



**Assessment of New Hampshire'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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The recommendation contained in this report are those of the National Council of Juvenile and Family Court Judges and do not necessarily reflect recommendation promulgated by the State of New Hampshire.

TABLE OF CONTENTS

Project Purpose and Goals	5
Key Findings and Recommendations	6
I. Summary of Law and Policy	6
II. Description of Current Agency and Judicial Practice	6
III. Summary of Results of the Interviews and Survey	7
IV. Recommendations for Possible Reforms	8
Judicial Legal/Policy	8
State Legal/Policy	10
Training	10
Resource Development	11
Appendix A: New Hampshire ICPC Legal Analysis	12
Appendix B: Case File Review Data Report	28
Appendix C: Case File Review Narrative Report	34
Appendix D: Judicial Survey Data Report	52
Appendix E: Judicial Interview Data Report	67
Appendix F: Stakeholder Interview Data Report	72

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 New Hampshire to assess New Hampshire'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 changes or improvements to remove those barriers. The assessment included reviewing and describing current New Hampshire laws and policies; developing an overview of the ICPC process from selected ICPC files; 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 New Hampshire'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.

The attached Appendices include the following:

- ❖ Appendix A: New Hampshire ICPC Legal Analysis
- ❖ Appendix B: Case File Review Data Report
- ❖ Appendix C: Case File Review Narrative Report
- ❖ Appendix D: Judicial Survey Data Report
- ❖ Appendix E: Judicial Interview Data Report
- ❖ Appendix F: Stakeholder Interview Data Report

KEY FINDINGS AND RECOMMENDATIONS

I. Summary of Law and Policy

Review of New Hampshire'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, New Hampshire's ICPC legal framework is in conformity with federal ICPC law. A strength of New Hampshire's legal framework is the existence of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (Protocols), which provide for early and frequent review of child abuse and neglect cases generally; statutory provisions which allow attorneys admitted to practice in other states to practice in New Hampshire; report time limits which affect completion of home reports and social studies; and early and frequent opportunities for parties to participate in proceedings, including encouragement of telephonic and video hearing appearances. Despite these strengths, there is a distinct lack of specificity with regard to interstate placement issues in New Hampshire law and court rules, as well as in the Protocols' guidance.

Areas for improvement include added specificity regarding sharing information between states, judicial review of out-of-state placements, and obtaining testimony from out-of-state. For more detailed information, please see Appendix A.

II. Description of Current Agency and Judicial Practice

Information related to agency and judicial practice in New Hampshire can be found in Appendices B, C and D. As of the time frame of this study, the Division for Children, Youth and Families (DCYF), which oversees ICPC cases, had 421 active ICPC referrals and a total of 1,169 open child abuse and neglect cases. When participating in an ICPC case, the State of New Hampshire serves as either the Sending state or the Receiving state. ICPC cases are coordinated through the office of the ICPC Administrator of the DCYF. The process when New Hampshire is the **Receiving state** is as follows:

- ❖ Review ICPC packets from Sending states for completeness;
- ❖ Determine whether the packets are to be forwarded to the local level based on an assessment by the ICPC Administrator or the Child Protection Administrator;
- ❖ Referrals are entered into New Hampshire's state automated case management system;
- ❖ The ICPC office determines to which of 12 local districts the packet should be sent;
- ❖ The packet is over-nighted to the local district within one to two days of receipt from the Sending state;
- ❖ The local foster care licensing worker conducts a home study, completes a report and makes recommendations, and forwards to the Sending state ICPC office within 30 days;
- ❖ The New Hampshire ICPC office makes a determination to accept or decline placement based on the home study report; and
- ❖ The Sending state ICPC office is notified by the New Hampshire ICPC Administrator.

The process when New Hampshire is the **Sending state** is as follows:

- ❖ The local agency prepares the ICPC packet and sends it to the New Hampshire ICPC office;
 - The local agency may inform the court of the potential for an ICPC placement, and the need for a Regulation 7 priority home study request, if needed;
- ❖ ICPC referrals are entered into the automated case management system;
- ❖ The New Hampshire ICPC Administrator reviews the packet for completeness;
 - If the packet is incomplete, the ICPC Administrator will communicate with the local agency for needed additional information;
- ❖ Once approved, the packet is sent to the Receiving state ICPC office within one to two days of receiving the packet from the local agency, where the packet goes through a similar process of Receiving state review, home study, and recommendation back to New Hampshire as the Sending state; and
- ❖ The New Hampshire ICPC office notifies the local 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. Ten closed cases were randomly selected for study, three were cases with New Hampshire as the Receiving state, and seven were cases with New Hampshire as the Sending state. Based on the seven Sending state cases reviewed, it appears that it takes longer to forward the ICPC packet to the Receiving state than the one to two days outlined by the state's ICPC process (i.e., it takes an average of six days). Based on the three Receiving state cases reviewed, it appears that the home study is generally completed within 60 days. A timeliness strength is the time it takes for communication between the New Hampshire ICPC office and the Sending state regarding placement determination (i.e., it takes an average of one to two days).

From the file review, it is clear that some improvements can be made to the process, for example: insuring proper completion of the information in the ICPC packet by the local agency office, more active court involvement, clearer documentation in court orders, and more information on the frequency of court review of ICPC status.

III. Summary of the Results of the Interviews and Survey

The Judicial Online Survey Data Report is attached to this assessment report as Appendix D. A total of 35 judges who hear child abuse and neglect cases were invited to participate in the survey and 12 completed the online survey (a response rate of 34%). Results from the online survey of judges indicate that approximately 10% of the judicial caseloads of survey respondents are child abuse and neglect 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 up to five cases. Hence, according to the survey respondents, ICPC cases constitute only a small fraction of the total child abuse and neglect cases heard by judges in New Hampshire.

Strengths of the ICPC process in New Hampshire were identified by the participating judges as the ability to admit properly authenticated evidence from other states, and holding hearings by phone or video with someone in another state. Challenges identified included lack of specificity in New Hampshire law and policy with regard to

what a judge could do further the ICPC process. Barriers to timely implementation of the process identified were primarily related to the Receiving state: delays in processing and sending of cases to the local agency, delays in home studies, and delays in returning information to the New Hampshire ICPC office as the Sending state. For additional information, please see Appendix D.

The Judicial Interview Data Report is attached to this assessment report as Appendix E. A total of four district court and family division judges participated in telephone interviews. Similar to the responses to the judicial online survey, ICPC cases made up a small percentage of the total child abuse and neglect cases heard by the judges interviewed. Information obtained from the interviews includes 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 did not generally set hearings specific to ICPC updates, relying instead on mandated review hearings every three months to receive information on ICPC process status. Judicial officers stated that they rarely reached out to judicial officers in other states regarding ICPC cases. Barriers identified include delays in home study completion, training of placement families, and service conditions that go un-met, due to lack of resources, and parent attorney pressure to delay the child from being moved from the state. All of the judges indicated that additional training on the ICPC would be beneficial.

The Stakeholder Interview Data Report is attached to this assessment report as Appendix F. A total of eight child abuse and neglect court stakeholders participated in interviews, including three attorneys, four social workers or supervisors, and one Court Appointed Special Advocate (CASA)/ guardian *ad litem*. The stakeholders identified the following as barriers to timely implementation of the ICPC process: lack of communication from the Sending state; lack of information about the child and responsiveness from the placement family; and delays in home studies by Receiving states. ICPC process barriers also identified included a lack of appropriate training for all stakeholders with regard to information needed for ICPC packets, and general understanding of the ICPC. Also cited was a lack of resources for home studies. The stakeholders indicated that there was very little proactive oversight on the part of judges with regard to the ICPC process.

A strength noted by the stakeholders was the ICPC Administrator, who was cited as being very knowledgeable about the ICPC process, and valuable as a consistent person overseeing the process.

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 New Hampshire statute and/or Court Rule and/or Protocols 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;
 - d. Court orders pertaining to delinquent children being placed in residential treatment must contain specific language as well; and
 - e. Include in all orders the expectations of the court, deadlines, and noting compliance with the process, steps completed, barriers encountered, and how barriers were addressed.
2. Policy development wherein judges call the New Hampshire ICPC Administrator or designee for status on ICPC cases during hearings. The State of New Hampshire can coordinate among 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 New Hampshire can enter into agreements with neighboring state ICPC offices to arrange for collaborative and non-adversarial contact via calls related to hearings:
 - a. where New Hampshire is the Sending state, the call to the New Hampshire ICPC Administrator or designee can be part of the hearing; and
 - b. where New Hampshire 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 New Hampshire ICPC Administrator or designee.
 3. Establishing a specific judge in each of the 12 ICPC districts to whom all Receiving state ICPC cases are assigned for oversight of the process from the New Hampshire end; working in concert and in collaboration with the ICPC Administrator. This can either be done informally by Memorandum of Agreement, local rule or policy, 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 or local rule (or include as best practice guidance in the Protocols) that New Hampshire judges as the Receiving state call the Sending state judge, who already has jurisdiction, to discuss and coordinate eliminating barriers and delays.
 6. Active inquiry by the court at disposition as to whether the case will include the ICPC process, and at each hearing thereafter;
 - a. This inquiry process can be developed as part of a child abuse and neglect checklist.
 7. Incorporate specific language into state child protection statutes regarding the use of telephone and videoconferencing as a tool to promote participation of out-of-state parties.
 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. Coordinate calls between agencies through the respective ICPC offices, not through individual case workers with pro-active, regularly-scheduled monthly conference calls to update on all ICPC cases with a particular state.
2. Develop collaborative processes and Memoranda of Agreement with those states with whom New Hampshire interacts most frequently in ICPC cases.
3. Assign specific caseworkers in each of the 12 ICPC districts to serve as “ICPC Liaisons” and to be the main contact points to the New Hampshire ICPC Administrator, 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 New Hampshire, 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 New Hampshire judge can contact to discuss barriers and delays.
6. Since ICPC cases are a small percentage of the overall child abuse and neglect 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. 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.
2. Hold a multi-state training on ICPC to share information and learn of sister-state policies and practices, and set the foundation for Memoranda of Understanding, and regular and frequent collaborative communication.
3. Include a detailed and comprehensive training on the ICPC as part of regular judicial trainings, with a focus on best practices and clarification of the role judicial officers can and cannot play in ensuring timely interstate placements.
4. Judicial bench books and checklists based on federal and state statutes, as well as the New Hampshire Protocols, should be developed and should also be disseminated as best practice materials to relevant stakeholders throughout the state.
5. 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.

Resource Development

1. Create formal and informal opportunities for ICPC updates among the agency attorney, the child's GAL or CASA GAL, and the parents' attorneys so that all parties are aware of the status of the ICPC process, any barriers and delays, actions being taken 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. Provide copies of the New Hampshire Protocols Relative to Abuse and Neglect Cases and Permanency Planning to all stakeholders; and
 - d. Provide electronic updates to the Protocols Relative to Abuse and Neglect Cases and Permanency Planning as the Protocols are amended or appended.
2. Allocate additional funding for home studies.
3. Modify ICPC forms to include narrative information about decisions and recommendations, including when decisions and recommendations are received and when they are submitted.
4. Develop means for ICPC materials to be submitted electronically, and for all stakeholders to have access to information electronically as appropriate.
5. Allocate funds for videoconferencing equipment.

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

Appendix A: New Hampshire 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) 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 New Hampshire 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 and agencies

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" Interstate Compact for the Placement of Children – The Safe and Timely Interstate Placement of Children Act of 2006, Public Law (PL) 109-239, 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;
- Provides for administrative review of a Receiving state's decision at the request of an interested party;

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.

- 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 NEW HAMPSHIRE'S INTERSTATE PLACEMENT OF CHILDREN PROCESS

Assessing New Hampshire's Legal Framework for the Interstate Placement of Children

New Hampshire Revised Statutes Annotated, Title XII, Chapter 170-A (2008) govern the ICPC in the State of New Hampshire and speak to the requirements under the Compact. In addition, the New Hampshire Code of Administrative Rules, promulgated by state agencies under the Administrative Procedure Act (RSA 541-A), and New Hampshire's Protocols Relative to Abuse and Neglect Cases and Permanency Planning were also reviewed to the extent those rules and protocols address the goals, objectives and authority of the ICPC.

Statutes, rules, code, policy regulations and practice protocols were reviewed as part of the overall assessment of the implementation of the ICPC in New Hampshire. 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 New Hampshire, 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 analysis is to identify provisions within New Hampshire'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 NEW HAMPSHIRE'S ICPC LEGAL AND POLICY FRAMEWORK AND RECOMMENDATIONS

While New Hampshire's ICPC legal framework is in general conformity with the provisions of the Safe and Timely Interstate Placement Act [P.L. 109-239], there is a distinct lack of specificity with respect to interstate placement issues in New Hampshire statute and court rules— while not addressing interstate placement issues directly, New Hampshire's Protocols Relative to Abuse and Neglect Cases and Permanency Planning (Protocols) do provide critical best practice guidance – guidance which could serve to expedite safe and timely interstate placements.

Strengths of New Hampshire's legal framework, including Protocols Relative to Abuse and Neglect Cases and Permanency Planning are provisions for early and frequent judicial review of child protection matters generally, provisions to permit attorneys barred in other states to practice in New Hampshire; set time limits on submitting reports to the court (including reports of home and social studies); as well as early and frequent opportunities for all parties to participate in court proceedings.

Although New Hampshire law governing child protection cases does not specifically address whether telephonic or video testimony or argument in any child protection, guardianship, or termination of parental rights hearing is permitted, the Protocols encourage, where necessary the participation of parents through the use of conference calls and video conferencing (Protocol 9; Conference Calls and Video Conferencing with Parents). These protocols could easily be expanded to ensure that other parties, including out-of-state-parties, including mature children, can participate in hearings through telephone or video conference.

New Hampshire statutes and rules do not specifically address, or afford, judicial officers' subpoena power in other states. However, Protocol 7 (Presence of Witnesses; Subpoena Power) which addresses that power generally ("...subpoena may be issued requiring the production of papers and the attendance of any person whose presence is required ..."), can be interpreted to apply to other states.

In order to facilitate the safe and timely interstate placement of children, New Hampshire's rules, statutes, and protocols governing child protection matters should provide more specificity with respect to interstate placements. For example, more specificity with respect to:

- Sharing of information out-of-state;
- Obtaining testimony out-of-state;
- Judicial review of interstate placements; and
- Court orders required for out-of-state placement of children
 - 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.

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

This analysis examines the extent to which New Hampshire statutes, court rules, regulations, practice protocols, and the Division for Children, Youth and Families policy supports 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 New Hampshire law facilitate cooperation and sharing of information between courts?

The Interstate Compact on the Placement of Children is enacted into law in New Hampshire in R.S.A. 170-A (2008), and reinforces the need for cooperation between states. This statute 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.” (R.S.A. 170-A: 1 (2008); emphasis added).

