



Virginia
Commission on Youth

At-Risk Youth Served in Out-of-State Residential Placements

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At-Risk Youth Served in Out-of-State Residential Facilities

- In March 2005, the Commission on Youth directed staff to:
 - ❖ Determine the number of children receiving services in out-of-state residential treatment centers in lieu of being served in the Commonwealth;
 - ❖ Determine the reasons these children are being placed out of the Commonwealth, as well as the cost; and
 - ❖ Assess whether there is service ability in the Commonwealth to serve these children.



At-Risk Youth Served in Out-of-State Residential Facilities

- Two Areas of Interest
 - Interstate Compact on the Placement of Children
 - Comprehensive Services Act



Interstate Compact on the Placement of Children

- The Compact, a uniform law that has been enacted by all 50 states, District of Columbia, and US Virgin Islands establishes orderly procedures for the interstate placement of children and fixes responsibilities for those involved in placing the child.
- The Compact ensures that children who are placed across state lines for foster care, residential treatment, or adoption receive the same protections and services that would be provided if they had remained in their home states.
- The Compact assures that children placed out-of-state may return to their original jurisdictions should placements prove not to be in their best interest or if the need for out-of-state services cease.



Interstate Compact on the Placement of Children

Reasons a Compact for Children is Needed

- Regulates the safe interstate movement of children;
 - Provides protections for children in approved placements;
 - Extends a court and state's jurisdiction beyond its borders;
 - Ensures that supportive services are in place;
 - Ensures that financial and planning responsibilities remain with the sending state; and
 - Ensures that placements remain in compliance with appropriate licensure laws and regulations.
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Interstate Compact on the Placement of Children

The Code of Virginia

- Title 63.2, Chapters 10 and 11 contain the text and implementation of the Compact, respectively.
- Section 63.2-1104 addresses the interstate-intercountry placement of children into Virginia.
- Section 63.2-1105 is applicable to the placement of resident children out of the Commonwealth.



Interstate Compact on the Placement of Children

What the Compact Does

- The Compact contains 10 articles which:
 - Define type of placements applicable to and excluded from the law;
 - Specify who is subject to comply with the law;
 - Outline the notice procedures;
 - Address violations of the Compact;
 - Outline sending and receiving agency's responsibilities; and
 - Provide specific protections, services and requirements.



Interstate Compact on the Placement of Children

Types of Placements Covered

- Placements preliminary to an adoption.
- Placements into foster care, including foster homes, group homes, residential treatment facilities, residential treatment facilities, and institutions.
- Placements with parents and relatives when a parent or relative is not making the placement.
- Placements of adjudicated delinquents in institutions in other states.



Interstate Compact on the Placement of Children

Who must use the Compact?

- A state party to the Compact, or any officer or employee of a party state.
- A subdivision, such as a county or city, or any officer or employee, of the subdivision.
- A court of a party state.
- Any person, corporation, association, or charitable agency of a party state.



Interstate Compact on the Placement of Children

Safeguards offered by the Compact

- Provides the sending agency the opportunity to obtain home studies and an evaluation of the proposed placement.
- Allows the prospective receiving state to ensure that the placement is not “contrary to the interest of the child” and that its applicable laws and policies have been followed before it approves the placement.
- Guarantees the child legal and financial protection by fixing these responsibilities with the sending agency or individual.
- Ensures that the sending agency does not lose jurisdiction over the child once the child moves to the receiving state.
- Provides the sending agency the opportunity to obtain supervision and regular reports on the child’s adjustment and progress in the placement.



Interstate Compact on the Placement of Children

Procedures for Making Compact Placements

- As specified by the Compact, a state agrees to follow uniform procedures when it makes or accepts interstate placements.
- Since the Compact is a contract among party states, as well as a statute in each of them, it must be interpreted and implemented uniformly by all of them.



Interstate Compact on the Placement of Children

Administering the Compact

- Each state appoints a Compact Administrator and one or more Deputy Administrators.
- In each state, the Compact office and personnel are located in an office that is part of the department of public welfare or the state's equivalent agency.
- The Compact Administrator is designated to serve as the central clearing point for all notices and interstate placements.
- The Administrator and Deputies are authorized to conduct an investigation of the proposed placement and to determine whether the placement is contrary to the child's interest.
- After the placement is approved and the child is moved into the state, the Compact Administrator is responsible for overseeing the placement until it is terminated in accordance with Compact law.
- When placement is denied, the Compact Administrator enforces Compact law to ensure that placement IS NOT made into the receiving state.



