



**A REPORT TO CONGRESS ON
INTERJURISDICTIONAL ADOPTION OF
CHILDREN IN FOSTER CARE**

**Children's Bureau
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A REPORT TO CONGRESS ON INTERJURISDICTIONAL ADOPTION OF CHILDREN IN FOSTER CARE

The passage of the Keeping Children and Families Safe Act (PL 108-36) in 2003 reaffirmed the commitment of Congress and the Bush Administration to placing children in foster care into safe, nurturing, permanent family homes as quickly as is feasible. The Act included provisions that clearly indicate support for the use of interjurisdictional placement of children for adoption or reunification with relatives. Interjurisdictional placements are those made in States or counties outside of the children's residence. While they are a key strategy to achieve the goal of permanency for children in foster care, the involvement of more than one jurisdiction in the placement of children presents many challenges, some of which are unique and others that are common for the child welfare system as a whole.

To inform Congress about these challenges and current efforts to address them, Congress included in the Act a requirement for the U.S. Department of Health and Human Services (U.S. DHHS) to produce a Report to Congress that describes the nature, scope, and impact of interjurisdictional adoption placement efforts and the strategies that improve outcomes for children in foster care who are placed for adoption in other jurisdictions. In response to this legislative requirement, U.S. DHHS conducted a survey of all States and territories to identify promising practices and possible strategies to overcome barriers to interjurisdictional placements. The survey was the first comprehensive compilation of current, promising strategies and supports required to improve the interjurisdictional placement process for children in the child welfare system. This report provides background information on children in foster care, especially those for whom interjurisdictional adoptive placements are viable options, and describes key steps in the process to achieve permanent placements for children exiting foster care. The legal and procedural frameworks that govern the movement of children in foster care to homes in jurisdictions outside their State or county of residence are presented. Barriers that interfere with or delay interjurisdictional placements are described, and strategies States are using to address them are summarized from the national survey on interjurisdictional placement. A synopsis of strategies employed by U.S. DHHS to support improvements in interjurisdictional adoptive placements is also presented. The report concludes with a summary of the issues and the strategies employed to improve outcomes for children in foster care whose permanent families reside across jurisdictional lines.

1. BACKGROUND

Children enter foster care when they are unable to live safely with their families, usually because of abuse or neglect in the family home. At the end of fiscal year (FY) 2004 (September 30, 2004), there were 518,000 children in foster care, a reduction from the high of 567,000

children at the end of FY 1999.¹ The average age of these children was 10.1 years old, and there were slightly more boys than girls (53 and 47 percent respectively). Forty percent of the children were White, Non-Hispanic; 34 percent were Black, Non-Hispanic; 18 percent were Hispanic; and 8 percent were other races or ethnicities. Nearly three quarters (74 percent) of these children were residing in family-like settings: pre-adoptive, relative, and non-relative family foster homes. The remaining 26 percent were primarily in group homes and institutions.

To best understand the role of interjurisdictional adoption for children in foster care, it is helpful to first understand the process of moving children out of foster care into permanent homes.

1.1 Permanency Planning for Children in Foster Care

Foster care is meant to be temporary. To facilitate the removal of children from foster care, a permanency plan must be established for all children in care, stating at least one explicit goal for a permanent living arrangement upon each child's exit from care. In almost all cases, child welfare staff first must make reasonable efforts to reunify children with their birth families by working with the children and families to resolve the issues that contributed to the children's removal from their homes. If efforts toward reunification are unsuccessful, caseworkers seek other permanent living arrangements, such as living with another relative, guardianship, or adoption. To expedite the permanency planning process, caseworkers often engage in concurrent planning, which involves simultaneously identifying and working toward more than one permanency goal (e.g., reunification and placement with relative). If reunification is determined not to be in the child's best interests, concurrent planning helps to shorten the child's stay in foster care because progress already has been made toward another permanent living arrangement (e.g., relatives may have been identified and assessed for their suitability and willingness to provide a permanent home, or the child may have been placed with a foster family who is willing to adopt).

Although the children in care at the end of FY 2004 had been in foster care an average of 2½ years (30.1 months), this represents a decrease from the average of 32.3 months children had been in care at the end of FY 2000. Many factors contribute to the length of children's stays in foster care. Challenges faced by birth families, including those that contributed to the abuse and/or neglect such as substance abuse, mental health problems, poverty, and poor parenting

¹ Unless otherwise noted, the data in this section are from the U.S. DHHS Adoption and Foster Care Analysis and Reporting System (AFCARS), including published AFCARS reports online at http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars (2005a) and special data analyses conducted for this report (U.S. DHHS, 2005c). Fiscal year 2004 data are preliminary.

skills, may be difficult to overcome in efforts to reunify families with their children. Challenges faced by child welfare agencies and courts also can contribute to delays in achieving placement in permanent families. These challenges include difficulties in conducting thorough and timely assessments of children's and families' needs, difficulties in providing appropriate services in a timely manner, and delays in court hearings. In addition, children in foster care may face significant challenges as a result of the abuse and/or neglect they have experienced, such as physical and mental health problems, developmental disabilities, educational difficulties, and psychological and behavioral problems (Freundlich & Wright, 2003).

Most children return home to their birth parents as services can frequently assist families in addressing the issues which caused the children to be placed in temporary foster care. However, many others find permanency, such as adoption, with other families. Of the 283,000 children who exited foster care in FY 2004, 54 percent were reunified with their parents or primary caretakers, 12 percent went to live with other relatives, 4 percent went to live with guardians, and 18 percent were adopted. An additional 8 percent of youth in foster care were emancipated to adulthood, many without a legal, permanent family. The children exiting foster care in FY 2004 had been in foster care an average of 21.7 months before exiting to their permanent family placements or to independence as adults. This represents a small decrease from the average of 22.9 months for children exiting care in FY 2000. The services required to move a child to a particular type of permanent family can affect the length of time that children are in foster care. For example, children who exited foster care in FY 2004 who were reunified with parents or placed with relatives had been in care an average of 11 months. However, children who exited foster care to finalized adoptions during the same year had been in care an average of 40 months.

A key strategy in permanency planning involves finding, engaging, and supporting relatives to become permanent families for children in foster care. This is consistent with both family-centered practice and the philosophy of family preservation that underlie the child welfare system's work (Roberson, Lorkovich, Groza, Fujimura, Jankowski, & Brindo, 2003). Placing children with their relatives can help reduce the children's pain of separation by preserving connections with family and offering a sense of security and "belongingness" (Testa, 2000). Caseworkers first must identify and find children's relatives, who often may live in other jurisdictions. Relatives then must be assessed to determine their ability to provide a safe, nurturing home for the children and must be engaged in planning for permanency if the children are unable to return to their birth parents. While adoption is the most legally stable outcome, guardianship and custody transfers also may be considered to achieve permanency for children with their relatives.

Because adoption is the preferred outcome for children who cannot return to their birth families, it is helpful to understand the population of children waiting for adoption. Such children have a permanency goal of adoption and/or have parents whose legal rights have been terminated. At the end of FY 2004, 118,000 children in foster care were waiting to be adopted. The average age was 8.7 years, and there were slightly more boys than girls (53 and 47 percent respectively). Thirty-eight percent of the children were White, Non-Hispanic; 38 percent were Black, Non-Hispanic; 14 percent were Hispanic; and 9 percent were other races or ethnicities. At the end of FY 2004, they had been in foster care an average of more than 3½ years (44 months). Many of these children were living with families who intended to adopt them, including relative and non-relative foster families, which provided an important level of consistency in these children's lives.

A required step in the process toward achieving adoption is the legal termination of birth parents' rights. Terminating parental rights often can be a lengthy process in which a child welfare agency must demonstrate to the court that reasonable efforts were made to reunite children with their parents, that these efforts were unsuccessful, and that reunification is not in the children's best interests. The parents of 68,000 children in foster care at the end of FY 2004 had had their legal rights terminated, thereby legally freeing the children to be adopted.

Most children adopted from foster care are adopted by their foster parents (59 percent in FY 2004). In the same year, another 24 percent were adopted by relatives, and 16 percent were adopted by non-relatives who were not their foster parents. When relative and non-relative foster families are either unwilling or unsuitable to adopt the children, appropriate adoptive families must be sought and approved to meet the children's needs. These cases frequently present the biggest challenges to caseworkers because the children often are school-aged, have physical or mental conditions, are part of a sibling group, or are children of color (Christian & Ekman, 2000), which may make it more difficult to find a family willing to adopt them. When efforts to recruit prospective adoptive families are required, caseworkers may renew attempts to identify and engage relatives, consider "fictive" kin (unrelated adults who have been important in the children's lives), or conduct targeted or child-specific recruitment to seek unrelated families interested in adopting a child.

Another major step required to achieve permanency for children in foster care who will not return to their birth families involves approving families to be a permanent placement, hopefully an adoptive placement. To be approved, prospective families, whether adoptive, relative, or guardian, must complete a home study to determine their suitability to permanently care for a child from foster care. Home studies generally include training for the prospective family, in-depth interviews with family members, home visits, reviews of parents' health and

income statements, criminal background checks, reviews of autobiographical statements written by family members, and reference checks (National Adoption Information Clearinghouse, 2004b). While home studies may take a significant amount of time, they are necessary to ensure that prospective permanent families, including relative and non-relative adoptive families, can meet the needs of specific children.

1.2 Interjurisdictional Placements of Children in Foster Care

Some children leaving foster care find permanent families in jurisdictions other than the one in which they live. Almost 7,700 children exiting foster care in FY 2004 were placed with relatives or prospective adoptive parents in other States. It is assumed many more were placed with families in other jurisdictions within their State of residence. Interjurisdictional placements may be either an *intrastate* placement involving two jurisdictions within the same State or an *interstate* placement involving two different States. However, in this report, the phrase “interjurisdictional placements” refers to *interstate* placements unless otherwise noted.

Interjurisdictional placements may be used to accomplish any permanency goal (e.g., adoption, placement with relative, reunification). Thirty-one percent (5,405) of all children in interstate placements at the end of FY 2004 (September 30, 2004) had a goal of adoption, and 44 percent (7,768) had a goal of reunification, placement with another relative, or guardianship.² Interstate placements for adoption included children in foster care in one State who moved to another State to be adopted by a relative or previously unknown family and foster families intending to adopt the children in their care who moved to another State. While it is not known how many interstate adoptive placements involved relatives, AFCARS³ does reveal that 24 percent of all children adopted from foster care in FY 2004 were adopted by relatives.

When children are waiting to be adopted, and their foster families do not wish to adopt them, caseworkers must recruit prospective adoptive families to meet the children’s needs. Caseworkers often first seek families in their own jurisdictions to help maintain children’s meaningful connections to their community. Seeking and finding families in other jurisdictions may not be pursued diligently unless efforts within the children’s home jurisdictions have proven unsuccessful. However, for some of these children, prospective adoptive families (including relatives, fictive kin, and people previously unknown to the child) living in other jurisdictions may offer the best opportunity for a stable, loving home.

² Other interstate placements were used to achieve emancipation or involved children being transferred to another agency or who had run away.

³ AFCARS is the Adoption and Foster Care Analysis and Reporting System, U.S. DHHS’ official data collection and reporting system for foster care and adoption statistics.

Children who are adopted from foster care often have spent many months, even years, in foster care as each task in the permanency planning process is completed. These tasks may include reasonable efforts to reunify the children with their birth families, efforts to locate and assess relatives as potential permanent placements, termination of birth parents' rights, finding prospective adoptive families who express interest in adopting particular children (including relatives' children), and completing home studies with the families to assess their suitability to meet the children's needs. In addition to these steps, the procedures involved in interjurisdictional placements for adoption can be complex and time-consuming, which can result in longer stays in foster care.

