

**Florida Court Improvement Program
Interstate Compact on the Placement of Children Assessment**

*Final Report
June 2008*

**THE SUPREME COURT OF FLORIDA
500 South Duval Street
Tallahassee, Florida**

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ICPC FLOWCHART

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Overview

The Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) required state courts receiving the basic court improvement program (CIP) grant to assess their roles, responsibilities, and effectiveness in the interstate placement of children and to implement improvements to expedite these placements. Specifically, state courts were directed to assess the effectiveness of their laws and strategies for sharing information with out-of-state courts; develop methods to obtain information and testimony from agencies and parties in other states without requiring interstate travel by the agencies and parties; and permit parents, children, attorneys, and other necessary parties to participate in cases involving interstate placement without requiring those parties to travel across state lines. CIP staff of Florida's Office of the State Courts Administrator conducted this assessment.

CIP staff first created an assessment plan and shared it with the CIP multidisciplinary advisory task force for comments. Once the plan was endorsed, CIP staff created a flowchart of the Interstate Compact on the Placement of Children (ICPC) process, conducted an ICPC legal review, and reviewed national ICPC literature. CIP staff also collaborated with the Department of Children and Families (DCF) and learned of all of the ICPC policy reforms being implemented by the agency. Next, CIP employed a variety of research methods for the assessment, including utilizing secondary data from the ICPC central office computer system, collecting primary data by reviewing case files, eliciting survey feedback, and conducting a focus group. Each methodological step in the assessment built upon the next. For instance, the statistics garnered from the ICPC central office provided general, comprehensive information on the entire ICPC process; the case file reviews provided specific information on each step and stimulated additional questions

about particular issues. These questions were then incorporated in a survey instrument that was disseminated to respondents throughout the state, so that the experts embedded in the process would be able to provide answers. Lastly, the focus group studied and discussed all of these data findings and drafted recommendations that the CIP multidisciplinary advisory task force later finalized.

LEGAL REVIEW

The ICPC was established in 1960, has been ratified, and is currently used by all 50 states, the District of Columbia, and the U.S. Virgin Islands. The agreement helps coordinate the placement of children in different states for the purpose of foster care, adoption, placement with relatives, and placement in residential treatment centers. Utilizing the ICPC is the only method the courts have to ensure that children who are placed across state lines are protected and provided proper services by the receiving state.¹ The ICPC takes precedence over conflicting state law, and both Congress and the courts can enforce compliance. The Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), which is made up of members from every state, has authority to promulgate rules and regulations to carry out the terms of the ICPC.

Application

The ICPC applies if a court has assumed jurisdiction of the child and the child is moving from one state to another state for longer than 30 days. Both private and governmental placements must comply with the ICPC. The ICPC is also applicable to placement with prospective adoptive parents, international adoptions when a child is adopted abroad by adoptive parent(s) and the Immigration and Naturalization Service (INS) has issued an IR-4 visa for the child, and when a child is adopted abroad by proxy or within the United States. Compliance with the ICPC requires a sending and a receiving state to coordinate the out-of-state placement. A sending agency is the agency sending, bringing, or causing a child to be sent to another party state. It can be a state; a subdivision such as a county or a city; a court of a party state; or a

¹ Florida's ICPC statute can be found at Fla. Stat. §§ 409.401 - 409.441 (2006).

corporation, association, or charitable agency of a state. The sending agency is not required to have custody of the child, but the court must have jurisdiction.

The exact application of the ICPC remains confusing in several situations. It clearly applies when a child is being placed in foster care, a foster group home or a residential treatment facility in another state for more than 30 days. What is less clear is whether the ICPC is meant to be applied when a birth parent unification or reunification is occurring, although most states do apply the ICPC to these types of cases.² Florida's Fifth District Court of Appeal supports applying the ICPC to parent reunification cases and stated that "(o)nce a court has legal custody of a child, it would be negligent to relinquish that child to an out-of-state parent without some indication that the parent is able to care for the child appropriately. The ICPC provides an effective mechanism for gleaning that evidence and for maintaining a watchful eye over the placement."³ Likewise, Florida similarly applies the ICPC to cases where a non-resident parent, who had no previous custodial rights, is attempting to gain custody;⁴ and to relatives gaining custody, such as grandparents that are living out-of-state.⁵ However, if the receiving parent has a valid custody order, Florida's Second District Court of Appeal held that the ICPC does not apply.⁶

² The AAICPC promulgated Regulation 3 in 2001 which supports the view that the ICPC applies to placements with out-of-state non-custodial parents. Some courts, however, have found that Regulation 3 is invalid because it improperly applies the ICPC beyond foster care or possible adoption situations. The First District Court of Appeal in Florida found that the application of Regulation 3 was unclear. See *State, Dept. of Children and Family Services v. L.G.*, 801 So.2d 1047 (Fla. 1st DCA 2001).

³ *Department of Children and Families v. Benway*, 745 So.2d 437, 438 (Fla. 5th DCA 1999).

⁴ *H.P. v. Dep't of Children & Families*, 838 So.2d 583 (Fla. 5th DCA 2003); *C.K. v. Department of Children and Families*, 949 So.2d 336 (Fla. 4th DCA 2007).

⁵ *Department of Health & Rehabilitative Services v. J.M.L.*, 455 So.2d 571 (Fla. 1st DCA 1984).

⁶ *In Re D.N.*, 858 So.2d 1087 (Fla. 2nd DCA 2003).

Procedure

The ICPC process begins when the child first comes into the custody of the state. If an out-of-state placement is sought for the child, then the court orders an ICPC home study to be done on the prospective placement. The Community-Based Care (CBC) case manager then compiles information and fills out the appropriate forms, including the 100A form, and sends the entire packet to the lead CBC ICPC coordinator. Next the packet is sent to the ICPC central office where the packet is verified for completeness and sent to the receiving state's ICPC office. The receiving state's ICPC office sends the packet to the appropriate local social service agency, which conducts a home study of the prospective placement's family, completes the packet and sends it back to the receiving state's ICPC office. The receiving state then sends placement approval or denial to the sending state (Florida). Approval to place under the ICPC contract is valid for 6 months from the receiving state's compact administrator signing the 100A form. If placement is approved, the sending state may arrange for the child to be sent to the receiving state. Pursuant to Article V, the sending state retains jurisdiction until the child is adopted, reaches majority, becomes self-supporting, or is discharged with the agreement of the receiving state. If an out-of-state placement fails and the receiving state rescinds its approval of the placement, then the sending state must bring the child back and reapply before the child will be allowed to return or stay in the receiving state.⁷

Currently, the procedure is very time consuming and months can go by before the entire process is completed. However, efforts are being made to accelerate the process. In October 1996, Regulation 7 was added to the ICPC to provide for priority handling of urgent cases. Urgent case types include a proposed placement with a

⁷ *Department of Children and Families v. Fellows*, 895 So.2d 1181 (Fla. 5th DCA 2005).

relative when the child is under two years of age, if the child is currently living in a shelter, or if the child has spent a substantial amount of time in the home of the proposed placement recipient. Regulation 7, section 5(a) also allows the judge in the sending state to reach an agreement with the judge in the receiving state, which may expedite the process even more.

In Florida's expedited cases, courts have two business days to get the order to the local CBC agency. The CBC agency then has three business days to get the complete packet to the ICPC central office, and the central office has two business days to send the complete request to the receiving state by overnight mail. After that, the receiving state has 20 business days from when all necessary documents are received to make a decision and fax the completed 100A back to Florida.

Other methods currently used to expedite the process include legislative reform, concurrent planning, and proactive judicial participation. Concurrent planning means that the ICPC process is begun in cases even if it appears that the child will be returning home or placed in a local placement. If concurrent planning is utilized, the first step is to determine which relatives are available as possible placements. In an effort to capture this information consistently, the Florida Statutes were amended in 2006 and now require the courts to request information at the shelter hearings and adjudicatory hearings to determine if relatives exist and if they would provide a possible placement for the child.⁸ Judges can also contribute and hasten the ICPC process in cases that do not fit the expedited category by contacting the judge in the receiving state and facilitating the ICPC placement.

⁸ Fla. Stat. §§39.402(17), 39.507(7)(2006).

Resolution 19, Conference of Chief Justices, July 2004,⁹ encourages judges in non-Regulation 7 cases to do so. Although some judges may not see this as part of their role, others are eager to do whatever is necessary to expedite a placement. Many times, a call from a judge can spur caseworkers into action and get faster results.

