

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**Interstate Compact on the Placement of
Children: Implementation**



**JUNE GIBBS BROWN
Inspector General**

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EXECUTIVE SUMMARY

PURPOSE

The purpose of this inspection is to identify the strengths and weaknesses in the implementation of the Interstate Compact on the Placement of Children.

BACKGROUND

The Administration for Children and Families (ACF) has asked the Office of Inspector General (OIG) to look at interstate compacts that affect children placed or moved across State lines. The OIG has completed two other inspections in this area. *Interstate Compact on Adoption and Medical Assistance* assesses how membership in this compact affects States' efforts to protect the interests of adopted special needs children who move interstate. *The Interstate Compact on the Placement of Children: State Structure and Process* describes how States have implemented the Interstate Compact on the Placement of Children (the Compact); in particular, how States structure their Compact function, States' Compact procedures, and the number of children placed through the Compact. Currently, ACF is interested in the Compact's strengths and weaknesses. This inspection addresses these issues.

Sometimes the most suitable placement for a child is out of their own State. The reasons for such placements include adoptions by a family in another State, placement into foster care out of State, and reunification with a parent who has moved while the child was in State custody.

The Interstate Compact on the Placement of Children is a contract among the States intended to ensure that children placed across States lines receive adequate protection and services. The Compact outlines the steps necessary to place a child out of State. For example, the State the child is in (the sending State) asks the State in which the child is to be placed (the receiving State) to conduct a home study to evaluate the suitability of the potential placement. If a placement is actually made, the receiving State supervises the placement and the sending State maintains financial responsibility for the child. All States, the District of Columbia, and the U.S. Virgin Islands are members of the Compact.

We gathered information from three separate sources: compact administrators in the 10 States with the highest population under age 18, local workers in those States, and other involved parties. We used consensus within and among the groups as a cross check to confirm our findings. We also reviewed State policies and procedures with respect to residential placements.

FINDINGS

The Compact Facilitates Interstate Placements

The Compact facilitates interstate placements in four main ways. First, the Compact increases placement options available for children. Second, the child's safety is guarded through services

and protections offered by the receiving States. Third, the Compact ensures that the appropriate laws are followed before a placement is made. Fourth, the Compact has created a network through which States cooperate in making placements and exchanging information.

States Are Fulfilling Their Obligations Under the Compact

States seem to be meeting the basic requirements of the Compact. States are conducting home studies, providing for children financially, and supervising the placements.

However, Some Weaknesses Are Acknowledged

Although all ten State compact administrators believe that children are better off because of the Compact, they also acknowledge there are weaknesses in the Compact's implementation. State administrators, local workers, and other involved parties report four main weaknesses: lack of knowledge about the Compact among judges, attorneys, and caseworkers; placements in violation of the Compact; the lengthy process; and differing adoption laws among States that may hinder placements.

The Compact Plays a Smaller Role in Residential Placements

Receiving States do not conduct home studies to assess placement suitability for residential placements, nor do they supervise residential placements. Documents for these placements sometimes bypass Compact offices. Further, most States do not have written policies for residential placements. And lastly, States also define residential care facilities differently.

OPPORTUNITIES FOR IMPROVEMENT

Based on this inspection and our previous study, we conclude that, overall, children are better off because of the Compact. However, we believe that there is a need to strengthen its implementation. We offer the following recommendations for those individuals and entities that have a role in the Compact.

Awareness

We learned that many individuals who work in the child welfare system are still unaware of the Compact. Clearly, more dissemination of Compact information is needed. We suggest that the States improve and increase the information about the Compact available to local workers, judges, attorneys, placement agencies and parents. This can be accomplished through increased opportunities for training for professionals, circulation of pamphlets among agencies and local workers, and the creation of a web site that would explain the purpose of the Compact and the process in simple language. Increased awareness and familiarity with the Compact may help reduce the number of violations that occur.

Timeliness

We heard that one of the chief complaints of our respondents is the length of the Compact process. Border State agreements may be a viable method to reduce the lengthiness of the Compact process. The Association of Administrators and the States are currently discussing the implementation of border state agreements. Such agreements, usually between two bordering States, could allow local workers from one State to enter the other State to complete home studies or supervision. We encourage the Association and the States to continue these discussions.

