state* is addressed in Rule 4.2 of the Arizona Rules of Civil Procedure as follows:

“(a) Extraterritorial jurisdiction; personal service out of state. A court of this state may exercise personal jurisdiction over parties, whether found within or outside the state, to the maximum extent permitted by the Constitution of this state and the Constitution of the United States. Service upon any such party located outside the state may be made as provided in this Rule 4.2, and when so made shall be of the same effect as personal service within the state.

(b) Direct service. Service of process may be made outside the state but within the United States in the same manner provided in Rule 4.1(d) -- (1) of these Rules by a person authorized to serve process under the law of the state where such service is made. Such service shall be complete when made and time for purposes of Rule 4.2(m) shall begin to run at that time, provided that before any default may be had on such service, there shall be filed an affidavit of service showing the circumstances warranting the utilization of this procedure and attaching an affidavit of the process server showing the fact and circumstances of the service.

(c) Service by mail; return. When the whereabouts of a party outside the state is known, service may be made by depositing the summons and a copy of the pleading being served in the post office, postage prepaid, to be sent to the person to be served by any form of mail requiring a signed and returned receipt. Service by mail pursuant to this subpart and the return thereof may be made by the party procuring service or by that party's attorney. Upon return through the post office of the signed receipt, the serving party shall file an affidavit with the court stating (1) that the party being served is known to be located outside the state, (2) that the summons and a copy of the pleading were dispatched to the party being served; (3) that such papers were in fact received by the party as evidenced by the receipt, a copy of which shall be attached to the affidavit; and (4) the date of receipt by the party being served and the date of the return of the receipt to the sender. This affidavit shall be prima facie evidence of personal service of the summons and the pleading and service shall be deemed complete and time shall begin to run for the purposes of Rule 4.2(m) of these Rules from the date of receipt by the party being served, provided that no default may be had on such service until such an affidavit has been filed." (Ariz R Civ. P. 4.2 (2007)).

Arizona Rules of Juvenile Procedure do afford early opportunities for participation and communication by *all* parties in dependency matters. Pre-hearing conferences, for example, provide opportunities for parties to discuss custody, placement, visitation and the provision of services to the child and family in a non-adversarial manner (Ariz. R. Juv. P. 49 (2007)). Pre-hearing conferences, therefore, afford early opportunities for the identification and discussion of interstate placement issues.

All persons authorized by law to attend the preliminary protective hearing may participate in pre-hearing conferences. Pre-hearing conferences are convened by a facilitator who is appointed by the court and who is not a party to the proceedings. Facilitators "...foster orderly communication, encourage the participation of all parties and identify areas of agreement among the parties" (Ariz. R. Juv. P. 49(C) (2007)).

Arizona statutes governing dependency court proceedings outline party appearances, affording opportunities for participation by relevant parties. Arizona statutes governing review hearings (A.R.S. § 8-847 (2008)), for example, require that in any proceeding to review the disposition orders of the court, the court shall provide notice of the review and the right to participate in the proceeding to: the authorized agency charged with the child's care and custody; the child's parents or guardian (unless the parental rights of that parent or guardian have been terminated); the child's relatives; foster parents; representatives of shelter care facilities or receiving foster homes where the child resides; the child (if twelve years of age or older); a person permitted by the court to intervene as a party; a physical custodian of the child; any person who has filed a petition to adopt or has physical custody of the child in a foster-adoptive placement; and any other person as the court may direct.

Arizona statutes and rules, however, do not explicitly address procedures for transporting incarcerated parents to dependency court proceedings.

4. Frequent and Early Judicial Review of Cases Involving Interstate Placement

➤ Do Arizona laws facilitate frequent judicial review of interstate placements?

There are a number of ways that Arizona statutes provide opportunities for judicial review of interstate placements.

As previously mentioned, pre-hearing conferences offer early opportunities for parties to present information to the court about potential interstate placements issues (Pre-hearing conferences in Arizona may be convened as early as prior to the preliminary protective hearing in a case). Arizona statutes require that Disposition Hearings be held within 30 days of the adjudication or in conjunction with the preliminary protective hearing, initial dependency hearing, mediation, settlement or pretrial conference, or adjudication hearing (Ariz. R. Juv. P. 56 (2007)) – providing another opportunity for early judicial review of interstate placement issues.

While providing early review opportunities, Arizona statutes and rules also provide opportunities for frequent judicial review of interstate placement issues. Arizona Statutes and Rules of Juvenile Procedure require that dependency cases, post-disposition, are brought back before the court for periodic review, affording numerous opportunities for judges' to inquire about the progress of interstate placements. For instance, periodic review hearings are required, by law and rule, to be held at least once every six months after the Disposition Hearing (A.R.S. § 8-847 (2008); Ariz. R. Juv. P. 58 (2007)). Many dependency courts within the state may bring cases back for review more frequently to address specific issues and to facilitate case progress.

Review hearings help case progress by requiring the parties and service providers to set timetables, and take specific action. Review hearings also provide a forum for parents, and other parties, to share progress on the case plan and assure their viewpoints are considered in case planning. Frequent review hearings provide opportunities for judges to inquire about interstate placements, including any delay and actions that need to be taken to address those delays.

Substantive permanency hearings also afford an opportunity for judicial review of interstate placements. Arizona Statutes require permanency hearings be held within 30 days after the disposition hearing if the court does not order reunification services, and for all other cases, permanency hearings are to be held within 12 months after the child is removed from home (A.R.S. § 8-862 (2008)).

Local foster care review boards provide another layer of potential review for interstate placements. According to Arizona statutes, the duties of local foster care review boards include:

“...Review **within six months of placement and at least once every six months thereafter** the case of each child who remains in out-of-home placement and who is the subject of a dependency action to determine what efforts have been made by the division and the agency with which the child has been placed to carry out the case plan for the permanent placement of such child ... The court and the division shall review a local foster care review board's findings and recommendations at the next scheduled dependency review hearing and the court shall address the board's recommendations on the record. The division shall provide the local foster care review board with written notice within ten business days of the date of the receipt of

the recommendation if the division intends to accept or not implement the board's recommendations ... **Review any case assigned by the juvenile court for early review of the case plan within sixty days after the removal of a child from that child's home** ... Submit to the juvenile court within thirty days following the review its findings and recommendations regarding the efforts and progress made by the division and agency to carry out the case plan, together with any other recommendations it chooses to make regarding the child. The findings and recommendations shall include the date of the next review. A copy of such findings and recommendations shall be sent to the division or the agency, if the juvenile court has awarded custody of the child to the agency, and to such other interested parties as the court may require..." (A.R.S. § 8-515.03 (2008); emphasis added).

➤ **Do Arizona laws allow judges to order and monitor timely evaluations of homes?**

Clearly, limiting the timeframes for completing required home studies for an interstate placement is one solution to delayed adoption and permanency. Judicial oversight of the progress of, and the need for, home studies can also ensure that delays are addressed. As mentioned above, frequent judicial review of dependency cases afford the court opportunities to address interstate placement delays, including the need to order and monitor timely home studies.

Arizona statutes set time limits on placement in receiving homes (A.R.S. § 8-515 (2008)). Specifically, without a juvenile court order, "a child shall not remain in a receiving foster home for a period of more than three weeks. Juvenile court orders extending receiving foster home placement beyond three weeks shall be reviewed by the juvenile court at least once each week, beginning one week from the date of the order. At the time of this review, the juvenile court shall either reaffirm or withdraw the order" (A.R.S. § 8-515 (2008)).

PL 109-239 Requirement: Two new Title IV-E state plan requirements have been added to the Safe and Timely Interstate Placement of Foster Children Act of 2006. Under section 471(a)(25), a state is required to have a procedure in effect for the "orderly and timely interstate placement of children." States are required to complete and report on foster adoptive home studies requested by another state within 60 days:

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract –
(I) conduct and complete the study; and
(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child ..."

If a State is unable to comply with the 60 day home study requirement the legislation allows for an additional 75 days to achieve compliance, providing the delay is not the State's own fault and providing the State "documents the circumstances involved and certifies that completing the home study is in the best interests of the child."

Additional home study requirements in the legislation are:

- States receiving a home study have 14 days from receipt of the study to make a decision that relying on the report would be contrary to the welfare of the child; and
- States may contract with private agencies to conduct home studies.

While not specific to interstate placements, Arizona statutes set time limits on conducting and submitting reports to the court, generally, including reports of home and social studies, and permit the court to order such studies. For example, “Prior to any dependency hearing, the court may review reports prepared by the protective services worker and shall admit those reports into evidence if the worker who prepared the report is available for cross-examination and the report was disclosed to the parties no later than: 1. One (1) day prior to the preliminary protective hearing; or 2. Ten (10) days prior to any other hearing” (Ariz. R. Juv. P. 45 (2007)); also “The division, an agency or an officer of the court shall conduct and submit a social study to the court ten days before the hearing on the petition to adopt. Notwithstanding any other provisions of this section, the court may order an additional social study or waive the social study if it determines that this is in the child's best interests because of special circumstances” (A.R.S. § 8-112 (A) (2008)).

Regulation 7 of the ICPC also allows for expedited home studies for priority placements, however, Regulation 7 is not explicitly addressed in Arizona statute or rule. Regulation 7 referrals, commonly referred to as “priority” referrals, were initiated to address the problem of frequent delays in completing home studies on a select group of individuals as identified in Article VII of the Compact. Specifically, the following criteria must be met and addressed in the accompanying court order:

- The proposed placement recipient is a relative of the child(ren); and
- The child(ren) is under 2 years of age; or
- The child(ren) is in an emergency placement requiring the child to be moved within 30 days; or
- The child(ren) has spent a substantial amount of time in the home of the proposed placement recipient.

A Regulation 7 referral cannot be court ordered if foster care licensing or an adoptive study is being requested, or if the child is already residing in the recipient's home.

➤ **Do Arizona laws require specificity in court orders with respect to interstate placement ICPC?**

Arizona statutes and rules do not specify language for judicial orders to be compliant with the ICPC. Court orders should contain specific language in order for placement packets to be complete and to ensure a smooth transition to the out-of-state placement.

ADDITIONAL RELEVANT ICPC POLICY AND REGULATIONS

✚ PLACEMENT REQUEST

P.L. 109-239 Requirement: Form CD-ICPC-100A is a legal binding contract that is consistent in all Compact member states and territories. This form must be used by the sending agency to request approval to place a child in another state along with all relevant information, including the type of home study requested (relative, foster, or adoptive parent). Following the completion of a home study by the Receiving state, this form is the official notification that the proposed placement can/cannot be made in conformity with the Interstate Compact. The CD-ICPC-100A must accompany all requests for out-of-state placements and it must be returned with an approval/denial for

placement from the Receiving state's ICPC office before any Compact placement decision is made.

Review Finding: Chapter 10, Section 2 (Referring a Child for Placement through ICPC) of the Department of Economic Security, Children's Services Manual, outlines the steps involved in completing a referral packet, including Form ICPC-100-A, consistent with P.L. 109-239.

CHILD PLACEMENT STATUS REPORT

P.L. 109-239 Requirement: Form CD-ICPC-100B is consistent in all Compact member states and territories. Once the Receiving state approves the placement this form is utilized by the Sending state to notify the Receiving state of:

- A child's move to the approved placement and supervision is requested; or
- A change in physical placement in the Receiving state has occurred; or
- The approved placement resource will not be utilized or the referral request is being withdraw; or
- Termination of the ICPC agreement is necessary.

Review Finding: Procedures for reviewing, evaluating and approving ICPC placements are outlined in Chapter 10, Section 3 of the Department of Economic Security, Children's Services Manual, including completion of the Interstate Compact Report on Child's Placement Status – Form ICPC-100-B, consistent with P.L. 109-239.

SENDING STATE PRIORITY HOME STUDY REQUEST

PL 109-239: Form CD-ICPC-101 is used to notify the Receiving state that a Regulation 7, Priority placement, of a child is being requested. For CD-ICPC-101 is completed with the rest of the referral packet within three business days of receipt of a court order which indicates the court has determined that a priority placement situation exists.

