

0701.0 Interstate Compact of the Placement of Children (ICPC) Referrals In and Out of State

0701.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> State Policy	This policy supersedes: N/A	Number of pages in Policy: 15
Review from Representative from the Office of the Attorney General:	Date: <u>05/08/08</u>	Date Policy Effective: <u>04. / _21 / 2009</u>
DCFS Administrator Approval Signature:	Date: <u>04 / 20 / 09</u>	Policy Lead: Amber Vestbie

0701.2 Statement of Purpose

0701.2.1 Policy Statement: The Nevada Division of Child and Family Services (DCFS) believe that all children deserve to live in safe and permanent homes. The ICPC is an interstate agreement that has been enacted into law in all fifty states, the District of Columbia and the U.S. Virgin Islands. The Compact establishes procedures for the interstate placement of children and fixes responsibility for those involved in placing the child. It further provides a process through which children subject to this compact are placed in safe and suitable homes in a timely manner by facilitating ongoing supervision of a placement, the delivery of services, communication between the states and providing operating procedures to further ensure that children are placed in safe and suitable homes in a timely manner. It is the Division's goal to provide a policy and procedure with clearly stated instructions regarding the processing of information for the successful and timely Interstate Placement of Children within the Child Welfare system.

0701.2.2 Purpose: To facilitate a timely and efficient means of completing the referral process of the interstate placement of children.

A. Role of DCFS Family Programs Office, ICPC Unit

The ICPC Unit will coordinate all interstate placements with compact offices in other states and serve as a clearinghouse for information related to interstate placements within the state of Nevada. Questions will be addressed as much as possible through a Frequently Asked Questions (FAQ) site and reference to applicable DCFS policy, state and federal laws and regulations.

- The ICPC Unit will track and monitor the timeliness of home studies being conducted by the State of Nevada and provide monthly updates no later than the 15th of the following month, regarding the status of each home study currently being conducted throughout the state. This will provide the ICPC Unit with the ability to inform the sending state of the status of a study at any point in the process.
- The ICPC Unit will review completed home study packets received from the child welfare agencies within 2 work days of receipt with the inclusion of the

ICPC checklist (which serves to ensure the home study was completed according to guidelines as verified by the caseworker), the waiver documentation (if required) or to ensure a recommendation for placement has been approved or denied by the child welfare agency according to applicable federal and state guidelines.

0701.3 Authority

Public Law 109-239	The Safe and Timely Interstate Placement of Foster Children Act of 2006
Public Law 109-248	The Adam Walsh Child Protection and Safety Act of 2006
42 U.S.C. 670-679(b)	The Social Security Act, Part E of Title IV
NRS 127.330	The Interstate Compact on the Placement of Children
NAC 127.235	Study of Prospective Adoptive Parents: Application and general requirements
NRS 432B.435	Placement of Child in Unlicensed Home of Relative: Restrictions on Placement
NRS 424.033	Person investigated to Supply Fingerprints, Exchange of Information, Report from Federal Bureau of Investigation

0701.4 Definitions

- 0701.4.1 ASFA:** Federal law which emphasizes the safety of the child, shortened timeframes for permanent placement, provides for adoption incentives, addresses geographical barriers to adoption and lists outcome measures to assess state's performance.
- 0701.4.2 CANS** –Child Abuse and Neglect Registry System
- 0701.4.3 Foster or Adoptive Home study:** A study done specifically to certify an applicant as a foster or adoptive parent.
- 0701.4.4 Home Study:** The term “home study” means 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.
- 0701.4.5 ICPC Unit (Central Office):** The location of Nevada's Deputy Compact Administrator and site where all ICPC placements are passed through and forwarded to and from Nevada, in addition to the approval and denial of all in state and out of state placements.
- 0701.4.6 Interstate home study:** The term “interstate home study” means a home study conducted by the receiving State at the request of the sending State.

