

**An Assessment Report of ICPC in Georgia
(Interstate Compact for the Placement of Children)**

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**Written On Behalf of the Supreme Court of Georgia's Committee on Justice
for Children
Georgia's Court Improvement Project**

THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN IN GEORGIA

INTRODUCTION

The primary purpose of the Interstate Compact on the Placement of Children (ICPC), which is codified in the Official Code of Georgia Annotated §§ 39-4-1 through 39-4-10, is to ensure the safety and well being of children who are placed across state lines by requiring certain procedural safeguards between the Receiving State and the Sending State. These safeguards include approval by the Receiving State as well as an evaluation of the prospective placement prior to acceptance. In Georgia, the ICPC is administered by the Georgia Department of Human Resources and its Division of Family and Children Services (DHR and DFCS respectively) and is supervised by Mr. James Graves, the State Compact Administrator.

Georgia's ICPC process works very similarly to that of other jurisdictions. When Georgia is the Sending State, once a child is identified, the local DFCS caseworker obtains the necessary order from the juvenile court and completes a packet of information developed by DHR which must be forwarded to the State Compact Administrator. Next, the caseworker must follow up with the Compact Administrator on or before the expiration of 30 days from the submittal date and every two weeks thereafter to check on the status of the packet. It is the responsibility of the Compact Administrator to ensure that the packet is correctly and fully completed and promptly transmitted to the Receiving State's ICPC Administrator. The local caseworker is also directed to contact the local caseworker in the Receiving State to coordinate efforts and to ensure that the placement occurs in a timely manner.

When Georgia is the Receiving State, once the ICPC packet is received by the State Compact Administrator, contact is made with the relevant local office, and the packet is

forwarded to that office for investigation and evaluation. The local DFCS office must then complete a family/home study and generate a report with a clear recommendation approving or denying placement for the child. Additionally, the local DFCS office must notify the prospective family of the placement recommendation. Then family/home study report is forwarded to the State Compact Administrator, and the State Compact Administrator sends the completed packet back to the Sending State.

Although the process seems relatively clear cut, those involved with the process voice numerous concerns with its application in Georgia. In assessing the effectiveness of Georgia's current ICPC process, this report relies primarily on three sources of information: (1) a survey of Georgia's juvenile court judges on their involvement with ICPC cases; (2) an interview with Mr. James Graves, the State Compact Administrator; and (3) individual comments received from various juvenile court judges throughout the state.

SURVEY OF GEORGIA JUVENILE COURT JUDGES

Designed to identify and explore problems with Georgia's ICPC process, the survey of juvenile court judges (**Attachment B**) was based on initial conversations with individual judges regarding perceived problems. A total of 79 judges responded to the survey, and a majority of responding judges indicate substantial involvement with the ICPC process (58.2% of judges have handled more than 20 ICPC cases). However, in the five-year period preceding the survey, only 6.3 % of responding judges have witnessed improvements in the way ICPC cases are processed. Initial interviews with judges identified delay in completing placement as the most substantial and frequent concerns. Thus, this survey attempts to pinpoint the most common reasons for delay in the ICPC process.

The survey presented judges with 12 possible reasons for delay and asked them to rank the reasons from one to five, one being the most common reason for delay and five the least common reason. Then the average rank for each of the reasons was calculated to determine which delays were the most common overall. The most common reason for delay is a delay with the home study in the Receiving State, with an average rank of 2.0, while the judges name a delay in the return of the ICPC package from the Receiving State as the second most common reason for delay with a rank of 2.3. There is a tie for the third most common reason: (1) delay by the Receiving State ICPC office to process the case and forward it to the Receiving State's local office, and (2) delay by the Receiving State ICPC office in returning the ICPC package to the Georgia ICPC office to correct some error in the package. Both of these reasons carry an average rank of 2.4.

The judges cite delay in the Georgia ICPC office's review and approval of the package for transmission to the Receiving State's office as the fourth most common reason for delay, with an average rank of 2.5. The fifth most common reason for delay with a rank of 2.7 is the Georgia ICPC office's return of the ICPC package to the local DFCS office to correct some package error. With a rank of 2.8, the sixth most common reason for delay is negotiation between the two ICPC state offices regarding any issue of concern found in the home study; and with a rank of 2.9, the seventh most common reason is a delay in the return of the ICPC package to the local DFCS office from the Georgia ICPC office. A delay in obtaining FBI check is the eighth most common reason for delay with a rank of 3.1, while a delay in DFCS preparing the ICPC package to send to the Georgia ICPC office is the ninth most common reason with a rank of 3.2. Judges name a delay in obtaining GBI or local police checks as the tenth most common

reason for delay, with a rank of 3.4. Finally, of the twelve options presented, the least common reason for delay is entry of the court order placing the child in care, with a rank of 3.9.