Violations

Pursuant to Article IV of the ICPC, if a child-placing agency violates the ICPC, the agency may have their license, permit, or other legal authorization to place children suspended or revoked. Individual state laws may also provide a separate penalty, including revocation of the placement or loss of the sending state's jurisdiction. The penalty is usually based on the best interests of the child, although some states hold that the ICPC must be strictly enforced. In Florida, the First District Court of Appeal required a child, who had been placed with grandparents in another state, to be returned to Florida when DCF failed to comply with the ICPC, because the mother still needed an opportunity to work on her case plan.¹⁰ However, in 1989, the same court allowed a child to remain with step-grandparents in Georgia when the court failed to follow the ICPC regulations. In this case, neither parent was interested in regaining custody of the child, and the child had achieved permanency in the step-grandparents' home.¹¹

⁹ Conference of Chief Justices and Conference of State Court Administrators, *Resolution 19, In Support of Increased Judicial Involvement in Inter-Jurisdictional Movement of Children Through the Interstate Compact on the Placement of Children (ICPC)*. Adopted by the CCJ/COSCA Courts, Children and Families Committee, July 29, 2004. <http://ccj.ncsc.dni.us/ChildWelfareResolutions/ICPC.pdf>.

¹⁰ *T.W.S. v. Dept. of Health and Rehabilitative Services*, 466 So.2d 387 (Fla. 1st DCA 1985).

¹¹ *In the Interest of B.J.A.*, 539 So.2d 540, (Fla. 1st DCA 1989).

Federal Legislation

In 2006, federal legislation was passed to address the lengthy delays found in the current ICPC. Public Law 109-239, The Safe and Timely Interstate Placement of Foster Children Act of 2006, was signed into law on July 3, 2006. The new law amends Titles IV-B and IV-E of the Social Security Act and adds federal requirements to the existing ICPC, which include home study time limits. States are now required to conduct, complete, and report the results of a home study within 60 days of receiving the request. Penalties for failure to comply with the required timeframes may include a reduction in the state's IV-E funding. A state can have an additional 15 days to complete the home study if it can document that circumstances beyond the state's control contributed to the delay. However, this is a time-limited provision and only applicable to home studies started on or before September 30, 2008.

The federal legislation also authorizes monetary incentives to improve the lengthy delays in accomplishing and reporting home studies. Between 2007 and 2010, a \$1,500 incentive per home study is available to states when home studies are completed within 30 days of the request. In order for states to earn the home study incentive, states must provide certain data to the Department of Health and Human Services, including information about how often an extension is needed and documentation that the money is only used to provide services to children and families.

The new law also requires caseworkers to visit the child in interstate cases every six months, instead of every 12 months, and there are provisions that require case reviews and the consideration of interstate placements in permanency planning decisions, permanency hearings, and when applying concurrent planning. In addition, states are required to provide foster children aging out of the system with a copy of their health and education records free of charge, and to provide a copy of

the child's health and education records to foster parents or other caregivers at the time of placement.

Proposed ICPC

In 2005, The AAICPC rewrote sections of the ICPC (proposed ICPC), which would begin to take effect upon passage of the updated compact by the 35th state. The proposed ICPC attempts to address the importance of making timely placement decisions; however, it does not require compliance. The proposed ICPC also creates a new regulatory body called the Interstate Commission, which would have the authority to provide training and assistance, provide for mediation or binding dispute resolution, and initiate legal action against the offending state.¹² The proposed ICPC also expedites the placement of children with relatives by permitting provisional placements as long as the placement is safe and suitable.¹³ The proposed ICPC specifically does not apply when placements are made by parents or relatives with legal authority over the child when they place the child with other relatives or non-relatives. Visits between children and out-of-state individuals are also exempted from the proposed statutory requirements. The proposed ICPC does not apply to placements of foster children with non-custodial parents if the parent proves there is a substantial relationship with the child, the court makes a finding that the placement is in the child's best interest and the court in the sending state relinquishes jurisdiction.¹⁴ The proposed ICPC also allows a party who is denied placement due to a negative home study with standing to receive judicial review of

¹² Interstate Compact for the Placement of Children, Article XII(B)(2)(c)(2005).

<http://www.aphsa.org/Policy/ICPC-REWRITE/Proposed%20Legislative%20Language/PROPOSED%20LEGISLATIVE%20LANGUAGE.pdf>. (last visited Aug. 2007).

¹³ Id. at Article II(L)(2005).

¹⁴ Id. At Article III(B)(4)(2005).

the denial pursuant to the receiving state's administrative procedure. Although the proposed ICPC has been addressed by several states, only Ohio and Missouri have ratified it at the time of this report. During the 2008 legislative session in Florida, the proposed ICPC was presented in Senate Bill 1048; however, the legislature failed to pass it.

Indian Child Welfare Act Considerations

In the current ICPC, tribal placements—subject to the Indian Child Welfare Act (ICWA)—are not subject to the ICPC unless the tribe requests ICPC services, has adopted the ICPC, has incorporated its provisions, or has an existing Title IV-E agreement with the state requiring ICPC compliance. Tribes have the option, at their discretion, of becoming members of the ICPC. If an Indian child is placed by one tribe to another tribe, or if jurisdiction is transferred over an Indian child custody proceeding to an out-of-state tribe, the ICPC process is not needed. However, if a tribe wishes the state to pay for the placement, the tribe must use the ICPC process. Pursuant to 25 C.F.R. § 20.513, the ICPC process should also be utilized when placing Indian children in foster care, adoption and guardianship placements to protect the best interests of the child and to assure the availability of the funding resources and services from the originating placement source. If the ICPC process is utilized, the social worker must follow the provisions contained in chapters 04 and 07 and the federal ICWA regarding placement of Indian children, whether the children are under tribal or state jurisdiction. Social workers must follow the provisions of the ICPC in the following situations: a dependent Indian child is placed across state lines without tribal services; the tribe requests ICPC involvement; the Indian child, placed in another state, will remain a dependent under the jurisdiction of the sending state's court and in the custody of the state and when the social worker; and/or the

tribe determines that use of the ICPC is in the best interest of the Indian child placed across state lines. The National Indian Child Welfare Association has developed language that would allow tribes to participate in the proposed ICPC.

Interstate Court Hearings

Florida law permits parties from the receiving state to attend placement hearings in the sending state by telephone or video conferencing. Telephonic and video testimony are acceptable as long as all parties agree and a proper motion is filed with the court by the party seeking to present the testimony (see Fla. R. Jud. Admin., Rule 2.530). The Uniform Child Custody Jurisdiction and Enforcement Act also permits telephonic and video testimony upon the agreement of all parties. Fla. Stat. §61.512(2) (2006). All Florida courts have telephonic capabilities, and several have access to video conferencing equipment.

LITERATURE REVIEW

1. Karen Cain, Overcoming Interstate Adoption Issues, 33781 NBI-CLE 99 (2006).

This article is an excellent summary of the ICPC and outlines the laws regarding interstate placements. Ms. Cain begins this article by providing a general overview of the history of the ICPC, describes who must use it, and details the benefits of following the agreement. She also discusses the procedures for making ICPC placements, including information about administration, referrals, and time requirements. Ms. Cain further discusses the sending agency's responsibilities and the penalties for failure to comply with the ICPC. Also included in the article is the text of the ten Articles of the ICPC, the regulations that followed, and an appendix with ICPC forms that sending and receiving agencies can use.

2. Vivek Sankaran, Perpetuating the Impermanence of Foster Children: A Critical Analysis of Efforts to Reform the Interstate Compact on the Placement of Children, Family L.Q. 435, 438. (Fall 2006).

Mr. Sankaran focuses his report on the importance of expediting the interstate placement of foster children and on analyzing the various reforms that have been instituted regarding the ICPC. He begins by providing an overview of the current ICPC process and noting some of the problems inherent in the current system, such as the fact that most foster children currently wait over 43 months for an interstate placement. The article further describes how the courts have no authority to review the home study decisions made by the caseworker in the receiving state and discusses how several states have no appeals process. The author is particularly concerned about how the process affects the children as he details how children are injured by the long wait to achieve permanency. The author

also points out that the current ICPC contains no mechanism requiring a receiving or sending state to complete the necessary paperwork in a timely manner.

Next, Mr. Sankaran identifies and discusses the current reform initiatives, including the proposed ICPC, which is the result of the American Public Human Services Association (APHSA) task force. He discusses the proposed ICPC's attempt to emphasize timeliness and sets forth uniform standards to assess the safety and appropriateness of interstate placements, as well as increasing protection for birth parents and other relatives. He also notes that the proposed ICPC attempts to create new enforcement measures for violations and a standing for interested parties to receive an administrative review of the receiving state's denial of a proposed placement. The author continues by discussing the Safe and Timely Interstate Placement of Foster Children Act of 2006, which offers states financial incentives for completing home studies within a 60-day period.

