

**Interstate Compact on the Placement of Children (ICPC)
Assessment**

Kansas Court Improvement Program

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Kansas ICPC Assessment Outline

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I. Introduction

The Safe and Timely Interstate Placement of Foster Children Act of 2006 mandated that states receiving Federal Basic Court Improvement funding complete an assessment of the implementation of the Interstate Compact on the Placement of Children. The Administration for Children and Families (ACF) issued program instructions on February 22, 2007, outlining the requirements of that assessment. The Kansas Office of Judicial Administration (OJA) determined that the ICPC Assessment would be completed by OJA personnel with guidance and assistance from the Supreme Court Task Force on Permanency Planning (SCTFPP). The SCTFPP created a workgroup dedicated to the assessment. The ICPC Workgroup consisted of existing members of the SCTFPP. The workgroup provided monthly progress reports and upon completion, presented findings and research to the SCTFPP.

II. Assessment Requirements

Requirements for the ICPC Assessment were issued in program instructions (ACYF-CB-PI-07-09). The instructions mandated CIP assess the role, responsibilities, and effectiveness of the interstate placement of children. The assessments specified areas of focus are:

- States cooperating in the sharing of information,
- Courts obtaining information and testimony without requiring interstate travel, and
- Courts allowing participation of children, parents, and additional parties without interstate travel.

The instructions also mandated that a legal analysis of the state's statutes, court rules, and case laws be conducted. The legal analysis should identify any legal barriers that would hinder timely and thorough judicial determinations concerning interstate placement of children. After the assessments are complete, each state must recommend and implement plans to improve and expedite interstate placements. The identified issues and recommendations are listed in section IV of this assessment.

III. Methodology

The Kansas ICPC Assessment utilized three research methods: legal analysis, review of data, and surveys. The legal analysis and review of data were based on statewide information. However, surveys were focused on three courts with the most experience using the ICPC.

A. Legal Analysis

The goal of the Kansas ICPC Legal Analysis was to assess the laws and strategies for state courts to share information across state lines between courts, obtain information/testimony across state lines without requiring interstate travel, and participation of parents, children, "other interested parties", and attorneys without interstate travel. The analysis reviewed state statutes and case decisions to identify any barriers to placing children in a safe and timely manner. The complete analysis is provided in Appendix VI.A.

B. Data Review

The Kansas Department of Social and Rehabilitation Services collects data on both sending and receiving ICPC cases. The data dictionary (see Appendix VI.B.i.) was provided to the ICPC Workgroup. The workgroup then established what data would be needed for the assessment. The final data report is provided in Appendix VI.B.ii.

C. Surveys

The surveys utilized in Kansas were based on surveys from the ICPC Assessment in the state of Virginia. The ICPC Workgroup reviewed samples of several surveys and decided Virginia's surveys focused on the information that Kansas wanted to obtain. The workgroup then revised the surveys to reflect Kansas terminology, laws, and practice. The final surveys were for the Legal Community (judges, attorneys, Court Appointed Special Advocates, and Citizen Review Boards), Case Managers (SRS Case Managers and Supervisors/Private Provider Cases Manager and Supervisors) and the ICPC Administrative Office. Several questions were added to address the Kansas court's use of technology to obtain information and testimony which required travel. The surveys are located under Appendix C.

The ICPC Administration within the Department of Social and Rehabilitation Services provided the workgroup with the three cities with the most ICPC cases (by sending and receiving). The cities with the most sending ICPC cases are Wichita (903), Topeka (479), and Kansas City (483). The cities with the most receiving ICPC cases are Wichita (327), Kansas City (252), and Topeka (98). The CIP notified each of the identified courts that judges, attorneys, social workers, and other stakeholders would be receiving surveys concerning the ICPC and that their response was vital in obtaining an accurate analysis. The response rate is demonstrated below.

Survey Participants

	Surveys Issued	Completed	Return Rate
Case Managers	9	6	67%
Legal Community	42	24	57%
ICPC Administrative Office	4	3	75%

IV. Identified Issues and Recommendations

Issue 1: The Legal Community, Case Manager, and ICPC Administration surveys collectively identified "The State receiving the ICPC packet had to request additional information from the State that sent the packet due to being incomplete or with errors," as a common reason for delay of ICPC cases. Due to limitations in the current database maintained by SRS, the SCTFPP was unable to validate this concern or the number of days of delay due resulting when packets were returned to be completed or corrected.

Recommendation 1a: Training will be offered to all stakeholders on preparing packets for submission to the ICPC Administration.

Recommendation 1b: The SCTFPP has asked the Department of SRS to consider collecting data necessary to track the number of cases where the delay is the result of packets returned to be completed or corrected. The SCTFPP will review the data on returned packets after 6 and 12 months of data collections. Additional recommendations will be drafted, if needed, at that time.

Issue 2: The Legal Community, Case Manager, and ICPC Administration surveys collectively identified "...obtaining the required criminal background check," as a common reason for delay of ICPC cases.

Recommendation 2: The SCTFPP will be researching the use of "Live Scan" for criminal history background checks. Live Scan allows for prints to be scanned directly into a computer and electronically sent to the Kansas Bureau of Investigation and the Criminal History Information Systems. The use of Live Scan is expected to

reduce the time for the criminal history checks for ICPC cases received by at least two weeks. This will not impact ICPC cases sent to other states.

Issue 3: ICPC Administration staff report individual caseloads of up to 400 ICPC cases.

Recommendation 3a: The SCTFPP has asked the Department of SRS to consider assigning additional staff to process ICPC cases.

Recommendation 3b: Residential Placements should be removed from the ICPC process as recommended in the revised ICPC.

Issue 5: Kansas is currently processing over 56% of the received ICPC cases within the required 60 days and over 72% of the received ICPC cases within the extended 75 days. Less than 47% of the sending ICPC cases are processed within the required 60 days and less than 61% of the received ICPC cases within the extended 75 days

Recommendation 5: The ICPC and the revised ICPC should be replaced with federal legislation. The legislation should include incentives, a method for prioritizing placements similar to Regulation 7, and a process for problem solving between states when necessary.

Issue 6: Interstate testimony with interstate travel is possible but of limited use when the constitutionally protected relationship between parents and children is at issue.

Recommendation 6: Enforceable interstate subpoena power should be explored when electronic or testimony by disposition is not possible under the rules of evidence. However, Kansas subpoena power is limited by jurisdiction unless extended by an interstate agreement. At this time, there is not an interstate agreement to compel witnesses to travel across state lines to testify in Kansas Child In Need of Care cases. The need for and possible creation of such an agreement should be explored.

V. Conclusion

The Kansas ICPC Assessment was a joint effort between the Office of Judicial Administration, the Department of SRS, and the SCTFPP. The Department of SRS had already begun tracking ICPC cases and was able to provide a large amount of data to

the assessment. The Department of SRS has participated in the development of the recommendations.

The Kansas Court Improvement has incorporated the recommendations for training and the utilization of Live Scan into the CIP Strategic Plans. The Department of SRS has reviewed the recommendation for additional staff; however, due to fiscal constraints it is unlikely the recommendation can be implemented.

Kansas maintains that the ICPC should be replaced with federal legislation to provide an immediate remedy to assure children are placed across state lines in a safe and timely manner. Federal legislation should be built on the current and revised ICPC to assure the safety, permanency, and well-being of children no matter what their state of origin.