Review Finding: The section of the Arizona Department of Economic Security, Children's Services Manual addressing the implementation of and procedures for, the ICPC does not specifically address priority placement processes under Regulation 7.

RECEIVING STATE'S PRIORITY HOME STUDY

PL 109-239: Form CD-ICPC-102 is optional and is used to complete a Priority Home Study in the time specified. This format is used only for those individuals who fall into the categories listed for a priority referral and who have been classified as such by the court of jurisdiction in the sending state.

Review Finding: The section of the Arizona Department of Economic Security, Children's Services Manual addressing the implementation of and procedures for, the ICPC does not specifically address priority referral and placement processes under Regulation 7.

FINANCIAL/MEDICAL PLAN

P.L. 109-239 Requirement: Form CD-ICPC-3 is used to notify the Receiving state of a child's IV-E eligibility status and if a maintenance payment will be made on behalf of the

child. If a child is not IV-E eligible, and the resource placement will not receive a maintenance payment, this form lets the Receiving state know that the resource family may need to apply for public assistance. This form also indicates how the child's medical and financial needs will be met once placement occurs. The Financial/Medical Plan must accompany each initial ICPC referral packet.

Review Finding: Jurisdiction and financial responsibility for ICPC placements are addressed in the Arizona Department of Economic Security, Children's Services Manual Chapter 10, section 5, consistent with P.L. 109-239. Medical coverage for children through the ICPC is addressed in the Arizona Department of Economic Security Policy Manual Chapter 10, section 6, consistent with P.L. 109-239.

DATA REQUIREMENTS

P.L. 109-239 Requirement: States must collect and maintain standardized data on: the total number of interstate home studies requested for children in foster care; what other states were involved; the number of timely home studies completed; the identity of "Receiving states." States must also verify the data by both Sending and Receiving states.

Review Finding: Arizona statutes (A.R.S. § 8-526 (2008)) outline reporting requirements for the child welfare agency. However, Arizona statutes do *not* specifically address reporting requirements with respect to interstate placements.

Assessment of Arizona's Implementation Of the Interstate Compact for the Placement of Children (ICPC)

Appendix B: Case File Review Data Report

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A total of six randomly selected interstate placement case files were reviewed in order to assess the current Interstate Compact for the Placement of Children (ICPC) application process and to identify barriers that might be causes of delay. Four cases were received from other states, while two were sent from the State of Arizona to other states for placements. The analysis is intended to examine the current ICPC process and adherence to the ICPC requirements, and assess timeliness of ICPC paperwork processing. Due to the small sample size, the findings presented in this report should be understood as a “snapshot” of the ICPC practice, rather than as a representative study of the ICPC process in Arizona. Nevertheless, because of the in-depth nature of the file review, the data presented provide a comprehensive case study of the ICPC process in specific cases, as well as a snapshot of ICPC practices. The case file review findings are integrated and analyzed further in the main body of the assessment report, including how these findings concur with data analyzed from other sources.

The following are the findings from the ICPC case file review.

Demographic Information

As part of the general case file review assessment, basic demographic information about the dependency cases was evaluated.

- ◆ Child's Date of Birth: All six cases recorded the child's date of birth. The child's age was calculated based on the birth date and the date the ICPC-100A was submitted. Three cases involved youths at the age of 15, while another two cases involved youths at the age of 16. One case involved a four-year-old child.
- ◆ Child's Gender: All six cases recorded the child's gender. Half of the cases reviewed involved males, while the rest involved females.
- ◆ ICWA: All six cases recorded the ICWA finding. The ICWA was applied to none of the cases.
- ◆ Type of Care Requested: Three cases were parent placements while the rest of the three cases were relative placements.
- ◆ Current Legal Status of Child: All six case files included the court order giving the sending agency the custody of the child.
- ◆ Status of the case: All six cases were closed at the time of the review activities.

Overall Timeliness Findings

The total time frame required by the ICPC regulations to complete the entire process of interstate placement is 69 to 100 days. This timeframe includes the date a Sending local agency submits an ICPC-100A or a Sending state ICPC office receives the packet from its local agency, to the date a determination of the requested placement is sent back to a Sending state ICPC office or a sending local agency.

Case 1 (Received):	29 days
Case 2 (Received):	30 days ²
Case 3 (Sent):	71 days

² The time frame was calculated from the date the court order to apply Regulation 7 was entered to the date the Arizona ICPC office approved and notified the determination to the Sending state ICPC office.

Case 4 (Received): 55 days
Case 5 (Received): 149 days³
Case 6 (Sent): 135 days (This excludes the time from the court order entry to the submission of the packet to the Sending state ICPC office)

Step-by-Step Timeliness

In order to determine the timeliness of the ICPC application process within the State of Arizona, the time frames in each case were reviewed.

- ◆ ICPC Step 1: Seven to ten business days to complete an ICPC-100A and submit to a Sending state ICPC office.
Case 6: 67 days – No documentation with regard to what caused the delay for the sending agency to submit the packet to the Sending state ICPC office in such a lengthy time period.
- ◆ ICPC Step 2: Three business days to review an ICPC-100A packet, affix signature, and forward packet to a Receiving state ICPC office.
Case 3: Four business days – No documentation with regard to what caused the delay
Case 6: Six business days – No documentation with regard to what caused the delay
- ◆ ICPC Step 3: 60 calendar days to complete the home study including the background check, and return to a Receiving state ICPC office.
Case 1: 24 calendar days (decision of approval/denial made)
Case 2: 19 business days (applied Regulation 7 – 20 business days to return the determination)
Case 4: 35 calendar days (notified the Arizona ICPC office)
Case 5: 46 calendar days (notified the Arizona ICPC office)
- ◆ ICPC Step 4: Three business days for a Receiving state ICPC office to notify the Sending state ICPC office, for the Sending state ICPC office to receive determination from a Receiving state ICPC office, and notify a local sending agency.
Case 3: One day (Five business days for a Receiving state ICPC office to notify the Arizona ICPC office)
Case 6: On the same day that a Receiving state ICPC office made the determination (Five business days for the Sending state ICPC office to sign the form)

Current ICPC Process

The following is the process for the Interstate Compact for the Placement of the Children in the State of Arizona identified by the case file review process.

<Sending Cases>

1. One packet of ICPC-100A (one original plus four copies) with three copies of the following required documents is prepared and compiled by the agency, then submitted to the ICPC office in Arizona.
 - a. Cover letter with signature
 - b. Title IV-E Determination Notice
 - c. Financial/Medical Form
 - d. Current and signed Dependency Order/Minute Order

³ The time frame was calculated from the date the sending agency originally submitted a packet to Arizona ICPC office to the date Arizona ICPC office approved the placement.

- e. Current case plan
- f. Current child summary/case history or last court report
- g. Copies of Birth Certificate and Social Security Number or card
2. The Arizona ICPC office receives the packet, reviews the forms and documents, and affixes signature. The packet, then, is forwarded to a Receiving state ICPC office.
3. The Receiving state ICPC office receives the packet, reviews the forms and documents, affixes signature, and forwards the referral to a receiving local agency to conduct a home study.
4. The receiving local agency (private or public) conducts a home study, completes the home study report including a recommendation, and returns the referral to the receiving state ICPC office.
5. The Receiving state ICPC office reviews the report, makes the determination of approval or denial, and checks an appropriate box on ICPC-100A to return it to the Arizona ICPC office.
6. The Arizona ICPC office receives the determination, and notifies the sending local agency, private attorney or private agency of the decision.

<Receiving Cases>

1. The Arizona ICPC office receives a referral, reviews the packet, affixes signature, and forwards it to a receiving local agency for a home study.
2. The receiving local agency conducts a home study, completes the home study report including a recommendation, and submits it to the Arizona ICPC office.
3. The Arizona ICPC office reviews the home study report, makes the determination of approval or denial, and checks an appropriate box on ICPC-100A to return it to the Sending state ICPC office.
4. The Sending state ICPC office notifies its local agency of the decision.

General Impression

- ◆ Overall, the ICPC office of the State of Arizona does a good job of forwarding the referrals to a receiving local agency for a home study within the required three business days. In two cases, the packets were forwarded to a local agency for a home study on the same day as the Arizona ICPC office received the referrals.
- ◆ In general, processing an ICPC referral within the State of Arizona is quick.
- ◆ The process of compiling and completing ICPC packets is straightforward.
- ◆ There was not enough information in the case files reviewed to determine court involvement in interstate placements. Court orders were attached to the packet as part of the application requirement but these court orders mostly indicated the court's jurisdiction over the child as well as the agency's custody of the child, rather than any specifics about interstate placements.
- ◆ When the ICPC process is initiated (i.e., when the court order is entered, when the court report addresses the possible interstate placement, etc.) was not clearly documented in the case files reviewed.
- ◆ The case files reviewed did not clearly document how often the sending court (either Arizona or another state) reviews the status of the ICPC home study process including whether the sending court sets an interim review to provide an update on the ICPC process.
- ◆ Form numbers are not consistently printed on state's adapted versions of ICPC forms – making it difficult for the reviewer to determine what forms were submitted in some cases.

- ◆ The Arizona ICPC office created an ICPC Referral Checklist to be distributed to the local agencies. The checklist includes all of the required forms and attaching documents to be filed and the number of copies required for timely processing.

**Assessment of Arizona's Implementation
Of the Interstate Compact for the Placement of Children (ICPC)**

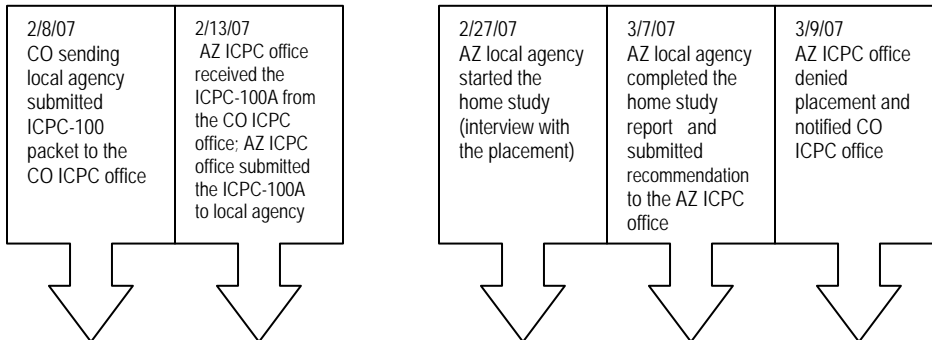
Appendix C: Case File Review Narrative Report

Case #1 – Received case/Non-priority

Sending State	Mesa Co., CO
Sending State Court Case #	06JV560
Sending State Agency Case #	63459
AZ ICPC Case #	274912
Child's DOB	6/13/91
Sex	Male
ICWA	No
Type of Care Requested	Parent (Birth mother in AZ)
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

- 11/7/06 The initial CPS investigation began in Mesa County, CO
- 1/31/07 Emergency Custody and Pickup Order was entered in Mesa County, CO
- 2/8/07 Mesa County Department of Human Services in Colorado submitted ICPC-100 to the Colorado ICPC office (including ICPC-3)
- 2/13/07 Arizona ICPC office received the ICPC-100A from the Colorado ICPC office
- 2/13/07 Arizona ICPC office submitted the ICPC-100A to its local agency
- 2/27/07 Arizona local agency had a home study interview with the placement
- 3/7/07 Arizona local agency completed the home study report
- 3/7/07 Arizona local agency submitted recommendation to the Arizona ICPC office
- 3/9/07 Arizona ICPC office denied placement and notified the Colorado ICPC office of the decision



Not Clearly Documented in File:

- Court order in Colorado ordering an interstate placement
- Date Colorado ICPC office accepted/delayed/denied the process of the ICPC-100A
- Date Colorado ICPC office sent the ICPC-100A to AZ ICPC office
- Date Arizona local agency received the ICPC-100A from the Arizona ICPC office
- Date Arizona ICPC office received the recommendation from the local agency
- Date Colorado ICPC office received the decision from the Arizona ICPC office

Date Colorado local agency received the notice of the decision
Date the court in Colorado received the notice or status of the case
Date ICPC-100B was filed

ICPC-100 Application Checklist checked:

ICPC-100A for consideration (due date 4/8/07)

Requested actions/attached documents: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Social History/Shelter Hearing Summary; Family Service Treatment Plan/Dispositional Court Report; IV-E Determination (checked as no on 100A)

General Impression:

A court order that gave the custody of the youth to the MCDHS was filed in the ICPC case file. The court report submitted at the time of adjudication/disposition was attached. The documents in the file are in order. It took 22 calendar days from the time the Arizona ICPC office received the referral from the Colorado ICPC office to the time the Arizona ICPC office made the decision of denial. The local agency received the referral on the same day as the Arizona ICPC office received the referral from the Colorado ICPC office. It took two weeks for the Arizona local agency to have an interview with the placement (this does not include phone contacts prior to the in-home interview). It took eight days for the local agency to complete the home study report.

