

Interstate Compact on the Placement of Children (ICPC) South Dakota Assessment Report

Legal

The South Dakota Department of Social Services (SD DSS) strives to meet the required mandates pursuant to Public Law 109-239 SEC. 438. SD DSS processes all sending and receiving ICPC cases (attachment I & II). The South Dakota Administrative Rules (attachment III), along with South Dakota Codified Law (SDCL) 26-13-1 (attachment IV), regarding the interstate placement of foster children into adoptive homes encompasses the roles of the department and courts.

Process

When the state ICPC office receives a home study request, staff ensures all paper work is accurate and complete. Once the packet of information is completed and the Department of Criminal Investigation fingerprint check comes back clean, a request for a home study is then sent to the Children's Home Society and the SD DSS Regional Manager is notified of the request. Once the home study is complete the Children's Home Society recommends or denies approval for placement. This information is sent to the requesting state and the process either continues or stops, depending on the recommendation. If South Dakota is the receiving state, the courts do not become involved because jurisdiction stays with the sending state.

When South Dakota is the sending state the courts are involved from the point of removal from the home and continue until the child is adopted or reaches the age of majority. The court is made aware of an ICPC process through review hearings held every six months.

An ICPC committee meets several times each year, to review cases, policy and procedures. The committee is made up of state agency staff and contract agency staff. The agency that holds the contract to conduct home study requests for ICPC placement is the Children's Home Society. The Children's Home Society is a community agency that provides a home, school, and therapy for children, primarily ages 4-13, with emotional and behavioral problems, along with foster care and adoption services.

SD DSS will attempt contact with the out of state placement three times. The first is via telephone and letter, the second and third attempts are via letter. If no contact has been made 30 days after the first contact attempt the case will close.

Delays in the ICPC process vary but some are due to the placemen resource not returning paper work, or returning it incomplete. If finger prints are not readable this will delay the process. Sometimes the receiving state is slow to respond. If the receiving state requires the home to become a licensed foster home, this delays the process and placement.

Tracking

The SD DSS has a limited automated tracking system for ICPC cases, Cases are tracked monthly by the ICPC specialist.

SD DSS requires written quarterly reports for South Dakota children placed out-of-state. A sending state will determine the frequency of reports on children in a South Dakota ICPC placement. The courts are kept informed of South Dakota children placed out-of-state through semi-annual reports to the court.

Statistics for 2007

Total incoming ICPC cases – 359

* Incoming – 165

* Outgoing – 194

Total home studies completed – 170

* Incoming – 87

* Outgoing – 83

Tribal

South Dakota has three tribes that conduct their own home studies; they are Flandreau, Sisseton, and Standing Rock. ICWA cases are not held to the ICPC regulations.

Recommendations

South Dakota Department of Social Services, along with Court Improvement Program, is assessing the statute (SDCL 26-13-1) and will make recommendation for changes as needed.

Upon completion of abuse and neglect case file reviews; it was discovered that case files did not have the ICPC agreement or other relevant information to indicate where and with whom the child/children were placed. It is recommended that an ICPC agreement or report be added to the child's court file. This can be submitted via court report by the department or state's attorney.