Cooperation between states is further evidenced by the extent to which rulings or decrees in other states have the same force and effect as rulings in New Hampshire. For example, Title XII, Chapter 170-B, governing adoption, notes that “A decree of court terminating the relationship of parent and child or establishing the relation by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this state and the rights and obligations of the parties as to matters within the jurisdiction of this state **shall be determined as though the decree was issued by a court of this state.**” (RSA 170-B: 29 (2008); emphasis added).

While New Hampshire statutes and rules do not explicitly discuss the sharing of evidence and information with other states, sharing of information from the state’s central registry of child protective services information, with other states, under certain circumstances and conditions, is addressed.

“...**Upon receipt of a written request from another state's child welfare agency** to check the central registry established under this section for information on a prospective foster or adoptive parent or any other adult living in the home of such a prospective foster or adoptive parent, the department shall conduct the requested check and shall provide the requesting state with the results of the check along with such additional information from the department's case records as the department deems necessary for the requesting state to be able to evaluate the results.” (R.S.A. 169-C: 35 (2008); emphasis added).

Related Statutes and Rules

While not specific to child protection matters, a philosophy of cooperation and information-sharing between states is reinforced in New Hampshire's Interstate Compact on Juveniles:

“...**the 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 shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states: (1) in returning juveniles to such other states whenever their return is sought; and (2) 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.” (RSA 169-A: 1 (2008); emphasis added).

Title XLIII, Chapter 458 (2008) of New Hampshire's statutes enacts the Uniform Child Custody Jurisdiction Act (UCCJA), which has some relevance for interstate placement issues as it further outlines jurisdictional issues, requires communication with other states on child custody matters, and fosters cooperation between New Hampshire's courts and courts in other states. (R.S.A. 458-A, (2008)). The general purposes of the UCCJA in New Hampshire, for example are to:

“...(a) Avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being; (b) **Promote cooperation with the courts of other states** to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child; ... (g) Facilitate the enforcement of custody decrees of other states; (h) **Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child; ...**” (R.S.A. 458-A:1 (2008); emphasis added).

The UCCJA in New Hampshire (R.S.A. 458-A: 15 (2008)) also reinforces cooperation, generally, between the states by asserting that custody decrees filed in other states have “...**the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.**” (R.S.A. 458-A: 15 (2008); emphasis added; see also RSA 458-A: 22 (2008), recognizing international custody decrees). In addition, the UCCJA recognizes out-of-state custody decrees, by asserting that ...”The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this chapter or which was made under factual circumstances meeting the jurisdictional standards of this chapter, so long as the decree has not been modified in accordance with jurisdictional standards substantially similar to those of this chapter.” (R.S.A. 458-A: 13 (2008)).

Under the UCCJA, New Hampshire may 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 (R.S.A. 458-A: 7 (2008)). Under the UCCJA, New Hampshire statutes also outline procedures for simultaneous proceedings in other states (RSA 458-A:6 (2008)).

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

New Hampshire's Interstate Compact on the Placement of Children explicitly states that "... 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 ..." (RSA 170-A:1 (2008)). In addition, according to the Compact, "any public officer or agency in a receiving state ... 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.**" (RSA 170-A: 1 (2008); emphasis added).

The type of admissible evidence in child protection matters is broadly defined in New Hampshire's Child Protection Act which states that "In any hearing under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material." (RSA 169-C: 12 (2008)). Protocol 11, Chapter 1 (Evidence) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (2003),² further state that "although there is a relaxed evidentiary standard in neglect and abuse proceedings under RSA 169-C: 12, and even though the evidence is considered by the court as opposed to a jury, opinion evidence nevertheless must be material and relevant.

The confidentiality of records in child abuse and neglect cases is clearly important to protect parties and the best interests of children. However, the confidentiality of records can be a barrier to information sharing. The confidentiality of New Hampshire's child abuse and neglect case records, as well as the content of those records and how to access those records, is outlined in R.S.A. 170-G:8-a (2008). While sharing of records with *other states* is not explicitly addressed, R.S.A. 170-G:8-a (2008) permits the sharing of information with designees of the department, persons made parties to judicial proceedings relative to the child, and persons or entities providing services to the child, among others – all of which could relate to interstate placements.

"...I. The **case records of the department consist of** all official records, regardless of the media upon which they are retained, created by the department of health and human services in connection with a report received pursuant to RSA 169-C:29, or cases brought under RSA 169-B, 169-C, 169-D, or 463, or services provided to the child or family without a court order pursuant to RSA 170-G:4, including intake and assessment reports, service or case plans, case logs, termination reports and a list of persons or entities providing reports to the department or services to the child or family ... II. **The case records of the department shall be confidential: (a) The department shall provide access**

² The *Protocols Relative to Abuse and Neglect Cases and Permanency Planning* were developed in cooperation between the New Hampshire District Court, Court Improvement Project, the New Hampshire Family Division and the New Hampshire Probate Court, and were revised in April, 2003. They were developed with a grant to the New Hampshire Administrative Office of the Courts from the U.S. Department of Health and Human Services, Administration for Children and Families.

to the case records to the following persons unless the commissioner or designee determines that the harm to the child named in the case record resulting from the disclosure outweighs the need for the disclosure presented by the person requesting access: (1) The child named in the case record; (2) The parent of the child named in the case record, as defined in RSA 169-C:3, XXI; (3) The guardian or custodian of the child named in the case record; (4) Another member of the family of the child named in the case record, if disclosure is necessary for the provision of services to the child or other family member; (5) Employees of the department and legal counsel representing employees of the department for the purpose of carrying out their official functions; (6) Persons made parties to judicial proceedings in New Hampshire relative to the child or family, whether civil or criminal, including the court with jurisdiction over the proceeding, any attorney for any party, and any guardian ad litem appointed in the proceeding. (7) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business. (8) The relevant county. (b) **The department shall disclose information from case records or provide access to case records to the following persons or entities**, if such information or access is not harmful to the child and is necessary in order to enable the person or entity requesting information or access to evaluate or provide services, treatment or supervision to the child named in the case record or to the family: (1) A person or entity requested by the department or ordered by the court to perform an evaluation or assessment on or to create a service plan for the child named in the case record, the child's family, or an individual member of the child's family. (2) A person or entity requested by the department or ordered by the court to provide services to the child named in the case record or the child's family. (3) The superintendent of schools for the school district in which the child named in the case record is then, or will, according to the child's case plan, be attending school. (4) The person or entity with whom the child resides, if that person is not the child's parent, guardian, or custodian. ... IV. **Additional access to case records and all other records of the department shall be granted pursuant to the terms of a final order issued by a court of competent jurisdiction** ...VI. Notwithstanding the foregoing: (a) Any person who is entitled to access a case record pursuant to this section may share such information with any other person entitled to access pursuant to this section, unless the commissioner or a designee shall specifically prohibit such additional disclosure in order to prevent harm to a child ..." (R.S.A. 170-G:8-a (2008); emphasis added).

Although the transfer of evidence is more explicitly addressed in statutes governing the transfer of evidence related to juveniles between New Hampshire's Superior Courts (R.S.A. 169-B:24 (2008)), procedures for the transfer or sharing of evidence between states in child protection matters are not specifically outlined or addressed in New Hampshire statute or rule. Procedures for obtaining and sharing court records or transcripts of proceedings between courts in different states are not explicitly covered in New Hampshire statute or rule.

Related Statute and Rules

The UCCJA³ in New Hampshire outlines a process for holding hearings in other states, and obtaining reports and social studies from other states, including outlining a process for orders to appear (R.S.A. 458-A: 18 (2008)) :

“... I. **A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence**, to order a party to produce or give evidence under other procedures of that state, **or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state, and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request.** The cost of the services may be assessed against the parties. II. A court of this state **may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings** and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.” (R.S.A. 458-A: 18 (2008); emphasis added).

The UCCJA in New Hampshire also outlines procedures for preserving evidence so that it may be used in other states (R.S.A. 458-A: 20 (2008)). For instance, in any custody proceeding in New Hampshire, “...the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches 21 years of age. Upon appropriate request of the court of another state, the court shall forward to the other court certified copies of any or all of such documents.” (R.S.A. 458-A: 20 (2008)).

Requirements for authentication or identification of evidence generally, are covered in Rule 901 of the New Hampshire Rules of Evidence (2008).

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

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

New Hampshire law governing child protection cases does *not* specifically address whether telephonic or video testimony or argument in any child protection, guardianship, or termination of parental rights hearing is permitted. However, Protocol 9, Chapter 1 (Conference Calls and Video Conferencing with Parents) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (2003), encourages, where necessary, the “meaningful participation by parents” in child protection proceedings through the use of conference calls and video conferencing.

“If a parent cannot be found or voluntarily absents himself/herself from any hearing, the hearing should proceed without the parent. It is, however, extremely important that putative fathers and non-accused, non-household parents participate in RSA 169-C proceedings and the court must ensure that all available efforts have been made by DCYF to locate these parents. In addition to

³ A bill to adopt the UCCJEA was filed during the last legislative session in the House (HB 1490); however the State of New Hampshire has not adopted the UCCJEA as of this assessment.

serving as potential valuable resources for purposes of placement, if putative fathers and non-accused, non-household parents are not brought into the early stages of a case, it is likely a later termination proceeding, if there is one, will be delayed as a result. **Where necessary, the court should make every effort to provide for meaningful participation by parents, including the use of conference calls and video conferencing**” (Protocol 9; emphasis added).

Relevant Statutes and Rules

However, testimony by video teleconference is specifically permissible by Statute in criminal cases (R.S.A. 516:37 (2008)), as are videotaped depositions of witnesses (RSA 517:13-a (2008)). New Hampshire District Court Rules and Rules of the Superior Court also permit videotaped depositions of witnesses (DistMunic Rule 1.9 (2008); N.H. Super. Ct. R 45 (2008)). Telephonic participation by parties is permitted by Superior Court Rules governing pre-trial procedures and settlement conferences (N.H. Super. Ct. R. 62 (2008)). In addition, New Hampshire’s Department of Health and Human Services Code of Administrative Rules permits hearing participation by telephone or other electronic media (N.H. Admin. Rules, He-C 203.13 (2008)).

➤ **Do New Hampshire Judges have subpoena power in other states?**

New Hampshire statutes and rules do not specifically address, or afford, judicial officers’ subpoena power in *other* states. Title LIII, Chapter 516:3 governing proceedings in court, does state, however, that “...Any justice or judge may issue such writs for witnesses, in cases pending before himself or herself or any other justice or judge, in any case in any court, in all matters before the general court, or before auditors, referees, arbitrators or commissioners” (R.S.A. 516:3 (2008)).

Protocol 7, Chapter 1 (Presence of Witnesses; Subpoena Power) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (2003) addresses subpoena power generally, noting that:

“...To ensure that parents, custodians, and other witnesses are present during court hearings, special efforts may be required. RSA 169-C:11 provides that a **subpoena may be issued requiring the production of papers and the attendance of any person whose presence is required** by the child, the parents or guardian, or any other person whose presence, in the opinion of the court, is necessary. A subpoena may be issued pursuant to RSA 516 upon application of a party or upon the motion of the court.”(Protocol 7; emphasis added).

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

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

New Hampshire laws do permit attorneys admitted to practice in other states to practice law in hearings in New Hampshire if they make proper application to appear *pro hac vice* – which may be granted if a member of the Bar of New Hampshire is associated with the out-of-state attorney and is present in the hearing with that attorney (N.H. Sup. Ct. Rule 33 (2008); see also Rules of the Family Division, Rule 1.21 regarding *Pro Hac Vice* Representation).

➤ **Do New Hampshire laws foster participation and communication by all parties in the child protection court process?**

Participation and communication by all parties in the child protection court process can be facilitated by statute and rule in a number of ways, including, provisions regarding summons and notice to parties (including to out-of-state parties) as well as affording multiple opportunities for parties to be present at child protection proceedings or to have input into cases through different venues and forums (e.g., through multidisciplinary teams, pre-trial conferences, mediation or family group conferencing).

New Hampshire Statutes governing child protection proceedings address summons to out-of-state witnesses (e.g., R.S.A. 169-C: 18 (2008) stating that the provisions of R.S.A. 613:3 (2008) governing summons of witnesses from other states apply to all child protection proceedings. In addition, R.S.A. 458-A: 5 (2008), outlines a process for notice to persons outside of New Hampshire.

While not specifically addressing the participation and inclusion of *out-of-state* parties in child protection proceedings, a number of New Hampshire statutes, rules, and protocols for practice in child abuse and neglect cases recognize and support the inclusion of multiple parties in child protection proceedings. A number of these will be highlighted below.

New Hampshire's Child Protection Act offers an opportunity for multiple parties to participate in child protection proceedings as early as the investigatory stage of a case, through participation in "multidisciplinary child protection teams." These multidisciplinary teams specifically assist in the investigation and evaluation of reports of abuse and neglect (R.S.A. 169-C: 34-a (2008)), and may include "...licensed physical and mental health practitioners, educators, law enforcement officers, representatives from the local child advocacy center, social workers, and such other individuals as may be necessary to assist with the investigation and evaluation of reports of abuse or neglect." (R.S.A. 169-C: 34-a (2008)).

Protocol 3, Chapter 5 (Preliminary Protective Hearing) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (2003), addresses attendance required at the preliminary hearing in child protection cases, and also emphasizes the importance of having parents participating in the hearing – including the need to transport incarcerated parents (see also Protocols and Chapters specific to each of the child protection hearing types). For example, Protocol 3 specific to the Preliminary Protective Hearing, notes that:

"Consistent with RSA 169-C:15, it is critical that all parents, including non-accused, non-household parents and incarcerated parents, be involved with the court case as early as possible. Where necessary, and if possible, the court should make every effort to provide for meaningful participation by parents, including the use of conference calls and video conferencing. Putative fathers who have not been involved in a child's life should also be brought into the court process as soon as possible. Timely attention to paternity issues is essential to further case processing. For parents who are incarcerated in New Hampshire, the clerk should do a transport order to ensure the parent's participation at the preliminary hearing. (Protocol 3; emphasis added).

Consistent with the Adoption and Safe Families Act, foster parents, pre-adoptive parents and relative caregivers are afforded specific notice and right to be heard in hearings in child protection cases in New Hampshire (see for example, Rules of the Family Division of the State of New Hampshire, 4.4).

“Notice and Right to be Heard-- Foster Parents, Pre-Adoptive Parents, and Relative Caregivers: When a child is placed out of home, foster parents, pre-adoptive parents and/or relatives providing care for a child are entitled to notice of all review hearings, permanency hearings and post-permanency hearings and shall be allowed to be heard at these hearings, but shall not be given party status unless otherwise granted by the Court” (Rules of the Family Division, 4.4).