Thumbnail Sketch of the Case:

Child's case sent from Grand Junction, Mesa County, Colorado, to be placed with his biological Mother in Maricopa County, Arizona.

A referral was received concerning the youth who was homeless. The youth did not know the whereabouts of his parents or most current guardian. The youth was living with his former stepfather who did not have legal custody of the youth. They lived with the stepfather's partner and her two children, but all of them were evicted and had moved into a motel room. The youth indicated that there was drug use by the adults and that was the reason he chose not to live with them any more.

The youth's biological father discovered his son was in the custody of the Mesa County Department of Human Services (MCDHS). The team decision meeting was held including the biological father. The youth started developing a relationship with his birth father and stepmother. The paternal grandparents also lived in Colorado. As per the youth, his parents were not together at any time of his life. He stated that his stepfather had raised him.

On 1/31/07, the District Court in Mesa County, Colorado, entered an "Emergency Custody and Pickup Order," finding that the temporary legal and physical custody of the MCDHS was required immediately. Contrary to welfare findings and reasonable efforts findings were made and recorded in the court order. A shelter hearing was set for 2/2/07. A family service plan was attached. In the service plan, "receipt of annual physicals and bi-annual dental exams, meet all medical and dental needs" were stated. "Ensure the child attends school consistently and monitor progress to facilitate passing grades" was also recorded. Permanency goal for this child was reunification with the biological father in Colorado. Target date of permanency was also mentioned in the report as 1/31/08. The initial CPS investigation began on 11/7/06. The case was accepted for ongoing services on 11/21/06. The placement with the Mother in Arizona

as a concurrent plan was denied by the Arizona ICPC office because of the Mother's issues.

Case #2 – Received case/Priority

Sending State	Oregon
Sending State Court Case #	06J0392
Sending State Agency Case #	CK59017
OR ICPC Case #	027720
AZ ICPC Case #	273324
AZ Agency Case #	CCS215-D
Child's DOB	10/12/91
Sex	Female
ICWA	No
Type of Care Requested	Relative (Great Aunt)
Current Legal Status of Child	Sending Agency Custody
Priority Case	Yes
Perm. Plan	Return Home
Concurrent Plan	Relative Placement

ICPC Event Timeline:

1/2/07 An Oregon court ordered "the child continued to be a ward of the court." In the court report attached to the court order, available relatives outside of Oregon were identified.

1/2/07 <Reg 7>The court order also applied Regulation 7 to this case specifying the reasons as follows:
"The proposed recipient is a relative of the child (Adult Aunt); AND The child is in an emergency shelter; the court finds the child has previously spent substantial time in the home of the proposed placement recipient."

1/2/07 <Reg 7>The court order was sent to the Oregon local agency.

1/4/07 The Oregon ICPC office received the ICPC-100A from its local agency.

1/4/07 The Oregon ICPC office accepted the ICPC-100A; included ICPC-101 Priority Home Study Request (signed 1/2/07).

1/5/07 <Reg 7> The Oregon ICPC office submitted the ICPC-100A including the supporting documents with a cover notice calling attention to the priority status of the request to the Arizona ICPC office; incomplete ICPC 100-A.

1/5/07 <Reg 7>Priority request sent to the Arizona ICPC office; Arizona ICPC office accepted the packet.

1/5/07 <Reg 7>Priority request sent to a local agency in Arizona.

1/10/07 The local agency in Arizona started the home study (phone contact 1/10/07 & 1/15/07, home visit 1/17/07).

1/23/07 The local agency in Arizona completed the home study report.

1/29/07 The local agency in Arizona submitted the home study report.

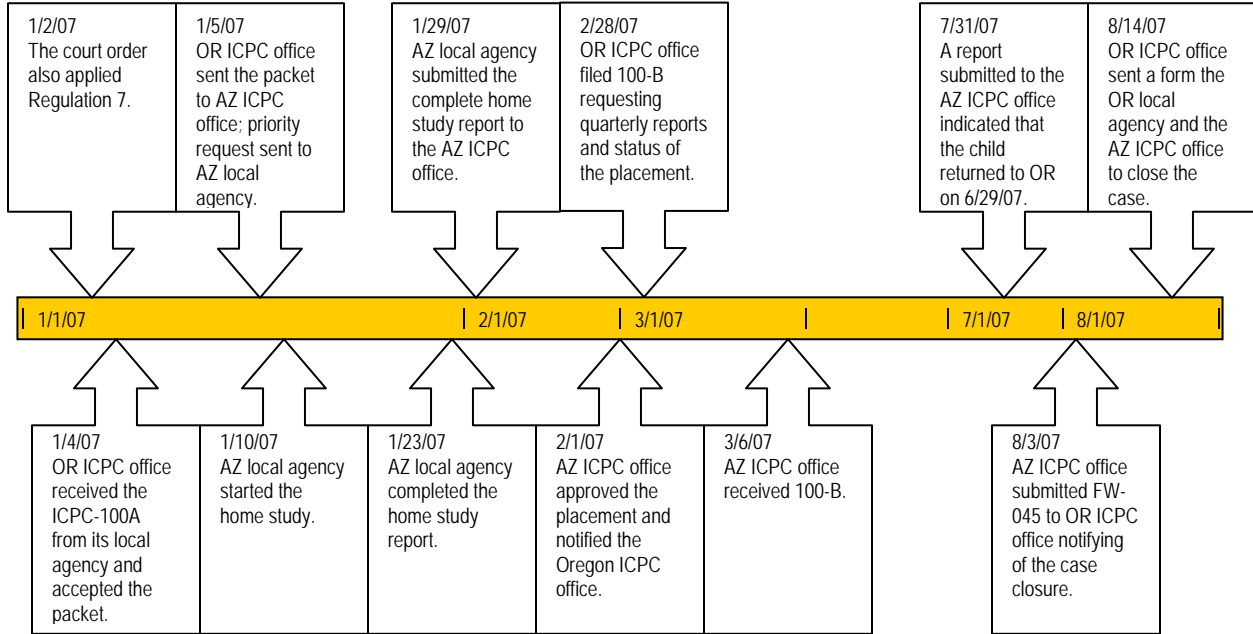
2/1/07 The Arizona ICPC office approved placement and notified the decision to Oregon ICPC office.

2/28/07 The Oregon ICPC office filed 100-B requesting quarterly reports and status of the placement.

3/6/07 The Arizona ICPC office received 100-B.

7/31/07 A report submitted to the Arizona ICPC office indicated that the child returned to Oregon on 6/29/07.

8/3/07 Arizona ICPC office submitted FW-045 to the Oregon ICPC office notifying of the case closure.
 8/14/07 The Oregon ICPC office sent the sending local agency and the Arizona ICPC office a form (not recognized as an ICPC form) to close the case.



Not Clearly Documented in File:

- Date Oregon local agency submitted ICPC-100A to the Oregon ICPC office
- Date Arizona local agency submitted the recommendation to the Arizona ICPC office
- Date Arizona ICPC office received the recommendation from the local agency
- Date Oregon ICPC office received the decision from the Arizona ICPC office
- Date Oregon local agency received the notice of the decision
- Date the court in Oregon received the notice or status of the case

ICPC-100 Application Checklist checked:

ICPC-100A for consideration
 Requested: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Social History/Shelter Hearing Summary; Court Report; IV-E Determination (checked as no on 100A); ICPC-101 Request for Priority Home Study

General Impression:

No documents from the Arizona local agency documented the child's return to her home State of Oregon except at the closure of the case (almost two months later). For the priority placement, the referral was sent to the local agency on the same day as the ICPC office received the packet. The turnaround time from the date the local agency received the referral, and the date the Arizona ICPC office approved the home study report and recommendation, was 27 calendar days. It took 225 calendar days total from the time the court order was entered for an ICPC priority placement request to the date the Oregon ICPC office sent the case closure notice.

Thumbnail Sketch of the Case:

Child's case sent from Oregon to be placed in Pima County, Arizona.

Mother was deceased. Father was incarcerated and not going to be released until the youth would turn 18. No relative was willing to care for her except the great aunt in Tucson. Her brother was in Arizona as a basketball coach, and agreed to be her educational surrogate. Child was moved to Tucson, AZ, to be placed with her great aunt. In the home study report, the aunt stated that the child experimented with drugs, and she would not tolerate it if she used drugs under her care. The placement date was not clearly documented in any of the documents in the file. The closure report dated 7/31/07 indicated the child started abusing drugs, sneaking out at night, etc. The aunt paid for the airline ticket and sent the child back to Oregon on 6/29/07. The caseworker in Oregon met the child at the airport when she arrived.

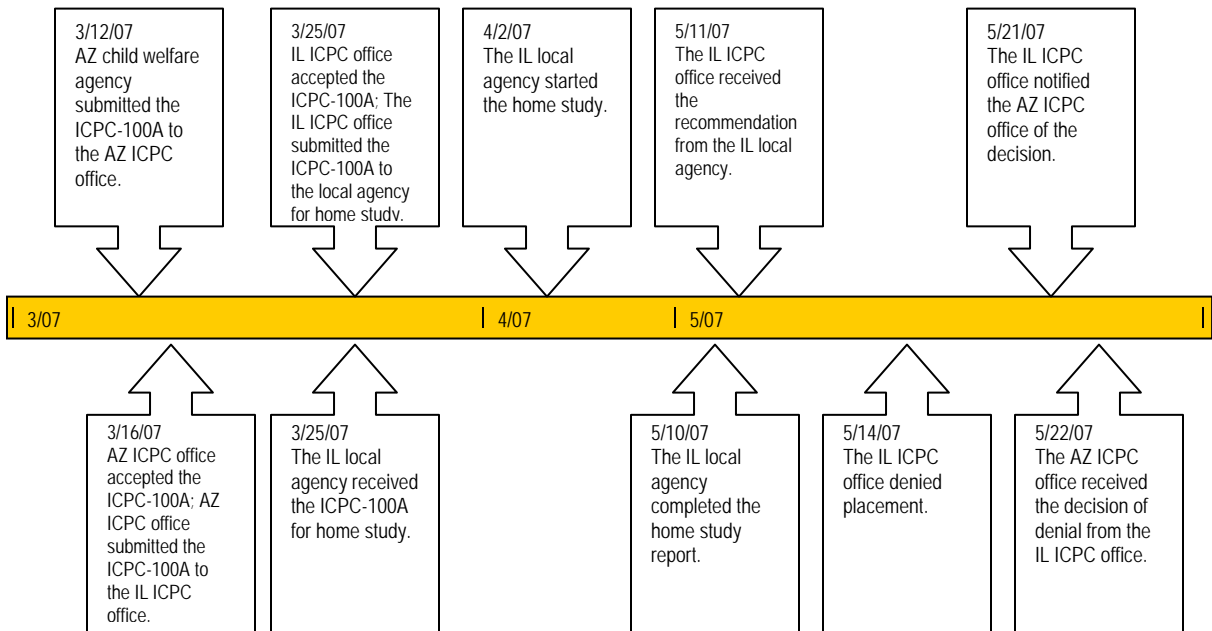
Case #3 – Sent case/Non-priority

Sending State	Arizona
Sending State Court Case #	JD504067
Sending State Agency Case #	
Sending State ICPC Case #	193902
Receiving State	Illinois
Receiving State ICPC Case #	12784
Receiving State Agency Case #	
Child's DOB	4/30/90
Sex	Male
ICWA	No
Type of Care Requested	Parent (Mother)
Current Legal Status of Child	Sending Agency Custody
Priority Case	No
Perm. Plan	Independent Living
Concurrent Plan	Return Home

ICPC Event Timeline:

- 3/12/07 The Arizona child welfare agency submitted the ICPC-100A to the Arizona ICPC office.
- 3/16/07 The Arizona ICPC office accepted the ICPC-100A. The process was delayed because of the incomplete paperwork – missing a Financial/Medical Plan form.
- 3/16/07 The Arizona ICPC office submitted the ICPC-100A to the Illinois ICPC office.
- 3/25/07 The Illinois ICPC office accepted the ICPC-100A.
- 3/25/07 The Illinois ICPC office submitted the ICPC-100A to the local agency for home study.
- 3/25/07 The Illinois local agency received the ICPC-100A for home study.
- 4/2/07 The Illinois local agency started the home study.
- 5/10/07 The Illinois local agency completed the home study report.
- 5/11/07 The Illinois ICPC office received the recommendation from The Illinois local agency.
- 5/14/07 The Illinois ICPC office denied placement. Notification of case closure attached.

