

NEBRASKA REVISED STATUTES
Selected Child Welfare and Juvenile Justice Laws

XI. THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

43-1101. Enactment; form. The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.
- (b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.
- (c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.
- (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. Definitions

As used in this compact:

- (a) Child means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (b) Sending agency means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (c) Receiving state means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (d) Placement means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. Conditions for Placement

- (a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.
- (b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:
 - (1) The name, date and place of birth of the child.
 - (2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interest of the child.

ARTICLE IV. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the: sending agency which empowers or allows it to place, or care for children.

ARTICLE V. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof

ARTICLE VI. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X Construction and Severability

(a) The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(b) Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of Article 7 of Chapter 42 or of any other applicable state law fixing responsibility for the support of children also may be invoked.

(c) The appropriate public authorities as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the Department of Social Services, and said Department shall receive and act with reference to notices required by Article III.

(d) As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the

phrase appropriate authority in the receiving state with reference to this state shall mean the Department of Social Services.

(e) The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Director of Administrative Services in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

(f) Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under the provisions of this chapter shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

(g) The provisions of section 43-704, shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

(h) Any court having jurisdiction to place delinquent children may place such a child in an institution or in another state pursuant to Article V of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

(i) As used in Article VII of the Interstate Compact on the Placement of Children, the term executive head means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

43-1102. Department of Health and Human Services; successor agency. The Department of Health and Human Services is the successor to the Department of Social Services for purposes of Article X of the Interstate Compact on the Placement of Children found in section 43-1101.

Regulation No. 0.01

Forms

1. To promote efficiency in processing placements pursuant to the Interstate Compact on the Placement of Children (ICPC) and to facilitate communication among sending agencies, states and other concerned persons, the forms promulgated by the compact administrators, acting jointly, shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.

2. ICPC forms shall be uniform as to format and substance, and each state shall make available a reference to where its forms may be obtained by the public.

3. The mandatory forms currently in effect are described below. These forms shall be reproduced in sufficient supply by each of the states to meet its needs and the needs of persons and agencies required to use them. Forms referenced in the preceding sentence, above, currently in effect are the following:

[ICPC-100A "Interstate Compact Placement Request;"](#)

[ICPC-100B "Interstate Compact Report on Child's Placement Status;"](#)

ICPC-100C "Quarterly Statistical Report: Placements Into An ICPC State,"

ICPC-100D "Quarterly Statistical Report: Placements Out Of An ICPC State," and

ICPC-101 "Sending State's Priority Home Study Request."

4. Form ICPC-102 "Receiving State's Priority Home Study" is an optional form that is available for use.

5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

6. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved May 2, 2001 and is effective as of July 2, 2001.

Regulation No. 1**Conversion of Intrastate Placement into Interstate Placement****Relocation of Family Units**

1. Regulation No. 1 as first effective May 1, 1973, is repealed and is replaced by the following:

2. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state.

3. If the child is to be sent or brought to the receiving state more than forty-five (45) days in the future, the normal procedures of ICPC for an interstate placement shall be initiated. However, the ICPC-100A and the information accompanying it shall make it specific and clear that the relocation of a family unit is involved and that the family home is not yet in the receiving state. As much information as reasonably possible shall be given to the receiving state concerning the location and character of the intended family home in the receiving state.

4. (a) In any instance where the decision to relocate into another state is not made until forty-five (45) days or less before the date on which it is intended to send or bring the child to the receiving state, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed promptly by the sending agency's state compact administrator and transmitted to the receiving state compact administrator. The sending agency's state compact administrator shall request that the receiving state provide prompt handling of the case with due regard for the desired time for the child to be sent or brought to the receiving state.

(b) The documentation provided with a request for prompt handling shall include:

(1) A [form ICPC-100A](#) fully completed.

(2) A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child.

(3) A case history for the child.

(4) In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the custodian(s) and/or their home showing the status of the custodian(s), as qualified custodian(s).

(5) A copy of the most recent home study of the custodian(s) and any updates thereof.

(6) A copy of the child's permanency plan and any supplements to that plan.

(7) An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.

(c) Requests for prompt handling shall be as provided in paragraph 4 (a) hereof. Some or all documents may be communicated by express mail or any other recognized method for expedited

communication. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.

(d) In an instance where a custodian(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other custodian, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III (d) of ICPC, unless the receiving state compact administrator has substantial evidence to the contrary. This provision applies to a case which meets the description set forth in paragraph 4 (b) of this regulation.

(e) The receiving state may decline to provide a favorable determination pursuant to Article III (d) of ICPC if its compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation, or until it has the documentation identified in subparagraph (b) hereof.

(f) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III (d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed or otherwise sent promptly to meet Article III (d) written notice requirements.

5. If submitted by a custodian(s), a receiving state shall recognize and give effect to evidence that the custodian(s) have satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:

(a) the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state and

(b) the evidence submitted is in the form of an official certificate or other document identifying the training.

6. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the custodian(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.

7. A favorable determination made by a receiving state pursuant to Article 3 (d) of the ICPC and this regulation means that the receiving state is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 4 (b) of this regulation and does not relieve any custodian or other entity of the obligation to comply with the laws of the receiving state as promptly after arrival in the receiving state of the child as possible. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interest of the child, the sending agency shall return the child or make an alternative placement as provided in Article 5(a) of the ICPC.

8. Within thirty (30) days of being notified by the sending state or by the custodian(s) that the custodian(s) and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall make an initial contact with the custodian(s) to ascertain conditions and progress toward compliance with applicable laws and requirements of the receiving state.

9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

Regulation No. 2. Repealed.

This regulation, adopted May 25, 1977, relating to certain programs in which children could be placed in family homes to permit their attendance at local public schools was repealed by action taken at the annual meeting of the Association of Administrators of the Interstate Compact on the Placement of Children, April 1999.

Regulation No. 3**Placements with Parents, Relatives,
Non-agency Guardians, and Non-family Settings**

The following regulation, adopted by the Association of Administrators of the Interstate Compact on the Placement of Children, is declared to be in effect on and after July 2, 2001.

1. "Placement" as defined in Article II(d) includes the arrangement for the care of a child in the home of his parent, other relative, or non-agency guardian in a receiving state when the sending agency is any entity other than a parent, relative, guardian or non-agency guardian making the arrangement for care as a plan exempt under Article VIII (a) of the Compact.
2. "Conditions for Placement" as established by Article III apply to any placement as defined in Article II (d) and Regulations adopted by action of die Association of Administrators of the Interstate Compact on the Placement of Children.
3. The terms "guardian" and "non-agency guardian" have the same meanings as set forth in Regulation No. 10 of the Regulations for the Interstate Compact on the Placement of Children (ICPC).
4. The term "family free or boarding home" as used in Article II (d) of ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient.
5. The term "foster care" as used in Article III of ICPC, except as modified in this paragraph, means care of a child on a 24-hour a day basis away from the home of the child's parent(s). Such care may be by a relative of the child, by a non-related individual, by a group home, or by a residential facility or any other entity. In addition, if 24-hour a day care is provided by the child's parent(s) by reason of a court-ordered placement (and riot by virtue of the parent-child relationship), the care is foster care.
6. (a) Pursuant to Article VIII (a), this Compact does not apply to the sending or bringing of a child into a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with any such relative or non-agency guardian in the receiving state, provided that such person who brings, sends, or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, or diminished or severed by the action or order of any court.

(b) The Compact does not apply whenever a court transfers the child to a non-custodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after the court transfers the child.
7. Placement of a child requires compliance with the Compact if such placement is with either of the following:
 - (a) any relative, person, or entity not identified in Article VIII of the Compact; or

(b) any entity not included in the definition of placement as specified in Article II (d) of the Compact.

8. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.

9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved on May 2, 2001 and is effective as of July 2, 2001.

Regulation No. 4

Residential Placement

The following regulation was adopted by the Association of Administrators of the Interstate Compact on the Placement of Children on April 20, 1983, was readopted in 1999, was amended in 2001, and is declared to be effective, as amended, as of July 2, 2001.

1. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of the exemption for various classes of institutions in Article II (d), the following concepts and terms shall have the following meanings:

(a) "Primarily educational institution" means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which does not do one or more of the following:

(1) accept responsibility for children during the entire year;

(2) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;

(3) provide any other services to children, except for those customarily regarded as extracurricular or cocurricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or programs.

(b) "Hospital or other medical facility" means an institution for the acutely ill which discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.

(c) "Institution for the mentally ill or mentally defective" minors means a facility which is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent Jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase "mentally defective."

(d) Treatment for a chronic mental or behavioral condition, as described in this regulation, that is 24-hour care away from the child's parental home is foster care as such term is used in Article III of ICPC.

2. (a) Admission for treatment of an acute condition includes the treatment and care of minors who are mentally ill or developmentally disabled and who require stabilization of such condition for short-term treatment. Such short term treatment is exempt from the Interstate Compact on the Placement of Children.

(b) Placement for treatment of a chronic condition includes the treatment and care of minors who may be mentally ill, emotionally ill, or developmentally disabled and require treatment

beyond what was required for stabilization of the underlying acute condition. Treatment modalities for chronic conditions may include psychotherapy and psychopharmacology.

(c) Any placement of a minor for treatment of that minor's chronic mental or behavioral condition into a facility having treatment programs for acute and chronic conditions must be made pursuant to the Interstate Compact on the Placement of Children. The Interstate Compact on the Placement of Children becomes applicable once the minor is placed for treatment of a chronic condition regardless of whether that child was originally placed in the same facility for treatment of an acute condition.

(d) A minor may be accepted into a residential treatment center without first having been in that facility for the treatment of an acute condition. An interstate placement of a minor into such a facility must be made pursuant to the Interstate Compact on the Placement of Children.

3. An institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC, if the treatment and care and other services are entirely out-patient in character.

4. The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the Interstate Compact on the Placement of Children applies. Such determination is made on a case-by-case basis.

5. The type of license, if any, held by an institution is evidence of its character, but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide. In making any such determinations, the criteria set forth in this regulation shall be applied.

6. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

7. This regulation was amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; such amendment was approved on May 2, 2001 and is effective as of July 2, 2001.

Regulation No. 5**Central State Compact Office**

Regulation Number 5 ("Central State Compact Office"), as first effective April 1982, is amended to read as follows:

1. It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact. The Compact Administrator and deputies appointed by the executive head of each state under Article VII shall be located in this central state compact office.

2. The Association of Administrators of the Interstate Compact on the Placement of Children deems certain appointments of officers who are general coordinators of activities under the Compact in the party states to have been made by the executive heads of states in each instance wherein such an appointment is made by a state official who has authority delegated by the executive head of the state to make such an appointment. Delegated authority to make the appointments described above in this paragraph will be sufficient if it is either: specifically described in the applicable states' documents that establish or control the appointment or employment of the states' officers or employees; a responsibility of the official who has the delegated authority that is customary and accepted in the applicable state; or consistent with the personnel policies or practices of the applicable state. Any general coordinator of activities under the Compact who is or was appointed in compliance with this paragraph is deemed to be appointed by the executive head of the applicable jurisdiction regardless of whether the appointment preceded or followed the adoption of this paragraph.

3. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

4. This regulation was first effective on April 20, 1982; was amended as of April 1999; and is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective after June 27, 2002.

Regulation No. 6

Permission to Place Child: Time Limitations, Reapplication

The following regulation, originally adopted in 1991 by the Association of Administrators of the Interstate Compact on the Placement of Children, is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001.

1. Permission to place a child given pursuant to Article III (d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document ICPC-100A, by which the permission is given for a period of six (6) months commencing on the date when the receiving state compact administrator or his duly authorized representative signs the aforesaid ICPC-100A.

2. If the placement authorized to be made as described in Paragraph 1. of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the receiving state may require the updating of documents submitted on the previous application, but shall not require a new home study unless the laws of the receiving state provide that the previously submitted home study is too old to be currently valid.

3. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the receiving state shall not require that a new license, permit or certificate be obtained in order to qualify the proposed placement recipient to receive the child in placement.

4. Upon a reapplication by the sending agency, the receiving state shall determine whether the needs or condition of the child have changed since it initially authorized the placement to be made. The receiving state may deny the placement if it finds that the proposed placement is contrary to the interests of the child.

5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

6. This regulation was readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999; it is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001, was approved May 2, 2001, and is effective in such amended form as of July 2, 2001.

Regulation No. 7

Priority Placement

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after July 2, 2001.

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the Interstate Compact on the Placement of Children (ICPC). A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.

2. This regulation shall not apply to any case in the sending state wherein:

- (a) the request for placement of the child is for licensed or approved foster family care or adoption, or
- (b) the child is already in the receiving state in violation of ICPC.

3. Whenever a court, upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary, the court shall make and sign an order embodying that finding. The court shall send its order to the Sending Agency within two (2) business days. The order shall include the name, address, telephone number, and if available, the FAX number, of the judge and the court. The court shall have the sending agency transmit, within three (3) business days, the signed court order, a completed Form 100A ("Request for Placement") and supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator. Within a time not to exceed two (2) business days after receipt of the ICPC priority placement request, the sending state Compact Administrator shall transmit the priority request and its accompanying documentation to the receiving state Compact Administrator together with a notice that the request for placement is entitled to priority processing.

4. The court order, ICPC-100A, and supporting documentation referred to in Paragraph Three (3) hereof shall be transmitted to the receiving state Compact Administrator by overnight mail together with a cover notice calling attention to the priority status of the request for placement. The receiving state Compact Administrator shall make his or her determination pursuant to Article III (d) of ICPC as soon as practicable but no later than twenty (20) business days from the date the overnight mailing was received and forthwith shall send the completed 100-A by FAX to the sending state Compact Administrator.

5. (a) If the receiving state Compact Administrator fails to complete action as the receiving state prescribed in Paragraph Four (4) hereof within the time period allowed, the receiving state shall be deemed to be out of compliance with ICPC. If there appears to be a lack of compliance, the court, which made the priority order, may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the making of appropriate orders, for the purpose of obtaining compliance with this Regulation and ICPC.

(b) The foregoing shall not apply if:

(1) within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially

insufficient, specifies that additional information is needed, and requests the additional documentation from the sending agency. The request shall be made by FAX, or by telephone if FAX is not available, or

(2) within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact Administrator that further information is necessary. Such notice shall specifically detail the information needed. For a case in which this subparagraph applies, the twenty (20) business day period for the receiving state Compact Administrator to complete action shall be calculated from the date of the receipt by the receiving State Compact Administrator of the information requested.

(c) Where the sending state court is not itself the sending agency, it is the responsibility of the sending agency to keep the court, which issued the priority order, informed of the status of the priority request.

6. A court order finding entitlement to a priority placement shall not be valid unless it contains an express finding that one or more of the following circumstances applies to the particular case and sets forth the facts on which the court bases its finding:

(a) the proposed placement recipient is a relative belonging to a class of persons who, under Article VIII (a) of ICPC could receive a child from another person belonging to such a class, without complying with ICPC and; (1) the child is under two (2) years of age, or (2) the child is in an emergency shelter; or (3) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.

(b) the receiving state Compact Administrator has a properly completed ICPC-100A and supporting documentation for over thirty (30) business days, but the sending agency has not received a notice pursuant to Article III (d) of ICPC determining whether the child may or may not be placed.

7. Time periods in this regulation may be modified with a written agreement between the court which made the priority order, the sending agency, the receiving state Compact Administrator, and the sending state Compact Administrator. Any such modification shall apply only to the single case to which it is addressed.

8. To fulfill its obligations under ICPC, a state and its local agencies must process interstate cases no less quickly than intrastate cases and give no less attention to interstate hardship cases than to intrastate hardship cases. If in doing so, a receiving state Compact Administrator finds that extraordinary circumstances make it impossible for it and its local agencies to comply with the time requirements set forth in this regulation, it may be excused from strict compliance therewith. However, the receiving state Compact Administrator shall, within two (2) business days of ascertaining inability to comply, notify the sending state Compact Administrator via FAX of the inability to comply and shall set forth the date on or before which it will complete action. The notice shall contain a full identification and explanation of the extraordinary circumstances which are delaying compliance.

