

Assessment on the Interstate Placement of North Carolina Children

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New York ● Maine ● Arkansas ● Florida ● Pennsylvania



Assessment on the Role, Responsibilities and Effectiveness of North Carolina's Juvenile Courts in the Interstate Placement of Foster Children

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Executive Summary

The interstate placement of children in the North Carolina child welfare system is regulated by federal and state statutes that govern both the state's administrative agency and the court system, requiring some actions and authorizing others. Although these cases are infrequent as a proportion of all child welfare cases, less than six percent of the children placed in foster care, they can require significant effort from all parties because of the different laws and regulations as well as different practices among states.

At the federal level, the most notable recent attention given to this issue involved passage of the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239). The act requires that state courts receiving court improvement grants assess their effectiveness in expediting interstate placements, and authorizes courts to obtain information and testimony from service providers and parties to the case without requiring interstate travel. In response to this requirement, the North Carolina Administrative Office of the Courts retained the services of Hornby Zeller Associates, Inc. (HZA) to complete the assessment of interstate placement laws and procedures.

To complete the assessment, HZA performed a legal review of applicable federal and state statutes and a practice assessment that reviewed court files of identified interstate placement cases in six North Carolina Districts and included state and local level stakeholder interviews. In total, 157 court files were reviewed and 34 interviews held. The court files represented two time periods: cases active during the first nine months of 2005; and cases active during the first nine months of 2007, but not active before October 1, 2005. The time periods were intended to permit before and after comparisons on the Safe and Timely Interstate Placement of Foster Children Act which became effective October 1, 2006.

The following provides a summary of highlights presented throughout the report:

- Four in ten cases identified as ICPC cases included an out-of-state placement, as of the review time. Child age, gender, number of in-state placements and reason for removal (abuse versus neglect) were not related to whether a child was sent out of state. Almost all (88.1 percent) of the children sent out of state were placed with a relative.
- The first home study was requested an average of 210.2 days after the petition date, although there was variation between the time periods examined (251.3 days for the 2005 period compared to 159.2 days for the 2007 period).
- The mean time from petition to out-of-state placement was 365.7 days. There was significant variation between the two time periods: the mean time from the 2005 period was 460.6 days compared to the mean time of 198.6 days for the 2007 period.

- Parties are willing to send some children out of state in violation of ICPC mandates. Mechanisms for accomplishing this include the use of extended visits and CASA home studies.
- Modern technology is infrequently utilized to enable out-of-state party participation in court events without requiring interstate travel, although interviewees expressed genuine interest in and acceptance of such participation.

In light of the findings, HZA presents the following recommendations to assist the NC Courts in not only meeting Federal expectations for interstate placement cases, but also in achieving timely permanency for North Carolina children.

- Recommendation One: Ensure that all judges and other parties to the court action have the opportunity to receive training and other resources, such as a checklist, on the requirements for interstate placements.
- Recommendation Two: Develop a means of identifying interstate cases and highlighting important actions taken to ensure timely and appropriate action.
- Recommendation Three: Enable the timely ordering of home studies by utilizing standardized paperwork to be located in the courtroom.
- Recommendation Four: Increase the technological capacity of courts to enhance information communication and encourage local courts to utilize all of the tools at their disposal to elicit participation from all parties to child welfare cases.
- Recommendation Five: Increase out-of-state party notification of upcoming court events, including notice of the ways in which they are able to participate in the event.

Background

The interstate placement of children in the North Carolina child welfare system is regulated by federal and state statutes that govern both the state's administrative agency and the court system, requiring some actions and authorizing others. Although these cases are infrequent as a proportion of all child welfare cases, less than six percent of the children placed in foster care,¹ they can require significant effort from all parties because of the different laws and regulations as well as different practices among states. Some of the applicable statutes, such as the Interstate Compact for the Placement of Children, have existed for almost fifty years, and concerns over current practice have arisen because of increased attention to achieving timely permanency for children placed out of state.

Federal and State Statutes

Although other federal and state statutes also apply, the interstate placement of children is primarily governed by the Interstate Compact for the Placement of Children (ICPC), which is not a federal statute but rather an agreement among the states which is generally incorporated into state law. Because court jurisdiction does not automatically transfer across state lines, ICPC allows sending courts to retain jurisdiction while ensuring that a child receives appropriate care and supervision.

At the federal level, the most notable recent attention given to this issue involved passage of the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239). Some of the key features of this legislation pertain to a timeline for the completion of home studies, consideration of out-of-state placements during the permanency planning process and the frequency of caseworker contacts when a child is placed out of state.

Additionally, state statutes found in North Carolina's Juvenile Code (Chapter 7B) and Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 50A) regulate the manner in which jurisdiction can be established, how courts may communicate with out-of-state parties and who must be notified when a child is placed out of state.

Interstate Placements and Timely Permanency

As part of an increasing focus on timely permanency for children, children in interstate placements have been identified as among those in greatest need.² Nationally, it has been reported that children who are placed out of state experience a much longer wait to permanency, because those exiting care to

¹ Maza, Penelope. 2003. *The Role of Interstate Placements in States' Meeting the CFSR Standards*. Presented at Association of Administrators of the Interstate Compact on the Placement of Children Conference.

² Oppenheim, Elizabeth. *Re-Forming the Interstate Compact on the Placement of Children*. Available at [http://www.csg.org/programs/ncic/documents/Oppenheim-Reforming the ICPC.pdf](http://www.csg.org/programs/ncic/documents/Oppenheim-Reforming%20the%20ICPC.pdf).

reunification, placement with relatives and adoption from out-of-state placements have longer median lengths of stay when compared to children placed in-state.³

Recent studies have identified common areas of delay in interstate cases. An American Public Human Services Association (APHSA) report, “Understanding Delays in the Interstate Home Study Process,” highlighted the widespread concern over the time needed to complete and receive a home study on a prospective interstate placement. A home study is an assessment, usually performed by a child welfare worker in the receiving state, which determines the safety and suitability of a potential out-of-state placement. Reasons for delays of home study completions included the resolution of financial-medical issues, receipt of criminal background checks, and general staffing or workload issues.⁴

National efforts have focused on ways in which these cases can be better managed. Identified limitations of the ICPC, including vague language and lack of accountability, have prompted a proposed revision, with two of the major changes being the creation of an Interstate Commission authorized to make and enforce rules governing interstate placements, and a process for appealing the refusal of a receiving state to accept a placement. However, the new compact will not take effect until 35 states have enacted the new version into law and few states have done so. North Carolina is not one of them.

State Court Requirements in the Assessment of Court Practice

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires that state courts receiving court improvement grants assess their effectiveness in expediting interstate placements. In response to this requirement, the North Carolina Administrative Office of the Courts retained the services of Hornby Zeller Associates, Inc. (HZA) to complete the assessment of laws applicable to the interstate placement of children and of the courts’ practice in such cases. Because the requirement is directed at state courts, the report is focused on a narrow range of issues relating to interstate cases. The administrative agency is responsible for ensuring conformity to most of the requirements in interstate cases, both for children who are sent out of North Carolina and for children who are received from another state. In comparison, North Carolina courts are responsible for children sent from the state and the responsibilities are much more limited. Thus, this report is limited to court issues when North Carolina sends the child to an alternate state.

While past work has highlighted the difficulties encountered in the receipt of home studies, as well as other more general areas of delay in the interstate process, little emphasis has been on court procedures or information communication on the court’s part. This report, along with assessments performed by other state courts, will represent a national step forward in understanding the judicial processing of interstate placement cases.

³ Maza, Penelope. 2002. *Interstate Placement: Impact on Time to Permanency for Children in the Public Foster Care System*. *Permanency Planning Today*, 2: 10-11.

⁴ Oppenheim, Elizabeth and Ursula Krieger. 2002. *Understanding Delays in the Home Study Process*. American Public Human Services Association.

Research Questions

The purpose of this assessment is to evaluate the role, responsibilities and effectiveness of North Carolina's Juvenile Court in the interstate placement of North Carolina children in abuse, neglect and dependency cases in light of the Safe and Timely Interstate Placement Children Act, P.L. 109-239. To fulfill this role, HZA identified three research objectives.

- 1) To conduct a legal assessment, designed to determine the extent to which North Carolina's statutes and policies governing judicial procedures in cases of interstate placements of children conform to the federal requirements.

- 2) To provide a prevalence assessment, designed to examine how often interstate placements occur for North Carolina children as well as the circumstances which lead to those placements. The following factors will be considered:
 - a) who the children are by age and gender;
 - b) how long they have been in care and how much time has been spent out of state;
 - c) what the placement path has been;
 - d) the timeline of the case; and
 - e) whether out-of-state placements are different in nature and purpose than in-state placements.