In review and permanency review hearings, foster parents, pre-adoptive parents and relative caregivers may also submit a letter or report to the court “whether or not that person plans to attend the review hearing” (Protocol 6, Chapter 10 (Review Hearing) and Protocol 10, Chapter 11 (Permanency Hearing) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning (2003).

New Hampshire practice protocols governing review hearings state that in any proceeding to review the disposition orders of the court, that in addition to required parties, the court shall provide notice of the review and the right to participate in the proceeding to: “(1) service provider(s); (2) non-party school representative(s); (3) surrogate parents as defined under RSA 186-C; (4) individual or family counselors, therapists, and/or psychologists; (5) age-appropriate children; and (6) others as may be determined by the court, including, but not limited to a DCYF nurse and a representative from the placement school district, as distinguished from a school representative, where a child is educationally disabled” (Protocol 3, Chapter 10 of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning, 2003, (Others Who May Attend the Review Hearing)).

These practice protocols in child abuse and neglect reviews reinforce the philosophy that anyone the court believes might have relevant information to offer should be able to participate “...either in person or in writing, at the review hearing ...By inviting other, non-party individuals to attend, the court is expanding the horizon of people who can provide useful information about the parent and child” (Protocol 3, Chapter 10, 2003).

Relevant Statutes and Rules

Although not specific to child protection matters, New Hampshire’s Superior Court Rules institute a process for case flow management that includes “structuring conferences” and “pre-trial conferences” which afford parties opportunities to exchange information (N.H. Super. Ct. R. 190 (2008)). Judge-conducted mediation is also available in certain “complex” Superior Court cases (N.H. Super. Ct. R. 170-B (2008)), providing an additional opportunity for exchange of information and resolution of outstanding issues, as well as in adoption proceedings (R.S.A. 170-B: 14 (2008)).

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

➤ Do New Hampshire laws facilitate frequent judicial review of interstate placements?

New Hampshire statutes and practice protocols provide opportunities for frequent judicial review of interstate placement issues – although review of interstate placement issues is not specifically noted in statute or protocol.

Although New Hampshire statutes require only an annual review following the initial approval of the order or initial dispositional hearing (R.S.A. 169-C:24 (2008)), New Hampshire practice protocols “recognize the implied authority of the court” and are made “consistent with the current practice to conduct earlier and more frequent reviews, including status reviews, as part of the court’s overall management of abuse and neglect cases” (Protocol 1, Chapter 10 (Scheduling the Review Hearing) of the Protocols Relative to Abuse and Neglect Cases and Permanency Planning, 2003).

Specifically, Protocol 1, Chapter 10 (Scheduling the Review Hearing) states that while review hearings must be scheduled by the court and held within three months and nine months of the dispositional hearing, the “...court is also strongly encouraged to conduct a review hearing within six (6) months of the dispositional hearing. The six-month review hearing may be a “paper review,” i.e., a review by the court of written reports submitted by DCYF and the other parties. Additionally, the court is encouraged to request brief status letters from each party between 30 and 45 calendar days before each review hearing, as outlined below. The letters will be reviewed by the court to ensure that a case is progressing as planned” (Protocol 1, Chapter 10, 2003). In addition practice protocols state that “in an effort to ensure that parties follow through between hearings and thus make review hearings more meaningful, the court should consider conducting a status review 30-45 calendar days before each review hearing. A status review should be held as the case requires and as the court deems necessary. Cases that require parties to do a fair amount in a short period of time are one type of case in which a status review may be beneficial” (Protocol 1, Chapter 10, 2003).

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.

New Hampshire Statutes also require the court to hold post-permanency hearings (RSA 169-C: 24-c (2008)) within 12 months of the permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home placement. RSA 170-C: 11, VI requires that the status of all children for whom termination decrees have been issued and for whom guardianship for the purpose of adoption has been granted to the Department of Health and Human Services shall be reviewed at least once each year following the initial decree until the adoption has been finalized. However, Protocol 23, Chapter 13 (Termination of Parental Rights Hearings) requires that there be an initial 90 day post-termination case review hearing held by the court and every 90 days thereafter, unless good cause is shown. Furthermore, New Hampshire Rules of Practice and

Procedure in the Probate Courts provide for post-termination case review hearings (N.H. Prob. Rule 93 (2008)). Specifically, “If the Court orders termination of parental rights and grants custody of the child to the Division for Children, Youth and Families for the purpose of placing the child for adoption, a post-termination case review hearing shall be scheduled to be held within ninety (90) days of the Court's order, and every six (6) months thereafter, unless excused by the Court for good cause shown. If an adoption petition is filed prior to any scheduled post-termination case review hearing, the hearing may be cancelled” (N.H. Prob. Rule 93 (2008)).

➤ **Do New Hampshire 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 child protection cases afford the court opportunities to address interstate placement delays, including the need to order and monitor timely home studies.

While not specific to interstate placements, New Hampshire statutes set time limits on submitting reports to the court, generally, including reports of home and social studies, and permit the court to order such studies. For example, RSA 169-C: 12-b (2008) states that “all reports, evaluations, and other records from the Department of Health and Human Services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 business days prior to any hearing” (See also Protocols Relative to Abuse and Neglect Cases and Permanency Planning, 2003, reinforcing time limits on submitting reports to the court).

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.

Regulation 7 of the ICPC also allows for expedited home studies for priority placements, however, Regulation 7 is not explicitly addressed in New Hampshire 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 New Hampshire laws require specificity in court orders with respect to interstate placement ICPC?**

New Hampshire 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: The steps involved in completing a referral packet, including Form ICPC-100-A are outlined New Hampshire Department of Health and Human Services ICPC and R.S.A. 170-A training materials, and are consistent with P.L. 109-239. Training materials include relevant Department policy (i.e., 734-a – policy and procedures when New Hampshire is the Receiving state and 734-b – policy and procedures when New Hampshire is the Sending state; an ICPC Guidebook and ICPC Regulations).

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 New Hampshire Department of Health and Human Services ICPC and R.S.A. 170-A training materials, including completion of the Interstate Compact Report on the 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: New Hampshire Department of Health and Human Services ICPC and R.S.A. 170-A training materials 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: New Hampshire Department of Health and Human Services ICPC and R.S.A. 170-A training materials specifically address priority 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, as well as Medicaid eligibility are addressed in the New Hampshire Department of Health and Human Services ICPC and R.S.A. 170-A training materials, consistent with P.L. 109-239.

Assessment of New Hampshire'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 ten 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. Three cases were received from other states, while seven were sent from the State of New Hampshire 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 New Hampshire. Nevertheless, because of the in-depth nature of the file review, the data presented provide a comprehensive representation 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.

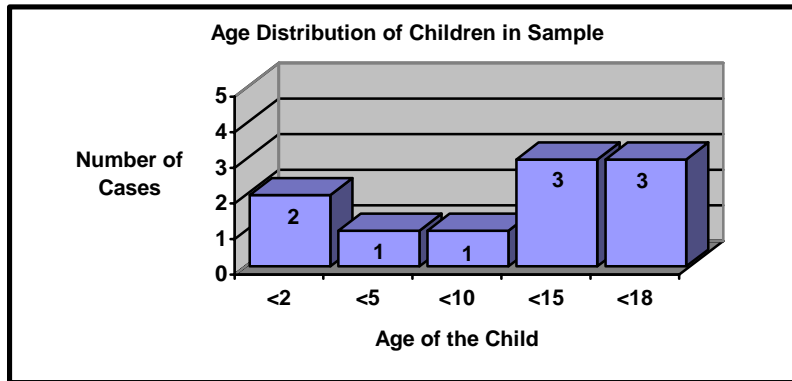
The following are the findings from the ICPC case file review.

Demographic Information

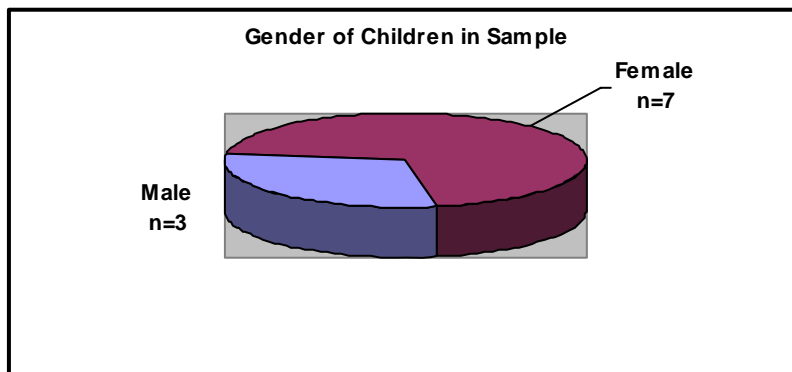
As part of the general case file review assessment, basic demographic information about the child protection cases was evaluated.

- ◆ **Child's Date of Birth:** All ten cases reviewed 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 by an agency. Two cases involved children less than two years of age. One case involved a child aged two, while another case involved a child aged six. Three cases involved youths aged 15, while another three cases involved youths aged 16.
- ◆ **Child's Gender:** All ten cases recorded the child's gender. Seven cases involved females, while the remainder involved males.
- ◆ **ICWA:** All ten cases recorded the ICWA finding. The ICWA applied to none of the cases reviewed.
- ◆ **Type of Care Requested:** Four cases were parent placements while another four cases were relative placements. Two cases requested foster family placement.
- ◆ **Current Legal Status of Child:** All ten ICPC case files included the court order giving the sending agency the custody of the child.
- ◆ **Status of the case:** All ten cases were closed at the time of the review.

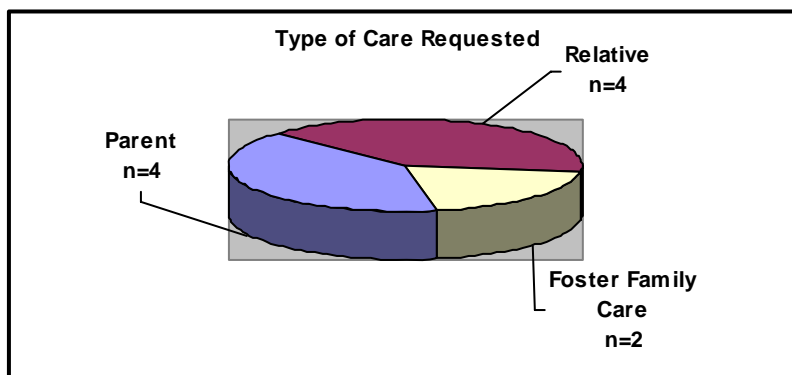
Age Distribution of Children in Sample at Petition Filing



Gender Distribution of Children in Sample



Type of Care Requested in Sample



Overall Timeliness Findings

The timeframe analysis includes the date a sending local agency submits an ICPC-100A or a Sending state ICPC office receives the packet from its local agency, whichever was available, to the date a case was closed by filing an ICPC-100B. Total days for a home study were calculated based on the date a Receiving state ICPC office accepted the referral and the date the Receiving state ICPC office notified the Sending state ICPC office with recommendations.

	SS Agency submission	SS ICPC Acceptance	RS ICPC Report Back	SS ICPC Receipt of Report	Approved/ Denied	ICPC-100B filed for Closure	Total Days for Home Study
#1	4/25/06	5/4/06	7/21/06	7/25/06	Approved	10/26/07 ⁴	73
#2	1/25/07	1/31/07	5/4/07	5/7/07	Approved	10/5/07	50 ⁵
#3	1/25/08	1/25/08	2/15/08		Denied		16
#4	12/3/07	12/5/07	2/8/08		Denied		26
#5	10/30/06	11/20/06	2/23/07		Approved	4/11/07	64 ⁶
#6	1/4/07	1/22/07	1/30/07	1/30/07	Approved	6/20/07	1 ⁷
#7	8/9/06	8/10/06	12/30/06		Approved	9/20/07 ⁸	138
#8	6/13/06	7/10/06	2/23/07	3/2/07	Approved	9/25/07 ⁹	224 ¹⁰
#9	2/13/07	3/7/07	4/30/07		Denied		49
#10	2/22/07	3/21/07	5/16/07		Denied		48

⁴ The original 100B was filed on 8/17/06 following the placement approval to move the child; the foster parents moved forward with the adoption and the child was adopted.

⁵ The duration was calculated based on the date the Receiving state submitted the referral to a receiving agency with a home study request. The submission to the receiving agency was delayed due to missing documents. A recommendation about the placement was not stated in the ICPC-100A.

⁶ The date the Receiving state ICPC office received the referral was not clearly documented. The calculation was made based on the date the Receiving state ICPC office forwarded the referral to its agency for a home study. New Hampshire ICPC office forwarded the referral to the Receiving state ICPC office by FedEx overnight on 11/20/06.

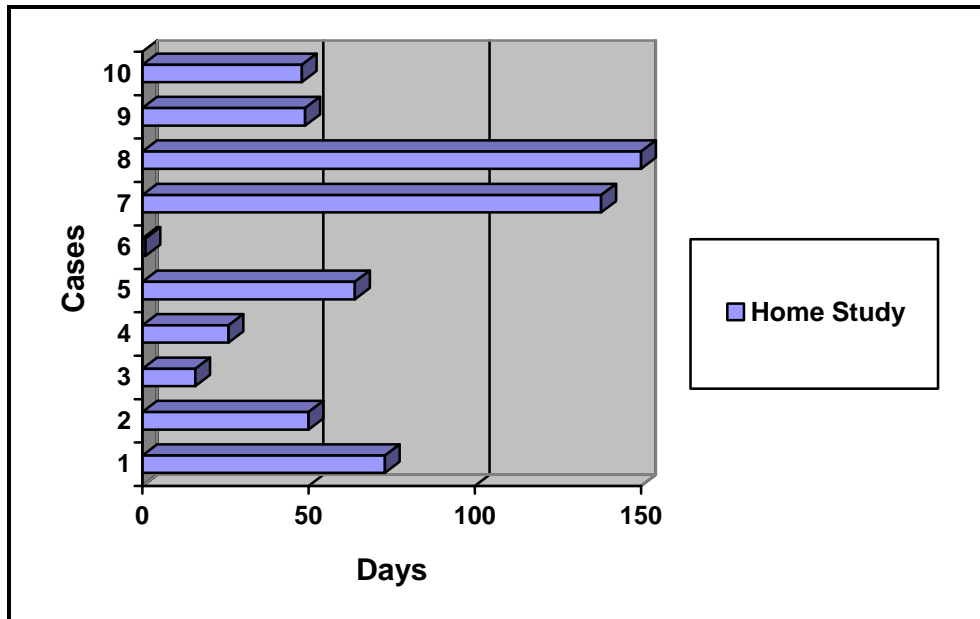
⁷ The placement was approved for Regulation 1 only on the same day the Receiving state ICPC office forwarded the referral to its local agency for a home study. The foster parent was licensed in New Hampshire. Whether the Receiving agency conducted a home study or not in the Receiving state was not clearly documented.