In 66.3% of cases, the Special Assistant Attorney General (SAAG) representing DFCS brings the need for ICPC to the court's attention.¹ This percentage highlights the fact that delay in entering the court order is the least common problem in ICPC cases. Furthermore, in an unrelated survey of juvenile court judges on court order preparation, judges indicated that the SAAG's prepare the majority of their court orders. Thus, it appears that the entry of the appropriate court order is not a significant issue in ICPC cases.

The ICPC survey also demonstrates that in 27.8% of cases, the court does not learn of the need for ICPC until the final disposition hearing. In another 27.8% of cases, the court learns of the need for ICPC during adjudication, and in 22.8% of cases, the court learns of the need at a review or permanency hearing following adjudication and disposition. The court is made aware of the need for ICPC in early stages of the case (at or before the 72 hour hearing) only 12.7% of the time. Yet, these results make sense because current Georgia law requires DFCS to conduct a diligent search for a child's relatives and present the results to the court at or before the final disposition hearing.² In the smallest number of cases, 6.3% of the time, the court does not learn about the need for ICPC involvement until an extension of custody is requested.

The survey illustrates the fact that Georgia's juvenile courts are active participants in the ICPC process. When asked to identify any ways that the court actively participates in the ICPC

¹ In another 29.1% of cases, the court learns of the ICPC need from the local DFCS caseworker, while in the remaining cases, the court learns of the need from a Court Appointed Special Advocate (CASA) or a guardian ad litem (GAL).

² See O.C.G.A. § 15-11-55(a)(2) (**Attachment C**).

process, 59.5% of responding judges indicate that they actively follow up with the local DFCS office on the progress of cases. Additionally, 43% of respondents state that they contact the court in the Receiving State, and 39.2% of respondents conduct expedited judicial reviews of the ICPC process. Furthermore, 26.6% of courts allow participation of witnesses from the Receiving State, while 24.1% of courts contact the State ICPC office and 25.3% of respondents participate in other unspecified ways. Only 7.6% of courts never participate in the ICPC process, and another 3.8% of judges did not respond to the question.

Finally, the survey attempts to determine the most common response Georgia's judges receive when they make contact with another state's judicial or ICPC officers. Of responding judges, 19% report that they receive consistent cooperation, while 34.2% indicate that they receive inconsistent cooperation. Another 3.8% of judges maintain that they receive no cooperation. However, most of the judges (36.7%) indicate that no contact is made. Further investigation into this finding reveals several reasons for the lack of contact. First, it appears that there is no clear cut policy or procedure for providing the courts with information on the correct contact person in another state. Second, even when a judge receives information about the other jurisdiction, it is often difficult to determine which court and/or judge in that jurisdiction is assigned to the case.

In sum, the majority of responding judges has experience with ICPC cases, attempts to actively participate with the process, and makes some attempt at contacting out-of-state jurisdictions. Yet, the survey reveals that these judges have seen little improvement in the process over the last five years, and they cite a number of reasons for delays in the process, many of which are out of their control.

INTERVIEW WITH GEORGIA'S ICPC ADMINISTRATOR

On March 24, 2008, I conducted an initial telephone interview with Mr. James Graves, the State Compact Administrator. Following this conversation, Mr. Graves graciously followed up on additional questions through email communication. During the initial interview, Mr. Graves indicated that overall the ICPC process in Georgia appears to be running without many problems. He did name the two biggest problem areas as (1) missing documents in the ICPC packet received from the local county offices and (2) incorrect court orders.

According to Mr. Graves, local county offices are responsible for completing the ICPC packet and conducting required home studies requested by out-of-state jurisdictions. With respect to home evaluations, I asked Mr. Graves whether there are any federal or state policies to clarify what constitutes a sufficient ICPC evaluation report. He indicated that each state sets its requirements for an evaluation based on its own policies and regulations. He added that, in Georgia, all ICPC home evaluations requested by another state are assigned to the appropriate county DFCS office, and the county offices may contract out for services to complete these studies. In a later communication on April 23, 2008, Mr. Graves stated that since the enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006, he has witnessed a 50% improvement rate in the timely completion of home studies between states.