- 3) To assess practice to determine whether actual practice in the courts is in conformity with both state and federal requirements. The practice assessment will specifically address the following domains:
 - a) To what extent does actual practice in North Carolina's courts conform to the state and federal requirements, and has the extent of conformity changed since October 1, 2006 (the effective date of P.L. 109-239)?
 - b) When courts are not in conformity with the requirements, what factors are making conformity more difficult? Are those different between the two groups?
 - c) What methods do North Carolina courts utilize in obtaining and sharing information and how are they utilized? What changes in procedure and/or technology have occurred and to what extent have these improved conformity?

Methodology

The evaluation design includes a legal assessment comparing North Carolina's statutes and policies governing court actions in interstate placement, a prevalence assessment showing the characteristics of children sent out of state and a practice assessment which measures the actual practice of the courts against federal and state requirements. The legal assessment includes a review of state and federal laws and policies, as well as some relevant North Carolina Appellate Court cases. The prevalence assessment and the practice assessment both draw their information from data pulled from court files identified as interstate placement cases by the North Carolina State ICPC Office and from semi-structured interviews with key stakeholders involved in ICPC cases (e.g., judges, GAL's, attorneys, child welfare caseworkers).

In all a total of 14 counties (representing six court Districts) were visited during March and April of 2008. During these visits, HZA staff collected data from 157 court case files and 34 stakeholder interviews.

Site Selection

HZA, in conjunction with key officials in the State of North Carolina, selected sites to include a representative sample of court Districts, including some unique areas such as District 5, which has the highest prevalence of foster care in North Carolina and District 12 which contains a large military base, Fort Bragg. The following shows the court Districts involved in the study and their respective counties:

- District 5 (Pender and New Hanover Counties);
- District 12 (Cumberland County);
- District 14 (Durham County);
- District 26 (Mecklenburg County);
- District 27B (Cleveland and Lincoln Counties); and
- District 30 (Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties).

Case Review

The case review instrument was designed to collect information detailing numerous aspects of interstate placement cases, including demographics and various features unique to interstate placements, including cross-state communication. A copy of the instrument can be found in Appendix A. Two groups of cases were requested for the review: cases in interstate placements active any time during the period of January 1 through September 30, 2005 (time period one) and cases in interstate placements any time during the period January 1 through September 30, 2007 (time period two). These two time frames were intended to permit before and after comparisons on the Safe and Timely Interstate Placement of Foster Children Act which became effective October 1, 2006.

Stakeholder Interviews

The interview process was designed to provide a larger picture of the entire interstate process and to provide explanations for findings from the case readings. A copy of the instrument can be found in Appendix B. Responses were from 34 stakeholders, 27 at the local level and seven at the state level.

Legal Assessment

For the legal assessment, HZA staff reviewed the following federal and state documents relevant to interstate placements:

- 1) the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239;
- 2) the Interstate Compact on the Placement of Children;
- 3) the Uniform Child Custody Jurisdiction and Enforcement Act;
- 4) the North Carolina Juvenile Code; and
- 5) two North Carolina appellate cases.

Methodological Limitations

There are several methodological issues worth consideration when interpreting information contained in this report. First, the report pertains to a sample of interstate placement cases from select court Districts and may not be representative of all instances when a North Carolina court sends a child out of state. Moreover, although the focus of the study was on court cases, the selection of cases to be reviewed was done by the North Carolina State ICPC office. This presented a number of problems because the names of the children maintained by this office did not always correspond to the names of the children maintained by the court. For example, in some cases the names provided to the court constituted the adoptive name of the child and the court file could not be located. Hence, additional names had to be generated by the ICPC State office thereby affecting the random selection process by excluding cases which definitely included adoption. One impact of this was that the intended design of an equal number of cases for the two time intervals was not achieved and the information collected is skewed towards the first time interval (n=92) compared to the second time period (n=65), representing 157 cases in all. In addition, it seems probable that adoption cases are under-represented in the sample, because of the difficulties in matching names of adopted children between the two systems. Finally, ten files were excluded from the analysis because they were juvenile delinquency cases that, although subject to ICPC regulations, involve very different case processing.

Lastly, the case review was at times limited by the information available in the court files. Large portions of information that were critical in understanding the case history were sometimes missing. For example, many cases contained little information about the interstate placement other than an initial request for a home study. This was not entirely unexpected, though, since most of the responsibility for these cases falls on the administrative agency rather than on the court. Findings from

this review must be considered in light of this limitation. Findings are representative of the information found in the court files but may not be representative of the cases' entirety.

Findings

Legal Assessment

National Standards

Three documents define the national standards against which North Carolina's statutes and policies have to be measured. These include the Safe and Timely Interstate Placement of Foster Children Act of 2006, the Interstate Compact for the Placement of Children and the Uniform Child-Custody and Jurisdiction and Enforcement Act. While the latter two are both found in North Carolina General Statutes, they were originally generated at the national level and serve as a benchmark against which all states are measured.

Safe and Timely Interstate Placement of Foster Children Act of 2006

This act is the most directly pertinent to this assessment, not only in that it requires such an assessment, but because it revises previous guidelines and includes more stringent requirements. The Act amends Titles IV-B and IV-E of the Social Security Act. Some of the key features of this legislation include the following.

- 1) Receiving states are required to complete and report on foster and adoptive home studies requested by a potential sending state within 60 days of the request.
- 2) Fiscal incentives are provided to receiving states that complete home studies within 30 days of the request.
- 3) States are required to consider interstate placements in permanency planning decisions, specifically when permanent plan options are considered at permanency hearings and when concurrent plans for permanency are developed.
- 4) At permanency planning hearings, courts are required to determine whether the child's current out-of-state placement continues to be in the child's best interest.
- 5) Caseworker visits to children in out-of-state placements must now occur every six rather than every 12 months.
- 6) Courts must ensure that foster parents, pre-adoptive parents and relative caregivers are notified of any proceedings held with respect to a child in foster care.

Many of the provisions provided in this act apply to the North Carolina Department of Social Services, but some do apply specifically to the court. Aside from the mandates listed above, the act requires that a child's caregivers are also given a right to be heard in any proceeding and permits the participation of out-of-state parties without requiring interstate travel. As it pertains to the court proceedings, there are two types of provisions covered in this act: what the court is authorized to do; and what the court is required to do. For example, it does not require courts to permit participation without requiring interstate travel, but it authorizes (and encourages) them to do so and says that, from a federal

perspective, the testimony is as valid as if the person were physically in the courtroom. In contrast, courts are required to give notice of proceedings to a child’s caregiver.

Interstate Compact for the Placement of Children

North Carolina’s version of the ICPC can be found in Article 38 of the North Carolina General Statute (N.C.G.S) Chapter 7B, which is the Juvenile Code. This state statute provides guidance for who is affected by the compact, the manner in which children can be sent out of state, and the responsibilities for each state throughout the process. It establishes a “flow chart” that indicates how ICPC cases should proceed, especially relating to what information must be shared and when it must be shared.

The pathway is an arc that begins at the local agency in the sending state (in North Carolina, the Department of Social Services or DSS), travels to both state ICPC offices and then to the local administrative agency in the receiving state before coming back in a reverse path, finally ending at the originating local DSS office in North Carolina or sending state, as displayed in Figure 1. The two state ICPC offices act as intermediaries between the local offices and monitor compliance, while the receiving state’s local office determines the suitability of the prospective placement.

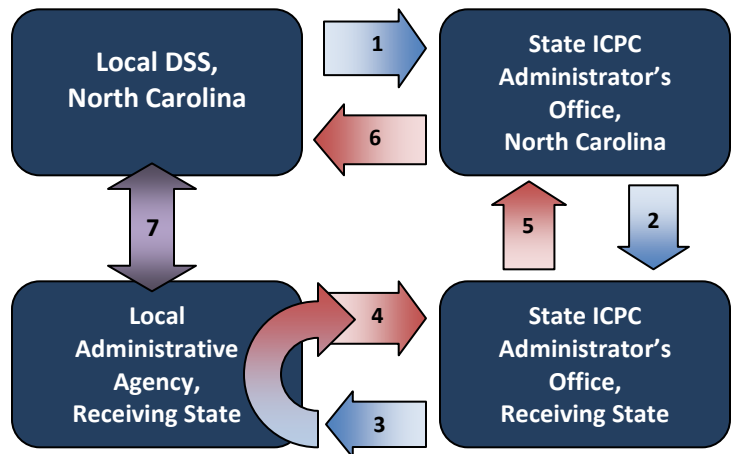


Figure 1: ICPC Flow Chart

Once the receiving state has determined that the placement is in the best interest of the child and permits the placement, the two local offices are allowed to interact independently of the state offices to coordinate supervision and services for the child. While the pathway pertains mainly to the responsibilities of the administrative agency, the court also has responsibilities in this process, including providing a written order authorizing the home study (to establish jurisdiction) and determining that the placement does not appear contrary to the interests of the child.