Mr. Sankaran states that the suggested reforms still do not solve the major problems with the current ICPC process, specifically the lengthy delays, discretionary placement decisions, and lack of adequate review procedures. He believes that the federally mandated 60-day time limit for completing the home study is too long and notes that the proposed ICPC fails to set forth any specific time limits for completing the home study. The author also states that the language in the proposed ICPC regarding the determining of the suitability of placements fails to give sufficient guidelines to make any meaningful change in the current system. The author also noted several problems with the suggested changes to the enforcement mechanisms in the ICPC and believes that even the new corrective measures are insufficient to ensure that the provisions of the proposed ICPC are enforced. Mr. Sankaran is concerned that the courts are unable to review the interstate placement decisions, and without this review authority, a child's future rests in the discretion of an

individual caseworker in the receiving state who has no real ties to the child or to the child's case.

Mr. Sankaran concludes by offering his own reform proposal, which begins by mandating that the agency in the sending state maintains responsibility for ensuring that the interstate home study is completed within 30 days. Under the author's system, the sending state court also maintains the authority to place the child. Placement would only occur after the court receives the home study and conducts a hearing to examine all aspects of the child's best interests. The caseworker who performed the home study could appear by telephone to discuss the results of the report and the court would retain the ability to make the final decision. As a result, due process is achieved, the decision is appealable, and the court is able to require compliance with the time guidelines by utilizing contempt proceedings, financial penalties, and other forms of equitable relief. The author's major goal of taking the placement decisions away from the agencies and placing them with the courts would also be realized under this system.

3. Rachel Lord, Interstate Placements: Safeguarding Ohio's Children: Examining the "New" Interstate Compact for the Placement of Children, Federal, & State Legislation Impacting Children, Children, Families, and the Courts, Ohio Bulletin, Vol. 3, No. 2, Fall 2006.

To date, Ohio and Missouri are the two states that have ratified the proposed ICPC issued by APHSA in November of 2005. Although primarily focused on Ohio's ICPC program, this article does an in depth review of the proposed ICPC. The author begins by comparing key aspects of the current ICPC with the proposed version, such as the provisions regarding enforcement of compact provisions, definitions of the home study process, and the creation of the Interstate Commission for the

Placement of Children. The author then reviews the history and provisions of federal legislation regarding the ICPC, including The Safe and Timely Interstate Placement of Foster Children Act of 2004, which did not pass, and The Safe and Timely Interstate Placement of Foster Children Act of 2006, which was signed into law on July 3, 2006. The author pays particular attention to the new requirements the federal law now provides regarding home study timeliness and the incentive payment program. The author concludes by analyzing Ohio's recent legislation that enacts the proposed ICPC and how it affects children in Ohio's child welfare system and their placements.

4. Kurtis Kemper, J.D., Construction and Application of Interstate Compact on the Placement of Children, 5 A.L.R.6th 193 (2005).

The author of this legal annotation collected cases from several different states that address certain aspects of the current ICPC. After a summary of the ICPC and some practice suggestions, the author begins his legal discussion on placements subject to the ICPC by analyzing how the ICPC relates to privately arranged adoptions. The author then discusses which states have held that the ICPC applies to placements with out-of-state noncustodial parents, and which states are not applying the ICPC to similar cases. Next, the author compares and contrasts placements that have been made by parents as opposed to placements done by state agencies or courts. He then examines how various courts have applied the ICPC to short-term and conditional placements.

Next, the author notes how different states have looked at the necessity of complying with the sending state's law and what happens when a party violates the ICPC or the receiving state's law. The author also discusses how different states apply the best interests of the child standard when determining sanctions for

violations, which states believe that the ICPC must be strictly enforced, and whether or not retroactive compliance with the ICPC is an appropriate remedy.

Finally, the author examines jurisdiction issues, including when retaining jurisdiction is necessary, and in what circumstances jurisdiction can be relinquished. The author concludes by examining the financial responsibilities of the sending state and noting the types of cases in which the responsibility has and has not been satisfied by the sending state.

5. Madelyn Freundlich, Reforming the Interstate Compact on the Placement of Children: A New Framework for Interstate Adoption, available at <http://www.adoptioninstitute.org/policy/inters1.html> (1999).

Ms Freundlich begins by noting that without the ICPC, it would be easy for a sending state to avoid its legal and financial responsibilities by encouraging the moving of the caregiver responsibilities to placements in other states whenever the children are in need of expensive services. She also believes that the ICPC is a useful tool for regulating interstate foster care placements; however, she feels that the ICPC should not be applied in private adoption placements by birth parents or by private agencies. The author then discusses several troubling issues with the current ICPC, beginning with the definitions in the ICPC of “sending agency” and “placement,” which have been interpreted quite differently in different courts. The author feels that courts have expanded these terms to the point that several courts are currently attempting to apply the ICPC to all interstate placement cases, regardless of the circumstances. The author argues that the ICPC should only apply to interstate adoptive and foster care placements by governmental agencies that are legally and financially responsible for the children. One of the author’s strongest beliefs is that the ICPC should not apply to adoptive placements by birth parents or

to adoptions facilitated by licensed private agencies involving children who are not in the custody of the state.

The author also examines the barriers in the ICPC approval process. The current ICPC only vaguely describes the receiving state's approval process, and the author notes that with no uniform standard, approval is left up to the caseworker's discretion and may not always reflect the child's best interest. The author also examines the difficulties courts have faced when deciding whether the receiving or sending states' law should apply, as well as how jurisdictional issues should be resolved when conflicts occur between the Uniform Child Custody Jurisdiction Act and the ICPC. Ms Freundlich examined the problems associated with getting the ICPC process completed in a timely manner and gave several case examples of delays of months or even years before a child achieved permanency.

Lastly, the author states that the courts must determine the penalties for violations, because the ICPC gives little guidance as to various sanctions or penalties that may be imposed. The author outlines several cases which illustrate how many courts have decided that retroactive compliance is appropriate to guard the best interests of the child, while others have held that the ICPC must be strictly enforced. In conclusion, the author suggests that federal legislation is the only realistic vehicle for ICPC reform, and that by re-writing certain sections of the ICPC and eliminating the vague definitions, many of the current problems with the ICPC could be solved.

6. Ursula Gilmore, Elizabeth Oppenheim, Daniel Pollack, *Delays in the Interstate Foster and Adoption Home Study Process*, 8 U.C. Davis J. Juv. L. & Pol'y 55 (2004).

This article begins by presenting an overview of the ICPC with a chart that explains who is responsible for each step in the process. The authors note that long delays are one of the most significant problems with the current system and reveal

the statistics from a survey conducted in 2001, which illustrate the leading causes of the delays. Sending states claimed that financial and medical delays by the receiving states are the primary problems with the current system. The sending states also reported that criminal background checks can delay the approval process by up to 4 months, and incomplete information about the placement family slows down the process. The receiving states cited workloads and staffing issues as the major contributors to delay. Another delay that was identified was local workers assigning a low priority to ICPC cases.

The surveys suggested several innovative practices that can reduce the delays in the ICPC process:

- Utilizing dual licensure, which allows prospective families to complete the foster care and adoption requirements at the same time, rather than requiring two separate home studies.
- Allowing the sending agency to contract with a local agency in the receiving state to complete the home study rather than requiring the home study be done by a state employee.
- Using a private provider for the home study.
- Sharing home studies done by separate agencies.
- Increasing training to a wide range of people involved with the ICPC.

The authors concluded that to improve the home study process each state must institute policy improvements, and both the state and federal governments must increase their financial investment in child welfare to improve the outcome for children needing out-of-state placements.

7. Stephen Rideout, *The Promise of the New Interstate Compact for the Placement of Children*, Child Law Practice, Vol. 25, No. 11 (January 2007).

Judge Rideout begins this article by discussing the recent events that have pushed for reforming the current ICPC, including the National Council of Juvenile and Family Court Judges and American Bar Association resolutions.¹⁵ The author then begins a discussion of the proposed ICPC beginning with the changes affecting jurisdiction, placement assessments, approval from the receiving states, and the responsibilities for ongoing support of the child and maintenance. Judge Rideout then turns to the duties of the proposed Interstate Commission and its role in rulemaking, enforcement, and oversight. Finally, the author discusses several other challenges that must be met once the proposed ICPC is enacted, including collecting data, supporting border agreements, and providing a dispute resolution process, which could all be addressed through the Interstate Commission and its rulemaking authority.