Regarding the effectiveness of local county offices in processing ICPC cases, Mr. Graves indicated that several counties express difficulties with receiving appropriate information from the courts. While it seems unlikely that the courts possess more information about ICPC cases than the county offices that process them, it would greatly benefit the courts to learn more about this assertion by local county offices. However, Mr. Graves did not elaborate further on this

assertion. Nevertheless, he did note that he had recently sent a survey to local county offices to better assess ICPC problems. Mr. Graves told me he would have the survey results within a week of our initial conversation and would share the results with me.

On May 19, 2008, Mr. Graves sent me information about the survey of DFCS county directors. I did not see or receive the actual survey results or survey questions; but based on the information I received, it appears that the survey involved 14 questions, was submitted to the directors of each of DFCS 159 local county offices, and focused on seeking input about perceived barriers to ICPC compliance.

Based on 110 survey responses, Mr. Graves states that local DFCS offices consistently list 12 factors as barriers to ICPC compliance. Mr. Graves further explains that no single factor is identified as a primary contributor. The 12 factors are (1) criminal background checks still slow in small counties; (2) time frame/restraint, 60 days too short for foster/adoptive studies, (3) juvenile court judges do not value ICPC and issue orders that violate the compact; (4) local offices are being contacted by attorneys, courts, and agency staff from other states who are adamant that ICPC is not required; (5) lack of staff knowledge and training about ICPC; (6) inability to talk directly with other states' local offices because must go through state ICPC office; (7) judges give custody to relatives who show up in court demanding custody without a home study or any documentation; (8) difficulty in contacting a placement resource; (9) resources do not respond in a timely manner; (10) staff turnover and staff failing to complete the procedure due to paperwork; (11) judges send children regardless of whether ICPC is complete; and (12) inadequate financial plan/missing information to address the child's needs.

In our initial conversation with respect to court orders, Mr. Graves indicated that in several cases the required court orders were incorrect for some reason. When asked to specify or provide examples, Mr. Graves said that court orders may contain incorrect language or may have expired. However, Mr. Graves did explain that in some cases the local county offices do not pay attention to the wording of the court order. As a result, orders expire and cannot be forwarded to out-of-state jurisdictions.

I specifically asked Mr. Graves how ICPC information is shared between his office and the courts. He responded that it is the responsibility of the local county offices to keep the courts informed about the current status of cases. The State Compact Office is responsible for forwarding the completed ICPC packet to the out-of-state ICPC office and checking on its status with that office. In a later communication on April 23, 2008, Mr. Graves indicated that both the courts and local county offices may contact his office directly for assistance in ICPC matters. In his opinion, ICPC packets from Georgia and reports from other states are being forwarded and received in a timely manner. Presently, Mr. Graves has a staff of six who process all ICPC cases, and the approximate “turn around” time for most cases is two days. Nevertheless, Mr. Graves acknowledges that some states are struggling with short staffing and/or with high rates of staff turnover, and these issues delay the process in certain cases. Furthermore, according to Mr. Graves, some states (not including Georgia) are having difficulty with criminal background cases, which also delays certain cases.

Mr. Graves lists the most common sources of delay when Georgia is the Sending State as (1) resolving financial/medical issues; (2) incomplete information on a family or child’s specific needs; (3) missing or expired court orders; (4) failure to submit three collated packets; and (5)

incorrect or missing 100A forms. He lists the most common sources of delay when Georgia is the Receiving State as (1) incomplete request packets; (2) missing or unsigned court orders; (3) inadequate financial/medical plans; (4) insufficient information to address the child's needs; (5) staff and work load issues in both local and central offices; and (6) unsigned 100A forms.

He also notes that the following actions of certain judges and attorneys result in delays in timely placements: (1) the illegal placement of children across state lines without following the ICPC process; (2) the use of visits to evade compliance, and (3) the inappropriate use of guardianship proceedings to evade compliance. According to Mr. Graves, these actions also result in serious consequences for the children involved. Among the consequences are (1) the threat of physical or emotional risk without the assurance of adequate services; (2) the inability to ensure proper supervision of the child; and (3) the inability of the new caretaker to enroll the child in school or to provide medical care or services.