Children adopted in FY 2004 by a family who lived in another State had been in foster care an average of one year longer than children adopted by a family within their State of residence (50 months compared to 38 months). This raises concerns because lengthy stays in foster care, and the multiple placements that often result (e.g., moving among foster families or group homes), can have a negative impact on a children's mental health and well-being and their ability to make smooth transitions to an adoptive families (Arnold-Williams & Oppenheim, 2004; Christian & Ekman, 2000; Freundlich & Wright, 2003). In addition, children who were adopted by families in other States were one year older at the time of the adoption than children who were adopted by families within their State of residence (7.5 years compared to 6.6 years), although the age at which they entered foster care was about the same (3.5 years old). This is of concern because several studies have shown that the rate of adoption disruptions and dissolutions⁴ increases with the age of the child at the time of adoption (Barth, Berry, Goodfield, & Carson, 1987; Barth, Berry, Yoshikami, Goodfield, & Carson, 1988; Festinger, 1986; Festinger, 2005; Goerge, Howard, & Yu, 1996; Groze, 1986).

Child welfare experts have long understood the importance of safe, secure, nurturing families to children's positive growth and development. While most children in foster care will return to their birth families, thousands of other children will find permanent homes with other families. These families may include relatives who adopt them, become their guardians, or accept custody of them. These also may include foster families they know and families they do not know who adopt them. Adoption can provide children with not only a legal permanent family, but also a "stable, secure relationship that gives children a psychological sense of belonging" that lasts well into adulthood (Christian & Ekman, 2000, p. 8). Many of these children may find permanent families with relatives or others who adopt them in States other than the one in which they live. However, the infrastructure and processes for interjurisdictional adoptions and relative placements currently do not support timely achievement of this goal.

⁴ Adoptions *disrupt* when children placed with pre-adoptive families leave before the adoptions are legally finalized. Adoptions *dissolve* when children leave their adoptive families after adoptions are legally finalized.

Federal, State, and local action must be taken to remove barriers that delay placements of children in foster care into appropriate permanent homes, regardless of where those homes are located.

2. FEDERAL LEGISLATIVE SUPPORT FOR INTERJURISDICTIONAL PLACEMENTS

While States are responsible for crafting and administering laws and policies to govern foster care services, placements with relatives, termination of parental rights, and adoption of children, the Federal government, through provisions in Federal laws regarding adoption assistance, foster care, and other child welfare programs, establishes parameters within which State laws must function as a condition for receiving Federal funds. The following sections summarize three Federal laws directly relevant to permanency planning and interjurisdictional placements of children in foster care.

2.1 Indian Child Welfare Act of 1978 (PL 95-608)

One of the first interjurisdictional issues to be addressed in Federal legislation was placement of tribal children when they came into legal custody of the child welfare system. The Indian Child Welfare Act (ICWA) was passed in 1978 in response to the high number of Indian children being removed from their homes by child welfare agencies; many were being placed with non-Indian foster and adoptive families. Congress passed ICWA to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902).

ICWA’s Federal requirements apply to all State child welfare agencies and courts involved in custody and placement decisions for Indian children who are members of or eligible for membership in a federally recognized tribe. Some of ICWA’s key measures are:

- Establishes minimum Federal standards for the removal of Indian children from their families, including “active” efforts to prevent the breakup of Indian families and setting a “beyond a reasonable doubt” standard of proof for terminating Indian parents’ parental rights.
- Requires identification of Indian children by the State Child Welfare services agency and notification of Indian parents and Tribes of State proceedings involving Indian children.

- Specifies preferences for adoptive placements stating that in any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with:
 - A member of the child's extended family;
 - Other members of the Indian child's tribe; or
 - Other Indian families.

- Specifies criteria and preferences for foster care or preadoptive placements stating that children accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which their special needs, if any, may be met. Children shall also be placed within reasonable proximity to their birth families' homes, taking into account any special needs of the children. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with:
 - A member of the Indian child's extended family;
 - A foster home licensed, approved, or specified by the Indian child's tribe;
 - an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

- Permits use of Tribal courts in child welfare matters; Tribal right to intervene in State proceedings or a transfer of proceedings to the jurisdiction of the Tribe. Creates exclusive tribal jurisdiction over all Indian child custody proceedings when requested by tribe, parent, or Indian "custodian."

- Requires State and Federal courts to give full faith and credit to tribal court decrees.

2.2 Adoption Assistance and Child Welfare Act (PL 96-272)

In response to widespread concerns about the child welfare system and the length of time children were spending in foster care, Congress passed the 1980 Adoption Assistance and Child Welfare Act (PL 96-272), which provides Federal funds to States for foster care and adoptive placements of children. The Act included a cornerstone provision requiring States to demonstrate reasonable efforts to prevent children's removal from their birth families and return those who had been removed as quickly as possible. The Act also required six-month reviews of all children in foster care to promote steady progress toward achievement of permanent placements of children in safe and appropriate homes.

To support adoption of children from foster care, federally funded adoption assistance maintenance payments (often called adoption subsidies) were first made available through this Act using funds from title IV-E of the Social Security Act. These payments are available to families who adopt children who meet established eligibility criteria, including an income eligibility guideline related to the children's families of origin, children's eligibility for payments under the Supplemental Security Income (SSI) program, or children identified as having "special needs." Under the provisions of this Act, children with special needs are defined as those who cannot or should not be returned to their biological parents' homes, have a special condition which makes it reasonable to conclude they cannot be placed with adoptive parents without providing adoption assistance, and have not been able to be placed for adoption without assistance. Further description of how States have defined special needs is contained in Section 3.2 of this report. In FY 2004, 70 percent of children adopted from foster care were eligible to receive a federally funded adoption subsidy, and an additional 19 percent were eligible to receive a State subsidy.

The 1980 Adoption Assistance and Child Welfare Act also provides for Medicaid coverage for children who are eligible to receive Federal foster care or adoption assistance maintenance payments. The Act directs States to protect the interests of children receiving Federal title IV-E adoption assistance by ensuring that adoptive families receive needed services and benefits from this Federal program, regardless of whether they adopted a child from within their State of residence or another State.

2.3 Adoption and Safe Families Act (PL 105-89)

The Adoption and Safe Families Act (ASFA) of 1997 focused extensively on the need for achieving timely permanent placements, especially adoption, for children in foster care who could not safely reunite with their birth parents. ASFA contained specific provisions to encourage and facilitate timely permanency for children in foster care, including provisions to:

- Clarify the meaning of reasonable efforts to preserve and reunify families (from PL 96-272) to emphasize safety of the child as the paramount concern.
- Allow for simultaneous exploration of family reunification and other permanency options (often called concurrent permanency planning).
- Require States to file for termination of parental rights once children have been in foster care for 15 of the most recent 22 months, except in certain allowable circumstances.

- Expedite termination of parental rights in specific situations of severe inflicted harm to children.
- Require States to document efforts to find adoptive or other permanent placements for children, including placements with fit and willing relatives. Efforts to find adoptive placements should include child-specific recruitment strategies and may involve the use of State, regional, or national adoption exchanges, including electronic exchange systems.
- Give preference when making placement decisions to adult relatives over non-relative caregivers when relative caregivers meet all relevant State child protection standards.
- Ensure States develop plans for effective use of cross-jurisdictional resources to facilitate timely adoptive or other permanent placements for waiting children.
- Provide Adoption Incentive Payments to reward States that increase the number of foster children placed for adoption each year above established baselines.

The key provision in ASFA that forced States to address challenges related to interjurisdictional placements made States ineligible for certain Federal funds if they were found to have “denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child.” This requirement, in conjunction with ASFA’s emphasis on expeditious permanent placements and adoption in general, has led to increased interest in resolving the barriers to placement of children across State and county lines.

2.4 Keeping Children and Families Safe Act (PL 108-36)

In 2003, Congress reaffirmed its commitment to ensuring children in the nation’s foster care system are moved as quickly as possible into permanent homes. The Keeping Children and Families Safe Act reauthorized the Adoption Opportunities Act, the Child Abuse Prevention and Treatment Act (CAPTA), and related child welfare legislation. Recognizing that interjurisdictional placements are an under-used resource for children awaiting adoption, and that significant barriers may contribute to a lengthy interstate adoption process, the 2003 reauthorization included a grant program to support State and local innovations that could improve interjurisdictional adoption outcomes. In addition, the Act required U.S. DHHS to conduct research into the dynamics of successful adoptions and interjurisdictional adoptions.

2.5 Safe and Timely Interstate Placement of Foster Children Act (PL 109-239)

The Safe and Timely Interstate Placement of Foster Children Act of 2006, signed July 3, 2006, improves protections for children and holds States accountable for the safe and timely

placement of children across State lines. It establishes new grants for timely interstate home study incentive payments to States that have approved plans and that have completed, and provided the Secretary a report on, such studies. It also amends the definition “case review system” to: (1) increase the required frequency of State caseworker visits to a child who is placed in foster care outside the State in which the child’s parents reside; (2) require a child’s health and education record to be supplied to the child at no cost when he/she leaves foster care by reason of having attained the age of majority under State law; and (3) provide for a foster parent’s right (currently, opportunity) to be heard in any proceeding (currently, review or hearing) respecting their foster child. It requires State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care are notified of any such proceeding. The law also provides for consideration of out-of-state placements in permanency hearings, case plans, and case reviews and requires each plan for child welfare services to include the assurance that the State will eliminate legal barriers to facilitate timely adoptive or permanent placements for children.

2.6 Adam Walsh Child Safety and Protection Act (PL 109-248)

The Adam Walsh Child Safety and Protection Act, signed on July 27, 2006 provides broad new authority to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, and promote Internet safety. One provision requires States to complete criminal records checks (including fingerprint checks) on prospective foster or adoptive parents before approval of any child’s placement with such individuals and eliminates authority under title IV-E allowing States to “opt-out” of such criminal background checks; change which has long been a priority for the President.

3. INTERSTATE COMPACTS SUPPORTING INTERJURISDICTIONAL PLACEMENTS

While Federal laws form the foundation for foster care services, State laws govern the majority of the work involved. Variation in State laws and procedures becomes a challenge to achieving permanent placements when more than one State is involved. Interstate compacts help address this challenge by providing uniform language that States can enact into law, forming a contract among them regarding standardized procedures and responsibilities. This is designed to ensure that children placed across State lines have adequate protection and services.

Two interstate compacts are relevant to interjurisdictional placements of children in foster care: the Interstate Compact on the Placement of Children (ICPC) and the Interstate Compact on Adoption and Medical Assistance (ICAMA). While the Association of the

Administrators of the Interstate Compact on Adoption and Medical Assistance (AAICAMA) successfully competed for a grant from U.S. DHHS to administer activities, develop strategies and protocols, and encourage State participation in the implementation of the ICAMA, the Federal government does not have an official role in the administration or implementation of either compact. The ICPC did receive Federal funding from the 1970s until 1985 when the compact secretariat was established and the compact began operating independently through membership fees paid by the States. AAICAMA and the Association of the Administrators of the Interstate Compact on the Placement of Children (AAICPC) contract with the American Public Human Services Association (APHSA; formerly the American Public Welfare Association) to provide secretariat services to States.

3.1 Interstate Compact on the Placement of Children

The Interstate Compact on the Placement of Children (ICPC) was created in 1960 to coordinate and facilitate placement of children in foster care across State lines (APHSA, 2002a). All 50 States, the District of Columbia, and the Virgin Islands are participants in ICPC, although New Jersey, the final State, did not join the compact until 30 years after its passing.

The compact currently consists of 10 articles and 11 regulations identifying the responsibilities of States involved in interjurisdictional placements of children. The sending States are those of the children's residences at the time they were removed from their birth families. Receiving States are those (outside of the sending State) where the children have been placed for adoption, foster care, or residential treatment. Each State appoints a Compact Administrator to oversee and process interstate placements of children.