9. Unless otherwise required or allowed by this regulation, all transmittals of documents or other written materials shall be by overnight express mail carrier service.

10. This regulation as first effective October 1, 1996, and readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999, is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its

annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved on May 2, 2001 and is effective as of July 2, 2001.

Regulation No. 8**Change of Placement Purpose**

1. An [ICPC-100B](#) should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to preadoption even though the placement recipient remains the same. However, when a receiving state or a sending state requests a new ICPC-100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC-100As.

2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

3. This regulation is effective on and after April 30, 2000, pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 30-May 3, 2000.

Regulation No. 9

Definition of a Visit

Regulation No. 9 ("Definition of a Visit"), as first adopted in 1999, is amended to read as follows:

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.

2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or With a friend or relative who has not assumed legal responsibility for providing child care services.

3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.

4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 1, it will be presumed that the circumstances constitute a visit rather than a placement.

5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.

6. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.

7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.

8. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

9. This regulation was first adopted as a resolution effective April 26, 1983; was promulgated as a regulation as of April 1999; and is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective after June 27, 2002.

Regulation No. 10

Guardians

Regulation No. 10 ("Guardians"), as first adopted in 1999, is amended to read as follows:

1. Guardian Defined.

As used in the Interstate Compact on the Placement of Children (ICPC) and in this Regulation:

(a) "Guardian" means a public or private agency, organization or institution which holds a valid and effective appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning which the guardian has a professional obligation to carry out. Guardian also means an individual who is a non-agency guardian as defined in subparagraph (b) hereof.

(b) "Nonagency guardian" means an individual holding a currently valid appointment from a court of competent Jurisdiction to have all of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

2. Prospective Adoptive Parents Not Guardians.

An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.

3. Effect of Guardianship on ICPC Placements.

(a) An interstate placement of a child with a nonagency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child's parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.

(b) An appropriate court of the sending agency's state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.

4. Permanency Status of Guardianship.

(a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.

(b) If, subsequent to the making of an Interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the

sending agency and an appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC, shall be dismissed.

5. Guardian Appointed by Parent.

If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A nonagency guardian so appointed shall be deemed a nonagency guardian as that term is used in Article VIII (a) of ICPC, provided that such nonagency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a nonagency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the Jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

6. Other Definitions of Guardianship Unaffected.

The definitions of “guardian” and “nonagency guardian” contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of “guardian” or “nonagency guardian” when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

7. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

8. This regulation was first promulgated in April 1999; it is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective after June 27, 2002.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

Purpose

The Interstate Compact on the Placement of Children provides regular and consistent supervision and care for children placed across state borders. It provides an opportunity for information sharing and assigns responsibility for planning, decision making, and financial costs. This helps to assure a suitable environment and maximizes the safety of the child.

Section I. Enforcement and Policy

Compliance with the ICPC IS REQUIRED when a child who is in the custody of HHS, a private agency or under the jurisdiction of the court, is placed in another state to reside in an adoptive home, foster home, relative home (including the home of a parent if the child is under the jurisdiction of a court), child caring agency or facility such as a group home or residential treatment center.

ICPC does NOT apply to placement of children in another state for acute inpatient medical care (including mental health) in a hospital or placement in a boarding school. A parent or legal guardian may place his/her child in another state to live with a near relative (as defined by ICPC Article VIII) without ICPC. However, placement by a parent of child into a facility does require ICPC compliance.

ICPC is found in Neb. Rev. Stat. §§43-1101 and 43-1102.

All fifty states the District of Columbia, US Virgin Islands and Guam are participating members of the ICPC.

Indian Tribes, as sovereign nations, are not required to participate, although some do voluntarily.

Section 2: Definitions

Child means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

Sending Agency means a party, state office or employee there of; a court of a party state; a person, corporation, association, charitable agency or other entity which sends or brings any child to another party state.

Receiving State means the state to which the child is sent or brought whether by public authorities, private persons or agencies for placement with state or local public authorities or for placement with private agencies or persons.

Section III: Sending a Nebraska Child to Another State (excluding Facilities)

Nebraska retains legal and financial responsibility for all children placed out of state through ICPC. Approval for placement must be received from the ICPC administrator in the receiving state BEFORE placement is made. The only exception to this is the movement of an Intact Family Unit across state lines as defined in **ICPC Regulation 1**. The juvenile court case must remain open for children placed outside of Nebraska until approval to close the case is received from the ICPC administrator in the receiving state. There is no venue to transfer court jurisdiction across state lines.

A worker will need to submit the following information in triplicate to the ICPC office in order to begin the ICPC process a request:

- **ICPC 100A Form for each child;**
- **Most recent Court Order showing HHS custody;**
- **Most recent Case Plan and Court Report;**
- **Information about each child such as therapeutic, scholastic, and medical;**
- **Cover Letter that includes:**
 - Reason the ICPC is being requested;**
 - Special needs or circumstances of the child(ren);**
 - Special circumstances of the potential placement resource;**
 - ***Financial and Medical Plan for each child;**
- **Proof of Paternity (if request is for placement with a Paternal Relative);**
- **Birth Certificate for each child (if possible);**

When the ICPC request is received by the Nebraska ICPC office it will be reviewed, processed and sent to the other state usually within 24 hours.

If the ICPC packet is found to be incorrect or deficient it will be **returned** to caseworker along with a checklist indicating what needs to be corrected and resubmitted. In situations where the needed correction is minor the NE ICPC office may request that missing information be faxed to the NE ICPC office to complete the packet.

Once the request is sent to the receiving state federal guidelines require it to be completed and returned to the sending state ICPC office within **sixty calendar days** of receipt in the receiving state ICPC office. The NE ICPC office tries to track all of the requests. However, if you have a home study that is past due, please notify the NE ICPC office and request a status check and an estimated date of completion.

The Compact Administrator in the receiving state makes the decision to approve or deny placement. If placement is **DENIED** a child may not be placed the home of the placement resource.

If the placement is approved the Nebraska caseworker must submit the **ICPC 100B Form** indicating the date of the initial placement. This triggers placement supervision to

begin in the receiving state and progress reports to be sent at the frequency interval indicating on the ICPC 100A Form.

Section IV: Placement in a Facility Out of State

When placing a child in a facility in another state the following information must be submitted to the NE ICPC Office.:

- **ICPC 100A;**
- **Most recent Court Order showing HHS Custody;**
- **Placement Agreement.**

If a child has a delinquency adjudication they MUST be processed through the ICPC when being placed in a facility in another state. They are NOT processed through the ICJ. Some states require an addition Court Order for these juveniles. This is called an **ARTICLE VI COURT ORDER**. This court order must find that “There are no equivalent facility available within the State of Nebraska and because institutional care in the State of _____ is in the best interest of the juvenile and will not produce undue hardship.”

Sometimes this is done via fax to get an initial “verbal approval, then followed up in the mail.

Section V: Priority Processing

In some situations it is possible to request priority processing of a home study request. A specific Court Order is required with a finding that the request qualifies for priority processing because:

- The proposed placement resource is a near relative per ICPC Article VIII;
- AND
- The child is under two years of age;
- OR
- The child is in an emergency shelter;
- OR
- The child has spent a significant amount of time in the home of the proposed placement resource.

Home studies that meet the requirements for priority processing should be completed within twenty business days of receipt in the receiving state ICPC office.

Section VI: Receiving a Child from Another State

Prior to placement in Nebraska a home study will be completed by designated staff in each service area. The purpose of a home study will be: Adoption; Foster Care; Relative Care; or Parental Care. One of three types of home studies will be completed. They are Adoptive; Foster Care, or Approval.

Once a home study is completed and submitted to the NE ICPC office the NE ICPC Compact Administrator or designee will make the decision to approve or deny placement.

Nebraska staff will supervise wards of other states placed into Nebraska as if they were our own wards. Regular contact with the family will be maintained to monitor progress on the case plan and to assist with problem solving. Progress reports will be provided to the sending state a minimum of **quarterly**, but more frequently if requested.

