

BEST PRACTICE GUIDE



In 2011, the Interstate Commission for Juveniles (ICJ) and the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) formed a joint Work Group. The purpose of this partnership was to examine the overlap of juvenile cases affecting both Compacts.

On May 21, 2012, the ICJ and the AAICPC entered into a Memorandum of Understanding (MOU). The MOU outlines the collaboration between ICJ and ICPC and the roles and responsibilities of each Compact.

This booklet is a culmination of countless meetings and discussions resulting in best practice guidelines for cases that either involve both ICJ and ICPC or have the potential to trigger both. Here you will find assorted step-by-step guidelines for processing juveniles within family, residential, and runaway settings.

MEMORANDUM OF UNDERSTANDING (MOU)

Interstate Commission for Juveniles and Association of Administrators of the Interstate Compact on the Placement of Children

THIS MOU is made between the Interstate Commission for Juveniles (herein referred to as the "Commission," the governing body of the Interstate Compact for Juveniles, herein referred to as the "ICJ") and the Association of Administrators of the Interstate Compact on the Placement of Children (herein referred to as the "AAICPC," the administrative body of the Interstate Compact on the Placement of Children, herein referred to as the "ICPC") effective on the 21 day of May, 2012

I. Purpose of MOU

The purpose of this MOU is to foster communication, collaboration, education, and training to clarify issues and resolve confusion at the local, state and national levels in the handling of those cases when both compacts may apply or in other cases when only one compact is to be used. Further, this MOU is intended to coordinate, to the extent possible, the roles and responsibilities of each party at the local, state and national levels to determine: 1) the best plan of action regarding public safety and what is in the best interest and safety of the child or juvenile, and 2) when it may be necessary to modify rules, regulations, procedures and forms to further enhance communication and improve delivery of services.

II. Defining ICPC and ICJ

A. **Interstate Compact for Juveniles:** The ICJ preserves child welfare and promotes public safety interests of citizens, including victims of juvenile offenders. These objectives are accomplished by providing enhanced accountability, enforcement, visibility and communication in the return of juveniles who have left their state of residence without permission, and in the supervision of juveniles who travel or relocate across state lines. Additionally, ICJ has a provision to make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services (*See, ICJ Article I*).

1. Juveniles subject to ICJ for possible return are those who are located in a holding or asylum state and:
 - a. Are on probation, parole or court ordered supervision who have absconded, escaped or failed to appear; or
 - b. Are non-delinquent who have left their state of residence without permission, including those in the custody of the state (children in need of care); or
 - c. Are accused delinquent with an active warrant entered into the National Crime Information Center (NCIC); or

- d. Have failed in their ICJ placement, and the sending state has taken action for their return; or
 - e. Have run from an ICPC placement and the resource refuses to take the child or juvenile back, or the child or juvenile refuses to return.
2. Juveniles eligible for supervision under ICJ Article I (A) are those who are on probation, parole, or deferred adjudication and seek to travel or relocate to another state, including those:
- a. In a home placement with a parent or legal guardian.
 - b. As full-time students at a secondary school, or accredited university, college, or state licensed specialized training program and can provide proof of acceptance and enrollment.
 - c. In other home situation placements excluding residential treatment facilities.
- B. Interstate Compact on the Placement of Children:** ICPC is an agreement between member states that governs the placement of abused, neglected or dependent children into another state. ICPC provides these children the same protection and services that would be provided to them if they remained in their home state. ICPC also governs children placed as a result of an independent or private adoption and all children (including delinquents) placed into residential treatment facilities. ICPC includes the return of the child to the original jurisdiction should the placement prove not to be in the best interest of the child.

ICPC defines four types of placement categories:

- 1. Adoptions: Placement preliminary to an adoption. (Independent, private or public Adoptions) *See, ICPC Article III (a).*
- 2. Licensed or Approved Foster Homes: Placement with related or unrelated caregivers. *See, ICPC Article III (a).*
- 3. Placements with parents and relatives when a parent or relative is not making the placement. *See, ICPC Article VIII (a) "Limitations."*
- 4. Group Homes or Residential Placement of all children, including accused or adjudicated delinquents in institutions in other states. *See, ICPC Article VI.*

C. Cases where both compacts may be involved:

- 1. Runaways as defined above in paragraph II(A)(1)(b) and (1)(e); or
- 2. Residential placements as defined in paragraphs II(A) and II(B)(4); or
- 3. Family settings as defined in paragraph II(B)(1), (2), and (3).

III. This collaboration includes:

A. Communication: Promoting Communication at the Local, State and National Levels.

- 1. Distributing this MOU to all member states.
- 2. Posting this MOU on both the AAICPC and the Commission websites.
- 3. Promoting inclusion of interested stakeholders in regional meetings.
- 4. Representation at national level business meetings, conferences or committees.
- 5. Facilitating joint participation on state councils or meetings.
- 6. Encouraging periodic meetings between ICPC and ICJ state offices.
- 7. Encouraging collaboration at a local level between probation and parole and child welfare staff involved in cases of mutual concern.

