



## Summary of ICPC Informational Survey for ICPC Offices – April 2010

Conducted on behalf of the ICJ ICPC Ad Hoc Committee – Chair, Mike Reddish

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### Summary of Findings

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On March 25, 2010, the ICJ National Office launched the ICPC Informational Survey on behalf of the ICJ ICPC Ad Hoc Committee. The ICJ ICPC Ad Hoc Committee built this survey to collect information regarding the interaction between the Interstate Compact on the Placement of Children (ICPC) and the Interstate Commission for Juveniles (ICJ). The ICJ ICPC Ad Hoc Committee designed this survey to assess how states structure their ICPC and ICJ offices; to determine if any overlap exists in states regarding certain cases that may fall under the purview of both ICPC and ICJ; to analyze if and how states supervise juveniles in out-of-state facilities; and to devise solutions to problems that arise due to overlapping compact authority.

The ICJ National Office previously deployed a survey to ICJ offices. Following the results of that survey, the ICPC Ad Hoc Committee decided to launch the same survey for ICPC offices to complete. Respondents from 34 different ICPC offices completed this survey.

#### Highlights from the Survey

- ICPC offices have very limited knowledge of the operations of ICJ.
- Many ICPC offices reported that dual-status cases that involved both ICJ and ICPC create confusion because there is not a clear understanding of jurisdictional authority between the two compacts.
- Generally speaking, the respondents reported that there must be clear guidelines that dictate when collaboration on cases *would* occur between ICPC and ICJ. The respondents indicated that since the two compacts are designed for different purposes, one compact should not assume the function of the other.
- Of those respondents who reported that it would not be beneficial to enact both compacts simultaneously, some of the respondents noted that in many instances a dual-status case would be too confusing to coordinate and would be a duplication of services.
  - Those respondents who reported it would be beneficial cited that certain situations arise that *require* the involvement of both compacts; for example, when a juvenile who is adjudicated delinquent is on probation and also currently is under the custody of a child welfare agency is going to be placed with family members in another state.
- Regarding the question of which compact should have primary responsibility over dual-status cases, several respondents stated that ICJ should have primary responsibility in instances where the juvenile is placed with a parent/legal guardian, and circumstances where the juvenile has been adjudicated delinquent.
- Respondents reported that in situations where both compacts are enacted, the different standards between ICPC home evaluations and ICJ home evaluations create confusion. Some respondents cited that the ICPC home evaluations are more thorough as opposed to ICJ home evaluations.

- In general, there was no clear consensus among the respondents regarding what compact they felt should be the primary authority in dual-status cases. Respondents cited that more information needs to be shared between the two compacts. In such dual-status circumstances, each compact must recognize the unique services provided by each compact.
- A clear theme that pervades the survey results is the current lack of communication and understanding of ICPC and ICJ in relation to one another. As the results indicate there is a clear need for better relations between ICPC and ICJ.

## Responses

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### ***Question 2: What would you like to know about the ICJ and ICPC interface to help you conduct Compact business?***

- A fact sheet put together with issues ICJ handles and what ICPC handles
- It would be beneficial for compact staff to be knowledgeable regarding both compacts
- We need training on the ICJ
- We are wondering why ICJ cannot process residential or institutional referrals?
- Details on placements the ICJ does and does not cover
- Some cases require simultaneous processing through ICPC and ICJ
- Clearly define which compact to use when sending a delinquent juvenile, who is also on probation, to a public or private residential facility in another state

### ***Question 3: Does your state have ICJ and ICPC operations housed within the same office?***

- 31 respondents reported No
- 3 respondents reported Yes

### ***Question 4: How does your state ICPC office handle supervision of youth in out-of-state private residential facilities?***