Uniform Child-Custody Jurisdiction and Enforcement Act

North Carolina’s version of the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) can be found in Chapter 50A of the N.C.G.S. The UCCJEA is intended to create uniform procedures for handling child placement across state lines. While much of the act focuses on establishing and maintaining jurisdiction, three of the more pertinent sections, as they relate to this assessment, focus on interstate court communication and interaction. Section 110 allows a North Carolina court to communicate with a court in another state concerning a proceeding arising under this article; Section 111 allows a North Carolina court to receive testimony taken in another state, as well as via videoconferencing; and Section 112 allows for cooperation between courts, for example in holding an evidentiary hearing.

Like P.L. 109-239, though, there are two types of provisions in this statute – requirements and authorizations. For example, North Carolina Courts are required to follow certain procedures to establish jurisdiction. In contrast, the powers granted to the court in the sections noted authorize the court to act in a certain way but do not require such actions. As many of the information communication aspects covered in the UCCJEA are authorizations, not requirements, the decision to utilize these communication methods is largely dependent on the courts’ willingness to do so.

Assessment of North Carolina Laws and Procedures in Interstate Placements

North Carolina Juvenile Code

North Carolina’s Juvenile Code is located in Chapter 7B of N.C.G.S. This statute contains regulations for abuse, neglect and dependency proceedings, although there is minimal guidance provided pertinent to this assessment. There are, however, two sections in the Juvenile Code that, while not specific to interstate cases, apply to information communication between the court and other parties. Section 508 authorizes telephonic communication, but is limited to nonsecure custody orders. Additionally, sections 906 and 907 note that the court is required to notify any foster parent, relative, or preadoptive parent providing care for the child of court hearings pertaining to both the review and permanency planning process.

Conformity of North Carolina Regulations with Federal Regulations

For the purposes of this assessment, the pertinent question is whether what is found in federal statutes and regulations is likewise found in North Carolina statute and regulations. This is not to imply that a verbatim replication of federal regulations in North Carolina law is necessary, or even appropriate. Rather, it is to ask whether North Carolina requires or authorizes in statute that its judges do the things likewise required or authorized in federal law.

While the North Carolina ICPC does provide guidance for the processing of interstate placement cases, it is mainly a replica of the national interstate compact. There are six additional articles covered in the North Carolina ICPC not found in the national compact, but none of these relate to information communication nor provide further guidance than already found in the UCCJEA. Similarly, the UCCJEA is a replica of the national model and does not contain additional articles. The UCCJEA addresses some of the regulations contained in P.L. 109-239, but not all. For example, while Section 111 allows a court to receive testimony via videoconferencing capacity, it does not explicitly allow a person to participate in a court event in such a manner if that person does not provide testimony. The North Carolina Juvenile Code is likewise limited in the extent of regulations covered. It does not provide further guidance, as it relates to this assessment, aside from the requirement to notify caregivers of court events. While there are no specific statutes in the Juvenile Code that authorize telephonic communication for court events other than those for nonsecure custody, such communication is not prohibited either. Judicial personnel report that the use of such communication methods is at the discretion of the presiding judge.

Thus, not all requirements of P.L. 109-239 are addressed in North Carolina statutes, and there are gaps in what is covered in the act and how North Carolina courts are required or authorized to proceed. For example, North Carolina statute does not require that courts consider out-of-state placements during permanency hearings, nor does it authorize the use of videoconferencing in the absence of the provision of testimony.

Case Law

Two North Carolina state appellate cases have affected the processing of cases where a North Carolina child is sent out of state and deserve recognition. *In re: Rholetter* is the first of two cases brought to the appellate court, in part because of concerns over the trial court's decision to send children out of state to their non-custodial mother in light of a negative home study. The appellate court found that the trial court did not err because the juveniles were not placed into foster care or as a preliminary to adoption *and* the trial court was not obligated to follow the home study recommendation. The appellate court writes,

"The trial court did not place the juvenile in foster care or as a preliminary to adoption. The trial court granted custody of the juveniles to their biological mother. Thus, under the plain meaning of the statute, the trial court was not obligated to follow the mandates of the Compact."

The second case, *in re: J.E. & B.E.*, was also affirmed and focuses on a trial court's placement of two children with their out-of-state grandparents without following ICPC mandates. Referencing the previously mentioned case, the appellate court maintained "that when a trial court does not place a child 'in foster care or as a preliminary to adoption' the Compact does not apply." The trial court granted guardianship of the two children to their grandparents, and because this did not constitute foster care or adoption, the Compact was not applicable.

These two pieces of case law have significant implications for the manner in which North Carolina courts handle ICPC cases and also highlight the difficulty encountered when states have different interpretations of the same mandate. The North Carolina Appellate Court has decided that an out-of-state guardianship or custody placement is not subject to ICPC mandates.

Prevalence Assessment

The state ICPC Administrator's Office provided the information presented in Table 1, detailing the number of children received into and sent from North Carolina for calendar years 2005 to 2007. The numbers are relatively similar across incoming and outgoing paths. For example, North Carolina received 2536 interstate cases during the selected timeframe and sent 2341 cases. Of those cases both received and sent, slightly under half were for relative care, a quarter were for adoption and the remaining were for foster care, a non-custodial relative or residential care.

	Adoption	Foster Home	Parent	Relative	Residential	Totals
Received	635 (25.0%)	148 (5.8%)	502 (19.8%)	1065 (42.0%)	186 (7.3%)	2536 (100%)
Sent	565 (24.1%)	141 (6.0%)	486 (20.8%)	987 (42.2%)	162 (6.9%)	2341 (100%)
Totals	1200 (24.6%)	289 (5.9%)	988 (20.3%)	2052 (42.1%)	348 (7.1%)	4877 (100%)

Table 1: ICPC Cases from 2005-2007

Case Sample Characteristics

Table 2 displays the demographic and case characteristics of the children subject to interstate placements in the reviewed files, both in aggregate and by the two selected time periods. Both age and gender were generally equally distributed on a statewide basis; the mean age of children was 7 years. There were three statistically significant differences between the two time periods. First, children in the second time period had higher rates of removal due to abuse, either physical or sexual in nature, when compared to the first time period. Second, children in the first time period had significantly more in-state placements than children in the second time period. Lastly, more cases were still pending in the second period. The latter two of the significant findings are to be expected, though, as there was less time for these cases to have multiple placement changes and be resolved.

	Time Period One	Time Period Two	STATEWIDE
Age			
Mean (in years)	6.8	7.2	7.0
Under 1 Year	20.5%	24.2%	21.9%
1-5	26.5%	21.0%	24.0%
6-10	25.3%	24.2%	25.3%
Over 10	27.7%	30.6%	28.9%
Gender			
Male	42.2%	52.4%	46.6%
Female	57.8%	47.6%	53.4%
Primary Reason*			
Abuse	13.4%	31.7%	21.2%
Neglect	86.6%	68.3%	78.8%
In-state Placements*			
Average Number	4.72	2.63	3.82
Case Status*			
Open	55.4%	79.4%	59.6%
Closed	44.6%	20.6%	40.4%
Interstate Placement			
Yes	44.6%	33.3%	40.1%
No	55.4%	66.7%	59.9%

Table 2: Case Sample Characteristics
*Difference in time periods significant at .05

Of most interest is the percentage of children with interstate placements; only four in ten children were actually sent out of state as of the review time, highlighting that few cases for whom out-of-state placement was actively considered experienced out-of-state placements. Slightly more children were sent out of state from time period one, 44.6 percent compared to 33.3 percent for time period two.⁵

⁵ Time period one includes cases active during the first nine months of 2005. Time period two includes cases active during the first nine months of 2007, but not active before October 1, 2005.

The difference was not statistically significant and to be expected, because children from the first time period had more time during which they could have been placed out of state. Children with open cases still have the potential to be placed out of state at some point in the future.