B. Education and Training: Promoting Education and Training at the Local, State and National Levels.

1. Utilizing this MOU and related documents as part of ICJ and ICPC education and training material.
2. Providing support and leadership to develop state and local trainers.
3. Promoting local, state and regional trainings which utilize a variety of formats.
4. Encouraging training events at the national meetings or conferences that would be open to both the Commission and the AAICPC membership.
5. Recognizing at the local and state level the importance of including judges, attorneys, court appointed special advocates, law enforcement or other interested parties in education and training efforts.

C. Collaboration in Specific Cases: Promoting Collaboration at the Local, State and National Levels, where Concurrent or Overlapping Responsibilities Exist:

1. Encouraging joint staffing between state and local parties in the handling of cases.
2. Examining more efficient and effective ways to share case sensitive information while complying with statutes and regulations that govern the sharing of such documents.
3. Working together to provide stability when a child or juvenile becomes involved in the abuse or delinquency system after having been placed through either compact in the receiving state.

IV. Implementation

The implementation of this MOU may be covered in existing documents. However, some areas may require further clarification. Such clarification may be developed through workgroups, meetings, establishing training curriculums and best practice guidelines, or, if necessary, modification of rules, regulations, procedures and forms.

V. Resolution

If through the education and communication listed above the involved parties are unable to reach an agreement on a specific issue they can attempt to resolve the issue at the local or state level. If the involved parties are unable to resolve it at either of those levels they may request assistance from their respective national office by contacting the following individual(s):

Executive Director
Interstate Commission for Juveniles
836 Euclid Avenue, Suite 322
Lexington, KY 40502
859-721-1062

Secretariat
Association of Administrators of
the Interstate Compact for the
Placement of Children
1133 Nineteenth Street, NW
Washington, DC 20036
202-682-0100

See below the national websites for additional information:

ICJ: <http://www.juvenilecompact.org/> ICPC: <http://icpc.aphsa.org/Home/resources.asp>

VI. Termination

If either party desires to terminate this MOU, it may do so by providing written notice to the other party through the Commission Chair or AAICPC President. Such termination shall be effective ninety (90) days following receipt of said notice unless otherwise rescinded.

VII. Modification

Modifications to this MOU may only be made with the written consent of both the Commission Chair and AAICPC President.

VIII. Applicable Law

Notwithstanding the terms of this MOU, all provisions governing placements subject to the Interstate Compact for Juveniles and the Interstate Compact on the Placement of Children, and the authorized rules and regulations under each Compact shall continue to apply.

All provisions concerning liability, immunity, and indemnification as provided in the Interstate Compact for Juveniles and the Interstate Compact on the Placement of Children, shall remain in effect and no provision of this MOU is intended to confer upon or authorize any individual right of action by any person to whom this MOU may apply.

IX. Effective Date and Signature

This MOU shall be effective upon the signature of the Commission and AAICPC authorized officials. It shall be in force from May 21, 2012 to _____.

Interstate Commission for Juveniles
Commission Chair



Signature

5-10-12

Date

Association of Administrators of the
Interstate Compact for the Placement of Children
Compact President



Signature

5/21/12

Date

Family Case Scenarios -

A: Dual Jurisdiction

- At time of placement, both abuse and neglect and delinquency court systems are involved

B: ICPC Jurisdiction

- At time of placement, only the abuse and neglect court is involved. After ICPC placement, the sending state delinquency court becomes involved

