

# Delays in the Interstate Foster and Adoption Home Study Process\*\*\*\*

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## Introduction

Nationally, there is great concern among child welfare professionals and the judiciary about the time it takes for children to leave state-supervised foster care to live with permanent families residing in another state.<sup>1</sup> This article is

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<sup>1</sup> A survey conducted by James Bell Associates with diverse child-serving agencies in Philadelphia, the length of time required to complete the interstate process was ranked as the leading barrier by 19 of 27 public and private agency workers. Lack of familiarity with the other state's staff and procedures, paperwork burdens, and the quality of a home study were also cited as barriers. THE COALITION VOICE, *Breaking Down Barriers to*

based on a study conducted by the American Public Human Services Association (APHSA) with funding from Adoption Opportunities Grant numbers 90C00898 and 90C00866 from the Children's Bureau of the U.S. Department of Health and Human Services. The study represents an initial attempt to identify and document some of the key barriers in policy and practice that impede or delay the placement of children across state lines. The focus of the study is on delays in the home study process as this assessment is at the heart of ensuring that any placement, intrastate or interstate, is in the best interest of the child. While this assessment is known by various terms, including family assessment, home assessment, and home study, the term *home study* will be used throughout this article.

Home studies are comprehensive, written reports, conducted in the state of the prospective adoptive or foster family that assess the safety and suitability of the prospective family. This process is complicated when placing children across state lines because two states' laws and policies must be taken into consideration and there must be coordination between the two states. The Interstate Compact on the Placement of Children (hereafter ICPC)<sup>2</sup> is the bridge or mechanism that facilitates this process. It provides a legal and administrative framework when placing children across state lines for foster care or adoption. By coordinating and overseeing the home study between two states, the ICPC ensures that children placed from one state into another receive adequate protections, services, and supervision.

In recent years, serious concerns have been raised about the time it takes to complete the home study when placing children across state lines. While there is no reliable data on the timeframe for the interstate home study process, state Compact Administrators in 10 states reported an average

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*Interstate Adoptions*, (Jan. 10, 2002), available at <http://www.nysccc.org/Voice/w95/interstate.html>.

<sup>2</sup> INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (U.S. Department of Health and Human Services 2002).

of 3 to 4 months for the entire home study approval process to be completed.<sup>3</sup>

In a recent study of ICPC implementation conducted by OIG, both local child welfare workers, compact administrators and interested parties (consisting of family court judges, attorneys, adoption agency directors and child advocates) identified concerns regarding the time it takes to complete a home study, the performance of state ICPC offices who oversee this process and differing states' adoption laws. Almost half of the respondents interviewed thought the process for obtaining a home study on an out-of-state resource was too lengthy.<sup>4</sup> Local workers reported that several factors contributed to delays, including waiting too long for home studies from receiving states and procedural difficulty from within their own ICPC offices.<sup>5</sup> Child-serving agency staff, judges and ICPC staff expressed similar views.<sup>6</sup> This article presents the findings from the first national survey aimed at identifying the key factors that contribute to delays in completing the home study process when children are placed into foster and adoptive homes in other states.<sup>7</sup> It also highlights promising practices states employ to facilitate and

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<sup>3</sup> OFFICE OF THE GENERAL INSPECTOR, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, INTERSTATE COMPACTS ON THE PLACEMENT OF CHILDREN: IMPLEMENTATION 6 (1999).

<sup>4</sup> *Id.* at 8.

<sup>5</sup> *Id.*

<sup>6</sup> A survey conducted by James Bell Associates with diverse child-serving agencies in Philadelphia, the length of time required to complete the interstate process was ranked as the leading barrier by 19 of 27 public and private agency workers. Lack of familiarity with the other state's staff and procedures, paperwork burdens, and the quality of a home study were also cited as barriers. THE COALITION Voice, *Breaking Down Barriers to Interstate Adoptions*, (Jan. 10, 2002), available at <http://www.nxsccc.org/voice/w95/interstate.html>. See National Council of Juvenile and Family Court Judges and the American Public Human Services Association (2001). See also AMERICAN PUBLIC HUMAN SER. ASS'N, *THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN: A MANUAL AND INSTRUCTIONAL GUIDE FOR JUVENILE AND FAMILY COURT JUDGES* (2001).

<sup>7</sup> This report excludes placements into residential treatment facilities and group homes, as states do not conduct home studies to assess placement suitability for children in residential facilities.

expedite the placement of children into nurturing families in other jurisdictions.

This article consists of four main sections. The first section presents an overview of the home study process, the Interstate Compact on the Placement of Children and its role in interstate home study process and the recent increased focus on interjurisdictional placements. The second section describes the study methodology, data collection, and study limitations. The third section summarizes the nature and extent of delays encountered in the interstate home study process and notable practices states have implemented to expedite the interstate placement process. The fourth section provides some concluding observations.

### **I. The Home Study Process**

Assuring the safety, protection, and well being of children who are not able to live at home due to abuse and neglect is a fundamental goal of the child welfare system.<sup>8</sup> The home study, which plays a key role in ensuring child safety, is at the center of the foster and adoption placement process, whether a child is placed with a family in or out of state.

With the advent of state laws requiring assessment of potential foster and adoptive families for appropriateness during the 20th century children were more likely to be protected from the abuses that characterized some of the earlier placements.<sup>9</sup> Influenced by the rise of clinical

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<sup>8</sup> Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115 (codified in scattered sections of 42 U.S.C.).

<sup>9</sup> Among the most important historical pieces of federal child welfare legislation are: Child Abuse Prevention and Treatment Act 42 U.S.C. §§ 5101 to 5106 (2000 & Supp. 2001); Adoption Assistance and Child Welfare Act of 1980, 26 U.S.C. § 50B (2000 & Supp. 2001); Social Security Act Amendments of 1994, 26 U.S.C. § 6103 (2000); Multiethnic Placement Act, Pub. L. No. 103-382, \_ Stat. \_ (1997); The Personal Responsibility and Work Opportunity Act of 1996, Pub. L. No. 104-193, \_ Stat. \_ (codified in scattered sections of 42 U.S.C.); Child Abuse Prevention and Treatment Act Amendments of 1996, Pub. L. No. 104-235,

psychology, the earliest evaluations of prospective foster and adoptive homes focused on personality characteristics and attributes of the prospective family, such as the character of each family member, the distance to church and school, and space available for the foster child.<sup>10</sup> Current foster and adoptive parental assessments have evolved to encompass a much broader family evaluation and preparation process.<sup>11</sup>

Today, the home study is a critical component in assessing and approving all foster and adoptive parents. Although the term home study implies a single evaluation, in reality, the home study comprises a comprehensive assessment process which encompasses application, screening, in-depth multiple assessments of family strengths, resources, parenting skills, readiness to parent a child, criminal background checks, and training. It is generally completed by a licensed social worker in collaboration with the prospective parents.<sup>12</sup>

#### *Content of the Home Study*

Approaches to the home study process often vary between states. Some states use the same home study instrument and process to approve both foster and adoptive parents, while other states use separate instruments and approval processes for each. The content of the home study process in all states, however, generally contains a similar core set of information including the parents' medical history, parents' social history and family background, parenting style

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Stat. (codified in scattered sections of 42 U.S.C.); The Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115 (codified in scattered sections of 42 U.S.C.); The Foster Care Independence Act of 1999, Pub. L. No. 106-169, \_ Stat. \_ (codified in scattered sections of 42 U.S.C.).