- 5/21/07 The Illinois ICPC office notified The Arizona ICPC office of the decision (Cover letter to the AZ ICPC office dated 5/14/07).
- 5/22/07 The Arizona ICPC office received the decision of denial from the Illinois ICPC office.



Not Clearly Documented in the File:

- Date Illinois local agency submitted the recommendation to the its ICPC office
- Date Arizona local agency received the notice of the decision from the Arizona ICPC office
- Date ICPC-100B was filed to close the case

ICPC-100 Application Checklist checked:

- ICPC-100A for consideration
- Requested: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Social History/Shelter Hearing Summary; Court Report; IV-E Determination (checked as no on 100A)

General Impression:

The turnaround time from the date the Arizona local agency sent the ICPC referral, to the date the Arizona (sending) ICPC office received the denial of the placement from the Illinois (Receiving) ICPC office, was 71 calendar days. It took four calendar days from the time the Arizona ICPC office sent the packet to the Illinois ICPC office. The receiving local agency received the referral from the Illinois ICPC office on the same day as the ICPC office accepted the packet from the Arizona ICPC office. It took eight calendar days for the receiving local agency to start a home study after receiving the packet. The home study took 38 days to be completed (the report was completed). It took seven days for the Illinois ICPC office to notify the Arizona ICPC office of the decision.

Thumbnail Sketch of the Case:

Child's case sent from Arizona to be placed in Illinois.

The Illinois child welfare agency requested a parental home study. The youth had a prior CPS history in the State of Illinois. He was taken away from his parents due to physical abuse by the stepfather. The mother was divorced from the stepfather, and remarried to another man. The family had no prior CPS history in Arizona. The youth had a low level of competency, and went through nine different placements. He was placed in a group home. The three siblings, who were involved in the CPS case in Illinois, went home to the mother. The youth was not returned to the mother because of alleged sexual abuse/behavior towards his younger brothers. The youth indicated that he was angry that he had not gone home but his younger siblings had. The reason the youth was placed in Arizona was because his grandmother lived in Arizona and she had custody of him before. The youth stated that the alleged sexual behavior towards his siblings was not by him but the grandmother's boyfriend.

The local agency in Illinois contacted the mother and her new husband to arrange a home study and in-home interview as follows:

- 4/2/07 Phone contact with the mother
- 4/4/07 Phone contact with the mother
- 4/11/07 In-home interview with the mother
- 4/16/07 Phone contact with the mother
- 4/18/07 In-home interview with the mother and the current husband
- 4/20/07 Phone contact with the mother
- 4/20/07 Phone contact with an IL DCFS caseworker
- 5/7/07 Phone contact with an IL DCFS caseworker (different)
- 5/8/07 Phone contact with an IL DCFS caseworker (different)
- 5/8/07 Phone contact with a reference
- 5/9/07 Phone contact with a reference

The mother had an open CPS case in Illinois for alleged neglect. The ex-husband who was involved in the previous CPS case allowed his two sons to visit with a minor who had a prior sexual abuse history with those boys. The recommendation made by the Illinois local agency was that the placement was inappropriate (i.e., Mother's past history for not taking care of her children; an ongoing CPS investigation in Illinois; a past accusation of sexual conduct by the youth; the youth's low competency level that required Mother's attention and to keep him in school; and Mother ignoring issues). The youth was never placed in the Receiving state.

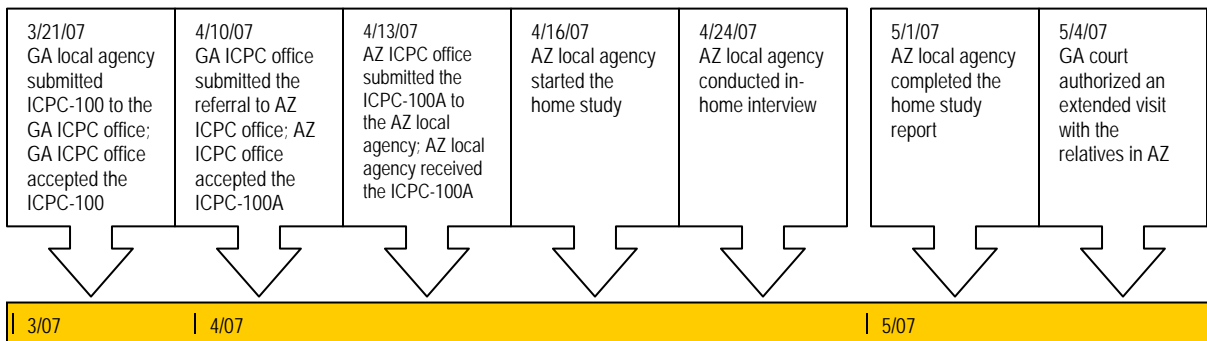
Case #4 – Received case/Non-priority

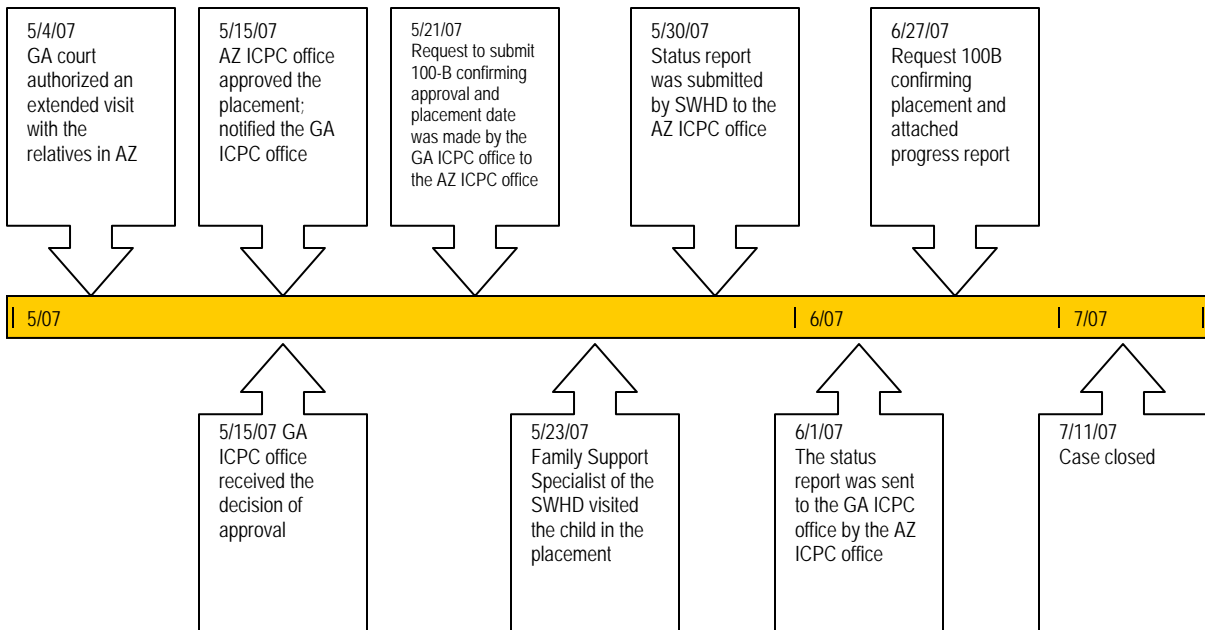
Sending State	Cobb County, Georgia
Sending State Court Case #	
Sending State Agency Case #	22339
Receiving State	Arizona
Receiving State ICPC Case #	287711
Receiving State Agency Case #	
Child's DOB	7/23/02
Sex	Female
ICWA	No

Type of Care Requested	Relative (maternal great uncle – potential adoptive parents)
Current Legal Status of Child	Sending Agency Custody
Permanency Plan	Reunification
Concurrent Plan	Relative Placement

ICPC Event Timeline:

3/21/07	The Georgia child welfare agency submitted ICPC-100 to the Georgia ICPC office
3/21/07	The Georgia ICPC office accepted the ICPC-100A
4/10/07	The Georgia ICPC office submitted the ICPC-100A to Arizona ICPC office; the Arizona ICPC office accepted the ICPC-100A
4/13/07	The Arizona ICPC office submitted the ICPC-100A to its local agency for a home study
4/13/07	The Arizona local agency received the ICPC-100A
4/16/07	The Arizona local agency started the home study
4/24/07	The Arizona local agency conducted an in-home interview
5/1/07	The Arizona local agency completed the home study report
5/4/07	The sending Georgia court authorized an extended visit with the relatives in Arizona
5/15/07	The Arizona ICPC office approved the placement
5/15/07	The Arizona ICPC office notified the Georgia ICPC office of the decision
5/15/07	The Georgia ICPC office received the decision of approval
5/21/07	A request to submit 100-B confirming approval and placement date was made by the Georgia ICPC office to the Arizona ICPC office
5/23/07	A Family Support Specialist of the Arizona local agency visited the child in the placement
5/30/07	A status report was submitted by the Arizona local agency to the Arizona ICPC office
6/1/07	The status report was sent to the Georgia ICPC office by the Arizona ICPC office
6/27/07	A request to file ICPC-100B to confirm the placement and to attach the progress report was sent to the Arizona ICPC office
7/11/07	Case closed





Not Clearly Documented in the File:

- Date Arizona local agency submitted the recommendation to the Arizona ICPC office
- Date Arizona ICPC office received the recommendation from the local agency
- Date Georgia local agency received the notice of the decision from the Georgia ICPC office
- Date the court in Georgia received the notice or status of the case
- Date ICPC-100B was filed

ICPC-100 Application Checklist checked:

- ICPC-100A for consideration
- Requested: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Adjudicatory/Dispositional Hearing court report; Service Plan; IV-E Determination

General Impression:

Although the information about the Georgia court authorizing the trial visit to the relative in Arizona was in a status report, no court order ordering such a visit was attached to the ICPC documents nor filed in the Arizona ICPC case file. It took three calendar days from the time the Georgia ICPC office sent the referral to the time the Arizona ICPC office accepted the referral. The Arizona local agency received the referral on the same day as the Arizona ICPC office received the referral from the Georgia office. It took three days for the Arizona local agency to start the home study. It took seven days from the date the in-home interview was conducted to the date the home study report was completed. The home study was completed by the local agency on May 1, 2007. There is no documentation showing when the Arizona ICPC office received the home study from the local agency. The Arizona ICPC office approved the placement and notified the Georgia ICPC office on May 15, 2007. The date the recommendation was sent to the Arizona ICPC office was not documented. The Georgia ICPC office was notified of the decision on the same day as the Arizona ICPC office approved the placement.

