

SURVEY ASSESSMENT OF INTERSTATE COMPACT PLACEMENT OF CHILDREN MISSISSIPPI COURT IMPROVEMENT PROGRAM

The Interstate Compact on the Placement of Children (ICPC) provides out-of-state placement and supervision of dependent children. One of the major purposes of the ICPC is to protect children from going into dangerous or inadequate situations across state lines. ICPC is essential in minimizing the risk of children being placed in unsuitable or deteriorating placements through home evaluations, supervision and progress reports. The Interstate Compact is the central point for all requests for transfer of supervision for potential adoptees, and International Adoption approval requests.

The ICPC is in the planning stage of re-writing the Compact. Once completed, the new Compact will have to be approved by at least 20 State Legislatures before it can go into affect. This legislation may change how USCIS relates to ICPC on adoption matters.

Today, Mississippi has declined to adopt the New ICPC due to concerns of loss of control over the placement of a Mississippi child in another state, because additional requirement cannot be made to another state's home study, i.e. A state which recognizes same sex marriages could place a Mississippi child in a same sex foster home. Further, the Commission would ultimately decide what is best in disputes.

The ICPC version which Mississippi adopted is in Section 43, Chapter 18 of the Mississippi Code.

Survey Assessment

The following information is an assessment of a survey pertaining to chancery judges (who hear youth court cases), youth court county judges and referees in the State of Mississippi, that participate in the Interstate Compact Placement of Children (ICPC).

1. Of the respondents in the ICPC Survey which was issued by the Mississippi Court Improvement Program, 88.5% were Youth Court Judges; 3.8% were MDHS Attorneys; and 7.7% were specified as Other categories.
2. 38.5% of the respondents indicated that they have held their current positions for 1 to 5 years; 23.1% for 11 to 15 years; 15.4% for more than 20 years; 11.5% for 16 to 20 years; 7.7% for 6 to 10 years; and 3.8% for less than 1 year.
3. Of the respondents, 23.1% had held their current positions for one (1) to five (5) years; 7.7% for eleven (11) to fifteen (15) years; 15.4% for six (6) to ten (10) years; 0.0% for sixteen (16) to twenty (20) years; and 38.5% for more than twenty (20) years; 15.4% for less than 1 year..
4. Of the respondents, 32.0% had no involvement with cases in which ICPC was an issue. 56.0% had involvement in one (1) to five (5) ICPC related cases; 8.0% had involvement with 6 to 10 ICPC related cases; 4.0% had involvement in eleven (11) to fifteen (15) related cases.

5. During the past five (5) years, regardless of positions held in reference to youth court matters as a whole, 62.5% of the respondents indicated that they have not seen improvement in the manner which ICPC cases are processed; while only 37.5% indicated that they have witnessed improvements.
6. In positions held prior to serving in their current capacity, 88.5% of the respondents indicated that zero (0) to five (5) of their cases involved ICPC issues; 3.8% involved six (6) to ten (10); and 7.7% involved more than twenty (20) cases.
7. Respondents were asked to rank from one (1-most) to five (5-least) reasons for causes in delay of ICPC processing.
 - Only 19.0% of respondents in column 1 (1) indicated that it is most common for MDHS's ICPC Office to contribute to delayed processing in the Receiving State due to a failure to send a proper court order; .0.0% responded in column 2; 23.8% of respondents in column 3 (1) indicated that it is most common; 13.6% of respondents in column 4 (3); and 33.3% of respondents in column 5 (3).
 - 31.8% of respondents in column 1 (4) indicated that it is less common to obtain a response from the Sending State's ICPC Office; 13.6% of respondents in column 2 (1) indicated that it is most common; 18.2% responded in column 3; 13.6% of respondents in column 4 (1) indicated that it is most common; 22.7% of respondents in column 5 (2) indicated that it is somewhat common.
 - 28.6% of respondents in column 1 (6) indicated that MDHS's ICPC office for some reason experienced a delay in completing or approving prior to sending to the Receiving State's ICPC office; 14.3% responded in column 2 (3); 23.8% responded in column 3 (5); 19.0% responded in column 4 (4); and 14.3% responded in column 5 (3).
 - 13.6% of respondents in column 1 (3) indicated that MDHS's ICPC office for some reason fails in its completion, or approval of documentation prior to sending to the Receiving State; 36.4% responded in column 2; 9.1% of respondents in column 3 (2) indicated that it is somewhat common; 22.7% of respondents in column 4 (1) indicated that it is most common; 18.2% in column 5 (1) indicated that it is most common.
 - 22.7% responded in column 1 which indicates that the Receiving State's ICPC Office was for some reason, not able to process the case and send it to its local Health and Human Services agency for a Home Study; 22.7% of respondents in column 2 (4) indicated that it is less common; 18.2% responded in column 3; 18.2% respondents in column 4 (2) indicated that it is somewhat common; 18.2% of respondents in column 5 (2) indicated that it is somewhat common.