After a period of time, usually at least six months after initial placement, the supervising caseworker in Nebraska may recommend that the other state move toward permanency in this home if appropriate. If this recommendation is appropriate the NE ICPC office will let the sending state know that they have our “concurrence.”

If you have questions about whether or not the ICPC is applicable to a placement situation please contact your state ICPC Compact Administrator or Deputy Administrators. In Nebraska they are:

Mary Dyer--- Adoption ICPC----471-9331

Rita Krusemark ----Regular ICPC----471-9254

FINANCIAL AND MEDICAL PLANNING FOR OUT OF STATE PLACEMENTS

When requesting to place a child in another state through ICPC one of the items that the other state requests is a Financial and Medical Plan for each child. This is crucial to ensure that the child continues to be supported financially and appropriate medical care is accessible to the child.

Step 1: TITLE IV-E FUNDING

Find out if the child is determined to be Title IV-E eligible. If the child is NOT determined to be Title IV-E eligible for the Federal/State matching funds then the child will be funded through Nebraska State Child Welfare Funds.

Step 2: FINANCIAL PLAN

Determine the appropriate FINANCIAL PLAN for the child. The following options are available to fund the maintenance payment for the child dependent upon Title IV-E eligibility determination. One option should be chosen for each child.

Option 1: Provide a foster care/maintenance payment.

- (a) If the child is determined to be Title IV-E eligible AND the placement is determined to be Title IV-E claimable (meaning licensed) then a payment may be made out of Title IV-E funds. This includes payments to facilities for placements that are NOT Magellan/Medicaid authorized.
- (b) If the child is determined to be Title IV-E eligible, but the placement is NOT Title IV-E claimable then a foster care/maintenance payment maybe made out of state Child Welfare Funds. This includes payments to facilities for placements that are NOT Magellan/Medicaid authorized.
- (c) If the child is NOT Title IV-E eligible then the foster care/maintenance payment may be made out of state Child Welfare Funds.

Option 2: If placement with a relative, request the relative to apply for ADC Relative Payee/TANF Maintenance benefits in their state of residence.

- (a) The relative must be willing to apply for Relative Payee/TANF in lieu of a Foster Care Payment. TANF Maintenance payments average about \$225/mo for the first child and \$70/mo for each subsequent child.
- (b) Each state reserves the right to disburse Federal TANF funds to relatives based upon the established criteria for determining the degree of sanguinity for which a relative payment will be made. A few states do NOT disburse TANF funds to relatives caring for children who are wards of another state.

Option 3: If the proposed placement resource is a biological parent, then it will be the expectation of DHHS that the parent provide financially for the care of his/her child. The parent may qualify for benefits in his/her state of residence such as ADC, Food Stamps, etc. DHHS will not make a maintenance payment to a biological parent.

Step 3: MEDICAL PLAN

Determine the appropriate MEDICAL PLAN for the child. The following options are available to fund the medical coverage for a child dependent upon Title IV-E eligibility determination. One option should be chosen for each child.

Option 1: If the child is determined to be Title IV-E eligible and the proposed placement resource is determined to be Title IV-E claimable (meaning a licensed foster home or facility) then the Medicaid may transfer to the other state via the appropriate COBRA documentation at the time the child is placed.

Option 2: If the child is in an approved relative home (not licensed) the relative may apply for ADC Relative Payee/TANF Medical benefits. These are disbursed by each state according to the states criteria for disbursement. If the relative does not qualify for these benefits then Option 3 will need to be utilized.

Option 3: If the child is determined to be Title IV-E eligible, but the proposed placement resource is NOT Title IV-E claimable then the child will remain covered by Nebraska Medicaid and one of the following actions need to occur:

- (a) Providers need to be located in the other state who are either already enrolled as Nebraska Medicaid providers or who are willing to become enrolled as Nebraska Medicaid providers. Providers may contact Margaret VanDyke in Nebraska Medicaid to discuss this process; or
- (b) Providers need to be located in the other state who are willing to bill Nebraska State Ward Medical at Nebraska Medicaid rates. This includes the following steps:
 1. Completion of a Letter of Agreement between the Service Area and the Provider, including the Provider's willingness to bill on the HCFA 1500 Form;
 2. A copy of this LOA sent to Dianne Lightbody in State Ward Medical;
 3. The provider loaded as an ORG on N-Focus;
 4. A Service Authorization for the Provider completed on N-Focus.

Option 4: If the child is placed with a biological parent then it is the expectation of DHHS that the parent will assure that the medical needs of the child are met. The child will continue to have Nebraska Medicaid until they are no longer a ward. The parent must either locate providers who accept Nebraska Medicaid or cover the medical expenses for his/her child independently.

Additional Medical Plan Information: An option that may be available to provide some medical care/providers for a child is a Federally Qualified Health Center. A simple Google Search will be able to locate a list of FQHCs in each state. Most often these are research hospitals that will accept Medicaid from many different states. However, please remember that each provider must accept Nebraska Medicaid, not just the hospital.

PLEASE NOTE: The financial and medical plan should be discussed with and agreed upon by the potential placement resource and DHHS prior to the child being placed.

ADMINISTRATIVE MEMORANDUM

Date: October 19, 2004
To: Service Area Administrators
Resource Development Administrators
Protection and Safety Administrators
From: Todd Reckling, Administrator, Protection and Safety
Re: AGREEMENT FOR PERFORMANCE OF CERTAIN HOME STUDIES AND
SUPERVISION PERTAINING TO THE INTERSTATE COMPACT ON THE
PLACEMENT OF CHILDREN (ICPC)

Effective September 15, 2004 this Agreement was signed by Nancy Montanez, Director, Nebraska Department of Health and Human Services, and Kevin W. Concannon, Director, Iowa Department of Human Services.

This Agreement is also known as the "Border Agreement." The Border Agreement applies ONLY to the geographic area that is the common boundary between the states of Nebraska and Iowa, contiguous counties on either side of the Missouri River.

The Border Agreement allows for the sending state, to complete a home study in the receiving state, with the permission of the receiving state's ICPC Office. All background and criminal history checks will remain the responsibility of the receiving state. The final decision to approve or deny placement remains that of the receiving state's ICPC Administrator or Deputy Administrator.

The Border Agreement also allows for the sending state to provide supervision of children placed in homes approved by the receiving state's ICPC Office. Permission must be granted by the receiving state's ICPC Administrator or Deputy Administrator prior to the sending state providing supervision of children in the receiving state.

Nebraska as Sending State: Requests involving the Border Agreement will be processed in the same manner as usual. The Protection and Safety Worker will send the 100A and other standard documents to the ICPC Office. The request for permission to complete the home study or provide supervision must be made in the cover letter. The ICPC Office will notify the Protection and Safety Worker in writing whether permission is granted or denied by the Iowa Compact Administrator. If the Nebraska Protection and Safety Worker is granted permission to complete the home study in Iowa, the completed home study will be sent to Nebraska ICPC for review and forwarding to Iowa ICPC.

Nebraska as Receiving State: If Nebraska ICPC receives a request from Iowa ICPC desiring permission to complete the home study or provide supervision in Nebraska, Nebraska ICPC Office will grant or deny permission. The Nebraska ICPC Office will inform the appropriate contact person in the Nebraska Service Area in writing whether the request is approved or denied.

If you have questions regarding the application of this Agreement please contact Rita Krusemark, Program Specialist, at 402-471-9254.

**AGREEMENT FOR PERFORMANCE OF CERTAIN HOME STUDIES AND SUPERVISION
PERTAINING TO THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

The state of Nebraska and the State of Iowa acting by Nancy Montanez, Director, Nebraska Department of Health and Human Services and Kevin W. Concannon, Director, Iowa Department of Human Services hereby agree as follows:

1. Definitions

As used in this Agreement:

(a.) Terms shall have the same meanings as in the Interstate Compact on the Placement of Children (herein "ICPC" or "the Compact"), except as otherwise defined in this Agreement. If not expressly defined in the Compact or in this Agreement, a term shall have its ordinary meaning in English usage.