The Interstate Placement of North Carolina Children

None of the four factors discussed above, age, gender, number of in-state placements and reason for removal, was related to whether a child was sent out of state. Moreover, the majority of children (88.1 percent) sent out of state were placed in a relative's home, including three children to a non-custodial parent's home. Only four children were sent to a foster or pre-adoptive home and two were sent to institutional care. For the relative placements, the court files did not specify whether the placements were providing foster care, guardianship or an adoptive home, making it difficult to determine the level or type of care the child was to receive. It seems likely, however, given the statistics in Table 1 provided by the ICPC administrator, that the major factor affecting the likelihood of the child's being placed out of state is whether the child is going to a relative. Only 42 percent of the sent cases identified by the ICPC administrator involved relative placements, while 88 percent of those actually placed out of state did so.

Practice Assessment

Court Practice in the Interstate Placement of North Carolina Children

Identification of Out-of-state Placements

Many interview respondents indicated that out-of-state placements were considered from "day one" of the case, emphasizing that it is not necessarily a question of whether a potential placement was out of state, but rather one of what placements exist, regardless of location. Interviewees noted that potential interstate placements are likely to be identified either within the first couple of weeks of the case, or when reunification is no longer an option. Because so many of the interstate placement options involve relatives, the timing of the identification of those placements often depends on a parent's willingness to disclose a viable placement option, and potential placements are sometimes identified late in the life of the case. While some district level interviews noted that national adoption tools are used, the finding that the majority of children with an interstate placement are with relatives indicates that when the court and agency are considering out-of-state placements, they are usually doing so with relative placement in mind.

Early identification of an interstate placement may help to determine appropriate placements early in the life of the case, but it may not be in the best interests of the child to be sent out of state, regardless of the placement, especially when reunification is still the goal. This may be one reason why relatively few children for whom potential placements are identified are actually placed out of state. Whether a child is being placed into an adoptive home or a foster home can also play a significant role in when a placement is identified. A relative placement providing foster care would be expected to be identified

much sooner than an adoptive home. Some interviewees noted that although they work to identify potential placements in a timely manner, they sometimes delay the home study request when it looks like reunification is likely, so as not to waste resources or potentially disrupt the case. Moreover, interviewees reported that early identification of potential placements can result in the identification of multiple placements, thereby requiring multiple home studies for a placement that may never occur.

Despite the expressed hesitation and complications that can be encountered by early identification of out-of-state placements, requests for home studies generally occurred relatively early in the case. At the state level, the mean length of time from petition to the first home study request was 210.2 days, although there was a difference between the two time periods, displayed in Table 3. The difference between the two time periods is notable and indicates either that potential interstate placements are being identified earlier or caseworkers are requesting the home studies earlier, not waiting as long for a possible reunification with the child’s parents. Even more strikingly, 20 percent of cases had the request within the first two weeks, while 80 percent had a request within the first year. Presumably, most of these early out-of-state requests involve relatives. The time from petition to home study request was less for those children placed out of state, 184.4 days compared to 229.6 days for children not placed out of state, but this did not rise to the level of statistical significance.

District	Mean Time in Days
Time Period One	251.3
Time Period Two	159.2
STATEWIDE	210.2

Table 3: Time to First Home Study Request by Petition Date

Home Study Process

The home study is intended to inform the sending state as to whether a placement is appropriate and in the best interest of the child. In many of the reviewed cases (50 percent), reviewers could not determine that a home study was ever received by the local North Carolina DSS. Of those children who were sent out of state, the majority (72.4 percent) had a notation of the receipt of a home study in the court file. In comparison, of those children not placed out of state, only 35.2 percent of the files noted the receipt of a home study. More files from the first time period contained home studies, 56.6 percent compared to 41.3 percent for the second time period, although this is expected because more children from the first time period were sent out of state.

While limiting for the purposes of this report, the relative lack of home studies is not entirely surprising. Receipt of the home study is not the responsibility of the court, but rather of the local DSS. Moreover, interviewees reported that, aside from cases with a dispute over the home study results, the court is typically not presented with a copy of the study. Rather, a consensus is reached by the local DSS, the Guardian *ad litem* and the parents’ attorneys as to whether the child should be placed out-of-state, and that opinion is presented to the court.

Observations from the case review process showed three reasons for the absence of a home study in the court file: the home study was sometimes never received by the local DSS; the home study was not approved by the sending state and then not recorded in the court file; or an alternate, appropriate

placement was found that did not require an interstate placement. Some cases contained a combination of the three, such as a case when a potential interstate placement was found to be inappropriate and the child’s in-state placement proceeded with adoption.

Of those cases where both a request date and a receipt date were included in the file (46 cases), the mean time to receipt was 152 calendar days. While almost 90 percent of the home studies were received within one year of the request, only 37 percent were received within the 60 (business) day timeframe provided for in the Safe and Timely Interstate Placement of Foster Children Act. Moreover, there was little difference in the mean time for receipt of a home study between the two time periods. The timely completion and receipt of a home study is certainly an integral part of the federal act, especially in that it authorizes fiscal incentives for the receiving state. Yet the mean time for the 2005 period was 153 days, while the 2007 mean time was 148 days. Timely receipt of a home study was not related to the originating court District or to the child’s age, gender or reason for the child’s removal.

As anticipated, many concerns pertaining to the timely receipt of home studies were reported during the interview process. Many interviewees expressed frustration over the delay with the state ICPC office in Raleigh, although some noted that the local DSS also contributed to the delay by not completing ICPC paperwork appropriately or in a timely manner. Interested parties, such as the agency’s attorney, have often developed their own means of increasing compliance from the state office, from utilizing FedEx to track paperwork receipt to going as far as subpoenaing the assigned state worker.

One comment from an interviewee expressed the anxiety associated with handling some interstate cases and home studies by recognizing that many cases proceed in a normal and timely manner, but it tends to be those problematic cases that people are most likely to remember and cite as “faulty”—the cases where a home study was not received for two years, or where a certain party simply did not cooperate. For those parties interacting with affected children on an immediate basis, the delays sometimes caused on a bureaucratic level can result in the feelings of frustration expressed in the interviews.

Out-of-State Placement of Children

The mean time from petition to out of state placement was 365.7 days, as seen in Table 4, although there were significant differences between the two time periods. Time period one contained five children sent out of state more than three years after their petition date, resulting in such a large difference between the two time periods. When these outliers were removed from analysis, the difference between the two time periods was less (314.3 days for time period one compared to 198.6 days for time period two), but still noteworthy. Children from time period one experienced more in-state placement changes compared to children from time period two, 3.92 and 1.90 changes respectively. The decrease in time from petition to out-of-state placement between the two time

District	Mean Time in Days
Time Period One	460.6*
Time Period Two	198.6*
STATEWIDE	365.7

Table 4: Time to Interstate Placement by Petition

* Difference in time periods significant at .05

periods results in children from time period two remaining in North Carolina for a shorter amount of time, and this may be why they experienced fewer placement changes.

The mean time from home study request to out-of-state placement was 139.5 days, as seen in Table 5.

Over 90 percent of children were placed out of state within one year of the original request; only one child was placed out of state more than two years from the original request. In this case, the first identified placement was not approved, and a second placement was later identified and approved.

District	Mean Time in Days
Time Period One	160.5
Time Period Two	104.1
STATEWIDE	139.5

Table 5: Time to Interstate Placement by Home Study Request

Both of these findings are somewhat contrary to information yielded from the interviews, where most people voiced their belief that, from placement identification to actual interstate placement, placing children out of state was a much lengthier process. For example, many interviewees noted that the home study often took at least six months, on average, to receive. Some beliefs about time to placement may also include those experiences where children were never actually placed out of state due to home study delay, though. This again speaks to the frustration people may generalize to all cases based on the experiences from a few, albeit noteworthy, cases. Of course, the other possibility is that the mean time for period two will increase as more children from that period are ultimately placed and that the average will then approach the 160 days from period one, which is less than a month short of six months.

Sixteen of the 59 children with an out-of-state placement, or 27 percent, experienced a subsequent placement change after their initial interstate move. All sixteen of these children returned to North Carolina. While four of the children were reunified, the remaining 12 returned for a variety of reasons, including the placement not being able to cope with the child's behavior and the caregivers moving to North Carolina. Two children were returned because of negative home studies; both had been sent out of state without a positive one. Children who returned to North Carolina had a higher number of placement changes before their interstate placement (4.64 placements) when compared to those who remained out of state (2.73 placements). While noticeable, the difference did not rise to the level of statistical significance, most likely due to the small sample size.

The mean time for placement out of state was 184.9 days, although the range varied greatly, from 18 to 609 days. More children from the first period returned to North Carolina (28.9 percent) compared to the second time period (19.0 percent). Again, significantly more cases from the second time period were still open, though, and some of these children may yet experience a placement change. A conclusive determination of how many children experience a further placement change would need to review only closed cases.