<sup>10</sup> See generally Jane Aldgate et al., *ADOLESCENTS IN FOSTER FAMILIES*, (Lyceum Books Inc. 1989).

<sup>11</sup> Deborah L. Sanders, *Toward Creating a Policy of Permanence for America's Disposable Children: The Evolution of Federal Funding Statutes for Foster Care from 1961 to Present*, 17 INT'L J. L., POL'Y & FAM. 211 (2003).

<sup>12</sup> James G. Barber & Paul H. Delfabbro, *Placement Stability and Psychological Well-Being of Children in Foster Care*, Vol. 13, No. 4 RES. ON SOCIAL WORK PRACTICE 415 (2003).

and approaches to discipline, parents' employment and finances, personal interviews, physical environment of the home, all required documentation on the prospective family, criminal and child abuse background checks, references, foster or adoptive parent training and summary and worker's recommendation.<sup>13</sup>

Standards in child welfare practice recommend that prospective families participate in preliminary training.<sup>14</sup> While the training length and content may differ somewhat for foster and adoptive parents, it typically addresses issues of attachment and loss, child development, behavioral problems and management, and birth family connections.<sup>15</sup> The preparation essentially serves to educate prospective parents about foster care or adoption, assist them in assessing their ability to care for a child with special needs or a history of abuse or neglect, and prepare them for the subsequent adjustment process.

Generally, prospective foster and adoptive applicants must also submit to criminal background checks, which may include federal, state and local checks.<sup>16</sup> In addition, many states also require child abuse and neglect, adult abuse and sex offender registry checks, and other checks such as driving records, juvenile records, and employment records.<sup>17</sup>

The components of the home study facilitate sound decision making about a family's strengths and capacity to meet a specific child's developmental and safety needs. The home study also helps determine the kinds of support and services prospective families may require from the agency.

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<sup>13</sup> See generally U.S. GENERAL ACCOUNTING OFFICE, HHS COULD BETTER FACILITATE THE INTERJURISDICTIONAL ADOPTION PROCESS (1999).

<sup>14</sup> CHILD WELFARE LEAGUE OF AMERICA, CWLA'S STANDARDS OF EXCELLENCE FOR FAMILY FOSTER CARE SERVICE, PAGE (1995).

<sup>15</sup> *Id.*; CHILD WELFARE LEAGUE OF AMERICA, CWLA'S STANDARDS OF EXCELLENCE FOR ADOPTION SERVICES, CHILD WELFARE LEAGUE OF AMERICA (2000).

<sup>16</sup> Social Security Act, 42 U.S.C. § 671 (2000 & Supp. 2001); 45 C.F.R. § 1356.30 (2004).

<sup>17</sup> Social Security Act 42 U.S.C. § 671(a)(20) (2000 & Supp. 2001); 45 C.F.R. § 1356.30 (2004).

Just as important, the home study process provides critical information on a specific child's background and needs to the prospective caregivers so they can make an informed choice about their ability to parent that particular child. Upon completion of the home study and preparation process, the worker prepares a written report that includes the worker's findings and final decision as to whether the placement of the child should be made with the applicants. If the agency will recommend placement of a child with applicants, the report also identifies the type of child for whom the applicants could be an adoptive or foster resource. The applicant is approved as a foster or adoptive parent only after the home study is completed and approved by the local child-welfare agency.<sup>18</sup>

#### *Interstate Compact on the Placement of Children*

The ICPC's role in the conduct of the home study between two states is critical, as it provides the legal framework for ensuring children placed in another state receive "the same protections, services, and supervision they would have received if they remained in the state responsible for their care and protection."<sup>19</sup> The ICPC is identical statutory law in all 50 states, the District of Columbia, and the U.S. Virgin Islands. It is a binding contract between parties.<sup>20</sup> It establishes uniform administrative procedures for placement to ensure that children who are placed across state lines for foster care or adoption are placed with safe, suitable families.<sup>21</sup> In addition, the ICPC sets jurisdictional and financial responsibilities and ensures that all appropriate state

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<sup>18</sup> D. Brooks et al., *Adoption Services Use, Helpfulness and Need: A Comparison of Public and Private Agency and independent Adoptive Families*, 24 CHILD. AND YOUTH SERVICES REV. 213 (2002).

<sup>19</sup> INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN, art. 1, § 5 (2002). The stated purpose of the compact is to ensure that "each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care."

<sup>20</sup> The compact law contains ten articles that define the types of placements subject to the law, the procedures to be followed in making interstate placements, and the specific protections and services available.

<sup>21</sup> ICPC, art. III, V (2002); *id.* Reg. 0.01.

laws are followed prior to making a placement.<sup>22</sup> The ICPC assures the public agency in the sending state (i.e., where the child currently resides) the opportunity to receive an evaluation of a proposed placement for safety and suitability; the opportunity to obtain supervision of the child's placement and progress; and continued jurisdiction over the child once the child moves to the receiving state.<sup>23</sup>

The ICPC also allows the receiving state (i.e., state into which a child is to be placed) to ensure that the placement is not contrary to the interest of the child; its applicable laws and policies have been followed before it approves the placement; and financial and legal responsibilities are established prior to the child's placement and that the child will not become its legal and financial responsibility.<sup>24</sup> The safeguards and protections mentioned above are routinely available when the child, the responsible agency, and prospective caregiver are all in a single state. When the placement involves two states, however, these safeguards are available only through the ICPC. Absent the compact, a sending agency could not compel a receiving state to provide protection and services for a child and a receiving state could not compel a sending agency to retain jurisdiction for a child. Moreover, in interstate cases, state licensing requirements often preclude the conducting of home studies in one state (i.e., a receiving state) by social workers not licensed in that state.<sup>25</sup> By facilitating the performance of home studies in the receiving state, the ICPC is the tool that allows states to ensure that good social work is conducted in another state prior to placement.

In addition, the ICPC facilitates access to critical financial and medical support for an interstate placement by assigning financial responsibility for these placements.<sup>26</sup> According to the Compact, financial-medical plans must be in

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<sup>22</sup> *Id.*, art III, V.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> MD. REGS. CODE tit. 7, § 07.02.12.08 (2003), S.D. ADMIN. R. 67:14:11:02 (2003).

<sup>26</sup> ICPC, art. V (2002).



place prior to the placement of a child.<sup>27</sup> Under Article V of the compact, it is the sending state's obligation to remain responsible for the child's case planning and financial support just as if the child was located in the sending state until legally terminated of such responsibility.<sup>28</sup> This responsibility includes providing a child's financial and medical costs, including the child's maintenance or adoption subsidy payment, and funding for medical needs and educational costs.<sup>29</sup> Generally, the public sending agency can draw on state-only funds and Title IV-E foster care and adoption assistance reimbursable funds to support interstate placements.<sup>30</sup> Alternatively, the public sending agency may seek to have the proposed placement resource apply for Temporary Assistance for Needy Families (TANF), or TANF child-only grants, in the receiving state.<sup>31</sup> Article V does not preclude the sending state from proposing a financial plan that includes payments or services funded by the receiving state, if all parties agree to the plan.<sup>32</sup>

With respect to medical benefits, federal law has established that children receiving Title IV-E foster care or adoption assistance payments are eligible for Title XIX Medicaid from the state in which they physically reside.<sup>33</sup> In cases where IV-E eligibility cannot be established, the sending state is responsible for seeking other sources for funding individual children's needed medical services.<sup>34</sup>

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<sup>27</sup> *Id.*, at art. V(a).