¹⁵ American Bar Association: <http://www.abanet.org/leadership/2003/journal/118.pdf>
National Council of Juvenile and Family Court Judges:
<http://www.ncjfcj.org/images/stories/dept/resolutions/resolutionno.5congressionallegislation.pdf>

AGENCY POLICY CHANGES¹⁶

In addition to the improvements that will stem from this court assessment, the DCF has already begun institutionalizing improvements of its own. In January 2008, Florida's DCF Secretary, Robert A. Butterworth, began focusing extensively on the ICPC and implemented specific changes to improve the ICPC process. Secretary Butterworth identified the ICPC process in Florida as an area in need of modernization. In order to shorten the time for placement of Florida children in other states and children from other states into Florida, the Secretary has set a goal of having home studies completed within 48 hours. In response to his directive, an attorney, Stephen Pennypacker, was hired as the ICPC compact administrator. In addition to having a new compact administrator, the ICPC central office is now a pilot location for the DCF's document imaging initiative.

As previously documented in the flowchart and legal review, every ICPC request for a child under state supervision begins with a court order followed by creation of a packet by the local CBC for eventual transmittal to the ICPC central office. This packet is then sent to the receiving state ICPC office. Prior to February of 2008, this meant the local Florida CBC would generate three copies of a packet that could be more than one hundred pages in size. The copies would then be mailed first to the lead CBC ICPC coordinator, then to the DCF region ICPC coordinator, and lastly to the central office. This process could take weeks following entry of the court order even when the CBC created the packet correctly and timely.

Under the old method, upon receipt of the three copies in the ICPC central office, one copy of the packet would be retained in a hard copy file and the two

¹⁶ Stephen Pennypacker, Florida Compact Administrator, provided the information in this chapter.
http://www.dcf.state.fl.us/publications/fsp/trainingbulletin/may_2008_bulletin.pdf

remaining copies mailed to the receiving state office. The receiving state office would retain one copy and send the remaining copy to the receiving state local agency. In a typical case, this transmittal process adds another two weeks.

In February 2008, the DCF began using a scanner and email for transmittal of ICPC cases. Local CBCs now create the packet, scan it, email it to the local lead CBC for review, and then email it to the ICPC central office — no mail, no paper in transmittal, one less desk (Regional DCF ICPC Coordinator) in the process. Once the central office receives the packet, two copies still have to be printed for transmittal to most states. For those states willing to accept email transmission of the home study request packet from Florida (currently Texas is working with Florida on this; Vermont, Alaska, and Pennsylvania are in the preliminary stages), the packet is emailed to the receiving state office. What used to take weeks or months, to get a packet from the Florida local to the other state local, now only takes a few days. The central office is now receiving some packets the day after a court order is entered and packets are leaving the central office either the day of receipt or the following day.

The result in the central office is that files will now be retained on a server — not in a file cabinet. The central office is currently scanning all existing files and is also currently working to provide the capability for CBC agencies to upload documents directly into a database in the central office without the necessity of sending an email.

In addition to the electronic transmission of documents, the central office has also created a screen for judges and magistrates, using data from their computer system, called the Enterprise Client Index that will permit a court to determine the status of an ICPC case without the necessity of a hearing. User acceptance testing of this capability is currently underway.

Also in the development stage is the generation of automatic email reminders for CBCs and ICPC specialists of critical dates (home study request packets due for priority placements, home study approval/denial due for requests for incoming placements, and quarterly status reports due for a child already placed in Florida).

Technological advances notwithstanding, one of the simplest yet most effective changes has been to assign cases to ICPC specialists in the central office by state rather than by the child's last name. By working with the same state offices on a daily basis, better working relationships are being fostered between state ICPC offices as the workers in each state get to know each other and work collectively to get children placed more quickly.

ICPC CENTRAL OFFICE STATISTICS

The ICPC central office used its computer system to provide CIP staff with aggregate statistics providing basic information on all ICPC cases processed in the state. With these data, CIP staff were able to see the top states for placement decisions, the number of home studies completed by other states in prescribed timeframes, and the types of placements that were requested. Since the case file review sample (see next chapter) represents ICPC cases that occurred during calendar year 2006, the central office data provided in this chapter likewise presents data from calendar year 2006.

*Table A: Top states for placement decisions
1/1/2006 – 12/31/2006*

Public Adoptions	Foster Care	Relatives	Parents
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Most decisions sent to:

New York	New Jersey	Georgia	Georgia
Massachusetts	New York	Ohio	New York
Texas	Connecticut	Texas	Ohio

Most decisions received from:

Pennsylvania	Pennsylvania	Georgia	Georgia
Georgia	New Jersey	Ohio	Ohio
New York	Indiana	Alabama	North Carolina

Table B: Children placed out-of-state
1/1/2006 – 12/31/2006

	Adoption	Foster Family	Group Home	Parent	Relative	Total
Alabama	10	3	0	14	27	54
Alaska	0	0	0	0	1	1
Arizona	6	0	0	3	14	23
Arkansas	1	1	0	5	4	11
California	3	4	0	11	19	37
Colorado	0	0	0	0	5	5
Connecticut	13	8	0	4	0	25
Delaware	0	0	0	1	11	12
Georgia	63	13	0	25	59	160
Hawaii	1	0	0	5	0	6
Idaho	0	0	0	0	1	1
Illinois	17	2	0	14	11	44
Indiana	16	15	0	6	0	37
Iowa	2	0	0	4	3	9
Kansas	2	0	0	7	5	14
Kentucky	8	0	0	6	12	26
Louisiana	6	4	0	4	13	27
Maine	1	1	0	0	5	7
Maryland	18	0	0	5	7	30
Massachusetts	20	1	0	5	9	35
Michigan	11	0	0	13	34	58
Minnesota	17	3	0	2	0	22
Mississippi	4	0	0	6	19	29
Missouri	11	5	0	7	12	35
Montana	4	0	0	0	2	6
North Carolina	16	3	0	18	11	48
Nebraska	2	0	0	0	2	4
Nevada	5	0	0	4	0	9
New Hampshire	3	3	0	0	7	13
New Jersey	33	14	0	01	2	50
New Mexico	2	1	0	1	0	4
New York	31	14	0	17	26	88
Ohio	18	3	0	17	40	78

Oklahoma	1	0	0	6	5	12
Oregon	4	0	0	1	7	12
Pennsylvania	31	18	0	9	0	58
Rhode Island	2	0	0	1	0	3
South Carolina	9	3	0	3	9	24
South Dakota	4	0	0	0	1	5
Tennessee	17	10	0	22	12	61
Texas	11	1	0	6	30	48
Utah	6	0	0	1	1	8
Vermont	2	3	0	1	0	6
Virgin Islands	0	0	0	0	3	3
Virginia	23	5	0	12	8	48
Washington	6	1	0	7	9	23
West Virginia	5	0	0	8	11	24
Wisconsin	8	5	0	7	5	25
Wyoming	1	0	0	0	2	3
Total	474	144	0	289	464	1,371

*Table C: Home study decisions provided to Florida
1/1/2006 – 12/31/2006*

Placement Types	Adoption (public)		Foster Care		Relatives		Parents of Children		Other		Total	
		%		%		%		%		%		%
1-30 days	289	44.7	26	5.4	59	5.2	91	5.4	144	88.3	609	14.9
31-60 days	32	4.9	41	8.6	157	13.8	269	16.1	6	3.7	505	12.3
61-90 days	43	6.6	64	13.4	157	13.8	252	15.1	1	.6	517	12.6
Over 90 days	187	28.9	230	48.3	442	38.9	620	37.1	1	.6	1480	36.2
Withdrawn/ returned	95	14.7	115	24.1	231	20.3	437	26.2	11	6.7	979	23.9
Total count	646		476		1136		1669		163		4090	

*Table D: Home study decisions made by Florida
1/1/2006 – 12/31/2006*

Placement Types	Adoption (public)		Foster Care		Relatives		Parents of Children		Other		Total	
		%		%		%		%		%		%
1-30 days	17	6.9	13	2.7	24	3.5	24	25.8	118	96.7	196	7.9
31-60 days	17	6.9	33	6.9	123	18.2	151	16.1	0	0	324	13.2
61-90 days	15	6.1	45	9.5	129	19.2	169	17.2	0	0	358	14.6
Over 90 days	144	58.5	224	47.3	247	36.7	397	41.9	1	.8	1013	41.3
Withdrawn/ returned	53	21.5	158	33.4	150	22.3	196	20.4	3	2.5	560	22.8
Total count	246		473		673		937		122		2451	

*Table E: Home study pending requests sent by Florida
1/1/2006 – 12/31/2006*

Placement Types	Adoption (public)		Foster Care		Relatives		Parents of Children		Other		Total	
		%		%		%		%		%		%
1-30 days	43	6.1	16	2.8	85	4.2	104	3.5	14	4.1	262	3.9
31-60 days	39	5.5	38	6.5	87	4.3	100	3.4	9	2.6	273	4.2
61-90 days	39	5.5	53	9.1	74	3.7	103	3.5	2	.5	271	4.1
Over 90 days	576	81.6	467	80.4	1709	84.7	2543	86.8	271	79.2	5566	84.6
Data not available	9	1.3	7	1.2	62	3.1	80	2.7	46	13.5	204	3.1
Total count	706		581		2017		2930		342		6576	

CASE FILE REVIEW FINDINGS

Because the ICPC process involves numerous steps, CIP staff wanted to examine each step closely to determine the stages in the process where the majority of delays occur and the factors causing the delays. Given that the DCF houses all ICPC cases in its central office, it seemed practical for CIP staff to review DCF case files instead of court case files. CIP staff selected a simple random sample of 131 cases from calendar year 2006 for review. The purpose of these case file reviews was not to infer to the general population but to identify stages and sources of delay, as well as guide questions for the subsequent survey component of the assessment (See Appendix B for case file review instrument). From the 131 case files reviewed, CIP staff removed seven cases from the analysis due to missing information.