- We do not have the funding to contract for supervision. If the youth is a probationer, our local probation officer oversees the conditions of probation - but does not see the youth monthly ( face to face)
- There is no ICPC office supervision. The ICPC office processes the paperwork for the facility, receives reports, and closes the case when the child is discharged
- Prior to 2008, we had 2 FTEs that made visits to the out of state facilities. Since 2008, due to budget cuts, we have no one supervising and rely on the written reports from the RTCs and telephone interviews with clients and staff
- In Child Welfare cases, the Idaho worker is still required to see the child once a month. This is extremely difficult if the child is placed in facility that is far away
- The residential facility provides the supervision

**Question 5: Do you feel that the manner in which ICJ supervises youth in out-of-state facilities is working? What additional suggestions do you have?**



- Youth placed in out-of-state facilities should not be supervised through ICJ. State resources are duplicated when a youth is supervised by both ICJ and ICPC
- I am not sure how ICJ monitors the youth
- The public facilities that ICJ had supervised in the past appeared to be more punitive and less rehabilitative in nature. Many states now opt for specialized private institutions for better treatment options

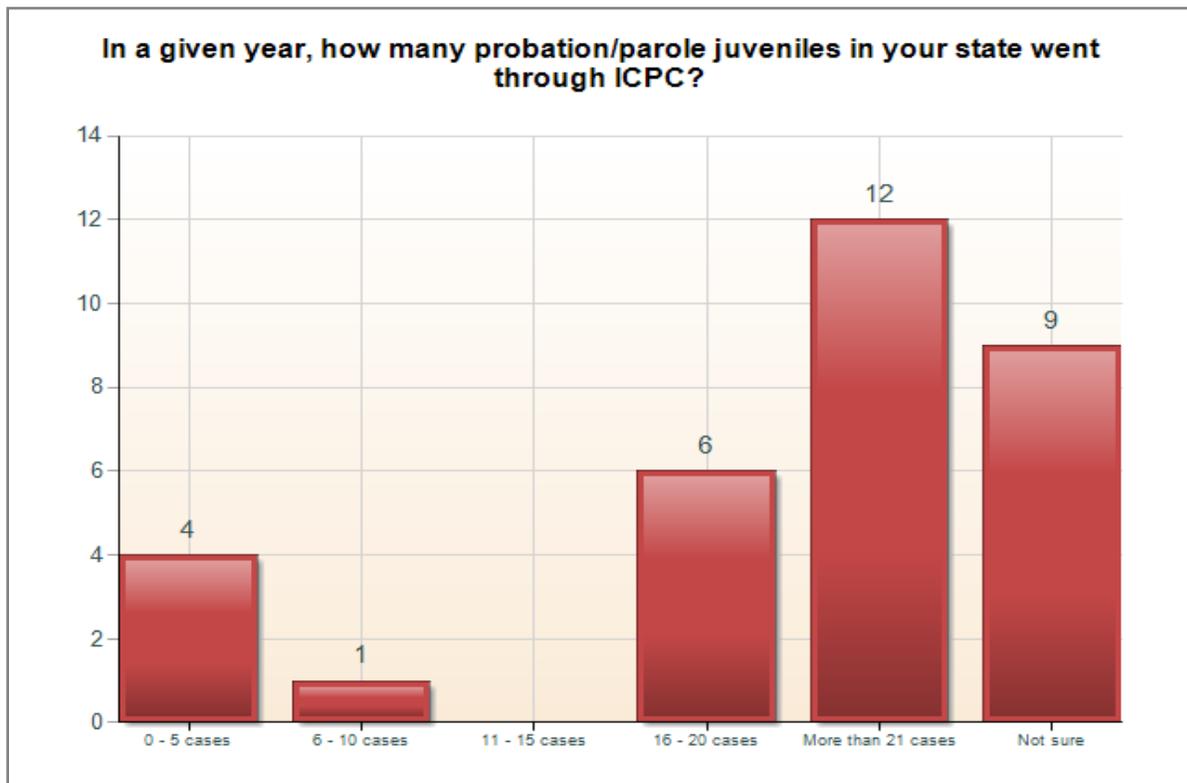
**Question 6: Why would it be beneficial to have local ICJ POs supervise delinquent youth in private residential facilities in addition to the 24 hr. staff facility supervision?**