<sup>28</sup> *Id.*, at art. V(a).

<sup>29</sup> *Id.*, at art. V(a).

<sup>30</sup> ASS'N OF THE ADM'RS OF THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN, AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, FINANCIAL ARRANGEMENTS IN TRAINING MANUAL FOR ADMINISTRATORS AND LIAISONS OF THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN, (2001).

<sup>31</sup> *See generally* SECRETARIAT TO THE ASS'N OF THE ADM'RS OF THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN, AFDC/TANF CHILD ONLY GRANTS, MEDICAID, AND INTERSTATE PLACEMENTS (2000).

<sup>32</sup> ICPC, art. V(c) (2002).

<sup>33</sup> Social Security Act, 42 U.S.C. § 139 (a)(10)(A)(i) (2003).

<sup>34</sup> ICPC, art. V (2002).

Meeting the child's educational costs is clearly an integral part of a child's support and maintenance. Although most states do not charge the sending agency for a child's educational services, the sending state should determine if the school district in the receiving state would require payment for these expenses. When this occurs, the sending state has the ultimate responsibility to provide funds to support a child's educational expenses.<sup>35</sup>

Advance planning and negotiation, facilitated by the ICPC, minimizes disruption of the placement due to unmet financial, medical, and service needs of the child. This planning also sets in motion the initial steps to achieve the child's permanency goal.

*Placing Children Across State Lines Through the ICPC: The Process*

When a proposed foster or adoptive parent resides in a state different from the state responsible for the care and protection of the child, the ICPC office in each state facilitates, administers, and coordinates the collaboration between the two states. It is important to recognize, however, that the interstate home study process encompasses and involves more than both states' ICPC offices. The local child-placing agencies in both states, as well as the courts, are integral partners and participants in the interstate home study process. Without their participation, the interstate home study process could not take place. The interstate home study process begins with the local child-placing agency in the state that has custody of the child (i.e., the sending state). The steps in the interstate home study process are presented below in Figure 1. After identifying a prospective foster or adoptive family in another state, the local agency worker invokes the Compact by submitting a written (ICPC) request for placement to the sending state ICPC office, along with other necessary information about the child, including a court order to obtain a home study on the out of state placement

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<sup>35</sup> See *id.* at art. V(a).

resource.<sup>36</sup> The provision of this extensive information on a child prior to placement identifies the unique needs and strengths of the child and the type of family that will best provide a safe and nurturing environment. The sending state's ICPC administrator reviews the packet for completeness and forwards it to her counterpart in the ICPC office in the state in which the child's prospective family resides.<sup>37</sup>

Upon review, the receiving state's ICPC office forwards the complete packet to a local public or private child-welfare agency to request a home study on the proposed family. Because its agency is responsible for conducting the home study, the receiving state's home study is completed in accordance with the requirements of that state. Each ICPC office, however, is responsible for ensuring the placement will not violate its state's child placement law.<sup>38</sup> In addition to conducting the home study, both states involved must agree on the financial and medical support for the child and the payment for the education costs prior to placement approval from the receiving state.<sup>39</sup>

Upon completion of the home study, and a review of the financial plan for the child, the local worker in the receiving state prepares a written report that includes a recommendation approving or denying the placement and returns all information to the receiving state's ICPC office.<sup>40</sup> Based upon local agency recommendation and compliance with all the receiving state's laws, the ICPC administrator decides to approve or deny placement and forwards the information to the sending state's ICPC administrator.<sup>41</sup> If the placement is approved, the sending agency decides whether to place the child.<sup>42</sup> If, however, the placement resource is not approved by the receiving state, the placement will be denied

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<sup>36</sup> See *id.* at art. III(b).

<sup>37</sup> See *id.* at Reg. 5.

<sup>38</sup> See *id.* at art. III(a).

<sup>39</sup> See *id.* at art. III, V.

<sup>40</sup> AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, GUIDE TO THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN, 4 (2001).

<sup>41</sup> *Id.* at 5.

<sup>42</sup> See ICPC at art. III(a); *Id.* at Reg. 6.

unless the problems can be remedied.<sup>43</sup> Under the Compact, given that each state's ICPC office must examine the placement and the corresponding documentation about the child and the prospective family, either office may require additional information, clarification, or documentation from the other state's local child-placing agency before proceeding. The need for additional information can result in delays that do not occur when the placement resource is located in the same state as the child.

*Figure 1: Responsibilities in Placing Children Through the ICPC: A Partnership\**

<b>Steps in the Interstate Home Study Process</b>	<b>Responsible Party</b>
Identifies prospective foster/adoptive family in another state.	Local child placing agency worker in the sending state.
Completes ICPC 100A (Request for Placement). Also includes: <ul style="list-style-type: none"> <li>- child's permanency plan</li> <li>- child's social summary, medical and educational reports</li> <li>- a plan for meeting costs of care in other state, including IV-E eligibility information</li> <li>- court order (verify jurisdiction)</li> </ul>	Local agency worker in the sending state.  Court.
Submits ICPC 100A and complete referral packet to ICPC administrator in sending state.	Local agency worker in the sending state.
Reviews ICPC 100A and packet for completeness and compliance with	Sending state ICPC administrator.

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<sup>43</sup> *Supra* at note 39.

sending state laws. Retains copy of ICPC 100A.

- If packet is incomplete, requests additional information or documentation from local agency.

Forwards complete referral packet to ICPC office in receiving state.

Sending state ICPC administrator

Reviews packet for completeness and compliance with receiving state laws. Retains a copy of ICPC 100A and forwards referral packet to local child welfare agency in receiving state to request a home study.

Receiving state ICPC administrator

Conducts home study, makes recommendation regarding the suitability of the proposed placement (i.e., either that the “placement may” or “shall not be made”), writes formal report.

Local agency worker (or contracted private provider or individual, if licensed and approved) in the receiving state.

Communicates recommendation to the receiving ICPC office, in conjunction with:

Local agency worker in the receiving state.

- written home study report
- criminal background clearance
- evidence of training or licensure

Reviews home study for completeness and compliance with state law, forwards packet with recommendation to ICPC office in sending state.

Receiving state ICPC administrator.

Reviews packet for completeness and compliance with sending state laws; forwards home study and recommendation to local agency.	Sending state ICPC administrator.
Decides to place or not to place child with proposed caregiver.	Local agency worker in sending state.
Makes a legal decision whether placement, as recommended by the sending state's local agency worker and approved by receiving state ICPC office, is in the best interest of the child.	Court in the sending agency.
Completes and submits and ICPC 100B (Report on Child's Placement Status) to the state ICPC administrator upon placement.	Local agency worker in sending state.
Submits quarterly supervisory reports to its ICPC administrator.	Local agency worker in receiving state.
Continues to oversee the child's placement.	Court in sending state.

\*The above figure excludes interstate residential placements as states do not conduct home studies to assess placement suitability for children placed into a residential facility.