- 0701.4.7 Child Welfare Agency:** In Nevada there are three primary areas based upon a geographical area. These are Clark County (CCDFS), Washoe County (WCDSS) and the DCFS Rural Region (DCFS). Any of these three is considered a child welfare agency.
- 0701.4.8 Placement Resource:** Terminology used in ICPC policy in lieu of applicant, foster home, adoptive home, parent, relative, or residential placement but is the potential placement resource for the child/ren for which the home study is being requested.
- 0701.4.9 Receiving state:** The child placing agency or state that completes the home study on the placement resource, approves or denies the placement and if approved and the child is placed, supports the placement in the state that the child is entering.
- 0701.4.10 Regulation VII:** A section of the Compact that relates to priority placement. The regulation states that when a court determines that a proposed priority placement of a child from one state into another is necessary, the court shall make and sign an order embodying that finding. This does not apply to requests for placements of child/ren for licensed or approved foster family care or adoption; or when the child is already in the receiving state in violation of ICPC.
- 0701.4.11 SAFE:** A comprehensive family evaluation tool that utilizes four key elements in creating a home study suitable for both foster care and adoptive placements. These elements are (1) practice values; (2) information-gathering tools; (3) psychosocial evaluation; and (4) child-specific or non child-specific home study.
- 0701.4.12 Sending state:** The child placing agency or state that is requesting placement or placing the child outside the state of the child's legal jurisdiction.
- 0701.4.13 Timely interstate home study:** The term "timely interstate home study" means an interstate home study completed within 60 calendar days after receipt of the request in ICPC Unit. If home studies are completed within 30 days, states qualify for federal incentive dollars. This incentive is repealed effective October 1, 2010.
- 0701.4.14 UNITY (Unified Nevada Information Technology for Youth):** Nevada's Statewide Automated Child Welfare Information System (SACWIS). This system is a mandatory tool for capturing and reporting case management services provided to children and families.

0701.5 Procedures

0701.5.1 Initiating an Interstate Home Study Request from another State

All requests from sending states must be routed through the Central Office ICPC Unit. The ICPC Unit will review the request for compliance with compact requirements and the laws of the receiving state, log the request for tracking in UNITY and forward it to the appropriate child welfare agency.

When the child welfare agency receives a request to complete an interstate home study from the ICPC Unit the agency will review the placement packet and initiate the interstate home study process with the placement resource.

A. Elements of the Interstate Home Study

The home study process must include the following elements. While not mandatory, full completion of the SAFE tool ensures these elements are met:

Necessary Elements

Identifying Information for placement resource	Includes full names of placement resource, place of birth, gender, religion, occupation, language(s), education, physical description, hobbies, number of contacts during study process, health report and TB test
Marital Information of applicant resource/s	Date, place and manner of verification, prior marriages, dates and reason/s for termination. Marital information should include at least one contact individually with marriage partners and one joint visit.
Contact Dates	Dates, who was contacted and the location (at least one contact must be in the home of the placement resource)
Motivation	Reason placement resource/s are requesting placement
Discipline practices	Placement resource/s discipline practices with current children and how they would anticipate disciplining the child considered for placement
Needs of child to be placed	Child care plans, discussion of child's specific needs including a discussion of child's medical history and prior behavior of child to the extent known and response of placement resource to the needs of the child
Physical Environment	Includes fire and safety inspections of the home, where children will sleep and accommodations for personal space, description of home, the physical location of the home such as urban or rural, proximity to schools, medical facilities and general accessibility to services
Others residing in the home	Names and ages of any others in the home 18 or over whether related or not to the placement resource/s, contact they would have with the children subject of the request
Prior adoption and/or foster care experience of the placement resource/s	If none, please state.
Criminal Background Check (CBC)	Dates CBC were conducted on all adults 18 and over who might have frequent contact with the child/re in the home and the results of those checks to include Criminal History repository, FBI, DMV, and local law enforcement *
Child Abuse Registry Check (CANS)**	Dates CANS checks were conducted on all adults 18 and older (in which they resided for the previous five years) who might have frequent contact with the child/ren in the home and the results of those checks.
Ability to meeting financial needs	Combined monthly net income, any additional sources of income and average monthly expenditures and their ability to meet the additional financial impact of adding members to the household, discussion regarding applying for other funds including financial assistance available if the child will be adopted.
Emergency Care Plan	Plan in case of incapacitating illness or death of placement resource/s and date of discussion with designated caretaker
Social and Family Network Supports	Description of relationships of placement resource with extended family, other social network such as church, social clubs, other activities
References	References must include at a minimum 5 who have known