Thumbnail Sketch of the Case:

The child’s case sent from Cobb County, Georgia, to be placed in Maricopa County in Arizona.

Mother had a chronic use of alcohol. She was arrested under the influence of alcohol while driving with her child in the car. Father was incarcerated at the time of arrest. The court ordered temporary custody to the DFCS in GA and made contrary to welfare findings as well as reasonable efforts and best interest findings.

A TPR was filed on 2/19/07. The court made findings as follows: “The child is a deprived child and the deprivation is current, it would continue without DFCS intervention and is caused by the parent. The continued deprivation would likely cause serious physical, mental, emotional or moral harm to the child. Excessive use of or history of chronic unrehabilitated use of intoxicating liquors or drugs has the effect of rendering the parent incapable of providing adequately for the physical, mental, emotional, or moral condition and needs of the child.”

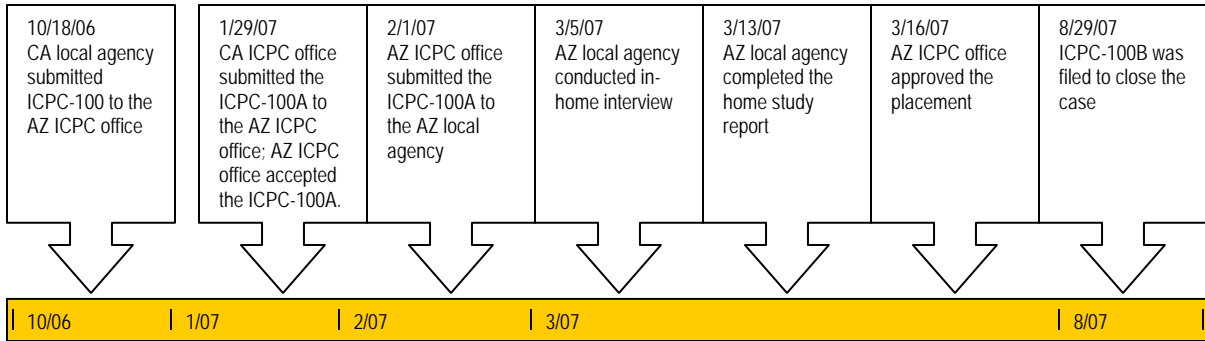
On 5/4/07, the court in Georgia authorized an extended visit with the relatives in Arizona for 40 days as a trial. The Arizona local agency visited the child in the placement on 5/23/07.

Case #5 – Received case/Non-priority

Sending State	Santa Clara County, CA
Sending State Court Case #	JD17332
Sending State Agency Case #	864556
Receiving State	Arizona
Receiving State ICPC Case #	275190
Receiving State Agency Case #	
Child’s DOB	4/2/90
Sex	Female
ICWA	No
Type of Care Requested	Relative (maternal aunt/uncle)
Current Legal Status of Child	Sending Agency Custody
Permanency Plan	Reunification
Concurrent Plan	Not documented

ICPC Event Timeline:

10/18/06	CA local agency submitted ICPC-100 to the AZ ICPC office
1/29/07	CA ICPC office submitted the ICPC-100A to the AZ ICPC office
1/29/07	AZ ICPC office accepted the ICPC-100A
2/1/07	AZ ICPC office submitted the ICPC-100A to the AZ local agency
3/5/07	AZ local agency conducted in-home interview
3/13/07	AZ local agency completed the home study report
3/16/07	AZ ICPC office approved the placement
3/16/07	AZ ICPC office notified the CA ICPC office (county) of the decision
8/29/07	ICPC-100B was filed to close the case (the AZ ICPC case file said unilateral termination; on the 100B, “proposed placement request withdrawn” was checked).
9/4/07	AZ ICPC office submitted the ICPC-100A to the CA ICPC office to close the case.



Not Clearly Documented in the File:

- Date Arizona local agency submitted the recommendation to the Arizona ICPC office
- Date Arizona ICPC office received the recommendation
- Date California ICPC office received the decision from the Arizona ICPC office
- Date California local agency received the decision from the California ICPC office
- Date the court in California received the notice or status of the case

ICPC-100 Application Checklist checked:

- ICPC-100A for consideration
- Requested: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Jurisdictional/Dispositional Hearing court report; Service Plan; IV-E Determination

General Impression:

California has regional ICPC offices that each county uses to submit the ICPC-100A, rather than sending it immediately to a state ICPC office. This seems to increase delay as a result of additional paperwork, as it took 103 days for the California ICPC regional office to resubmit the packet to the Arizona ICPC office. However, the reasons for delay or resubmission were not documented. It took 33 days for the Receiving local agency in Arizona to conduct an in-home interview with the placement. It took eight days for the Receiving local agency in Arizona to complete the home study report. It took three days for the Arizona ICPC office to approve the placement after the completion of the home study report. On the same day, the California ICPC regional office was notified of the decision. It took 166 days for the ICPC-100B to be filed to notify that the case had closed. It took total of 212 days from the beginning of the referral to case closure.

Thumbnail Sketch of the Case:

Child's case sent from Santa Clara County, California, to be placed in Pima County, Arizona.

Mother allegedly abused the youth and her sister physically. The referral was made for the youths to be placed with relatives in Arizona. The Detention Hearing minute order that gave custody of the sisters to the county agency was attached to the ICPC-100A.

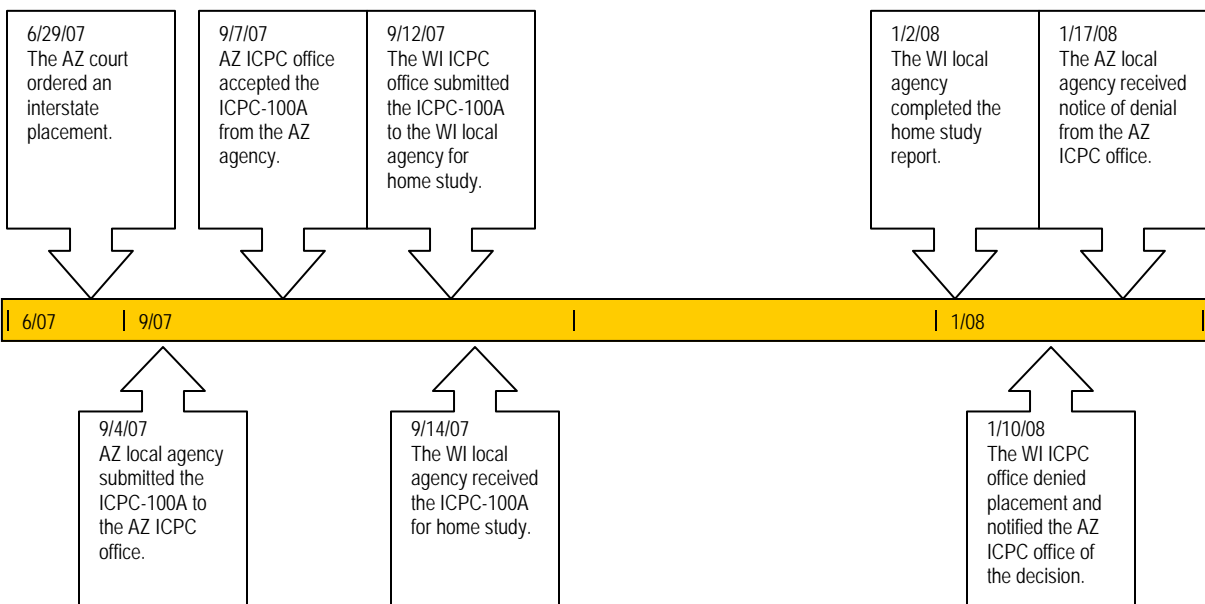
The sisters were never placed in Arizona and proposed placement request was withdrawn by the Sending state.

Case #6 – Sent case/Priority

Sending State	Arizona
Sending State Court Case #	JD14415
Sending State Agency Case #	
Sending State ICPC Case #	291960
Receiving State	Wisconsin
Receiving State ICPC Case #	
Receiving State Agency Case #	
Child's DOB	9/1/92
Sex	Male
ICWA	No
Type of Care Requested	Parent (Father)
Current Legal Status of Child	Sending Agency Custody
Priority Case	No
Perm. Plan	LTFC – changed to reunification
Concurrent Plan	

ICPC Event Timeline:

6/29/07	The Arizona court ordered an interstate placement.
9/4/07	The Arizona child welfare agency submitted the ICPC-100A to the Arizona ICPC office.
9/7/07	The Arizona ICPC office accepted the ICPC-100A from the Arizona child welfare agency.
9/12/07	The Wisconsin ICPC office submitted the ICPC-100A to a Wisconsin local agency for a home study.
9/14/07	The Wisconsin local agency received the ICPC-100A for a home study.
1/2/08	The Wisconsin local agency completed the home study report.
1/10/08	The Wisconsin ICPC office denied placement.
1/10/08	The Wisconsin ICPC office notified the Arizona ICPC office of the decision.
1/17/08	The Arizona local agency received notice of denial from the Arizona ICPC office.



Not Clearly Documented in the File:

Date the Arizona ICPC office submitted the ICPC-100A to the Wisconsin ICPC office

Date the Wisconsin ICPC office accepted the packet

Date the Wisconsin local agency submitted recommendation to the Wisconsin ICPC office

Date the Wisconsin ICPC office received the recommendation

Date the Arizona ICPC office received the notice of the decision from the Wisconsin ICPC office

Date the Arizona court received notice of the decision/status

Date ICPC-100B was filed to close the case

ICPC-100 Application Checklist checked:

ICPC-100A for consideration

Requested: Parent/Relative Home Study; Cover Letter; Financial & Medical Plan; Court Order or other legal documents; Social History; Court Report

General Impression:

A court order dated 7/10/07 indicated that counsel should be appointed to the father as ordered on 6/29/07, but there was no court order dated 6/29/07 appointing counsel for the father in file. It took 67 days for the Arizona child welfare agency to submit a fully completed and approved ICPC-100A to the Arizona ICPC office. The referral was accepted by the Arizona ICPC office within 13 days. The Wisconsin ICPC office submitted the referral to a Wisconsin local agency prior to the Arizona ICPC office accepted the referral. From the initial phone contact attempt, to the completion of the home study report, took 35 days. The Wisconsin ICPC office denied the placement within seven days of the home study report completion. The Arizona ICPC office was notified of the decision on the same day as the Wisconsin ICPC office made the decision of denial. The Arizona child welfare agency was notified of the decision within seven days.

Thumbnail Sketch of the Case:

The youth's case sent from Arizona to be placed in Wisconsin.

The mother had a prior CPS history with another child and was incarcerated. Mother was diagnosed with Bipolar Disorder, cocaine dependence, Schizoid Personality Disorder, Asthma, and other medical concerns. She was also diagnosed with a GAF of 50.

The youth had both dependency and delinquency cases. He was also diagnosed with ODD, ADHD, Bipolar Disorder, FAS, and borderline intellectual functioning. The motion to change the physical custody of the youth from the Arizona child welfare agency to the Arizona State Hospital was filed on 6/26/07 and it was changed at the status review conference in a dependency hearing. Meanwhile, the putative father was identified and located. After several attempts to connect with the father to conduct a home study, a Wisconsin local agency determined no further attempts were needed to contact the father due to lack of response from him. The home study report indicated that the father was adjudicated in Wisconsin for dependency. The placement was denied.