- 9.1% of respondents in column 1 (2) indicated that it is somewhat common for the Receiving State's ICPC Office to return the ICPC package to MDHS due to an irregularity (such as incompleteness of paperwork, and absence of the home study); 13.6% of respondents in column 2 (3); 31.8% in column 3 (1) indicated that it is most common; 22.7% in column 4 (1) indicated that it is most common; 22.7% in column 5 (1) indicated that it is most common.
 - 10.5% responded in column 1, which indicated that negotiations between the two (2) ICPC Offices came to an impasse regarding issues of concern that were found in the Home Study; 5.3% of respondents in column 2 (1) indicated that it is most common; 26.3% of respondents in column 3 (1) indicated that it is most common; 15.8% of respondents in column 4 (3); 42.1% of respondents in column 4 (3).
 - 15.0% responded in column 1, which indicated that there is an absence of required FBI checks; 5.0% responded in column 2; 30.0% of respondents in column 3 (2) indicated somewhat common; 20.0% responded in column 4; 30.0% of respondents in column 5 (5) indicated that it is the least common occurrence.
 - 15.0% responded in column 1, indicating that Mississippi State and local police checks were not obtained by the Receiving State's ICPC Office; 10.0% responded in column 2; 30.0% respondents in column 3; 15.0% indicated that it is somewhat common; 30.0% of respondents in column 5 (5) indicated that it is the least common occurrence.
 - 20.0% responded in column 1, indicating that there has been no occurrence of an absence of the National Sexual Offender Registry checks; 10.0% of respondents in column 2 (2) indicated that it is somewhat common; 25.0% of respondents in column 3 (1) indicated that it is most common; 15.0% responded in column 4; 30.0% of respondent in column 5 indicated that it is least common.
 - 12.5% of respondents in column 1 (1) indicated that it is most common for there to be an absence of National Sexual Offender Registry checks; 12.5% of respondents in column 2 (1) indicated that it is most common; 12.5% of respondents in column 3 (1) indicated that it is most common; 0% responded in column 1; 62.5% of respondent in column 5 (5) indicated that it is least common.
8. 20.8% of the respondents did not know how often cases requiring ICPC approval was brought to their (judge's) attention; 29.2% of respondents indicated that it was 90% to 100% of the time; 8.3% indicated 75% to 89% of the time; 8.3% indicated 50% to 74% of the time; 12.5% indicated 25% to 49% of the time; 16.7% indicated less than 25% of the time; and 4.2% indicated never.
9. 48.0% of respondents indicated that the Caseworker/Social Worker is the one who brought the ICPC issue to the court; 24.0% did not know; 16.0% were the child's attorney/GAL; 16.0% were child welfare supervisors; 4.0%, the parent's attorney and; 8.0%, other.

