

OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN

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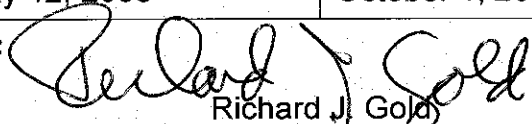
EFFECTIVE DATE:

October 1, 2006

SUBJECT:

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

BY:


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SCOPE:

COUNTY CHILDREN AND YOUTH SOCIAL SERVICE ADMINISTRATORS
COUNTY CHILDREN AND YOUTH ADVISORY COMMITTEES
COUNTY CHILDREN AND YOUTH SOLICITORS
COUNTY COMMISSIONERS
PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
JUVENILE COURT JUDGES

PURPOSE:

The purpose of this bulletin is to transmit the requirements of the Safe and Timely Interstate Placement of Foster Children Act of 2006.

BACKGROUND:

President George W. Bush signed the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239, into law on July 3, 2006, with the effective date of October 1, 2006. This law amends Titles IV-B and IV-E of the Social Security Act to encourage states to improve protections for children, and to hold states accountable for the safe and timely placement of children across state lines. To these ends, it sets time limits for completing home studies of prospective foster and adoptive families, provides incentive payments for the timely completion of home studies, mandates more frequent caseworker visits, requires the collection and submission of related documentation and establishes the right of resource parents to receive court notice of any proceeding held in reference to the child.

The Act must be implemented in conjunction with the Interstate Compact on the Placement of Children (ICPC). This Act does not apply to residential placements through ICPC.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

DEFINITIONS:

The following terms used in this bulletin have these meanings:

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The following terms used in this bulletin have these meanings:

County agency – the county children and youth social service agency.

Days – calendar days except where business days is specified.

Home study – an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being and mental, emotional and physical development. Also, known as a Family Profile.

Receiving State – the state which is being requested to conduct a home study of a prospective resource family in its jurisdiction.

Resource family – a family who is approved to provide temporary foster or kinship care for children who need out-of-home placement, and who may eventually provide permanency for those children, including adoption.

Sending State - the state which has custody of the child, is requesting a study of a prospective family in another state and will make the final decision regarding placement of the child.

Timely Interstate Home Study - an interstate home study completed by a state if the state provides to the state that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the state to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

DISCUSSION:

The intent of the Act is to expedite the safe placement of children when effecting a move across state lines. Changes in regulations, policies and procedures related to interstate placements will be needed at state and local levels to meet the requirements of the Act. Such placements are also subject to the rules of the Interstate Compact on the Placement of Children (ICPC).

To avoid financial penalties under Title IV-B and IV-E State Plans, each state will need to develop plans to provide for:

- Orderly and timely interstate placements of children;
- Assurance that procedures are implemented in accordance with the Compact; and
- Revised procedures for completing home studies.

Under the Act, home studies must be completed within 60 days of receiving the request at a state's Interstate Compact Office. While all home study approval requirements must be met, the education and training, criminal and registry background checks and licensing of the prospective resource parents do not need to be completed within the 60 day period. Until September 30, 2008, receiving states may request a 15 day extension, if they document what circumstances beyond their control prevented compliance within the 60 days. Examples of such documentation may include failure by a Federal agency to provide background check results, or failure of an entity to provide completed medical forms.

For those states completing home studies within 30 days, a \$1,500 incentive payment is provided for each qualifying study. Depending on the number of eligible studies from all states and available federal funds, a prorated dollar amount may occur. Any incentive monies disbursed by the Federal government to Pennsylvania will be given to the county agencies that completed the eligible home studies. States must qualify for the incentive by having an approved IV-B Plan, must be in compliance with the data collection specified by the Act and by the U.S. Department of Health and Human Services, and have verifiable data that timely home studies have been completed during the fiscal year. The incentive plan and its related provisions end October 1, 2010.

The Act contains several other provisions detailed below under Policy and Procedures.

