


STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Residential Care Centers
Tribal Chairpersons/Human Services Facilitators

From: William R. Fiss 
Interim Administrator

Re: Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)

Wisconsin is a current member of the Interstate Compact on the Placement of Children (ICPC). Public Law 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006, creates new standards that apply to the interstate placement of children and was signed into law on July 3, 2006. The law becomes effective October 1, 2006 and applies to payments made under Titles IV-B and IV-E of the Social Security Act.

Public Law 109-239 creates new rules for the ICPC, including a Title IV-E state plan requirement to conduct and report the results of the number of requested home studies completed within 60 days. The law also provides incentive payments of \$1,500 for each home study completed within 30 days (through Federal Fiscal Year 2010) and a requirement in interstate cases that ongoing visitation between the caseworker and the child must take place at least every six months.

In order for Wisconsin to obtain financial incentive payments for home studies completed within 30 days, the ICPC central office staff must track the required data and report to the federal Administration for Children & Families (ACF). Under the new law, states are required to complete home studies within 60 days. An exception to the 60 day requirement is provided (through September 30, 2008) if the state's failure to complete the home study within 60 days is due to circumstances beyond its control (e.g., delays in receipt of federal agency background checks or medical forms). This exception provides states 15 additional days to complete the home study report. The law amends the Social Security Act modifying the requirements states must meet to receive Titles IV-B and IV-E funding.

Specific requirements that states, counties, tribes, and private agencies must meet beginning October 1, 2006, relative to interstate out-of-home care placements are as follows:

- 1) **Cases eligible for the federal incentive, and timely completion of home studies.** Each interstate home study completed and submitted to ICPC within 30 days is eligible for a \$1,500 incentive payment. If ACF has insufficient funds to cover the number of timely (30 days) home study incentive payments, then an adjustment of the payment will be calculated by dividing the total amount available by the number of eligible timely interstate home studies. The timely interstate home study incentive provision remains in effect until October 1, 2010.

Interstate home study reports must be completed and submitted to the ICPC within 60 days. Up until September 30, 2008, agencies can request a 15 day extension with the reason for the delay indicated in writing to the ICPC office. In order to complete home studies within the 30, 60, or 75 day time limits, the new law exempts education and training requirements of prospective foster and adoptive parents. P.L. 109-239 does not exclude the requirement for criminal background checks and those must be included in the home evaluation within the 30, 60, or 75 day timeframe. Home studies not completed within 75 days will jeopardize Titles IV-B or IV-E funding.

2) ***Collect and provide annual reports to the Administration for Children & Families.***

State ICPC offices must now gather and report on the following:

- The total number of home studies that Wisconsin requested from another state;
- The total number of home studies that Wisconsin completed for another state;
- Number of home studies completed in 30, 60, 75, and 76+ days;
- Frequency of and reasons for all 15 day extensions;
- Number of extensions that were successful (home study was completed within 75 days); and
- State actions that assisted in meeting the 75 day requirement.

These requirements are being addressed via enhancements to eWiSACWIS.

- 3) ***Increased case worker visits.*** The federal law requires that on-going visitation between the caseworker and the child occur at least every six months (instead of every 12 months) in interstate cases and allows child welfare agencies to contract with private agencies to make on-going visits, if necessary. This change will place additional responsibilities for monitoring both the placements and the frequency caseworkers are visiting with ICPC children on their caseloads.
- 4) ***Notification of court proceedings and a right to be heard for physical custodians.*** Amends the Titles IV-B and IV-E definition of case review system to require language that gives foster parents, pre-adoptive parents, or court-ordered relative caregivers a right to be heard at all proceedings held in reference to a child in their care. The provision that foster parents, pre-adoptive parents, or relative caregivers are not made parties to the case solely because they are entitled to notice and a right to be heard continues. The law requires courts to notify the above caregivers of any proceeding held in reference to the child.
- 5) ***Documentation of ICPC cases and on-going consideration of interstate placements are now required in child's case planning and reviews.*** Reasonable efforts to consider interstate placements as a part of concurrent planning and during permanency planning decisions are now required. The law includes language that facilitation of timely interstate placements must be included in case plans and that out-of-state placement options should be considered at the 12 month permanency hearing if the child is not to be returned to the parent. Regarding permanency planning, the law adds language that 1) interstate placements should be considered, when appropriate, when it is determined that reasonable efforts to reunify the family cannot be made; 2) in-state and out-of-state placements should be considered at the initial 30 day permanency hearing; and 3) that out-of-state placements should be considered when concurrently making reasonable efforts to find adoptive homes or legal guardianships.
- 6) ***Case plans must now include most recent medical/educational records; and complete copies of such must be given to the foster care provider at the time of placement and to children aging out of the foster care system.*** As an enhancement to the existing requirement to include such information to the extent available, counties/tribes must now include the most recent health and education information within the current case plan. In addition, agencies must provide a copy of health and education records to providers at the

time of placement in their home. Finally, a copy of the child's health and education record must be supplied to the child at no cost when s/he is leaving care at the age of eighteen.

- 7) **Incentive payments must be used for services that are currently eligible within the spending requirements of Title IV-E and Title IV-B.** Incentive payments for timely home studies may only be used for purposes allowed under Titles IV-B and IV-E (including post-adoption services). The spending of the incentive payments will not be included in determining state expenditures for the purpose of federal matching payments under Title IV-B subpart 1 & 2 or Title IV-E.
- 8) **Cooperation from the courts.** Requires courts in the various states to cooperate in information sharing; authorizes courts to obtain information and testimony from agencies and parties in other states without requiring interstate travel; and permits parents, children, attorneys, and other necessary parties to participate in interstate placement cases without requiring interstate travel.

The ICPC office will report all data required to obtain applicable financial incentives to the Administration of Children and Families annually. The Division of Children and Family Services will work with county representatives to determine the most appropriate method of distribution of any additional federal funding received by the State.

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Area Administrators

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MEMO WEB SITE: http://dhfs.wisconsin.gov/dcfs_info

Attachment: Safe and Timely Interstate Placement of Foster Children Act of 2006:
<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/PL109-239.pdf>