Based on my interviews with Mr. Graves, it appears there are a number of reasons for non-compliance or delays in the ICPC process. While the DFCS survey and Mr. Graves' own observations indicate that problems with court orders account for some of the state's ICPC troubles, the survey and observations seem to coincide with the responses of the juvenile court judges: there are a host of other reasons why the application of the ICPC process in Georgia is so challenging, including a lack of DFCS staff training on ICPC, timeframe restraints, and a failure to complete the necessary ICPC paperwork.

ADDITIONAL COMMENTS FROM GEORGIA'S JUVENILE COURT JUDGES

In addition to the survey of juvenile court judges, this report documents comments and concerns from judges with specific and/or unique ICPC experiences or from judges in

jurisdictions that border neighboring states. The majority of responding judges indicate that the ICPC process has improved very little over the past five years. Thus, the report attempts to determine which parts of the ICPC process are of greatest concern. Reviewing the judges' comments as a whole, their concerns fall into two main categories: (1) concerns about delays in completing placements and (2) concerns about their inability to monitor the progress of cases.

The most common concern centers on the various delays encountered during the ICPC process. Most judges say it typically takes at least six months for the ICPC process to be completed. One juvenile court judge notes that delays between 9 to 12 months are not uncommon. Another judge indicates that the process is never completed in less than eight months. From the judges' standpoint, these delays cause noticeable harm to children by delaying permanency. Without any clear legal mechanism to enforce timelines, judges feel disempowered by the ICPC process. This sense of helplessness is apparent in the comment of one judge who remarks the court is often reluctant to seek an out-of-state placement due to the amount of time a child will have to wait.

The second most common concern centers on the inability of the courts to monitor ICPC cases. Apparently, there is a lack of significant communication between the courts, the local offices, and the State Compact Administrator regarding the status of cases. Mr. Graves, the State Compact Administrator, indicates that the local DFCS offices are responsible for keeping the courts informed about the status of ICPC cases. However, several judges note that local DFCS caseworkers sometimes blame the lack of information or delays in the process on the Receiving State. If local county offices are unable to share case status information with the courts, judges are in a difficult position regarding their ICPC cases. In one case, the local DFCS caseworker

forwarded the package to the state office and was told not to communicate directly with anyone in the Receiving State.

Furthermore, one judge indicates that due to the onerous amount of paperwork, some DFCS case managers do not feel strongly motivated to complete ICPC cases. Another judge notes that the State Compact Administrator appears to be the only person in the state office who processes ICPC application packets. When the Compact Administrator is away from the office, the judge cannot find anyone to answer questions regarding ICPC cases. Judges consistently cite the inability to obtain information on cases or to monitor their cases as an area of great concern and frustration.

Finally, another area of concern cited less frequently by judges but of considerable significance is the sufficiency of home evaluations. One judge notes that many of the home evaluation reports received by the court are drafted poorly and do not contain sufficient information to allow the court to make an appropriate judicial determination on the proposed placement. As Mr. Graves made clear, there are no federal standards on what constitutes a sufficient home evaluation. If this is a widespread problem across the states, it would be advisable to establish minimum standards for these evaluations.

CONCLUSIONS

My personal experiences with the ICPC process can best be described as mystifying and frustrating. In the words of one of my fellow jurists, "ICPC cases seem to go into a black hole." Although I have never authorized the placement of a child into an out-of-state jurisdiction without using the ICPC process, I am aware of situations where this is done. When reviewing the facts of those cases and without condoning the action, it is understandable why this situation

sometimes occurs. Without question, the courts desire the timely and safe placement of children as much or more than any other governmental entity. Judges, on a daily basis, look into the eyes of the children in their courtrooms and feel the pain of the children's individual situations. When cases are delayed, judges see the children's tears and hear their groans of frustration.

Yet, the process is not without hope or without viable solutions to improve it. In fact, one of the most creative proposals that I received over the course of my investigation and research came from a few innovative judges who suggested that the ICPC process needs to be computerized to allow electronic filing and monitoring. When I first heard this proposal, I wondered why I had never thought of it myself. It seems so simple. A computerized, Internet-based system would provide the courts and other authorized governmental entities with ready access to each child's ICPC case and its progress. Such a system would aid in determining where exactly cases are being delayed in the process.