POLICY AND PROCEDURES:

Pennsylvania Interstate Compact Office:

Requests for interstate home studies from other states will continue to be processed by the Department's Interstate Compact Office (ICO). No requests will be forwarded for study unless the package of materials is complete. In order for an appropriate assessment of the prospective family's ability to meet the child's need, the package must contain:

- A cover letter requesting the evaluation of the prospective family, any specific services needed by the child and a tentative plan on how the financial needs will be met;
- An Interstate Compact on the Placement of Children Request (Form 100A);
- A social summary on the child, including educational, psychological and medical reports;
- A Financial/Medical form and proof of IV-E eligibility; and
- A Court Order confirming that the requesting agency has authority to place the child.

Unless mailed electronically, three copies of the package must be submitted as is the current requirement for Compact cases.

ICO staff will review the appropriateness of the request and communicate with the sending entity to clarify any issues prior to and during the study process. To the extent possible, electronic mail will be used. The ICO staff will review and forward completed packages to the appropriate county agency or the designated private agency.

Requests from other states:

Each home study request of a Pennsylvania family will be forwarded to the county agency via overnight mail. The time will be tracked from the date the request is received at the ICO to the date the completed home study is returned to the ICO. The due date will be communicated to the sending state. A cover page sent to the county and will identify the date the home study results must be received by the ICO. Upon receipt and after resolution of any questions on the appropriateness of the recommendation, the ICO will transmit the results to the sending state prior to expiration of the 60 day period.

Requests to other states:

ICO staff will review requests destined for other states and identify any different requirements that must be met for that state to conduct the home study. Placements with relatives will continue to be requested as prospective foster care placements; receiving states will be asked to approve relative homes as foster homes under their own state requirements. When additional information is needed, it will be presented to the county agency for a decision on whether it will provide the information or withdraw the request. Staff will provide copies of their transmittals showing when the completed package was sent to the receiving state. The start date information can be requested from the ICO.

County Agency:

Requests from other states:

Agencies must give priority to completing interstate home studies. In-person contact with the family should begin as soon as possible following the receipt of the request from the ICO. During the first visit, child abuse and criminal history check applications must be obtained from the household members, including resource parents and persons age 14 and older living in the home, at least 30 days per calendar year, pursuant to Act 160 of 2004, and Act 179 of 2006. Additionally, prospective resource parents and household members age 18 and older must complete fingerprint-based federal criminal record checks through the FBI, pursuant to Act 73 of 2007; in addition, if any adult family member has lived in another state within the five years previous to the home study approval, child abuse registry checks must be completed in those other states. Information regarding how to complete these registry checks can be obtained by contacting ChildLine. The agency should establish a policy on whether it will pay for history clearances of resource families. If the agency does not fund the applications, it is recommended the agency obtain and mail the completed applications with the family's payment to ChildLine and the Pennsylvania State Police to ensure a timely response.

The completed study must be received at the ICO by the due date given. It must indicate whether the prospective resource family will be temporarily approved, pending successful completion of the training, or disapproved as a resource for the child under consideration. In the case of a temporary approval, the agency must confirm to the ICO that the resource family has completed its training within 60 days of the placement, to be in regulatory compliance with § 3700.38 of Title 55 Pa. Code Chapter 3700, (relating to orientation and information for foster families). The use of electronic mailing, overnight mail or priority mail should be considered.

For homes that are approved by the receiving state, when the ICO is notified of the sending state's decision to make the placement, the county or private agency will be given notification, including the proposed date of placement, if applicable. After placement, agencies in the sending and receiving states may communicate directly with each other, but must copy the ICO on electronic mail, must provide copies of any non-electronic communications or documents shared and must present any desired changes to the ICO for approval or concurrence. If a sending state decides to place a child prior to approval or despite disapproval, the county agency needs to notify the ICO, so that the other state's ICO may be contacted regarding this breach in protocol.

County agencies may purchase the services of private agencies in order to meet the requirements of the Act and of this bulletin, including the execution of home studies or family profiles. Additionally, county agencies may need to consider allotting extra funds through their Needs Based Budget Plan to cover clearance fees, postal expenditures or any other costs incurred in the compliance with this bulletin

Requests to other states:

When the county agency is considering placing a child in another state, the resource family must be contacted to determine their commitment to the plan prior to a home study request being submitted to the ICO. If the commitment exists, the family should be advised to begin obtaining their child abuse, criminal history and FBI clearances in advance of the study request. The agency should establish a policy on whether it will pay for history clearances of resource families in other states.