#### *Increased Focus on Interjurisdictional Placements*

In addition to widespread dissatisfaction with the timeliness of the interstate home study process, several key changes in child welfare policy and practice have contributed to the recent focus on the interstate placement process and ICPC. These key changes include passage of the Adoption and

Safe Families Act (ASFSA),<sup>44</sup> expanding use of the Internet to facilitate adoptions, and the increasing number of children who are placed across jurisdictional lines.

### *Legislative Changes*

Enacted in 1997, ASFA is the first federal legislation that emphasizes the importance of removing barriers to the timely placement of children across state lines. Among the many provisions in ASFA, three address interjurisdictional placements. First, the act requires state plans to specify that a state will not deny or delay a child's placement for adoption when an approved family is available outside the jurisdiction responsible for the child.<sup>45</sup> Second, state plans must contain assurances that the state will effectively use cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.<sup>46</sup> Third, the act penalizes states that deny or delay the placement of a child for adoption when an approved family is available outside the jurisdiction, or that fail to promptly grant a fair hearing to an individual who alleges such a violation.<sup>47</sup>

ASFA is also one of the first federal acts that recognizes the potential benefits of kinship care (i.e., placing children with a relative) to a child's family and cultural continuity.<sup>48</sup> ASFA encourages states to give preference to relatives for placement choice when placing a child outside the home.<sup>49</sup> Other federal legislation, notably the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,<sup>50</sup> similarly encourages states to consider giving preference to an adult relative when determining a placement for a child, if that relative caregiver meets the state's child

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<sup>44</sup> Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115 (codified in scattered sections of 42 U.S.C.).

<sup>45</sup> Social Security Act, 42 U.S.C.A. § 671(a)(23) (West Supp. 2003).

<sup>46</sup> *See id.*

<sup>47</sup> *See id.*

<sup>48</sup> *See* F. WULCZYN, & K. BRUNNER HISLOP, ADOPTION DYNAMICS: THE IMPACT OF THE ADOPTION AND SAFE FAMILIES ACT, Chapin Hall Center for Children (2003).

<sup>49</sup> Social Security Act, 42 U.S.C.A. § 671(a)(19) (West Supp. 2003).

<sup>50</sup> Pub. L. No. 104-94 (1996); 42 U.S.C. § 1305 (2000 & Supp. 2001).

protection standards. States are required to make a concerted effort to locate relative caregivers once a child enters care.<sup>51</sup> Nationwide, the proportion of foster children being cared for by relatives is approximately 26 percent, while placements with relatives comprise 40 percent of all interstate placements.<sup>52</sup>

### *Technological Innovations*

Dramatic innovations in technology have also impacted child welfare practice and focused attention on interstate issues. The Internet is a revolutionary tool that enables public child-welfare agencies to find families across geographic boundaries for children awaiting adoption. Descriptions of children available for adoption are placed on state, regional, and national photo listings. Prospective adoptive parents can use the Internet to locate waiting children across the country without even leaving their homes. Prior to the advent of the Internet, prospective adoptive families were typically limited to reviewing photographs of children at the local child welfare agency.

### *Increases in Interjurisdictional Placements*

According to recent data from the Adoption and Foster Care Analysis and Reporting System (AFCARS), there were 581,000 children in out-of-home placement as a result of abuse, neglect, or abandonment at the end of September 1999.<sup>53</sup> While the vast majority of these children are placed with families in close proximity to their own communities, approximately 5.5 percent reside in a state other than the state responsible for their care and protection.<sup>54</sup> The largest

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<sup>51</sup> See Social Security Act, 42 U.S.C.A. § 671(a)(19) (2003).

<sup>52</sup> ADMIN. FOR CHILDREN & FAMILIES, U.S. DEP'T OF HEALTH & HUMAN SERVICES, THE AFCARS REPORT (2001).

<sup>53</sup> See *id.*

<sup>54</sup> P. Maza, Address at the annual meeting of the Association of Administrators of the Interstate Compact on the Placement of Children (2001). It should be noted, however, that these numbers underestimate the total number of children placed across jurisdictional lines, as AFCARS does not track children outside the public child welfare system. Children placed by private agencies and attorneys are not represented in the



proportions of children placed into other states are placed with close relatives or families in other states.<sup>55</sup> Others are reunited with their parents who have relocated to a new state while the child was in the custody of the original state's child welfare system, and a small number are placed in residential treatment facilities.<sup>56</sup>

Many of these interstate placements lead to permanence for children. For two-thirds of children placed in another state, the families they are placed with became their permanent families.<sup>57</sup> Data indicate that of the children in interstate placements who exited foster care in 1999, 61 percent were adopted, 20 percent were reunited with their parents, 10 percent remained with the out-of-state relative or guardian, 7 percent were emancipated, and 2 percent were transferred to another agency.<sup>58</sup>

In addition, at any given time, about 1.5 percent of foster children, about 8,000, are legally available for adoption but have no immediate prospects.<sup>59</sup> These children are often the most difficult to place due to their older age, their need to be placed with siblings, or other special needs.<sup>60</sup> Prospective parents in other states enlarge the pool of potential placement resources by making the resources of the other states and territories available to these waiting children.

#### *Ongoing Efforts to Reduce Delays in the ICPC Process*

States are working to strengthen their efforts to expedite children's placements and permanence into safe and

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AFCARS data, suggesting that the actual number of children placed across state lines may be considerably higher.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> U.S. GENERAL ACCOUNTING OFFICE, HHS COULD BETTER FACILITATE INTERJURISDICTIONAL ADOPTION PROCESS, 2 (1999).

<sup>60</sup> D. Brooks, *Preferred Characteristics of Children in Need of Adoption: Is There a Demand for Available Foster Children?*, 76 SOC. SERV. REV. 575, 603 (2002); T. Terling-Watt, *Permanency in Kinship Care: An Exploration of Disruption Rates and Factors Associated with Placement Disruption*, 23 CHILD. & YOUTH SERVICES REV. 11, 126 (2001).

nurturing homes across state lines. To reduce delays and improve practice in the interstate process, states have implemented several innovative strategies and reforms in recent years.

The Joint Committee on ICPC Improvement, a collaborative effort between the National Council of Juvenile and Family Court Judges (NCJFCJ), the National Association of Public Child Welfare Administrators (NAPCWA), and the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), convened in 1996 specifically to address and propose solutions to the issue of delay in the interstate placement process. The Joint Committee's work resulted in 10 recommendations for improving the ICPC process. Two recommendations bear special mention.

Adopted by the AAICPC in 1997, ICPC Regulation 7, Priority Placement, promotes priority handling primarily for cases in which children may be placed with certain close relatives, and occasionally for cases which have experienced delays.<sup>61</sup> It outlines expedited timeframes for placement and delineates the circumstances under which Regulation 7 priority procedures may be used. Specifically, Regulation 7 applies to those children who are being placed with relatives and are under two years of age, are in emergency shelters, or have already spent a substantial amount of time with the proposed placement.<sup>62</sup> The regulation establishes that priority placement decisions ought to occur within 20 business days of the date on which a receiving state compact administrator receives the proposal for placing the child.<sup>63</sup> The children who are already in the receiving state or who are placed for licensed or approved foster family care or adoption are not entitled to use priority placements.<sup>64</sup>

The Joint Committee also recommended that states with contiguous borders enact agreements supplementary to

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<sup>61</sup> See ICPC, Reg. 7.

<sup>62</sup> See *id.*

<sup>63</sup> *Id.* at § 4.