**Assessment of Arizona’s Implementation
Of the Interstate Compact for the Placement of Children (ICPC)**

Appendix D: Judicial Survey Data Report

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A total of 54 judges who hear dependency cases from throughout Arizona were invited to participate in the online survey. Judges were given 14 days to complete the survey. A follow-up reminder email was sent to them after eight days to encourage their participation. Of the 54 invitees, 12 respondents completed the online survey (a response rate of 22%), providing their perspectives on, and experiences with, handling child abuse and neglect cases involving interstate placements.

This report provides a preliminary descriptive analysis of the results of the online survey. With only twelve judges responded to the survey, the findings of the judicial survey should be read with caution because of the small sample size. The judicial online survey findings are integrated and analyzed further in the main body of the assessment report, including how these findings concur with data analyzed from other sources.

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Demographic Information

To obtain basic background information, the following questions were asked.

- ◆ *Which of the following best represents your role in the child abuse and neglect system?* (n = 12)
All survey respondents (100%) were judges.

- ◆ *How long have you served in your current position?* (n = 12)
Overall, the majority of the respondents have served in their current position less than ten years. Three groups emerged from the survey responses: one group indicated that they had served in their current role for less than a year (33%; n = 4); a second group had served in their current position for six to ten years; and a third group of judges stated that they had served in their current position for less than five years (25%; n = 3).

The length of time judges had served in their current role is presented in Table 1 below.

Less than a year	33% (n = 4)
1-5 years	25% (n = 3)
6-10 years	33% (n = 4)
11-15 years	8% (n = 1)
16-20 years	0.0% (n = 0)
More than 20 years	0.0% (n = 0)

- ◆ *What percentage of your total caseload is devoted to child abuse and neglect cases? (n = 12)*

One-third of the judges indicated that 1-10% of their total caseload was devoted to child abuse and neglect cases. Additionally, one-quarter of the judges stated that 41-50% of their caseload was dedicated to dependency cases. No responding judges stated that their full caseload was dedicated to dependency. The percentage of the judges' total caseload devoted to child abuse and neglect cases is presented below in Table 2.

0%	8% (n = 1)
1-10%	33% (n = 4)
11-20%	0% (n = 0)
21-30%	0% (n = 0)
31-40%	17% (n = 2)
41-50%	25% (n = 3)
51-60%	8% (n = 1)
61-70%	8% (n = 1)
71-80%	0% (n = 0)
81-90%	0% (n = 0)
91-100%	0% (n = 0)

- ◆ *What percentage of your child abuse and neglect cases involves interstate placements? (n = 12)*

Two-thirds of the judges stated that only 1-10% of their child abuse and neglect cases involved interstate placements. A report of the percentage of the responding judges' child abuse and neglect cases involving interstate placements is presented below in Table 3.

0%	17% (n = 2)
1-10%	67% (n = 8)
11-20%	8% (n = 1)
21-30%	0% (n = 0)
31-40%	8% (n = 1)
41-50%	0% (n = 0)
51-60%	0% (n = 0)
61-70%	0% (n = 0)
71-80%	0% (n = 0)
81-90%	0% (n = 0)
91-100%	0% (n = 0)

- ◆ *Approximately how many ICPC case, in total, have you presided over? (n = 12)*
Seven of the judges indicated that they had presided over more than 11 cases involving the interstate placement process in the past. Two judges stated that they have yet to have a case involving the ICPC process, while another two judges reported that they had 21 to 25 cases involving the ICPC. The total number of ICPC cases the judges have presided over is presented below in Table 4.

Number of Cases	Percentage (n)
0 (case)	17% (n = 2)
1-5	17% (n = 2)
6-10	0% (n = 0)
11-15	25% (n = 3)
16-20	17% (n = 2)
21-25	17% (n = 2)
26-30	0% (n = 0)
More than 30	8% (n = 1)

Hearing Practices

Survey respondents were asked about what they are legally permitted to do in a hearing involving an interstate placement.

- ◆ *In your jurisdiction, what are you legally permitted to do by rules of court or state law as a judicial officer in a case involving the ICPC with regard to hearing practice? (n = 9)*

Nine judges provided answers to this question. All nine respondents indicated that they were allowed to admit properly authenticated evidence offered from another state in a hearing before the judicial officer. The majority (n = 8) also indicated that they were allowed to hold a hearing by phone or video with someone in another state. The following table shows what the respondents reported they were legally permitted to do in court with regard to hearing practice and the ICPC.

Hold a hearing by phone or video with someone in another state	89% (n = 8)
Conduct a hearing in your state to gather specific information requested at request of a judge from another state and send court order or transcript to the judge in another state	56% (n = 5)
Co-preside in interstate hearings with the other judge	33% (n = 3)
Cooperate with a judicial officer in another state to hold hearings where witnesses must be sworn to testify through a video or telephone	56% (n = 5)
Admit properly authenticated evidence offered from another state in a hearing before the judicial officer	100% (n = 9)
Allow attorneys who are not a member of your state bar to present a case involving interstate placements	11% (n = 1)
None of the above	0.0% (n = 0)
Other	0.0% (n = 0)

- ◆ *In your jurisdiction, what are you legally permitted to do by rules of court or state law as a judicial officer in a case involving the ICPC with regard to judicial communication with other states? (n = 9)*

Nine judges provided answers to this question. The judges reported that they are permitted to: contact a judicial officer in another state by phone, letter, or email to discuss the progress of an ICPC matter (n = 5); issue requests or orders to the local agency in their state to expedite the home evaluation process at the request of a judge from another state (n = 5); and communicate directly with a judicial officer in another state to discuss the matter (n = 5). The following table shows what the judges reported being legally permitted to do with regard to judicial communication and the ICPC.

Contact ICPC administrators in your state or the other state to obtain information about the progress of an ICPC matter	22% (n = 2)
Contact by phone, letter, or email a judicial officer in another state in the locality where the child may be going to discuss the progress of an ICPC matter	56% (n = 5)
At request of judge from another state, issue requests or orders to the local child welfare agency in your state for the evaluation of a foster home or parties in the area within a specified time	56% (n = 5)
Communicate directly with a judicial officer in another state to discuss the interstate litigation process or legal issues	56% (n = 5)
None of the above	11% (n = 1)
Other	0% (n = 0)

Common Reasons for Delay

Survey respondents were asked to identify the common reasons for delay in the ICPC process.

- ◆ *Please identify the three most common reasons for delay in the ICPC process in cases that you have been involved in as the Sending state (with the most common reason ranked as 1 and the third common reason ranked as 3). (n = 7)*

The judges' responses show that delay in the home study conducted by a Receiving state local agency is the most common reason for delay when Arizona is the Sending state. All seven respondents who provided answers to this question chose this reason regardless of the ranking. In addition, three judges reported that delay in the preparation of the ICPC package by the sending agency is the number one common reason for delay. Another three judges responded that delay by a Receiving state ICPC office processing and sending the case to the local agency for a home study is the second common reason for delay. On the other hand, no respondents indicated that background checks delay the process. The following are judges' perceptions of the ICPC process delays when Arizona is the Sending state.

<p style="text-align: center;">Table 7 Top Three Most Common Reasons for Delay When Arizona is the Sending state</p>				
<p>Delay in entry of the court order placing the child in care.</p>				
<p>Delay in the preparation of the ICPC package by the agency.</p>				
<p>Delay in your state ICPC office's approval process.</p>				

Table 7

Top Three Most Common Reasons for Delay When Arizona is the Sending state

Delay by your state ICPC office to return the ICPC package to the local agency for completion.				
Delay by a Receiving state ICPC office processing and sending the case to the local agency for the Home				

Table 7

Top Three Most Common Reasons for Delay When Arizona
is the Sending state

Study.				
Delay in the Home Study being done by the local agency in a Receiving state.				
Delay by a Receiving state ICPC office to return the ICPC package to your state ICPC office.				
Negotiations between the two				

Table 7

Top Three Most Common Reasons for Delay When Arizona is the Sending state

ICPC offices regarding issues found by the Home Study.				
Delay in FBI checks.				
Delay in police checks in Receiving state.				
Delay in National Sexual				

Table 7

Top Three Most Common Reasons for Delay When Arizona
is the Sending state

Offender Registry checks.				
Delay in Receiving state Sexual Offender Registry checks.				
Delay in your state child Welfare Registry checks.				
Delay in Receiving state Child				

Table 7 Top Three Most Common Reasons for Delay When Arizona is the Sending state				
Welfare Registry checks.				
Other				

- ◆ *Please identify the three most common reasons for delay in the ICPC process in cases that you have been involved in as the Receiving state (with the most common reason ranked as 1 and the third common reason ranked as 3). (n = 4)*

The judges who provided an answer to this question (100%; n = 4) indicated, regardless of the rank, that delay occurs in the home study conducted by the local agency in Arizona when receiving a case from another state. It is also interesting to note that three judges reported that the Arizona ICPC office processing the case and forwarding it to the receiving local agency for the home study as the number one common reason for delay as well as the delay by Arizona ICPC office to return the ICPC package to a Sending state ICPC office as the third most common delay. The following table shows judicial perceptions of the ICPC process delays when Arizona is receiving a case.

	Most Common Reason 1	Second Common Reason 2	Third Common Reason 3	Response count
Delay by your state ICPC office processing the case and sending it to the local agency for the Home Study.	75% (n = 3)	0% (n = 0)	0% (n = 0)	3
Delay in the Home Study being done by the local agency in your state.	25% (n = 1)	75% (n = 3)	0% (n = 0)	4
Delay by your state ICPC office to return the ICPC package to a Sending state ICPC office.	0% (n = 0)	0% (n = 0)	75% (n = 3)	3
Negotiations between the two ICPC offices regarding issues found by the Home Study.	0% (n = 0)	25.0% (1)	0% (n = 0)	0
Delay in FBI checks.	0% (n = 0)	0% (n = 0)	0% (n = 0)	0
Delay in police checks in your state.	0% (n = 0)	0% (n = 0)	0% (n = 0)	0
Delay in National Sexual Offender Registry checks.	0% (n = 0)	0% (n = 0)	0% (n = 0)	0
Delay in your state Sexual Offender Registry checks.	0% (n = 0)	0% (n = 0)	0% (n = 0)	0
Delay in your state child Welfare Registry checks.	0% (n = 0)	0% (n = 0)	0% (n = 0)	0
Other	0% (n = 0)	0% (n = 0)	0% (n = 0)	0

- ◆ *Thinking about cases that you have presided over involving the ICPC, what action did you most often take when you learned about a delay in cases regarding the ICPC process? (n = 7)*

Of the seven judges who provided an answer to this question, three indicated that they most often scheduled a hearing within 30 days to obtain an update on the

progress of the ICPC process. However, two judges stated that they did not take any action when they learned of delay. The following table shows the judicial action most often taken when judges learned of delay in the ICPC process.

Scheduled a hearing within 30 days for an update on progress	43% (n = 3)
Took no action	29% (n = 2)
Ordered a report on progress to be given at the next regularly scheduled hearing	14% (n = 1)
Scheduled a hearing within 60 days for an update on progress	14% (n = 1)
Took direct action by calling the Sending state ICPC office	0% (n = 0)
Took direct action by calling a judicial officer in Receiving state	0% (n = 0)
Other	0% (n = 0)

- ◆ *When a placement in a case was identified as requiring ICPC approval, how often was that fact brought to your attention as a judicial officer? (n = 7)*
Of the seven judges who provided an answer to this question, two judges indicated that when a placement was identified as requiring an ICPC approval, it was brought to their attention 100% of the time. The reported frequency with which placements requiring ICPC approval were brought to judicial attention is presented in Table 10.

Less than 20% of the time	0% (n = 0)
20-39%	0% (n = 0)
40-59%	14% (n = 1)
60-79%	14% (n = 1)
80-99%	14% (n = 1)
100%	29% (n = 2)
Don't Know	29% (n = 2)

- ◆ *In most cases, when was the particular ICPC issue brought to your attention as a judicial officer? (n = 7)*
More than half of the judges (n = 4) stated that they did not know when, in a case, particular ICPC issues were typically brought to their attention. One judge reported that he/she was most often made aware of a particular ICPC issue at the next

scheduled review hearing. The typical timing of when ICPC issues were brought to judicial attention is reported in Table 11 below.