Receiving states of which home studies are being requested are encouraged to use the services of private agencies, as needed, to complete home studies within the prescribed time constraints. While a sending state is not prohibited from requesting that a home study be completed by a specific private agency in the receiving state, that request must be communicated to the ICO with the initial interstate home study request.

When the completed home study has been returned to the sending state with the recommendation for approval or disapproval, the study must be accepted unless, within 14 days of its receipt, the sending state determines that reliance on the report would be contrary to the child's welfare. If additional information is needed to make the determination, it must be requested through the ICO within the 14 days. Regardless of whether there are concerns about the study, the sending state may decide against proceeding with the out of state placement. Pennsylvania, as well as any other state, has the discretion to make or not make a placement based on another state's home study approval. If a Pennsylvania county agency decides not to make an interstate placement after a receiving state has approved an identified family, the reasons must be documented in the case record and shall not be solely because the resource family lived in another state.

If the approved resource family is accepted for placement through the ICPC, the proposed date and notice of the plan to move the child must be provided to the receiving state and the ICO prior to the move. After placement, the sending and receiving states may communicate directly, but must copy their respective ICO's on electronic mail, must provide copies of any communications or documents shared in non-electronic format and must consult with the ICO regarding any changes.

Any visitation schedule arranged with supervising agencies in other states for Pennsylvania foster children placed in those states must comply with Pennsylvania's regulatory requirements for monthly visits, pursuant to § 3490.41 (c) (2) (relating to Supervisory review and child contacts).

Private Agency:

Licensed private agencies in the sending or receiving state may be contracted to perform functions assigned to the state or county agency, including visitation and home study completion. Placements into other states by private agencies remain subject to the Compact requirements and applicable Departmental Regulations.

Courts:

Other provisions of the Safe and Timely Interstate Placement of Foster Children Act of 2006 affect court proceedings, and required amendments to the Juvenile Act (Title 42, Pa.C.S. Section 6336.1). These changes were effective January 1, 2008. OCYF will be revising OCYF Bulletin 3130-01-01, entitled The Second Revised Interim Implementation Guideline for the Adoption and Safe Families Act (ASFA) of 1997, (P.L. 105-89) to comply with these amendments. The highlights of these are as follows:

Foster parents, pre-adoptive parents and relative caregivers for children in State custody have been given an additional right in all court proceedings held in reference to the child, including:

- The right, rather than the opportunity, to be heard.

Furthering reasonable efforts to achieve permanency for a child, the following directives have been mandated:

- Consideration of interstate placement options,
- Identification of appropriate intrastate and interstate placement options at the Permanency Hearing, and in the Concurrent Planning process, and
- Consideration at the 12 month case review of both intrastate and interstate for planned permanent living arrangements, if the child will not be returned home.

For Pennsylvania and other states receiving Federal Court Improvement Plan funds, language has been added requiring the determination of the best strategy for expediting the interstate placement of children, including:

- A requirement that courts in different states cooperate in sharing information;
- Authorizing courts to obtain information and testimony from agencies and parties in other states without requiring interstate travel; and
- Permitting the participation of parents, children and other necessary parties, including attorneys, without requiring interstate travel.

Health and Education Records:

The most recent health and education information available must be in the child's record. A copy must be supplied to the resource parent with whom the child is placed, at the time the child is placed. A copy must also be supplied to the child at no cost at the time the child leaves foster care by reason of having attained the age of majority under state law.

Data Collection and Submission:

There are two sets of data the Department is required to submit. The first focuses on the home study requests that require the additional 15 days. It will be necessary for the Department to request the following information from county agencies:

- The reason for the 15 day extension requests, and
- An explanation of how the extension led or did not lead to resolution of the problem.

The second data set focuses on the volume of study requests and will be collected from information retained in the ICO.