State Level Coordination

We are aware that local workers do not always communicate formally through the State Compact offices. States' inability to account for all interstate placements noted in our earlier study, *The Interstate Compact on the Placement of Children: State Structure and Process* (OEI-95-02-00041), may in part be due to this failure. It is important that the State Compact offices continue to be the official contact point between States. We are encouraged that local workers often communicate directly for matters other than emergencies or problems. This contact is clearly in the best interest of the children.

Training and Technical Assistance

We believe there is opportunity for ACF to participate in strengthening the implementation of the Compact. The ACF can make training and technical assistance available to States. Further, ACF can support the efforts of the States and the Association to increase information dissemination about the Compact's purpose, importance and process.

Residential Placements

We recognize that residential placements are treated differently under the Compact and may be a potential vulnerability. We are continuing to look at the broader area of residential placements. We also encourage the States and the Association to examine how the Compact handles placements into residential care facilities.

COMMENTS

We received comments from the Administration for Children and Families (ACF) and from the American Public Human Services Association (APHSA). They both agree that there is opportunity for ACF to work with the Compact to provide necessary training. The full text of these comments can be found in Appendix A.

The ACF plans to work with national resource centers, the Association of Administrators of the Interstate Compact on the Placement of Children, and the States to determine how it can promote awareness of the Compact, provide training to State agency staff who implement the Compact, and support the development of model procedures to help the Compact operate more effectively.

The APHSA comments include the comments of the Executive Committee of the Association of Administrators. They strongly endorse the idea of ACF providing assistance to the States to strengthen the implementation of the Compact as well as training. In addition, they offered technical comments and we modified the report where appropriate.

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INTRODUCTION

PURPOSE

The purpose of this inspection is to identify the strengths and weaknesses in the implementation of the Interstate Compact on the Placement of Children.

BACKGROUND

The Administration for Children and Families (ACF) has asked the Office of Inspector General (OIG) to look at a number of issues regarding interstate compacts that affect children who are placed or moved across State lines. The OIG has completed two other inspections in this area. *Interstate Compact on Adoption and Medical Assistance* (OEI-02-95-00040) assesses how membership in the Interstate Compact for Adoption and Medical Assistance affects States' efforts to protect the interests of adopted special needs children who move from one State to another. *The Interstate Compact on the Placement of Children: State Structure and Process* (OEI-02-95-00041) describes how States have implemented the Interstate Compact on the Placement of Children (the Compact); in particular, how States have structured their Compact function, the States' Compact procedures, and the number of children who are placed through the Compact. Currently, the ACF is interested in an evaluation of the Compact's strengths and weaknesses. This inspection addresses these issues.

Interstate Placement of Children

Sometimes the most suitable placement for a child is out of their own State. These out of State placements occur for a variety of reasons, including adoption across State lines, foster care placement out of State, and reunification with a parent who has moved while the child is in State custody. No accurate national data exists on the number or type of interstate placements that occur each year. However, according to experts in the field, the number of children placed across State lines is increasing.

The Interstate Compact on the Placement of Children

The Interstate Compact on the Placement of Children is a contract among and between States intended to ensure that children placed across State lines for adoption or for foster care receive adequate protection and support services. It establishes procedures for placement and compels the placing agency to maintain responsibility for the child. To participate in the Compact, a State must enact into law the text of the Compact.

The Compact grew out of work done in the late 1950's when a group of social service administrators and State legislators informally looked at the problems of placing children out of State for adoption or foster care. Although importation and exportation statutes regulate the interstate movement of goods, Federal law did not provide protection for children moved between States. The group found that a sending State, in the absence of a compact, could not compel the receiving State to provide protection or support services for a child. In addition, a receiving State, in the absence of a compact, could not compel a sending State to remain financially

responsible for a child. In response to this group's findings, the Compact was first drafted in the New York State Legislature and was adopted by New York in 1960. By 1990, all States, the District of Columbia, and the U.S. Virgin Islands had joined.

The purpose of the Compact is for the party States to cooperate in the interstate placement of children so that:

- the child is placed in a suitable environment;
- the receiving State has the opportunity to assess the proposed placement;
- the sending State obtains enough information to evaluate the placement; and
- the care of the child is promoted through appropriate jurisdictional arrangements.