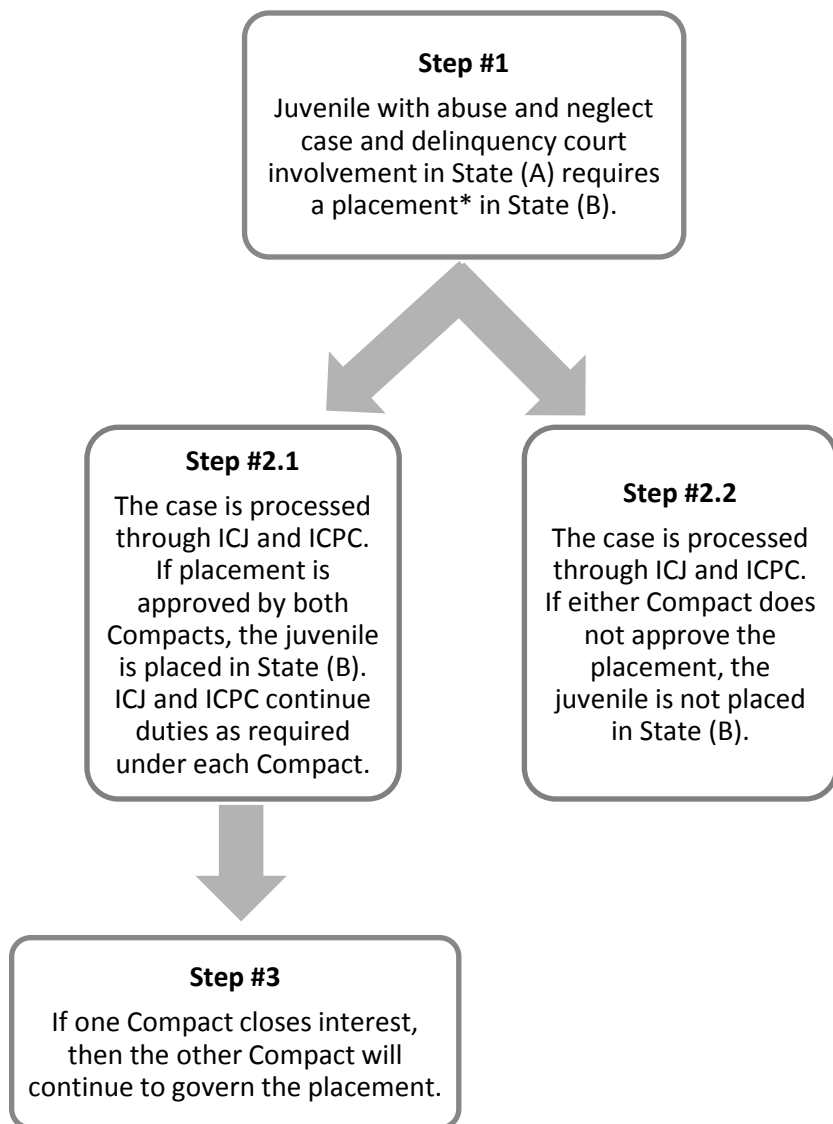
C: Abuse and Neglect Court Jurisdiction

- At time of placement, only the abuse and neglect court system is involved. After ICPC placement, delinquent behavior occurs in the receiving state

ICPC/ICJ Family Setting Process

Family Setting Case Scenario A: Dual Jurisdiction

At time of placement, both abuse and neglect and delinquency court systems are involved



Scenario A: Juvenile with abuse and neglect case and delinquency court involvement in State (A) requires a placement* in State (B).

Step #2.1: The case is processed through ICJ and ICPC. If placement is approved by both Compacts, the juvenile is placed in State (B). ICJ and ICPC continue duties as required under each Compact.

Step #2.2: The case is processed through ICJ and ICPC. If either Compact does not approve the placement, the juvenile is not placed in State (B).

Step #3: If one Compact closes interest, then the other Compact will continue to govern the placement.

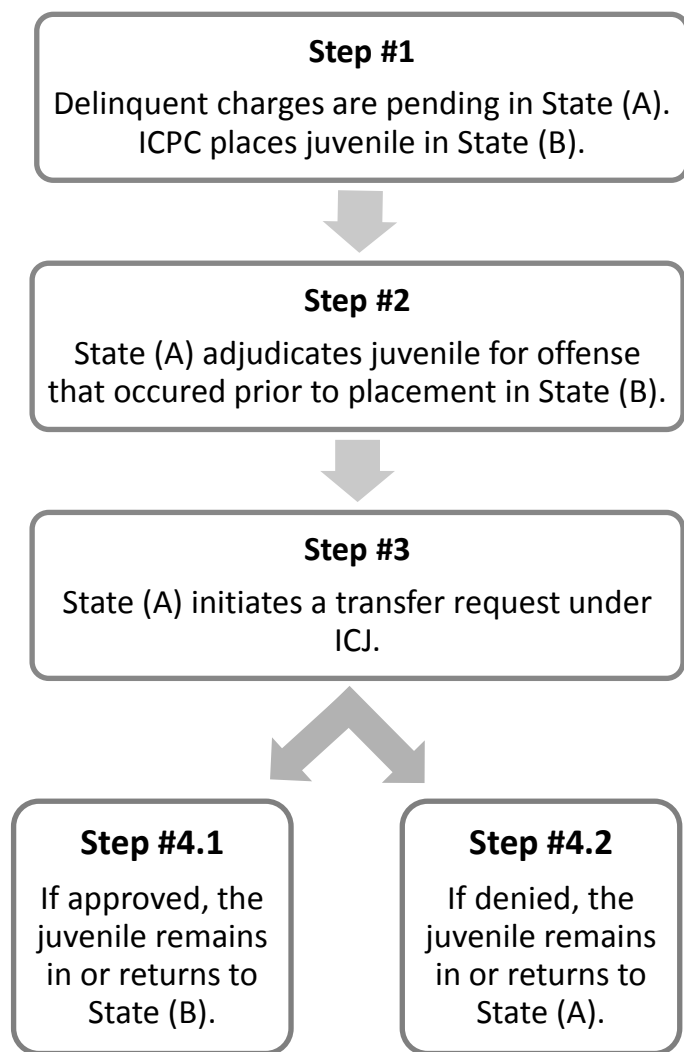
*Placement for this scenario includes the categories of parent, relative, foster care, adoption, or non-relative; it excludes residential treatment facilities.