Part of the ICPC process, or flow, includes a determination by the court that the placement is not contrary to the interests of the child. Of the children sent out of state, 77.6 percent had either this determination or the court's approval of the placement; in the remaining cases, the court neither

approved nor disapproved of the placement. There was a noticeable change in the presence of court approval between the two time periods, though not rising to the level of statistical significance due to small sample size. Of the children sent out of state from the 2005 period, 68.4 percent had placement approval, while 90.5 percent had approval in the 2007 period.

Court Conformity with Federal and State Requirements

The findings above suggest that North Carolina courts are processing interstate cases in a timelier manner than they previously had. Moreover, of the children placed out of state, cases from the latter of the two time periods included more instances where the court approved the placement or determined it was not contrary to the interests of the child. To this degree, the courts have improved in regard to the appropriate processing of interstate cases.

However, the findings also revealed that courts are willing to send some children out of state before the receipt of a home study. Of the 59 children sent out of state, almost half were sent in some violation of ICPC mandates. Reasons for a violation primarily center on the lack of an ICPC element: a positive home study; the court's determination that the placement was not contrary to the child's best interest; placement approval by the court; or the receiving state's approval. In some cases, the child was sent on an extended visit exceeding the 30 day period provided for by the ICPC, while other cases included a home study performed by a Court Appointed Special Advocate (CASA). CASAs serve a guardian role in the court process, but a home study performed by a CASA does not meet ICPC requirements.

There are no identifiable factors associated with a case being processed in violation of the ICPC and there was no statistical difference between the two time periods. Interviewees confirmed that courts and agencies do circumvent ICPC requirements. Neither the case review nor the interviews clarified the reasons for such practices.

Court Practice in Information Sharing

Part of The Safe and Timely Interstate Placement of Foster Children Act of 2006 pertains to information that is communicated to out-of-state parties. This report was commissioned to provide the required assessment on information sharing techniques and capacity. Despite this intended focus, very little pertinent information could be ascertained from the court files. Most files recorded only those parties who participated in the hearings, thereby excluding many out-of-state placements. For this reason, more of the relevant information comes from the interviews.

Of the 59 children sent out of state, 12 files contained information regarding communication techniques. Inclusion of this information in the court file was not different across the two time periods. Further, the few files containing such information mainly noted that the out-of-state party was present for the court event. No records showed utilization of telephone or videoconferencing capacity.

Interviewees, including judges, noted that they encourage out-of-state caregivers to participate in the court process, sometimes by traveling to North Carolina. Some judges noted that when a potential caregiver does so, it helps the court and other parties feel more comfortable with placing the child, and in some cases, more comfortable with placing the child without a home study. Interviewees also agreed that when potential placements participate in the process, the case is likely to proceed in a more timely manner, especially if the potential caregiver actively works with its local agency to complete the home study and advocate for the placement. When interstate travel occurs, though, it appears that parties travel to North Carolina before the child is placed out of state rather than afterwards. This is often done in hopes of expediting the placement.

Once the child is placed out of state, there does not appear to be frequent participation of the out-of-state caregivers in further court activities. The majority of the information presented to the court in regard to a child's wellbeing is provided by the local North Carolina DSS worker, who in turn often receives the information from the local child welfare worker in the receiving state. In some cases, the GAL provides information received from the placement. However, interviewees reported that GALs often request to be relieved of the case once an interstate placement occurs due to a conflict in their responsibilities. They are expected to have physical contact with the child but are usually prohibited from doing so because of their inability to travel. The court grants the relief of the GAL in many cases, with reason, but in doing so eliminates the potential to receive information from this source.

While almost no interviewed parties were against utilizing telephone or videoconferencing to facilitate participation without interstate travel, this practice is infrequently utilized, possibly because most courts do not have videoconferencing capacity and teleconferencing is sometimes limited or difficult to use. Moreover, there did not appear to be a difference in capacity or utilization between the two time periods. Most interviewees did not appear to actively consider the use of different forms of communication as a viable option for these cases or encourage the use of such methods. Despite the frequent lack of communication, interviewed parties were universally interested in receiving more information from out-of-state placements.

Most interviewees were unsure whether out-of-state caregivers were made aware of future court events or their right to participate in them. Although caregivers are sometimes notified through either the North Carolina local DSS worker or the GAL, this does not always occur, especially if the placement is not actively connected with either of those workers. North Carolina's Juvenile Code, Sections 906 and 907, note in part that caregivers are to be notified of court hearings. This is likewise provided for in The Safe and Timely Interstate Placement of Foster Children Act of 2006. Despite this, interviewees could not conclusively state whether out-of-state parties are notified of court permanent planning events, nor was the information included in the court file.

Recommendations

While there are many national efforts aimed at providing more guidance and structure for interstate placement cases, most notably in the form of the proposed ICPC, individual efforts at the state level are also critical to the reform of practice. As a result of the findings presented in this report, HZA presents the following recommendations to the North Carolina Administrative Office of the Courts.

Implementation of the recommendations will assist the North Carolina Courts in not only meeting Federal expectations for these specific child welfare cases, but also in achieving timely permanency for North Carolina children.

Recommendation One: Ensure that all judges and other parties to the court action have the opportunity to receive training and other resources, such as a checklist, on the requirements for interstate placements.

The infrequency of interstate placement cases coupled with complex federal and state mandates often results in confusion over how to proceed in these unique cases. The interview process revealed that the majority of interested parties have at least a basic understanding of these cases and the special procedures that are needed. Yet the finding that some children are sent out of state in violation of ICPC regulations demonstrates that the parties do not always proceed in the appropriate manner. These actions have the potential to cause problems between North Carolina and the receiving state and undermine the reasons for the creation of the Interstate Compact.

Awareness of the requirements often helps to solve many issues of non-compliance. Training is a critical step in helping interested parties understand the requirements, especially the new requirements in federal law. Formal or traditional training could be helpful, but perhaps even more important would be a checklist or crib sheet to which judges could refer during the proceedings to be reminded of the required procedures. Both the training and the checklist should distinguish between what is permitted in interstate cases, i.e., what the court is authorized to do, and what is required in interstate cases.

Recommendation Two: Develop a means of identifying interstate cases and highlighting important actions taken to ensure timely and appropriate action.

The responsibility for timely action in interstate cases falls significantly on the shoulders of the administrative agency. As such, the tracking of these cases is also an agency responsibility. While the responsibilities of the court are limited in comparison, judges would benefit from having a convenient way to identify an interstate case when it comes before them. It would not be practical for the court system to develop a global means of tracking all interstate cases, but a standardized form to be included in court files, identifying it as an interstate case and highlighting actions that have occurred to date, would provide judges with the necessary access to concrete information. The case review process highlighted a lack of consistency in regard to the content of court files and interstate information; the finding that a third of the reviewed files did not contain a notice of home study receipt indicates that

judges do not always have access to critical information. At a minimum, a standard form has the potential to act as a prompt for judges to ask about the status of the interstate aspects of the case and ensure that it is proceeding in a timely manner. The form can be integrated into court routine and the juvenile clerk's responsibilities.

Recommendation Three: Enable the timely ordering of home studies by utilizing standardized paperwork to be located in the courtroom.

The home study is a critical element in the interstate process. Some of the districts included in the practice assessment clearly had standardized forms ordering a home study, or an expedited home study, that was often present in the court file. However, parties in Cumberland County specifically noted that they do not have such a form, and that this sometimes results in a delay in paperwork being sent to the state office. The presence of the standardized home study form will allow for parties to complete the form and for a judge to sign it at the same time to facilitate prompt submission to the North Carolina ICPC Office. As with other recommendations, training or resources should be available that highlight what information needs to be included in the order and whether an expedited home study is warranted.

Recommendation Four: Increase the technological capacity of courts to enhance information communication and encourage local courts to utilize all of the tools at their disposal to elicit participation from all parties to child welfare cases.

Few courts have the capacity to utilize videoconferencing techniques. While all courts did report teleconferencing abilities (even via a one-way, traditional telephone), most parties reported that this capacity was infrequently utilized. Despite this, parties almost universally did not have an aversion to utilizing alternative means of communication. Judges in particular noted that they would appreciate and benefit from more communication with the out-of-state caregiver, identifying this as a suitable means of understanding how the child is doing from a perspective other than the caseworker providing supervision.

Effective and accessible teleconferencing is perhaps the more realistic goal to implement on a universal basis, with videoconferencing resources reserved for those more populous districts, ones where local rules specifically allow it or where it could be used for other purposes as well. There are many available options to upgrade teleconferencing capacity beyond using a speakerphone on traditional telephone lines. Conference phones can be purchased for under one-hundred dollars and have the potential to be much more effective in communicating.