<sup>64</sup> *Id.* at § 2.

the compact to reduce delays in the completion of home studies.<sup>65</sup> These agreements are commonly known as border state agreements. Under these agreements, states construct agreements that allow social workers from one state to conduct home studies in another state or to hire contractors to do so. A few states have implemented these agreements to expedite the interstate process. It should be noted that these agreements do not supplant the ICPC, and, as with any placement, sending agencies and receiving states must still fulfill all the conditions set forth in Article III of the compact.

## II. Study Methodology and Data Collection

The American Public Human Services Association's (APHSA) Geographic Barriers Task Force first undertook an examination of geographic barriers to interjurisdictional placements in 1999. The task force (comprised of representatives from the AAICPC, NAPCWA, and the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (AAICAMA)), was specifically created to identify and propose solutions to barriers when placing children across state lines. The task force provided some of the preliminary work and conceptual framework for this study. Funding provided through an Adoption Opportunities Grant from the Children's Bureau of the U.S. Department of Health and Human Services allowed APHSA to build upon the work of the task force and undertake a systematic nationwide investigation of barriers in placing children across state lines. Working collaboratively, staff at APHSA conducted joint interviews with five state ICPC administrators and adoption managers to achieve a better understanding of the interstate process and the potential sources of delay. Subsequent to these discussions, a survey was developed to explore several issues related to the interstate placement process, including background information on states' approaches to the home study process, their ability to contract for the completion of home studies in

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<sup>65</sup> *Supra* note 30.

other states, and their ability to share home studies; factors that contribute to delays in the interstate home study process; and innovative practices implemented to expedite the interstate placement process.

The survey was piloted with six state ICPC administrators and two child welfare directors and finalized in March 2001. In April 2001, APHSA distributed the survey, *APHSA Home Study Questionnaire* to the ICPC administrators of all 50 states, the District of Columbia, the U.S. Virgin Islands, and six California county ICPC administrators. Administrators were asked to complete the survey jointly with their state adoption managers, whenever possible.

#### *A. Types of Data Collected*

State respondents were asked to provide both quantitative and qualitative data. The quantitative data requested included the number of home studies requested from other states in a typical 30-day period (20 working days); the type of placements for which the home studies were requested (i.e., foster care, relative care, adoption); and the number of completed home studies that are not immediately accepted or acted upon by the requesting state due to incomplete information or quality of the home study.

States were also asked to provide qualitative information about the key causes of delay in the interstate home study process through a series of open-ended questions. Questions were structured to obtain comprehensive information about the primary interjurisdictional barriers and delays encountered as a sending state and as a receiving state, as well as delays that occurred at the local level. In addition, states were queried about any notable practices implemented in their state to expedite the home study and the processing of requests for home studies by other states.

#### *B. Response Rates & Limitations*

By August 2001, 47 states and three California counties returned completed surveys (see Appendix D). The following limitations are noted with respect to the findings

reported in this paper. First, the data collected only include those children involved in the public child welfare system who are placed across state lines. It does not include private, independent or residential placements governed by the ICPC. Second, some state respondents did not complete each survey question. Therefore, in reporting the findings, the number of states responding to a particular question is noted to inform the reader of missing information. Third, the respondents to the questionnaire were largely ICPC compact administrators. Therefore, the responses reflect only those causes of delay perceived by state-level ICPC compact administrators. It is not known if these correspond with the perceptions of public agency adoption staff, adoptive families, and others who are also closely involved in placing children across jurisdictional lines. Fourth, in addition to the state level data, three California counties also completed the Home Study Questionnaire. However, because of unique differences between the counties, the California counties' data were only included in the analysis of background information related to home studies (e.g., approaches to the home study) and notable practices implemented. Finally, although states were asked to provide limited quantitative information in the survey (i.e., numbers of home studies requested in one month and the proportion of those that were delayed), these data are based on states' best estimates rather than actual figures. Actual numbers are currently unavailable since approximately one-half of the states lack automated tracking systems to generate interstate figures.<sup>66</sup> Consequently, the estimates provided by a few states were not used or reported in this study.

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<sup>66</sup> APHSA, working in partnership with Caliber Associates, developed an ICPC database that will enable states to track the number of children in out-of-state placements, the types of placement resources used, and the completion of home studies and progress reports.

### III. Understanding Delays in the Interstate Process

The study posed a series of open-ended questions intended to identify the major causes of delays in the home study process conducted for interstate cases. To understand the gamut of possible causes for delay, the study asked state ICPC administrators about delays from three perspectives, from a sending state perspective, a receiving state perspective, and delays encountered within their own states at the local level.

For this survey, the term *delay* referred to any completed home study or home study request that was not initially accepted by the other state because required information or documentation was missing. The survey excluded home studies that legitimately were denied by the receiving state because the placement was deemed “contrary to the interests of the child”<sup>67</sup> (e.g., prospective family was unable to meet the child’s needs or failed to pass the criminal clearance checks). The sole focus of the survey was to identify those factors in the interstate process that lengthened the time between one state’s request for a home study and the child’s placement with a prospective adoptive or foster family in another state.

#### A. *Leading Causes of Delay Encountered as the Sending State*

As explained in the first section, upon receiving a request for a home study from the sending state, the case worker in the receiving state reviews case information on the child, including the proposed financial support for the placement. The receiving state also conducts a home study. A placement in the receiving state, however, cannot be approved unless that placement meets receiving state guidelines.<sup>68</sup> Before approving any placement, the receiving state will consider both the appropriateness of the placement resource and the adequacy of the sending state’s financial-medical plan

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<sup>67</sup> ICPC, art. III(d).

<sup>68</sup> *See id.* at § (a).

prior to making a recommendation.<sup>69</sup> If there is initial conflict between the two states' policies regarding the funding source or adequacy of financial support for the placement, delays may occur until the ICPC offices from the two states resolve the difference.

Delays may also occur once the home study has been completed and a recommendation regarding placement has been sent to the caseworker in the sending state. To enable the worker in the sending state to determine whether a prospective family is appropriate to care for a specific child, comprehensive information on the family's parenting, financial situation, medical history, and criminal background checks, must be documented in the home study. When any of the required information or documentation about the prospective family is missing, the process is delayed until the necessary information can be obtained by the sending state.

The study asked ICPC administrators to rank the three major reasons for delays when requesting another state complete the home study. Sending states ICPC administrators identified no single factor as the primary reason for delay. They consistently mentioned, however, four factors that significantly contributed to delays. These factors were: resolving financial or medical issues; obtaining criminal background and child abuse checks; incomplete information on the family; and the home study did not meet the child's specific needs.

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<sup>69</sup> See *id.* at art. I.

*Table 1: Leading Causes of Delay as the Sending State  
(N=43)*

<b>Leading causes of delays identified by states acting as the sending state</b>	<b>States that identified this as a leading cause of delay</b>	<b>States that cited this as the 2<sup>nd</sup> and 3<sup>rd</sup> major causes of delay</b>	<b>Total states citing this as 1 of the 3 leading causes of delay</b>
Resolving financial-medical responsibility	10	13	23
Criminal background and child abuse check	10	8	18
Incomplete information on the family	10	7	17
Study did not address child's specific needs	8	7	15
Poor quality of home study	2	3	5
Lack of communication between ICPC staff and local worker	2	2	4
No clear recommendation	1	2	3
Other	-	-	-
Total number of states	43	42	



*Financial Issues*

Respondent sending states identified difficulty in resolving financial and medical responsibility prior to placement in another state as a primary contribution to delays. When states' top three rankings were combined, 23 identified financial-medical issues as one of the leading cause of delays.