(b.) "Home study" means an investigation, evaluation, and written report on a prospective placement recipient or placement recipients, including one or more interviews with prospective placement recipient or placement recipients; interviews with other persons where appropriate; on-site inspection of the prospective placement recipient's home and immediate neighborhood; and child abuse/neglect and criminal background checks as required by state law and department regulations.

(c.) "Home" means a place in which it is proposed that a child would live, including a family residence or other facility, if placed with the placement recipient.

2. Geographic Area

The geographic area to which this agreement applies is the common boundary between the states of Nebraska and Iowa, contiguous counties on either side of the Missouri River.

3. Home Studies Performed by Personnel From Other State:

(a.) It is recognized that the performance of a home study is the primary responsibility, of the receiving state, but that there are extenuating circumstances which may justify performance by personnel from the sending state.

(b.) Personnel who may perform home studies in the other party state must be employees or contractors of the state government or of a local public agency (excluding student interns or trainees) who perform home studies within their own jurisdictions as part of their regular employment.

(c.) Personnel from one state, may perform a home study in the other state only when one or more of the following conditions apply to the particular case involved:

(1.) A court has issued an order which includes a finding that the proposed placement pursuant to ICPC merits priority placement processing; or

(2.) The local public agency which would normally perform the home study has three (3) or more requests for placement pursuant to ICPC pending from the other party state to this Agreement on which it has not yet performed home studies; or

(3.) The receiving state Compact administrator informs the sending agency and the sending state Compact administrator that due to the existence of extenuating circumstances (set forth in the notification), the personnel of the receiving state who would normally perform the home study are unable to do so in a timely manner; or

(4.) The sending state requests, through the receiving state Compact administrator or the local public agency in the receiving state, that personnel from the sending state perform the home study, and the receiving state consents. In this case, the sending state shall transmit the study as a supporting document with the original request for placement (ICPC-100A).

(d.) This agreement is intended to further interstate cooperation between the agencies and departments of Nebraska and Iowa. Nothing in this agreement shall be construed as to authorize personnel in one state's agencies or departments to direct or require the performance of any duties by personnel of the other state's agencies or departments.

4. Uses of Home Studies

(a.) The agency whose employee or contractor performs a home study pursuant to this Agreement shall submit copies thereof to the receiving state Compact administrator and to the local public agency in the receiving state which would otherwise have performed the home study. Before using the home study, the receiving state Compact administrator shall make a specific telephone inquiry of the local agency to ascertain whether the latter has an objection.

The receiving state Compact administrator may use the home study in making the finding required by Article III (d) of the Compact and the sending agency may use the home study in deciding whether to make a proposed placement.

5. Supervision

In any case when a placement is allowed by the receiving state Compact administrator and where the home study used is one performed pursuant to this Agreement, the receiving state shall have full responsibility for supervising the placement. However, the sending state can offer to provide the supervision instead. It is the decision of the receiving state Compact administrator whether to accept the offer of the sending state, or provide the placement supervision themselves.

6. Limitations

(a.) This Agreement applies only to the performance of home studies and supervision.

(b.) Any licensing requirements necessary to satisfy ASFA regulations will be completed by the receiving state.

(c.) No temporary permit issued by virtue of this Agreement shall be used to engage in social work not connected with the preparation of a home study on account of which the permit was issued.

7. Scope of Employment

A person engaged in the performance of a home study pursuant to this Agreement shall be deemed in the course and within the scope of his/her regular employment.

8. Costs

It is also understood that the parties to this Agreement will not charge each other fees, either directly or indirectly, for home studies performed under the auspices of this Agreement.

9. Termination

This Agreement may be terminated by 60 day notice given in writing by either party to the other. However, any home studies in progress on the date of termination may be completed and any placement procedure pending on such termination date may continue with the same effect as though the termination has not occurred.

10. Effective Date of This Agreement

This agreement shall become effective _____ and shall remain in effect until termination as specified in item 9 above.

Nancy Montanez, Director
Nebraska Department of Health
and Human Services

Kevin W. Concannon, Director
Iowa Department of Human Services

Nebraska UCCJEA

Neb. Rev. Stat. § 43-1226 et seq.

§ 43-1226. Act, how cited

Sections 43-1226 to 43-1266 shall be known and may be cited as the Uniform Child Custody Jurisdiction and Enforcement Act.

§ 43-1227. Terms, defined

In the Uniform Child Custody Jurisdiction and Enforcement Act:

(1) Abandoned means left without provision for reasonable and necessary care or supervision.

(2) Child means an individual who has not attained eighteen years of age.

(3) Child custody determination means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) Child custody proceeding means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 43-1248 to 43-1264.

(5) Commencement means the filing of the first pleading in a proceeding.

(6) Court means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination.

(7) Home state means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) Initial determination means the first child custody determination concerning a particular child.

(9) Issuing court means the court that makes a child custody determination for which enforcement is sought under the Uniform Child Custody Jurisdiction and Enforcement Act.

(10) Issuing state means the state in which a child custody determination is made.

(11) Modification means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) Person means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(13) Person acting as a parent means a person, other than a parent, who:

(A) has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child custody proceeding; and

(B) has been awarded legal custody by a court or claims a right to legal custody under the law of this state.

(14) Physical custody means the physical care and supervision of a child.

(15) State means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) Tribe means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state.

(17) Warrant means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

§ 43-1228. Proceedings governed by other law

The Uniform Child Custody Jurisdiction and Enforcement Act does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.

§ 43-1229. Application to Indian tribes

(a) A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to the Uniform Child Custody Jurisdiction and Enforcement Act to the extent that it is governed by the Indian Child Welfare Act.

(b) A court of this state shall treat a tribe as if it were a state of the United States for the purpose of applying sections 43-1226 to 43-1247.

(c) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the Uniform Child Custody Jurisdiction and Enforcement Act shall be recognized and enforced under sections 43-1248 to 43-1264.

§ 43-1230. International application of act

(a) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying sections 43-1226 to 43-1247.

(b) Except as otherwise provided in subsection (c) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of the Uniform Child Custody Jurisdiction and Enforcement Act shall be recognized and enforced under sections 43-1248 to 43-1264.

(c) A court of this state need not apply the act if the child custody law of a foreign country violates fundamental principles of human rights.

§ 43-1231. Effect of child custody determination

A child custody determination made by a court of this state that had jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act binds all persons who have been served in accordance with the laws of this state or notified in accordance with section 43-1233 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

§ 43-1232. Priority

If a question of existence or exercise of jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act is raised in a child custody proceeding, the question, upon request of a party, shall be given priority on the calendar and handled expeditiously.

§ 43-1233. Notice to persons outside state

(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

§ 43-1234. Appearance and limited immunity

(a) A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in this state for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in this state on a basis other than physical presence is not immune from service of process in this state. A party present in this state who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) of this section does not extend to civil litigation based on acts unrelated to the participation in a proceeding under the Uniform Child Custody Jurisdiction and Enforcement Act committed by an individual while present in this state.

§ 43-1235. Communication between courts

(a) A court of this state may communicate with a court in another state concerning a proceeding arising under the Uniform Child Custody Jurisdiction and Enforcement Act.

(b) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(c) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(d) Except as otherwise provided in subsection (c) of this section, a record shall be made of a communication under this section. The parties shall be informed promptly of the communication and granted access to the record.

(e) For the purposes of this section, record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

§ 43-1236. Taking testimony in another state

(a) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

§ 43-1237. Cooperation between courts; preservation of records

(a) A court of this state may request the appropriate court of another state to:

(1) hold an evidentiary hearing;

(2) order a person to produce or give evidence pursuant to procedures of that state;

(3) order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(b) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection (a) of this section.

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) of this section may be assessed against the parties according to the law of this state.

(d) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains eighteen years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

§ 43-1238. Initial child custody jurisdiction

(a) Except as otherwise provided in section 43-1241, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) this state is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) a court of another state does not have jurisdiction under subdivision (a) (1) of this section, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 43-1244 or 43-1245, and:

(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

(B) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under subdivision (a)(1) or (a)(2) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under 43-1244 or 43-1245; or

(4) no court of any other state would have jurisdiction under the criteria specified in subdivision (a)(1), (a)(2), or (a)(3) of this section.