⁸ The first ICPC-100B was filed on 1/25/07 to request assignment of supervision and provision of a progress report as the placement was made.

⁹ The ICPC-100B was never filed by a sending agency but New Hampshire ICPC office sent a notice to report that the placement approval was expired on 9/25/07.

¹⁰ The first home study report was received by New Hampshire ICPC office on 1/18/07; however, there was no document to indicate it was forwarded to the Sending state ICPC office.

Total Days for Home Studies by Case



Step-by-Step Timeliness

The timeliness for critical events was calculated based on the available dates in the reviewed ICPC case records.

- ◆ Duration between the date a sending agency in New Hampshire submitted an ICPC 100A application with necessary documents to the New Hampshire ICPC office forwarded the referral to a Receiving state ICPC office

Case 1: 7 business days

Case 2: 4 business days

Case 3: 1 business day

Case 4: 2 business days¹¹

Case 5: 16 business days

Case 6: 12 business days¹²

Case 7: 1 business day

- ◆ Duration of the Home Study

Case 1 (Sending): 73 days

Case 2 (Sending): 50 days

Case 3 (Sending): 16 days

Case 4 (Sending): 57 days

Case 5 (Sending): 33 days

Case 6 (Sending): 1 day

Case 7 (Sending): 138 days

Case 8 (Receiving): 224 days

¹¹ The date New Hampshire ICPC office sent the ICPC-100A to the Receiving state was not documented, therefore, the duration was calculated based on the date New Hampshire ICPC office accepted the ICPC-100A.

¹² The date New Hampshire ICPC office sent the ICPC-100A to the Receiving state was not documented, therefore, the duration was calculated based on the date New Hampshire ICPC office accepted the ICPC-100A; the ICPC-100A process was delayed due to missing documents.

Case 9 (Receiving): 49 days
Case 10 (Receiving): 48 days

- ◆ Duration between the date New Hampshire ICPC office received the placement determination and the date the sending agency received the notice
 - Case 1: 2 business days
 - Case 2: 1 business day
 - Case 3: 2 business days
 - Case 4: 4 business days
 - Case 5: 19 business days¹³
 - Case 6: 1 business day
 - Case 7: 5 business days

Current ICPC Process

The following is the process for the Interstate Compact for the Placement of the Children in the state of New Hampshire identified by the case file review process.

Sending Cases

1. One packet of ICPC-100A (number of required copies is unknown) with the following required documents appears to be prepared and compiled by the agency, then submitted to New Hampshire ICPC office.
 - a. Cover letter with signature
 - b. Title IV-E Determination Notice
 - c. Financial/Medical Plan Form
 - d. Current and signed Dependency Order/Minute Order
 - e. Current case plan
 - f. Current child summary/case history or last court report
 - g. Copies of Birth Certificate and SSN/cards
2. The ICPC office receives the packet, reviews the forms and documents, and affixes signature. The packet is then forwarded to a Receiving state ICPC office. While this is the usual process, there are instances when the ICPC office forwards the packet to a Receiving state ICPC office even though the packet is incomplete. Missing documents are forwarded to the Receiving state following the submission.
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 for a home study.
4. The receiving local agency 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 New Hampshire ICPC office.
6. New Hampshire ICPC office receives the determination, and notifies the sending local agency of the decision.

¹³ The date New Hampshire ICPC office received the ICPC-100A with the placement determination from the Receiving state was not documented, therefore, the duration was calculated based on the date the New Hampshire sending agency received the placement determination from the ICPC office.

Receiving Cases

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

General Impression

- ◆ In general, cases that were sent to the New Hampshire ICPC office from its local agency in 2006 to early 2007 seemed to have been delayed at the beginning of the process due to incomplete paperwork. It appears that the Title IV-E and Financial/Medical Plan are the two forms that were missing.
- ◆ Overall, processing an ICPC100A within the State of New Hampshire after receiving a recommendation from a Receiving state happens relatively quickly.
- ◆ 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. The only time the order was entered to conduct an interstate placement was when Regulation 7 was applied.
- ◆ Initiation of the ICPC process (i.e., when the court report addresses the possible interstate placement, when the court order is entered to investigate potential placements including out-of-state relatives, etc.) was not clearly documented in the case files reviewed.
- ◆ Communication between the ICPC Administrators in certain states is sufficient. When an issue arises (e.g., delay and missing documents), they appear to send e-mail or transmittal memoranda to each other to request an update on progress.
- ◆ There was no documentation of a court requesting a progress update on an interstate placement. The court's involvement in any case reviewed was unable to be determined due to lack of documentation or documents not available.

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

Appendix C: Case File Review Narrative Report

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Case #1 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	2006-J-0001, 669-2006-AS-00011
Sending State Agency Case #	
Sending State ICPC Case #	2335, 2925/2927
Receiving State	Connecticut
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	219647 (ICPC Link #)
Child's DOB	5/11/04
Sex	Male
ICWA	No
Type of Care Requested	Relative (Paternal Aunt)/Adoption
Current Legal Status of Child	Sending Agency Custody
Case Outcome	Adopted by the paternal aunt and uncle

ICPC Event Timeline:

4/2006	4/25/06	New Hampshire sending agency submitted ICPC-100A to the New Hampshire ICPC office
5/2006	5/4/06	New Hampshire ICPC office accepted the ICPC-100A; the process was delayed due to incomplete paperwork (i.e., court order to confirm jurisdiction and custody of the child as well as the Financial/Medical Plan)
	5/4/06	New Hampshire ICPC office faxed the ICPC-100A to Connecticut ICPC office with the two missing documents
	5/5/06	Additional documents were sent from New Hampshire ICPC office to Connecticut ICPC office
	5/9/06	Connecticut ICPC office accepted the ICPC-100A
	5/10/06	Connecticut ICPC office sent referral to the receiving local agency the ICPC-100A with a request to conduct criminal background and child abuse checks on all adult household members
	5/31/06	The Connecticut local agency received the referral with the ICPC-100A packet for a home study
6/2006	6/1/06	The receiving agency started the home study process
	6/9/06	The receiving agency conducted the in-home visit
	6/29/06	The Connecticut local agency caseworker completed and signed the home study report
7/2006	7/14/06	New Hampshire ICPC office emailed Connecticut ICPC office to request the status of the home study
	7/15/06	The complete home study report was signed by a Connecticut local agency program manager
	7/20/06	Connecticut ICPC office received the home study report
	7/21/06	Connecticut ICPC office approved the placement

7/2006	7/21/06	Connecticut ICPC office notified New Hampshire ICPC office that the placement was approved
	7/25/06	New Hampshire ICPC office received the approval decision from Connecticut ICPC office
	7/27/06	New Hampshire ICPC office faxed the decision to the sending agency
8/2006	8/17/06	ICPC 100B was filed by the sending agency to New Hampshire ICPC office to confirm the placement date as 8/2/06
	8/29/06	The ICPC 100B was sent from Connecticut ICPC office to the receiving agency requesting a status/progress report, attaching a previously sent e-mail to New Hampshire ICPC office to request the Title IV-E eligibility status and Financial/Medical Plan in order to apply for Medicaid
11/2006	11/27/06	Connecticut ICPC office received the progress report from the receiving agency
	11/29/06	Connecticut ICPC office sent the progress report to New Hampshire ICPC office
	12/07/06	New Hampshire ICPC office sent the progress report to the sending agency
2/2007	2/22/07	The receiving agency caseworker signed on a second progress report
	2/23/07	The program manager of the receiving agency signed on the second progress report
	2/26/07	The social worker supervisor of the receiving agency signed on the second progress report
3/2007	3/8/07	Connecticut ICPC office received the progress report from the receiving agency
	3/9/07	Connecticut ICPC office sent the progress report to New Hampshire ICPC office
	3/13/07	New Hampshire ICPC office sent the progress report to the sending agency
	3/13/07	The sending agency sent a letter to New Hampshire ICPC office about the decision of adoption
	3/15/07	New Hampshire ICPC office received another ICPC-100A for Adoptive Home Study, sent overnight by FedEx to Connecticut ICPC office
	3/29/07	New Hampshire ICPC office sent the second ICPC-100A to Connecticut ICPC office; the TPR Order on the mother was attached in addition to the probate court order indicating that the father surrendered his parental right as of 12/21/06
5/2007	5/29/07	The receiving agency caseworker completed and affixed a signature on the Adoptive Home Study report
	5/30/07	The receiving agency program manager signed on the Adoptive Home Study report
	5/31/07	The receiving agency caseworker supervisor signed on the Adoptive Home Study report
6/2007	6/7/07	Connecticut ICPC office received the home study report
	6/11/07	Connecticut ICPC office sent the report to New Hampshire ICPC office
	6/15/07	New Hampshire ICPC office sent the report to the sending agency

7/2007	7/23/07	Connecticut ICPC office signed on the second ICPC-100A indicating that the requested home evaluation on the adoptive family is complete
	7/25/07	New Hampshire ICPC office received the ICPC-100A from Connecticut ICPC office with an approval of the placement
8/2007	8/2/07	New Hampshire ICPC office notified the approval decision to the sending agency
	8/27/07	The receiving agency caseworker completed the progress report and affixed signature
	8/30/07	The receiving agency caseworker supervisor and program manager completed and signed on the Adoptive Home Study report
9/2007	9/5/07	Connecticut ICPC office received the report
	9/6/07	Connecticut ICPC office sent the report to New Hampshire ICPC office
	9/12/07	New Hampshire ICPC office sent the report to the sending agency
	10/18/07	New Hampshire DHHS received the court order granting the Adoption Petition
10/2007	10/22/07	The sending agency completed and sent the ICPC-100B to close the case to New Hampshire ICPC office
	10/26/07	New Hampshire ICPC office signed on the ICPC-100B and sent to Connecticut ICPC office

Not Clearly Documented:

Date the receiving agency started the home study

Date the receiving agency submitted the home study report with a placement recommendation

Date Connecticut ICPC office approved the placement

Date the sending court was notified of the placement determination

General Impression:

The documents in the file are in order and well organized. The initial 100A did not have a IV-E eligibility form and the ICPC Financial/Medical Plan form was also not attached. Missing documents were the cause of process delay. Generally, the turnaround time for the referral to be processed at every stage of the ICPC appears to be met. After the placement was approved, New Hampshire was good at filing the 100B to continue requesting the progress/status of the family. It appears that the ICPC Administrators are in close contact to keep each other updated when necessary.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire to Connecticut.

The family has been involved with a local child protective agency for approximately five years. During that time, there were eight interventions. The referrals were made from neighbors of the family reporting general neglect (i.e., children were left with inappropriate caregivers for an extended period of time). The two children were in care before. Prior child protection allegations included dirty home, existence of marijuana in the home, and parents observed to have hit the daughter. There was also a sexual abuse allegation. The family had previously lived with a convicted sex offender. Children were taken into protective custody on 12/11/04. By 1/21/05, children were returned to the parents and the petition was dismissed.

Since that time, the mother left the father – she might live in Alabama. The father reported that he was depressed and unable to care for his children. The father was in a homeless shelter and also on welfare. When the children were taken into protective custody, the son was in the zero percentile for height and weight. The permanency plan was reunification, with a concurrent plan of adoption/relative care. The father e-mailed his younger sister to be his children’s guardian or adoptive parent. The sister and her fiancé visited the children on 3/30/06 and were interested in adoption. The couple was licensed to be the children’s foster parents in Connecticut while pending the grant of an Adoption petition. The children were adopted by the foster parents (paternal aunt and uncle).

Case #2 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	2006-J-394/395/396
Sending State Agency Case #	
Sending State ICPC Case #	2848
Receiving State	Massachusetts
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	Not in file
Child’s DOB	2/27/04
Sex	Male
ICWA	No
Type of Care Requested	Relative (Paternal Grandparents)
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

10/2006	10/5/06	New Hampshire sending court ordered an interstate placement as a priority case (however, it was processed as a regular ICPC referral)
1/2007	1/25/07	The sending agency submitted an ICPC-100A to New Hampshire ICPC office
	1/31/07	New Hampshire ICPC office accepted the ICPC-100A; the packet was sent to Massachusetts ICPC office overnight by FedEx
2/2007	2/1/07	Massachusetts ICPC office received the packet
	2/27/07	Financial/Medical Plan was sent from the sending agency to New Hampshire ICPC office
3/2007	3/2/07	New Hampshire ICPC office sent the Financial/Medical Plan to Massachusetts ICPC office
	3/15/07	Massachusetts ICPC office submitted the referral to the receiving agency
	3/30/07	The receiving agency started the home study
4/2007	4/30/07	The receiving agency completed the home study report

5/2007	5/4/07	Massachusetts ICPC office sent the home study report to New Hampshire ICPC office with no recommendation included due to the pending receipt of a criminal background check on a paternal grandmother
	5/7/07	E-mail transaction was made from New Hampshire ICPC office to the sending agency to notify that the home study report was received without a placement decision/recommendation
10/2007	10/3/07	ICPC-100B was filed by the sending agency to New Hampshire ICPC office to close the case; the 3-month review hearing order was attached (dated 7/25/07)
	10/5/07	New Hampshire ICPC office sent the ICPC-100B to Massachusetts ICPC office notifying that the proposed placement request was withdrawn

Not Clearly Documented:

Date Massachusetts ICPC office accepted the ICPC-100A from New Hampshire ICPC office

Date the receiving agency received referral

Date the receiving agency submitted the home study report with a placement recommendation

Date Massachusetts ICPC office received the home study report with a placement recommendation from the receiving agency

Date Massachusetts ICPC office made the placement determination

Date Massachusetts ICPC office notified New Hampshire ICPC office of the determination

Date New Hampshire ICPC office received the determination from Massachusetts ICPC office

Date New Hampshire court received the placement determination

General Impression:

Financial/Medical Plan was missing in the 100A packet and it was the cause of delay for the Receiving state to forward the referral to the receiving agency. The home study done by another state was within 60 days.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire to Massachusetts.

The family had a previous history with the agency. In August 2005, a referral was made regarding a possible physical abuse and neglect as well as medical neglect of the older child. The child's malnourishment was a concern. The allegations were unfounded and the case was dismissed in December 2005. Another referral was made in March 2006 about bruises on the child's face, head and arms. The child also suffered from a skull fracture the previous year. Early intervention was offered to the family. The family was willing to work with the agency. The allegations were unfounded and the case was dismissed in June 2006. A few weeks after the case was dismissed, another referral was made to the agency regarding neglect and physical abuse. The concern was a lack of supervision of the child, who was left unattended in a car during summer. The door was unlocked. The agency could not substantiate that the child had suffered serious impairment or he was intentionally physically injured "despite the multiple bruises" that appeared on the child. The allegations were unfounded and the case was dismissed in August 2006. A couple of weeks after the previous case was dismissed, in September

2006, yet another referral was made to the agency about malnutrition and lack of supervision as well as physical abuse of the child. The parents were involved in domestic violence. When the child was taken into protective custody, he stated that he did not want to go home to his parents. The paternal grandmother reported to the caseworker that she was extremely concerned about the child's abuse by the parents. The caseworker was concerned about the emotional abuse that might be taking place since the child was reportedly self-mutilating. In October 2006, a petition was filed on abuse and neglect. The Preliminary Hearing was held within two days of petition filing, and the court entered an order awarding protective supervision to the agency as well as applying Regulation 7 to the case as follows: "The Division is authorized to conduct an investigation under Regulation 7 of the ICPC in serving an out-of-state/in-state relative placement." However, the case was processed as a regular placement home study. The child eventually went home to the father.