Note: *This scenario could create a circumstance where a dually adjudicated youth is denied for placement by one compact, while sibling(s) is/are appropriately placed through the other compact. The involved state offices are encouraged to have dialogue on how to best meet the needs of the involved youth and the community within the bounds of the compacts.*

ICPC/ICJ Family Setting Process

Family Setting Case Scenario B: ICPC Jurisdiction

At time of placement, only the abuse and neglect court is involved. After ICPC placement, the sending state delinquency court becomes involved



Scenario B: State (A) places juvenile in State (B) through ICPC and only the abuse and neglect court is involved. After ICPC placement, the delinquency court in State (A) becomes involved.

Step #1: Delinquent charges are pending in State (A). ICPC places juvenile in State (B).

Step #2: State (A) adjudicates juvenile for offense that occurred prior to placement in State (B).

Step #3: State (A) initiates a transfer request under ICJ.

Step #4.1: If approved, the juvenile remains in or returns to State (B).

Step #4.2: If denied, the juvenile remains in or returns to State (A).

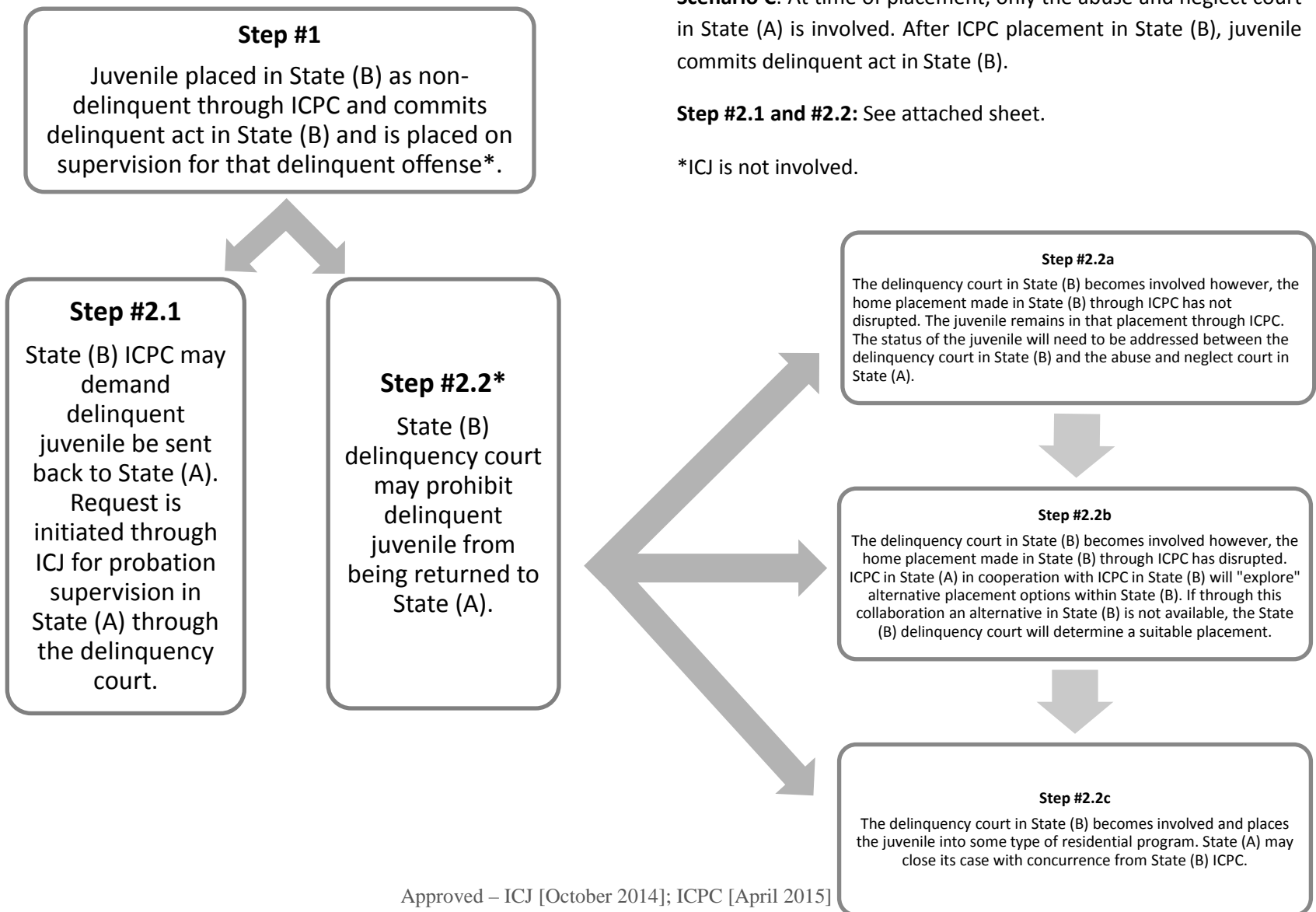
Note: *If the juvenile is an adjudicated delinquent and State (A) submits an ICJ transfer request to State (B), State (A) ICPC may elect to close the ICPC case.*

If State (B) ICPC does not concur with closing the ICPC case, State (A) must keep the ICPC case open. This may occur if State (A)'s delinquency case is shorter than the ICPC case.

