

Court Improvement Program Requirements of the Safe and Timely Interstate Placement of Foster Children Act of 2006 Assessment of Policies and Procedures

This report was prepared as a result of the Program Instructions for the Court Improvement Program (CIP) and the Requirements for the Safe and Timely Interstate Placement of Foster Children Act of 2006. As part of CIP requirements, the court “must include a description of steps planned and undertaken to assess the State’s policies and procedures for the interstate placement of children. A report of this assessment, including recommendations for improvement, must be completed and submitted with the application for FY 2008 funding, due to ACF by June 30, 2008.”

There are three compacts that address the issues of children.

1. The Interstate Compact on Adoption and Medical Assistance (ICAMA)
2. Interstate Compact on Juveniles (ICJ)
3. Interstate Compact on the Placement of Children (ICPC)

For the purposes of this assessment the main focus will be with the ICPC.

To initiate this assessment the Administrative Office of Pennsylvania Courts (AOPC), Office of Children and Families in the Courts (OCFC) completed the following:

1. Interviews with numerous judges as to their perception of and experiences with the interstate placement process.
2. Discussions with the state child welfare agency, specifically, the Director of the Pennsylvania Interstate Compact Office.
3. A survey of the Pennsylvania Children’s Roundtable members electronically
4. Focus group discussions during all Spring Leadership Roundtable sessions.

On September 19, 2007 CIP staff met with Philadelphia Dependency Court Judges. The meeting included Judge Flora Barth Wolf; Judge Ann M. Butchart; Judge Charles J. Cunningham III; and Judge Daniel J. Anders. All are Dependency Court Judges with Philadelphia Common Pleas Court. The primary purpose of the meeting was to discuss the upcoming CFSR. A secondary focus of this meeting was to ascertain a judge’s perspective regarding the Interstate Compact for the Placement of Children including both strengths and concerns. Philadelphia is the largest county in Pennsylvania, which has the largest number of children in foster care and has a close geographical position to other states, bordering both New Jersey and Delaware.

The Philadelphia Judges sentiments on the Interstate Compact echoed that of their peers statewide. Judges have no knowledge of what is going on with interstate cases other than what the agency reports. They also reported that some states are easier to work with than others. The judges described waiting for home studies as being particularly frustrating. The agency may have a very

Court Improvement Program Requirements of the Safe and Timely Interstate Placement of Foster Children Act of 2006 Assessment of Policies and Procedures

viable family resource for a child, but the agency and the court can do nothing but wait for the home study to be completed which could take several months to more than a year. The wait for home studies seems to be the most frustrating to judges. The idea of a child waiting in a foster home for months up to more than a year for permanency with a willing parent or relative is particularly exasperating to judges. Judges reported that when possible they use their own creative means to expedite the process, but most often they simply wait for responses from the other states. The judges reported that they would like to see changes in the laws and policies to make interstate cases move more expeditiously and effectively.

On November 16, 2007 CIP staff met with Larry Yarborough, Director of the Pennsylvania Interstate Compact office. The perspective of the state child welfare agency is relatively similar to that of the court. The biggest concern relates to the timeliness of the home studies for children being placed in another state. While the Safe and Timely Interstate Placement of Children Act of 2006 has encouraged improved efforts to expedite the process of home studies, which are necessary prior to a child's placement in the new state and the act provides incentives to states for timely home studies, children continue to wait needlessly.

The agency is not aware of any situations where video conferencing is used for the participation of agencies, attorneys, parents, children or other parties to prevent travel from the state of residence to the Pennsylvania jurisdiction with custody of the child. There have been cases of teleconferencing, but this is not a common practice.

On February 20, 2008 the Office of Children, Families and the Courts distributed a survey related to ICPC to the membership of the Pennsylvania Children's Roundtable Initiative (approximately 300 judges, children and youth administrators, attorneys, providers, and other stakeholders). The OCFC received multiple responses to the survey. In addition to the survey responses, the ICPC was an agenda item during all spring 2008 Leadership Roundtable meetings. A copy of the blank survey; a list of responses from counties; a summary of responses; a sample agenda for the Spring Leadership Roundtables; and a summary of the Children's Roundtable Initiative are attached.