CIP staff categorized three placement options from the case files reviewed: parent/relative/foster care placements, priority placements (Regulation 7), and adoption placements.

Table 1: Placement type

Placement Type	Frequency	Percent
Parent/Relative/Foster Care	89	71.8
Adoption	23	18.5
Regulation 7	12	9.7
Total	124	100.0

Court Timeframes

The following tables display the average number days of between two stages of the ICPC process. Any stages left out are due to an insufficient number of cases in the assessment sample. In this report, the term “average” refers to the median.¹⁷ Many of the cases contained a small number of irregular timeframes that inflated the mean. Due to the prevalence of these irregular timeframes, which skewed the mean, the median is the more useful statistic for these data. Also, attention to the “N” in each of the tables is warranted as this refers to the number of cases in each of the analyses. The smaller the number, the less meaningful the particular assessment finding becomes.

In the previous chapter, ICPC central office data provided general information on the ICPC process with the tracked dates beginning at the stage where the CBC initiates the ICPC packet. Much of the work that the court can do to improve the process occurs prior to that stage in a dependency case, and the case file reviews allowed CIP staff to focus on earlier events not captured in the ICPC central office database.

The first step in which the courts have any control of the ICPC process is the shelter hearing. Identifying out-of-state relatives as early as possible is of paramount importance for an expedited ICPC process and is a task the court can accomplish at the early hearings of a dependency case. The earlier an out-of-state relative is identified, the faster the court can enter an order that results in the CBC initiating the packet. Tables 2 and 3 present timeframes with ICPC starting points of shelter hearing and order of compliance respectively.

¹⁷ The median is the middle value from a group of measurements arranged from lowest to highest.

Table 2: Average number of days between the date of the shelter hearing and the date the child is placed with out-of-state resource

	Parent/Relative/Foster Care N=48	Adoption N=12	Regulation 7 N=9
Median	371	662	200

Table 3: Average number of days between the date of the order of compliance with the ICPC and the final court order authorizing the placement

	All cases N=17
Median	178

Table 4: Average number of days between the date of the shelter hearing and the date of the order of compliance with the ICPC¹⁸

	Parent/Relative/Foster Care N=45	Regulation 7 N=10
Median	133	125

Table 4 displays the median number of days between the shelter hearing and the ICPC order. As previously stated in the legal review chapter, Florida Statutes were amended in 2006 to require the courts to request information at shelter hearings to determine if relatives exist and if they would provide a possible placement for the child. This law became effective July 1, 2006, so the majority of

¹⁸ CIP staff excluded adoption cases from this table, since the shelter hearings would have occurred much earlier, and in many cases, the child was already placed with the potential adoptive placement.

cases in the assessment sample did not have shelter hearings transpire after this date. In fact, only eight cases from the sample had shelter hearings occur after July 1, 2006. Out of those eight cases, the median number of days for this timeframe is 60.

Even if courts inquired about relatives at every shelter hearing, many factors could still contribute to the difficulty of identifying potential placements such as parents' potential uncooperative attitudes at the onset of their cases or uncertain paternity, which when determined could lead to an identified relative of the father. With scant data from the case file reviews and other factors that complicate this issue, further examination was warranted and will be addressed in the survey results chapter of this report.

Table 5: Average number of days between the date of the order of compliance with the ICPC and the date the CBC agency sent the initial ICPC packet to the DCF region

	Parent/Relative/Foster Care	Adoption	Regulation 7
	N=30	N=4	N=7
Median	44	52	1

The parent/relative/foster care column in Table 5 necessitates the most attention due to the small number of adoption and Regulation 7 cases for this finding. Essentially a month and a half elapsed between the court order and the CBC initiating the packet, and in 16.7 percent of these cases, more than 80 days passed by for this timeframe.

Agency Stage-to-Stage Timeframes

Table 6 presents agency (Florida agencies and other state agencies) timeframes for a variety of categories. The DCF's recent improvements (see the

earlier chapter on agency policy changes) supersedes many of these findings; however, the findings still serve as an interesting backdrop to highlight the need for the aforementioned changes as well as to emphasize additional improvements the agency could choose to implement.

Table 6: Agency stage-to-stage timeframes

	Parent/Relative/Foster Care	Adoption	Regulation 7
<i>Table 6.1 Average number of days between the date the CBC agency sent the initial ICPC packet to the DCF Region and the date the region received the packet.</i>			
N	53	18	3
Median	9	13	0
<i>Table 6.2 Average number of days between the date the DCF region received the packet and the date the DCF region sent the packet to the ICPC central office</i>			
N	57	17	3
Median	3	3	1
<i>Table 6.3 Average number of days between the date the DCF region sent the packet and the date ICPC central office received the packet</i>			
N	67	21	10
Median	2	1	1
<i>Table 6.4 Average number of days between the date the ICPC central office received the packet and the date the ICPC central office sent the packet to the other state</i>			
N	78	22	9
Median	4	2	1
<i>Table 6.5 Average number of days between the date the ICPC central office sent the packet to the other state and the date the other state sent the packet to the other state's local agency</i>			
N	60	16	7
Median	7	7	4

	Parent/Relative/Foster Care	Adoption	Regulation 7
<i>Table 6.6 Average number of days between the date the other state office sent the packet to the other state local agency and the date the other state local agency returned the completed packet to the other state office</i>			
N	28	8	7
Median	57	57	30
<i>Table 6.7 Average number of days between the date the other state office sent the completed packet to the Florida ICPC central office and the date the Florida ICPC central office received the completed packet</i>			
N	54	14	6
Median	6	5	5
<i>Table 6.8 Average number of days the date the Florida ICPC central office received the completed packet and the date the Florida ICPC central office sent the completed packet to the DCF region</i>			
N	57	15	7
Median	5	2	6
<i>Table 6.9 Average number of days between the date the Florida ICPC central sent the completed packet to the DCF region and the date the change in placement is made</i>			
N	42	12	6
Median	23	-67 ¹⁹	26

Reasons for Delay

In addition to analyzing timeframes, CIP staff wanted to determine the factors that were causing the delay. This task proved difficult in the case file review phase of the assessment, primarily because of the limited information that CIP staff found in the case files regarding reasons for delay. The three most significant stages of

¹⁹ The negative number (-67) for this timeframe was due to the fact that in many of the adoption ICPC cases in the assessment sample, the child had already been placed with the potential placement, and a non-adoptive home study had already been completed.

delay, as identified in the case file review (Tables 4, 5, and 6.6), were ones by which the reasons or causes of delay were most difficult to ascertain. To identify necessary improvements to the system, it is important to discover the reasons for delay. The survey chapter of this report addresses the issue of delays thoroughly with input from a variety of professional groups who are familiar with the ICPC process.

Other Case File Review Findings

Table 7: Case plan goal(s)

Goal	N	Percent
Reunification	38	40.9
Concurrent Goals	30	32.2
Adoption	21	22.6
Long-term Relative Care	4	4.3
Total	93	100.0

Table 7 presents the case plan goal(s) from the reviewed case files. Almost 96 percent of the cases had reunification, adoption, or concurrent goals listed as the goal(s) on the case plan. Since the 38 cases with a reunification case plan goal ultimately resulted in an ICPC request, CIP staff speculated whether the ICPC process would have been initiated earlier in these cases if the case plans had concurrent goals.