One significant challenge in implementing this recommendation will be communicating the importance of utilizing modern technologies to eliminate the burden of interstate travel. North Carolina parties clearly believe that interstate travel on the part of the out-of-state placement benefits the case. Judges are more comfortable authorizing a placement when the party has been before the court and agency representatives believe that it facilitates the case to have a more timely resolution.

Recommendation Five: Increase out-of-state party notification of upcoming court events, including notice of the ways in which they are able to participate in the event.

Out-of-state parties have the right to be notified of upcoming court events, for both permanency and regular reviews, without being considered a party to the case. They also have the right to be heard during these events. This is authorized and required by the North Carolina Juvenile Code and The Safe and Timely Interstate Placement of Foster Children Act of 2006. Like the inclusion of a standard tracking form in court files, notice sent to out-of-state parties should be a matter of routine court procedure that can be easily integrated into the court clerk's responsibilities.

Appendix A: Case Review Instrument

North Carolina Court Systems
Administrative Office of the Courts – Juvenile Court Assessment
Case Review of the Interstate Placement of Children

Client Demographics

Child's Name: _____ DOB: ____/____/____
Gender: Male Female
County: _____
District: _____ Case Number: _____

Entry into Care Information

1. Date of Petition Leading to Latest Removal: ____/____/____
2. Reason for Latest Removal:
 Physical abuse Sexual abuse Neglect
 Child's behavior problem Parent incarceration
 Death of parent Other (specify) _____
3. Date child placed under agency/court jurisdiction: ____/____/____
4. Case Status:
 Open
 Closed
5. Date of Discharge from Latest Removal: ____/____/____

Placement Information

6. Since the child was originally removed from the home, how many in-state placements were there? _____
7. When was the child first placed in an out-of-state setting? ____/____/____
8. After the child was placed out-of-state, how many further out-of-state placements occurred?

9. Did the child return to North Carolina?
 Yes Record the date: ____/____/____
 No
10. What was the reason the child returned to North Carolina?
 Specialized home
 Placed w/relative
 Adoption
 Institution/residential treatment
 Reunification
 Other (specify) _____

11. For all the out-of-state placements, what was the reason for placement?

Placement Type	Date of Entry	Date of Exit	Reason for Placement	Interstate
<input type="checkbox"/> Non custodial Parent <input type="checkbox"/> Custodial parent <input type="checkbox"/> Other relative <input type="checkbox"/> Foster home <input type="checkbox"/> Group home <input type="checkbox"/> Institution <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	____/____/____	____/____/____	<input type="checkbox"/> Specialized home <input type="checkbox"/> Placed w/relative <input type="checkbox"/> Adoption <input type="checkbox"/> Institution/residential treatment <input type="checkbox"/> Family moved out of state <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	State: _____
<input type="checkbox"/> Non custodial Parent <input type="checkbox"/> Custodial parent <input type="checkbox"/> Other relative <input type="checkbox"/> Foster home <input type="checkbox"/> Group home <input type="checkbox"/> Institution <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	____/____/____	____/____/____	<input type="checkbox"/> Specialized home <input type="checkbox"/> Placed w/relative <input type="checkbox"/> Adoption <input type="checkbox"/> Institution/residential treatment <input type="checkbox"/> Family moved out of state <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	State: _____

Permanency Goal

12. If shown in the court record, record all permanency goals for the child since the latest removal from the home.

Permanency Goal	Concurrent Goal	Date Reviewed/ Approved by Court	Plan Present in File	Out-of-state Placement Considered	Notation of Consultation with Child (age appropriate)
<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	___/___/___ <input type="checkbox"/> Reviewed <input type="checkbox"/> Approved <input type="checkbox"/> Not reviewed	<input type="checkbox"/> Yes Date: ___/___/___ <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	___/___/___ <input type="checkbox"/> Reviewed <input type="checkbox"/> Approved <input type="checkbox"/> Not Reviewed	<input type="checkbox"/> Yes Date: ___/___/___ <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	___/___/___ <input type="checkbox"/> Reviewed <input type="checkbox"/> Approved <input type="checkbox"/> Not Reviewed	<input type="checkbox"/> Yes Date: ___/___/___ <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Reunification <input type="checkbox"/> Live with other relatives <input type="checkbox"/> Adoption <input type="checkbox"/> Long term foster care <input type="checkbox"/> Emancipation <input type="checkbox"/> Guardianship <input type="checkbox"/> Other _____ <input type="checkbox"/> NONE NOTED	___/___/___ <input type="checkbox"/> Reviewed <input type="checkbox"/> Approved <input type="checkbox"/> Not Reviewed	<input type="checkbox"/> Yes Date: ___/___/___ <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Initiation of Interstate Placement

13. Record where in the court file the first request for an out-of-state placement was found.
- Court Order
 - DSS Summary
 - GAL Report
 - Parent's Attorney
 - Other: _____
14. Record the date of the first request to the court for an out-of-state placement.
__/__/__
15. Record the date the North Carolina agency received the completed home study.
__/__/__
16. Did the North Carolina agency accept the home study?
- Yes Record the date: __/__/__
 - No Why not? _____
17. Did the North Carolina court approve the out-of-state placement?
- Yes Record the date: __/__/__
 - No Why not? _____
 - Neither approved nor disapproved
18. Was a copy of the home study present in the file?
- Yes Record the date: __/__/__
 - No
19. Prior to the placement of the child, did the court have access to the receiving state's statement on the child's best interests and did it acknowledge that statement in the hearing or the order?
- Yes, the court had access to and acknowledged the statement
 - The court had access to the statement but there is no indication it considered it
 - No, the court did not have access to that statement (i.e., it is not in the file and does not appear to have been mentioned during the hearing)
20. Was a subsequent home study required?
- Yes Completed? Yes No
 - No
21. Does the record reflect child visits by the receiving state's caseworker?
- Yes Record the date/s: __/__/__
 - No
____/____/____
____/____/____
22. Does this case pertain to a delinquent child?
- Yes
 - No

23. If the case pertains to a delinquent child, did the court consider the following: (check all that apply)
- The sending state did not have equivalent or appropriate facilities within the originating state.
 - Institutional care is in the best interest of the child.
 - Out-of-home placement would not lead to unnecessary hardship

Court Hearings Subsequent to Interstate Placement

24. This question and Q. 25 go together and ask about the court hearings since the child's most recent **out-of-state** removal. This one asks about notifications of out-of-state participants; Q. 25 asks about their participation in the hearings and their notifications of the results. Both questions should show the same dates.

Hearing Date	Reason for Hearing	Out-of-state Parties Notified (Check all that apply)	Method for Notifying Out-of-state Parties (Complete for each participant)	Did the Court consider if the placement was still in the child's best interest
___/___/___	<input type="checkbox"/> Permanency plan hearing <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption finalization <input type="checkbox"/> Placement change <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Out-of-state placement <input type="checkbox"/> Biological parents <input type="checkbox"/> Receiving state court <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier	<input type="checkbox"/> Yes <input type="checkbox"/> No
___/___/___	<input type="checkbox"/> Permanency plan hearing <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption finalization <input type="checkbox"/> Placement change <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Out-of-state placement <input type="checkbox"/> Biological parents <input type="checkbox"/> Receiving state court <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier	<input type="checkbox"/> Yes <input type="checkbox"/> No
___/___/___	<input type="checkbox"/> Permanency plan hearing <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption finalization <input type="checkbox"/> Placement change <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Out-of-state placement <input type="checkbox"/> Biological parents <input type="checkbox"/> Receiving state court <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier	<input type="checkbox"/> Yes <input type="checkbox"/> No
___/___/___	<input type="checkbox"/> Permanency plan hearing <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption finalization <input type="checkbox"/> Placement change <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Out-of-state placement <input type="checkbox"/> Biological parents <input type="checkbox"/> Receiving state court <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> _____	<input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Courier	<input type="checkbox"/> Yes <input type="checkbox"/> No

25.