Respondents identified three types of financial problems that lead to delay in the placement of children across state lines. The first problem identified was obtaining financial support and assistance for relative placements when a child's IV-E eligibility cannot be established. More than one-half of the 23 states identified difficulties in obtaining financial support for children whose care is not deemed eligible for Title IV-E foster care maintenance or adoption assistance reimbursement in the sending state. The most commonly cited difficulty involves cases in which a child is placed with a relative and the relative caregiver is expected to apply for a child-only grant under the Temporary Assistance for Needy Families (TANF) program in the receiving state.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)<sup>70</sup> granted states considerable flexibility in designing TANF programs to best meet the needs of children and families in their state. This included greater discretion in determining the eligibility requirements for recipients in their state.<sup>71</sup> As a result, state TANF policies vary considerably in financial options available to children living with relative caregivers.<sup>72</sup> Consequently, relatives often face barriers when they apply for TANF on behalf of the child. In some states, children under the legal responsibility of another state are not considered residents of

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<sup>70</sup> Personal Responsibility and Work Opportunities Reconciliation Act, Pub. L. No. 104-193, 110 Stat. 2105 (codified in scattered sections of 42 U.S.C.).

<sup>71</sup> See Personal Responsibility and Work Opportunities Reconciliation Act, 42 U.S.C.A. §§ 601-609 (West 2003).

<sup>72</sup> JACOB LEOS-URBEL ET AL., *THE URBAN INST., STATE POLICIES FOR ASSESSING AND SUPPORTING KINSHIP FOSTER PARENTS (2000)*; see generally FAITH MULLEN ET AL., *PUBLIC POLICY INST., THE EFFECT OF STATE TANF CHOICES ON GRANDPARENT-HEADED HOUSEHOLDS (2000)*.

the receiving state and therefore are not eligible for TANF in the receiving state. Moreover, some states have not opted to provide TANF child-only grants.<sup>73</sup> In some states, the relative caregiver must have legal custody or guardianship to apply for TANF on behalf of the child.<sup>74</sup>

The second financial problem identified by respondents was difficulty in obtaining medical coverage for the child. Federal law mandates that the receiving state provide Medicaid to children who are deemed eligible for Title IV-E foster care or adoption assistance.<sup>75</sup> State respondents indicated that in cases where a child's IV-E eligibility could not be established, obtaining medical assistance in the residence state was a challenge. Ten states cited that difficulty in arranging medical coverage for non-IV-E children is a major delay in interstate placements. Confusion around obtaining eligibility for Medicaid through other eligible groups, getting a Medicaid card issued in the residence state, locating health care providers, and arranging payment for such special services as therapy and counseling in interstate placements were cited as issues that create delays.

The third type of financial problem that led to delays was resolving payment for the child's educational expenses. A few states reported that negotiating payment for public school tuition and special education expenses contributed to delays in interstate placements. Some receiving states require the sending agency to pay school tuition for children placed with families in their state.

### *Criminal Background Checks*

Ten states indicated that "criminal background checks" are the leading cause of delays. Eighteen states identified this factor as one of three leading sources of delays. Though not unique to the interstate home study process,

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<sup>73</sup> See generally AMY GRANTZ ET AL., THE URBAN INST., THE CONTINUING EVOLUTION OF STATE KINSHIP CARE POLICIES, ASSESSING THE NEW FEDERALISM (2002).

<sup>74</sup> *Id.*

<sup>75</sup> See Social Security Act, 42 U.S.C.A. § 1396(a)(10)(A)(i)(I) (West 2003).

criminal clearances can lengthen the time needed to approve a foster or adoptive family by up to four months.<sup>76</sup>

### *Incomplete Information*

Ten states identified “incomplete information on the family” as the primary cause of delay in placing children with foster and adoptive families in another state. Seventeen states ranked incomplete information as one of the top three reasons for delay. While several respondents identified missing verifications, such as marriage and licensing certificates as a common cause for delay, more than one-half identified missing criminal background checks as the most common information gap, followed by incomplete financial-medical plans.

### *Home Study Does Not Meet Child’s Specific Needs*

Eight states identified that the home study “did not address the child’s specific needs” as the primary reason for delay. Fifteen states identified the above statement when responses for all three reasons were combined. While no state elaborated on this item, it suggests that home study quality issues may also be problematic. Other factors mentioned by respondents included poor quality of home study, no clear recommendation and lack of communication between ICPC administrators and staff of the local agencies.

### *Other Factors*

Respondents identified additional factors that lead to delays, but to a somewhat lesser degree. These factors included that the “family assessment raises concerns” and that the “home study is not good enough.” Finally, respondents identified factors that “rarely or never” contributed to delays. These factors included that the “home study was not conducted by an approved agency,” that the home study does

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<sup>76</sup> See generally Rebecca Dunhem & Elizabeth Oppenheim, American Public Human Services Association, *Understanding Criminal Record Checks: Ensuring the Safety of Children Placed with Foster and Adoptive Parents* (2002).

“not meet my state’s statutes, policy or practices,” and that foster parent training was “not acceptable to the other state.”

It is noteworthy to mention that other state’s statutes and policy requirements regarding home studies were “seldom or rarely” seen as a contributor to delay. Many child welfare and adoption professionals speculated that differing state laws and home study requirements might create problems in the comparability and acceptability of home studies from one state to another.<sup>77</sup> Yet, only one-fifth of the states surveyed thought this was “sometimes” a cause of delay and only two percent thought this was “often” a reason for delay.

#### *Leading Delays Encountered as the Receiving State*

When a home study request is forwarded to a receiving state’s local worker to conduct a home study on a prospective family, the receiving state ICPC office reviews the packet for completeness and compliance with receiving state laws.<sup>78</sup> If the packet is incomplete or in violation of receiving state laws, the receiving state ICPC office will contact the sending state ICPC office for additional information or clarification, thereby delaying the process.<sup>79</sup> States, when acting as the receiving state, were asked to identify and rank the three main reasons for not accepting a request from another state to complete a home study. Forty five states answered this question. The most frequently cited causes of delays from the receiving state perspective were incomplete request packets; missing court orders; and inadequate financial plans. (See Table 2.)

Specifically, 18 states ranked “missing paperwork or incomplete referral packets” as the leading cause of delay. Without complete information about a child, a receiving state may be unable to conduct a thorough assessment of a prospective family. A child’s history, including medical reports, social summary, and school reports is a critical component of the home study process. This information, together with information on the prospective parents, allows

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<sup>77</sup> *Supra* note 58.

<sup>78</sup> *See* ICPC, art. III(a).

<sup>79</sup> *See id.* at art. III(c).

the receiving state to determine if the identified placement resource will adequately meet the child's needs.

Sixteen states ranked "missing or problematic court orders or other evidence of legal jurisdiction of the child" as a leading source of delays. The ICPC requires that sending agencies provide "evidence of the authority pursuant to which the placement is proposed to be made."<sup>80</sup> For children in the care and custody of a public child-welfare agency, this authority is found in a court order from the sending state. If a court order is not generated and signed after the hearing, delays may occur while parties wait for the final order. Without properly executed and signed court orders, however, the receiving state cannot verify the sending state's jurisdiction over the child nor approve any child for placement.