	the placement resource for not less than 2 years and no more than 2 references may be from the placement resource person's own family.
Evaluative Conclusions	Based upon the evaluation address the placement resource/s ability to protect and nurture children, meet their developmental needs or developmental delays, support system, ability to connect lasting safe and nurturing relationships and their ability to work as a professional team. Will the subject child/ren fit into the family, will there be any special considerations that the applicant/s may be uniquely able to handle or be unable to handle. What resources will be available to assist them and is the applicant/s willing to utilize available resources?
Recommendation	Specifically articulate whether the placement is approved or denied and reason for decision based upon the evaluation.

* All non-primary caretakers over the age of 18 must be fingerprinted and sent to local law enforcement agencies and FBI for clearance.

**CANS checks must also be completed on all non-primary caretakers living in the home. Additionally CANS checks on all adults must be received from every state the proposed caretakers have resided in during the last five years.

When the home study is complete, the assessment shall be signed by the assigned worker conducting the study, reviewed thoroughly and signed by the supervisor of the worker indicating the supervisor's review and the approval or denial of the placement.

B. Time Frames for Completion of the Interstate Home Study

Per Section 471 (a)(26)(i)(II) of the Safe and Timely Interstate Placement of Foster Children Act it is required that the receiving state return the results to the sending state within 60 days and the home study must indicate how the placement is in the best interests of the child. This time frame precludes training and education for prospective foster or adoptive parents as well as receipt of FBI results. Although the training requirements are not included within this timeframe, they are still required for licensure/approval.

In the event that the study is not complete within 60 calendar days an extension can be granted for up to 15 additional calendar days for the following reasons provided the requested information from the placement resource was requested at least 45 calendar days before the end of the 60 day period, and the child welfare agency has documented the circumstances involved and certifies that completing the home study is in the best interests of the child:

- The failure by a federal agency to provide a background check, or
- The failure by any entity to provide completed medical forms requested by the state
- Additional information is requested from the sending state that is critical to assessing the proposed placement resource's ability to meet the needs of the child/ren.