Hearing Date	Out-of-state Hearing Participants (Check all that apply)	Method of Participation (Complete for each participant)	Method of Informing Out-of-state Participants of Results
____/____/____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Proposed Caregiver <input type="checkbox"/> Biological parents <input type="checkbox"/> Adoptive parents <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	<input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax	<input type="checkbox"/> Telephone <input type="checkbox"/> US Mail <input type="checkbox"/> Express courier <input type="checkbox"/> Fax <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____
____/____/____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Proposed Caregiver <input type="checkbox"/> Biological parents <input type="checkbox"/> Adoptive parents <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	<input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax	<input type="checkbox"/> Telephone <input type="checkbox"/> US Mail <input type="checkbox"/> Express courier <input type="checkbox"/> Fax <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____
____/____/____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Proposed Caregiver <input type="checkbox"/> Biological parents <input type="checkbox"/> Adoptive parents <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	<input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax	<input type="checkbox"/> Telephone <input type="checkbox"/> US Mail <input type="checkbox"/> Express courier <input type="checkbox"/> Fax <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____
____/____/____	<input type="checkbox"/> Child <input type="checkbox"/> Receiving worker <input type="checkbox"/> Proposed Caregiver <input type="checkbox"/> Biological parents <input type="checkbox"/> Adoptive parents <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____	<input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Live <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Video <input type="checkbox"/> Email <input type="checkbox"/> Fax	<input type="checkbox"/> Telephone <input type="checkbox"/> US Mail <input type="checkbox"/> Express courier <input type="checkbox"/> Fax <input type="checkbox"/> Other (specify) <input type="checkbox"/> _____

26. Describe the child’s current status, including the next legal step which is expected and the time frame in which that step is likely to occur.

27. Please summarize anything notable about this case which has not been covered adequately in the above answers.

Appendix B: Stakeholder Interview Guide

**North Carolina
Administrative Office of the Courts
Juvenile Court Assessment
Interview Guide for Stakeholders**

Interviewee Name & Title: _____

District Number / County: _____

Date: __ __ / __ __ / __ __

The North Carolina Judicial Branch has contracted with our firm to conduct an assessment of the way that cases involving the interstate placement of children are handled here in North Carolina. The assessment is one of the federal requirements attached to court improvement funds the state receives. As part of the assessment, we wanted to hear about these cases from the perspective of the different stakeholders who are involved with them. However, we will not ask you any questions about specific ICPC cases. Additionally, we are also doing case readings of court records involving the interstate placement of a child.

Q1. What is your role in dependency cases?

Q2. Within the past year, how frequently have you been involved in any cases involving the placement of a North Carolina child out-of-state?

Q3. How familiar are you with the regulations pertaining to the interstate placement of children? Have you had any training on this topic? If so, where did you receive the training and was it helpful?

Q4. If you have a concern or question over how to proceed in an ICPC case, who or what do you reference as a resource? (**Other than ICPC Director:** Have you ever contacted your state ICPC administrator for help?)

Q5. **For Judges:** At what point in the case are out-of-state placements considered? During the permanency planning process?

For Attorneys / GALs / Child Welfare: What efforts are made to identify an appropriate out-of-state placement? At what point in the case does this most frequently happen? During the permanency planning process? **For Child Welfare:** How do you go about recruiting for out of state placements? Do you ever use tools such as Adoption Exchanges?

Q6. **For Judges:** During the permanency planning process, what does the court do to assess that reasonable efforts are made to identify an appropriate out-of-state placement? Are there times when reasonable efforts are not made? Why would this happen?

For Child Welfare / Attorneys / GALs: During the permanency planning process, what efforts are made to identify an appropriate out-of state placement? What steps are typically made to arrange for and finalize out-of-state placements when they are warranted?

Q7. At what point does concurrent planning begin to happen in the case? Are out-of-state placements thought of when this process begins? **For Judges:** How much influence does the court have in the concurrent planning process?

Q8. If an out-of-state placement is identified, what are the steps taken to place the child in a timely manner? What influence does the court have to affect this process?

Q9. How soon is the assessment or home study initiated? How does the receipt and approval of a home study from the receiving state affect the timing and placement of a child?

For Judges: In what manner are judges / courts able to increase the timeliness of this process?

For Child Welfare / Attorneys / GALs: Do you have any means of expediting the evaluation of the placement?

Q10. When a child is placed out-of-state, how frequently is that child visited by a child welfare worker? Who performs this visit / check-in? Do you feel that the number of times a child is visited is appropriate? How is the information gathered at this check-in communicated to different parties? What information is presented to the judge?

Q11. Have you experienced delays in interstate cases because of slowness on the part of the receiving state? If so, at what point in the case does this most frequently occur? How is the delay usually dealt with?

Q12. How does out-of-state placement affect the flow of information between parties? What kinds of information might be missing or slow in coming?

For Judges: What are some ways that you can work with the receiving state's courts to in regard to case processing?

Q13. What are some of the procedures used to share / obtain information and testimony from out-of-state parties? Interstate travel? What methods are specifically in place to facilitate interstate communication without interstate travel? Video- or teleconferencing? **Does your court have the ability to video- or teleconference?** What parties does this most frequently pertain to (service providers, child welfare, attorneys, placement or child, etc.)? Do you feel these procedures are effective? Are there delays and how could they be overcome? For out-of-state interested parties, what supports exist to encourage or facilitate participation in the court case?

Q14. In your experience, what are the most significant barriers to the timely resolution of ICPC cases? In what areas do you think North Carolina / your court district are doing well in processing these cases?

Q15. Aside from anything that we have already talked about, are there ways in which the handling of interstate placement cases should be changed?

Appendix C: Catalogue of State and Federal Statutes

ICPC Catalog of Standards for Judicial Practice

Produced by
Hornby Zeller Associates, Inc.

for the
**North Carolina Judicial Branch
Administrative Office of the Courts
Court Improvement Project**

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- Part 3. North Carolina General Statutes, Chapter 7B: Juvenile Code**

- Part 4. North Carolina General Statutes, Chapter 50A: Uniform Child Custody Jurisdiction and Enforcement Act**

- Part 5. Other State Mandates Affecting Courts**

Part 1. Federal Statutes

Statute	Statute / Reference	Provision	Parties Affected	Notes⁶
Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)	Title IV-E 471 (a)(23)	The state can not deny or delay a child's placement if there is an approved family in another jurisdiction or state. If the state is accused of violating this section, there must be a prompt fair hearing to determine if the child's placement was denied or delayed.	Court	
	Title IV-E 471 (a)(26)	A receiving state is required to complete and report on home studies requested by another state within 60 days, excluding portions related to education and training. The state making the request must accept the home study unless it believes that doing so is contrary to the child's welfare.	Court, Agency	
	Title IV-E 475 (5)(A)(ii)	Caseworkers must visit children placed out of state every six months.		
Fair Access Foster Care Act of 2005 (P.L. 109-113)	Title IV-E 471 (a)(15)	The court must consider interstate placements: <ul style="list-style-type: none"> • In permanency planning decisions / hearings; • When using concurrent planning. If the child is already placed in another state, the hearing must determine if the placement is still in the child's best interest.	Court	
Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)	Title IV-B 422 (b)(12)	Courts must make effective use of cross jurisdictional resources and "eliminate legal barriers" to timely adoptions.	Court, Agency	

⁶ This column is used in part to note comparable sections in state code.

Part 2. Interstate Compact for the Placement of Children

Source	Statute / Reference	Provision	Parties Affected	Notes ⁷
Association of Administrators of the Interstate Compact on the Placement of Children	Interstate Compact on the Placement of Children (ICPC)			N.C.G.S. Chapter 7B Article 38
	Article III (b)	Specifies the information the sending agency must provide to the recipient state before sending the child for adoption. This includes: <ul style="list-style-type: none"> • Child’s name, date and place of birth • Name(s) and address(es) of the parent(s) or legal guardian • Name(s) and address of the person(s) and agency receiving the child • Full description of why the placement is necessary. 	Agency	
	Article III (c)	Any “public officer or agency” receiving a child from another state may request additional information to justify the need for an interstate placement or to help facilitate the placement.	Agency	
	Article III (d)	Before a child may be sent to another state, the “appropriate public authorities” in the receiving state must write the agency sending the child a letter documenting that the proposed placement does not appear to “be contrary to the interests of the child.”	Agency	
	Article V (a)	Specifies the continuing responsibilities of the agency which sent the child to another state.	Agency	

⁷ This column is used in part to note comparable sections in state code.