In addition, a computerized system would provide more accountability to the process, and individuals involved with cases would have greater motivation to move cases forward quickly. Contact information for the caseworkers in the Receiving and Sending States could be entered in to the system, as well as information on the specific courts involved. Such information would allow caseworkers and judges to communicate more easily with one another. Finally, by making the process computerized, required forms and orders could be generated, modified, filed and forwarded electronically. Theoretically, home evaluations could be generated in a way that would be substantially consistent for all jurisdictions and more easily shared.

Yet even if the ICPC process cannot be automated across all 50 states (a daunting task to be sure), then at the very least, a national website should be created to provide judges, attorneys,

and case managers with the contact information for each state and allow them to push along or check on a child's case. The website could be an easy-to-remember name, like ICPC.gov, and on the website, a map of the United States could allow users to "drill down" to the state and then county level. Thus, a person searching for a chief judge or the agency director of a particular county could find the proper contact person in order to push the case along.³ Even though it would be difficult to keep track of constantly changing information for each state, one or two full-time ICPC expeditors at the federal level could likely maintain this type of information and assist users in accessing it. For example, when a judge had trouble determining the status of an ICPC case, she could first check the ICPC.gov website. If the necessary contact information was not available on the website, she could then call a federal ICPC expeditor who would help her track down the information she needed.

Providing such assistance to judges, attorneys, and caseworkers could be a relatively cost-effective way to ensure accountability, timeliness, and accuracy in the ICPC process. By contrast, the current manner of conducting the ICPC process is not ensuring the safe and timely placement of children. Instead, it may be harming the children ICPC is designed to protect. Georgia's juvenile court judges are aware of this harm, and it is their desire to see a more streamlined process that decreases delays and allows for monitoring of the process. Hopefully, the experiences detailed in this report coupled with the report's recommendations will encourage greater oversight and involvement at the federal level to make the ICPC process work for children across Georgia and the country.

³ An example of helpful federal website is here: <http://tinyurl.com/ckfkl>

STRATEGIES AND RECOMMENDATIONS FOR IMPROVEMENTS

During the course of the preparation of this report, I have had the opportunity to speak with many judges as well as members of DFCS on the state and local levels regarding the ICPC process. As a result, I have discovered that the simple fact that this investigation has been going on has generated significant discussion and debate in the state and has highlighted the concerns that have plagued this process since its inception. It is my opinion that we should use the momentum generated from these discussions to continue Georgia's efforts to improve the ICPC process in the following ways. First, we can ask Georgia's Child Advocate Attorney, Honorable Tom Rawlings, to write a column on ICPC in one of his monthly statewide reports. His report has statewide circulation between all branches of government at all levels and would have the effect of generating further discussion on possible solutions. Second, we could collaborate with the state DFCS office to generate helpful ICPC information, including contact information for other state agencies, which could be disseminated to judges and local DFCS offices to assist with this process. Third, we could conduct forum/training sessions with DFCS offices and the courts, separately and/or jointly to provide open and direct communication on these matters with an eye toward solving problems. Fourth, we should seek funding to establish a pilot project to provide Guardian Ad Litem's for children involved in the ICPC process, especially in counties having the most ICPC cases. These G.A.L.'s could monitor the cases and act as a liaison between the courts, DFCS, and the sending or receiving state to ensure that cases are timely completed. Fifth, through available technology resources, we can pursue our own web based application to test the conclusions set forth herein above. If appropriate, my judicial circuit will be the pilot county for

this sort of web application and I am talking to a technology developer in September 2008 about such an endeavor. This developer already has contracts with our state CIP and DFCS now.

In addition to the foregoing, it is recommended that the state DFCS office work with the judges of counties that border neighboring states to either formulate border agreements with those states or educate the courts about existing agreements. Many of the complaints received during the course of this investigation were from counties that border neighboring states. Efforts should be made by the state office to target these counties to determine how such border agreements could be generated or refined to improve the successful and prompt completion of these cases. It defies common sense that members of neighboring state communities that shop at the same grocery stores and attend the same churches can't be considered for placement without navigating the often slow and tedious ICPC process.

In conclusion, our Georgia judiciary is committed to making ICPC work better in our state and I have promised our state CIP that I will work to provide the leadership on this topic to implement improvements.

GEORGIA CODE
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*** Current through the 2007 Regular Session ***

TITLE 39. MINORS
CHAPTER 4. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

§ 39-4-1. "Appropriate public authority" defined

As used in Article III of the Interstate Compact on the Placement of Children, the term "appropriate public authorities" means, with reference to this state, the Department of Human Resources. The department shall receive and act with reference to notices required by said Article III.