(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

§ 43-1239. Exclusive, continuing jurisdiction

(a) Except as otherwise provided in section 43-1241, a court of this state which has made a child custody determination consistent with section 43-1238 or 43-1240 has exclusive, continuing jurisdiction over the determination until:

(1) a court of this state determines that neither the child, nor the child and one parent, nor the child and a person acting as a parent have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training, and personal relationships; or

(2) a court of this state or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state.

(b) A court of this state which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 43-1238.

§ 43-1240. Jurisdiction to modify determination

Except as otherwise provided in section 43-1241, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (a)(1) or (a)(2) of section 43-1238 and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 43-1239 or that a court of this state would be a more convenient forum under section 43-1244; or

(2) a court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

§ 43-1241. Temporary emergency jurisdiction

(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child custody determination that is entitled to be enforced under the Uniform Child Custody Jurisdiction and Enforcement Act and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 43-1238 to 43-1240, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under such sections. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under such sections, a child custody determination made under this section becomes a final determination, if it so provides, and this state becomes the home state of the child.

(c) If there is a previous child custody determination that is entitled to be enforced under the act, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 43-1238 to 43-1240, any order issued by a court of this state under this section shall specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under such sections. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 43-1238 to 43-1240, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to such sections, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately

communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

§ 43-1242. Notice; opportunity to be heard; joinder

(a) Before a child custody determination is made under the Uniform Child Custody Jurisdiction and Enforcement Act, notice and an opportunity to be heard in accordance with the standards of section 43-1233 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) The act does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under the act are governed by the law of this state as in child custody proceedings between residents of this state.

§ 43-1243. Simultaneous proceedings

(a) Except as otherwise provided in section 43-1241, a court of this state may not exercise its jurisdiction under sections 43-1238 to 43-1247 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction and Enforcement Act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 43-1244.

(b) Except as otherwise provided in section 43-1241, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to section 43-1246. If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with the act, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with the act does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

(c) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

- (1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;
- (2) enjoin the parties from continuing with the proceeding for enforcement; or
- (3) proceed with the modification under conditions it considers appropriate.

§ 43-1244. Inconvenient forum

(a) A court of this state which has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or the request of another court.

(b) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(2) the length of time the child has resided outside this state;

(3) the distance between the court in this state and the court in the state that would assume jurisdiction;

(4) the relative financial circumstances of the parties;

(5) any agreement of the parties as to which state should assume jurisdiction;

(6) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(8) the familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of this state may decline to exercise its jurisdiction under the act if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

§ 43-1245. Jurisdiction declined by reason of conduct

(a) Except as otherwise provided in section 43-1241 or by other law of this state, if a court of this state has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under sections 43-1238 to 43-1240 determines that this state is a more appropriate forum under section 43-1244; or

(3) no court of any other state would have jurisdiction under the criteria specified in sections 43-1238 to 43-1240.

(b) If a court of this state declines to exercise its jurisdiction pursuant to subsection (a) of this section, it may fashion an appropriate remedy to ensure the safety of the child and prevent a

repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 43-1238 to 43-1240.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (a) of this section, it may assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than the act.

§ 43-1246. Information to be submitted to court

(a) Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information, in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit shall state whether the party:

(1) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;

(2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions, and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subdivisions (a) (1) through (a) (3) of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information shall be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

§ 43-1247. Appearance of parties and child

(a) In a child custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to section 43-1233 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (b) of this section or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

§ 43-1248. Enforcement provisions; terms, defined

In sections 43-1248 to 43-1264:

(1) Petitioner means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(2) Respondent means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

§ 43-1249. Enforcement under Hague Convention

Under sections 43-1248 to 43-1264 a court of this state may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

§ 43-1250. Duty to enforce

(a) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with the Uniform Child Custody Jurisdiction and Enforcement Act or the determination was made under factual circumstances meeting the jurisdictional standards of the act and the determination has not been modified in accordance with the act.

(b) A court of this state may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state. The remedies provided in

sections 43-1248 to 43-1264 are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

§ 43-1251. Temporary visitation

(a) A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

- (1) a visitation schedule made by a court of another state; or
- (2) the visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

(b) If a court of this state makes an order under subdivision (a) (2) of this section, it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in sections 43-1238 to 43-1247. The order remains in effect until an order is obtained from the other court or the period expires.

§ 43-1252. Registration of child custody determination

(a) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the district court in this state:

- (1) a letter or other document requesting registration;
- (2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and
- (3) except as otherwise provided in section 43-1246, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a) of this section, the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named pursuant to subdivision (a) (3) of this section and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subdivision (b) (2) of this section shall state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) a hearing to contest the validity of the registered determination shall be requested within twenty days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) A person seeking to contest the validity of a registered order shall request a hearing within twenty days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

- (1) the issuing court did not have jurisdiction under sections 43-1238 to 43-1247;
- (2) the child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under such sections; or
- (3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 43-1233, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served shall be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

§ 43-1253. Enforcement of registered determination

(a) A court of this state may grant any relief normally available under the law of this state to enforce a registered child custody determination made by a court of another state.

(b) A court of this state shall recognize and enforce, but may not modify, except in accordance with sections 43-1238 to 43-1247, a registered child custody determination of a court of another state.

§ 43-1254. Simultaneous proceedings

If a proceeding for enforcement under sections 43-1248 to 43-1264 is commenced in a court of this state and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under sections 43-1238 to 43-1247, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

§ 43-1255. Expedited enforcement of child custody determination

(a) A petition under sections 43-1248 to 43-1264 shall be verified. Certified copies of all orders sought to be enforced and of any order confirming registration shall be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child custody determination shall state:

(1) whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision shall be enforced under the Uniform Child Custody Jurisdiction and Enforcement Act and, if so, identify the court, the case number, and the nature of the proceeding;

(3) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(4) the present physical address of the child and the respondent, if known;

(5) whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and

(6) if the child custody determination has been registered and confirmed under section 43-1252, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing shall be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) of this section shall state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under section 43-1259 and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) the child custody determination has not been registered and confirmed under section 43-1252 and that:

(A) the issuing court did not have jurisdiction under sections 43-1238 to 43-1247;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under such sections;

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 43-1233, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under section 43-1252 but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 43-1238 to 43-1247.

§ 43-1256. Service of petition and order

Except as otherwise provided in section 43-1258, the petition and order shall be served, by any method authorized by the law of this state, upon the respondent and any person who has physical custody of the child.

§ 43-1257. Hearing and order

(a) Unless the court issues a temporary emergency order pursuant to section 43-1241, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall

order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under section 43-1252 and that:

(A) the issuing court did not have jurisdiction under sections 43-1238 to 43-1247;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under such sections; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 43-1233, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under section 43-1252 but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 43-1238 to 43-1247.

(b) The court shall award the fees, costs, and expenses authorized under section 43-1259 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under sections 43-1248 to 43-1264.

§ 43-1258. Warrant to take physical custody of child

(a) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to suffer serious physical harm or be removed from this state.

(b) If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this state, it may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant shall include the statements required by subsection (b) of section 43-1255.

(c) A warrant to take physical custody of a child shall:

(1) recite the facts upon which a conclusion of imminent serious physical harm or removal from the state is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(d) The respondent shall be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to

take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

§ 43-1259. Costs, fees, and expenses

(a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care, during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than the Uniform Child Custody Jurisdiction and Enforcement Act.

§ 43-1260. Recognition and enforcement

A court of this state shall accord full faith and credit to an order issued by another state and consistent with the Uniform Child Custody Jurisdiction and Enforcement Act which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 43-1238 to 43-1247.

§ 43-1261. Appeals

An appeal may be taken from a final order in a proceeding under sections 43-1248 to 43-1264 in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 43-1241, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

§ 43-1262. Role of county attorney or Attorney General

(a) In a case arising under the Uniform Child Custody Jurisdiction and Enforcement Act or involving the Hague Convention on the Civil Aspects of International Child Abduction, a county attorney or the Attorney General may take any lawful action, including resort to a proceeding under sections 43-1248 to 43-1264 or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination if there is:

- (1) an existing child custody determination;
- (2) a request to do so from a court in a pending child custody proceeding;
- (3) a reasonable belief that a criminal statute has been violated; or
- (4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A county attorney or the Attorney General acting under this section acts on behalf of the court and may not represent any party.