ICPC/ICJ Family Setting Process

Family Setting Case Scenario C: Abuse and Neglect Court Jurisdiction

At time of placement, only the abuse and neglect court system is involved. After ICPC placement, delinquent behavior occurs in the receiving state



ICPC/ICJ Family Setting Process

Family Setting Case Scenario C: Abuse and Neglect Court Jurisdiction

At time of placement, only the abuse and neglect court system is involved. After ICPC placement, delinquent behavior occurs in the receiving state

Step #1: At time of placement, only the abuse and neglect court in State (A) is involved. After ICPC placement in State (B), juvenile commits delinquent act in State (B).

In all of the following steps at a minimum the following factors should be taken into consideration:

- Who is responsible for determining the placement
- Financial responsibility for the placement
- Public safety issues, and
- The permanency plan for the juvenile
- Who is legally responsible for the juvenile

Step #2.1: State (B) ICPC may demand delinquent juvenile be sent back to State (A). Request is initiated through ICJ for probation supervision in State (A) through the delinquency court. If the juvenile is successfully returned to State (A) the abuse and neglect court would still be involved however it would no longer be an ICPC case.

Even though State (A) will only be mandated to accept the transfer under ICJ if the juvenile has a custodial parent or legal guardian in State (A) and does not have a custodial parent or legal guardian in State (B), as a best practice State (A) is encouraged to consider best interest of the child in considering the ICJ transfer.

Step #2.2: State (B) delinquency court may prohibit the delinquent juvenile from returning to State (A). State (A) abuse and neglect court may not terminate jurisdiction unless State (B) ICPC concurs.

Step #2.2a: The delinquency court in State (B) becomes involved however, the home placement made in State (B) through ICPC has not disrupted. The juvenile remains in that placement through ICPC and could be supervised in State (B) for the delinquent charge without ICJ involvement. The status of the juvenile will need to be addressed between the delinquency court in State (B) and the dependency court in State (A).

The agency in State (A)'s continues to have financial responsibility for support and maintenance of the child during the period of the placement.

Step #2.2b: The delinquency court in State (B) becomes involved however, the home placement made in State (B) through ICPC has disrupted. ICPC in State (A) in cooperation with ICPC in State (B) will "explore" alternative placement options within State (B). If through this collaboration an alternative in State (B) is not available, the State (B) delinquency court will determine a suitable placement.

Step#2.2c: The delinquency court in state (B) becomes involved and places the juvenile into some type of residential program. State (A) may close its case with concurrence from State (B) ICPC.

Residential Case Scenarios

Residential – Scenario A

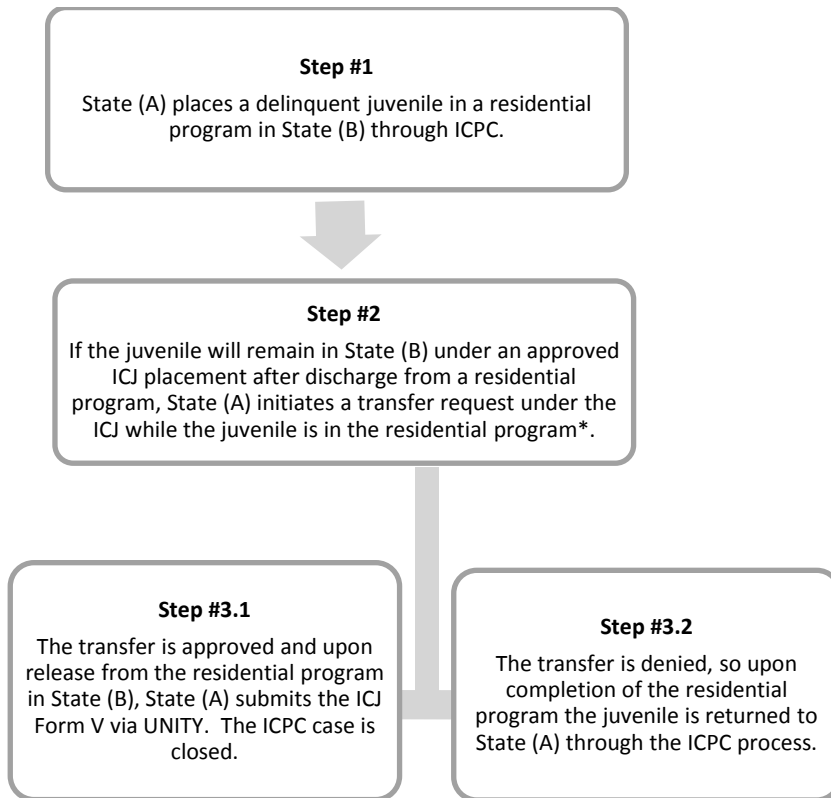
- Juvenile under delinquency court jurisdiction in State (A), placed in residential program in State (B)

Residential – Scenario B

- Juvenile under court jurisdiction for both delinquency and abuse and neglect in State (A), placed in residential program in State (B)

ICPC/ICJ Residential Process

Scenario A: Juvenile under delinquency court jurisdiction in State (A), placed in residential program in State (B)



Scenario A: State (A) ICPC places a delinquent juvenile in a residential program in State (B). If the juvenile will remain in State (B) under an approved ICJ placement after discharge from a residential program, State (A) initiates a transfer request under the ICJ while the juvenile is in the residential program*.