§ 39-4-2. "Appropriate authority in the receiving state" defined

As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the term "appropriate authority in the receiving state" means, with reference to this state, the Department of Human Resources.

§ 39-4-3. "Executive head" defined

As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor.

§ 39-4-4. Enactment and text of compact

The Interstate Compact on the Placement of Children is enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

Article I. Purpose and Policy.

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.

Article II. Definitions.

As used in this compact:

- (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (b) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

Article III. Conditions for Placement.

- (a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this Article and with the applicable laws of the receiving state governing the placement of children therein.
- (b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:
 - (1) The name, date and place of birth of the child.
 - (2) The identity and address or addresses of the parents or legal guardian.
 - (3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.
 - (4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.
- (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 therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this

compact.

(d) The child shall not be sent, brought or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

Article IV. Penalty for Illegal Placement.

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

Article V. Retention of Jurisdiction.

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

Article VI. Institutional Care of Delinquent Children.

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue

hardship.

Article VII. Compact Administrator.

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article VIII. Limitations.

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

Article IX. Enactment and Withdrawal.

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

Article X. Construction and Severability.

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 39-4-5. Appointment of compact administrator

The Governor is authorized to appoint a compact administrator in accordance with the terms of Article VII of the compact.

§ 39-4-6. Supplementary agreements generally

The officers and agencies of this state and its subdivisions having authority to place children are empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

§ 39-4-7. Effect of placement of child in another state upon jurisdiction of court making placement

Any court having jurisdiction to place delinquent children may place such a child in an institution in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

§ 39-4-8. Standards for determination of financial responsibility for children placed pursuant to compact

Financial responsibility for any child placed pursuant to the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, Articles 1 and 2 of Chapter 11 of Title 19, relating to enforcement of support obligations and other applicable provisions of law may also be invoked.

§ 39-4-9. Applicability of Code Section 49-5-15 to placements made pursuant to compact

Code Section 49-5-15 shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

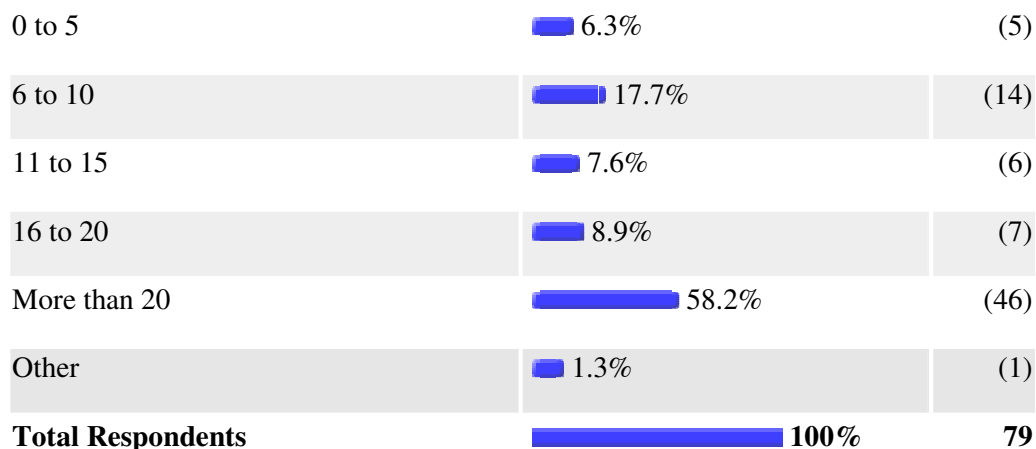
§ 39-4-10. Satisfaction of requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies

Any requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies in another party state which may apply under Code Section 49-5-12 shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