The Compact outlines the many steps necessary to place a child out of State. For example, the State the child is in (the sending State) asks the State in which the child is to be placed (the receiving State) to conduct a home study to evaluate a possible placement. When a placement is finally made, the receiving State must continue to supervise the placement while the sending State provides financial support.

The Compact has jurisdiction over the following types of interstate placements: placement preliminary to an adoption; placement into foster care; placement with parents and relatives when a parent or relative is not making the placement; and placements made into group homes, child care institutions, and residential treatment facilities. The Compact does not have jurisdiction over the following placements: placements into schools, medical and mental facilities, and placements made by a child's parent, stepparent, grandparent, adult sister or brother, adult aunt or uncle, or non-agency guardian with any such relative or non-agency guardian.

For the purposes of this report, placements for adoption include those made by public agencies, private agencies, attorneys, and birth parents. Foster care placements include placements into paid foster homes, into homes of unpaid relatives, and into homes of formerly non-custodial parents. Residential placements include placements into residential treatment centers, group homes, and child care institutions.

The Compact is managed in each State by a compact administrator. In 1974, the compact administrators formed the Association of Administrators of the Interstate Compact on the Placement of Children (the Association) to provide technical and support services to its members. The American Public Human Services Association (APHSA), formerly the American Public Welfare Association, acts as the Secretariat to the Association of Administrators. The APHSA is a non-profit organization that represents a variety of State interests in the field of health and human services. The Secretariat is funded through dues paid by member States. The ACF has not funded the Association since 1985.

Federal Role in Interstate Placements

As the Federal agency with formal responsibility for supporting State child welfare activities, the Administration for Children and Families (ACF) administers the Federal programs that fund State foster care and adoption initiatives.

The Federal funding of State foster care and adoption is authorized under the Social Security Act. Title IV-E of the Act reimburses a portion of State expenditure for foster care maintenance payments for eligible children and adoption assistance for eligible special needs children. Federal reimbursement is also available for certain administrative and training costs associated with both programs. Title IV-B, as amended by the Adoption and Safe Families Act of 1997, provides funding for ‘adoption promotion and support services’ and ‘time-limited reunification services,’ along with family preservation and support. In order to receive a grant under Title IV-B, States are required to provide specific protections. These protections include developing a case plan for each child in foster care and conducting a court or administrative review of the status of each child at least every 6 months. In addition, a hearing must be held within 12 months of the child’s entry into foster care by a court or court-approved administrative body to determine the permanency plan of each child.

States’ Implementation of the Compact

Fifty of the States have centralized their Compact function. This means they have a Compact office at the State level that handles all Compact cases coming into and going out of the State. The only two decentralized States handle all Compact cases at the county level.

The Compact outlines the many steps necessary to place a child out of State. For example, a caseworker finds a potential placement for a child with the child’s grandmother out of State. The worker completes a placement request and sends it to her Compact office (the sending State). They ask the State in which the grandmother lives (the receiving State) to conduct a home study to evaluate the possible placement. The receiving State sends the request to a worker in the grandmother’s local jurisdiction. The worker completes the home study and makes a recommendation as to whether the placement should be approved. He sends this information to his Compact office (the receiving State). The Compact office, based on information from the home study, decides to approve the placement or not. The office sends the packet to the sending State’s Compact office. They forward the packet to the child’s caseworker. She reviews the information and, if the placement has been approved by the receiving State, she makes the final decision to place the child or not. Assuming she decides to make the placement, she arranges for the child’s transportation and at the same time, notifies her Compact office of the placement. The office contacts the receiving State’s Compact office, who forwards the decision to the worker in the grandmother’s jurisdiction. He then begins to supervise the placement with visits to the grandmother’s home.

METHODOLOGY

This inspection is based on information gathered from three separate sources: compact administrators in the 10 States with the highest population under age 18, local workers in those States, and other involved parties. We selected these three groups for their different perspectives on the Compact. In our analysis we paid special attention to consensus within and among the groups. We used consensus as a cross check to confirm our findings. For example, we analyzed State administrators' viewpoints as both sending and receiving States and we compared their comments with those we received from local workers and national experts. We also reviewed State policies and procedures with respect to residential placements. We did not review or compare individual case files of children placed across State lines.