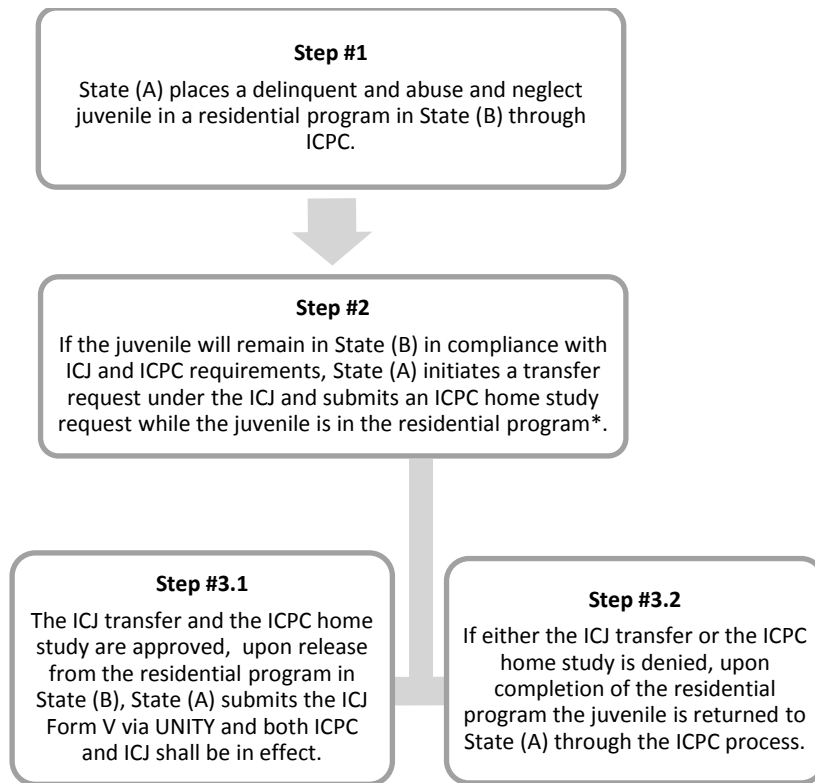
Step #3.1: If the ICJ transfer is approved, upon the juvenile's release from the residential program in State (B), State (A) will submit the ICJ Form V via UNITY.

Step #3.2: If the transfer under the ICJ is denied, the juvenile would be returned to State (A) through the ICPC process.

*Ideally, this request would occur within 45-90 days of the juvenile's release.

ICPC/ICJ Residential Process

Scenario B: Juvenile under court jurisdiction for both delinquency and abuse and neglect in State (A), placed in residential program in State (B)



Scenario B: State (A) ICPC places a delinquent and abuse and neglect juvenile in State (B). The juvenile's parent or legal guardian lives in State (B). While the juvenile is in the residential program, State (A) initiates a transfer under the ICJ to the parent or legal guardian in State (B).

Step #3.1: The ICJ transfer request and the ICPC home study are approved, upon the juvenile's release from the residential program in State (B). State (A) will submit the ICJ Form V via UNITY and both ICPC and ICJ shall be in effect.

Step #3.2: Both the ICJ transfer and the ICPC home study must be approved. If not, then upon completion of the residential program the juvenile is returned to State (A) through the ICPC process.

*Ideally, this request would occur within 45-90 days of the juvenile's release.

Runaway Case Scenarios

Runaway – Scenario A

- ICPC juvenile placed in State (B) runs away from that placement and stays in State (B)

Runaway – Scenario B

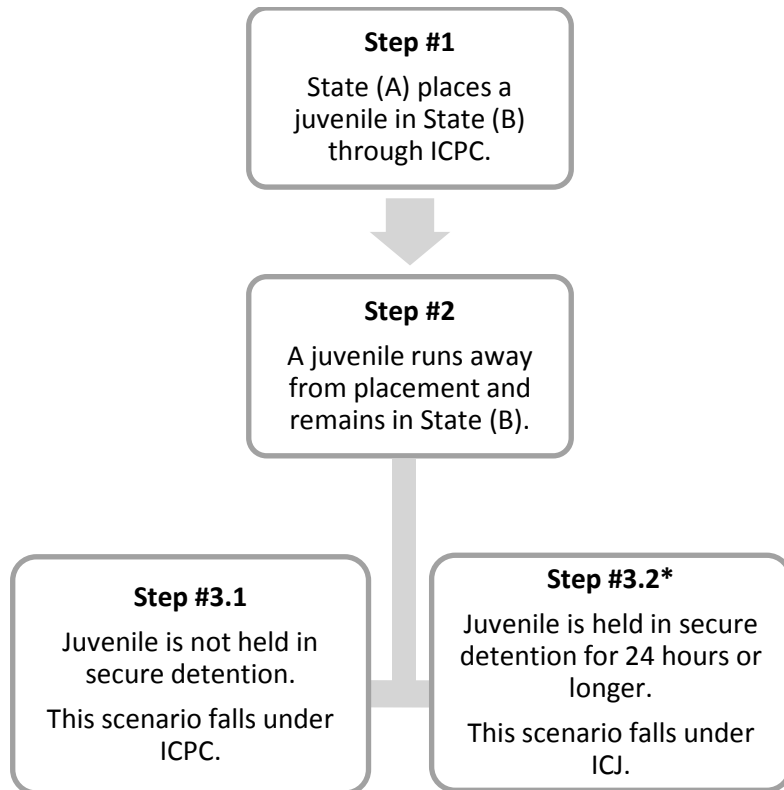
- Juvenile placed through ICPC in State (B) runs to State (C)

