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CD04-26

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MEMORANDUM FOR CHILDREN'S DIVISION STAFF

FROM: Frederic M. Simmens, Director

SUBJECT: ICPC – Protection of Out-of-State Youth Placed in Missouri

The purpose of this memo is to clarify procedures for staff when a child, in the legal custody of another state's agency and currently placed in Missouri through the Interstate Compact on the Placement of Children (ICPC), requires an emergency removal from their previously approved placement.

ICPC establishes procedures for the placement of children between states and delegates responsibility for those involved in placing the child. ICPC recognizes that a state's jurisdiction ends at its borders and that a state can only compel an out-of-state agency to fulfill its obligations to a child through the Compact. The Children's Division (CD) becomes an agent to provide services for the sending state, but does not become the child's case manager. If a child placed into Missouri becomes a victim of abuse or neglect, Missouri's obligation is to protect the child from any further harm. In these instances, the sending state is to be notified as soon as possible. If a child must be removed immediately, the CD staff must ensure the child is placed into a safe environment until the sending state can make arrangements for the child's return. If problems arise and the CD staff need the assistance of law enforcement, copies of the court order from the sending state and the ICPC 100A should provide sufficient evidence of the Children's Division's legal authority to remove the child. Should law enforcement not honor the court order nor take protective custody, the Missouri Juvenile Court needs to become involved. The Juvenile Officer would file a petition citing the reasons for removal. A copy of the court order from the sending state should be included. The petition should state that temporary protective custody is being requested only until the sending agency can make arrangements to return the child. Once the child is returned to the sending state, the temporary protective custody order must be terminated and/or any subsequent petition dismissed.

Staff must remember that we function as the service worker for these children from other states. Children's Division staff do not have the authority to case manage or make long-term decisions for the child. We can assist the sending state in locating other resources in our state, but we cannot refuse to return a child upon their request.

If the Missouri Juvenile Court takes jurisdiction of another state's child it creates confusion between who will plan and be financially responsible for the child. In these situations, the sending state's court may terminate its jurisdiction leaving all responsibility with Missouri's Juvenile Court and ultimately with the Children's Division.

Please notify ICPC staff immediately when these situations occur and they will gladly assist in contacts with the sending state and/or provide information to the local Juvenile Court. Mary Kay Kliethermes and Amy Poyser may be reached at (573) 751-2981.

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