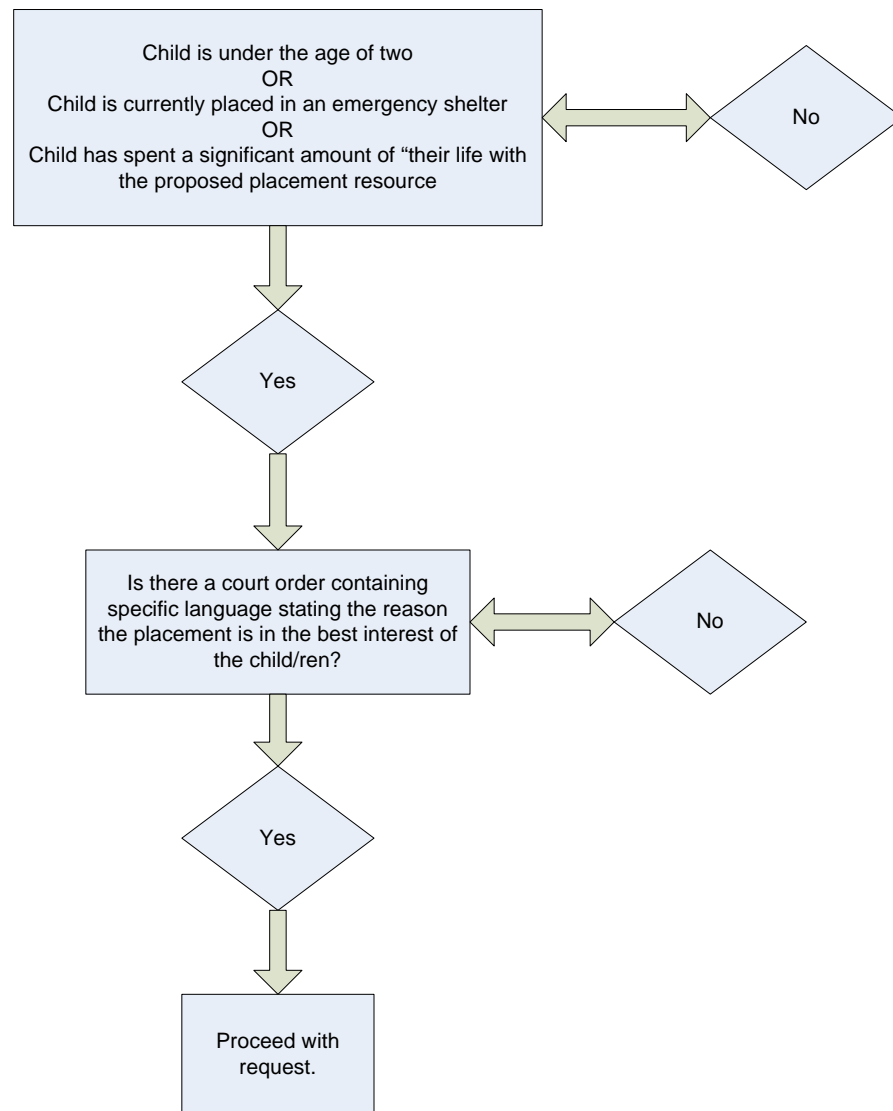
DCFS does not need to formally request an extension from the Administration for Children and Families (ACF). The local child welfare agency will notify DCFS when they

are planning on using an extension. There are provisions for fiscal incentives for what is considered a timely interstate home study which is 30 calendar days. This time frame precludes training and education for the prospective foster or adoptive parents. Again, although the training requirements are not included within this timeframe, they are still required for licensure/approval.

Per Section 471 (a)(26)(B) of the Safe and Timely Placement of Children Act, the State treats any such report received from another state or Indian Tribe (as well as an private agency under contract with the State) as meeting the State's requirements for completion of a home study unless within 14 calendar days after receipt of the report, the State determines that making a decision in reliance on the report would be contrary to the welfare of the child

C. Expedited Interstate Home Studies (Regulation VII)

Regulation VII home studies of the ICPC allow for priority placement and **must** be completed within thirty (30) calendar days from the receipt of the referral in the ICPC Unit. Regulation VII referrals must include a court order containing specific language stating the reason the placement is in the best interest of the child/ren. The following chart and narrative indicates the requirements to qualify a case as a Regulation VII:



1. Children in the custody of a public agency qualify for a Regulation VII home study when one of the following criteria is met:

- The child for whom placement is sought is under the age of two,
- The child is currently placed in an emergency shelter, or
- The child has spent a significant amount of their life with the proposed placement resource, and there is a court order containing specific language stating the reason the placement is in the best interest of the child/ren.

2. While the home study must be received within thirty calendar days of the receipt of the request, final approval from the child welfare agency of the home study remains contingent upon the receipt of local law enforcement, CANS and NCID background checks and there is no indication of any crimes that are a violation of ASFA. If the background check indicates an ASFA violation, the applicant will be required to apply

for a waiver. The home study can not be approved by the child welfare agency until the waiver has been approved by the agency, unless a court order dictates otherwise.