Compact Administrators

We conducted interviews with the compact administrator or a designated representative from each of the ten States with the highest population under 18 years of age (CA, FL, GA, IL, MI, NJ, NY, OH, PA, TX). Combined, these States represent more than 50 percent of the national population under 18 in 1997. We interviewed each State as both a sending State and a receiving State. Questions focused on their experiences and opinions of the Compact and of other States. We asked about the home studies, supervision, and financial support provided to children placed across State lines. We also discussed the Compact's strengths and weaknesses and their experiences with residential placements.

We analyzed the State responses in many ways, taking into account when the administrators were speaking as sending States and when they were speaking as receiving States. We considered not only what they said happens in their own State, but what they have seen in other States. A consensus among these different points of view supported our findings. We compared the information provided by the administrators to information provided by local workers and other involved parties.

Local Workers

We conducted interviews with 19 local workers who have participated in the Compact process from the ten selected States. We asked them about their experiences placing and receiving children interstate, as well as their opinions on the Compact's effectiveness. At least one local worker from each State was interviewed. Additional workers were interviewed if a State had separate units for sending and receiving or for home studies and supervision. Up to three workers were interviewed in some States. We looked at the local workers' responses as a whole and we compared their responses to the responses of their respective State administrators. We also compared the information they provided to information from the group of State administrators and other involved parties.

Other Involved Parties

We also conducted interviews with individuals who have had direct experience dealing with the Compact. These discussions included two family court judges, three attorneys, two adoption agency directors, and three children’s advocates and focused on the strengths and weaknesses of the Compact. We compared their responses within and among the different professions. We also compared their responses to responses of the State administrators and local workers.

Policies and Procedures

We reviewed the written policies and procedures submitted by 43 of the 52 Compact States for information concerning residential placements.

This inspection was conducted in accordance with the **Quality Standards for Inspections** issued by the President’s Council on Integrity and Efficiency.

FINDINGS

The Compact Facilitates Interstate Placements

The Compact facilitates adoption and foster care placements in four main ways, according to compact administrators, local workers, and other involved parties. First, the Compact increases placement options available for children. This is especially important for children with special needs who may only be able to find necessary services outside of their State. One local worker notes that the Compact in effect makes the resources of the other 49 States available in the search for a home for these vulnerable children. Also, the best place for some children may be with a close relative who happens to live in another State. The Compact makes these placements possible. Second, the child's safety is guarded through services and protections offered by the receiving States, such as home studies and post-placement supervision. Third, the Compact ensures that the appropriate laws are followed before a placement is made. Therefore, disruptions of placements based on legal reasons may be avoided. Fourth, the Compact has created a network through which States communicate and cooperate in making placements and exchanging information about placement resources and States' laws. Moreover, all ten State compact administrators believe that children are better off because of the Compact. Almost all of the local workers agree and are satisfied with the Compact.

States Are Fulfilling Their Obligations Under the Compact

States seem to be meeting the basic requirements of the Compact meant to safeguard children placed interstate. These requirements include conducting home studies to evaluate possible placements, providing for the child financially, and supervising the placement.

States Are Conducting Home Studies

States are conducting home studies before Compact placements are made. In addition, most States conduct a criminal and/or child abuse check on prospective families. Nine of the ten State compact administrators, as well as many local workers, are satisfied with the quality of the home studies. One administrator is concerned, however, that home studies have no national standards so workers receive different information of varying quality with each State.

Local workers report it takes an average of one month to complete a home study. State compact administrators report waiting an average of three to four months for the entire home study process to be completed, which is similar to the average three month wait States report for placements made within their own State.

Eight of the ten State compact administrators are satisfied with Regulation 7 of the Compact, which outlines the procedures to be used in urgent cases. In these cases, the receiving State must respond to the sending State's request for placement within 20 business days, as opposed to the recommended 30 business days in other cases. One administrator who is not satisfied reports that Regulation 7 is vague about which cases are eligible for its use. The other administrator says that foster care and adoption home studies cannot be completed in 20 days because of required

background checks. Some local workers agree, saying they find it difficult to meet the tight time frame.

States Are Fulfilling Their Financial Obligations

States are fulfilling their Compact financial obligations to remain financially responsible for children they send out of State. In fact, compact administrators report that sending States rarely fail to meet their obligations. When a failure occurs, it is usually due to a misunderstanding, in part, of what services will be paid for by the sending State. Receiving States say they contact the compact administrator in the sending State to resolve these problems.