Don't Know	57% (n = 4)
Between 1 week and 30 days of the agency's discovery that an ICPC was needed	29% (n = 2)
Within 5 working days of the agency's discovery that an ICPC was needed	0% (n = 0)
Between 31 and 90 days of the agency's discovery that an ICPC was needed	0% (n = 0)
More than 90 days from the agency's discovery that an ICPC was needed	0% (n = 0)
Other	14% (n = 1)

- ◆ *Typically, who brings the issue to your attention as a judicial officer? (n = 7)*
The judges reported that an agency attorney typically brought ICPC issues to their attention (n = 4). Table 12 below identifies who typically brings the ICPC issue to the attention of judicial officers.

The lawyer for the child welfare agency	57% (n = 4)
The caseworker/social worker	43% (n = 3)
The children's lawyer/GAL	14% (n = 1)
The child welfare supervisor	0% (n = 0)
The parent's lawyer	0% (n = 0)
Other	0% (n = 0)

- ◆ *Thinking about cases you have presided over involving the ICPC, how often did the attorney/Guardian ad litem for the child ask for an early review date regarding any ICPC matter? (n = 7)*
The responses to this question show that a Guardian *ad litem's* or child's attorney brings ICPC matters to the judge's attention less than 20% of the time (n = 3). The following table shows the judges' report of how often a Guardian *ad litem* or child's attorney requests an early review for the ICPC process.

Less than 20% of the time	43% (n = 3)
20-39%	14% (n = 1)
40-59%	29% (n = 2)
60-79%	0% (n = 0)
80-99%	0% (n = 0)
100%	0% (n = 0)
Don't Know	14% (n = 1)

- ◆ *How often did you make a placement of a child in another state by following ICPC requirements? (n = 6)*

The responses showed that two judges had followed the ICPC and made a placement of a child in another state in 100% of their cases. The following table identifies how often the judges had made interstate placements.

Less than 20% of the time	0% (n = 0)
20-39%	0% (n = 0)
40-59%	17% (n = 1)
60-79%	0% (n = 0)
80-99%	0% (n = 0)
100%	33% (n = 2)
Don't Know	50% (n = 3)

- ◆ *Do you typically actively oversee progress on the ICPC?* (n = 7)
The responses to this question are nearly evenly split as shown below.
Yes n = 4
No n = 3

One judge commented that s/he reviews the issue at each hearing, and issues orders if s/he believes the agency has not done what they should. However, the respondent also commented that s/he cannot issue orders pertaining to those cases in the Receiving state.

- ◆ *Thinking about your experience as the Sending state, if you have taken direct action (i.e., calling, writing, or emailing) with an ICPC office in a Receiving state, what has been the most typical response you received from the people you contacted?* (n = 6)
The majority of the judges reported that they did *not* make direct contact with a Receiving state ICPC office (n = 5).

No contact made	83% (n = 5)
Consistent cooperation	17% (n = 1)
Inconsistent cooperation	0% (n = 0)
No cooperation	0% (n = 0)

- ◆ *Thinking about your experience as the Sending state, if you have taken direct action (i.e., calling, writing, or emailing) with a judicial officer in a Receiving state, what has been the most typical response you received?* (n = 6)
The majority of the judges reported that they did *not* make direct contact with a Receiving state judicial officer (n = 5).

No contact made	83% (n = 5)
Consistent cooperation	17% (n = 1)
Inconsistent cooperation	0% (n = 0)
No cooperation	0% (n = 0)

- ◆ *Thinking about your experience as the Receiving state, if you have taken direct action (i.e., calling, writing, or emailing) with an ICPC office in a Sending state, what*

has been the most typical response you received from the people you contacted?
(n = 5)

All of the judges reported that they did *not* make direct contact with a Receiving state ICPC office.

Table 15 Response from a Receiving state ICPC office	
No contact made	100% (n = 5)
Consistent cooperation	0% (n = 0)
Inconsistent cooperation	0% (n = 0)
No cooperation	0% (n = 0)

- ◆ *Thinking about your experience as the Receiving state, if you have taken direct action (i.e., calling, writing, or emailing) with a judicial officer in a Sending state, what has been the most typical response you received?* (n = 5)

The majority of the judges reported that they did *not* make direct contact with a Receiving state judicial officer (n = 4).

Table 16 Response from a Receiving State Judicial Officer	
No contact made	80% (n = 4)
Consistent cooperation	20% (n = 1)
Inconsistent cooperation	0% (n = 0)
No cooperation	0% (n = 0)

- ◆ *How often did the attorney for a parent ask for an early review date regarding any ICPC matter?* (n = 6)

The six judges who provided answers to this question indicated that a parent's attorney asked for an early review with regard to an ICPC matter less than 40% of the time.

Table 17 Frequency of Early Review Request from a Parent's Attorney	
Less than 20% of the time	50% (n = 3)
20-39%	50% (n = 3)
40-59%	0% (n = 0)
60-79%	0% (n = 0)
80-99%	0% (n = 0)
100%	0% (n = 0)
Don't Know	0% (n = 0)

- ◆ *How often did the attorney for the government/agency ask for an early review date regarding any ICPC matter?* (n = 6)

Of the six judges who responded to this question, Four judges reported that an agency attorney requested an early review with regard to ICPC matters less than 20% of the time.

Less than 20% of the time	67% (n = 4)
20-39%	17% (n = 1)
40-59%	17% (n = 1)
60-79%	0% (n = 0)
80-99%	0% (n = 0)
100%	0% (n = 0)
There are no lawyers in court for the government/agency	0% (n = 0)
Don't Know	0% (n = 0)

- ◆ *In your opinion, what aspects of the ICPC process currently work well?* (n = 6)
Six judges shared their opinions regarding the strengths of the ICPC process in Arizona. The following are the comments received:
 - *The local agency makes early requests.*
 - *Once the home study is done, we get the information.*
 - *I have not seen that many ICPC cases, but the reports have been thorough.*
 - *I think emergency placements can work well sometimes. It all depends on the individual states.*
 - *It gives me a review of the placement.*
 - *[There is] concern for well-being of the child.*

- ◆ *In your opinion, what aspects of the ICPC process need improvement?* (n = 7)
Seven judges shared their opinions about challenges that they faced with respect to the ICPC process. The challenges identified are typically in a Receiving state's process. Five judges stated that challenges lay in a Receiving state once the case was sent for investigation. The following are the comments received.
 - *The investigation the Receiving state's local agency is conducting takes a long time.*
 - *The processing of the paperwork to get it to and from the Receiving state.*
 - *On several occasions the case worker has complained that certain states' ICPC process takes a long time.*
 - *It takes forever in some states. It takes too long to complete home studies.*
 - *The process is not timely. Some states are very slow.*
 - *Communication; coordination and clear guidance about what is allowed and required.*
 - *Excessive time delays.*

- ◆ *In your opinion, what can judicial officers, and other child abuse and neglect system stakeholders, do to improve the ICPC process in Arizona?* (n = 6)

Six judges provided suggestions to improve the ICPC process in their state. The following are the comments received.

- *More communication with Receiving states.*
- *Be educated more on the ICPC process so that they know what they can do to better the process.*
- *Process requests quicker.*
- *More active and timely involvement.*
- *Don't know. (n = 2)*

**Assessment of Arizona's Implementation
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Appendix E: Judicial Interview Data Report

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As part of this assessment, telephone interviews were conducted with dependency court judges in order to describe current practices in cases involving interstate child placement, to identify barriers to more effectively handling interstate child placement, and to further explain results from the online judicial survey.

A total of five dependency court judges participated in the telephone interviews, providing their perceptions of the ICPC process and sharing their own experiences. Two group interviews and one individual interview were conducted.

The following are descriptive findings from the judicial interviews. These findings are integrated and further analyzed in the main body of the assessment report.

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Stakeholder Interview Sample: Current Caseload of Dependency ICPC cases

All five judges who participated in the interviews were asked to provide their current dependency caseload statistics prior to the interview. All but one of the judges responded with the numbers and percentages of their current dependency case workload and cases involving the ICPC.

Background Information

The participating judges were asked to provide statistics regarding their experience on the bench and current dependency caseload. On average, the interviewed judges have been on the bench for 16.5 years, with an average of 12.8 years on the dependency bench. The responses to a question about the judges' total caseload (dependency and other cases) varied. One judge reported that the court had over 750 cases in total, while two judges from the same county indicated an average of 237 cases. When asked to provide an estimate of the percentage of *dependency* cases out of the total caseload, three judges reported 70%, while one judge who hears general jurisdiction cases reported that dependency cases made up less than 5% of the total caseload. When asked to provide an estimated number of dependency cases in the last year that required an *interstate placement*, two judges reported ten cases, while another judge reported 20 interstate placement cases. Another judge reported only two cases. Among these ICPC cases, generally, a majority of cases were sent to other states, while only two to three cases were reported to be received from other states.

The remainder of the questions was asked during the scheduled telephone conferences and followed a structured interview format. Responses to these questions are summarized below.

Current ICPC Process

- ◆ *Please walk me through the ICPC process, from the court's perspective. How is the court involved in an interstate placement process and when in a dependency court process does the court get involved? (n = 5)*

The court's involvement in an interstate placement process was identified as follows:

1. Court does not get involved in the ICPC unless someone brings the need of an ICPC to the court's attention. (n = 5)
2. The court gets involved when it is informed to conduct a home study on a relative or parent as a potential placement. (n = 3)
3. When a parent moves or lives out of state and the sending court needs to get services in place for the child and/or the parent(s). (n = 3)
4. When the court is asked to sign an order for a priority home study. (n = 2)
5. The ICPC process can happen any time during the dependency process. It tends to occur when the reunification plan fails and the agency moves forward with a relative placement. (n = 2)

- ◆ *Are you familiar with ICPC required forms? Once the required ICPC request form ICPC 100-A is sent to the Receiving state ICPC office, how often do you review the case in court? (n = 5)*

In general, the judges interviewed were not familiar with the required ICPC forms, although they acknowledged that an application form existed and the required documents in order for a home study to be conducted in another state. All of the judges reported that their review time lines were not dictated by an ICPC process – Rather, they followed the ASFA requirement of holding a review hearing at least every six months.

- ◆ *According to the results of an online judicial survey, judges are permitted to allow parties to testify and present evidence without being physically present at the hearing (this is also supported by Statute and Rule). Have you permitted testimony by telephone? (n = 5)*

All of the judges indicated that they regularly allowed parties to appear telephonically. They stated that they permitted parties to do so not only for cases involving the ICPC but also for regular dependency cases.

- ◆ *Have you ever had an interstate placement case where evidence was needed to be shared by your court with an out-of-state court or parties? How is that accomplished (what is the process)? By an out-of-state court or parties with your court as a receiving court? (n = 5)*

Three judges stated they had an ICPC case where there was a need for the court to share evidence with out-of-state court or parties, while two other judges reported they had not. One judge who had experience with sharing evidence with an out-of-state court or parties described possible scenarios for accomplishing this as follows:

- An Arizona court may have a piece of evidence about the person being home studied in another state and the other state does not have that piece of evidence.
- There is a home study in progress and it may have been granted or denied. There's a piece of evidence in Arizona that the other state might not have been

aware of and the Arizona court would like the other state to reconsider the determination based on the new evidence.

- The home study report is incomplete and the Arizona court needs more information with regard to why the placement was denied.

To supplement the above possible scenarios where evidence was needed to be shared, two judges reported that they had allowed testimony by a caseworker telephonically to accomplish it. Two judges indicated that there was no formal process in place to deliver the information to another state currently.