§ 43-1263. Role of law enforcement

At the request of a county attorney or the Attorney General acting under section 43-1262, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a county attorney or the Attorney General with responsibilities under such section.

§ 43-1264. Costs and expenses

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by a county attorney or the Attorney General and law enforcement officers under section 43-1262 or 43-1263.

§ 43-1265. Application and construction

In applying and construing the Uniform Child Custody Jurisdiction and Enforcement Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 43-1266. Motion or other request under prior law; how treated

A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination which was commenced before January 1, 2004, is governed by the law in effect at the time the motion or other request was made.

**QUARTERLY STATISTICAL REPORT:
PLACEMENTS INTO AN ICPC STATE**

Appendix E

ICPC-100C

REPORTING STATE NEBRASKA
Begin Date 01/01/2006 End Date 12/31/2006

1. TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual	Tribe	Totals
Parent(s)	92	4	1	0	0	97
Relative	139	9	1	0	0	149
Foster Home	26	2	0	0	0	28
Adoptive	83	7	0	0	0	90
Group Home	22	3	4	39	0	68
Residential	13	2	7	12	0	34
Institution (Art. VI)	0	0	0	0	0	0
Child Care Institution	1	0	3	2	0	6
Other	8	0	1	0	0	9
Total:	384	27	17	53	0	481

2. SEX OF CHILDREN	Male	Female	Unknown
	269	210	2

3. AGES OF CHILDREN	Under 1	1-5	6-10	11-15	16-18	19-21
	2	152	116	99	105	7

4. ETHNIC GROUP	W (C)	H (L)	B (AA)	A	AI	OT	UK
	242	41	64	16	45	52	15

5. Number of calendar days between receipt of 100-A and decision date:	0-30	31-60	61-90	Over 90
	169	64	78	161

6. Unaccompanied refugee minor: 0

7. Adoption assistance/subsidy: 0

8. Number of placements INTO your state brought into retroactive compliance on the 100-A during the reporting quarter: 66

9. Total number of agreements INTO your state terminated:	
Adoption Finalized	102
Child reached age of majority/legal emancipation	7
Custody returned to parents (w/ concurrence)	20
Custody given to relatives (w/ concurrence)	10
Treatment complete	38
Sending State's Jurisdiction Terminated (with Concurrence)	3
Unilateral Termination	4
Child returned to sending state	54
Child has moved to another state	0
Approved resource will not be used for Placement	22
Proposed Placement Request Withdrawn	21
Other reason	246
Total:	527

10. Number of children returned to sending state: 54

11. STATUS OF REFERRALS RECEIVED (See Next Page)

12. NON-COMPACT JURISDICTION	Acceptable	Unacceptable	Requests Received
Puerto Rico	0	0	0
Guam	0	0	0

13. FOREIGN COUNTRIES	Acceptable	Unacceptable	Requests Received
Internationa	0	0	0

11. STATUS OF REFERRALS RECEIVED

Sending State	Acceptable		Unacceptable		Requests Received	
	Totals	342	Totals	119	Totals	510
Alabama		3		0		5
Alaska		3		0		2
Arizona		9		1		10
Arkansas		0		1		1
California		9		4		15
Colorado		23		13		40
Connecticut		0		0		0
District of Columbia		0		0		1
Delaware		0		0		0
Florida		8		2		8
Georgia		2		0		2
Hawaii		4		0		4
Idaho		1		0		1
Illinois		18		0		16
Indiana		2		1		6
Iowa		102		44		150
Kansas		19		5		29
Kentucky		2		3		5
Louisiana		5		0		5
Maine		0		0		0
Maryland		2		0		2
Massachusetts		2		0		2
Michigan		14		0		15
Minnesota		5		0		5
Mississippi		2		1		11
Missouri		14		3		18
Montana		0		0		0
Nebraska		4		4		9
Nevada		13		1		14
New Hampshire		0		0		0
New Jersey		0		0		0
New Mexico		0		2		0
New York		3		0		6
North Carolina		8		0		7
North Dakota		1		0		3
Ohio		2		0		5
Oklahoma		2		0		3
Oregon		17		2		26
Pennsylvania		6		4		10
Rhode Island		0		1		0
South Carolina		1		0		2
South Dakota		19		10		39
Tennessee		1		0		1
Texas		5		11		18
Utah		0		0		0
Vermont		1		0		1
Virginia		1		0		1
Virgin Islands		0		0		0
Washington		3		3		5
West Virginia		0		0		0
Wisconsin		3		0		5
Wyoming		3		3		2

**QUARTERLY STATISTICAL REPORT:
PLACEMENTS OUT OF AN ICPC STATE**

REPORTING STATE

NEBRASKA

ICPC-100D

Begin Date 01/01/2006

End Date 12/31/2006

1. TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual	Tribe	Totals
Parent(s)	75	0	0	0	0	75
Relative	149	0	0	0	0	149
Foster Home	9	0	0	0	0	9
Adoptive	60	19	0	0	0	79
Group Home	21	0	1	2	0	24
Residential	42	0	8	11	0	61
Institution (Art. VI)	0	0	0	0	0	0
Child Care Institution	0	0	0	1	0	1
Other	0	0	0	1	0	1
Total:	356	19	9	15	0	399

2. SEX OF CHILDREN	Male	Female	Unknown
	211	186	2

3. AGES OF CHILDREN	Under 1	1-5	6-10	11-15	16-18	19-21
	2	114	85	88	95	15

4. ETHNIC GROUP	W (C)	H (L)	B (AA)	A	AI	OT	UK
	211	38	54	2	16	32	41

5. Number of calendar days between sending 100-A and receipt back with decision:	0-30	31-60	61-90	Over 90
	114	46	70	161

6. Unaccompanied refugee minor:	0
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7. Adoption assistance/subsidy:	0
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8. Number of placements OUT OF your state brought into retroactive compliance on the 100-A during the reporting quarter:	70
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9. Total number of agreements OUT OF your state terminated:	
Adoption Finalized	76
Child reached age of majority/legal emancipation	1
Custody returned to parents (w/ concurrence)	33
Custody given to relatives (w/ concurrence)	6
Treatment complete	22
Sending State's Jurisdiction Terminated (with Concurrence)	5
Unilateral Termination	3
Child returned to sending state	85
Child has moved to another state	0
Approved resource will not be used for Placement	17
Proposed Placement Request Withdrawn	28
Other reason	337
Total:	613

10. Number of children returned to YOUR state:	85
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11. STATUS OF REFERRALS SENT (See Next Page)

12. NON-COMPACT JURISDICTION	Acceptable	Unacceptable	Requests Sent
Puerto Rico	0	0	0
Guam	0	0	0

13. FOREIGN COUNTRIES	Acceptable	Unacceptable	Requests Sent
INTERNATIONAL	0	0	0

11. STATUS OF REFERRALS SENT

Receiving State	Acceptable		Unacceptable		Requests Sent	
	Totals	329	Totals	163	Totals	559
Alabama		2		0		4
Alaska		0		2		0
Arizona		11		0		9
Arkansas		1		3		9
California		10		20		21
Colorado		9		14		32
Connecticut		0		0		0
District of Columbia		0		0		0
Delaware		0		0		0
Florida		2		0		5
Georgia		8		3		8
Hawaii		0		0		0
Idaho		1		0		2
Illinois		7		9		18
Indiana		1		2		2
Iowa		101		22		137
Kansas		15		11		26
Kentucky		0		1		1
Louisiana		5		0		1
Maine		0		0		0
Maryland		0		0		8
Massachusetts		0		0		0
Michigan		4		0		4
Minnesota		2		3		7
Mississippi		4		0		5
Missouri		28		7		42
Montana		1		7		11
Nebraska		18		1		26
Nevada		0		7		10
New Hampshire		0		0		0
New Jersey		1		2		5
New Mexico		2		1		9
New York		2		0		3
North Carolina		1		0		2
North Dakota		1		0		4
Ohio		2		1		3
Oklahoma		9		7		17
Oregon		1		3		5
Pennsylvania		6		1		4
Rhode Island		0		0		0
South Carolina		6		1		2
South Dakota		8		12		15
Tennessee		4		6		10
Texas		32		12		60
Utah		5		1		7
Vermont		1		0		1
Virginia		9		1		10
Virgin Islands		0		0		0
Washington		1		3		6
West Virginia		0		0		1
Wisconsin		2		0		3
Wyoming		6		0		4