Responsibilities of sending and receiving States delineated in ICPC include completion of home studies for prospective foster and adoptive parents, supervision of children in interstate placements, legal jurisdiction of cases (which affects both courts and child welfare agencies), financial responsibilities, and reporting requirements. ICPC also outlines procedures for States to follow regarding communication among caseworkers and ICPC administrators in two States, often involving numerous staff in various agencies. Since its inception, regulations and specific guidelines outlining the process for initiating and completing interstate placements have been developed to further clarify provisions of the compact.

When ICPC was developed, each participating State joined by passing the same set of laws supporting and specifying the administration of the compact in that State. However, each State had already passed its own laws on child placement and adoption, and these laws have continued to evolve independent of ICPC. Obviously, this can create conflicts between States

involved in an interstate placement as each has a different understanding of the steps required to approve a family as a foster or adoptive family.

Two sets of State laws and two judges in two States, each interpreting their own State's laws (including ICPC laws), lead to inconsistencies and occasional conflicts between sending and receiving States. "Trial courts in all jurisdictions construe and apply ICPC, yet the great bulk of these cases are in courts whose opinions are not reported, severely limiting the case law to which courts can go to check their own interpretations. The disparities and confusion that result can persist for years" (APHSA, 2000, p.1). Because there are no Supreme Court decisions regarding ICPC application, there is no judicial resolution regarding differences in State laws and interpretations of ICPC provisions among member States, further complicating the interjurisdictional placement process (APHSA, 2000).

In addition to the legal questions, concerns about the population of children covered by ICPC have arisen. Interpretation of the compact has expanded to include many placements of children not in State custody such as children placed in adoption with U.S. families from other countries. This has created an overload for State ICPC offices and contributes to delays in processing placements of children in foster care (Arnold-Williams & Oppenheim, 2004), the primary focus of ICPC.

Several problems also have arisen with implementation of the compact, including the absence of consistent, clear standards for home studies to assess prospective adoptive families; the lack of enforceable time frames for initiating and conducting evaluations of potential adoptive families; processes for mediating differences between States; and the financial responsibilities of sending and receiving States, such as medical coverage, support services, case supervision, home studies, and special educational costs (Freundlich, Heffernan, & Jacobs, 2004).

An inspection of ICPC implementation by the U.S. DHHS Office of Inspector General (1999) found that the compact facilitates interstate placement of children in four main ways:

- The compact increases permanent placement options for children in foster care.
- The child's safety is protected through services offered by receiving States.
- The compact facilitates adherence to the appropriate laws before a placement is made.
- The compact has created a network for cooperation and information exchange among States in making interstate placements.

However, weaknesses in State implementation of the ICPC were noted: lack of awareness of and knowledge about the ICPC among caseworkers, judges, and attorneys; placements in violation of the ICPC; differing State adoption laws that impede placements; and the lengthy process involved in ICPC placements (U.S. DHHS, 1998; U.S. DHHS, 1999). The inspection report also noted the need to strengthen the implementation of the compact through the dissemination of more information about procedures, improved coordination at the State level, continued exploration of border State agreements, as well as stronger training and technical assistance.

Efforts to Improve ICPC

Through an Adoption Opportunities grant from 1999 to 2002, the Children’s Bureau funded APHSA as the secretariat of ICPC in the development and piloting of several training manuals about the ICPC specifically for juvenile and family court judges, caseworkers, and ICPC administrators. As part of this effort, a compilation of court decisions was included to improve understanding of the interaction of State laws and ICPC requirements. These manuals are still available through APHSA.

According to APHSA (2004), while ICPC worked relatively well in its first few decades, it is no longer an “effective mechanism for use by the States to ensure that children placed across State lines for purposes of foster care or adoption are placed with safe, suitable parents that can provide proper care and to ensure that necessary services and supports are in place” (p. 1). APHSA has convened a Development and Drafting Team to rewrite the ICPC. This team is composed of stakeholders from across the nation, charged with creating a more comprehensive structure for the compact and reconstructing it to ensure interstate placements are made in a timely and effective manner. Challenges in revising ICPC include differing ideas among stakeholders about solutions to identified problems and building consensus among States to facilitate passage of the new ICPC law more quickly than the first one.

Although still in draft form, it is possible the new ICPC will differ significantly from the existing agreement. Some issues being considered include:

- Narrowing the types of placements covered;
- Use of computer technology to improve the speed and quality of communication and sharing of information;

- Clearer articulation of administrative processes and procedures; and
- Clearer rulemaking and enforcement authority (APHSA, 2004).

Once the new ICPC is completed, all States and territories wishing to participate will need to enact changes in State law to comply with the provisions of the new charter.

3.2 Interstate Compact on Adoption and Medical Assistance

The Interstate Compact on Adoption and Medical Assistance (ICAMA) is the formal mechanism through which children in interjurisdictional adoptive placements receive financial assistance and coverage for medical care (APWA, 1988). Currently, only four States are not parties to ICAMA—New York, Tennessee, Vermont, and Wyoming—they are in various stages of the process to do so. Each of these States has made progress in enacting enabling State legislation and completing administrative processes required to become a member of the compact (APHSA, 2005).

ICAMA provides the framework for protecting the interests of children with special needs in adoptive placements, as defined in the Adoption Assistance and Child Welfare Act (PL 96-272). While PL 96-272 set the foundation for determining special needs as eligibility for adoption assistance payments, each State has passed laws or set policies further delineating the factors that qualify as special needs. With some variation, these laws and policies generally identify the following factors:

- Children of minority races or ethnicities;
- Older children;
- Children who are part of a sibling group; and
- Children who have medical, physical or emotional conditions or handicaps (National Adoption Information Clearinghouse, 2004a).

ICAMA sets forth guidelines for reciprocity that enable eligible children placed in adoptive homes outside of their State to receive Medicaid. As allowed under Federal legislation and regulation, each State's Medicaid program is different, including application processes and coverage. ICAMA requires standard forms and procedures that meet Federal and State requirements to facilitate the interstate process. Eligibility for Medicaid can be determined by the guidelines of title IV-E of the Social Security Act or under individual State guidelines. States involved in interjurisdictional adoptions negotiate eligibility, coverage, and financial responsibility for medical and other services as part of each child's adoption assistance

agreement. ICAMA provides the structure for the States to negotiate through their differences and provide necessary services to support an adoptive family's care for their adopted child.

A 1996 review of ICAMA by the U.S. DHHS Office of Inspector General found that ICAMA membership provides States with significant administrative advantages in meeting the needs of children eligible for title IV-E services. The final report from the review encouraged States that were not members to join ICAMA as expeditiously as possible (U.S. DHHS, 1996).

4. STRATEGIES AND SUPPORTS IDENTIFIED BY STATES TO ADDRESS BARRIERS

While Federal legislation and interstate compacts provide much guidance and infrastructure for interjurisdictional placements of children in foster care, including placement into prospective adoptive families and movement across State lines with foster parents, many barriers remain that challenge the efficiency and outcomes of this process. Many of these barriers are the same as those affecting the entire child welfare system such as high caseloads among staff, difficulties between courts and child welfare agencies, and inadequate permanency planning. Differing and complex State laws, policies, and procedures governing foster care and adoption processes generate other barriers unique to interjurisdictional placements. Efficiency depends on cooperation and coordination between the child welfare and court systems of both the sending and receiving jurisdictions. Outcomes for children for whom interjurisdictional placements are the most viable permanency option depend on a process that operates smoothly, with a minimum of delays and conflicts.

This section describes barriers, strategies, and supports related to interjurisdictional placements revealed in a recently completed survey of State child welfare agencies (Research Triangle Institute, International, in press). The Children's Bureau commissioned this survey to do more than simply document problems related to the nature, scope, and effects of interstate adoptive placement. This survey was structured to identify potentially effective solutions that could be shared with all States through the Children's Bureau's Training and Technical Assistance Network (See Section 5.2, Children's Bureau Training and Technical Assistance Network). As a result, State child welfare administrators are already learning about and taking practical steps to replicate effective strategies from other States.

The survey methodology was designed to accomplish two objectives. The first was to document effective strategies States are using to overcome barriers in the interjurisdictional placement process. The second was to identify potentially effective supports that could assist their efforts. These two categories, strategies and supports, were used consistently throughout

the survey to distinguish between current State initiatives (strategies) and actions that could assist States in their efforts (supports). Unless otherwise noted, the information in the following sections is derived from this interjurisdictional survey.

To ensure the survey would provide useful results for State child welfare agencies and other stakeholders, the Children's Bureau convened a national workgroup of State child welfare staff, ICPC administrators, Federal staff, court personnel, and other key stakeholders to inform and advise the survey contractor. This workgroup, and the interest generated by the effort, raised awareness of the issues involved in interjurisdictional placements, facilitated State-to-State communication, and supported a holistic view of problems and solutions. Under leadership of the workgroup, barriers, strategies, and supports were researched, identified, and grouped into eight areas:

- Staffing and resources;
- Knowledge and training;
- Staff attitudes and beliefs;
- Education and medical expenses;
- Criminal background checks;
- Communication;
- Permanency planning; and
- Tracking and reporting.

Forty-eight State child welfare directors responded to the survey.⁵ To complete their responses, many directors convened State workgroups that included their ICPC and ICAMA Administrators, Foster Care and Adoption Managers, Federal Adoption Opportunities grantees, and other interested parties. This large-scale response from the States indicates a high level of interest in resolving the challenges of interjurisdictional placements to achieve permanency for children in foster care.

Each State identified strategies they used and rated their effectiveness; they also indicated if they were investigating certain strategies, and if they needed assistance to implement them. A total of 151 strategies and supports were included on the survey. The large number of items

⁵ A 49th State also submitted responses, but the data were received too late to be included in the analyses and report.

coupled with the various response options created multiple perspectives from which to examine the data. To help further the Children’s Bureau’s plans for next steps to improve interjurisdictional placements, three categories of strategies and two categories of supports are highlighted.

A total of 78 strategies fall into one or two of the following categories:

- Widely used and effective strategies: strategies used and rated as somewhat or very effective by at least 60 percent of the reporting States.
- Highly effective strategies: those strategies that were rated as very effective by at least 50 percent of the States that used and rated the strategy. These strategies may not be used by many States, but the States that are using them find them to be very effective.
- Strategies of greatest interest: those strategies that at least one-third of States are either investigating or interested in but need assistance to implement.

The supports highlighted in this section are those that were rated by States as very effective by at least 50 percent of reporting States, as well as those that States chose as the one “top” potential support they believed would facilitate the most positive change.

Most States identified multiple strategies they were using to address each identified barrier, demonstrating the complexity of interstate placement issues, as well as the commitment by States to make improvements. The directors also indicated their perceptions of the effectiveness of potential supports; these supports were grouped into “very effective potential supports” and “top potential supports” (supports that would facilitate the *most* positive change within each category).

The following sections describe barriers in each of the eight categories and summarize strategies and supports identified by States, many of which can be implemented without Federal assistance or intervention. As there are various amounts of evidence for the many strategies and supports, the Children’s Bureau is working with its Training and Technical Assistance Network and with States to analyze the evidence and establish priorities. States have already used some of the findings to make improvements (See Section 5.2, Children’s Bureau’s Training and Technical Assistance Network). A table from the survey’s final report listing 78 strategies and 21 supports is presented in Appendix I.

4.1 Staffing and Resources

Barriers related to staffing and resources include staff workloads and differing requirements among States for approving prospective adoptive families for placements. In a study conducted in 2001 (APHSA, 2002c), 32 of 47 States cited staffing and workload issues as leading causes of delay in completing home studies for interstate placements.