Overall, the responses to the surveys and Roundtable discussions identified several common themes regarding ICPC. Both county administrators and judges identified benefits/strengths, concerns and recommendations to enhance the ICPC process. These are listed below.

Benefits/Strengths

**Court Improvement Program Requirements of the Safe and Timely
Interstate Placement of Foster Children Act of 2006
Assessment of Policies and Procedures**

- Counties felt that the overall process was appropriate and the ICPC does promote permanency.
- Counties felt that the home studies have become much more complete and slightly quicker since the inception of the time frames and incentives, which aids to assure safety of children and permit placements and permanency.
- Several counties sighted the helpfulness of the Pennsylvania Interstate Compact Office in responding timely to requests and in providing training to local staff on the process.

Concerns

- There is an absence of coordination in court jurisdictions across states. More communication could aid courts in getting services to children who have been transferred to other states and could expedite home studies.
- There is a general lack of understanding regarding the interstate compact. Courts, attorneys and child welfare would benefit from cross training on the interstate compact.
- A large majority of cases in which children are placed out of state have the permanency review hearings continued or proceed without the youth in attendance. Having timely permanency review hearings and having children and family actively participating is necessary. In the absence of traditional hearings, courts should encourage new ways of offering permanency reviews without requiring all the parties to travel across states.
- There was a general concern in the transfer of medical coverage and whether children would remain covered after they leave the state.
- All cases still go through the interstate office on paper. A computerized system is not yet in place. In some cases the interstate office cannot communicate electronically with the county agency because the workers do not have email access.
- The wait endured by children and the system is too long and simply unacceptable.
- Once placed in another state, follow up services are not always facilitated. Additionally, regular worker contact and safety assessments are sporadic. Many Pennsylvania counties and courts send their own staff to ensure the

Court Improvement Program Requirements of the Safe and Timely Interstate Placement of Foster Children Act of 2006 Assessment of Policies and Procedures

safety of children in other states (even when a completed home study is in place).

Recommendations

1. Training: Training should be provided to a variety of stakeholders, but particularly to attorneys, agencies and judges on the Interstate Compact. The Pennsylvania Children's Roundtable Initiative could be a means through which to address this issue. There is a wide range of professionals both statewide and nationally that could provide this information.

The OCFC is planning a statewide conference regarding dependency in 2009. This conference could be a method to accomplish statewide training to stakeholders in one setting.

The AOPC/OCFC is developing and implementing a dependency court bench book. It is critical that this bench book incorporate ICPC information. This could facilitate uniformity in the application and understanding of the ICPC law across jurisdictions in the state.

2. The AOPC/OCFC should promote the concept of cooperation and coordination across court jurisdictions in this state and across state lines as it pertains to the Interstate Compact. The collaboration between jurisdictions could assist in expediting home studies and other services. As a CIP grant recipient, the OCFC may be able to support these efforts by working with CIP staff in other states.
3. The development of the Juvenile Dependency Data System can be extremely beneficial to the courts when tracking out of state placements. The agency currently has no statewide data system and not all local agencies have email access for all their staff, but the data system being developed by the court could help resolve some of the court's tracking issues.
4. Federal oversight and enforcement of timeframes for the completion of home studies should be enhanced to ensure that children do not have extended waits for placement.
5. The use of technology should be encouraged and financially supported (i.e. video conferencing equipment) to ensure youth/caretakers in other states are able to participate in court hearings as well as the decisions being made regarding their care.

**Court Improvement Program Requirements of the Safe and Timely
Interstate Placement of Foster Children Act of 2006
Assessment of Policies and Procedures**

6. ICPC regulations should allow for and encourage Judge to Judge contact as well as C&Y Administrator to C&Y Administrator contact on special cases.
7. The issue of medical coverage should be addressed & resolved specifically within the regulations.