- Not all delinquent youth are under court supervision therefore local POs do not supervise all youth. Supervision should remain the responsibility of the agency or facility in which the youth is placed
- We believe appropriate (i.e., locked, secure, appropriately trained and staffed facilities, etc.) serve these youth. Why would additional ICJ POs be required to visit and provide services in the facility?
- It would be beneficial so that the youth's needs are properly met and the appropriate services are in place. The PO would also know if the youth was in compliance
- If graduated sanctions or apprehension and detention become necessary the PO is able to impose those things under ICJ
- In my opinion it would be duplication of effort
- I don't think that it is necessary for POs to supervise delinquent you in other state RTC.
- Unless the PO is a mental health specialist in the targeted treatment milieu, his or her involvement may well be contraindicated. Parents, Courts, and agencies pay high fees in order to get quality care and treatment for their kids. The mental health provider needs to be able to execute the treatment plan for that child

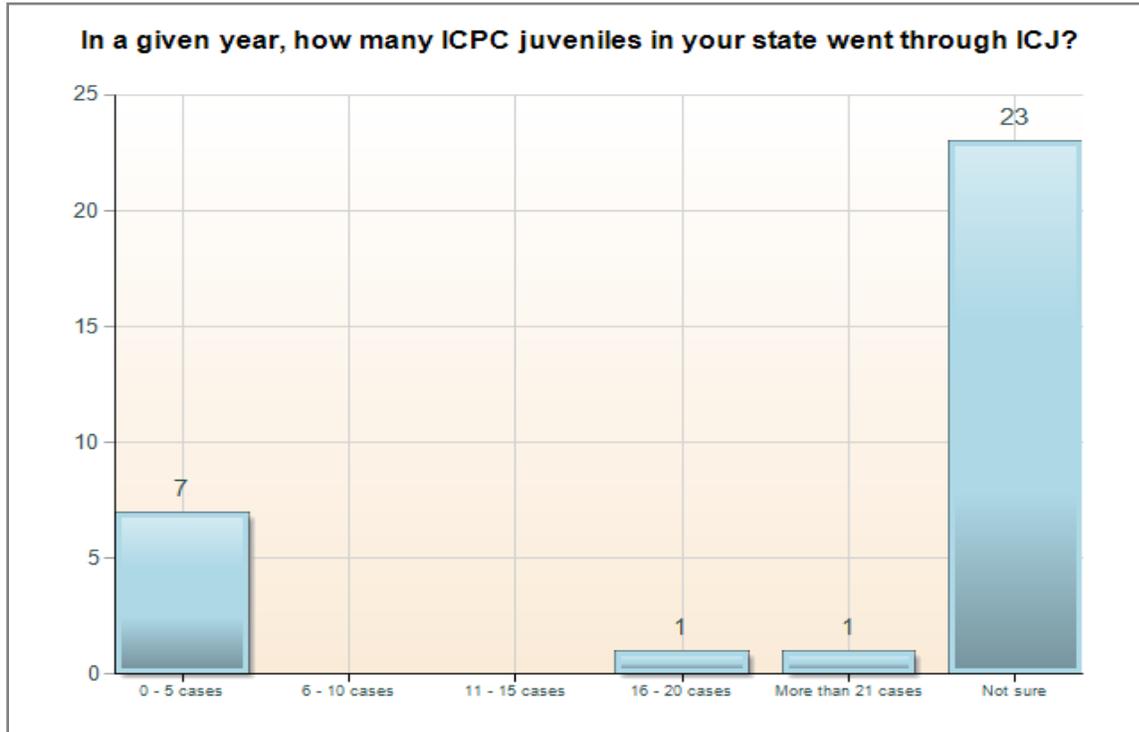
**Question 7: Are there any barriers for local ICJ POs in supervising juveniles in private residential facilities?**