Table 8: A comparison of the average number of days between the date of the shelter hearing and the date of the order of compliance with the ICPC by case plan goal(s)²⁰

Case Plan Goal	Frequency	Median
Reunification	16	175
Concurrent Goals	10	78

Table 8 illustrates a demonstrative difference between the timeframes in cases with reunification as a case plan goal and cases with concurrent case plan goals in the assessment sample. Even though other potential variables could not been controlled, it is apparent that the cases with concurrent goals had the ICPC initiated more expeditiously than the cases with reunification as the goal. This issue will not lead to any recommendations for this assessment; however, it is noted that this issue requires further study and will be analyzed by CIP staff in fiscal year 2009.

Table 9: Were ICPC regulations followed before placements were made?²¹

	N	Percent
Placements made without following ICPC regulations	13	18.3
Placements made following ICPC regulations	58	81.7
Total	71	100

²⁰ The placement type for the cases in this analysis is parent/relative/foster care.

²¹ See survey item 6 in the subsequent survey results chapter for the most common reasons illegal placements occur

Table 10: Home study results

Home Study Result	Frequency	Median
Approved	96	83.5
Denied	3	2.6
Not completed	16	13.9

A major deciding factor affecting the outcome of each case is the home study decision by the receiving state. The majority (83.5 percent) of cases in the assessment sample had an approved home study; however, it should be noted that 13.9 percent of cases in the assessment sample did not have completed home studies at the time of review.²²

²² CIP staff conducted the case file review on February 4 – 8, 2008.

SURVEY RESULTS

Drawing from the legal review, literature review, agency data, and case file review data, CIP staff constructed a survey instrument (See Appendix B) for respondents to identify other sources of delay and suggest improvements that courts can implement to improve the process. CIP staff distributed the online survey to a diverse group of professionals throughout the state encompassing an assortment of disciplines:

Judges	Guardian ad litem (GAL) staff
Magistrates	Parents' attorneys
DCF attorneys / DCF staff	ICPC central office staff
CBC case managers	Child advocates
Legal aid attorneys	

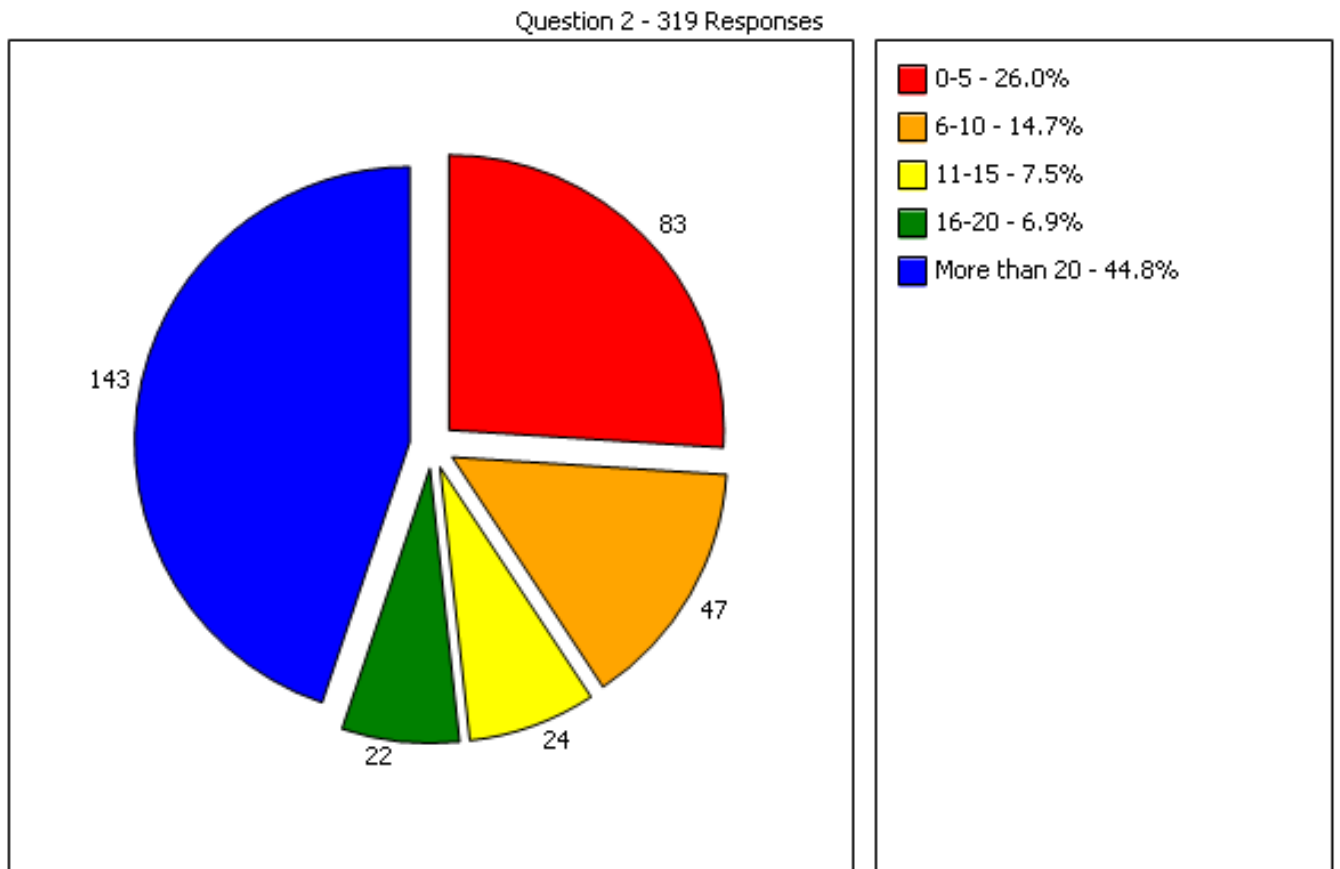
The survey was completed by 322 respondents and provided innovative ideas and suggestions on ways the court can improve the ICPC process.

1. Current Position

Judge	18	6%
Magistrate	15	5%
DCF attorney	110	34%
DCF circuit administrator	5	1%
CBC case manager	34	11%
CBC lead agency staff	10	3%
GAL attorney	23	7%
GAL case coordinator	43	13%
GAL program director	7	2%
ICPC central office staff	4	1%
Child advocate	5	2%

Legal aid attorney	19	6%
Parent's attorney	2	1%
Assistant attorney general	9	2%
Other: ²³	18	6%
Total Responses:		322
		100%

2. I have been involved in the following number of cases in which the ICPC was an issue.



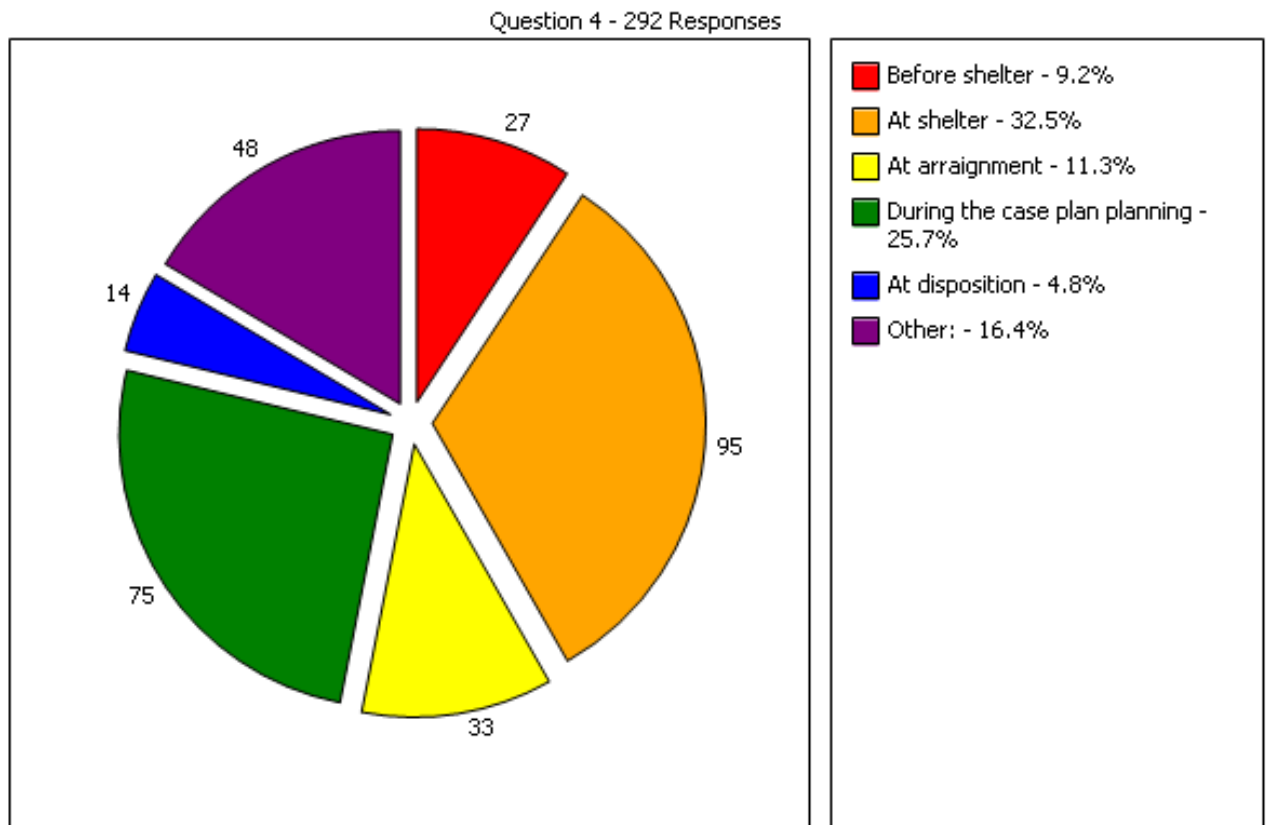
²³ Other respondents include case management supervisors, a family development specialist, a permanency specialist, a CBC ICPC liaison, a GAL assistant director, a family safety administrator, and a program coordinator

3. Of the following thirteen options, please select the five most common reasons for delay in the ICPC process that you have observed.