Identifying Barriers

- ◆ *According to the survey results, judges do not seem actively involved in the interstate placement process. Do you agree with that statement? (n = 5)*

All of the judges participated in the interview agreed that judges do not get actively involved in the interstate placement process in general. When asked to explain what the barriers were to active judicial involvement, the judges reported the following:

- The delay in the application process (i.e., paperwork transaction takes too long or cannot be done electronically). (n = 3)
- Currently a Sending court has no authority to enforce court orders in another state. (n = 2)
- Lack of communication (i.e., a court is not made aware of an interstate placement possibility or being under way). (n = 1)

When asked what changes were needed to facilitate court involvement in interstate placement cases, judges reported the following:

- To give a sending court the authority to enforce compliance. (n = 2)
- To bypass layers to get to a receiving county. When a packet is incomplete, that information is not returned in a timely fashion.

To supplement the responses with respect to giving a sending court the authority to enforce compliance, one judge commented that there was no process in place for him to call an ICPC office in another state and to tell that they need to have a judge in that state to do something about the case from their end.

- ◆ *It was difficult to determine the court's involvement in interstate placements from a review of the ICPC records - while court orders were attached to the packet as part of the application requirement, these court orders mostly indicated the court's jurisdiction over the child as well as the agency's custody of the child. Is this fairly typical? Why did I not see an order where a court was ordering an interstate placement? (n = 5)*

In general, all of the judges reported that they could not order an interstate placement until a home study was done and the placement was approved by another state. The only time a court enters an order is when a priority placement is requested and an expedited home study is required. Two judges reiterated that the ICPC process was an agency process and courts were not actively involved in the process.

- ◆ *Based on your experience, what are the three major practical barriers to timely judicial decisions regarding an interstate placement? (n = 3)*

In addition to the barriers addressed in an earlier question, one judge stated that a resource issue was a barrier. For example, if a home study needs to be done in a region where there are only a few investigation/ongoing workers, an interstate placement home study might be the bottom on their list of priorities. Another judge also reported that a lack of training on the ICPC requirements was a barrier. For example, there are no consistent criteria for what constitutes an appropriate home, and what kind of supporting documentation is needed to support a recommendation.

- ◆ *The most common reason for delay when sending a case, according to the survey results, seems to be delay in the home study being done by the local agency in a Receiving state. Do you agree with this? Are there any common reasons for delay that you have experienced as the sending court? (n = 3)*

In addition to comments made during the preceding question, the judges agreed that the most common reason for delay when sending a case was delay in a home study done by a local agency in another state. When asked to address other common reasons for delay, one judge reported that loss of paperwork was another common reason for delay.

- ◆ *The ICPC requires a certain process that judges must follow as well with regard to the processing of an application. How often did you make a placement of a child in another state by following ICPC requirements? (n = 5)*

Generally, judges follow the ICPC requirements to comply with the law. However, three judges reported that they considered bypassing the system to accomplish a placement so that a child and the court do not have to wait any longer. They also stated that they used to place a child in another state temporarily as an extended visit while an agency in the Receiving state conducted a home study. They are no longer allowed to do so.

- ◆ *Would you say that ICPC cases are typically processed in a timely manner? If no, please explain why ICPC cases are not processed in a timely manner? (n = 3)*

Two judges provided their responses during the earlier segment of the interview by reporting that they did not think these cases were processed in a timely manner. Three judges reported that they thought these ICPC cases were typically processed in a timely manner in Arizona.

- ◆ *Have you had any case in which the jurisdiction over the child was transferred from a sending state? If so, when in the dependency court process was the jurisdiction was transferred? (n = 5)*

Three judges reported they had cases in which the jurisdiction over the child was transferred from another state, while two judges stated they had no experience in the situation. Two judges provided an example. In one case, the family living out-of-state had substantial ties with a county in Arizona. The out-of-state court that took jurisdiction made the abuse and neglect finding. The permanency plan was

reunification. The family decided to move back to Arizona and the sending agency called the Arizona agency while the sending court called the receiving court. All agreed that the Arizona court should take jurisdiction, and therefore, a petition was filed by the Arizona agency and the case was transferred. Another example of a case shared by a judge was described as in instance of a relative (a caretaker of a dependent child) who had moved to another state and the original sending court brought the child back to Arizona. However, the original sending court did not take any action to litigate the case there as the child did not reside in that state any longer. Therefore, a court in Arizona took jurisdiction pursuant to the Uniform Child Custody Jurisdiction Enforcement Act emergency clause.

Education Opportunities

- ◆ *Have you attended a training session to learn about the new ICPC - Safe and Timely Interstate Placement of Foster Children Act of 2006? If so, who provided the training opportunity? (n = 5)*

Of the five judges, four reported that they had *not* attended any training session to learn about the new ICPC - Safe and Timely Interstate Placement of Foster Children Act of 2006. One judge reported that he happened to be at a training program where the ICPC session was offered. Generally, the judges indicated their interest in attending ICPC training if it were offered.

- ◆ *Would you feel you get or have got enough information about the ICPC and Safe and Timely Interstate Placement of Foster Children Act of 2006 with regard to what you are required to do as well as what you are permitted to do to move the case process forward? (n = 5)*

Four judges reported that they felt they got enough information about the ICPC requirements. Three judges stated they could use more training to move these cases forward or there might be some things that could be learned.

Suggestions

- ◆ *What would you suggest to improve timely interstate placements? (n = 3)*

In general, the judges seem frustrated due to having no authority to enforce compliance in other states. The suggestion was made to provide them with a way to compel compliance in another state when they were hearing a case involving and ICPC.

Assessment of Arizona's Implementation Of the Interstate Compact for the Placement of Children (ICPC)

Appendix F: Stakeholder Interview Data Report

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As part of this assessment, interviews were conducted with dependency court stakeholders in order to describe current practices in cases involving interstate child placement, to identify practical barriers to more effectively handling interstate child placement, and to make recommendations to change or remove those barriers. See Appendix A: Judicial Survey Data Report and Appendix E: Judicial Interview Data Report for judicial perspectives on barriers and delays in the ICPC process.

A total of nine dependency court stakeholders participated in the interviews, providing their perceptions of the ICPC process and sharing their own experiences. Two groups of three individuals were interviewed: One group interview was conducted with ICPC office staff; a second group interview was with a private local agency specializing in ICPC cases; and the individual interviews were held with state social workers and an assistant attorney general as a legal advisor to the ICPC office.

The following are descriptive findings from the stakeholder interviews. These findings are integrated and further analyzed in the main body of the assessment report.

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Stakeholder Interview Sample: Current Caseload of Dependency ICPC cases

The ICPC managers and staff were asked to provide the statistics on the state's current ICPC caseload. Currently, the Arizona ICPC office has approximately 2,500 cases excluding private adoptions. On average, 200 cases involving placements in Arizona are received from other states monthly, while less than 200 cases involving out-of-state placements are sent to other states monthly.

Current ICPC Process

Stakeholders were asked to describe the current process of interstate placements in Arizona. When **receiving a case** from another state, the process was identified as follows:

1. Review packets from Sending states for completeness when they are received.
2. Determine what district to send to
 - a. There are six districts in Arizona:
 - i. Maricopa County – contract with Southwest Human Development;
 - ii. Pima County – contract with Catholic Social Services; and
 - iii. The rest of the state – Four different districts contracted with Arizona Children's Services.
3. The local agency conducts a home study, completes a report and makes recommendations, and forwards the report to the Arizona ICPC office, who reviews the information and forwards it to the Sending state ICPC office.
4. The Arizona ICPC office makes a determination with regard to whether the placement is accepted or denied based on the home study report.
5. Notify the Sending state ICPC office of the determination.

Comments

- ◆ Some of the caseworkers indicated that they had received a call directly from a caseworker in a Sending state to get an update and status of the ICPC home study. They mentioned that they strongly encouraged caseworkers to contact the Arizona ICPC office to get an update rather than contacting caseworkers directly. They indicated that was a protocol.
- ◆ Although there is a protocol in place, case updates are exchanged between the caseworkers in both Sending and Receiving states informally.

When **sending a case**, the process was identified as follows:

1. A local child welfare agency in a Sending state puts together an ICPC packet and sends it to the Arizona ICPC office.
2. The Arizona ICPC office reviews the packet for completeness.
3. Once approved by the Arizona ICPC office, the packet is sent to a Receiving state ICPC office for its review.
4. Once the Receiving state ICPC office approves the packet, it is sent to a local agency for home study.
5. The local agency conducts a home study, completes a report with recommendation, and sends the report to the Receiving state ICPC office.
6. The Receiving state ICPC Office makes a determination with regard to whether the placement is accepted or denied based on the home study report.
7. The Receiving state ICPC Office notifies the Arizona ICPC office of the determination.
8. The Arizona ICPC office notifies the local child welfare agency of the determination.

Barriers Identified

Stakeholders were asked to identify three major barriers to a timely interstate placement. The following six barriers were identified:

1. **Courts ignore the ICPC regulations and processes.** (n = 3)
 - a. Occurrence of illegal placement:
 - i. No home evaluation conducted;
 - ii. No compliance with the ICPC regulations and/or rules by placement families; and
 - iii. No compliance with an ICPC required supervision of placement families.
 - b. A court (in Sending state) orders an extended visit without complying with the ICPC regulations.
 - i. No service will be provided locally;
 - ii. The placement family may not be licensed; and
 - iii. When an illegal placement happens, staff of the contracted local agency in Arizona try their best to make the placement legal.
2. **Lack of responses and communication from Sending state caseworkers.** (n = 3)
 - a. Timely responses are needed to gather more information about the child.
 - b. Perceived lack of training on the ICPC.
 - c. Communication between the agencies seems broken down at times.

3. **Lack of information about the child in the packets.** (n = 2)
 - a. Occasionally, there is not enough information about the child to proceed with a home study.
 - b. A placement hesitates to move forward with home study or foster care training/licensing without more information about the child.
4. **Statutory differences and different interpretation/understanding of the ICPC regulations and law.** (n = 2)
 - a. For example, the State of Arizona does not require relative placements to obtain foster care licenses, while other states do.
5. **Situations in which the case permanency plan is reunification but parents no longer live in Arizona.**
 - a. Financial resources must be looked at for foster care payment.
6. **Untimely submission of home study reports and determination from another state.**
 - a. It causes delay in court reports and/or in a hearing by the Arizona agency.

Delays

Stakeholders were asked to identify delays that they have experienced in the ICPC process. The following five delays were uncovered:

1. **Fingerprinting (background checks).** (n = 2)
 - a. It prevents timely placements and holds up the process; and
 - b. Results of the background checks, including national and state levels, take six to nine months – this will not meet the ICPC requirement.
2. **Foster care training.** (n = 2)
 - a. Foster care training of three hours per week is required for foster homes: It does not meet the ICPC time line – an adjustment can be made, occasionally, to hold the training twice a week for five weeks.
 - b. A provisional license may be issued without completion of the training to meet the ICPC time line.
 - c. Families don't want to start the training process without knowing more about the child.
 - d. Families need to understand how important it is to go through those trainings.
 - e. Although relatives are not required to be licensed for foster care, they are encouraged to participate in the foster care training.
3. **Backlog in licensing process for foster homes.**
4. **Sending state's untimely and incomplete paperwork submission.**
5. **Delay caused by an agency in another state in assigning a caseworker for a home study.**

Court Involvement

Stakeholders were asked to explain the court's involvement in the interstate placement process. All of the stakeholders interviewed stated that when dealing with a case received from another state, they did *not* receive a direct inquiry from a judge in a Sending state with regard to the status of a case. All of the stakeholders also stated that they did *not* generally receive inquiries from the court to provide testimony with respect to an interstate placement. However, in one case, a birth father was identified for an interstate adoption case and the court requested testimony be provided for explanation. More typically, a caseworker or supervisor is asked to testify in a contested case in another state with respect to a home study's recommendations. If direct contact is made from a Sending state, it is more likely from an assigned caseworker, Guardian *ad litem* or Court Appointed Special Advocate (CASA) who knows the status of the case, rather than from a judge in a Sending state. The direct contact is usually a request to submit a court report.