Runaway – Scenario C

- Abuse and Neglect Court Jurisdiction case where juvenile is placed in State (A) and runs to State (B)

ICPC/ICJ Runaway Process

Scenario A: ICPC juvenile placed in State (B) runs away from that placement and stays in State (B)



Scenario A: State (A) ICPC places a juvenile in State (B). If the juvenile runs away and stays in State (B) (Step 3.1), the juvenile is returned under ICPC, unless the juvenile is held in secure detention for 24 hours or longer, then the return would be under ICJ (Step 3.2).

Step #3.1: If the juvenile is not held in secure detention, ICPC is responsible to resolve the run status through one of several options:

- a) Facilitate juvenile's return to the approved placement resource in State (B)
- b) Work with Sending Agency to return juvenile to State (A)
- c) Obtain approval from State (B) to place a juvenile in another placement resource in State (B) such as: RTC, licensed foster home, etc.
- d) Work with Sending State (A) Agency to place juvenile in another third state placement resource

Step #3.2: If the juvenile is held in secure detention for 24 hours or longer, the juvenile is returned under the ICJ. ICJ and ICPC will continue to work together, which may include the options outlined in Step 3.1(a-d).

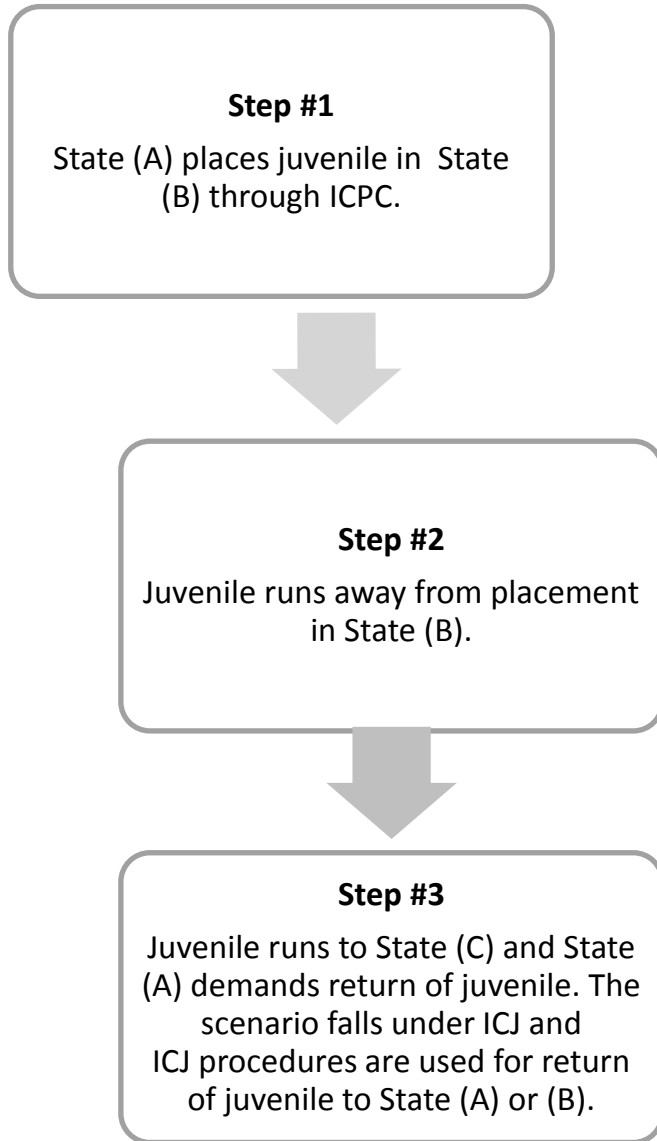
Exception: State (B) takes Legal Jurisdiction

Please note, both Steps 3.1 and 3.2 are subject to the court in State (B) if the juvenile is the subject of a petition involving possible criminal or delinquent behavior in the Receiving State. In such a situation, State (B) may choose to place the juvenile under their jurisdiction until the State (B) court determines resolution of the petition.