- Age of majority is different in many states
- DC POs or DYRS case managers do not supervise youth in private residential facilities. These facilities are paid to provide supervision and quarterly reports are required.
- Coordination between the RTC staff and PO
- Lack of staff time, budget constraints
- They are private. The old public ones admitted POs, but were not so successful in helping kids. Many of today's RTCs will not admit a PO for the reasons mentioned above, and HIPAA and confidentiality issues
- Most states do not have the necessary resources to supervise the youth that it is their mandate to supervise

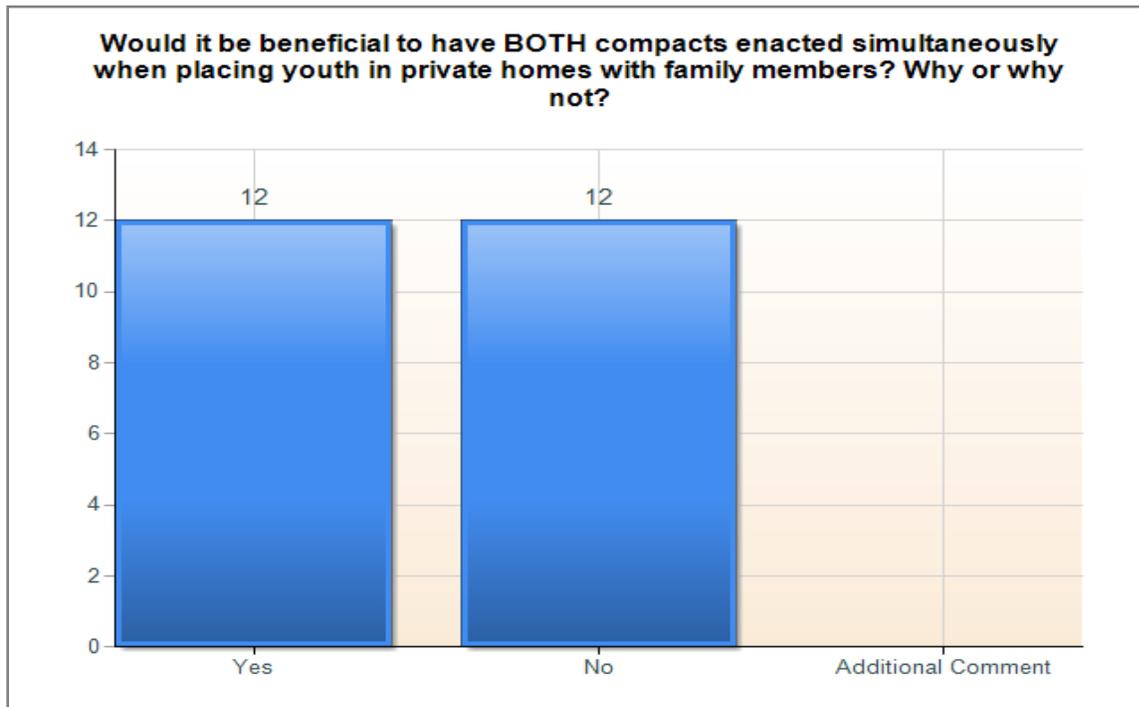
**Question 8: In a given year, how many probation/parole juveniles in your state went through ICPC?**