Because there is no uniformity in the number of children sent from one jurisdiction to another, disparity in the number of children sent to any one jurisdiction can cause an uneven distribution of workload and financial burdens among States (Arnold-Williams & Oppenheim, 2004). Some States have access to an extensive recruitment and training program for adoptive parents, a wider range of support services, and higher Medicaid coverage, and therefore may provide a more positive environment for adoptive placements than other States and draw a larger share of interjurisdictional placements. Jurisdictions that receive and accept large numbers of interjurisdictional adoptive placements are burdened because receiving States are responsible for home study and supervision costs under the current ICPC.

When staff and resources are severely limited, problems in allocating needed services and funds among children on a caseload may arise. This may be complicated by a perceived lack of “ownership” of interjurisdictional adopted children by the caseworker in the receiving State. For example, receiving States spend time and money recruiting, training, assessing, and licensing prospective adoptive families, only to lose them to children from another State; the families may no longer be resources for children in foster care in their home State. When sending States request home studies for families in receiving States, caseworkers there are expected to provide the home studies as a courtesy; however, these cases may not receive priority when heavy caseloads exist (APHSA, 2002c; Evan B. Donaldson Adoption Institute, 2005; Johnson-Shelton, 2004). For postplacement supervision, caseworkers in receiving States must conduct regular visits with foster and prospective adoptive families and children whether or not the cases are included in their official caseload. The complexity and additional work required for interjurisdictional placements compared to placements within the child’s home jurisdiction put even more strain on caseworkers and the child welfare system in the receiving State. States describe as a complicating factor the inability to claim title IV-E administrative costs for children for whom they are providing receiving State services. Since title IV-E eligible children from the sending State are not in the receiving State’s legal jurisdiction, the children do not count in the title IV-E penetration rate. In addition, a majority of States report a lack of adequate staffing in ICPC offices that process interjurisdictional placement requests, further contributing to delays in completing the necessary work (APHSA, 2002b).

Differences in State requirements are another challenge. For example, if a sending State has more stringent requirements for approving prospective adoptive families than a particular receiving State, the sending State may question the quality of the assessment (Freundlich, Heffernan, & Jacobs, 2004) and ask the receiving State to conduct additional work before approving placement of the child. Varying and conflicting requirements between States, and between counties within a State, make it difficult for caseworkers to manage interjurisdictional placements efficiently (U.S. DHHS, 2005b).

Strategies and Supports

The focus of State strategies to address inadequate staffing and resources involves providing home study and postplacement supervision services. These strategies aim to reduce the burden on caseworkers, many of whom already serve large caseloads of children and families. One strategy identified as highly effective involves designating specific staff for interstate placement cases; 62 percent of States responding to the survey (30 of 48 States) currently designate specific staff to handle all interjurisdictional cases. This strategy has been recommended and noted in previous articles and studies (APHSA, 2002c; Fiermonte, 2002).

One widely used and effective financing strategy involves the sending State contracting with private agencies in the receiving State to conduct home studies for prospective foster/adoptive and adoptive parents or provide postplacement supervision services in interjurisdictional cases. Two other widely used and effective strategies address families with pre-adoptive children who relocate. To enhance efficiency, these strategies specify protocols for timely completion of updates on home studies for families moving into a State and acceptance of a sending State's foster/adoptive parent training so the training does not have to be repeated.

Three strategies of interest to many States were the use of a uniform home study format, use of video conferencing to maintain contact with foster and adoptive families to minimize caseworkers' travel time, and use of border agreements between States to allow caseworkers from sending States to conduct home studies and postplacement supervision of families in neighboring receiving States.

In addition to the interjurisdictional survey, strategies covering staffing and resource issues were addressed in recent demonstration grant programs funded by the Children's Bureau (U.S. DHHS, 2005b). A cornerstone of each project was the use of liaisons and facilitators to support caseworkers' efforts to achieve permanency for children involved in interjurisdictional placements. These additional staff assisted with recruiting prospective adoptive families, completing home studies, and maintaining communication with foster and prospective adoptive

parents, among other tasks, to help secure, in a timely manner, permanent families for children placed across jurisdictional boundaries.

4.2 Knowledge and Training

Because they are unfamiliar with interjurisdictional placement processes, caseworkers may hesitate to look beyond their local jurisdiction for suitable adoptive families for children in foster care. Caseworkers, judges, attorneys, and others involved in the child welfare system appear to lack knowledge about the ICPC and existing processes and procedures for interjurisdictional placements (APHSA, 2002b; Christian & Ekman, 2000; Evan B. Donaldson Adoption Institute, 2005; Freundlich, 2001; U.S. DHHS, 2005b; U.S. DHHS, 1999).

Strategies and Supports

States participating in the survey noted that they used many strategies to improve the training and knowledge of workers involved in interjurisdictional placements. Almost all responding States (45 of 48 States) have an in-state expert on interjurisdictional protocols, requirements, processes, and laws and considered having an expert a highly effective strategy. Experts include ICPC office staff, agency legal staff, and agency supervisors who provide guidance and information to caseworkers and judicial personnel involved in interjurisdictional placements.

Most States provide training to improve caseworker skills in searching for children's relatives both within and outside their home State and support caseworkers by providing search tools (e.g., access to databases). These strategies are important to ensuring that reasonable efforts are made to locate relatives and consider them early in the case as possible placement resources for children in foster care, whether they live in-state or out-of-state. Training also is the primary component of strategies in which States expressed interest, including the use of electronic tools for as-needed training on interjurisdictional issues, adding an interjurisdictional placement component to regular training curricula, and working with State Court Improvement Programs to train court staff. A recent summary of discretionary grant projects indicated that training was one of the primary strategies used to enhance workers' knowledge about interjurisdictional placement processes and improve outcomes for children (U.S. DHHS, 2005b).

Primary supports sought by States include reviewing issues of interjurisdictional placements to develop best practices (to which the survey findings will greatly contribute) and developing bench briefs, or reference books, for judges to assist them in handling interjurisdictional cases.

4.3 Staff Attitudes and Beliefs

Attitudes and beliefs of administrators and caseworkers may not consistently support interjurisdictional placements (Freundlich, Heffernan, & Jacobs, 2004; U.S. DHHS, 1999). Staff may be reluctant to consider interstate placements for children in foster care because they believe the process is too lengthy and cumbersome (Maza, 2002; U.S. DHHS, 1999). In addition, there may be a lack of trust between caseworkers in sending and receiving States due to unfamiliarity with each other and their work. Caseworkers who have been working with children for some time generally care deeply about what happens to them and may have difficulty transferring the cases to unknown workers and agencies in other States. Workers in sending States may have concerns about the quality of services provided in receiving States, particularly if there are significant differences in key elements of the home study process for prospective adoptive families and available postadoption services for families. Workers may also be suspicious of prospective adoptive parents who are willing to adopt children viewed by the caseworker as unadoptable (e.g., children with significant medical or behavioral problems). When workers and families are in different States, distance between them may impede assessment of the families' suitability (Freundlich, Heffernan, & Jacobs, 2004). While many of these attitudes and beliefs may exist unconsciously, their effects have real consequences for children awaiting adoptive placements.

Strategies and Supports

States have implemented a variety of strategies to promote and maintain positive attitudes about interjurisdictional placements among staff; many involve affirmation of the State's commitment to using interjurisdictional placements to achieve timely permanency for children. Almost all the States responding to the survey (42 States) indicated that they employed the following four strategies to promote positive staff attitudes and beliefs about interjurisdictional placements:

- Delineating clearly, in policies and communications with staff, that placements across jurisdictional lines can help achieve positive, permanent outcomes for children.
- Reinforcing that time guidelines required by ASFA apply to cases involving interjurisdictional placements.
- Encouraging staff to include interjurisdictional resources in their efforts to identify potential adoptive families.

- Reaffirming the agency’s commitment to fulfilling the responsibilities of interjurisdictional placements in communications between agency administrators and supervisory and line staff.

Two of the strategies rated as highly effective (but not widely used) were factoring interstate case duties into a worker’s caseload and developing a system of accountability for processing interjurisdictional cases in a timely manner. Both convey the importance of the work in relation to other responsibilities. Two strategies in which States expressed interest involve the emotional aspect of interjurisdictional placements: assistance to help workers emotionally “let go” of the child and help for the child’s preparation for transitioning to a family in another jurisdiction. The top support States desired was receiving financial incentives for timely completion of interstate home studies.

4.4 Education and Medical Expenses

Educational and medical services are crucial supports for many families adopting children from foster care, especially children who have special education needs or extensive medical or mental health treatment needs. “Most experts on special needs adoptions agree that services and financial support provided to an adoptive family are the most effective tools for achieving permanency for foster children” (Christian & Ekman, 2000, p. viii). However, the financial burden associated with these services and the need to negotiate eligibility and coverage based on each eligible child can negatively affect the placement of children across State lines. More than half the sending States in a 2001 study (APHSA, 2002c) cited resolving financial and medical responsibilities as leading causes of delay in accomplishing interstate placements. Problems with financial support may even be a disincentive to adoption for some families (Freundlich, 2001).

Prior to placing a child with a family in another State, a placement or adoption assistance agreement is usually negotiated between the sending State and the family with the input of the receiving State. This agreement may go into effect prior to finalization of the permanency plan (e.g., adoption) and generally will describe the services and supports the family will receive, including educational and medical services, and which State will incur the costs of these services prior to and after finalization of the adoption. In general, most sending States retain primary responsibility while the child remains in foster care and receiving States assume primary responsibility when the adoption or custody transfer is finalized, unless other arrangements are negotiated in the placement agreement.

To facilitate permanency for children placed across State lines, most States accept financial responsibility for special education services for children still in foster care who have been placed from another State. However some school jurisdictions are charging back the expenses to the sending States during the period between the children's placement in the home and the legal completion of the adoption to offset the high costs of these services. Once adoptions are finalized for children adopted across State lines, the children are considered residents of the receiving States and receive all educational services afforded to residents. Because many of these children require special education services, local and State school systems in receiving States may be burdened with extraordinary expenses to meet their responsibilities under the No Child Left Behind Act.

Children eligible for Federal title IV-E services can receive Medicaid coverage paid for, in part, with Federal funds. For children who are not IV-E eligible, States may elect to participate in the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) program, which enables them to access other Federal funds for the children's Medicaid coverage, or they may pay for Medicaid services from State funds. Even with the assistance of Federal funds, States pay a share of all Medicaid costs, and those with a high State share (ranging from 25 to 50 percent) incur a heavy financial burden when many children are adopted by families in their State who were in foster care in other States.

In addition to the receiving States' costs for Medicaid, there may be concerns about the level of coverage provided, as some States' Medicaid programs cover more services than others. If the sending State covers more services than the receiving State, the prospective adoptive family may negotiate to have the receiving State add coverage for these additional services or have the sending State pay for the additional services. Because interjurisdictional adoptions are often used for children with extraordinary needs such as physical and emotional challenges, there is a distinct possibility that receiving States with limited Medicaid coverage will incur additional expenses in meeting their ICAMA responsibilities.

Strategies and Supports

Two-thirds of States responding to the survey (32 of 48 States) reported they fund educational expenses of children in foster care in their State who are placed into other States when necessary, while 83 percent (40 States) said they cover educational costs of children placed in their States from other States; both strategies were rated as highly effective. Currently, it is a challenge when a sending State that does not cover educational expenses for children placed in other States tries to place a child into a State that does not cover educational expenses for children from other States. Many local school districts classify these children as residents

regardless of whether they are in foster, pre-adoptive, or adoptive care, but some do not. Some States have changed State laws and policies to ensure out-of-state children placed in foster and pre-adoptive care in their States are considered residents for education purposes even though there is no Federal requirement to do so.