Interstate Compact on the Placement of Children

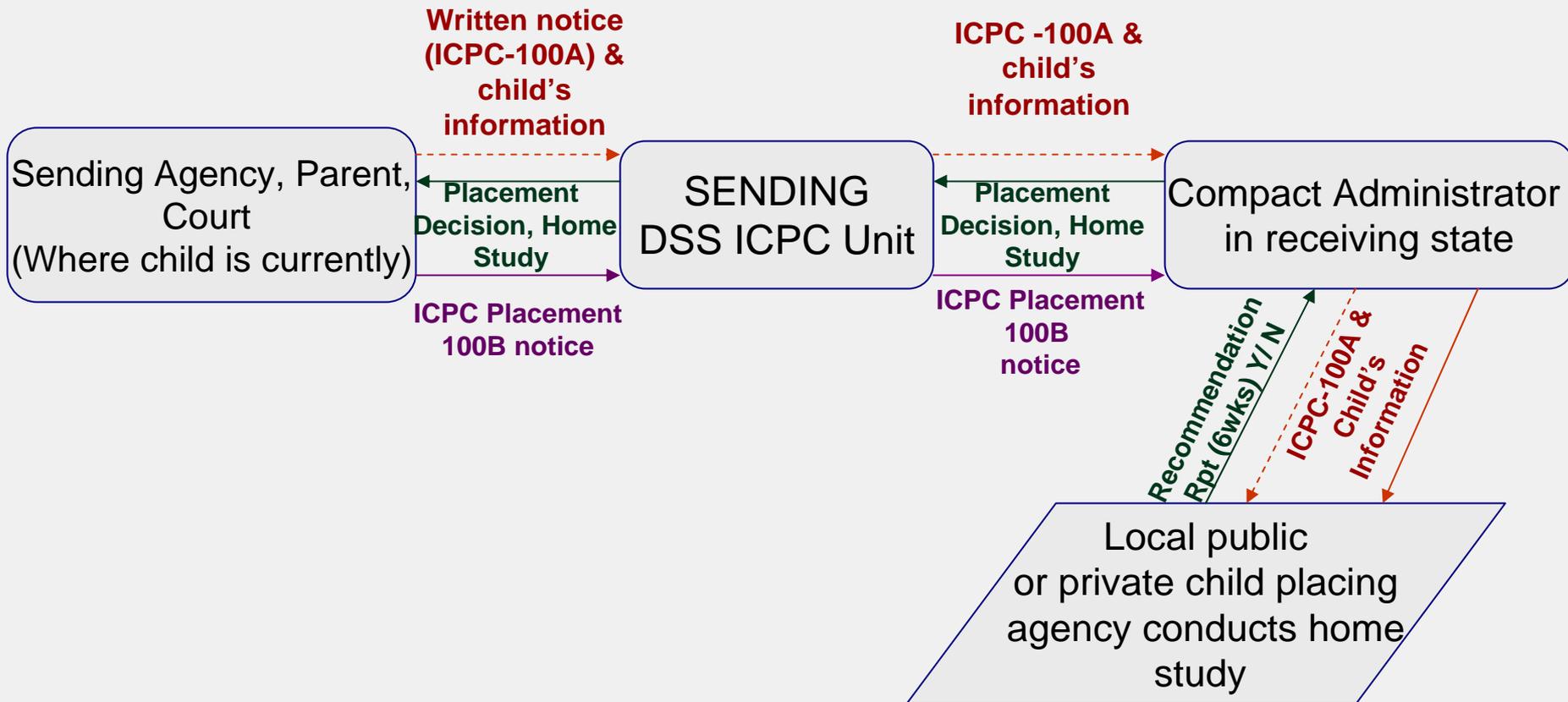
Recognizing the Placement Covered by the Compact

- The state in which the child resides and the state to which the child is to be sent must both be a party to the Compact; and
- A relative, caregiver, or designee is sending the child to live with someone other than a close relative or non-agency guardian as specified in the Compact; and
- A party that may or may not have legal custody of the child is sending, bringing, or causing the child to be brought or sent into a party state, without regard to the present location of the child; and
- The child is being placed with someone or some agency other than a medical facility, a boarding school, or a mental health or mental retardation facility.



Virginia Commission on Youth

Processing Interstate Compact on the Placement of Children (ICPC) Notices: Forms 100A and 100B





Interstate Compact on the Placement of Children

Questions to the Department of Social Services

- How many children were placed in residential placements during FY05?
 - Type of placement
 - Referring agency
 - Age of children
 - Virginia location of the child
 - Diagnosis
 - Average length of stay
 - Cost of placement
 - Name and state of placement
 - Reason for not being placed in Virginia
- How many Virginia children are currently placed in an out-of-state residential setting?
- How many children from other states and countries are currently in Virginia residential placements?



Interstate Compact on the Placement of Children

Preliminary Findings of Virginia's Interstate Compact

- The Department of Social Services last updated its services policy manual on the Interstate Compact in 1983.
- The two computer systems used by the Department and local departments of Social Services are not fully compatible.
- Parties placing children in out-of-state placements need consistent and comprehensive training on the Interstate Compact process.



Recommendation

- Request that the Department of Social Services develop a plan to address these issues and to report that plan to the Commission at the November 21, 2005 meeting.



Comprehensive Services Act

Review of CSA Data

- Staff has reviewed preliminary data from the Office of Comprehensive Services
- At our November meeting, staff will review
 - Type of placements;
 - Referring agencies;
 - Demographics of children served;
 - Cost of placements; and
 - Final findings and recommendations for the study.