Case #3 – Sent case/Priority

Sending State	New Hampshire
Sending State Court Case #	2007-J-106
Sending State Agency Case #	
Sending State ICPC Case #	3431
Receiving State	Arizona
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	Not in file
Child's DOB	2/27/2007
Sex	Female
ICWA	No
Type of Care Requested	Parent
Current Legal Status of Child	Sending Agency Custody/Parental Rights Terminated

ICPC Event Timeline:

1/2008	1/24/08	Sending court ordered an interstate placement
	1/25/08	Sending court sent the court order to the sending agency; the sending agency submitted ICPC-100A to New Hampshire ICPC office
	1/25/08	New Hampshire ICPC office accepted the ICPC-100A; the packet was sent to Arizona ICPC office
	1/28/08	New Hampshire ICPC office sent the priority request to Arizona by FedEx overnight
	1/30/08	Arizona ICPC office accepted the ICPC-100A packet; sent the referral to a local agency for home study
2/2008	2/5/08	Receiving agency started the home study
	2/11/08	Receiving agency completed the home study report
	2/15/08	Arizona ICPC office denied the placement and faxed New Hampshire ICPC office of the determination
	2/19/08	Sending agency received the denial determination

Not Clearly Documented:

- Date the receiving agency received the referral
- Date the receiving agency submitted the home study report with a placement recommendation
- Date Arizona ICPC office received the home study report with a placement recommendation
- Date New Hampshire ICPC office received the placement determination
- Date the sending court received the placement determination
- Date ICPC-100B was filed to close the case

General Impression:

The process within both the Sending state and the Receiving state for this priority home study case was very fast. In particular, the home study was completed in 17 business days (Regulation 7 requires 20 business days for a home study to be complete).

Thumbnail Sketch of the Case:

The case was sent from New Hampshire for a placement in Arizona.

The father brought the child from Arizona to New Hampshire without proper care and nutrition. A local agency in New Hampshire filed an abuse and neglect petition against the father on December 28, 2007. The mother was located in Arizona and wanted the child back. She filed a Motion for Contempt on 1/24/08. The court order dated 1/24/08 ordered the agency to initiate an expedited ICPC request as Regulation 7 applies in this case: "The proposed recipient is a relative (parent) of the child; and the child is under two years old." The placement was denied based on the recommendations the receiving agency made: "the mother maintains stable housing, adequate income, and undergo[s] mental health assessment prior to placement." A "danger assessment" was also needed as the mother's live-in boyfriend had weapons in the home.

Case #4 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	1999-C004
Sending State Agency Case #	
Sending State ICPC Case #	3361
Receiving State	Idaho
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	4984
Child's DOB	11/21/1991
Sex	Female
ICWA	No
Type of Care Requested	Parent
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

12/2007	12/3/07	Sending agency submitted ICPC-100A to New Hampshire ICPC office
	12/5/07	New Hampshire ICPC office accepted the application
2/2008	12/13/07	Idaho ICPC office accepted the referral
	2/4/08	Receiving agency started the home study
	2/5/08	Receiving agency completed the home study report
	2/6/08	Receiving agency submitted the report to Idaho ICPC office
	2/8/08	Idaho ICPC office received the recommendations and denied the placement
	2/8/08	Idaho ICPC office sent the denial determination notice to New Hampshire ICPC office
	2/14/08	New Hampshire ICPC office sent the denial determination notice to the sending agency

Not Clearly Documented:

Date New Hampshire ICPC office submitted the ICPC-100A to Idaho ICPC office
Date Idaho ICPC office forwarded the referral to a local agency
Date the receiving agency received the referral
Date New Hampshire ICPC office received the placement determination from Idaho ICPC office
Date the sending court received the placement determination
Date ICPC-100B was filed to close the case

General Impression:

The process of the ICPC-100A was smooth and fast through every step.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire for a placement with the biological mother in Idaho.

The youth had been in foster care in New Hampshire. She was asking to go live with her mother in Idaho. The mother's parental rights were terminated in 1999. The youth found her biological mother via the internet and was reconnected with her. The possibility of a parent home study was identified at a post-permanency review hearing by an assigned caseworker. A home study was conducted on the mother as a placement option and the request was denied. The reason for denial was that the agency was unable to issue a foster care license to the mother, given she had a valid child protection investigation in Idaho and the agency was not given enough information about the youth's needs to provide appropriate services (the youth was on IEP).

Case #5 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	2006-0709
Sending State Agency Case #	82195
Sending State ICPC Case #	2665
Receiving State	North Carolina
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	51-100054

Child's DOB	4/12/1991
Sex	Female
ICWA	No
Type of Care Requested	Relative (uncle)
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

10/2006	10/30/06	Sending agency submitted ICPC-100A to New Hampshire ICPC office (cover letter attached to the packet was dated 10/30/06)
11/2006	11/20/06	New Hampshire ICPC office accepted the application and forwarded the referral to North Carolina ICPC office by FedEx Overnight
12/2006	12/21/06	North Carolina ICPC office forwarded the referral to the receiving agency
1/2007	12/28/06	Receiving agency started the home study
2/2007	1/5/07	Home visit was conducted by the receiving agency
2/2007	2/23/07	North Carolina ICPC office received the recommendations from the receiving agency, approved the placement, and notified New Hampshire ICPC office of the decision
3/2007	3/22/07	Sending agency received notice of approval from New Hampshire ICPC Office
4/2007	4/11/07	ICPC-100B was filed to notify that the approved resources will not be used for placement

Not Clearly Documented in the File:

Date North Carolina ICPC office forwarded the referral to a local agency for a home study

Date the receiving agency received the referral from North Carolina ICPC office

Date the receiving agency completed the home study report

Date the receiving agency submitted recommendation to North Carolina ICPC office

Date the sending court received the placement determination

General Impression:

The paperwork processing time within both New Hampshire and North Carolina seemed a lot longer than the previous cases reviewed. The home study was complete and the report was submitted within 60 days. No documentation of the delay was found in the file.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire to be placed in North Carolina.

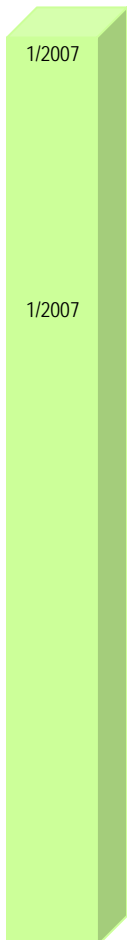
The youth has been in multiple placements in foster care since age 10. In June 2002, an adjudicatory hearing was held and the youth's father was found to have neglected her. In July 2002, the father requested to be allowed to relinquish his parental rights at the dispositional hearing. The mother attended the hearing and indicated she could not care for the youth. The youth was then placed with her paternal aunt and uncle as her permanent plan but they changed their minds. The youth wanted to live with her maternal uncle out of state. The potential interstate placement was brought to the court's attention at a post-permanency review hearing by an assigned caseworker. The

placement was approved by the Receiving state ICPC office with a note that New Hampshire would retain custody of the youth until she turns 18, and provide financial support and medical coverage for the youth. The New Hampshire agency determined that the child would not be placed with the uncle.

Case #6 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	04-JV-128
Sending State Agency Case #	
Sending State ICPC Case #	2809
Receiving State	Florida
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	078155
Child's DOB	4/18/1990
Sex	Female
ICWA	No
Type of Care Requested	Foster Family Care
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:



1/4/07	Sending agency submitted ICPC-100A to New Hampshire ICPC office
1/10/07	New Hampshire ICPC office received the ICPC-100A but delayed the process due to incomplete paperwork; a copy of the most recent home study of the custodian was missing; New Hampshire ICPC Administrator sent email to the sending agency caseworker requesting to send the foster parent's home study report to include in the referral
1/19/07	Another e-mail was sent from New Hampshire ICPC office to the sending agency indicating that the referral is being held pending receipt of the home study report
1/22/07	New Hampshire ICPC office accepted the ICPC-100A and affixed signature
1/29/07	Additional information including a post-permanency review hearing order and counseling progress reports was sent to Florida ICPC office
1/30/07	Florida ICPC office accepted the referral and forwarded it to a local agency for a home study
1/30/07	Florida ICPC office approved placement based on Regulation 1 for relocation only; Home study due date was clearly documented on a Florida DCF Interstate Compact Transmittal Memo from the ICPC office to receiving agency as 03/29/07; Florida ICPC office also requested to send proof of IV-E eligibility and ICPC-100B to notify the placement date of the youth; New Hampshire ICPC office received Regulation 1 approval notice from Florida ICPC office; Sending agency received Regulation 1 approval notice from New Hampshire ICPC office

3/2007	3/7/07	Foster care licensing agency in Florida indicated the issuance of license to foster parent is pending receipt of a copy of his licensing file from the sending agency in New Hampshire (original request was made on 2/19/07)
	3/12/07	New Hampshire ICPC office submitted IV-E eligibility form to Florida ICPC office
	3/15/07	A copy of foster care licensing file was received by Florida ICPC office from New Hampshire ICPC office
	3/16/07	ICPC-100B was filed by the sending agency in New Hampshire to notify the youth's placement date; the form reported that the child was placed in Florida on 1/29/07
	3/23/07	New Hampshire ICPC office signed on the ICPC-100B and sent to Florida ICPC office
4/2007	4/23/07	New Hampshire ICPC office sent the sending agency the progress report
	4/30/07	New Hampshire ICPC office sent the original home study being done on the foster parent to Florida ICPC office
6/2007	6/18/07	ICPC-100B was submitted by the sending agency to New Hampshire ICPC office, terminating the compact placement due to the youth returning to New Hampshire; date of termination was 6/15/07; New Hampshire ICPC office signed the ICPC-100B without a date
	6/20/07	New Hampshire ICPC office sent ICPC-100B to close the case to Florida ICPC office; no reason was reported as to why the youth returned to New Hampshire

Not Clearly Documented in the File:

- Date the receiving agency received the referral
- Date the receiving agency started the home study
- Date the receiving agency completed the home study report
- Date Florida ICPC office received the placement recommendation
- Date New Hampshire court received notice of the placement determination

General Impression:

The case was processed smoothly in part because the foster parent was previously assessed in New Hampshire. New Hampshire followed through with 100B filing.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire for a placement in Florida.

Prior to the current case, the family was involved with the agency in 1998. A neglect investigation was conducted against the mother and the mother was found to be neglectful as she failed to adequately supervise and protect her younger children from the youth's sexual acting-out. The youth was removed from the home, along with the younger brothers. The younger brothers were placed with their father who became licensed. In August 2004, the youth was taken into protective custody after being hit by her mother. In October 2004, the mother consented to a finding of neglect. In April 2006, the youth transitioned to her stepfather who was the father of her younger siblings. He decided to move to Florida for his employment as well as to be close to his family. He wanted the youth to move with him and his children. The sending agency and CASA supported his request for the youth to move with him. The placement was approved on

the basis of ICPC Regulation 1 for relocation only first. At the end, the child returned to New Hampshire and the reason for return was not clearly documented.

Case #7 – Sent case/Non-priority

Sending State	New Hampshire
Sending State Court Case #	05-JV-00122
Sending State Agency Case #	
Sending State ICPC Case #	2521
Receiving State	New York
Receiving State Agency Case #	NY ICPC # 1021163
Receiving State ICPC Case #	1021163
Child's DOB	3/13/1990
Sex	Female
ICWA	No
Type of Care Requested	Parent
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

7/2006	7/31/06	Sending agency caseworker signed on the ICPC-100A to New Hampshire ICPC office
8/2006	8/9/06	Sending agency caseworker signed on the cover letter attached to the ICPC-100A
	8/10/06	New Hampshire ICPC office accepted the ICPC-100A and affixed signature; New Hampshire ICPC office submitted the ICPC-100A to New York ICPC office
11/2006	8/14/06	New York ICPC office accepted the ICPC-100A
	8/17/06	New York ICPC office forwarded the referral to its local agency for a home study
	11/29/06	The sending agency sent a letter responding to New York's request to receive a Financial/Medical Plan and indicated that the mother would be unable to obtain medical coverage for the youth as long as New Hampshire retained custody of the youth; the letter also indicated that the New Hampshire Division for Children, Youth and Families would be responsible for the medical, dental and psychological needs of the youth until the mother was approved for full physical custody
12/2006	12/13/06	New Hampshire ICPC office sent the Financial/Medical Plan to New York ICPC office and requested the status of the home study
	12/19/06	Receiving agency submitted the home study report to New York ICPC Office
	12/20/06	New York ICPC office received the home study report with a placement recommendation from the receiving agency
	12/30/06	New York ICPC office approved the placement and notified New Hampshire ICPC office of the determination
1/2007	1/8/07	The sending agency received notice of approval from New Hampshire ICPC office and was requested to file ICPC-100B with a placement date

1/2007	1/19/07	The sending agency filed an ICPC-100B to notify the placement date as 1/19/07
	1/25/07	ICPC-100B was forwarded to New York ICPC requesting assignment of supervision and provision of a progress report; child placed with the mother
4/2007	4/26/07	New York ICPC office sent a status report to New Hampshire ICPC
5/2007 6/2007	5/3/07	New Hampshire ICPC office sent the progress report to the sending agency
	6/25/07	The receiving agency sent a progress report to New York ICPC office
	6/30/07	New York ICPC office signed and sent a request to file ICPC-100B to close the case
7/2007	7/5/07	New Hampshire ICPC office sent the sending agency a request to file ICPC-100B
8/2007	8/15/07	Amended court order was entered to terminate the case
	8/30/07	The sending agency filed ICPC-100B to New Hampshire ICPC office to close the case
9/2007	9/20/07	New Hampshire ICPC office signed on the ICPC-100B indicating child returned to New Hampshire and the legal custody was returned to the father; New Hampshire ICPC office sent New York ICPC office the ICPC-100B to close the case and notify that the youth returned to New Hampshire to live with the father

Not Clearly Documented in the File:

- Date the receiving agency received the referral from New York ICPC office
- Date the receiving agency started the home study
- Date the receiving agency completed the home study report
- Date New Hampshire court received notice of the placement determination
- Date the sending court was notified of the placement determination

General Impression:

100B forms were filed to request an update on the placement. The turnaround time to forward the 100B to the Sending state appeared delayed, but the causes of delay were unknown.