Nine states ranked "missing or incomplete financial-medical plans" as the leading contributor to delays in interstate cases. Financial plans are integral to ensuring a child's stability in an out-of-state placement. When the sending state fails to provide sufficient information, the receiving state may be unable to determine whether a plan meet a child's needs. Other reasons mentioned by a few states included the "proper authority did not sign the ICPC 100A" and insufficient information to address the child's needs."

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<sup>80</sup> See *id.* at art. III(b)(4).

*Table 2: Leading Causes of Delays as Receiving States: Main reasons for Not Accepting an ICPC Home Study (N=45)*

<b>Leading reason for not accepting a home study request from the sending state</b>	<b>States that mentioned this as the leading reason</b>	<b>States that cited this as the 2<sup>nd</sup> and 3<sup>rd</sup> major reason</b>	<b>States citing this as 1 of the 3 leading reasons for delay</b>
Incomplete or missing information in referral packet	18	6	24
Missing court orders	16	3	19
Inadequate financial plans	9	2	11
Insufficient information to address the child's needs	2	1	3
Proper authority did not sign the 100A	0	2	2
ICPC 100A bypassed the other state's ICPC office	0	2	2
Other	-	-	-
Total number of states	45	44	

*Leading Causes of Delay at the Local Level*

Local workers in the sending state gather information on the child and on the child's IV-E eligibility status, while caseworkers in the receiving state conduct the home study. The survey asked state administrators to identify and rank the leading causes of delay created by local workers in their own states.

Of the 45 states that responded to this question, approximately one-half (22) identified staffing and workload issues as the most frequent cause of delay within their own states. Findings are depicted in Table 3. States noted that staffing concerns included inadequate staff at the local agency and the ICPC levels, delays in case assignment due to large caseloads, inadequate training and staff resource issues, and high staff turnover and vacancies. An additional seven states ranked staffing and workload factors as the second leading cause of delays and three states ranked this the third major cause of delay. It is significant to note that overall 32 states ranked workload and staffing issues as leading causes of delays within their own state.

Workload and staffing issues were followed by "low priority assigned to interstate placements by local workers", which was ranked as the leading source of delay by eight states. An additional six states ranked this the second and third leading causes of delay. Several states reported that ICPC home study requests are often delegated to be undertaken as time permits, while local cases are given first priority.

*Table 3: Main Reasons for Delays in Home Studies  
Conducted by Workers in your State*

<b>Leading causes of delays in home studies conducted by workers in your own state</b>	<b>States that identified this as the leading cause of delay</b>	<b>State that cited this as the 2<sup>nd</sup> and 3<sup>rd</sup> major causes of delay</b>	<b>Total states citing this as 1 of the 3 leading causes of delay</b>
Staffing and workload issues (i.e., shortage of staff, lack of training)	22	10	32
Low priority assigned to interstate cases	8	7	14
Incomplete information	6	5	11
Difficulty in contacting placement resource	9	1	10
Resource does not respond in timely manner	0	10	10
Criminal background check	0	7	7
Foster care licensing	0	4	4
Other	-	-	-
Total number of states	45	44	



*Improving the Home Study Process: Notable Practices*

States have implemented an array of innovative practices to expedite the home study process and to ensure that children are placed with safe, nurturing families in other states in a timely fashion. Notable practices identified by survey respondents include dual licensure, contracting with private agencies for the completion of home studies, sharing home studies, and written financial plans. In addition, states are increasing the amount of training on the ICPC process provided to child welfare staff, judges, and parents.

*Dual Licensure*

A growing number of states have established a process for “dual licensure” by which a prospective family can be approved to foster or adopt a child through one screening and interview, home study, training and background checks.<sup>81</sup> Thirty two of the 47 states in our survey report that foster and adoptive parents can be approved in the same process in their state. By eliminating the need to conduct two separate home studies, dual licensure offers a seamless transition from one parenting role to another and, most importantly, expedites placement or permanence for waiting children.

*Contracting for Home Studies*

When a family is identified as a potential foster or adoptive family in a state other than the state responsible for the care and custody of the child, the public agency in the receiving state typically conducts the home study at no cost to the sending state. Some states have strict policies that allow only their own local workers to perform home studies.<sup>82</sup> If allowed by receiving state policy, however, sending agencies may contract with private providers in the receiving state for

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<sup>81</sup> CHILDREN’S BUREAU EXPRESS, PROMISING PRACTICES: STATES STREAMLINE FOSTER AND ADOPTIVE HOME APPROVAL, (2000), available at <http://cbexpress.acf.hhs.gov>; L. LUTZ ET AL., CASEY FAMILY PROGRAMS NATIONAL CENTER FOR RESOURCE FAMILY SUPPORT, DUAL LICENSURE OF FOSTER AND ADOPTIVE FAMILIES: EVOLVING BEST PRACTICES 2 (2001).

<sup>82</sup> See, e.g., DEL. CODE ANN tit. 13, § 904 (2003); OR. REV. STAT. § 109.309 (2003).

foster care or adoption home studies. Having the ability to contract with agencies in the receiving state to conduct the home study can expedite the process particularly when a receiving state may not have the capacity to complete out-of-state requests for home studies in a timely manner.

States were surveyed regarding their ability to contract with agencies in the receiving state to conduct home studies. Twenty three of the 44 responding states have the ability to contract with providers in other states to conduct home studies. Overall, however, these states only contract for approximately ten percent of their adoption home studies and less than five percent of their foster care home studies in other states. Although the overall percentages of home studies contracted were low, three states reported contracting for more than 40 percent of their adoptive home studies in receiving states. One state reported contracting for nearly all of its adoptive home studies in other states

*Table 4: Contracting for Home Studies with Agencies in the Receiving State*

<b>Does your state, acting as the sending agency, contract with agencies in the receiving state to conduct home studies?</b>	<b>Number of States (N=44)</b>
State does contract for home studies in receiving state	23 states
State's contracting practices vary by county	6 states
State does not contract w/agencies in receiving state for home studies	15 states

#### *Sharing Home Studies*

A majority of states indicated that they would allow families they have studied to use these home studies when applying or being considered as a resource family for a child from another state. Of the 44 responding states, 30 states noted that they share completed home studies upon request. Of the remaining states, nine states indicated that their policy varied

within the state and only six states indicated that their state would not share completed home studies.

*Table 5: Sharing Completed Home Studies*

<b>Does your State Share Completed Home Studies?</b>	<b>Number of States (N=44)</b>
State does share completed home studies	30 states (66%)
State's policy varies	9 states (20%)
State does not share completed home studies	6 states (14%)

States also provided information about any limitations or qualifying factors associated with the sharing of home studies, such as a required waiting period before sharing home studies or a requirement to reimburse the agency for costs associated with completing the home study. Only five states indicated that a waiting period was required before a home study would be released. All five states noted the waiting period was required prior to release to a private agency. Only one state required a waiting period before releasing a study to a public agency in another state.

Four states reported that full reimbursement for the home study from the family was required before the release of a study. Two of these states, however, indicated that costs would be waived if a family adopted a special needs child and two states indicated that reimbursement costs for home studies were based on a sliding scale related to the family's income.