**Question 9: In a given year, how many ICPC juveniles in your state went through ICJ?**

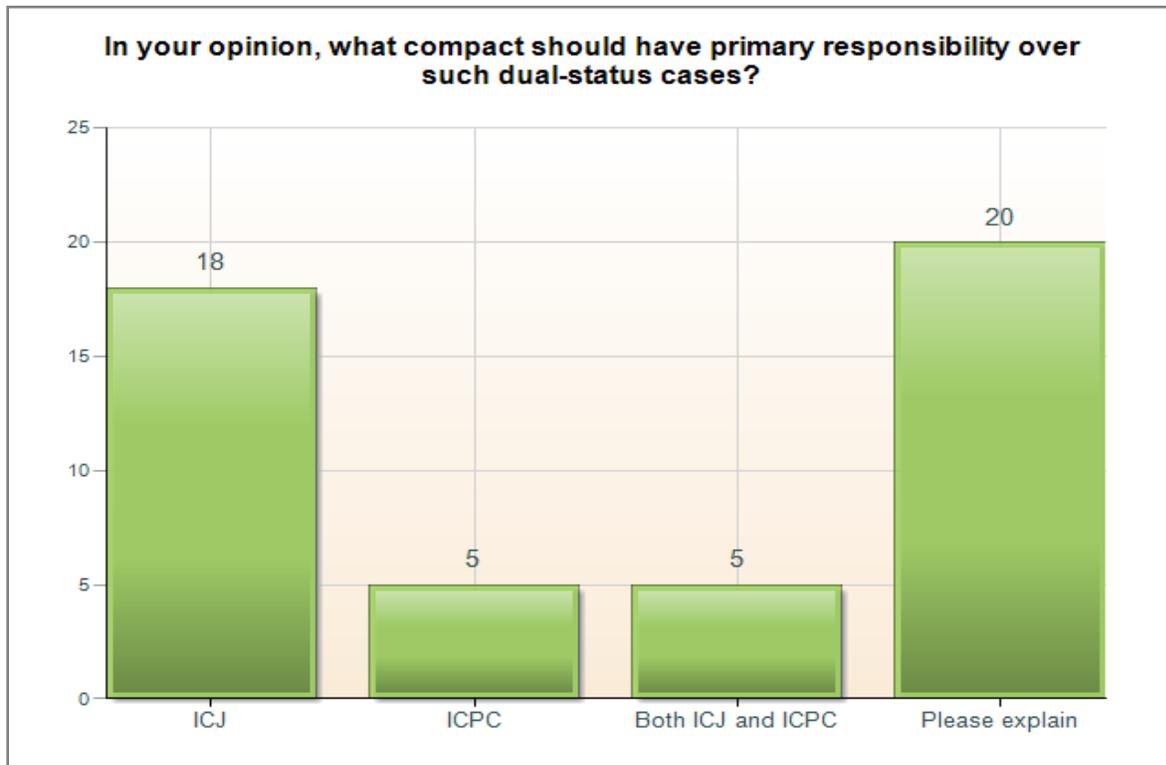


**Question 10: Would it be beneficial to have BOTH compacts enacted simultaneously when placing youth in private homes with family members? Why or why not?**



- If the youth is a dual supervision case in the sending state - it may require a slightly different perspective in the oversight; ICPC would be able to assure the home of a relative is a licensed foster home - however the licensing process may cause delays in placement
- If ICJ does not complete a home study on all the relatives in the home, ICPC should be enacted before ICJ places
- The compact should be separate
- If a youth is on probation in another state and placed into AK, AK would require that both compacts be enacted
- I am not sure this is possible. ICPC has to protect the child by requiring a detailed home study to include FBI, criminal checks, child abuse, etc. I am not sure that ICJ requires the family to complete these checks
- No, delinquent offenders should be handled by Probation or Parole staff who are trained to serve offenders, and trained to work with the delinquency courts regarding compliance with terms of probation.
- Each compact is evaluating different aspects of the placements; one may approve and the other may not. This needs to be coordinated
- I would more prefer adjudicated delinquents be processed through ICJ instead of ICPC.
- There could be some advantages in resource sharing for monitoring, visitation and oversight. However, could also lead to problem/confusion re responsibilities, duplication of efforts, etc., which could result in delayed placements.