3. If a court orders placement prior to receipt of all background checks, in possible violation of NAC 432B.435 and 42 USC 672, the rationale for the emergency placement must be documented in UNITY, which includes the exact court order language and any analysis conducted regarding the safety of the placement.

D. Violations Requiring Waivers

In the event the NCID, local Law enforcement and CANS check indicates the applicant or any other individual 18 years of age or older and a member of the household has a felony conviction, has charges pending against him/her or has been arrested and is awaiting final disposition of any ASFA identified violations the placement resource **must** apply for a waiver and be approved by the child welfare agency prior to the placement of the child/ren to be approved.

ASFA identified violations requiring a waiver include felony convictions for:

- Child abuse or neglect
- Spousal abuse
- Any crime against children, including, without limitations, child pornography
- Any crime involving violence other than an offense set forth previously including, without limitation rape, sexual assault or homicide.
- Assault, battery or drug-related offense, if the assault, battery, or drug-related offence was committed within the last 5 years
- Any substantiated CANS

1. Documentation to Consider When Reviewing a Waiver Request

Requests for waivers are taken seriously and documents should be carefully reviewed. Documents to consider when making the decision should include, but are not limited to, the following:

- Statement of facts from the subject person and their acceptance of responsibility for their actions
- Any and all law enforcement records related to the violation
- Court documents
- Documentation of successful completion of any probation
- Length of time since the infraction occurred and history of any other violations
- Age of the applicant or other person at the time of the violation
- Any treatment received as a result of the violation
- Character references that may have knowledge of the person's current character e.g. employer, minister or rabbi, etc.

2. Waiver Process and Approval

If the child welfare agency assigned to complete the interstate home study and all necessary background checks identifies an ASFA violation, including substantiated CANS, an agency waiver process must occur. The child welfare agency then makes the decision to approve or deny the interstate home study and sends this information to the Central Office ICPC Unit. If the waiver is denied, the ICPC Unit will close the

request. If the waiver is approved by the agency, the Central Office ICPC Unit will require one of the following documents to verify approval:

- The results of the background check and waiver or;
 - In agencies where background information can not be shared with the State the "Waiver Approval Request Form" must be submitted to the Central Office ICPC Unit requesting completion by the agency. This form indicates if the violation was an ASFA violation and if it has been approved by the child welfare agency.
- **3. Notifying the other State of an Approved Waiver**
 If a waiver has been approved on a non-relative foster home the other state must be informed due to the inability for that state to claim IV-E. Non-relative waivers are not an allowable claim under IV-E.

0701.6 Child Welfare Agency Responsibilities

0701.6.1 Development of Internal Policies

Child welfare agencies can develop policies that are more stringent than state policies. It may be necessary, due to agency specific differences, to develop procedures to ensure compliance with the state policy. Documentation procedure responsibilities must include:

- All documentation in the paper file must be completed within (5) five working days of obtaining information from the placement resource. Whenever possible, external documentation should be scanned and entered into the electronic file.
- All documentation in UNITY screens must be completed within five working days of obtaining the information from the placement resource.
- UNITY windows must be completed by the worker assigned to conduct the interstate home study.

0701.6.2 Timelines

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Home Study Completion	60 days	receiving state must return the results to the sending state within 60 days	Child Welfare Agency	Submit completed home study, recommendations and all correspondence to Central Office ICPC Unit
Documentation	5 working days	The date received by worker	Child Welfare Agency	Enter required information into UNITY and/or case file

0701.6.3 Documentation Requirements

Where there is the ability to scan paper documents this is preferred and can be submitted to the Central Office ICPC Unit electronically.

A. Case Closures

Child welfare agencies must conduct a closure visit with the placement resource documenting the closure in UNITY.