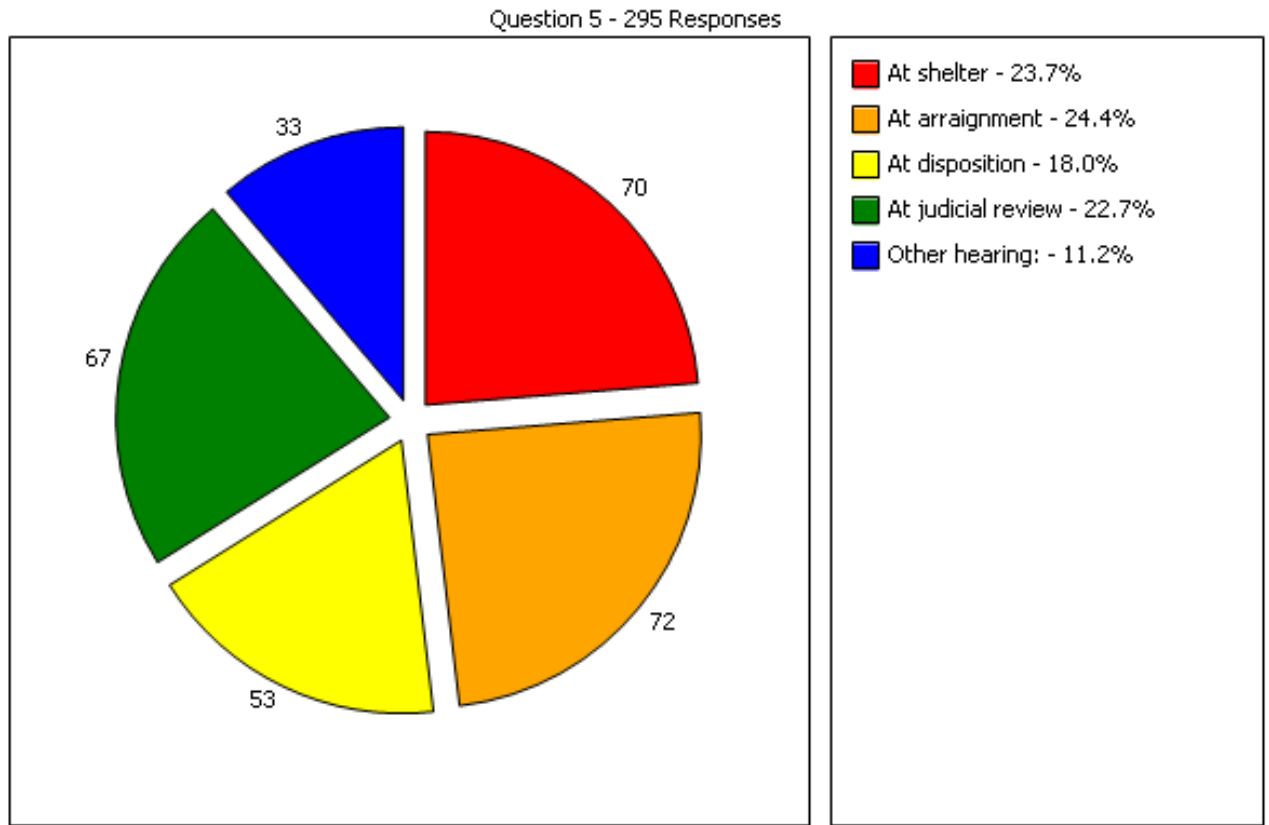
Frequency	Reasons for Delay
36	Delay in entry of the court order placing the child in care
191	Delay in the CBC preparing the ICPC packet to send to the DCF ICPC office
127	Delay in the Florida ICPC central office reviewing and approving the packer and sending it to the receiving state ICPC office²⁴
139	The need by the DCF ICPC office to return the ICPC packet to the local agency for some reason, such as it was incomplete
202	Delay by the receiving state ICPC office processing the packet and sending it to the local agency in the receiving state for the home study to be done
120	The need by the DCF ICPC office to return the ICPC packet to the CNC office for some reason, such as it was incomplete
92	The need by the receiving state ICPC office to return the ICPC packet to the DCF ICPC office for some reason, such as it was incomplete
236	Delay in the home study being done by the local agency in the receiving state
51	Negotiations between the two ICPC offices regarding issues of concern found by the home study
65	Delay in obtaining required criminal background
2	Delay in obtaining national sexual offender registry checks
7	Delay in obtaining child welfare abuse history checks

²⁴ Table 6.4 in the case file review chapter of this report dispels this perception, as the medial number of days for this timeframe is four (4) for parent/relative/foster care cases, two (2) for adoption cases, and one (1) for Regulation 7 cases.

4. Generally, when are possible out-of-state placements discussed with parents?



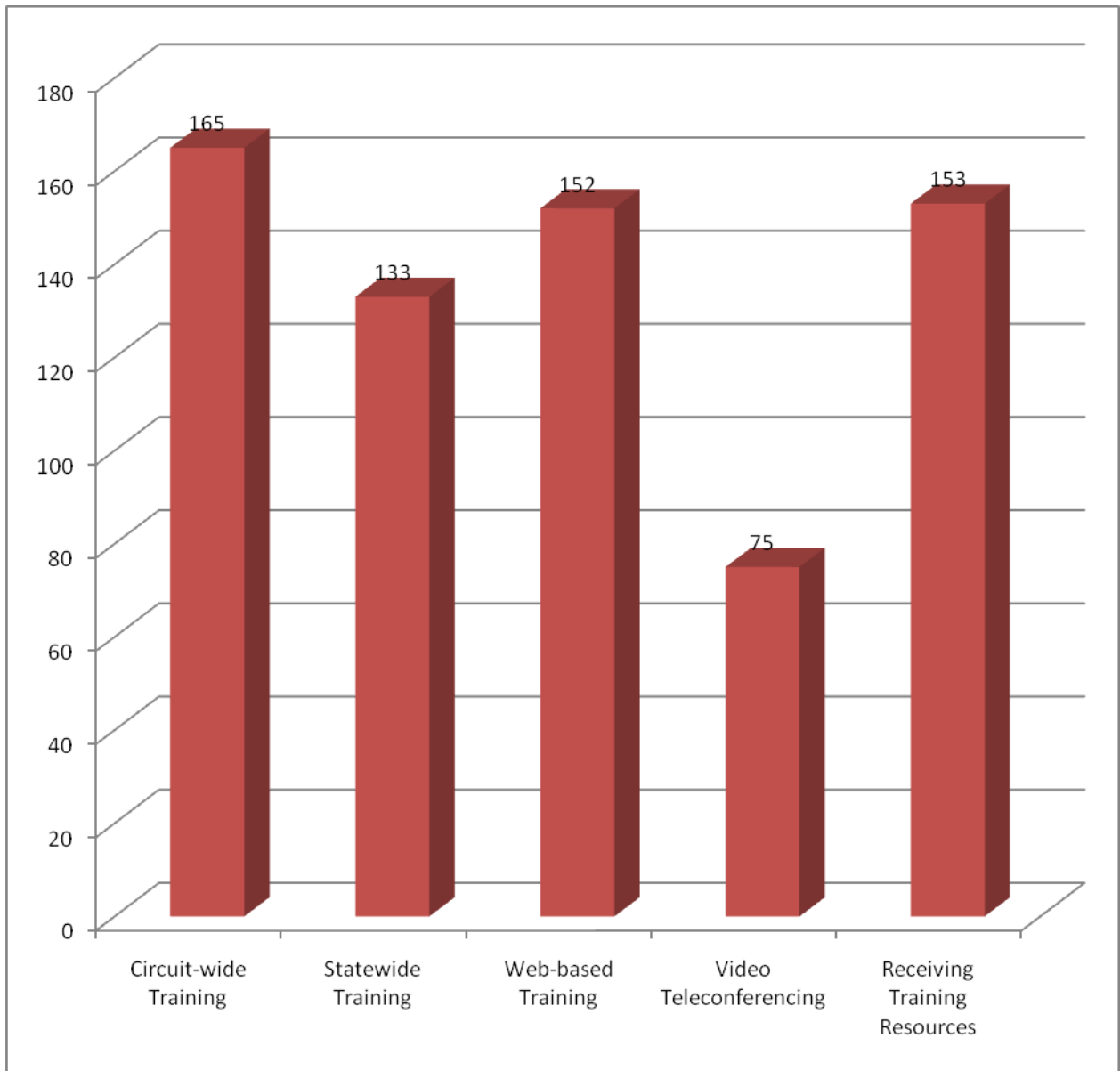
5. If the court was made aware of a possible placement out-of-state, when, in most cases, was it brought to the attention of the judge or magistrate?