10. 32.0% of respondents expressed no knowledge of ICPC cases being brought before the attention of their court; 24.0% stated between one (1) and thirty (30) days of the agency's discovery that an ICPC was needed; 12.0% indicated between thirty (30) and ninety (90) days of the agency's discovery that an ICPC was needed; 16.0% indicated that more than ninety (90) days of the agency's discovery that an ICPC was needed; 4.0% indicated never; 4.0% indicated other.
11. 20.0% of respondents indicated that they always follow ICPC requirements; 24.0% of respondents indicated they don't know; 12.0% of respondents indicated 75%-89% of the time that they made a placement in the other state without following ICPC requirements; 16.0% of respondents indicated 50%-74% of the time; 4.0% of respondents indicated 25%-49% of the time; 8.0% indicate they never follow ICPC requirements.
12. 95.8% of respondents indicated that when they became aware of the ICPC requirement, they continued cases for further information when the process was not yet completed; 4.2% indicated that they continued cases.
13. When judges did continue cases in order for ICPC cases to be completed, on average, 30.8% of respondents waited until the next regularly scheduled hearing, no matter how far away that was; 23.1% scheduled within a short period of time (30 days or less) for an update on progress to the judicial officer and the parties; 19.2% scheduled within 30-60 days for an update on progress to the judicial officer and the parties; 26.9% did not know.
14. 34.6% of respondents indicated that MDHS attorneys never asked for an early court review date regarding any ICPC matter; 33.3% did not know; 22.2% were asked less than 25% of the time while 34.6% indicated never.
15. 4.0% of respondents indicated that when there were no MDHS attorneys in court, a social worker/caseworker asked for an early court review date regarding any ICPC matter 90% to 100% of the time; 0.0% asked 75% to 89% of the time; 8.0% asked 50% to 74% of the time; 8.0% asked 25% to 49% of the time; 16.0% asked less than 25% of the time; 36.0% never asked; and 28.0% did not know.
16. 30.8% of respondents indicated that they did not know if a child's attorney asked for an early court review date regarding any ICPC matter; 23.1% indicated never; 11.5% of respondents indicated 90%-100% of the time; 3.8% indicated 75% to 89% of the time; 7.7% indicated 50% to 74% of the time; 7.7% indicated 25% to 49% of the time; 15.4% indicated less than 25% of the time..
17. 34.6% of respondents indicated that they did not know how often (Guardian Ad Litem) GALs for the child asked for an early court review date regarding any ICPC matter; 4.0% indicated 90%-100% of the time; 7.7% indicated 75%-89% of the time; 3.8% indicated 50% to 74% of the time; 11.5% indicated 25% to 49% of the time; 11.5% indicated less than 25% of the time; 15.4% indicated never.

18. 28.0% of respondents indicated that they did not know how often parents involved in ICPC matters are represented by an attorney; 4.0% indicated 90% to 100% of the time; 0.0% indicated 75% to 89% of the time; 4.0% indicated 50% to 74% of the time; 4.0% indicated 25% to 49% of the time; 36.0% indicated indicated less than 25% of the time; 12.0% indicated never; 12.0% indicated that the parent was never represented by an attorney.
19. 34.6% of respondents did not know how often attorneys representing parents asked for any early court review date regarding any ICPC matter; 22.2% indicated less than 25% of the time; 7.7% indicated 90% to 100% of the time; 3.8% indicated 75%-89% of the time; 0.0% indicated 50% to 74% of the time; 7.7% indicated 25%-49% of the time; 19.2% indicated less than 25% of the time; 7.7% of parents indicated that they had never been represented by an attorney.
20. 7.7% indicated that there was never a 2nd delay; 26.9% of respondents indicated that in the event of a second delay regarding an ICPC case that they would schedule a hearing within a short period of time (30 days or less) for an update on progress to the judge and the parties; 26.9% did not know; 11.5% of respondents indicated that they would schedule a hearing within 30 to 60 days for an update on progress to the judge and the parties; 3.8% indicated that they would contact Sending State’s ICPC Office, call a judicial officer in the Sending State; 7.7% indicated that they scheduled a hearing within a short period (30 days or less); 7.7% indicated other.
21. 44.4% of the judges did not know what to do to ensure “Due Process” requirements were met if an action needed to be taken at any time regarding the ICPC process; 42.3% indicated they did not know; 15.4% indicated they allowed counsel to be present during any phone call to obtain information; 3.8% allowed no one to be present during any phone call to obtain information on ICPC progress; 11.5% provided a written report to the parties an/or counsel of the results of the phone call and what was discussed; 7.7% indicated nothing.
22. In calling, writing, or emailing an ICPC Office ir a judicial officer in another state, the following responses were received:

| LOCATION | Consistent Cooperation | Inconsistent Cooperation | No Cooperation | No Contact |
|---|------------------------|--------------------------|----------------|------------|
| In the Sending State | 23.8% (5) | 38.1% (8) | 12.5% (1) | 33.3% (7) |
| From the Receiving State | 9.5% (1) | 52.4% (11) | 0.0% (0) | 38.1% (8) |
| From Judicial Officers in Receiving State | 28.6% (6) | 28.6% (6) | 0.0% (0) | 42.9% (9) |
| *Each Number in parenthesis is ranked from (1) to (5). 1 referring to the most common and 5 to the least common occurrence. | | | | |

23. 100.0% of respondents indicated that they would be willing to talk with someone from the Mississippi Court Improvement Program regarding their level of ICPC experience. 88.8% of respondents did not leave contact information.

