



Iowa Children's Justice

Interstate Compact July, 2010

Interstate Compact (ICPC)

For some children, the most appropriate placement resource may lie in another state - either with relatives, prospective adoptive parents, or in a specialized residential facility that is not available closer to home. The Interstate Compact on the Placement of Children (ICPC) statute has been enacted uniformly among all 50 states, the District of Columbia and the US Virgin Islands. ICPC provides the necessary legal framework for adoptive placements when more than one state is involved as well as important safeguards to assure that children who must be placed across state lines are protected.

In Iowa, ICPC is administered by the Department of Human Services Deputy Compact Administrator who works with DHS field staff and Compact Administrators in other states to ensure that all necessary information is exchanged and that statutes and procedures are followed.

ICPC Provisions

ICPC regulations took effect nationally on October 1, 1996. The Compact contains 10 articles that cover:

- The specific protections, services and requirements available to children including:
 - Home studies and evaluations completed prior to a placement
 - Assurance that all applicable placement laws are followed prior to approving a placement
 - Opportunity for the receiving state to approve or deny a placement
 - Continual supervision and regular reports on each placement
 - Legal and financial protection guarantees for the child
 - Guarantees that the sending agency does not lose legal jurisdiction over the child
 - The types of placement situations covered by the law including:
 - Parents, close relatives, non-agency guardians
 - Adoptions
 - Foster homes
 - Child-caring facilities, residential treatment, group homes
 - Facilities for adjudicated delinquents
 - The persons and agencies who must follow ICPC procedures including:
 - A state or employee of a state
 - A subdivision of a state or employee of that subdivision
 - A court
 - Any person, corporation, association or charitable agency of a state
 - Persons who are exempt from following the ICPC procedures including:
 - A child's parent, step parent, grandparent,
 - An adult sibling, adult aunts or uncles
 - Non-agency guardians
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Exempt Placements

Not all arrangements for a child's care are considered placements under ICPC. The law specifically exempts placements into any institution:

- Caring for the mentally ill, mentally defective or epileptic
- Primarily educational in character
- Hospital or medical facility

ICPC in Iowa

In July, 2008 Children's Justice completed an assessment of the ICPC process and the role, responsibilities and effectiveness of the juvenile court in the interstate placement of foster children. The study committee noted that Iowa's system is a blend of strengths and weaknesses and identified several areas for practice improvement. The committee also offered a series of recommendations to strengthen interstate practice within Iowa's courts.

In general the committee noted:

“The placement of children across state lines is often complex and challenging. The majority of interstate cases in Iowa come from a few counties and the judiciary in those areas has developed some expertise with the system. Judges in areas of the state which use the ICPC process infrequently may contribute to delays due to their relative lack of familiarity with the process. There is a need for more education for judges, attorneys and social workers about the ICPC process. Cross-border agreements – such as the one developed between Nebraska and Iowa – facilitates timely interstate placement for children who live in border counties. “

Other findings from this study include:

- As of 2008, Iowa has made significant efforts to improve interstate processes – in particular regarding the number of timely home studies completed by Iowa staff
- The role of the judiciary can be important in stewarding cases through the interstate process
- There are significant practical legal barriers to effective interstate practice that should be addressed by the Legislature.
- Many judges are not familiar with Regulation 7 which provides for expedited placements in certain circumstances.

Why this is important for Judges

ICPC is an important step in planning for the safe and appropriate placement of a child across states lines. Following the ICPC process increases the likelihood of permanency for a child by providing an approved home study and monthly supervision by the receiving state following the placement.

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Some basic facts related to ICPC in Iowa:

- Before any child can be placed outside of Iowa, a home study and ICPC approval are needed to ensure that the placement is safe and appropriate.
- A child cannot be placed with someone who lives outside of Iowa without approval from that state's ICPC Administrator.
- The federal Safe and Timely Interstate Placement Act of 2006 mandates that foster care and adoption home studies from the receiving state be completed in 60 days.
- *ICPC Regulation 7 for Priority Home Studies* - applicable to parent and relative home studies. A specific format for court orders has been approved by all states. A Priority Home Study order must include a finding that the child is either: less than 2 years of age, is currently in an emergency shelter, or has spent a substantial amount of time in the proposed placement.

How Judges Can Help

Judges can be helpful in stewarding cases through the ICPC process by

- Becoming familiar with Regulation 7 - more information can be found on the Association of Interstate Compact Administrators website: <http://icpc.aphsa.org/Home/regulations.asp>
- Assuring that your orders are compliant with Regulation 7 when applicable
- Inquiring at each hearing about the progress toward interstate approval
- Contacting a judicial colleague in the sending state to ask for assistance in moving the case forward or identifying barriers to case progressing

For more information about Iowa Children's Justice

The information in this article was adapted from the *Adoption and Permanency Guidelines, Improving Court Practice in Child Abuse and Neglect Cases*; published by the National Council of Juvenile and Family Court Judges.

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