

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

October 18, 2011

## M E M O R A N D U M

**What's Inside:**

Process changes to a standard ICPC Referral and an Introduction of Regulation 2, 7 and 11 to the ICPC

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: CANDACE A. SHIVELY, DIRECTOR

SUBJECT: Changes to the Interstate Compact on the Placement of Children  
 Regulation 2 (Standard Referral)  
 Regulation 3 (Definitions)  
 Regulation 7 (Expedited Referral)  
 Regulation 11 (Responsibility of States to Supervise Children)

## DISCUSSION:

The purpose of this memo is to introduce changes to the Interstate Compact on the Placement of Children. Regulations 2, 3, and 7 were adopted at the Association of Administrators of the Interstate Compact on the Placement of Children effective October 1, 2011.

**REGULATION 2: Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives**

Regulation 2 applies to a "standard" or "regular" ICPC referral.

Changes to the standard referral submission include the addition of a written statement that indicates the pre-screening of the prospective placement resource. This statement is to be provided by utilizing *Statement of Case Management/ Potential Placement/ Party under ICPC Regulation 2 (CD-ICPC-104)*. CD-ICPC-104 indicates the name / address/ household composition and space available of the proposed resource. CD-ICPC-104 addresses whether or not the proposed resource has the financial resources to provide for the child/ren or is willing to access state assistance to do so. This form also shows that the proposed placement resource has been made aware of the home study process, to include knowledge/ acknowledgement that a criminal background check (FBI, state and local) as well as a child/abuse neglect screening will be completed as part of the home study process. The Case Manager will then sign and date the CD-ICPC-104.

The CD-ICPC-104 can be submitted to the court of jurisdiction as part of the case manager's report to the court on reasonable efforts. It is not required to be notarized or signed by the placement resource prior to inclusion in the ICPC referral, but a copy is to

be sent to the proposed resource. This statement is a pre-verification that the proposed resource is interested, willing and able to participate in the ICPC home study process prior to a home study being requested.

The new Regulation 2 also allows for reconsideration of an ICPC denial at the request of the sending state's ICPC office within 90 days from the date the ICPC 100A denying placement is signed by the receiving state. The request can be with or without a request for a new home study as indicated below:

- 1) Request reconsideration without a new home study based on evidence/ information provided to the receiving state's ICPC officer by the sending state. If the receiving state agrees to overturn their previous denial based on the new information provided by the sending state, the receiving state will amend the 100A they have on file to show approval and send that to the sending state.
- 2) Request a new home study re-examining reasons for the original denial. For example, the denial was based on lack of adequate space and the proposed resource moved to a larger residence within the 90 day time frame specified above. The receiving state is *not* obligated to activate the new home study request, but may agree to proceed with a new home study to reconsider the previous denial if they believe the reasons for the previous denial have been corrected.

The receiving state has 60 days from the date the formal request from the sending state was received to reconsider the denial. If the receiving state ICPC administrator decides to change the denial to an approval, an ICPC transmittal letter and the revised 100A shall be signed to reflect the new decision.

This regulation will not conflict with any appeal process otherwise available in the receiving state.

Regulation 2 also specifies more clearly the requirements for return of a child residing in the receiving state when a home has been denied for placement. Return of the child shall occur within five (5) business/ working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

If the child is residing in an approved ICPC home and the placement disrupts, the child shall be returned to the sending state within five (5) working days from the date of notice of removal unless otherwise agreed upon between the sending and receiving state ICPC offices. The receiving state's request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and sending state compact administrators mutually agree to the plan.

*Please note: it is the ICPC offices that must be in agreement, NOT the local offices.*

### **Regulation 3 Definitions and Placement Categories: Applicability and Exemptions**

The current Regulation 3 was adopted pursuant to Article VII of the Interstate Compact on the Placement of Children, effective July 2, 2001. It has been amended by the Association of Administrators of the Interstate Compact on the Placement of Children on May 1, 2011 and is to be in effect as of October 1, 2011.

Under the revised Regulation 3, the main change/ addition is the defining of age restrictions for on-going supervision and allows supervision of a placement up to the age of 21 years.

### **Regulation 7 Expedited Placement Decision**

Regulation 7 was first adopted in 1996 and has been amended as follows:

- Terminology change from “Priority” to “Expedited” – ensures common language between all levels (court, states, etc);
- Changes age criteria to be considered when making an order/ request for an expedited request. Current language states child/ren must be age 2. *Revision changes that to age 4 and includes siblings with the same proposed resource;*
- Allows for the inclusion of unexpected dependency cases (i.e. Sudden death of parents/caregivers, sudden incarceration, etc);
- Substantial relationship between proposed resource and a child/ren has been clarified. The proposed resource is defined as one who has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child;
- Failure on the part of the receiving state/county to meet the established time frames for completing a Regulation 7/ Expedited referral allows for the judicial recourse in the receiving state.