*Scenario under review

ICPC/ICJ Runaway Process

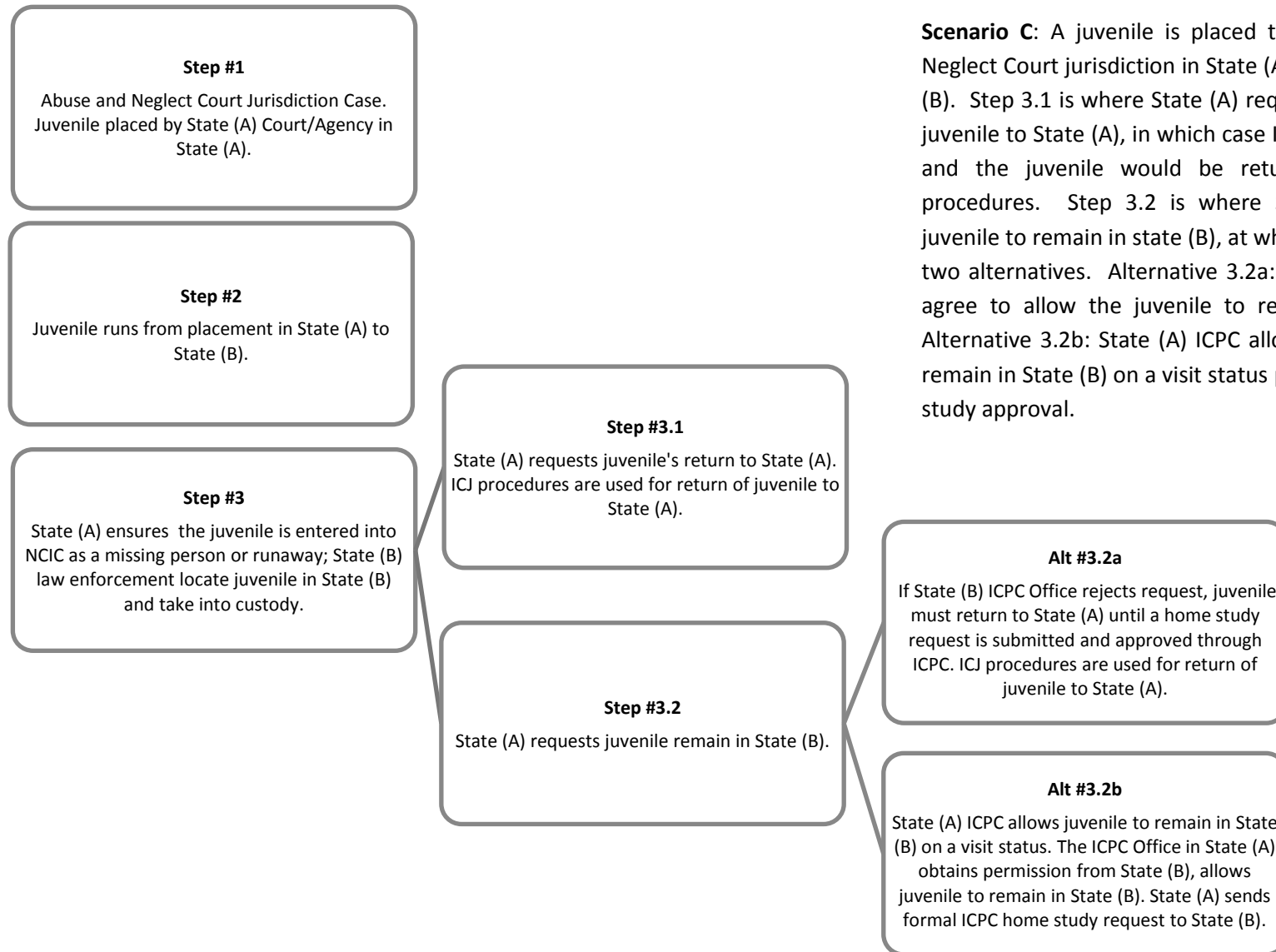
Scenario B: Juvenile placed through ICPC in State (B) runs to State (C)



Scenario B: State (A) ICPC places juvenile in State (B). Juvenile runs to State (C) and State (A) demands the return. ICJ in State (C) assists in the return of the juvenile to State (A) or (B).

ICPC/ICJ Runaway Process

Scenario C: Abuse and Neglect Court Jurisdiction case where juvenile is placed in State (A) and runs to State (B)



Scenario C: A juvenile is placed through Abuse and Neglect Court jurisdiction in State (A) and runs to state (B). Step 3.1 is where State (A) requests the return of juvenile to State (A), in which case ICPC is not involved and the juvenile would be returned through ICJ procedures. Step 3.2 is where State (A) requests juvenile to remain in state (B), at which point there are two alternatives. Alternative 3.2a: State (B) does not agree to allow the juvenile to remain in State (B). Alternative 3.2b: State (A) ICPC allows the juvenile to remain in State (B) on a visit status pending ICPC home study approval.