Interstate Compact for the Placement of Children

The Interstate Compact for the Placement of Children (ICPC) provides out-of-state placement and supervision of dependent children. One of the major purposes of the ICPC is to protect children from going into dangerous or inadequate situations across state lines. During FY2007, there were 1,344 ICPC cases handled either for placement of children from other states into Mississippi or placement of Mississippi children into other states. This number includes closures, approvals, Regulation 7 Priority Placements, disruptions and residential treatment facility placements. ICPC is essential in minimizing the risk of children being placed in unsuitable or deteriorating placements through home evaluations, supervision and progress reports. The Interstate Compact is the central point for all requests for transfer of supervision for potential adopted children, and International Adoption approval requests.

Mississippi's Court Improvement Program

The Mississippi Court Improvement Program is currently active in the development of Youth Court Rules of Procedure, which is the result of an ongoing collaboration with the state's Division of Family and Children's Services, Division of Youth Services, courts and other appropriate entities to improve youth court services through continuing education.

Although Mississippi had a total of 1,344 Interstate Compact Placements of Children in 2007, there remains a void a working knowledge of ICPC practices among judges, attorneys, social workers, counselors and other related professionals.

Due to the ever changing and growing demands being placed on our local youth court systems to protect the safety and well-being of children and their families, it is incumbent upon the Mississippi CIP to provide a continuum of collaborative training with the Division of Family and Children's Services offered in order to properly address ICPC concerns.

The following are some recommendations which may improve and ensure the safe transition in the interstate compact placement of children:

1. Judges, Attorneys, Parents, Custodians, Guardian ad Litem, Social Workers, Youth Court Counselors become enlightened on federal and state statutes regarding ICPC policies. The Court Improvement Program (CIP) will collaborate with the Division of Family and Children's Services to provide targeted training on ICPC procedure.
2. The Division of Family and Children's Services with the assistance should develop an ICPC handbook for each worker which walks them through every step of the process to ensure proper placement of children who transfer into and outside of the state of Mississippi's borders.

3. Make sure that all vital records (medical, behavior/mental health, educational, social/family history, etc.) always follow the child to their destination prior to the completion of their placement process. This information is to be made available to the foster parents, custodian in the Receiving State. If a child's identifying information, such as a social history, mental health and educational status is not provided prior to sending or receiving the child in that particular state, the child should not be considered justifiably placed.
4. There should be ongoing follow up and communication between the Receiving and the Sending State. In order to grant assurance to the Children placed, there should be enough contacts made with the child to aid in the overall social and emotional transition process.
5. There should be a memorandum of understanding established between the Division of Family and Children's Services and all licensed providers.

If these few measures are implemented with uniformity statewide, there will be sweeping changes made in our ICPC process which will impact the level of safety and well-being of children placed in and outside of the State of Mississippi,

ICPC Questions - Court Personnel

1. I am currently

| | | Response Percent | Response Count |
|--------------------------|--|------------------|----------------|
| Youth Court Judge | | 88.5% | 23 |
| Chancellor | | 0.0% | 0 |
| MDHS Attorney | | 3.8% | 1 |
| Attorney GAL | | 0.0% | 0 |
| Non Attorney GAL | | 0.0% | 0 |
| Parent's Attorney | | 0.0% | 0 |
| Other (Specify) | | 7.7% | 2 |
| <i>answered question</i> | | | 26 |
| <i>skipped question</i> | | | 1 |

2. I have been in my current position for:

| | | Response Percent | Response Count |
|--------------------------|--|------------------|----------------|
| Less than 1 year | | 3.8% | 1 |
| 1-5 years | | 38.5% | 10 |
| 6-10 years | | 7.7% | 2 |
| 11-15 years | | 23.1% | 6 |
| 16-20 years | | 11.5% | 3 |
| More than 20 years | | 15.4% | 4 |
| <i>answered question</i> | | | 26 |
| <i>skipped question</i> | | | 1 |