Thumbnail Sketch of the Case:

The case was sent from New Hampshire for a placement in New York.

The family has been involved in a custodial dispute between the parents. The youth needed a high level of structure and would continue to require therapeutic support. Father retained primary custody of the youth. The placement was approved by the New York ICPC office and the youth was placed with the mother. Legal custody was returned to the father and the youth returned to New Hampshire to live with the father.

Case #8 – Received case/Non-priority

Sending State	Tennessee
Sending State Court Case #	124-112
Sending State Agency Case #	2410744
Sending State ICPC Case #	

Receiving State	New Hampshire
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	2490
Child's DOB	3/10/2000
Sex	Female
ICWA	No
Type of Care Requested	Parent
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:

6/2006	6/13/06	Sending agency submitted ICPC referral packet to Tennessee ICPC office
	6/23/06	Sending agency submitted second cover letter requesting for the Tennessee ICPC office to forward the ICPC referral packet to New Hampshire
7/2006	7/10/06	Tennessee ICPC office accepted the ICPC-100A packet
	7/14/06	New Hampshire ICPC office forwarded the referral to a receiving agency for a home study
10/2006	10/16/06	The receiving agency completed the home study report on 10/16/06 with a cover letter recommending placement approval.
	10/25/06	Tennessee ICPC office sent the ICPC transmittal memo with urgency to New Hampshire ICPC office to request prompt reply to correspondence dated 7/7/06 and asked the home study completion date
	10/31/06	New Hampshire ICPC office communicated with the receiving agency about the requested ICPC home study referral dated 7/14/06
1/2007	1/18/07	New Hampshire ICPC office received the home study report
	2/16/07	Second home study report was submitted to update on the recommendation of the placement
	2/23/07	New Hampshire ICPC office approved the placement and notified Tennessee ICPC office of the determination with a request to file ICPC-100B
	3/2/07	Tennessee ICPC office received the placement approval decision from New Hampshire ICPC office
4/2007	4/4/07	The sending agency received the approval decision from Tennessee ICPC office with a request to file ICPC-100B for provision of supervision
9/2007	9/25/07	New Hampshire ICPC office sent a transmittal memo to Tennessee ICPC office indicating that the placement approval has expired

Not Clearly Documented in the File:

Date Tennessee ICPC office submitted the ICPC-100A to New Hampshire ICPC office
Date New Hampshire ICPC office forwarded the referral to a receiving agency
Date the receiving agency received the referral
Date the receiving agency started the home study
Date the receiving state local agency submitted the complete home study report with recommendations to New Hampshire ICPC office

Date the sending court received the placement decision

General Impression:

The first home study report was completed within 63 days after the New Hampshire ICPC office forwarded the referral to the local agency for a home study. However, there was a delay of nearly three months in forwarding the report to the ICPC office. Causes of delay were not clearly documented.

Thumbnail Sketch of the Case:

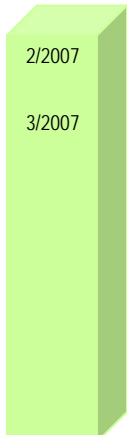
The case was sent from Tennessee for a placement in New Hampshire.

The two children were taken into protective custody in 2005 alleging that they were in substantial risk of physical injury. Their older sibling was taken into protective custody due to substantial physical abuse by the mother's boyfriend. Father was identified by the agency caseworker as a potential placement out-of-state in a revised case plan. The placement was approved by New Hampshire but the children did not move immediately following the approval. The New Hampshire ICPC office sent a memo to the Tennessee ICPC office to notify that the placement approval had expired and closed the ICPC. No other document or ICPC-100B was found in the file with regard to what the causes of delay were in moving the children from Tennessee to New Hampshire.

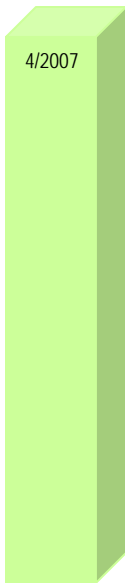
Case #9 – Received case/Non-priority

Sending State	Massachusetts
Sending State Court Case #	CP 06C0020
Sending State Agency Case #	3359692
Sending State ICPC Case #	Not in file
Receiving State	New Hampshire
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	2921
Child's DOB	9/17/1991
Sex	Female
ICWA	No
Type of Care Requested	Parent
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:



2/2007	2/13/07	Sending agency submitted ICPC referral packet to Massachusetts ICPC office
3/2007	3/7/07	Massachusetts ICPC office accepted the ICPC-100A packet and submitted the packet to New Hampshire ICPC office
	3/12/07	New Hampshire ICPC office forwarded the referral to a local agency for a home study by FedEx overnight
	3/13/07	The receiving agency received the referral
	3/22/07	The receiving agency visited the placement at home
	3/29/07	The receiving agency caseworker wrote a letter to the Massachusetts caseworker addressing her concerns about the placement but to approve a trip to Florida with her grandmother during spring break



- 4/3/07 New Hampshire ICPC office sent a transmittal memo to request additional information about the placement's criminal history in Massachusetts
- 4/10/07 The receiving agency sent a request to New Hampshire ICPC office to obtain birth certificate to confirm the relationship between the placement and the youth, complete criminal history on the placement, and a consent letter for the youth to go to Florida with her grandmother
- 4/12/07 E-mail transaction between the Massachusetts caseworker and Massachusetts ICPC Administrator about the placement's criminal history in Massachusetts
- 4/19/07 The receiving agency completed the home study report
- 4/25/07 The receiving agency submitted recommendation to New Hampshire ICPC office
- 4/30/07 New Hampshire ICPC office denied the placement request and notified Massachusetts ICPC office of the determination

Not Clearly Documented in the File:

- Date New Hampshire ICPC office accepted the ICPC-100A
- Date New Hampshire ICPC office received the recommendations
- Date Massachusetts ICPC office received the placement denial from New Hampshire ICPC office
- Date the sending agency received the notice of denial from Massachusetts ICPC office
- Date the sending court received the placement decision
- Date the ICPC-100B was filed to close the case

General Impression:

The process of the referral seemed smooth. The home study was complete within the required 60-day time frame.

Thumbnail Sketch of the Case:

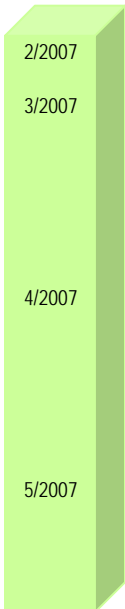
The case was sent from Massachusetts for a placement in New Hampshire.

The youth was initially taken into protective custody on 11/13/06 based on the information that the youth confided in her friend that her stepfather touched her inappropriately. At the time all four children in the household were interviewed, it was disclosed that the children were being hit by the stepfather of the two older children (the perpetrator is a biological father of the two younger children). During the investigation, it was disclosed that the stepfather of the youth had a previous child protection involvement. The previous allegation of sexual abuse to one of his five children from his previous marriage was substantiated. The youth with her older brother were placed with a maternal aunt. The youth's biological father came forward in January 2007 requesting to have his daughter live with him. The youth was placed with her biological father without going through the ICPC process after Massachusetts Department of Social Services received a legal advice from a DSS counsel. However, Massachusetts ICPC Office informed the DSS that the advice they received from the counsel went against the ICPC laws and requested to apply for the ICPC. Therefore, the biological father of the youth who resided in New Hampshire was studied by a district office of the Division for the Children, Youth, and Families in New Hampshire. The placement was denied on the basis of the father's inability to supervise the youth as well as his mental health issues. Inadequate and unacceptable housing was also a reason for denial.

Case #10 – Received case/Non-priority

Sending State	Florida
Sending State Court Case #	38-2003-DP-0203
Sending State Agency Case #	Not in file
Sending State ICPC Case #	070919
Receiving State	New Hampshire
Receiving State Agency Case #	Not in file
Receiving State ICPC Case #	2949
Child's DOB	8/14/1991
Sex	Male
ICWA	No
Type of Care Requested	Relative (second cousin)
Current Legal Status of Child	Sending Agency Custody

ICPC Event Timeline:



2/2007	2/22/07	Sending agency submitted ICPC referral packet to Florida ICPC office
3/2007	3/8/07	Florida ICPC office received the ICPC-100A packet
	3/21/07	Florida ICPC office accepted the ICPC-100A packet and submitted the referral to New Hampshire ICPC office
	3/29/07	New Hampshire ICPC office forwarded the referral to a local agency for a home study by FedEx overnight
4/2007	3/30/07	The receiving agency received the referral
	4/9/07	The receiving agency completed the home study report; signature affixed by the caseworker and the supervisor
	4/16/07	Florida ICPC office sent the sending agency to notify the date New Hampshire ICPC office forwarded the home study referral to its local agency on 3/29/07
5/2007	5/14/07	The receiving agency submitted recommendation to New Hampshire ICPC office
	5/16/07	New Hampshire ICPC office denied the placement request and notified Florida ICPC office of the determination

Not Clearly Documented in the File:

Date New Hampshire ICPC office accepted the ICPC-100A
Date the receiving agency started the home study
Date New Hampshire ICPC office received the recommendations
Date Florida ICPC office received the placement denial from New Hampshire ICPC office
Date the sending agency received the notice of denial from Florida ICPC office
Date the sending court received the placement decision
Date the ICPC-100B was filed to close the case

General Impression:

The home study within New Hampshire was complete within a timely manner.

Thumbnail Sketch of the Case:

The case was sent from Florida for a placement in New Hampshire.

Three siblings were removed from home due to the mother's substance abuse, inadequate shelter, inadequate supervision, and hazardous conditions. They were originally removed in June 2003. One child's father was unknown. The youth was placed with a non-relative as the youth considered him to be his father. The true relationship between this person and the youth was not documented. The placement was disrupted because of the youth's behavioral problems (i.e., the youth was diagnosed with PTSD, ADHD, and ODD). The youth was then placed with his grandmother in Vermont but the placement was disrupted again due to the youth's defiant behavior. The youth returned to Florida and was placed in a group home. The youth's distant cousins, with whom the youth had spoken with occasionally, came forward to report their interest in being the youth's placement in August 2006. They resided in New Hampshire. The home study revealed that the cousins had at least five alleged child abuse and neglect investigations of their own since 2002. These were unfounded but caused significant concerns for the agency. Current allegations included abuse on one of the children, father's substance abuse and domestic violence. Both parents worked long hours and the youth needed structure to maintain services, medication, and counseling. The father also needed to maintain his sobriety for another year and his children were concerned about relapsing if more stress was added. The placement was, therefore, denied.

Assessment of New Hampshire'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 35 judges who hear child abuse and neglect cases from throughout New Hampshire were invited to participate in an online survey. Judges were given 11 days to complete the survey. A follow-up reminder email was sent to them after eight days to encourage their participation. Of the 35 invitees, 12 judges completed the online survey (a response rate of 34%), providing their perspectives on, and experiences with, handling child abuse and neglect cases involving interstate placements.

This report provides a descriptive analysis of the results of the online survey. With only 12 judges responding 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.

Demographic Information

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

- ◆ *How long have you served in your current position? (n = 12)*
Overall, half of the respondents have served in their current position for more than ten years. The length of time judges have served in their current role is presented in Table 1 below.

Less than a year	n = 0
1 year	n = 1
2 years	n = 0
3 years	n = 1
4 years	n = 0
5 years	n = 0
6 years	n = 0
7 years	n = 2
8 years	n = 1
9 years	n = 1
More than 10 years	n = 6

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

Five judges reported that 10% of their total caseload was devoted to child abuse and neglect cases. Additionally, two judges reported that 20% of their caseload was dedicated to child abuse and neglect cases, while the same number of judges stated that 30% was devoted to child abuse and neglect cases. None of the judges stated that their full caseload was dedicated to child abuse and neglect cases. The highest percentage of overall caseload devoted to child abuse and neglect cases was reported as 70% by one judge. The percentage of the judges' total caseload devoted to child abuse and neglect cases is presented below in Table 2.

0%	n = 0	60%	n = 0
10%	n = 5	70%	n = 1
20%	n = 2	80%	n = 0
30%	n = 2	90%	n = 0
40%	n = 1	100%	n = 0
50%	n = 1		

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

The majority (n = 8) of the judges reported that only 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%	n = 2	60%	n = 0
10%	n = 8	70%	n = 0
20%	n = 2	80%	n = 0
30%	n = 0	90%	n = 0
40%	n = 0	100%	n = 0
50%	n = 0		

- ◆ *Approximately how many ICPC cases, in total, have you presided over? (n = 12)*
Of the twelve respondents, four judges reported that they had up to five cases involving the interstate placement process, while three stated that they had presided over up to ten cases involving the ICPC. It is interesting to note that two respondents reported that they have yet to have a case involving the ICPC process. Only one judge reported that he/she has had more than 30 cases involving the ICPC. The total number of ICPC cases the judges have presided over is presented below in Table 4.

0 (case)	n = 2	Up to 20	n = 2
Up to 5	n = 4	Up to 25	n = 0
Up to 10	n = 3	Up to 30	n = 0
Up to 15	n = 0	More than 30	n = 1

Hearing Practices

Survey respondents were asked about what they were 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 = 8)
Of the eight judges who provided answers to this question, all of them reported that they were allowed to admit properly authenticated evidence offered from another state in a hearing before the judicial officer. The majority (n = 7) 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	n = 7
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	n = 3
Co-preside in interstate hearings with the other judge	n = 0
Cooperate with a judicial officer in another state to hold hearings where witnesses must be sworn to testify through a video or telephone	n = 1
Admit properly authenticated evidence offered from another state in a hearing before the judicial officer	n = 8 (100%)
Allow attorneys who are not a member of your state bar to present a case involving interstate placements	n = 3
None of the above	n = 0
Other	n = 0

Comments were made by two judges to supplement their responses:

“I do not know of any court rule or state law that specifies the details of ICPC practice. RSA 170-A doesn’t address these details. Because I am not aware of a law that prohibits the listed practices, I would do any of the practices listed above to reach a just result for the child.”

“3 (Co-preside in interstate hearings with the other judge) & 4 (Cooperate with a judicial officer in another state to hold hearings where witnesses must be sworn to testify through a video or telephone) have never come up... [I] would [do these] if asked.”

- ◆ *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 = 7)*

Seven judges provided answers to this question. The judges reported that they were permitted to: 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 = 4); and communicate directly with a judicial officer in another state to discuss the matter (n = 4). 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	n = 3
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	n = 3
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	n = 4
Communicate directly with a judicial officer in another state to discuss the interstate litigation process or legal issues	n = 4
None of the above	n = 0
Other	n = 0

Comments were made by three judges to supplement their responses:

“I really don't know the answer to this. I have always assumed it is crossing s/p (separation of powers) issues to have a court do the investigation, and assume this would be done by each state's ICPC Administrator. It would certainly be helpful to cut through a lot of red tape if judges could communicate, but in one current case, it seems like the problem is with the other state's administrator who does not understand the law. We are having our administrator work with that individual, but meanwhile, the case keeps lingering.”