Eighty-five percent of the States (41 of 48 States) provide medical coverage for a child placed in another State beyond that covered by the Federal title IV-E Medicaid program (for title IV-E eligible children) when the expenses are part of the negotiated agreement for the child. Almost all (44 States) pay the costs of medical care when necessary if the child placed in another State is not title IV-E eligible. Both strategies were widely used and rated as highly effective. Using membership and reciprocity agreements in ICAMA as the rationale, most receiving States provide Medicaid coverage to children who were placed from other States.

To facilitate placement of children with out-of-state adoptive families, many States have begun negotiating and clearly delineating expectations for the assumption of medical and education costs between sending and receiving States prior to the child's placement, which is a strategy that is both widely used and rated as highly effective. In addition, during the placement process many States identify specific services and resources that are available to a child being considered for interjurisdictional placement. Many States use a specific medical-financial form to process interstate placements and address the complexities (APHSa, 2002c).

States expressed great interest in posting information on their websites explaining medical and education coverage for children placed in their State through the interjurisdictional process, although only 10 States reported doing so at this time. The top support desired was a website with links to information about all States' requirements for coverage of medical and educational expenses. In order for this initiative to be more useful, more States must first post the information on their own State websites.

4.5 Criminal Background Checks

ASFA requires that criminal background checks be conducted on all prospective foster and adoptive parents before children can be placed with them. Many States expand this requirement and conduct criminal background checks on all adults in the households of prospective foster and adoptive families. The checks generally are conducted as part of the home study process to assess the suitability of families for foster care and adoptive placements, including interjurisdictional placements. However, conducting criminal background checks remains problematic in many cases involving interjurisdictional placements. Of 47 States responding to a survey conducted in 2001, 18 indicated that criminal background checks were

one of three leading sources of delay in completing home studies for interjurisdictional placements (APHSA, 2002c).

Some States require national criminal background checks for interstate placements while they may only require background checks from State law enforcement officials for in-state placements. When background checks need to be conducted through the FBI, significant delays can occur. In addition, when there are differences between the types of background checks required by sending and receiving States, the policies and laws of the more stringent State prevail, as both States must approve the placement. The receiving State must grant the license to the family, and the sending State must approve a particular family for a particular child. Few States will conduct more extensive criminal background checks to meet the more stringent requirements of a sending State, leaving sending States to either conduct their own checks to meet the requirements or accept the receiving State's less stringent criminal background check requirements.

Strategies and Supports

Because the process for completing criminal background checks on prospective adoptive parents is complex, States employ a number of strategies to reduce the time required. Almost all States responding to the survey (44 of 48 States) have negotiated agreements with local law enforcement officials for timely processing of State background checks on prospective foster and adoptive parents. Strategies rated as highly effective include:

- Streamlining the procedures to limit the number of professionals involved in processing and conducting checks.
- Routinely informing other States of the criminal background check requirements and making this information available on State websites.
- Changing State law or policy to allow acceptance of criminal background checks from receiving States when they are less extensive.
- Providing child welfare agency staff direct access to a name-based criminal database.
- Conducting checks early in the family assessment and training process.
- Creating two levels of criminal background checks: a prescreening that can be completed quickly and a second, more complete check for applicants who pass the first check, which limits the number of in-depth checks that must be completed.

Some States use electronic fingerprinting to expedite criminal background checks and find it highly effective; many States identified it as a strategy of interest. One of the potential supports desired by States, and thought to be very effective, was the development of State models for streamlining the criminal background check process.

4.6 Communication

Communication between States must occur regularly throughout the interjurisdictional placement process and is a frequent source of problems (Evan B. Donaldson Adoption Institute, 2005; Maza, 2002), including confusion or differing protocols about who can communicate with whom (e.g., caseworkers, supervisors, and ICPC administrators and staff in both States involved) (Johnson-Shelton, 2004; U.S. DHHS, 2005b). Transmitting information also can be problematic. Regulation 7 of ICPC requires hardcopy transmission of certain documents, such as the court order and Request for Placement, when a priority placement is requested. Although increased use of the internet, email, and faxes has reduced the time needed to transfer information between jurisdictions, inconsistencies remain among States about which information must be in original hardcopy and which can be transmitted via fax or electronic copy. Unless the transmission method is specified for each type of document at the beginning of the interjurisdictional process, valuable time can be lost with repeated transfer of documents between two jurisdictions.

Strategies and Supports

The survey of State child welfare administrators identified eight strategies designed to improve communications and remove barriers to interjurisdictional placements. Most of the States use three or more strategies. Almost all States responding (45 States) have procedures to establish direct communication between caseworkers and their State ICPC administrator and encourage caseworkers to communicate directly with caseworkers in other States involved in interjurisdictional placements. To build relationships between jurisdictions, some States hold events such as conferences, trainings, or supervisor meetings that allow staff from different jurisdictions to network. Non-case related meetings not only improve communication among staff from different jurisdictions, but also help develop trust and relationships that can expedite interjurisdictional placements.

States expressed interest in using secure electronic means for transmitting information and in creating a system for simultaneous electronic transmission of information to local agencies and ICPC administrators in both States involved in an interjurisdictional placement. States also expressed interest in the use of a tickler tracking system to notify caseworkers of due dates for activities required for timely completion of interjurisdictional placements.

States indicated that the top support desired to improve communication is the development of a single website with links to individual State information needed to accomplish interjurisdictional placements. This information might include requirements for home studies, purchase-of-service contracting requirements, and standards for postplacement services. To support this, more States will need to post their State-specific information on their own websites.

4.7 Permanency Planning

Permanency planning for children involved in interjurisdictional placements is affected by many of the same obstacles facing permanency planning for all children in foster care, plus additional challenges related to the involvement of more than one jurisdiction. These barriers include involvement of the courts, prompt completion of steps in the permanency planning process (as discussed in Section 1.1, Permanency Planning for Children in Foster Care), completion and acceptance of home studies, and communication with, and support of, foster and prospective adoptive families.

Since courts must approve all permanency plans and permanent placements of children in foster care, they have a significant influence on the timely achievement of permanency outcomes. Yet studies have cited widespread court-related problems. A recent review of foster care adoption found that more than 84 percent of States reported barriers to adoption in the legal system (Macomber, Scarcella, Zielewski, & Geen, 2004). When more than one jurisdiction is involved, differences in State laws and court procedures may raise additional problems. For example, some courts require that an approved, prospective adoptive family be identified prior to terminating the birth parents' rights, while others do not allow a prospective adoptive family to be identified for a child until the birth parents' rights are terminated. These differences in court requirements not only complicate interstate placements, but the latter situation also prevents caseworkers from engaging in concurrent planning as encouraged in ASFA. Concurrent planning to achieve timely permanency for children in foster care involves pursuing more than one permanency goal at a time (e.g., reunification with parents and adoption) so, if efforts toward the primary goal are unsuccessful, progress already has been made toward a secondary goal. However, Federal monitoring of State child welfare services has found that this process is not implemented consistently in most States (U.S. DHHS, 2004) (See Section 5.1, Child and Family Services Reviews).

Part of concurrent permanency planning involves seeking relatives as possible permanent placements early during a child's stay in foster care; not doing so can result in relatives arriving "late on the scene" to request custody of a child who has begun to bond with another family.

Assessing relatives' suitability as permanent placements late in the process can significantly delay permanency for children, especially if the relatives live in a different State than the child.

Approval of a prospective adoptive or other permanent family requires that they have a completed home study. When more than one jurisdiction is involved, differences in home study requirements may become problematic. There is considerable variance among States in the requirements and the depth of information obtained from families (e.g., the documentation of a divorce or of a child support obligation); requirements related to income, family structure, and physical facilities in the home (e.g., the amount of space required); requirements regarding home study interviews (e.g., whether the inclusion of relatives or others living in the home is necessary); and requirements for the content and duration of training for prospective foster and adoptive families. In addition, home studies should assess the family's ability to meet specific children's needs. In a 2001 study, 25 of 47 States cited home studies that did not address how the family was prepared to meet a specific child's needs as often or sometimes contributing to delays (APHSA, 2002c). When home studies are incomplete, further work may be needed to gather more information.

Other sources of delay in interjurisdictional placements involve communication with, and support of, foster and prospective adoptive families. Families living out of State may have difficulty participating in court hearings when they must travel to the court of the sending State to appear in person. Negotiating the details of adoption assistance agreements can be a lengthy process requiring involvement of the family and many staff in both jurisdictions. Postplacement supervision involving face-to-face contact with caseworkers is required, although requirements for frequency of contact vary, and often strains the workload of staff in receiving States.

Strategies and Supports

Federal mandates for timely achievement of permanency goals for children in foster care have dramatically increased the need for States to develop and implement effective strategies to ensure placement decisions meet the compressed time frames outlined in ASFA. States have responded by using multiple strategies, including early placement with families willing to act as foster parents for children prior to the children becoming available for adoption. This practice allows the adoption to be finalized more expeditiously and reduces the number of moves to different families. The survey identified a number of strategies that were used widely and rated as highly effective in achieving timely permanency, including:

- Encouraging courts to make the required findings regarding the adequacy of the agencies efforts to achieve permanency for each child.

- Providing judicial oversight in the child’s jurisdiction in all foster care cases, including those involving interjurisdictional placements.
- Accepting home studies from other States.
- Developing protocols and guidelines for negotiating adoption assistance agreements in interjurisdictional adoptions.
- Requesting regular face-to-face contacts by caseworkers in receiving States for supervision of children placed in those States.

States also noted the wide use of concurrent planning to identify and recruit prospective permanent families in other jurisdictions and the early identification of relatives as possible placement resources; both strategies were rated as effective. However Federal monitoring of State child welfare agency performance has found inconsistent implementation of concurrent planning in most States (U.S. DHHS, 2004) (See Section 5.1, Child and Family Services Reviews).

Strategies in which States expressed interest involve developing mechanisms for the meaningful participation of families involved in court hearings when they live in jurisdictions outside the child’s residence. One such strategy is teleconferencing to provide testimony, eliminating the need for travel.

States identified two top supports, both involving home studies, to help them achieve better outcomes for children in interjurisdictional placements. States requested identification of core elements for a national home study and the development of ICPC procedures for dual licensure of foster and adoptive families (meaning only one interstate referral would be required through the ICPC process to request that a family be assessed for both foster care and adoption).

4.8 Tracking and Reporting

States that cannot accurately track and report interjurisdictional referrals and placements have difficulty monitoring the progress of interjurisdictional cases. An inspection performed by the U.S. DHHS Office of Inspector General (1998) found that about half the States were unable to accurately track and report on interstate placement cases. There is currently no national database that tracks all interstate placements of children across State lines. States do report through AFCARS the children in the foster care system who are placed across State lines. However, interstate private agency adoptions are not monitored in a similar fashion.

A lack of consistency and effective linkages among intrastate and interstate database systems continues to be an obstacle to interjurisdictional placements. While many States are able to track relevant data, they often are working on independent databases not linked to their Statewide Automated Child Welfare Information System (SACWIS), the federally supported systems designed to collect and report data required by the Federal government. Even those using SACWIS encounter problems because communication through SACWIS is through email in some States, which is not secure. Since child welfare accountability is frequently associated with a State's abilities to track and report on cases, the use of unlinked, independent databases and inconsistent terms to identify information to be collected have become barriers to interstate placements.

Strategies and Supports

Some States that do not have a functioning SACWIS report that using a specially designed, stand-alone ICPC database to track and report on interstate cases was a highly effective strategy. However, it should be noted that this database, built in Microsoft Access, is not linked to SACWIS and does not meet States' long-term reporting and tracking needs. States also expressed interest in modifying their SACWIS to include elements relevant to interjurisdictional placements, which is consistent with current SACWIS requirements.