Placements Are Being Supervised

According to administrators, placements are being supervised. Local workers in receiving States are supervising placements and writing progress reports for typical interstate placements. Overall, most State compact administrators and local workers are satisfied with the quality of progress reports. The reports are generally forwarded to the sending State quarterly, but a few administrators and local workers say they have to request reports, otherwise they are not sent. The Compact requires that reports go from the local worker in the receiving State to the local worker in the sending State through the two State offices. A number of compact administrators and local workers say that this process is not always followed. Instead, reports are sometimes sent directly from one worker to another without involving the two State offices.

In addition to the reports, all local workers say they usually communicate directly with the other State's worker on routine matters. This communication between the two local workers establishes a relationship which may enhance the well-being of the child. Ultimately, the State Compact offices are responsible for the placement.

However, Some Weaknesses Are Acknowledged

Although all ten State compact administrators believe that children are better off because of the Compact, they also acknowledge there are weaknesses in the Compact's implementation. In fact, six administrators are not completely satisfied with the way the Compact is working and believe that it needs improvement. State, local, and other involved parties report four main weaknesses: lack of knowledge about the Compact, violations of the Compact, timeliness of placement documents, and differing adoption laws.

Some Are Unaware of the Compact

Some respondents feel there is a lack of knowledge about the Compact among judges, attorneys, and caseworkers. Both judges we contacted stress the need for more education about the Compact among their peers, specifically with regard to Regulation 7 of the Compact. One judge reports that attorneys also need more training about the Compact. An attorney concurs and believes some of his peers are not aware of the Compact. In addition, a few State compact administrators and involved parties believe that local workers may be reluctant to use the

Compact because they do not understand it or do not know about it. Only half of the local workers say that they have received any training on Compact procedures.

Violations Occur and May Lead to Placement Problems

All ten State compact administrators believe placements occur in violation of the Compact, although they are unsure of the numbers involved. One reason States are unable to provide numbers is because violations usually go unnoticed unless a problem occurs and a public agency is notified.

State compact administrators and other involved parties report that Compact violations can occur in several instances. According to the State compact administrators, the most frequent example of this is where a judge disregards the Compact when making a placement. Other reported instances include: local workers' ignorance of the Compact, interstate visitations that eventually become permanent placements, and placements by individuals who are unaware of the Compact or choose to ignore it. One administrator feels there is an unwillingness on the part of agencies and courts to abide by the laws and wait for the process to be completed. All the administrators believe these violations are a problem because children placed outside of the Compact are not assured the same services and legal protection as those who are placed through the Compact.

The majority of local workers know of situations where violations have occurred. They often cite agencies that place a child into their jurisdiction without notification or a home study request. They only become aware of a violation when they are asked to conduct a post-placement home study. Unlike the States, just a few local workers feel these violations are a problem because children are more vulnerable without the protection of the Compact. Those who feel violations are not a problem say violations are not major or widespread.

Four State compact administrators and some other involved parties believe a major problem with the Compact is that it is not enforceable. Under Article IV of the Compact, any violation "shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care, for children." Although these sanctions are available, respondents say they are not used.

Many Believe the Process is Too Lengthy

Almost half of all respondents feel that the Compact process is lengthy. Local workers say they wait too many weeks for home studies and supervision reports from the receiving States. They also complain that procedures in their own Compact offices contribute to delays. One local worker recalls a time when her Compact office sent back her documents because she had not made triplicate copies. She says that the case was held up for a week. A few State compact administrators note there is a reluctance among workers to use the Compact, in part because of the time delays. One judge believes that the delays were worse before the enactment of Regulation 7 of the Compact, but now the time frames are improving.

Differing State Adoption Laws May Hinder Placements

A few administrators report that placing a child for adoption in another State can be difficult when the two States' adoption laws differ. The two adoption attorneys are concerned that conflicting State adoption laws not only make placement difficult, but also make the placement vulnerable to disruption at a later date. They feel that the adoption may be vulnerable because it is impossible to comply with both the sending and receiving States' laws when the laws conflict. One attorney believes the Compact has great potential and could be the central entity to resolve conflicts of laws between States.

The Compact Plays a Smaller Role in Residential Placements

Residential Placements Vary Widely Among States

Some States have no or few residential facilities and must use residential facilities in other States. As a result, States with facilities may receive very large numbers of residential placements from other States. As reported in our previous inspection, one of the ten States reports receiving in excess of 700 children each in 1997 into residential placements. This is several hundred more than other States.