“DCYF/JPP0 handles [this] – [I] never have had to address 1 (Contact ICPC administrators in your state or the other state to obtain information about the progress of an ICPC matter) or 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).”

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 = 8)

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 New Hampshire is the Sending state. All eight respondents who provided answers to this question chose this reason regardless of the ranking. In addition, five judges reported that delay by a Receiving state ICPC office to process and send the case to the local agency for a home study was a common reason for delay. Half of the judges responded that delay by a Receiving state ICPC office to return the ICPC package to New Hampshire was another common reason for delay. On the other hand, no respondents indicated that background checks delayed the process. The following are judges' perceptions of the ICPC process delays when New Hampshire is the Sending state.

	Most Common Reason 1	Second Common Reason 2	Third Common Reason 3	Response count
Delay in entry of the court order placing the child in care.	n = 0	n = 0	n = 0	0
Delay in the preparation of the ICPC package by the agency.	n = 0	n = 2	n = 0	2
Delay in your state ICPC office's approval process.	n = 0	n = 0	n = 2	2
Delay by your state ICPC office to return the ICPC package to the local agency for incompleion.	n = 0	n = 0	n = 0	0
Delay by a Receiving state ICPC office processing and sending the case to the local agency for the Home Study.	n = 4	n = 1	n = 0	5
Delay in the Home Study being done by the local agency in a Receiving state.	n = 4	n = 4	n = 0	8
Delay by a Receiving state ICPC office to return the ICPC package to your state ICPC office.	n = 0	n = 0	n = 4	4
Negotiations between the two ICPC offices regarding issues found by the Home Study.	n = 0	n = 0	n = 1	1

Table 7 Top Three Most Common Reasons for Delay with NH as the Sending state				
	Most Common Reason 1	Second Common Reason 2	Third Common Reason 3	Response count
Delay in FBI checks.	n = 0	n = 0	n = 0	0
Delay in police checks in Receiving state.	n = 0	n = 0	n = 0	0
Delay in National Sexual Offender Registry checks.	n = 0	n = 0	n = 0	0
Delay in Receiving state Sexual Offender Registry checks.	n = 0	n = 0	n = 0	0
Delay in your state child Welfare Registry checks.	n = 0	n = 0	n = 0	0
Delay in Receiving state Child Welfare Registry checks.	n = 0	n = 0	n = 0	0
Other	n = 0	n = 0	n = 0	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 = 9)*

Of the nine judges who provided answers to this question, four respondents reported that when a placement was identified as requiring an ICPC approval it was brought to their attention 100% of the time. However, the responses to this question showed inconsistency in judicial perception with respect to how frequently the issue of an interstate placement was brought to the court's attention. The reported frequency with which placements requiring ICPC approval were brought to judicial attention is presented in Table 10.

Table 10 Frequency with Which ICPC Issues are Brought to the Court's Attention	
Never	n = 0
Less than 20% of the time	n = 1
20-39% of the time	n = 1
40-59% of the time	n = 1
60-79% of the time	n = 1
80-99% of the time	n = 1
100%	n = 4
Don't Know	n = 0

- ◆ *In most cases, when was the particular ICPC issue brought to your attention as a judicial officer? (n = 9)*

Of the nine judges who provided answers to this question, three reported that they were most often made aware of a particular ICPC issue at the preliminary hearing and the same number of judges stated that they were most often made aware of ICPC issues at the adjudicatory/dispositional hearing. The typical timing of when ICPC issues were brought to judicial attention is reported in Table 11 below.

At petition filing	n = 0
At preliminary hearing	n = 3
At adjudicatory/dispositional hearing	n = 3
At post-dispositional review hearing	n = 1
At permanency hearing	n = 0
At post-permanency review hearing	n = 2
At Termination of Parental Rights hearing	n = 0
At adoption	n = 0
Other	n = 0
Don't Know	n = 0

- ◆ *Typically, who brings the issue to your attention as a judicial officer? (n = 9)*
- The judges reported that an agency attorney typically brought ICPC issues to their attention (n = 7) and/or the assigned caseworkers (n = 6). Table 12 below identifies who typically brings the ICPC issue to the attention of judicial officers.

The lawyer for the child welfare agency	n = 7
The caseworker/social worker	n = 6
The children's lawyer/GAL	n = 1
The child welfare supervisor	n = 0
The parent's lawyer	n = 0
Other	n = 0

- ◆ *How often did you make a placement of a child in another state by following ICPC requirements? (n = 9)*

The responses show that four of the nine judges who provided answers to this question 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.

Never	n = 0
Less than 20% of the time	n = 2
20-39%	n = 0
40-59%	n = 0
60-79%	n = 0
80-99%	n = 2
100%	n = 4
Don't Know	n = 1

- ◆ *Do you typically actively oversee progress on the ICPC? (n = 8)*

Yes n = 2

No n = 6

Five respondents provided comments to supplement their responses to this question.

"I do so in the context of the hearing, but leave it to the agency to gather information and present, and push for more expeditious handling, but otherwise do not get engaged in their work."

"I found out at the adjudicatory hearing that the ICPC process was underway but not finalized, for placement with child's grandfather out of state. Grandfather also filed a petition for guardianship. I continued the adjudicatory [hearing] for two weeks to the date for the guardianship hearing, and the ICPC was finalized prior to that hearing. Beyond that pressure, I had little involvement with the ICPC process."

"Once I make the order the DCYF follows up on the process."

"To the extent it is pending during ongoing hearings, adjudicatory, dispositional, or review."

"The issue is usually revealed as often as possible to monitor progress with an input from the ICPC Administrator."

- ◆ *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, the majority (n = 6) of the judges reported that they most often scheduled a hearing within 30 days to obtain an update on the progress of the ICPC process. The following table shows the judicial action most often taken when judges learned of a delay in the ICPC process.

Table 9 Action Taken when Judges Learned of a Delay in ICPC Process	
Scheduled a hearing within 30 days for an update on progress	n = 6
Ordered a report on progress to be given at the next regularly scheduled hearing	n = 1
Scheduled a hearing within 60 days for an update on progress	n = 0
Took direct action by calling the Sending state ICPC office	n = 0
Took direct action by calling a judicial officer in receiving state	n = 0
Took no action	n = 0
Other	n = 0

One judge commented that he/she was sensing he/she was not doing enough [i.e., reviews] to expedite the ICPC process.

- ◆ *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 = 4)*
All of the judges who responded to this question 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	n = 4
Consistent cooperation	n = 0
Inconsistent cooperation	n = 0
No cooperation	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 = 4)*

The majority (n = 3) of the judges who responded to this question reported that they did *not* make direct contact with a Receiving state judicial officer (n = 3).

No contact made	n = 3
Consistent cooperation	n = 1
Inconsistent cooperation	n = 0
No cooperation	n = 0

- ◆ *How often did the attorney for a parent ask for an early review date regarding any ICPC matter? (n = 9)*

The answers to this question show inconsistency with respect to how often an early review of an ICPC matter was requested by a parent's attorney. While two judges reported that a parent's attorney asked for an early review 100% of the time, another two respondents reported that parents' attorneys asked for an early review 40-59% of the time. The following table shows how often a parent's attorney requested an early review of an ICPC matter.

Never	n = 1
Less than 20% of the time	n = 1
20-39%	n = 0
40-59%	n = 2
60-79%	n = 0
80-99%	n = 1
100%	n = 2
Don't Know	n = 2

- ◆ *How often did the GAL or CASA GAL for the child ask for an early review date regarding any ICPC matter? (n = 9)*

The answers to this question show that a GAL or CASA GAL rarely asked for an early review. The following table shows how often a GAL or CASA GAL requested for an early review of an ICPC matter.

Table 13 Frequency of ICPC Issues Brought to the Court's Attention by GAL or Child's Attorney	
Never	n = 2
Less than 20% of the time	n = 2
20-39%	n = 1
40-59%	n = 0
60-79%	n = 0
80-99%	n = 0
100%	n = 1
Don't Know	n = 3

- ◆ *How often did the attorney for the government/agency ask for an early review date regarding any ICPC matter? (n = 9)*

Of the nine judges who responded to this question, four reported that an agency attorney never requested an early review with regard to ICPC matters.

Table 18 Frequency of Early Review Request from an Agency Attorney	
Never	n = 4
Less than 20% of the time	n = 2
20-39%	n = 1
40-59%	n = 1
60-79%	n = 0
80-99%	n = 0
100%	n = 0
There are no lawyers in court for the government/agency	n = 0
Don't Know	n = 1

- ◆ 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 = 3)

The respondents reported, regardless of the ranking, that delay commonly occurred: in the home study conducted by the local agency in New Hampshire when receiving a case from another state; in the process of having the New Hampshire ICPC office process the case and forwarding it to the receiving local agency for a home study; and in negotiations between the two state ICPC offices regarding issues found by the home study. The following table shows judicial perceptions of the ICPC process delays when New Hampshire is the Receiving state.

Table 8 Top Three Most Common Reasons for Delay with NH as the Receiving state				
	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.	n = 1	n = 0	n = 1	2
Delay in the Home Study being done by the local agency in your state.	n = 0	n = 2	n = 0	2
Delay by your state ICPC office to return the ICPC package to a Sending state ICPC office.	n = 0	n = 0	n = 0	0
Negotiations between the two ICPC offices regarding issues found by the Home Study.	n = 1	n = 0	n = 1	2
Delay in FBI checks.	n = 0	n = 0	n = 0	0
Delay in police checks in your state.	n = 0	n = 0	n = 0	0
Delay in National Sexual Offender Registry checks.	n = 0	n = 0	n = 0	0
Delay in your state Sexual Offender Registry checks.	n = 0	n = 0	n = 0	0
Delay in your state child Welfare Registry checks.	n = 0	n = 0	n = 0	0
Other	n = 1	n = 0	n = 0	1

Three judges commented to supplement their responses to this question. All three mentioned that they were not generally directly involved in the processing of ICPC matters as they related to procedures required of the Receiving state, and there were no data on this issue.

- ◆ *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 = 3)

All of the judges who responded to this question 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	n = 3
Consistent cooperation	n = 0
Inconsistent cooperation	n = 0
No cooperation	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 = 3)

All three judges who responded to this question reported that they did *not* make direct contact with a Receiving state judicial officer.

Table 16 Response from a Receiving state Judicial Officer	
No contact made	n = 3
Consistent cooperation	n = 0
Inconsistent cooperation	n = 0
No cooperation	n = 0

- ◆ *In your opinion, what aspects of the ICPC process currently work well?* (n = 10)
Eight respondents shared their opinions regarding the strengths of the ICPC process in New Hampshire. Three judges reported that they have little information or have not had enough cases to provide an informed opinion. The following are the comments received:
 - *I have too little information to even offer an informed opinion. We desperately need training on the process, what we can and should do, and what is off limits.*
 - *It enables us to send children to safe out-of-state placements, often with a family member there, instead of having to send them to a foster or group home, or to send them out-of-state without knowing enough about their destinations.*
 - *Haven't had enough cases to know what works well.*

- *The Division for Children, Youth, and Families seems to be very competent on these cases.*
 - *The process works well. The difficulties arise in the response of the responding state. Like all child welfare workers, they usually have large case loads and little time. Having jurisdiction of any child in the state with the closest contacts with the child is important.*
 - *Ability to unify families even if other states [are] involved and trust [of] the children will still be protected.*
 - *My experience has been very positive, [but] it could be faster at times.*
 - *Not enough information to respond.*
 - *Communication between Compact Administrators.*
 - *The states have a person who knows the process.*
- ◆ *In your opinion, what aspects of the ICPC process need improvement? (n = 11)*
 Eleven 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 and the lengthy delays. Two respondents also reported that more judicial education is necessary. The following are the comments received.
- *Timeliness. They always seem to take ages.*
 - *[I] would agree that more training is needed on this topic.*
 - *The process takes much too long, sometimes 90 days or more, when we need to make a move almost immediately.*
 - *In the one case I've had, a 4-month-old child was separated from family for 6 weeks waiting for the ICPC process to conclude. I think at that age, that's too long, particularly when there are no major concerns about the placement. Also, I'd like more judicial education about the ICPC process.*
 - *Our jurisdiction needs to develop forms to implement the various aspects of the law.*
 - *1) More rapid return on the out of state home study; 2) More in depth investigation on the out of state placement. My experience has been that the study is very cursory, and if the court has some questions before even ordering the home study, those concerns are rarely addressed.*
 - *[It] Seems to be an overwhelming amount of paperwork that dissuades the caseworkers.*
 - *I don't know enough about the process to have an opinion.*
 - *Not enough information to respond.*
 - *Delays in getting things done (i.e., assessments, home studies, etc.), even under an accelerated case.*
 - *Courts, both sending and receiving, need to have some direct control over the process.*
- ◆ *In your opinion, what can judicial officers, and other child abuse and neglect system stakeholders, do to improve the ICPC process in New Hampshire? (n = 9)*
 Seven judges provided suggestions to improve the ICPC process in their state. Three judges reported that education and training would improve the ICPC process from the judicial perspective. The following are the comments received.
- *Learn first.*
 - *Make sure the parties are being closely monitored in completing the process.*

- *Become more educated, through case studies or examples, so we all know how to act quickly and appropriately given the unique circumstances of each case.*
- *Develop the forms needed.*
- *As we have no control over the responding state, the most I think we can do is to express our concerns, if any initially with the hopes of getting a thoughtful response.*
- *Financial allowance for respite visits/travel to test new state placement. Sometimes the grass is not always greener elsewhere even [though] the child thinks so.*
- *Judges certainly need to make sure the process gets completed as soon as possible. All stakeholders need to meet and develop improvements in the process so that delays can be eliminated or at least minimized.*
- *Training.*
- *Have a priority system and stick to it.*

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

Appendix E: Judicial Interview Data Report

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As part of this assessment, telephone interviews were conducted with 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 four district court and family division judges participated in the telephone interviews, providing their perceptions of the ICPC process and sharing their own experiences. The sample size is small, therefore the findings presented in this report should be understood as a “snapshot” of ICPC practice, rather than as a representative study of the ICPC process in New Hampshire. Nevertheless, because of the in-depth nature of the telephone interviews, the data presented provide good indicators of current ICPC practices in New Hampshire.

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

Stakeholder Interview Sample: Current Caseload of Dependency ICPC cases

All four judges who participated in the interviews were asked to provide their current child abuse and neglect caseload statistics prior to the interview. Two judges responded with the numbers and percentages of their current child abuse and neglect case workload, and cases involving the ICPC, while two other judges provided responses to some of the questions only.