#### *Detailed Written Financial Forms*

Respondents from 31 states reported that their state requires a separate written financial-medical plan to be included with a placement request. Of these, eight states require that the plan clearly outline the medical and financial support for the child. Seventeen states specifically mentioned the need to address the Title IV-E eligibility status of the

child. Two states also require information on who would return the child if the placement disrupts and one state requires that, where applicable, the resource provide written confirmation of his or her financial responsibility. Only four states indicated that they would not process the request until a separate written plan was received. The majority of states (15) indicated that they would work with the sending state to obtain any missing information.

Although a separate written financial-medical plan is not required by ICPC, several states have begun to include detailed written financial-medical forms with each request to improve and facilitate processing. Given the complex financial negotiations often required in interstate placements, this practice was instituted by many ICPC offices to provide a standard mechanism to expedite the financial arrangements between states in these placements.

#### *Other Notable Practices*

Several ICPC administrators cited other notable practices or policies they have implemented to expedite the interstate home study process. Responses revealed that six states provide extensive ICPC training to a broad range of personnel involved in interstate placements. One state mandates statewide training of workers to ensure that procedures are implemented correctly. Another state trains judges, while others are planning training for private home study providers to establish standards of practice.

Two states noted out-of-state adoption practices worthy of mention. One state's policy mandates that after other alternatives have been explored and rejected, the adoption registry of all families, both in and out of state, be explored to determine who may best meet the child's needs, with selected families queried as to interest and then evaluated at a placement staffing. Another state established partnerships with private agencies (Special Needs Adoption Coalition—SNAC), with one agency designated to locate appropriate out-of-state families.

Other practices mentioned include: setting a time standard requiring new referrals to be processed within one to three days and all inquiries be attended to within 24 hours; developing and incorporating referral checklists into their interstate packets to ensure that all required information on the child or prospective caregiver is collected and included by the other state; establishing agreements with local law enforcement departments to expedite the required criminal clearances for prospective caregivers; encouraging direct communication between social workers in the sending and receiving states after the respective state offices have signed the 100A; finalizing the adoption in the sending state to avoid delay; establishing a formal agreement for states that do not require social work licensure to permit workers to travel across state lines to do home studies (i.e., border state agreements); implementing an automated case management system to track cases and pinpoint delays; and designating one worker to complete home study requests and supervise all incoming ICPC cases.

#### **IV. Concluding Observations**

According to state responses, no single factor emerged as the primary contributor to delays in the interstate home study process. System improvements in practice and policy will need to be made by not only the child welfare system but by other child and family-serving systems including education, health, and welfare. Moreover, additional financial investments at both the state and federal levels are imperative. Lastly, changes in the current federal financing structure of child welfare could significantly enhance states' ability to achieve positive outcomes for children and families in a timely manner.<sup>83</sup>

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<sup>83</sup> AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, *CROSSROADS: NEW DIRECTIONS ON SOCIAL POLICY* (2001).

*Workload Issues*

To improve the process of placing children across state lines, each state's child welfare system needs the capacity to meet the increasing demands to conduct home studies for children in the care and custody of other states. In a recent Child Welfare Workforce Survey conducted by APHSA, child welfare agency staff across the country reported high caseloads, demanding work, and high turnover rates among workers as problematic issues, which adversely affect practice.<sup>84</sup> Similar concerns emerged in the Home Study Survey. To ensure safety and timely permanence for all children placed with families in other jurisdictions, an adequate complement of well-trained staff are needed both at the agency level to conduct home studies and at the ICPC level to process increasing numbers of interstate referrals.

In addition, all child-serving professionals involved in the interstate placement process must be skilled to meet children's needs for safety, permanence, and well-being. A sustained commitment to train caseworkers, private adoption workers, ICPC staff, attorneys, and judicial and court personnel about ICPC purposes and procedures can enhance understanding about the compact, improve practice, and facilitate effective working relationships among these critical partners.<sup>85</sup>

*Financial-Medical Issues*

The provision of training and technical assistance on interstate financial-medical issues to staff performing interstate work could also strengthen ICPC implementation and practice. Arranging for the financial support for children placed with families in other states was consistently identified as a major factor contributing to interstate delays. Given the complexity of financial arrangements in interstate cases and

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<sup>84</sup> See generally AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, REPORT FROM THE CHILD WELFARE WORKFORCE SURVEY RESULTS (2001).

<sup>85</sup> APHSA, in collaboration with the AAICPC Secretariat, has developed a series of ICPC training manuals designed for compact administrators, child welfare workers, and judges under federal Adoption Opportunities Grant No. 90C00898. See also <http://icpc.aphsa.org> for additional information.

their prominent role in delays, there is a clear need for staff to be educated about states' differing eligibility criteria for TANF and Medicaid and the impact of a child's residency on eligibility for these programs. In addition, staff must understand that each state has different residency requirements that a child must meet to be eligible for a free public education.<sup>86</sup>

The use and inclusion of written financial-medical plans with each home study request may also assist ICPC staff in negotiating complex financial-medical issues. These detailed plans allow receiving state workers to determine the adequacy and feasibility of proposed support early in the process and resolve issues more quickly.

In order to resolve delays related to financial barriers, states must ensure that the necessary funds are available to support children's timely assessment and placement with families in other jurisdictions. It is ultimately the obligation of the sending agency to retain responsibility for case planning of the child, including the child's financial and medical needs.

Lastly, to achieve safety and timely permanence for children in care, the child welfare system needs the necessary resources to provide quality services to children and families. Both state and federal governments, through essential policy and funding reforms that strengthen states' efforts to improve outcomes for children and families, can support capacity building. Fiscal policies need to facilitate and promote effective practice. In particular, to address the capacity needs of the child welfare system, APHSA proposes a restructuring of the federal financing of child welfare services. Specifically, APHSA recommends maintaining Title IV-E open-ended entitlement while allowing states flexibility to reinvest foster care funding into services (i.e., transferability), increasing federal financial investments, and expanding the population of children eligible for federal foster care and adoption assistance

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<sup>86</sup> For example, in some states, a child is not considered a resident for purposes of public school education if he or she is under the legal custody of another state.

by eliminating the eligibility link to AFDC.<sup>87</sup> Increased funding resources coupled with greater flexibility could alleviate many of the financial barriers faced when children are placed with families both intrastate and out of state.

### *Collaboration with Other Service Systems*

Because many delays are attributable to difficulties in understanding, accessing, and coordinating services between different systems, public child welfare agencies need to identify ways to collaborate with other child-serving systems, such as education, public assistance, and Medicaid to ensure that these needed services are provided on behalf of out-of-state children.

The process of ensuring the safety of a prospective family through the conduct of criminal background checks also needs to be improved. Consistently cited as one of the three leading causes of delay, criminal clearance checks required for foster and adoptive parents can add upwards of four months to the home study. Comprehensive information on states' varying procedures for completing criminal background checks is critically needed as a starting point to streamline this process.

The ICPC offers essential safeguards and services to children placed with families across state lines. While states are implementing an array of strategies, including dual licensure, ICPC training, and contracting to strengthen compact implementation, additional work is needed to improve interstate practice. Ultimately, effective and lasting improvements to interstate practice will require strong cross-system cooperation and changes at many levels. Reducing delays, strengthening interstate practice, and improving permanency outcomes for children will require improvements throughout the child welfare system and the combined efforts of all systems that work with children and families as well as the commitment of the necessary resources by both state and federal governments.

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<sup>87</sup> AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, *supra*, note 86.