States Do Not Conduct Home Studies for Residential Placements

Although the Compact covers foster care, adoption, and residential placements, it plays a smaller role in residential than in the other interstate placements. States do not conduct home studies to assess placement suitability for children placed through the Compact into a residential facility. It appears that States place children only in licensed facilities, and State compact administrators report they recognize the licensing so home studies are not conducted. One State, however, reports it sends its own licensing staff into potential receiving States to verify the licensing and standards of residential facilities.

Receiving States Do Not Supervise Residential Placements

Receiving States do not supervise interstate residential placements. As noted earlier, in a typical interstate foster care placement, supervision reports are generally completed quarterly by a local worker in the receiving State. This is not the case for placements into residential facilities. Over half of the State compact administrators say that they receive supervision reports on children placed in residential facilities. However, these reports are not completed by the receiving State. The staff from the residential facilities completes the reports. A few States express concern with supervision reports that are completed by facility staff. As one State stresses, it may be hard for employees to be objective.

It is reported that children placed in-State have more supervision than those placed out of State. For instance, when a facility is in a child's home State, his own local worker would check on the child. This would involve visiting and calling the facility to ask how the child is doing. In

contrast, no local workers, either from the sending or receiving State, visit out of State children in facilities.

Documents for these Placements Sometimes Bypass Compact Offices

Usually documents for interstate placements flow from the local worker in one State to the local worker in the other State through the two State offices. Documents for residential placements, however, sometimes does not follow the same path. Four of the ten State compact administrators report they do not receive residential supervision reports regularly from their own State facilities. Instead, the reports are sent directly to the local sending agencies.

Most States Do Not have Written Policies for Residential Placements

Although in practice residential placements are treated differently, State Compact policies make no distinction between residential and other placements. In a review of policies from 43 of the 52 Compact States we found the majority of State policies do not have a section dedicated to residential placements describing how these types of placements should be handled. In fact, many State policies fail to note any difference in procedures for residential placements. Six of the 52 States, however, have detailed instructions for residential placements into and out of their State. These detailed policies include instructions for approving residential placements, verifying the facility acceptance of a child, and establishing that no appropriate in-State placement is available. Some State policies indicate that it is the responsibility of the sending agent to monitor the placement via quarterly supervision reports prepared by the facility staff.

States Define Residential Care Facilities Differently

The Compact does not cover “any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.” States appear to interpret this law differently. Some States use the license of the institution to determine whether it falls under the Compact. For example, if an institution has a child-care license, it is covered by the Compact, but if an institution has a medical-only license, it is not covered. However, other States consider the services offered by the institution rather than the license as the basis for inclusion in the Compact. For example, one State’s policy states that “the type of license, if any, held by an institution is evidence of its character, but whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide.”

Differences in State definitions may make it difficult for sending States to determine whether a facility is a child care institution or detention center. This may become an issue for the sending State when a child is IV-E eligible because detention centers are not eligible to receive IV-E funding.

OPPORTUNITIES FOR IMPROVEMENT

Based on this inspection and our previous study, we conclude that, overall, children are better off because of the Compact. However, we believe that there is a need to strengthen its implementation. We offer the following recommendations for those individuals and entities that have a role in the Compact.

Awareness

We learned that many individuals who work in the child welfare system are still unaware of the Compact. Clearly, more dissemination of Compact information is needed. We suggest that the States improve and increase the information about the Compact available to local workers, judges, attorneys, placement agencies and parents. This can be accomplished through increased opportunities for training for professionals, circulation of pamphlets among agencies and local workers, and the creation of a web site that would explain the purpose of the Compact and the process in simple language. Increased awareness and familiarity with the Compact may help reduce the number of violations that occur.

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We recognize that residential placements are treated differently under the Compact and may be a potential vulnerability. We are continuing to look at the broader area of residential placements. We also encourage the States and the Association to examine how the Compact handles placements into residential care facilities.

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The APHSA comments include the comments of the Executive Committee of the Association of Administrators. They strongly endorse the idea of ACF providing assistance to the States to strengthen the implementation of the Compact as well as training. In addition, they offered technical comments and we modified the report where appropriate.

