

NUMBER

#19-68-04

DATE

February 26, 2019

OF INTEREST TO

County Directors
Social Services Supervisors and
Staff
Judges
Guardians ad Litem
Court Administrators
County Attorneys
Tribal Agencies
Licensing Child Placing Agencies

ACTION/DUE DATE

None

EXPIRATION DATE

February 26, 2019

Instructions for Processing Requests for Interstate Home Studies

TOPIC

Addresses how to process home study requests through the Interstate Compact on the Placement of Children (ICPC), and provides county and tribal agencies, and licensed child placing agencies, direction on how the process applies to different requests across state borders.

PURPOSE

To update, provide clarification and instruction on how to complete home studies requested through the ICPC. **This bulletin replaces bulletin #13-68-01.**

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background Information

The Interstate Compact on the Placement of Children (ICPC) is the process used by juvenile and family court judges, human services and tribal agencies, and private agencies, to ensure protection and provision of services to children placed across state lines. The ICPC covers children where courts have found them to be neglected, abused and/or adjudicated delinquent who are placed in foster care, adoptive or relative placements, residential treatment facilities or with non-custodial/custodial parent(s). It establishes orderly procedures for the interstate placement of children, and identifies responsibility for those involved in placing children.

Children placed out of state are to be assured the same protections and services they would receive if they remained in their home state. The Compact ensures that when a child is placed in another state:

- The receiving state agency staff has had an opportunity to assess a proposed placement
- The sending state agency staff has obtained enough information to evaluate a proposed placement
- Child is placed in a suitable environment
- A child's care is promoted through appropriate jurisdictional arrangements and financial support
- There are opportunities to obtain assurances of appropriate supervision and provision of services, and to receive regular reports on child's adjustment and progress in an approved placement.

A. Safe and Timely Interstate Placements

The Safe and Timely Interstate Placement of Foster Children Act of 2006 [P.L. 109-239] became effective October 1, 2006. This ICPC legislation was intended to improve the process for helping foster and adoptive children join safe, permanent and loving families across state lines. The Safe and Timely Interstate Placement of Foster Children Act requires state agencies to:

- 1. Develop procedures for orderly and timely interstate placement of children**
- 2. Complete home studies requested by another state within a specified time period**
- 3. Accept home studies received from another state for timely placement of children.**

This legislation amended the Social Security Act to require states that receive foster care payments under the federal Title IV-E program to meet certain requirements when children are placed in another state for foster care or adoption.

Within ICPC requests for home studies, the following definitions are used:

Home study: An evaluation of a home environment conducted in accordance with applicable requirements of the state in which a home is located, to determine whether a proposed placement meets the individual needs of a child, including their safety, permanency, health, well-being, and mental, emotional and physical development.

- **Interstate home study:** A home study conducted by a state agency at the request of another state agency, to facilitate an adoptive, foster, relative, or parent placement in the receiving state for a child who remains under jurisdiction of the state agency requesting a home study.
- **Timely interstate home study:** An interstate home study completed with results provided to a requesting state agency within 60 days after receipt of a request. This statement shall not be construed to require state agency staff to have completed the educational and training components of the prospective foster or adoptive parents. [The Safe and Timely Interstate Placement of Foster Children Act of 2006, Public Law 109-239]

B. Interstate Compact Home Study Request

Currently, no single nationally accepted standard for home studies exists. Public child welfare agencies in one state do not have the authority to specify the content of a home study prepared in another jurisdiction.

County and tribal agencies, and licensed child placing agencies, may be asked through the ICPC, to complete a home study on individuals for the following purposes:

1. **Adoptive placement**
2. **Foster care placement**
3. **Relative placement**
4. **Parent placement**

Home study assessments conducted for adoption and/or foster care must comply with Minnesota laws and rules. The commissioner's Designated Format must be used, at: <https://mn.gov/dhs/partners-and-providers/edocs/child-protection-foster-care-adoption/>.

In addition, Adam Walsh background checks must be completed according to Minnesota Statutes, sections 245C.03 and 245C.33.

C. Adoption Home Study Requests

Adoption home study requests must comply with Minnesota rules and laws, specifically Minnesota Statutes, section 259.41, subdivisions 3 and 4, and the commissioner's Designated Format must be used. The home study format should be used as a tool to summarize interviews and training of prospective adoptive parents. It is expected that there will be a guided discussion between the caseworker and prospective adoptive parent(s) to assess the suitability of an adoptive placement. Adoption home studies must include an agency's recommendation regarding an applicant's ability to care for a child/ren who is/are the subject(s) of an ICPC request, and recommendation for placement. In addition, Adam Walsh clearances specific to adoption, for all applicable household members, must be submitted.

D. Foster Home Study Requests

Foster care home study requests must comply with Minnesota rules and laws, specifically Minnesota Rules, part 2960.3060, subpart 4, and the commissioner's Designated Format must be used. The home study format should be used as a tool to summarize interviews and training of prospective foster parent(s). It is expected that there will be a guided discussion between the caseworker and prospective foster parent(s) to assess the suitability of a foster placement. Foster care home studies must include agency's recommendation regarding an applicant's ability to care for a child/ren who is/are the subject(s) of an ICPC request, and recommendation for placement. In addition, Adam Walsh clearances specific to foster care for all applicable household members, and a copy of the (child) foster care license, must be submitted.

E. Relative Home Study Requests

All Minnesota placement resources that receive a child for care are required to pursue and complete foster care licensing. Minnesota Statutes, section 245A.035, provides a process for suitable relatives to immediately receive a child for placement until they are licensed. See bulletin #16-68-01, Procedures for Emergency Relative Placements.

When responding to a relative home study request, agencies should conduct a preliminary assessment on the relative to determine suitability for placement and submit the recommendation. The commissioner's Designated Format may be used to guide the assessment process. When considering placement of a child with a relative, agencies may obtain criminal history and history of maltreatment of children or adults from locally available sources to aid in determining, in part and on a preliminary basis, whether a child will be safe in the home. [Minnesota Statutes, section 260C.209]

F. Parent Home Study Requests

Parent home study requests are made through the ICPC when unification or reunification is to occur in another state, whenever a court has jurisdiction over a child being placed. Parent home studies should follow Minnesota Statutes, section 260C.219, a(1), and assess a noncustodial parent's ability to provide day-to-day care for a child and, when appropriate, indicate the support that will be necessary to enable them to safely provide for a child's care. The commissioner's Designated Format may be used to guide the assessment process. Background checks may be requested by the sending state. This background check would be considered a screening by the agency conducting the study, and should be used as part of the assessment process to determine the placement recommendation.

G. Recommendations for Placement

Once an assessment has been completed, it is necessary for a recommendation to be made, which should be described clearly in the summary of an assessment. Types of recommendations may include:

1. **Approval – placement is approved**
2. **Approval with conditions – placement is approved *if* specific conditions are met**
3. **Denial – placement is denied and the case is closed.**

H. Placement

Completion of a timely interstate home study, or an interstate home study by Minnesota county social service and tribal agencies, or licensed child placing agencies, may not result in an ICPC placement approval for a child from another state. ICPC placement decisions, including whether and when to place a child, are state agency decisions.

Americans with Disabilities Act (ADA) Advisory

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