**Question 11: In your opinion, what compact should have primary responsibility over such dual-status cases?**



- The youth has an obligation to the court to meet his conditions of probation first.
- If the youth is placed in a residential facility; ICPC should have primary responsibility. If the youth is placed with a parent, legal guardian, or approved adult; ICJ should have primary responsibility
- If the child has criminal charges ICJ should cover
- Two separate sets of goals require both. I would not expect a PO to focus on developing enhanced capacity for a family's ability to care for a child. Nor would I expect a social worker to provide correctional services
- ICJ until placement expires because children under ICJ have committed an offence, though they may fall under dual-status
- This is where I think we need the more clear distinction on which compact applies. There may be a need to modify both compacts to clarify when either applies, and or scenarios where the other would apply
- Normally a dual-status case originates with ICJ first
- If delinquent youth are being placed in foster care for child welfare services reasons versus detainment, ICPC should have primary responsibility. If the child is placed for detainment purposes it may be that ICJ should have the primary responsibility

***Question 12: Should ICJ rules allow for the placement of juveniles in homes where there is an active child protection services case or where the parental rights had been terminated?***

- This appears to be an ICJ question, not ICPC. ICPC would not permit children to be cared for by adults with indicated CPS findings, except in rare cases
- Current TN DCS Policy 16.46 allows for such placements in state under specific circumstance
- Many of our kids go home to their TPR'd birth mom when they turn 18 and exit care. Therefore, we are probably doing more of a disservice by keeping them out of the home when they are old enough to protect themselves, and the case involves low levels of neglect, rather than abuse
- No. Such an action would seem to be irresponsible by a Court in a delinquency proceeding
- No, but then there may have to be exceptions to the rule
- If this were the case it would have to be determined on a case by case basis. For example a sex offender should not be placed where an active CPS case involving sex abuse is ongoing
- California statute precludes placement of both wards and dependents together

***Question 13: Should ICPC rules allow for the placement of juveniles in homes where there is an active protection services case or where the parental rights had been terminated?***

- No - not if the child protective case is active; although we do look at the circumstances on a case by case basis.
- ICPC rules already allow for State law flexibility where not specifically trumped or precluded by Federal law
- Current TN DCS Policy 16.46 allows for such under specific circumstances; therefore, ICPC in TN allows for a placement under the same circumstances
- Yes, if it pertains to biological children only
- No, if parental rights have been terminated. Yes, if active child protection issues involve a parent as a part of an active reunification plan wherein the parent has shown significant compliance with the Court Ordered Child and Family Case Plan AND the receiving state has conducted a parent home study and has approved the placement via ICPC. Otherwise, we would never be able to allow for reunification if a parent moves out of state

- Not with an open CPS case, however, there have been times where older youth have successfully returned to a parent several years after a TPR
- Placing juveniles in homes where there is an active protection services case should not be allowed, generally.

***Question 14: What challenges do you face when working with a youth involved in both compacts?***

- Who is the primary supervisory agent of the case?
- There is a lack of adequate qualified staff
- Confusion and it is unclear who is coordinating the placement
- Who has primary responsibility of the case; coordinating/sharing information between both compacts (notification of case closure)
- Who has ultimate authority to deny placement, or responsible for the return of the child to the sending State
- It is more of a challenge to get other states to have both compacts open at the same time

***Question 15: Do you have any additional comments on the interaction of ICPC with ICJ?***

- Maryland ICPC would like the ICJ Compact amended to allow ICJ to process their own Institutional/Residential referrals
- There should be as little interaction as possible. It should be clear which compact applies. ICJ should have authority to place with private Residential Treatment Centers
- If both compacts are enacted in each state I would be curious to know if both offices use a single "in-state advisory committee"
- There is a need for communication and training between ICJ and ICPC. That communication starts with the compact administrators who direct the local agencies in the anticipated involvement that each will have with the other.
- Would like to learn more about ICJ

## **Raw Data**

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The complete survey responses from the ICPC offices are available upon request.