Background Information

The participating judges were asked to provide statistics regarding their experience on the bench and current child abuse and neglect caseload. On average, the interviewed judges have been judges for 15.7 years, with an average of 14 years hearing child protection cases. The responses to a question about the judges' total caseload (child protection and other cases) varied. One judge reported that the court had approximately 500 cases in total, while another judge stated an average of three to five cases per day. When asked to provide an estimate of the percentage of *child abuse and neglect* cases out of their total caseload, two judges reported 1% of the grand total including civil and criminal matters (e.g., child abuse and neglect makes up 20-30% of their juvenile caseload). When asked to provide an estimated number of child abuse and neglect cases in the last year that required an *interstate placement*, all of the judges reported ten cases or less. Among these ICPC cases, generally, all of the cases the judges were involved in were sent to other states.

The remainder of the questions were 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 child abuse and neglect court process does the court get involved? (n = 4)*

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

1. The interstate placement issue arises typically when there is a determination that the child needs to be removed from the alleged offender. At that point, the court considers whether a non-accused, non-household parent or relatives in and out of New Hampshire is appropriate for a placement according to the agency's report. (n = 4)
 2. The paperwork process starts administratively. (n = 3)
 3. Courts get involved by issuing an order to start investigating potential placements, regardless of the localities. (n = 3)
 4. Courts do not get involved in the ICPC unless it is a priority home study request. (i.e., issue an order to request a priority home study). (n = 1)
 5. Courts become involved whenever a child is removed because courts initiate the investigation of potential relative placements, regardless of where the relative resides. (n = 1)
- ◆ *How often do you review the case in court after the ICPC request is filed? (n = 4)*

Three of the four judges reported that their review time lines were not dictated by an ICPC process – Rather, they were required to hold a review hearing at least every three months/90 days. One judge, however, reported that he kept a close watch on case progress by holding a review hearing every two weeks and brought the parties in the courtroom. He stated that he did not like the notion of the child being in “limbo” during that time.

- ◆ *According to our review of New Hampshire statute and rules, judges are permitted to allow parties to testify and present evidence without being physically present at the hearing. Have you permitted testimony by telephone? (n = 4)*

All of the judges reported that they regularly allowed parties to appear telephonically. However, they reported that they did not have equipment for videoconferencing.

- ◆ *Have you ever had an interstate placement case where evidence is 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 = 3)*

Three judges stated they have not had an ICPC case where there was a need for the court to share evidence with an out-of-state court or parties. If information was needed to be shared, one judge reported that he always went through his state ICPC Administrator to share evidence or information. His understanding was that it was illegal to have direct communication with a judge in another state. Another judge reported that he would share the evidence if the out-of-state court treated the information in a manner consistent with the New Hampshire law with respect to confidentiality.

Identifying Barriers

- ◆ *I have reviewed several ICPC records to understand the process of interstate placements in New Hampshire. 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 = 4)*

In general, all of the judges reported that it was typical *not* to find any specifics of interstate placements in court orders. One judge responded that he did not state where the placement resided in a court order because everyone involved in a case knew where the relative was located. Two other judges added that the required packets were prepared by the ICPC Administrator so they would probably include just what they needed to cover the requirements and did not include any additional information. He stated that it would be good that court orders had more specifics about the interstate placements including expectations of the court, deadlines, and compliance with the process.

- ◆ *Based on your experience, what percentage of the interstate placement cases you presided over followed through with the placement in another state? (n = 4)*

Responses to this question varied. One judge reported that about 50% of his/her ICPC cases followed through with a placement in another state, while another stated approximately 30%. The third judge reported about 60-70%, while the fourth judge stated 90%.

- ◆ *Have you had any case in which the jurisdiction over the child was transferred from a Sending state? If so, when in the child abuse and neglect court process was jurisdiction transferred? (n = 3)*

Two judges responded that they had an experience in which jurisdiction over the child was deferred from a court in another state to their court. In one circumstance, the custody of the children remained with the parents in another state while a court in that state took jurisdiction over the children. The entire family moved from another state to New Hampshire. In this case, it was difficult for the original court to oversee the progress of the family while no one lived in the state any more, so the New Hampshire judge accepted the transfer of the case to a New Hampshire court and provided services and supervision. In another case shared by another judge, there was a parental custody dispute over the child. The mother contended that the child resided with her, while the father contended that the child resided with him in New Hampshire. The other court deferred jurisdiction to New Hampshire after consulting with a court in New Hampshire.

- ◆ *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 = 4)*

Of the four judges, three responded that ICPC cases were not processed in a timely manner. To explain why they think ICPC cases are not processed in a timely manner, the judges explained that:

- Getting the home studies done is difficult because agencies are overburdened and under-resourced;
 - Time is of an essence and the 60-day home study requirement should be taken into account;
 - Relatives have second thoughts about being a placement for the child, which makes it difficult to proceed; and
 - Sometimes approval decisions are made with conditions (e.g., services for the placement to overcome some difficulties) and it may not be helpful for the child.
- ◆ *Based on your experience, what are the three major barriers to timely judicial decisions regarding an interstate placement? (n = 3)*

The responses to this question identified the following barriers:

- Agency's lack of resources (i.e., not enough bodies to do the work).
- People (i.e., placements, caseworkers, etc.) do not cooperate.
- Pressure from parents' attorneys to delay the process because the parents do not want their children to be moved out of state.

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 = 4)*

All four judges reported that they have *not* attended any training session to learn about the new ICPC and the Safe and Timely Interstate Placement of Foster Children Act of 2006. Generally, the judges indicated their interest in attending ICPC training if it was offered.

- ◆ *Do you believe you get or have gotten 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 = 4)*

Of the four judges, two reported that they believed they got enough information about the ICPC requirements, while another two judges stated they did not. All four judges indicated that more training on ICPC issues would be beneficial. One judge suggested that training with judges nationwide (e.g., from other jurisdictions) would be helpful to learn how other judges were handling interstate placements. He explained that judges were isolated and did the same thing repeatedly; therefore, they would think they were getting the same results. Getting new ideas by meeting or talking to judges in other states on the issue would be very helpful.

Suggestions

- ◆ *What would you suggest to improve timely interstate placements? (n = 4)*

All four judges provided different suggestions for improvement as follows:

- To develop a form specific to the statute. It would improve the overall understanding as to what is involved and what is expected from a judicial standpoint.

- To have oversight power over a caseworker in a Receiving state to enforce the timeliness of a home study.
- Timely home study done by a Receiving state caseworker.
- To have a streamlined process through the state agency. It would be nice to have a designated staff person in each state that does the [ICPC] investigations so that the referrals do not go to the bottom of the pile.
- When it appears that the parents are not going to get the children back, order an ICPC right away so that at least the placement investigation will be initiated in a timely manner.

Assessment of New Hampshire'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, telephone interviews were conducted with child abuse and neglect 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.

A total of eight child abuse and neglect court stakeholders participated in the individual telephone interviews, providing their perceptions of the ICPC process and sharing their own experiences. Three attorneys, four social workers/supervisors, and one CASA GAL supervisor were interviewed. The sample size is small, therefore the findings presented in this report should be understood as a “snapshot” of ICPC practice, rather than as a representative study of the ICPC process in New Hampshire. Nevertheless, because of the in-depth nature of the stakeholder telephone interviews, the data presented provide good indicators of the current ICPC practices in New Hampshire State.

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

Background Information

Stakeholder Interview Sample: Current Caseload of Child Abuse and Neglect cases involving ICPC

The Child Protection Administrator and the ICPC Administrator of the Division for Children, Youth, and Families (DCYF) were asked to provide statistics on the state’s current ICPC caseload. The DCYF currently carries 1,169 open child protection cases (1,834 children) in total. The ICPC Office of New Hampshire received 371 ICPC referrals during the last year. Of those cases, 121 referrals were sent to other states, while 250 referrals were received to conduct a home study in New Hampshire. The ICPC Administrator of New Hampshire currently has 421 active ICPC referrals and cases. This indicates that approximately 32% of the open child protection cases (20% of the total children) involve ICPC investigation.¹⁴

Other stakeholders interviewed including social workers, a CASA supervisor and attorneys were asked to indicate how many cases involving the ICPC they had in the last year.

Attorneys ¹⁵	Average 10 referrals
Social workers	Average 6 (range 3 to 8)
CASA	Average 7 (range 3 to 10; total 30 cases or less)

¹⁴ The judicial survey findings and judicial interview findings show that the judges in New Hampshire are only involved in sending ICPC referrals. This decreases the percentage to approximately 10% of the total child protection cases that involve ICPC investigation.

¹⁵ One attorney interviewed did not carry a caseload as he was in a legal advisory role.

The stakeholders were asked to provide the estimated numbers of ICPC referrals that were sent from New Hampshire and the estimated numbers of ICPC referrals that were received from other states for home studies.

Sent Referrals (New Hampshire as the Sending state)

Attorneys	Average 8 ¹⁶
Caseworkers	Average 4
CASA	All cases

Received Referrals (New Hampshire as the Receiving state)

Attorneys	Average 5
Caseworkers	Average 7 (range 3 to 12)
CASA	None

Current ICPC Process

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

1. The New Hampshire ICPC office reviews packets from Sending states for completeness when they are received. Sometimes the packets are not forwarded to a local level based on the assessment by the ICPC Administrator and/or the Child Protection Administrator.
2. The referrals are entered into the state automated case management system.
3. The ICPC office determines what district the packet should be sent to.
 - a. There are twelve districts in New Hampshire
4. The ICPC office sends the packet by FedEx Overnight to the assigned district office for home study within one to two days of receipt of the packet.
5. A foster care licensing worker in a DCYF district office conducts a home study on received ICPC requests, completes a report with recommendation, and sends the report to the Sending state ICPC office within 30 days.
6. The New Hampshire ICPC Administrator makes a determination with respect to whether the placement is accepted or denied based on the home study report.
7. The New Hampshire ICPC Administrator notifies the Sending state ICPC office of the determination and request for an ICPC-100B.

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 New Hampshire ICPC office. At that time, the local district office may advise the court that took jurisdiction over the child that the Division will explore a potential placement with a relative who resides out of state and request a home study to the ICPC office. If Regulation 7 can be applied to the case, the court must enter an order to initiate a Regulation 7 priority home study request.
2. The referrals are entered into the state automated case management system.
3. The New Hampshire ICPC Administrator reviews the packet for completeness. Communication between the ICPC office and a local district office may take place depending on the completeness of the packet.
4. Once approved by the New Hampshire ICPC Administrator, the packet is sent to a Receiving state ICPC office for review within one to two days of the receipt from its local district office.

¹⁶ One attorney only has ICPC experience in sending referrals/cases.

5. Once the Receiving state ICPC office approves the packet, it is sent to a local agency for home study.
6. The local agency conducts a home study, completes a report with recommendation, and sends the report to the Receiving state ICPC office.
7. The Receiving state ICPC office makes a determination with respect to whether the placement is accepted or denied based on the home study report.
8. The Receiving state ICPC office notifies the New Hampshire ICPC office of the determination.
9. The New Hampshire ICPC office notifies the local district office of the determination and request to submit an ICPC-100B to close the request, or to request a supervision and progress report.

Sources of Delay

Stakeholders were asked to identify major barriers to a timely interstate placement. The following seven sources of delay were commonly identified:

1. Lack of response and communication from Sending state ICPC office and/or caseworkers

Representative comments received included:

- a. Timely responses are needed to gather more information about the child.
- b. Perceived lack of training of another state on the ICPC.
- c. There seem too many layers to get simple answers.
- d. When the placement is approved with a condition to provide additional services for the child or the placement, the Sending state agency holds up the child's placement by not adding the recommended additional services in place.

2. Lack of responsiveness of the family to be studied

Representative comments received included:

- a. Inability to make a connection with the family to be studied.
- b. Not having correct contact information for the placement.
- c. Difficulty in getting references back in a timely manner.

3. Lack of information about the child in the initial packets

Representative comments received included:

- a. There is not enough information about the child and his/her service plan and history to proceed with a home study.

4. Statutory differences and different interpretation/understanding of the ICPC regulations and law

5. Some states are slow in responding to the home study request

Representative comments received included:

- a. Some states have a more difficult bureaucracy than New Hampshire and that prevents a Receiving state from responding to the request in a timely manner.

6. Untimely submission of home study reports and determination from another state

7. Not having standardized criteria for denying a placement across the states

Barriers

Stakeholders were asked to identify barriers that they have experienced in the ICPC process. Many of the stakeholders stated that delay they experienced overlapped with barriers. The following common six barriers were revealed:

1. Lack of information about the child in the initial packets

Representative comments received included:

- a. It is rare that the ICPC office of New Hampshire forwards the referral without communicating with a Sending state ICPC office to gather more information about the child, their case plan, etc. [There is always missing information or clarification needed on the information included in the packet.]

2. Lack of knowledge of the ICPC law and process by judges, caseworkers, and parent attorneys

Representative comments received included:

- a. The involvement of ICPC in child abuse and neglect cases does not occur frequently in New Hampshire.

3. Financial/Medical Plan for non IV-E eligible children is a challenge

4. Lack of resources to conduct home studies both in sending and receiving cases

Representative comments received included:

- a. If there is no designated person in each state to conduct home studies requested by other states, the ICPC home study requests become secondary to the cases initiated by each state.

5. Perceived different work ethics of handling ICPC requests in other states

Representative comments received included:

- a. Some states do not seem to handle ICPC requests diligently and the home studies are not returned in a timely manner.
- b. Delayed assignment of caseworkers to ICPC requests.

6. No perceived authority or control over the people who are involved in the ICPC process in other states

Strengths of New Hampshire ICPC Process

The stakeholders also reported that the strength of New Hampshire ICPC was to have the consistent person to handle the ICPC requests. It was noted that the current ICPC Administrator was very knowledgeable in the ICPC process.

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 an ICPC home study referral received from another state, they did *not* receive a direct inquiry from a judge in a Sending state with respect to the status of a case. All of the stakeholders also stated that they did *not* generally receive inquiries from a court to provide testimony with respect to an interstate placement.

On the other hand, the stakeholders reported that courts in New Hampshire were not typically involved in the progress of the ICPC process. They stated that sending courts did *not* have enforcement authority to comply with the 60-day home study requirement by the new ICPC.

Generally speaking, the sending courts do not proactively address delays or issues related to the ICPC process. One stakeholder reported that one judge was good at being on top of the Division to make sure the ICPC process was in progress but he was an exception.

Suggestions made by the Stakeholders

Three stakeholders recommended having a training session on the ICPC law and policy framework, or distributing the Division for Children, Youth and Families ICPC Manual to *all* of the stakeholders in order to facilitate an understanding of the ICPC, and everyone's role in the process.