6. From a recent review of Florida ICPC case files, 18% of the interstate placements were made without following ICPC regulations. Based on your experience please select, what you believe, to be the most common reason the ICPC requirements are not followed.

	Frequency	Percent
To get the child out of foster care and placed with a parent or relative	79	27.0
ICPC process takes too long	161	54.9
Fiscal reasons	4	1.4
Other	49	16.7
Total	293	100.0

7. I would attend/be interested in receiving the following types of training on ICPC issues.



8. In 2007, Chapter 39 was changed requiring the court to inquire at shelter and at disposition whether the parents have relatives who might be considered as a placement for the child. This statute has resulted in improved identification of possible ICPC placements.

	Frequency	Percent
Strongly Disagree	13	4%
Disagree	32	10%
Neutral	132	42%
Agree	107	34%
Strongly Agree	31	10%
Total Responses:	316	100%

9. The sending state should be allowed to contract directly with a private or public agency in the receiving state to complete the home study.

	Frequency	Percent
Strongly Disagree	13	4%
Disagree	23	7%
Neutral	49	16%
Agree	86	27%
Strongly Agree	145	46%
Total Responses:	316	100%

10. The final approval of the interstate placement should be vested in the sending court after the court has heard from the caseworker and any other interested participants.

	Frequency	Percent
Strongly Disagree	12	4%
Disagree	31	10%
Neutral	45	14%
Agree	93	30%
Strongly Agree	132	42%
Total Responses:	313	100%

11. I would support requiring the judge to make a formal finding to ensure all parties are making reasonable efforts to comply with the ICPC.

	Frequency	Percent
Strongly Disagree	15	5%
Disagree	20	6%
Neutral	51	16%
Agree	115	37%
Strongly Agree	110	35%
Total Responses:	311	100%

12. I would support an amendment to the ICPC that expedites the process for placements with parents.

	Frequency	Percent
Strongly Disagree	8	3%
Disagree	1	%
Neutral	27	9%
Agree	59	19%
Strongly Agree	217	70%
Total Responses:	312	100%

13. Currently, a home study must be completed in 60 days. I would support changing the federal requirement of completing the home study to 30 days.

	Frequency	Percent
Strongly Disagree	12	4%
Disagree	13	4%
Neutral	37	12%
Agree	66	21%
Strongly Agree	186	59%
Total Responses:	314	100%

14. I would support allowing Florida case managers to conduct home studies in other states for potential interstate placements.

	Frequency	Percent
Strongly Disagree	36	12%
Disagree	36	12%
Neutral	64	21%
Agree	68	22%
Strongly Agree	105	34%
Total Responses:	309	100%

15. I would support submitting ICPC packets electronically both in state and out-of-state.

	Frequency	Percent
Strongly Disagree	6	2%
Disagree	1	%
Neutral	16	5%
Agree	53	17%
Strongly Agree	235	76%
Total Responses:	309	100%

16. I would support a provisional out-of-state placement with a parent (if no safety risks were identified) prior to the completion of the full home study.

	Frequency	Percent
Strongly Disagree	34	11%
Disagree	34	11%
Neutral	35	11%
Agree	92	29%
Strongly Agree	120	38%
Total Responses:	315	100%

Survey questions 17 – 19 were open-ended questions on additional ways that the court can expedite the ICPC process. CIP staff were interested in receiving candid, original, and innovative ideas for improvement and were not disappointed by the content of the responses. The responses to these three questions, along with all of the preceding assessment findings, resulted in the recommendations that are presented in the next chapter.

RECOMMENDATIONS

CIP staff convened a focus group on May 16, 2008 in Tampa, Florida to draft recommendations to improve the ICPC process based on the assessment findings, as well as the collective knowledge and experience of the focus group participants. The participants included three dependency judges, three parents' attorneys, three CBC case managers, two DCF attorneys, two GAL attorneys, and the ICPC compact administrator. As a result of the five hour meeting, the focus group participants drafted twelve court recommendations and eight federal recommendations aimed at expediting the ICPC process. Florida's grant mandated CIP multidisciplinary advisory task force then finalized these 20 recommendations on May 21, 2008 by conference call.²⁵

Court Recommendations

- 1. The court should be more vigilant about exploring, and prompting CBC agencies to explore, potential out-of-state placements early in the case.**
 - A. CIP staff should review and refine the current dependency hearing colloquies and promote their use.
 - B. CIP staff should oversee the development and use of court-ordered interrogatories or form orders to require parents to identify relatives by arraignment
 - C. Judges and local CBC agencies should identify someone in each jurisdiction to obtain all relative information from parents within a specified period and develop a mechanism to identify and eliminate possible placements. Possible placements should be asked if they have a criminal background, had other children removed, or other issues that may disqualify them as a potential placement to see if they are viable choices at the beginning of the process.

²⁵ See Appendix C for a list of the members of Florida's CIP multidisciplinary advisory task force

- D. CIP staff should request DCF headquarters staff to add a section to the predisposition study that discusses the efforts to find relatives.
 - E. Judges and other parties should identify all relative placement possibilities by arraignment.
- 2. The court should provide signed orders of compliance to the CBC case manager during the court hearing.**
 - 3. The court should add the ICPC central office to the certificate of service on court orders involving ICPC.**
 - 4. Judges should require that the complete packet be sent to the ICPC central office within 5 working days of the order being signed.**
 - 5. Judges should conduct frequent status conferences / status hearings, after an order of compliance is entered, for follow-up and hold agencies accountable for failure to follow through in a timely manner.**
 - 6. Judges should use a variety of contacts in ICPC cases with delays.**
 - A. Judges should contact the local judge in the receiving state (requesting that the receiving state judge set a hearing with the receiving state agency caseworkers and hold them accountable).
 - B. Judges should contact the Florida compact administrator.
 - C. Judges should contact the receiving state compact administrator.
 - D. Judges should contact the local child welfare provider in receiving state (have receiving state's ICPC worker appear telephonically at a judicial review or status conference to report on status).
 - E. Judges should contact the governor in the receiving state.
 - 7. Judges should mentor new dependency judges and be available to answer questions, give support, etc.**
 - 8. Judges in Florida (receiving state) should promptly respond if contacted by an out-of-state judge (sending state) regarding the status of an ICPC case.**

- 9. CIP staff, in cooperation with the Florida Supreme Court Committee on Privacy and Court Records, should conduct a needs assessment to determine whether courts can grant CBC case managers electronic access to court documents so case managers can easily retrieve necessary documents for the packets.**
- 10. CIP staff should request the state ICPC central office to provide monthly status reports on pending ICPC cases (both sending and receiving) to judges within their circuit.**
- 11. CIP staff should develop a resource guide for judges and magistrates with ICPC central office contact information.**
- 12. CIP staff should develop more ICPC training for dependency judges — for both experienced judges and new judges.**

Federal Recommendations

1. Offer federal financial incentives and penalties based upon performance; create financial penalties for non-compliance similar to Child and Family Services Reviews.
2. Change the home study timeframe from 60 to 30 days.
3. Reduce amount of required paperwork.
4. Streamline the process for non-offending parents.
5. Allow county to county border agreements between counties in different states.
6. Develop a national standard for home studies (including tribal language).
7. Improve the criminal background check process by equipping the FBI with dedicated personnel who specialize in conducting all required background checks within a certain timeframe.
8. Create an appeals process for cases when home studies are denied.