0701.6.4 Tools and Forms

FPO 0701A SAFE Assessment or other home study assessment forms
FPO 0701B Waiver Approval/Request Form
FPO 0701C Requirements for a Nevada ICPC referral
FPO 0701D 100A
FPO 0701E 100B
FPO 0701F 101Form

0701.6.5 Supervisory Responsibility

Supervisory responsibilities must include:

- Ensuring caseworkers assigned to conduct an interstate home study are following appropriate timelines or, in the event that it is not possible for justifiable reasons, providing documentation to support any delay
- Thoroughly reviewing interstate home studies and signing off indicating their review and concurrence with the recommendation
- Ensuring caseworkers have informed the placement resource of the approval or disapproval of the interstate home study
- Completing the check list for supervisory review and signing off indicating all items have been thoroughly reviewed for completion and compliance

When these items are complete the supervisor will forward the ICPC home study packet to the Central Office ICPC Unit as indicated by child welfare agency procedures.

0701.7 State Responsibilities

0701.7.1 Policy for Placement

If the placement is approved, the signed 100A is forwarded to the sending state indicating the child/ren may be placed. It is the responsibility of the sending state to place the child after notifying the Central Office ICPC Unit via the 100B that they plan to make the placement. Supervision is assigned once the 100B is received in the receiving state. The worker in the sending state may coordinate the placement with the worker in the receiving state that will supervise the placement.

It is the responsibility of the ICPC Unit to:

- Forward a copy of the 100B from the sending state to the child welfare agency for assignment to a supervising caseworker
- Receive, log and forward all supervision reports to the sending state
- Concur with or negotiate termination of child welfare agency requests with the sending state

0701.7.2 Case Closures

- Forward the closure notification received from the sending state (100B, court order dismissing the receiving state from continued supervision), to the child welfare agency.

- Maintain a copy of the final 100B and court order
- Closure of ICPC State Office file
- Closure of Compact with the sending state

0701.7.3 Timelines

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Home Study Requests	Send to the child welfare agencies within 24-48 hours of receipt of information (excluding holidays and weekends)	When Received in Central Office	Central Office ICPC Unit	Monitor home study completion and forward on home study and recommendation once provided

0701.7.4 Tools and Forms

FPO 0701A SAFE Assessment or other home study assessment forms
FPO 0701B Waiver Approval/Request Form
FPO 0701C Requirements for a Nevada ICPC referral
FPO 0701D 100A
FPO 0701E 100B
FPO 0701F 101Form

0701.5.2 Initiating an Interstate Home Study Request to another State

All requests from the child welfare agencies must be routed through the Central Office ICPC Unit. The ICPC Central Office will review the request for compliance with compact requirements, laws and regulations and log the request for tracking and forward it to the receiving state.

When a child welfare agency determines that an ICPC must be completed in order to place, they must submit a placement request packet to the Central Office ICPC Unit.

0701.5.2.1 Documents Necessary to Make a Request

The interstate placement request packet must be submitted in its entirety and include the following:

Necessary Elements

Items	Description of contents
ICPC Form 100A	Uniform form for all states
Cover letter	Identifies the prospective caregiver Specifies the relationship of the child to the prospective caregiver Describes the caregiver in as much detail as possible Discusses any special concerns about the child or the caregiver, or both Specifies how the costs of the child's daily care, medical care, and travel to the receiving state will be covered Asks the receiving state's compact office to complete a home study Exception: A home study is most likely to be completed already when <ul style="list-style-type: none"> • A child moves out of state with his current caregiver, or • A child is placed for adoption with an out of state family If the home is currently licensed in NV a copy of the licensure and the most recent home study should be attached along with training the family has received in NV
Information about the child	To the extent available at the time of the request, the worker must provide all the information ordinarily provided to a child's caregiver, including The worker's name, address and phone number and date summary prepared The child's name, date of birth, Title IV-E eligibility, current placement An assessment of the child including <ul style="list-style-type: none"> • Medical history and needs • Psychological, emotional, and social history and needs • Developmental and educational history and needs • Legal status