In addition to the current process for submitting a Regulation 7/ Expedited Request (please see Child Welfare Manual, Section 4, Chapter 25, Subsection 6 (1) Missouri as the Sending State), case managers will also be required to complete the *Statement of Case Manager/ Potential Placement/ Party Under ICPC Regulation 7 (Expedited)* CD-ICPC-101a. This statement is a pre-verification that the proposed resource is interested, willing and able to participate in the ICPC home study process prior to a home study being requested.

### **Regulation 11 Responsibility of States to Supervise Children**

Regulation 11 was adopted in April 2010 and was effective October 1, 2010. Regulation 11 clarifies the supervisory role of the assigned worker in the receiving state once placement is made through an approved ICPC home study. The supervising worker in the receiving state is to provide the following services: *Please note, this is not an all inclusive list. Each case is different and will require different approaches and services.*

- Supervision of a child/ren placed into the receiving state through ICPC is to be initiated as soon as the receiving state is made aware that the child/ren have been placed;
- Placement supervision is for a minimum of six (6) months;
- Supervision can be terminated when:
  - a. child reaches the age of majority or is legally emancipated;
  - b. child’s adoption or legal guardianship is granted;
  - c. jurisdiction of the child is terminated by the sending state;
  - d. the child no longer resides in the approved home; or
  - e. the sending state requests in writing that supervision be discontinued and the receiving state’s ICPC office concurs.

- Supervision can continue by mutual agreement of the sending & receiving states ICPC offices even if one of the above occurs.
- Supervision must include face-to-face visits with the child at least once a month, beginning no later than 30 days from the date on which the child is placed or the receiving state receives notification of placement
- The assigned worker is to complete a written supervision report at least every 90 days following notification of placement. Completed reports are to be sent to the receiving state's ICPC office.
- At a minimum, the report shall include the following information:
  - a. Date and location of each face-to-face contact with the child since the last report was submitted;
  - b. A summary of the child's current circumstances, including on-going safety & well-being;
  - c. A summary of the child's academic performance along with any pertinent documentation (i.e. Report card, IEP, etc);
  - d. A summary of child's current health status, including mental health and copies of any pertinent therapeutic or medical reports;
  - e. An assessment of the current placement/ caretakers and their continued appropriateness as a placement for child/ren;
  - f. A description of any unmet needs and any recommendations for meeting identified needs.
  - g. When applicable, the supervising worker's recommendation regarding continuation of placement, return or legal custody to a parent/s and termination of the sending state's jurisdiction, finalization of adoption by child's current caretakers or the granting of legal guardianship to the child's current caretakers.
- If there is a hotline on the proposed placement and/or involving the child/ren placed through ICPC, the supervising worker is to follow their agency protocols for ensuring the safety of the child/ren. If the child/ren must be removed, the supervising worker does so and then notifies the sending state as well as the receiving state's ICPC office;
- The sending state remains the financially responsible party for the child/ren and is responsible for all case management decisions. The receiving state assists in locating services to meet the needs of the child/ren and the placement resource.

**NECESSARY ACTION**

1. Review this memorandum with all Children's Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. All questions should be cleared through normal supervisory channels and directed to:

**PDS CONTACT**

Mary K Kliethermes  
[Mary.C.Kliethermes@dss.mo.gov](mailto:Mary.C.Kliethermes@dss.mo.gov)  
 Monica Sekscinski  
[Monica.S.Sekscinski@dss.mo.gov](mailto:Monica.S.Sekscinski@dss.mo.gov)

**PROGRAM MANAGER**

Amy Martin  
[Amy.Martin@dss.mo.gov](mailto:Amy.Martin@dss.mo.gov)  
 573-751-3171

Unit number: 573-751-2981	
<b>CHILD WELFARE MANUAL REVISIONS</b> 25.3 Placement of a Missouri Child into Another State 25.3.1 Making an ICPC Referral 25.4 Placement of Another State’s Child into Missouri 25.6 ICPC Regulation 7 or Expedited Placements	
<b>FORMS AND INSTRUCTIONS</b> CD-ICPC-101a Statement of Case Manager/Potential Placement/Party Under ICPC Regulation 7 (Expedited) CD-ICPC-104 Statement of Case Manager/Potential Placement/Party Under ICPC Regulation 2 (regular ICPC)	
<b>REFERENCE DOCUMENTS AND RESOURCES</b> N/A	
<b>RELATED STATUTE</b> RSMo 210.620	
<b>ADMINISTRATIVE RULE</b> N/A	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> (List or put N/A if not applicable.)	
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> (List or put N/A if not applicable.)	
<b>PROTECTIVE FACTORS</b> (Link applicable factors and enter N/A if not applicable.) Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need Social and Emotional Competence of Children	
<b>FACES REQUIREMENTS</b>  N/A	