5. U.S. DHHS STRATEGIES TO SUPPORT INTERJURISDICTIONAL ADOPTION PLACEMENTS OF CHILDREN

The overview of barriers and strategies provides evidence of State child welfare agencies' commitment to enhancing outcomes for children in foster care who find permanency with families living in other jurisdictions. While States apply their considerable expertise to these efforts, the Federal government, through the Children's Bureau in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services, continues to provide leadership and support toward the shared goal of improving outcomes for children involved in interjurisdictional placements.

The Children's Bureau has responsibility for administering Federal child welfare and adoption-related programs, funding, and research. While the Children's Bureau conducts many activities to support and monitor State child welfare agencies, the most relevant to interjurisdictional placements are Child and Family Services Reviews (CFSRs), which monitor States' progress toward achieving Federal outcomes of safety, permanency, and well-being; a Training and Technical Assistance (T&TA) Network, which assists States in meeting CFSR

outcomes and other Federal requirements; and discretionary grants, which fund the implementation and evaluation of promising practices.

5.1 Child and Family Services Reviews

The 1994 amendments to the Social Security Act mandated development of regulations to review States' child and family services. In response, ACF developed and implemented CFSRs, a results-oriented, comprehensive monitoring system designed to assist States in improving outcomes for the children and families they serve. The CFSR process assesses States in two areas:

- Outcomes for children and families in the areas of safety, permanency, and well-being. There are seven outcomes. Each is measured using a number of indicators. Six national standards have been developed related to these outcomes that set benchmarks for States to achieve.
- Systemic factors that directly affect States' abilities to deliver services that can achieve the designated outcomes.

The process and outcomes of interjurisdictional placements are components of achieving permanency for all children and are relevant to some outcomes, indicators, and systemic factors measured in the CFSRs. Results from the first round of 52 reviews, conducted between 2001 and 2004, revealed that:

- No State was found to be in substantial conformity with Permanency Outcome 1, "Children have permanency and stability in their living situations." Only 12 States received a rating of "strength" for the indicator related to reunification, guardianship, and placement of children with relatives, and only six States received a rating of "strength" for the indicator related to adoption.
- Forty-three States were in substantial conformity with the systemic factor "foster and adoptive parent licensing, recruitment, and retention." While 47 States received a rating of "strength" for the indicator related to using cross-jurisdictional resources to find placements, 15 States also were noted as being hesitant to rely on interstate placements because ICPC is a slow process (U.S. DHHS, 2004).
- Only 15 States met the national standard for achieving timely adoptions, which specifies that 32 percent of children adopted should exit foster care within 24 months of entry. Analyses of AFCARS data from FY 2001 revealed that adoptions of children across State lines were less than half as likely as adoptions of children within the same State to meet this standard (11 percent and 25 percent respectively) (Maza, 2003).

A chart containing more information about the findings of the CFSRs is included as Appendix II.

The second round of CFSRs will begin in 2006 and will include revisions to the process and measures used based on input from a workgroup composed of Federal and State staff, data experts, and researchers. Thresholds for meeting the outcomes of safety, permanency, and well-being in the case review will be raised from 90 to 95 percent, and measures will include a methodology that will better reflect the complexities of the child welfare program than the single data point system used in the first round of reviews.

The CFSRs already are contributing to improvements in practice. States must submit a Program Improvement Plan (PIP) for every outcome, national standard, and systemic factor with which they did not achieve substantial conformity. Progress on PIPs must be reported quarterly and is tracked by ACF. PIPs are guiding efforts to improve practice in many areas, including interjurisdictional placements, to enhance the safety, permanency, and well-being of children served by child welfare agencies.

5.2 Children's Bureau Training and Technical Assistance Network

The Children's Bureau funds and coordinates a T&TA Network that provides State child welfare agencies and tribes with information and support to achieve outcomes measured in the CFSRs. Eleven national resource centers are funded on selected topics to provide specialized T&TA. In 2004, the Children's Bureau awarded new cooperative agreements to 7 of the 11 national resource centers to provide enhanced coordination of T&TA services and strengthen their focus on increasing States' capacity for systemic improvements aimed at meeting the CFSR requirements.

Prior to awarding the new agreements, Children's Bureau staff conducted a thorough review and assessment of T&TA provided to States; this resulted in some significant changes to ensure the most appropriate T&TA is offered to achieve positive outcomes for children and families. The enhanced system features a Federal Coordinating Committee to provide leadership and guidance to the T&TA Network; subcommittees to gather information and make recommendations; identification of clear T&TA priorities; a clearer process for identifying and resolving problems; a focus on building strategies; and a single point of collaboration to coordinate, facilitate, and evaluate T&TA services.

To guide the T&TA Network's support to States regarding interjurisdictional placements, the Children's Bureau commissioned the survey mentioned in the previous section which

gathered information about effective strategies and potentially effective supports that would enhance outcomes for children placed across jurisdictional lines. Significant findings from the survey (e.g., the strategies and supports listed in Appendix I) have been shared with four national resource centers so that they can begin identifying T&TA services to support the States' efforts. It is recognized that multiple efforts will be required to address concerns about interjurisdictional placement. Eighty-five of the possible 151 strategies and supports evaluated in the survey were identified as either: (1) widely used by States and effective, (2) highly effective, or (3) of greatest interest to the States. The Children's Bureau has begun work with its TA providers to integrate a large portion of these into the TA available to States and tribes. Ten days of T&TA per year from each of seven national resource centers and AdoptUsKids are made available without cost to States, territories, and tribes to assist in improving services to children and families. It is hoped that multiple national and State partners will join in the interjurisdictional placement reform effort as a wide variety of initiatives will be required to build effective solutions to expeditious placement of children in a permanent home.

In addition, findings from this survey provided structure for regional roundtable meetings across the country in 2005 at which States and T&TA providers explored expansion of the effective strategies and implementation of the supports. (See Regional Roundtables in the following section.) State child welfare staff were able to use information from the survey, combined with other best practices identified by Adoption Opportunities grants on interjurisdictional placement, to develop action plans for their States with specific steps to pursue for improving outcomes for children and families involved in interjurisdictional placements. The Children's Bureau T&TA Network will continue to follow these efforts and will facilitate peer-to-peer TA through which States that have used and have evidence of effective strategies assist other States in implementing them.

The Collaboration to AdoptUsKids

The Collaboration to AdoptUsKids, a member of the Children's Bureau's T&TA Network, began in 2002 to provide extensive T&TA and numerous other services to recruit foster and adoptive families and connect them with children waiting for adoption throughout the United States. The Collaboration recently was appointed by the Children's Bureau to be the lead organization in the T&TA Network for the reform of interjurisdictional placement issues.

Through a 5-year cooperative agreement with the Adoption Exchange Association and other partners, the Children's Bureau funds the Collaboration to provide a variety of related programs, services, and activities, creating a comprehensive approach to improve outcomes for children in adoptive and foster care placements. The national adoption photo listing website,

www.adoptuskids.org, is one of the most visible Collaboration activities and is a means for matching children in foster care who are waiting for adoption with families seeking to adopt, no matter where each lives. As of July 2, 2006 more than 15,400 children had been registered on the photo listing, more than 11,000 prospective adoptive families had been registered, and nearly 6,500 children featured on the website had been placed with prospective adoptive families.

Another major component of AdoptUsKids is the national ad campaign, created in collaboration with the Ad Council, to recruit adoptive families for children in foster care across the United States. This multimedia recruitment campaign includes 10 English and 9 Spanish television, radio, print, and Internet public service announcements. In 2005, the campaign won four gold ADDYs, prestigious advertising awards, including best public service television campaign (Ad Council, 2005). In 2006, this campaign was expanded to include new public service announcements were created to promote the adoption of older children and teens in foster care. This marked the first federally funded adoption effort that focused specifically on finding homes for teens in foster care.

Numerous T&TA services are offered to support the national recruitment campaign. Comprehensive information on the elements required to implement an effective foster and adoptive recruitment program was provided to all State administrators well in advance of the beginning of the ad campaign. Ten days of free T&TA per year from AdoptUsKids are made available to States, territories, and tribes to address foster and adoptive family recruitment and retention issues. TA for building the capacity to respond to inquiries generated by the national recruitment campaign also is provided. To date, T&TA support has been provided to more than 2,000 child welfare program managers and stakeholders in 35 States and tribes (The Collaboration to AdoptUsKids, 2005). To highlight the importance of effective use of interjurisdictional adoptive placement, the August 2005 AdoptUsKids Summit provided State foster care and adoption managers an entire track of workshops on interjurisdictional placement.

Complementing the T&TA services are a series of *Answering the Call* materials developed by the Collaboration to support the recruitment of families. These materials focus on issues such as working with faith communities and using photo listings to recruit families for children waiting for adoption. Six manuals have been published, and at least three are in development, including one focusing on adoption for military families, which will address interjurisdictional placement issues for this population.

Other significant components of the AdoptUsKids initiative include:

- **Recruitment response teams.** Fifty-four recruitment response teams (RRTs) located in 50 States, the District of Columbia, New York City, and two Indian tribes have been established, trained, and are responding to calls generated by the national ad campaign and other outreach of the Collaboration. RRTs also provide a mechanism for communication and information sharing among States and local communities and the national project.
- **Regional roundtables.** The Collaboration to AdoptUsKids hosts annual meetings in each of the 10 Federal regions to provide group TA on high-priority issues related to the Collaboration's work. The 2005 roundtable discussions focused on interjurisdictional placements of children, inviting State adoption and foster care managers, tribal representatives, community partners, and Federal staff to collaborate on action steps in each region to improve practices related to interjurisdictional placements. Previous roundtables have addressed working with faith communities and the recruitment and retention of foster and adoptive families (The Collaboration to AdoptUsKids, 2005).
- **Research.** The Children's Bureau commissioned two studies as part of the AdoptUsKids initiative. The first involves interviewing pre-adoptive and adoptive families of children in foster care and reviewing literature to identify barriers for families in the adoption process. The second involves collecting data from adoptive families to assess factors that influence long-term success in these families.

Other work of the Collaboration includes mini-grants to local parent support groups, leadership training for parent leaders, annual summits inviting State child welfare managers and other stakeholders to discuss best practices in adoptive family recruitment, and evaluation of the initiative's impact. The Collaboration receives guidance from a workgroup composed of national foster care and adoption experts.

The National Resource Center on Family-Centered Practice and Permanency Planning

The National Resource Center on Family-Centered Practice and Permanency Planning (<http://www.nrcfcppp.org>) offers T&TA and information services to infuse family-centered practices throughout child welfare agencies' work with children and families. Another responsibility is to guide child welfare programs in the expeditious and effective achievement of permanent family placement for children in foster care. The center has assisted States in many areas including strengthening concurrent permanency planning efforts; engaging relatives in permanency planning; recruiting and retaining kinship, foster, and adoptive families; and providing post-permanency services. These issues are relevant for all children in foster care, including those placed in other jurisdictions.

National Child Welfare Resource Center on Adoption

The National Child Welfare Resource Center on Adoption (<http://www.nrcadoption.org>) offers numerous supportive services to help States and tribes improve the effectiveness and quality of adoption and postadoption services for children and families. The Resource Center has developed training curricula and provided leadership development services to assist States in improving adoption outcomes. One important effort was the Resource Center's co-sponsorship of the Interjurisdictional Leadership Summit in 2000, which was sponsored in collaboration with the Family Builders Adoption Network, and helped to formulate an agenda for a nationwide system to enhance interjurisdictional placements (Freundlich, 2001). The Resource Center was a key partner in the 2005 regional roundtables convened by the Collaboration to AdoptUsKids to strategize solutions to the problems faced in interjurisdictional placements.