APPENDIX A

COMMENTS



DEPARTMENT OF HEALTH & HUMAN SERVICES

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Office of the Assistant Secretary, Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

December 21, 1998

TO: June Gibbs Brown
Inspector General

FROM: Olivia A. Golden
Assistant Secretary
for Children and Families

SUBJECT: Comments on the OIG Draft Report: "Interstate Compact on the Placement of Children: Implementation" (OEI-02-95-00044)

Thank you for the opportunity to comment and for your work in this area. The Interstate Compact on the Placement of Children (the Compact) was established in the late 1950's. It received Federal funding from the early 1970's until 1985 when the Secretariat was formed and the Compact began operating independently through membership fees paid by the States.

The report indicates that a major weakness in the implementation of the Compact is a lack of awareness and the need for training and technical support of many individuals who work in the child welfare system. We concur that an increased awareness and understanding of the purpose of the Compact could directly affect the number of violations that occur.

The Administration for Children and Families supports a number of national Resource Centers and a Clearinghouse that assist child welfare professionals with information services, training and technical assistance. We will work with our Resource Centers, the Compact and the States to determine how the Administration for Children and Families can promote awareness of the Compact, provide training to State Agency staff who operate the Compact, and support the development of model procedures to help the Compact operate more effectively.

IG	_____
EAIG	_____
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OGC/IG	_____
ExecDir	_____
Date Sent	12-22

DEC 22 10:19 AM '98
GENERAL



Marva Livingston Hammons, *President*

William Waldman, *Executive Director*

February 11, 1999

John I. Molnar
Regional Inspector General
Office of Inspector General
U.S. Department of Health and Human Services
26 Federal Plaza
Room 38-100
New York, NY 10278

Re: Response to the Department of Health and Human Services'
Office of Inspector General Report (OEI-02-95-00044) on the
Interstate Compact on the Placement of Children

Dear Mr. Molnar:

The American Public Human Services Association (APHSA, formerly the American Public Welfare Association) and the Executive Committee of the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), an affiliate of APHSA, appreciate the opportunity to respond to Part Two of the report on the Interstate Compact on the Placement of Children (hereinafter referred to as ICPC or the Compact) by the Office of Inspector General for the U.S. Department of Health and Human Services (hereinafter referred to as the Report).

The AAICPC Executive Committee and Secretariat (hereinafter referred to as the Committee) held a teleconference on Monday, February 1, 1999, to review the draft of the second Report. Three of the seven Committee members represent states cited in the Report as being interviewed because they represent more than fifty percent of the children under 18 years of age.

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As in the first report on ICPC, the Committee considers the Report to be generally good and positive. The Committee agrees with the Report's findings that "overall children are better off because of the Compact" and that the ICPC provides safe placement options for children. The Committee also agrees with the Report's finding that the ICPC "need [s] to strengthen its implementation" and in order to work towards that necessary goal, AAICPC needs assistance and additional resources.

General Comments

The Committee concurs that ICPC awareness and training are necessary to improve services to children and families. Indeed, the AAICPC is now at work on a two-volume, four-part training manual that can be used to train new ICPC compact administrators, as well as public and private agency personnel, and judges and attorneys.

In the last five years, the AAICPC, on its own initiative and using its own limited funds, has taken important steps to address timeliness—an issue that has been not only expressed in the Report but also by caseworkers, ICPC administrators, parents and relatives, and judges. ICPC timeliness can best be defined as early completion of an ICPC referral by the local sending agency in order for the receiving state's agency to receive the referral, complete a home study, and make a decision regarding whether the prospective placement is or is not contrary to a child's best interest. Timeliness, however, must not sacrifice the safety of a child. Delays in placement are not always negative; in some cases delays assure that, as stated in the Adoption and Safe Families Act, a child's safety is of paramount concern.

In 1995, the AAICPC established the Joint Committee on ICPC Improvement (Joint Committee). Members included judges from the National Council of Juvenile and Family Court Judges, child welfare directors from the National Association of Public Child Welfare Administrators, and ICPC administrators from the AAICPC.

Recommendations by the Joint Committee have been acted on with the passage of Regulation No. 7, Priority Placement, and the creation of border state agreements. Regulation No.7 is designed to place children in safe and secure environments expeditiously. This regulation provides that once a court issues a priority placement order, by the court's own initiative or upon a request, the ICPC approval or denial must occur within 30 days.

