

BROADCAST 4198

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TO: Local Department of Social Services Directors; Local Department of Social Services Foster Care, Adoption, and Child Protective Services Supervisors and Staffs; Central Office Family Services Staff; Regional Directors and Family Services Program Consultants; and Division of Licensing

FROM: Lynette Isbell, Acting-Director, Division of Family Services
Denise P. Dickerson, Interstate Program Manager and Deputy Compact Administrator

SUBJECT: ***Federal Safe & Timely Interstate Placement of Foster Children Act (P.L. 109-239) and Shared ICPC Email Account***

CONTACTS: Denise P. Dickerson at vaicpcoffice@dss.virginia.gov

The purpose of this Broadcast is to provide information to local departments of social services about the federal ***Safe & Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)***, Virginia guidelines for conducting timely home studies, and the Virginia Office of the Interstate Compact on the Placement of Children (ICPC) shared e-mail account.

Safe & Timely Interstate Placement of Foster Children Act (P.L. 109-239)

P.L. 109-239 was signed into law by President Bush in July 2006 and became effective on October 1, 2006. It amended Titles IV-B and IV-E of the Social Security Act [sections 471(a), 475(1), and 475(1)] and added sections 471(a)(25) and (26). Congress passed P.L. 109-239 with the intent of holding states accountable for ensuring children's timely and safe foster care and adoption interstate placements.

Selected Highlights of P.L. 109-239

Interstate Foster and Adoption Home Studies

P. L. 109-239 is applicable to foster and adoption home studies for the interstate placement of children. The Act establishes specific time frames by which receiving states must provide sending states a home study. Within 30 - 60 days of the receipt of the home study request, the receiving state must provide the sending state a home study. To assure national uniformity, the American Public Human Services (APHSA), of which the Association of Administrators of the ICPC is an affiliate, encouraged states to count calendar; not business days in order to meet the home study time frames established in P.L. 109-239. Under this Act, the receiving agency can not require the prospective provider to complete foster and/or adoption parent training and education prior to the completion of the home study process. The Act encourages states, when needed, to contract with private child placing agencies to conduct timely home studies and monitor children in interstate placements.

One Time 75-Day Extension

P.L. 109-239 permits receiving state's ICPC Offices to modify the time frame by means of a "waiver" by an additional 15 calendar days when there is a written documented reason for requesting an extension to obtain the proposed provider's medical information and CPS and criminal history search results. The request for a waiver to extend the study due date by an additional 15 (calendar) days must clearly document reasons why the home study cannot be completed within the originally assigned time frame.

Rejected Home Study

Under P.L. 109-239 the sending agency has 14 days (calendar days) in which to reject the home study based upon information documented in the study that appears to be "contrary to the child's welfare." P.L. 109-239 recognizes that the home study is conducted in accordance with the receiving state's home study standards and applicable laws. The sending state cannot reject the study based upon the receiving state's home study standards and laws.

Monetary Incentive for Timely Interstate Home Studies

P.L. 109-239 provides receiving states, through year 2010, a monetary incentive for each home study returned through the ICPC to the sending state within 30 days of the receiving state's receipt of an ICPC placement request. The United States Department of Health and Human Services' (HHS) Children's Bureau agreed to clarify for states several issues to include: when the 30 or 60 days time frame actually begins; and how the monetary incentive would be determined when multiple home study requests for the same child are sent to several different states and all are returned to the sending state within the 30 days time frame. Once HHS provides this clarification, additional guidance will be provided to the public and private child placing agencies.

Court Improvement

The Act requires agencies to include in children's case plans language to facilitate timely interstate placements. When the child's case plan is return home, it requires courts at the 12-month permanency hearing to give consideration also to children's out-of-state placement options.

Caseworker Visits

P.L. 109-239 requires caseworker visits with children in interstate placements to occur at least every **six (6)** months. However, the Act does not prohibit sending states from requesting more frequent visits, particularly if the stability of the placement and safety of the child warrants more frequent social worker contacts.

Children's Medical and Education Documents

The August 11, 2006 HHS' Administration for Children and Families (ACF) Information Memorandum (IM) 06-05 informs that sending states must provide receiving states copies of children's health and education records to the foster parent or foster care provider at the time of the placement.

Track and Report ICPC Data

This Act requires states to track and report to HHS data to include reasons for granting extended 75-day waivers. States must report on the number of interstate home studies it requests from and the number it conducts for sending states and any additional data HHS requests, to include:

1. Total number of requests made to Virginia ICPC Office completed in 30 calendar days or 30 to 60 calendar days. The date of receipt in Virginia's ICPC Office is used as the start point for calculation. The requesting state must also be identified.
2. Total number of requests completed in 60 to 75 calendar days with explanation for delay documented such as criminal history, lack of medical information etc. and identification of each requesting state
3. Total number of requests completed after 75 calendars days with written reason for delay.
4. Total number of cases that, within 14 days, were not to be used since they were viewed as "contrary to the welfare of the child". This could include issues with the Medical/Financial Plan, child care needs, or where enforced in the Commonwealth, sending state' agreement to pay school tuition that might deter the ability to place the child.

The language and a summary of the Safe and Timely Interstate Placement of Foster Children Act of 2006 are accessible through the APHSA Website at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ239.109.

NOTE: P.L. 109-239 does not encourage any public or private agency's or courts' non-compliance with current Interstate Compact on the Placement of Children (ICPC) law, policies, regulations, and procedures. The ICPC is statutory law in all fifty states, District of Columbia, and the U.S. Virgin Islands. Procedures and timeframes remain the same as established in ICPC Regulation #6, "Permission to Place Child: Time Limitations, Reapplication" and ICPC Regulation #7, "Priority Court Order Home Study."

In addition, P.L. 109-239 does not enact the proposed ICPC Reform.

Guidelines for Conducting Interstate Home Studies in Virginia

The Virginia guidelines for conducting timely foster and adoption interstate home studies are accessible at <http://spark.dss.virginia.gov/divisions/dfs/ic/icpc/policy.cgi>. The purpose of the guidelines is to assist local social services agencies in meeting the requirements of the federal Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239). Questions about the guidelines may be forwarded in writing to the Virginia Office of the Interstate Compact on the Placement of Children by e-mail at vaicpcoffice@dss.virginia.gov and by fax at (804) 726-7498.

Office of the Virginia ICPC Shared E-mail Account

The Virginia Office of the ICPC, which also manages the Interstate Compact on Adoption and Medical Assistance (ICAMA) Compact, is pleased to announce that it has a new shared e-mail address: vaicpcoffice@dss.virginia.gov. The e-mail account was established primarily to assist local departments in their efforts to comply with P.L. 109-239 and expedite permanency for foster children. Whenever possible, local social services agency staffs may scan and e-mail to the Virginia ICPC Office ICPC and ICAMA packets and documents, home studies, requests for technical assistance with ICPC and ICAMA interstate processes, and children's supervisory reports. We will acknowledge our receipt of your e-mail and ensure prompt attention. ICPC and ICAMA documents may also be forwarded to the Office by facsimile at (804) 726-7498, courier, and U.S. mail.