National Adoption Information Clearinghouse

The National Adoption Information Clearinghouse (<http://naic.acf.hhs.gov/>) offers many information resources for professionals and families related to adoption, including interjurisdictional adoptions. The Clearinghouse website provides access to databases containing current information about laws and legal issues concerning adoption, State policies regarding adoption assistance, contact information for State and private adoption agencies, and other adoption-related information.

5.3 Discretionary Grants

As needs are identified through the CFSRs, T&TA, communication with States, and research, the Children's Bureau uses discretionary grant funds to pilot, replicate, and evaluate promising practices. Each year, the Children's Bureau announces the availability of funds for discretionary research and demonstration grant programs and designates specific priority areas within each program. These grants allow State, tribal, local, and private agencies to test innovative programs designed to improve outcomes for children and families served by child welfare systems.

In FY 1999, under the Adoption Opportunities grant program, U.S. DHHS funded discretionary grants designed to increase the number of adoptive placements by effectively overcoming barriers and reducing delays in interjurisdictional placements. Focused on the development of collaborative efforts to address the barriers, five grantees were awarded funds for an extended planning process. The following year, U.S. DHHS awarded implementation grants to the five grantees (U.S. DHHS, 2005b).

One strategy implemented by the grantees involved liaisons who assisted adoption workers with interjurisdictional placements, including the recruitment of potential adoptive families, the completion of home studies, and researching community resource support. Another strategy used facilitators to work with caseworkers and families to preserve existing placements. Training and enhanced communication mechanisms also were implemented to educate staff and expedite the placement of children across State lines. Overall, the grant projects identified four opportunities to enhance outcomes for children involved in interjurisdictional placements:

- Assistance to caseworkers involved in completing interjurisdictional placement tasks;
- The use of technology to support communication and information sharing among jurisdictions;
- The enhanced understanding of the roles and responsibilities of each person involved in the process of interjurisdictional placements of children; and
- The inclusion of stakeholders in planning and implementing interjurisdictional placement strategies (U.S. DHHS, 2005b).

In FY 2004, the Children's Bureau awarded a discretionary grant to pilot test a uniform foster care and adoption dual assessment home study called the Structured Analysis Family Evaluation (SAFE). Already implemented in five jurisdictions, this grant supports expansion of the SAFE curriculum to at least 11 more States and counties, some of which are providing additional matching funds. The methodology and content of SAFE are intended to increase efficiency in completing home studies, improve the ability to match a child's needs with a family's strengths and capacity, and eliminate cross-jurisdictional barriers. If the results of this pilot test are good, SAFE may serve as a national model.

The Children's Bureau continues to fund discretionary research and demonstration projects to test, replicate, and evaluate promising practices to enhance safety, permanency, and well-being outcomes. Lessons learned from these projects are reviewed and shared to expand knowledge within all States.

6. SUMMARY

Children in foster care need permanent families. If they cannot return to their birth families, they may find permanency with other relatives or previously unknown families who adopt them. Many of these families may live in States and counties other than the ones in which the children live. However the process of securing permanent families in other jurisdictions

takes longer and requires more work than securing permanent families within children's home jurisdictions. As a result, these children often remain in foster care longer than their counterparts. In FY 2004, children adopted from foster care across State lines had spent more than half their lives in foster care; they had been in care 12 months longer than children adopted in-state. These lengthy stays, coupled with the impact of the abuse and neglect they may have experienced in their birth parents' homes, place them at increased risk for many emotional, behavioral, and academic problems. Federal, State, and local child welfare staff are committed to improving outcomes for these children.

Many of the obstacles to achieving timely permanency for children involved in interjurisdictional placements are the same as those affecting the child welfare system as a whole. These include high caseloads among staff, limited access to support services for children and families, delays in the permanency planning process, a lack of waiting and approved adoptive families for children, and difficulties coordinating the work between child welfare agencies and courts. In addition to these challenges, interjurisdictional placements must contend with differing State laws, policies, and procedures and communication difficulties among staff in multiple agencies in two jurisdictions. Barriers related to interjurisdictional placements can be grouped into the following eight categories: staffing and resources, knowledge and training, staff attitudes and beliefs, education and medical expenses, criminal background checks, communication, permanency planning, and tracking and reporting.

Federal and State support to enhance outcomes for children in foster care placed across jurisdictional boundaries is strong. Evidence of this is apparent in the recently completed interjurisdictional survey commissioned by the Children's Bureau. The Children's Bureau designed and led this survey effort to learn about and share knowledge of effective strategies that States are implementing and to urge other States to replicate the strategies. Notably, States reported implementing dozens of diverse strategies to accomplish interjurisdictional placements more effectively, indicating their diligence and commitment to achieving positive outcomes for children.

Data collection for the survey was completed in April 2005, and the findings are being used to promote improvements in practice. For example, in the summer of 2005, the Collaboration to AdoptUsKids (a Children's Bureau T&TA provider) hosted 10 regional roundtable meetings in which State child welfare leaders used the survey results to develop action plans for improving outcomes for children involved in interjurisdictional placements in their States. Staff from the ACF Regional Offices and the Children's Bureau's T&TA Network participated in these meetings and began to strategize delivery of support services to States to strengthen their efforts. Plans are underway for the T&TA Network to facilitate peer-to-peer

TA, enabling States that have had success with selected strategies to teach other States how to implement them.

Even prior to reporting results from the interjurisdictional survey, the process of designing and implementing the survey spurred action. Members of the national advisory group for the survey raised awareness among professionals about the possibilities for improving the interjurisdictional placement process, and promoted State-to-State knowledge sharing. To respond to the survey, State child welfare directors convened workgroups within their States, promoting networking and communication among various child welfare and court staff and other stakeholders. Overall, this survey promises to lay a strong foundation for practice improvements that will enhance outcomes for children in foster care who are placed across jurisdictional lines.

Hand in hand with efforts to expand the implementation of effective strategies identified in the interjurisdictional survey, the Children's Bureau is funding discretionary grant projects to test promising practices and conduct new research related to this issue. The results of these will be shared as they are available. Priorities for future discretionary grants will build upon lessons learned and continue the improvement process.

Supporting all these efforts are the CFSRs, the comprehensive Federal monitoring and accountability system for achieving established outcomes for children and families served by State child welfare agencies. States already are implementing Program Improvement Plans to make progress toward achieving these outcomes, and the second round of reviews, beginning in 2006, will include methodological improvements that ultimately will strengthen State services and support achievement of the outcomes.

In addition to the Federal efforts, States are collaborating, under leadership of the American Public Human Services Association, to revise the ICPC. It is hoped this revision will assist in strengthening ICPC and removing some of the procedural challenges that have faced staff who implement interjurisdictional placements of children in foster care.

Federal, State, and local government staff, along with private agency stakeholders, are working in concert to find solutions to the problems. While much work remains, there also is evidence of commitment and promising strategies that will enhance safety, permanency, and well-being for children in foster care whose futures lie across State lines.

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APPENDIX I:
SUMMARY OF STRATEGIES AND POTENTIAL SUPPORTS

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Strategies and Supports	Widely Used and Effective ¹ x=>60% of States xx=>80% of States	Very Effective ² x=>50% of States xx=>50% + minimum of 15 States use	Want to Implement ³ x=>33% of States xx=>50% of States	Very Effective Potential Support ⁴ x=>50% of States	“Top” Potential Support x=Most frequently rated
Staffing and Resources					
Have a protocol in place to complete home studies in a timely manner for an ICPC-approved placement of a child in another State’s custody who moves to our State with their pre-adoptive or foster family or relatives	x				
Selected to use the uniform home study format developed by several States for all intra- and interstate home studies		x	xx		
Accept foster and adoptive parent training provided by other States for approval of families who move to our State with their foster or pre-adoptive child	x				
Use video conferencing to maintain connections for children when visits are too costly or distance prevents appropriate level of contact			xx		
Contract with private agencies to conduct home studies and/or supervision of children referred to our State	x				
Changed procurement requirements to allow for timely POS arrangements		x			
Arrange POS contracts with agencies to conduct home studies for interjurisdictional cases		x			
Use a broker contract with a private agency for home studies and supervision of children referred to our State		x			
Designate specific caseworkers to handle all interstate placement cases		xx			
Provide additional specific Federal funding for staff designated for interjurisdictional responsibilities				x	x

¹Percentage is based on States that rated a strategy as “somewhat” or “very effective” out of all reporting States.

²Percentage is based on States that rated a strategy as “very effective” out of those States that *used and rated* the strategy.

³Percentage is based on States that reported they were investigating or needed assistance to implement the strategy out of all reporting States.

⁴Percentage is based on States that rated a support as “very effective” out of all reporting States.

(continued)

Strategies and Supports	Widely Used and Effective¹ x=>60% of States xx=>80% of States	Very Effective² x=>50% of States xx=>50% + minimum of 15 States use	Want to Implement³ x=>33% of States xx=>50% of States	Very Effective Potential Support⁴ x=>50% of States	“Top” Potential Support x=Most frequently rated
Use border agreements with other States to allow caseworkers to cross State lines to conduct home studies and supervision visits			xx		
Knowledge and Training					
In-state expert on interjurisdictional issues available for legal or social work consultation on interstate cases	xx	xx			
Provide the tools (e.g., use of Child Support Agency, Web sites, search agencies) to assist in the diligent search for relatives	x	xx			
Review issues on children in interjurisdictional placements to develop best practices				x	
Use a Web tutorial, CD, or video to train caseworkers on interjurisdictional (or use “just in time” training)			xx		
Training includes how to diligently search for relatives (maternal and paternal) within and outside our State	x				
Regular training includes a component to increase competency in interjurisdictional placement procedures			x		
Offer federally sponsored training to Court Improvement Program (CIP) staff on interjurisdictional issues				x	
Work with State’s CIP to train judges and Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) members on interjurisdictional issues and how to conduct interjurisdictional placements to improve the timeliness of placements			x		
Develop “bench briefs” to educate judges on interjurisdictional issues and what questions to ask in interstate cases				x	x

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Strategies and Supports	Widely Used and Effective ¹ x=>60% of States xx=>80% of States	Very Effective ² x=>50% of States xx=>50% + minimum of 15 States use	Want to Implement ³ x=>33% of States xx=>50% of States	Very Effective Potential Support ⁴ x=>50% of States	“Top” Potential Support x=Most frequently rated
Staff Attitudes and Beliefs					
Policy to consider out-of-state placements to achieve permanency for children is clearly defined and communicated to staff	xx				
Communicate commitment to interjurisdictional placement responsibilities to the caseworker	x				
Encourage staff to consider interjurisdictional placement options that support the permanency plan routinely	x	xx			
Clarify in training for caseworkers that ASFA timelines apply to interjurisdictional cases	xx				
Provide training to keep a child-centered focus regarding interjurisdictional issues				x	
Have supports, such as training, for caseworkers and caretakers to help deal with the emotional process of “letting go” of the child for whom an in-state permanent placement has not been found			x		
Provide training for caseworkers and supports for the child to prepare and help the child transition to a placement in another State			x		
Develop protocol for handling interjurisdictional placement responsibilities	x				
Develop system for factoring interstate case duties into caseworker workload		xx	x		
Require staff to document their response to out-of-state inquiries for children waiting to be adopted by families with complete home studies	x				
Develop system of accountability for processing interjurisdictional cases in a timely manner		xx			
Hold supervisors and caseworkers accountable to seek interstate resources when needed for children	x				

(continued)