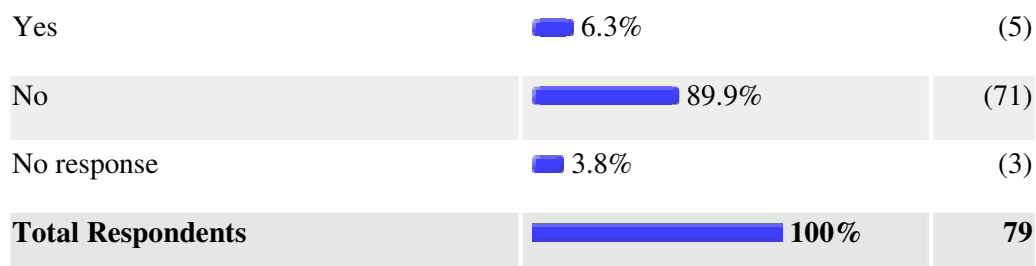
Survey of Georgia Juvenile Court Judges

Interstate Compact on the Placement of Children Cases

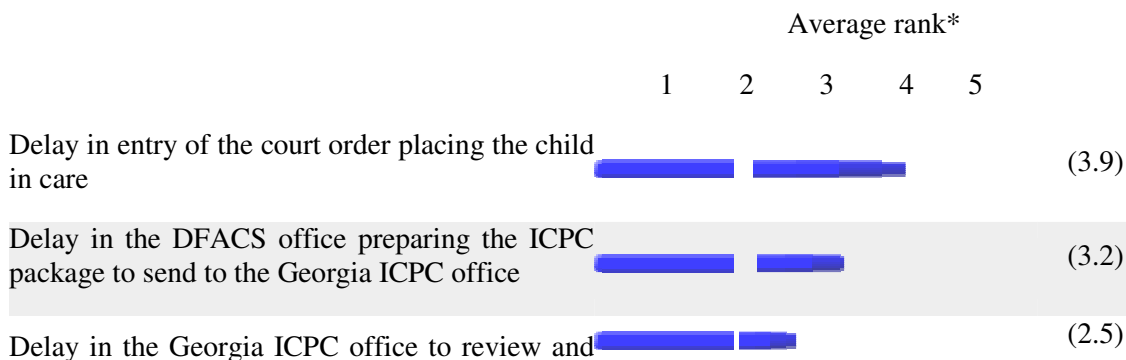
1. I have been involved in the following number of cases in which ICPC was an issue (Mark one):



2. During the past five years, I have seen improvements in the manner in which ICPC cases are processed?



3. Identify up to five (5) of the most common reasons for the delay in the ICPC process that you have observed in cases where the ICPC was an issue (from one (1) being the most common to five (5) being the least common):



approve the package for transmission to the Receiving State's office

Delay in the Georgia ICPC office to return the ICPC package to the local DFACS office to correct some error in the ICPC package (2.7)

Delay by the Receiving State ICPC office to process the case and forward it to the Receiving State's local office for investigation (2.4)

Delay by the Receiving State ICPC office to return the ICPC package to the Georgia's ICPC office to correct some error in the package (2.4)

Delay in the Home Study being done by the local agency in the Receiving State (2.0)

Negotiations between the two ICPC State offices regarding any issue of concern found in the Home Study (2.8)

Delay in obtaining FBI checks (3.1)

Delay in obtaining G.B.I. or Local Police checks (3.4)

Delay in the return of the ICPC package from the Receiving State (2.3)

Delay in the return of the ICPC package to the local DFACS office from the Georgia ICPC office (2.9)








*Some respondents ranked all of the items instead of ranking only five items.

4. When a placement in a case was identified as requiring ICPC approval, who normally brought the issue to the attention of the court? (Mark one)









The Caseworker / Social Worker	29.1%	(23)
The S.A.A.G. for DFACS	63.3%	(50)
The parent's attorney	N/A	(0)
The CASA/GAL	3.8%	(3)
Other	1.3%	(1)

No response	 2.5%	(2)
Total respondents	 100%	79

5. If the Court was made aware of the need for an ICPC application, when generally was this fact brought to the court's attention? (Mark one)

At removal		(0)
On or before the 72 hour Shelter Care Hearing	 12.7%	(10)
At the Adjudication Hearing	 27.8%	(22)
At the Final Disposition Hearing	 27.8%	(22)
Subsequent Review /Permanency Hearing	 22.8%	(18)
Extension of Custody Hearing	 6.3%	(5)
Termination Hearing	N/A	(0)
No response	 2.5%	(2)
Total respondents	 100%	79

6. When the Court became aware that the ICPC was required, how often did it make a placement in the other State without following ICPC requirements? (Mark one)

90% to 100% of the time	 1.3%	(1)
75% to 89% of the time	 3.8%	(3)
50% to 74% of the time	 12.7%	(10)
25% to 49% of the time	 11.4%	(9)
Less than 25% of the time	 45.6%	(36)
Always follow ICPC requirements	 22.8%	(18)
Never follow ICPC requirements	N/A	(0)
No response	 2.5%	(2)
Total respondents	 100%	79