Source	Statute / Reference	Provision	Parties Affected	Notes ⁷
	Article VI	Before a delinquent child may be sent to another state for out-of-home placement in a higher level of care, the court must hold a hearing to establish that: <ul style="list-style-type: none"> • The sending agency does not have equivalent facilities • Institutional care is “in the best interest of the child” and will not lead to unnecessary “hardship.” 	Court, Agency	
Association of Administrators of the Interstate Compact on the Placement of Children	ICPC Regulations			
	Regulation No. 1 (3) (4)	ICPC-100A should indicate when the child is to be brought into the receiving state with specific actions taken when within less than 45 days.	Court, Agency	
	Regulation No. 1 (5)	The receiving state should recognize that the interstate custodians have completed the necessary training.	Court, Agency	
	Regulation No. 1 (7)	The receiving state will make a determination based on the best evidence available.	Court, Agency	
	Regulation No. 1 (8)	Within 30 days of the child having arrived in the receiving state, an initial contact will be made with the custodian(s).	Agency	
	Regulation No. 6 (1)	Permission is granted for a period of six months from completion of the ICPC-100A to place the child.	Agency	

Source	Statute / Reference	Provision	Parties Affected	Notes ⁷
	Regulation No. 6 (2)	If a placement is not made within 6 months of completion of the ICPC-100A, a new home study may be required if the receiving state's laws claim the previous home study is not currently valid.	Agency	
	Regulation No. 6 (3)	The sending state will honor all current licenses held by out of state foster care and institutional providers.	Court, Agency	
	Regulation No. 6 (4)	When the out of state agency reapplies for permission to make a placement the state will determine if the needs of the child have changed.	Court, Agency	
	Regulation No. 7 (3)	The court must notify the sending agency of its decision to make an out-of-state placement within two business days. The sending state's Compact Administer must send the priority request and all supporting documentation to the receiving State's Compact Administer within two days of receiving the court's order.	Court, Agency	
	Regulation No. 7 (4)	The court order and necessary supporting documents must be sent to the receiving state by overnight mail. The Compact Administer of the receiving state must make a determination within 20 business days of receiving this information.	Court, Agency	
	Regulation No. 7 (5)	If the Compact Administer of the receiving state fails to make a determination within 20 business days, the court which made the decision to make an out of state placement may request assistance from a court in the receiving state.	Court, Agency	
	Regulation No. 7 (6)	Outlines the requirements for a priority placement.	Court	

Source	Statute / Reference	Provision	Parties Affected	Notes ⁷
	Regulation No. 7 (8)	Outlines the steps to be taken if an interstate placement is expected to take longer than a similar intrastate placement.	Agency	
	Regulation No. 7 (9)	Unless otherwise required, all documents and written materials must be transmitted by an overnight express mail service.	Court, Agency	
	Regulation No. 8 (1)	An ICPC-100B should be prepared and sent whenever there is a change of purpose in an existing placement.	Agency	

Part 3. North Carolina General Statutes, Chapter 7B: Juvenile Code

Statute	Section	Provision	Parties Affected	Notes
N.C. General Statute, Chapter 7B	508	Authorizes telephonic communication in nonsecure custody orders..	Court	
	906	Requires that the court give notice to a child's placement in regard to the court's impending custody hearing.	Court	
	907	Requires that the court give notice to a child's placement in regard to the court's impending permanency planning hearing.	Court	

Part 4: Uniform Child Custody Jurisdiction and Enforcement Act

Statute	Section	Provision	Parties Affected	Notes
Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	North Carolina General Statute: Chapter 50A			
	107	If the court's jurisdiction is questioned during a child custody proceeding, the request must be addressed as soon as possible	Court, Agency	
	108 (a)	Specifies standards the court must follow when giving notice to out of state individuals.	Court, Agency	
	108 (b), 108 (c)	Specifies standards the court must follow when filing a proof of service for out of state individuals.	Court	
	110	If the court does not involve the individuals relevant to the case in inter-court communication, the court must provide an opportunity for individuals to present facts and legal arguments before the court makes a decision on jurisdiction.	Court, Agency, Child, Parent, Caregiver	
	111	Specifies when and how the court may make use of testimony obtained in another state.	Court	
	112	Grants the court to hold certain proceedings or issue orders on the request of an out-of-state court	Court	
	201	Specifies standards the court must use to determine if it has jurisdiction in an initial child custody determination.	Court, Agency	
	202	Standards on the court's continuing jurisdiction over the case.	Court	
	205	Specifies to whom and how notification must be given before proceeding in a child custody determination.	Court, Agency	
	206	Before the court starts a proceeding to modify a child custody determination, it must determine if a court in another state has already started a similar hearing.	Court, Agency	

Statute	Section	Provision	Parties Affected	Notes
	207 (b)	Specifies factors the court must consider when deciding if North Carolina courts should have jurisdiction.	Court, Agency	
	207 (c)	If a court decides North Carolina is not the best location for the proceeding and the court determines there is a more appropriate out of state court, the North Carolina court should halt its proceedings and monitor the proceedings in the out of state court.	Court	
	209	All parties involved in a child custody case should provide the following information to the court: <ul style="list-style-type: none"> • Present and past addresses of the child • Names and addresses of other individuals who may claim custody or relation to the child • Other information relevant to the case. 	Agency, Child, Parent, Caregiver	
	210	Grants the courts the power to order the appearance of an individual who is not in the state.	Court	
	305 (a)	Specifies required content of the notice for child custody determinations.	Court, Agency	
	305 (b), (c)	When a North Carolina court receives a child custody determination from an out of state court, the court must: <ul style="list-style-type: none"> • File the original and one copy as a foreign judgment • Notify all individuals named in the determination and provide them with an opportunity to contest its registration. 	Court, Agency	
	305 (d), 305 (e)	If the out of state child custody determination is not contested within 20 days, it is confirmed as a matter of law. The court must notify all relevant individuals and groups.	Court, Agency	
	306	Gives the court the power to enforce a registered child-custody determination made by an out-of-	Court	

Statute	Section	Provision	Parties Affected	Notes
		state court		
	307	Specifies what the court should do if it learns that a court in another state has started a child custody proceeding for the same child.	Court, Agency	
	308 (a)	Petitions must be verified and include: <ul style="list-style-type: none"> • Certified copies of all orders which will be enforced • Any order confirming registration. 	Court, Agency	
	308 (b)	Specifies what the court must include in a petition to enforce a child custody decision.	Court, Agency	
	308 (c)	After filing a petition, the court must order the respondent to appear at a hearing. The court may take steps necessary to keep the child or others safe.	Court, Agency, Parent	
	308 (d)	An order must include: <ul style="list-style-type: none"> • The date, time and location of the hearing • Statement that at the hearing the petitioner may take immediate physical custody of the child • Information regarding payment of costs, fees, and expenses • Statement that the court may schedule a hearing to determine if further relief is appropriate unless the respondent can prove that the determination was not properly registered and confirmed • The status of the child custody determination. 	Court, Agency	
	309	The petition and order must be served to the respondent and anyone else who has physical custody of the child.	Court, Agency, Parent, Caregiver	
	310	Specifies when an order should be enforced.		

Statute	Section	Provision	Parties Affected	Notes
	311 (a)	If the petitioner believes the child will likely be the victim of serious physical harm, he or she may apply for a warrant for physical custody of the child after filing a petition to enforce a child custody determination.	Agency	
	311 (b)	If the court determines that a child is likely to be the victim of serious physical harm or be taken out of North Carolina, the court may issue a warrant to take physical custody of the child.	Court	
		A warrant to remove the child from the home must include the following: <ul style="list-style-type: none"> • Facts supporting the court's belief that the child is at risk of imminent serious physical harm or removal from the state • Directive for the police to remove the child from the home immediately • A temporary placement while the court investigates. 	Court, Agency	
	311 (d)	When a child is removed from the home, the respondent must be immediately served with a petition, warrant and order.	Court, Agency	
	313	The court must give "full faith and credit" to an order issued by another state.		
	314	Specifies procedures to appeal an order enforcing a child custody determination.	Court, Agency, Parent	
	315	Specifies the role and obligations of a prosecutor in a case involving the Hague Convention on the Civil Aspects of International Child Abduction.	District Attorney	

Part 5. Other State Mandates Affecting Courts

Source	Section/Reference	Provision	Notes	Corresponding Standard
2007 CFSR Review	Item 15	Relative placement should be promoted as an effective strategy in promoting and helping to maintain the parent-child relationship.	Agency efforts to locate placements with relatives are inconsistent, particularly with paternal relatives.	
	Item 25	Each child should have a written case plan which should be developed jointly with the child and the child's parents, as appropriate.	Court plans to include parents (particularly fathers) have not been fully implemented.	
	Item 26	The status of the child should be reviewed once every six months either by a court or by administrative review.	Court schedules are often overbooked, resulting in multi-day continuances for mandated reviews.	
	Item 28	TPR should be pursued in a timely manner in accordance with the provisions of ASFA.	Judicial barriers to the timely achievement of TPR include scheduling limitations, lengthy TPR appeals process, and reluctance of some judges and attorneys to seek TPR, particularly for older children.	
2004 Title IV-E Review	Question 16	Judicial determinations regarding efforts to finalize the permanency plan should be made on no less than an annual basis.		Section 472(a)(1), 471(a)(15)(B)(ii) and (C); Regulatory Citation 45 CFR §1356.21(b)(2)