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Use techniques, such as open adoption and guardianships, to support children in maintaining (when appropriate) important connections in the sending State	x				
Provide financial incentives to receiving States for timely completion of interstate home studies				x	x
Education and Medical Expenses					
Receiving State generally covers medical expenses not covered by sending States for non-IV-E children		xx			
Sending State provides coverage for medical expenses for non-IV-E children placed in another State	x	xx			
Provide coverage for additional medical costs not covered by Medicaid for Title IV-E children placed in another State	x	xx			
Enact Federal legislation which requires receiving States to cover children under their Medicaid who qualify for SSI in the sending State				x	
Offer Medicaid coverage as part of TANF child-only grants for children in relative placements	xx	xx			
Provide Medicaid to children receiving State-funded adoption assistance from another State residing in our State	xx	xx			
Cover educational expenses of children sent from other States	x	xx			
Fund the educational expenses of children placed in foster care or pre-adoptive placements in other States		xx			
Enact Federal legislation that prohibits States from charging sending States for educational costs				x	
Include a form indicating our expectations as to how medical and educational expenses will be covered when referring a child for placement in another State	x	xx			

(continued)

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Change State law or policy to allow foster children or children in pre-adoptive placements to be considered residents of State for purposes of the provision of education		xx			
Develop process for resolving interstate issues with educational and medical expenses in a timely manner			x		
Specify availability and accessibility of resources to meet a referred child’s needs	xx				
Criminal Background Checks					
Place info on State’s Web site regarding coverage of medical and educational expenses of children placed in State from other States			xx		
Develop a Web site with links to all States’ requirements for coverage of medical and educational expenses				x	x
Enter into an agreement with State or local law enforcement agencies to conduct criminal record checks in a timely manner	x				
Create a Federal interagency agreement between DHHS and the FBI regarding timeframes for fingerprinting				x	
Establish deadlines for FBI criminal background checks and mechanisms for enforcing these				x	
Use electronic fingerprinting for background checks to expedite the process		x	xx		
Provide Federal financial support for States to develop electronic fingerprinting capability				x	x
Streamline criminal background check process to limit the number of individuals and agencies involved in the process	x	xx			
Provide support for the development of State models for streamlining the criminal background check process				x	

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Routinely inform receiving States of our criminal background check requirements during the referral process		xx			
Make criminal background check requirements available on State’s Web site		xx			
Conduct criminal background check requirements of the sending State if they are more extensive		x			
Accept criminal background check requirements of the receiving State if they are less extensive		xx			
Provide access to a name-based criminal database and conduct name checks directly		xx			
Provide easier or on-line access to the National Crime Information Center (NCIC)				x	
Conduct a prescreening name check early in the home study process to determine if full State criminal background check is needed		xx			
Extend criminal background checks to routinely include all adults in the home				x	
Communication					
Establish procedures to facilitate communication between caseworkers and ICPC Administrator	xx	xx			
Encourage direct communication between caseworkers in sending and receiving States	xx	xx			
Coordinate events for caseworkers and supervisors with staff outside their jurisdiction to promote potential networking		xx			
Develop a mechanism for judicial oversight including communication from sending State’s judge to receiving State’s judge			xx		
Develop a process for negotiating which State pays to maintain emergency placement until the emergency is resolved		xx			

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Use a secure Web-based system for transmitting ICPC referral information across jurisdictions or State lines			xx		
Use simultaneous transmission to send information from State’s local agencies to both sending and receiving States’ ICPC administrators and to the sending and receiving local agencies			xx		
Use a tickler tracking system to alert caseworkers of time-sensitive events such as expected date of home study completion			xx		
Develop a Web site with links to all States’ home study requirements, POS contracting requirements, and postplacement standards					x
Permanency					
Encourage courts to make “reasonable efforts” findings to achieve the permanency plan	xx	xx			
Provide judicial oversight in the county of origin for children who have been placed out of State for an extended period of time	xx	xx			
Develop mechanisms for judges from sending and receiving States to work together			x		
Develop mechanisms for meaningful participation from foster and adoptive parents and significant others in case reviews and court hearing that are held out of State			x		
Develop procedures and an appeal process of ICPC cases related to denial of home study, delays, and sending States refusing to take children back after extended time in residential or foster care					x
Accept a home study, completed and approved by the State agency or a State-licensed child-placing agency in another State, as a valid home study	xx	xx			

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Permanency					
Develop a national uniform home study template which would facilitate dual licensure of foster and adoptive homes					x
Develop ICPC procedures and forms to support requests for dual home studies				x	
Encourage concurrent planning to identify out-of-state placement resources early in the case assessment	xx				
Include early identification of relative resources as a quality assurance item on a regular basis	xx				
Incorporate primary and concurrent permanency plans in the placement agreement and define tasks to accomplish both plans in the case plan	x				
Provide child’s education information to foster or pre-adoptive parent to facilitate school enrollment	xx				
Provide child’s medical history to foster or pre-adoptive parent	xx				
Develop protocols and guidelines for Adoption Assistance negotiations with prospective adoptive parents for children in the care of our State child welfare system	xx	xx			
Request regular face-to-face contacts for supervision of children in other States	xx	xx			
Require the same level of regular face-to-face contacts for supervision of children coming into our State as we require for children residing in our State	xx	xx			
Work with sending States in conducting an annual assessment with relative caregivers related to their decisions and intentions regarding adoption and other options for permanency	x				
Use and regularly monitor a computerized tickler tracking system to track children who are referred to or placed in our State		xx	x		

(continued)

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Tracking and Reporting					
Be able to track steps in the interstate placement process (e.g., home study and placement status)	x	xx			
Identify the elements needed to track interjurisdictional cases with the goal of introducing Federal legislation to support and fund a national tracking, reporting, and case management system					x
Use an electronic-based information system for simultaneous transmission across State lines		x	xx		
Use the ICPC database to generate and track information		xx			
Include data specific to interjurisdictional cases in SACWIS system			x		
Use an automated State tracking system that is not linked to SACWIS*	x	xx			
Provide judges with electronic reports on child welfare caseload		x			
Provide legal clarification of the scope of HIPPA within the child welfare realm from intake to adoption					x

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* This strategy meets the criteria for inclusion on this table and reflects the practice of many States. However, using a system that is not linked to SACWIS is not a recommendation; it is always preferable to link child welfare data to a SACWIS system

Source: Research Triangle Institute, International. (in press). *Interjurisdictional placement of children in the child welfare system: Improving the process*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.

**APPENDIX II:
CHILD AND FAMILY SERVICES REVIEWS FINDINGS FROM THE FIRST
ROUND OF 52 REVIEWS**

APPENDIX II: CHILD AND FAMILY SERVICES REVIEWS FINDINGS FROM THE FIRST ROUND OF 52 REVIEWS

TABLE 1 - Findings on the Outcomes, Indicators, and National Standards

Number and Percent of the 52 States Achieving Substantial Conformity with the Seven Outcome Measures, Number and Percent Receiving a Rating of "Strength" on the 23 Indicators (Items), and Number and Percent Meeting National Standards

Outcomes and Indicators	Number (%) Achieving Substantial Conformity	Number (%) Receiving a Rating of "Strength"	Number (%) Meeting National Standards*
Safety Outcome 1 - Children are, first and foremost, protected from abuse and neglect	6 (11.5)		
Item 1: Timeliness of investigations		21 (40.4)	
Item 2: Repeat maltreatment		17 (32.7)	17 (32.7)
Safety Outcome 2 - Children are safely maintained in their homes when possible	6 (11.5)		
Item 3: Services to prevent removal		21 (40.4)	
Item 4: Risk of harm		17 (32.7)	
Permanency Outcome 1 - Children have permanency and stability in their living situations	0		
Item 5: Foster care re-entry		26 (50.0)	26 (50.0)
Item 6: Stability of foster care placements		5 (9.6)	14 (26.9)
Item 7: Permanency goal for child		5 (9.6)	
Item 8: Reunification, guardianship, and placement with relatives (for FY 02-04). Independent living services (for FY 2001)		12 (23.1)	19 (36.5)
Item 9: Adoption		6 (11.5)	14 (26.9)
Item 10: Other planned living arrangement		17 (32.7)	
Permanency Outcome 2 - The continuity of family relationships and connections is preserved for children	7 (13.5)		
Item 11: Proximity of placement		49 (94.2)	
Item 12: Placement with siblings		36 (69.2)	
Item 13: Visiting with parents and siblings in foster care		16 (30.8)	
Item 14: Preserving connections		21 (40.4)	
Item 15: Relative placement		21 (40.4)	
Item 16: Relationship of child in care with parents		21 (40.4)	
Well-being Outcome 1 - Families have enhanced capacity to provide for children's needs	0		
Item 17: Needs/services of child, parents, and foster parents		1 (1.9)	
Item 18: Child/family involvement in case planning		5 (9.6)	
Item 19: Worker visits with child		13 (25.0)	
Item 20: Worker visits with parents		7 (13.5)	
Well-being Outcome 2 - Children receive services to meet their educational needs	16 (30.8)		
Item 21: Educational needs of child		16 (30.8)	

Outcomes and Indicators	Number (%) Achieving Substantial Conformity	Number (%) Receiving a Rating of “Strength”	Number (%) Meeting National Standards*
Well-being Outcome 3 - Children receive services to meet their physical and mental health needs	1 (1.9)		
Item 22: Physical health of child		20 (38.5)	
Item 23: Mental health of child		4 (7.7)	

*Meeting the national standard for maltreatment in foster care was part of the assessment of substantial conformity with Safety Outcome 1. However, there was no specific item corresponding to maltreatment in foster care because the incidence is very low and it was determined that cases selected for the sample would rarely involve maltreatment in foster care.

TABLE 2 - Findings on the Systemic Factors

Number and Percent of the 52 “States” Achieving Substantial Conformity for the Seven Systemic Factors and Number and Percent Receiving a Rating of “Strength” for the 22 Indicators (Items)

Systemic Factors	Number (%) Achieving Substantial Conformity	Number (%) Rated as “Strength”
I. Statewide Information System	45 (87)	
Item 24: System can identify the status, demographic characteristics, location and goals of children in foster care		45 (87)
II. Case Review System	13 (25)	
Item 25: Process for developing a case plan and for joint case planning with parents		6 (12)
Item 26: Process for 6-month case reviews		42 (81)
Item 27: Process for 12-month permanency hearings		26 (50)
Item 28: Process for seeking TPR in accordance with ASFA		22 (42)
Item 29: Process for notifying caregivers of reviews and hearings and for opportunity for them to be heard		26 (50)
III. Quality Assurance System	35 (67)	
Item 30: Standards to ensure quality services and ensure children’s safety and health		44 (85)
Item 31: Identifiable QA system that evaluates the quality of services and improvements		31 (60)
IV. Training	34 (65)	
Item 32: Provision of initial staff training		34 (65)
Item 33: Provision of ongoing staff training that addresses the necessary skills and knowledge.		27 (52)
Item 34: Provision of training for caregivers and adoptive parents that addresses the necessary skills and knowledge		38 (73)
V. Service Array	23 (44)	
Item 35: Availability of services		25 (48)
Item 36: Accessibility of services in all jurisdictions		9 (17)
Item 37: Ability to individualize services to meet unique needs		30 (58)
VI. Agency Responsiveness to the Community	49 (94)	
Item 38: Engages in ongoing consultation with critical stakeholders in developing the CFSP		46 (88)
Item 39: Develops annual progress reports in consultation with stakeholders		40 (77)
Item 40: Coordinates services with other Federal programs		45 (87)
VII. Foster and Adoptive Parent Licensing, Recruitment and Retention	43 (83)	
Item 41: Standards for foster family and child care institutions		51 (98)
Item 42: Standards are applied equally to all foster family and child care institutions		43 (83)
Item 43: Conducts necessary criminal background checks		50 (96)
Item 44: Diligent recruitment of foster and adoptive families that reflect children’s racial and ethnic diversity		21 (40)
Item 45: Uses cross-jurisdictional resources to find placements		47 (90)