7. Please identify any ways the Court actively participates in the ICPC process: (Mark any that apply)

Follow up with local DFACS office on progress	59.5%	(47)
Contact State ICPC office	24.1%	(19)
Contact Court in Receiving State	43.0%	(34)
Allow participation of witnesses in Receiving State	26.6%	(21)
Conduct expedited judicial reviews of ICPC process	39.2%	(31)
Participate in other ways	25.3%	(20)
Never participate in process	7.6%	(6)
No response	3.8%	(3)

8. If you have ever taken action by calling, writing or emailing an ICPC office or judicial officer in another State, what has been the most typical response you received from the person(s) you contacted? (Mark any that apply)

Consistent cooperation	19.0%	(15)
Inconsistent cooperation	34.2%	(27)
No cooperation	3.8%	(3)
No contact made	36.7%	(29)
No response	7.6%	(6)

9. Other comments are welcome (100 character limit) Send longer comments by email to Judge Hammond. Thank you for your time.

- Cases seem to go into a black hole.
- Case managers forward the packet to the state office and are instructed not to communicate with anyone directly in the Receiving State.
- At subsequent reviews, little information available.
- Common to wait six months or more.
- Lack of documentation of the progress of the request through the system.

- Local DFCS cites problems with Receiving State.
- Unreasonable delays; lack of communication between states.
- Delays placement with known relatives.
- ICPC delays due to home evaluation delays in Receiving State.
- ICPC must be a priority; appoint a GAL to monitor case.
- Need electronic applications.
- Onerous paperwork causes lack of motivation by local DFCS.
- Not informed by DFCS on reason for delays.
- Entire process needs streamlining.
- 9-12 month delay is common.
- Never takes less than 8 months to one year, sometimes longer.
- Reluctant to seek out-of-state placement/custody because of delays; child waits too long.
- Orders for expedited home evaluations supposed to speed up process, have seen no difference.
- Difficult process, some states present more challenges than others.
- An obstacle to speedy placement.
- Process cumbersome, slow, difficult to understand and monitor.
- Need electronic applications.
- Sometimes Sending and Receiving State offices seem too busy to expedite.

GEORGIA CODE
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*** Current through the 2007 Regular Session ***

TITLE 15. COURTS
CHAPTER 11. JUVENILE PROCEEDINGS
ARTICLE 1. JUVENILE PROCEEDINGS
PART 6. DEPRIVATION

§ 15-11-55. Disposition of deprived child; state's policy favoring stable placements

(a) If the child is found to be a deprived child, the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) Permit the child to remain with his or her parents, guardian, or other custodian, including a putative father, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child;

(2) Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to any of the persons or entities described in this paragraph. Without limiting the generality of the foregoing, such conditions and limitations shall include a provision that the court shall approve or direct the retransfer of the physical custody of the child back to the parents, guardian, or other custodian either upon the occurrence of specified circumstances or in the discretion of the court. Any such retransfer of physical custody may be made subject to such further conditions and limitations as the court prescribes, including supervision for the protection of the child. The persons or entities to whom or which temporary legal custody may be transferred shall include the following:

(A) Any individual including a putative father who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child;

(B) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child;

(C) Any public agency authorized by law to receive and provide care for the child; provided, however, that for the purpose of this Code section, the term "public agency" shall not include the Department of Juvenile Justice; or

(D) An individual in another state with or without supervision by an appropriate officer under Code Section 15-11-89.

Except for dispositions pursuant to paragraph (1) of subsection (a) of Code Section 15-11-66 and Code Section 15-11-67, before transferring temporary legal custody in an order of disposition under this paragraph a reasonably diligent search for a parent or relative of the child or other persons who have demonstrated an ongoing commitment to the child shall be conducted by the court and the Department of Human Resources. Such search shall be completed within 90 days from the date on which the child was

removed from the home, the results of such search documented in writing and filed with the court at the time of the first review. During such 90 day period, the child may be placed in the temporary legal custody of the Department of Human Resources or any other appropriate entity or person; or

(3) Without making any of the orders specified in paragraphs (1) and (2) of this subsection, transfer custody of the child to the court of another state exercising jurisdiction over children if authorized by and in accordance with Code Section 15-11-87 if the child is or is about to become a resident of that state.

(b) Unless a child found to be deprived is found also to be delinquent, such child shall not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.