Timely completion of home studies, for use by the receiving state in order to make a recommendation regarding placement, is a major reason for delays in placement of children out-of-state. The introduction of border state agreements now allows workers to cross state lines to complete home studies on prospective placement recipients, thereby speeding up the timely receipt of a study by the receiving state. Safeguards are built into the agreements to assure that laws in both states are observed.

The AAICPC has also worked with the courts in California and New Jersey to establish court rules that the ICPC must be followed in their courts. The California Court Rules

state that the courts must maintain jurisdiction of a child sent out-of-state unless the receiving state concurs that jurisdiction can be dismissed, and that a court must wait for the receiving state's approval before the child can be placed. Additionally, the California Court Rules list ICPC Regulation No. 7 within its rules. As more agency workers and the courts become familiar with Regulation No. 7, interstate home studies will be completed sooner and children may not have to wait longer to be placed with safe and caring families.

In the past, the former U.S. Department of Health, Education, and Welfare and the U.S. Department of Health and Human Services (HHS) have been extremely helpful to the states as they joined the ICPC by providing technical and financial assistance. The AAICPC member states can clearly benefit from HHS assistance again so that we may better serve children and families. We strongly endorse the Report's recommendation that the Administration for Children and Families (ACF) provide assistance to the states so that "strengthening the implementation of the Compact" and ICPC training will in fact occur.

Clarification to the Draft Report Text

On page 5 of the Report, the Committee notes that although there are delays in the completion of home studies, some delays are the result of the time necessary and delays involved in getting federal criminal history clearances.

The fulfillment of financial obligations is discussed on page 6. The Committee believes that the states are fulfilling their obligation to complete home studies and provide supervision of the child's placement once it takes place. Another issue that is increasingly becoming a barrier to ICPC placements is that some counties in receiving states are charging the sending agency for the educational cost of children placed into their communities—a fee which the sending agency does not want to incur.

On the same page (6), under "Placements Are Being Supervised" the Committee commented that in some cases supervision of a child placement should be time limited. As called for in the Adoption and Safe Families Act, we can expect states will carry out termination of jurisdiction as soon as the child's permanency is established, thereby reducing extended time periods of supervision.

The last paragraph on page 6 discusses training needs and notes that one judge mentioned the need for judicial training on ICPC. The Committee agrees with the assessment. We note that the National Council of Juvenile and Family Court Judges (NCJFCJ) has helped the AAICPC in conducting ICPC training for judges, although that help has been limited. The NCJFCJ, on its own, has for the past two years attempted but failed to obtain funding to provide ICPC training to judges. The Committee believes that some ICPC training could result if the Court Improvement Projects in some states were able and interested to conduct such sessions.

Molnar, Page 4

The Committee agrees with the Report (page 7) that enforcement of the Compact is a problem. The Committee feels, however, that in county-administered states, the central office has less authority to enforce the ICPC than in centrally administered states.

On pages 7 through 9, ICPC paperwork is discussed. The Committee believes that the term "paperwork" should not be used to describe a process wherein all parties involved in the placement of a child seek one placement that is not contrary to the child's best interest and that the best possible setting is found for that child.

On page 8 the issue of different state adoption laws is listed. The AAICPC is presently working with the American Academy of Adoption Attorneys to prepare a state-by-state chart reporting on which state law applies at different stages of the adoption. This project should help clarify some confusion regarding differing state adoption laws.

Pages 8 through 9 deal with residential placements. The Committee agrees that further study of residential care is necessary. The AAICPC has a Residential Care Committee that would be glad to assist in such a study.

On page 9 the Report discusses the lack of state policies regarding the handling of residential placements. This point is not completely correct. For example, one place where reference is made regarding residential placements is in the *ICPC Compact Administrators' Manual*, Volume II (state pages). In the "Placement" section, most states list what facilities require ICPC approval, requirements for placement, approval of facilities, and monitoring of the child. The language is not extensive but the information is provided.

My staff has informed me that it has been a pleasure to work with your staff. We appreciate your professionalism and timely responses. If we can be of any further assistance, please contact me at the address below or call me at (202) 682-0100.

Sincerely,



William Waldman
Executive Director

WW/FB

cc Sam Ashdown
President AAICPC

AAICPC Executive Committee Members