	<ul style="list-style-type: none"> • Immediate and long range goals Reasons that lead to the child's removal Biological parents' names, location and characteristics Siblings names, ages, in care or not and their location Any other significant members of the child's extended family and their location and relationship to the child The child's current service plan and the case plan The most recent report filed with the court
Legal documents	The worker must provide all court orders and other court documents pertinent to the child's legal status in the sending state, including The original order giving the agency custody of the child and its most recent continuance if applicable The child's birth certificate (or other birth verification that would verify age and citizenship) and, The child's social security number
Checklist	Please fill out the appropriate checklist (adoption/all other placements) with the submitted packets.

**Incomplete packets will be returned to the agency indicating the missing documents necessary to complete an ICPC referral.

0701.5.2.1 UNITY Requirements in Order to Submit a Request:

The child welfare agencies will complete the 100A screens in UNITY. The 100A information will pre-populate onto the 100A form and can be printed out for submission in the referral packet.

0701.5.2.2 Child Welfare Agency Responsibilities for Documentation

Child welfare agencies shall follow documentation requirements described in the Statewide Documentation Policy.

A. Tools and forms in addition to the requirements listed in 0701.5.2.1

- ICPC Form 100A one per child and one per each home study request (Appendix D)
- ICPC Form 101 (if applicable)
- UNITY CFS037 (Appendix B)
- UNITY CFS037A (Appendix C)

B. Supervisory Responsibilities

Sign off on the ICPC checklist verifying supervisor is in agreement with decision and all information is included in the referral packet.

0701.5.2.3 ICPC Unit Responsibilities

- Review the ICPC packet from the agency to ensure the supervisor has signed the 100A all information was submitted, including the referral checklist.
- Sign the 100A indicating the packet is ready for forwarding to the receiving state.
- Enter into a tracking system the date the request was received in Central Office ICPC Unit and the date forwarded to the receiving state and any additional communication.
- Forward the packet to the receiving state.

- Enter into the tracking system any additional communication needed for the ICPC request.
- Notify the child welfare agency of any communication received through the ICPC Unit from the receiving state.
- Notify the child welfare agency of the receipt of approval or denial for placement from the receiving state.
- If approved for placement, sign the 100B and forward to the receiving state indicating a placement will be made and to request a supervising case worker be assigned in the receiving state.

0701.5.3 Placement

If approval for placement is granted by the receiving state the child welfare agency will then work directly with the placement resource and the receiving agency's caseworker to arrange the placement.

If for some reason the placement will not occur even though approved the receiving state should be notified via a 100B through the ICPC Unit that the placement resource will not be used.

A. Central Office ICPC Documentation

- Logging in supervisory reports on the child and placement received from the receiving state
- Forwarding supervisory reports to the child's case worker and
- Following up on delinquent reports with the receiving state

B. Child Welfare Agency Actions

The agency is responsible for:

- Ensuring the child is seen monthly, by either a caseworker from the receiving state or a worker from the agency or a contracted provider as per the agreement with the sending state.
- Developing the case plan, in conjunction with the case worker in the receiving state and the placement resource,
- Forwarding case plan updates to the receiving state by way of the ICPC Unit along with updated court orders, and
- Notifying the receiving state, via the 100B, of any changes that would affect the placement.

C. Tools and Forms

UNITY CFS301

D. Requirements for Closure

ICPC cases can be closed for the following reasons.

- The child is reunified with the parent.
- The child has been returned to the sending state.
- The child reaches the age of majority.
- The child is adopted.
- Guardianship is granted.

When this occurs the caseworker in the will prepare a letter which will be co-signed by the supervisor indicating closure, attach a copy of the court order, a 100B indicating the reason for the case closure and route it to the ICPC Unit. Central Office ICPC can not close a case without a 100B on file.

There may be unusual circumstances that indicate the need for the child to be placed in another placement or return home which would also close the compact but would not necessarily close the case for the worker in the child welfare agency.