**QUARTERLY STATISTICAL REPORT:
PLACEMENTS INTO AN ICPC STATE**

REPORTING STATE

NEBRASKA

ICPC-100C

Begin Date

01/01/2007

End Date

12/31/2007

1. TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual	Tribe	Totals
Parent(s)	80	0	0	0	0	80
Relative	140	6	0	0	0	146
Foster Home	24	3	0	0	0	27
Adoptive	48	10	0	2	0	60
Group Home	30	0	0	2	0	32
Residential	2	1	1	0	0	4
Institution (Art. VI)	0	0	0	0	0	0
Child Care Institution	0	0	0	0	0	0
Other	1	0	0	0	0	1
Total:	325	20	1	4	0	350

2. SEX OF CHILDREN	Male	Female	Unknown
	184	164	2

3. AGES OF CHILDREN	Under 1	1-5	6-10	11-15	16-18	19-21
	19	108	85	91	45	2

4. ETHNIC GROUP	W (C)	H (L)	B (AA)	A	AI	OT	UK
	179	41	54	9	30	9	1

5. Number of calendar days between receipt of 100-A and decision date:				
	0-30	31-60	61-90	Over 90
	81	64	50	152

6. Unaccompanied refugee minor:	0
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7. Adoption assistance/subsidy:	0
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8. Number of placements INTO your state brought into retroactive compliance on the 100-A during the reporting quarter:	50
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9. Total number of agreements INTO your state terminated:	
Adoption Finalized	83
Child reached age of majority/legal emancipation	4
Custody returned to parents (w/ concurrence)	23
Custody given to relatives (w/ concurrence)	4
Treatment complete	31
Sending State's Jurisdiction Terminated (with Concurrence)	13
Unilateral Termination	2
Child returned to sending state	46
Child has moved to another state	0
Approved resource will not be used for Placement	21
Proposed Placement Request Withdrawn	21
Other reason	151
Total:	399

10. Number of children returned to sending state:	46
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11. STATUS OF REFERRALS RECEIVED (See Next Page)

12. NON-COMPACT JURISDICTION	Acceptable	Unacceptable	Requests Received
Puerto Rico	0	0	0
Guam	0	0	0

13. FOREIGN COUNTRIES	Acceptable	Unacceptable	Requests Received
Internationa	0	0	0

11. STATUS OF REFERRALS RECEIVED

Sending State	Acceptable		Unacceptable		Requests Received	
	Totals	205	Totals	92	Totals	404
Alabama		1		2		3
Alaska		0		0		1
Arizona		5		2		10
Arkansas		1		0		1
California		13		4		32
Colorado		18		8		27
Connecticut		1		0		1
District of Columbia		0		1		0
Delaware		0		0		0
Florida		2		1		9
Georgia		0		0		2
Hawaii		0		0		0
Idaho		1		0		2
Illinois		5		0		10
Indiana		4		0		1
Iowa		47		16		92
Kansas		11		9		24
Kentucky		0		1		1
Louisiana		1		0		1
Maine		1		0		2
Maryland		3		0		3
Massachusetts		0		0		0
Michigan		7		3		12
Minnesota		0		1		10
Mississippi		4		0		2
Missouri		3		5		12
Montana		0		0		0
Nebraska		10		4		21
Nevada		1		0		3
New Hampshire		0		0		0
New Jersey		0		0		0
New Mexico		0		0		0
New York		5		0		6
North Carolina		3		2		5
North Dakota		1		0		2
Ohio		6		0		7
Oklahoma		4		0		4
Oregon		11		8		21
Pennsylvania		0		2		1
Rhode Island		1		0		1
South Carolina		1		0		0
South Dakota		15		14		25
Tennessee		0		1		1
Texas		4		4		15
Utah		5		1		10
Vermont		0		0		0
Virginia		0		0		0
Virgin Islands		0		0		0
Washington		1		2		8
West Virginia		0		0		0
Wisconsin		3		1		7
Wyoming		6		0		9

**QUARTERLY STATISTICAL REPORT:
PLACEMENTS OUT OF AN ICPC STATE**

REPORTING STATE

NEBRASKA

ICPC-100D Begin Date 01/01/2007 End Date 12/31/2007

1. TYPE OF PLACEMENT	Public Agency	Private Agency	Court	Individual	Tribe	Totals
Parent(s)	60	2	0	0	0	62
Relative	61	0	3	0	0	64
Foster Home	8	0	0	0	0	8
Adoptive	21	3	0	1	0	25
Group Home	34	0	0	0	0	34
Residential	31	0	0	1	0	32
Institution (Art. VI)	0	0	0	0	0	0
Child Care Institution	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total:	215	5	3	2	0	226

2. SEX OF CHILDREN	Male	Female	Unknown
	117	103	6

3. AGES OF CHILDREN	Under 1	1-5	6-10	11-15	16-18	19-21
	7	53	45	49	68	4

4. ETHNIC GROUP	W (C)	H (L)	B (AA)	A	AI	OT	UK
	99	24	29	2	14	15	10

5. Number of calendar days between sending 100-A and receipt back with decision:				
	0-30	31-60	61-90	Over 90
	81	35	31	71

6. Unaccompanied refugee minor:	0
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7. Adoption assistance/subsidy:	0
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8. Number of placements OUT OF your state brought into retroactive compliance on the 100-A during the reporting quarter:	44
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9. Total number of agreements OUT OF your state terminated:	
Adoption Finalized	56
Child reached age of majority/legal emancipation	3
Custody returned to parents (w/ concurrence)	41
Custody given to relatives (w/ concurrence)	18
Treatment complete	20
Sending State's Jurisdiction Terminated (with Concurrence)	12
Unilateral Termination	4
Child returned to sending state	66
Child has moved to another state	0
Approved resource will not be used for Placement	28
Proposed Placement Request Withdrawn	58
Other reason	277
Total:	583

10. Number of children returned to YOUR state:	66
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11. STATUS OF REFERRALS SENT (See Next Page)

12. NON-COMPACT JURISDICTION	Acceptable	Unacceptable	Requests Sent
Puerto Rico	0	0	0
Guam	0	0	0

13. FOREIGN COUNTRIES	Acceptable	Unacceptable	Requests Sent
INTERNATIONAL	0	0	0

11. STATUS OF REFERRALS SENT

Receiving State	Acceptable		Unacceptable		Requests Sent	
	Totals	268	Totals	164	Totals	765
Alabama		0		0		0
Alaska		0		0		0
Arizona		19		8		40
Arkansas		0		5		7
California		12		6		34
Colorado		19		13		42
Connecticut		0		0		0
District of Columbia		0		0		0
Delaware		0		0		2
Florida		3		2		15
Georgia		1		4		10
Hawaii		0		0		0
Idaho		1		0		0
Illinois		7		3		13
Indiana		2		2		10
Iowa		60		17		170
Kansas		8		11		35
Kentucky		0		2		2
Louisiana		1		2		4
Maine		0		0		0
Maryland		2		4		3
Massachusetts		0		0		1
Michigan		6		3		13
Minnesota		1		1		5
Mississippi		0		0		0
Missouri		12		12		68
Montana		0		2		0
Nebraska		66		13		119
Nevada		0		6		8
New Hampshire		0		0		0
New Jersey		0		2		4
New Mexico		1		0		4
New York		2		1		8
North Carolina		0		0		0
North Dakota		3		0		0
Ohio		2		1		5
Oklahoma		6		3		11
Oregon		4		2		6
Pennsylvania		4		2		10
Rhode Island		0		0		0
South Carolina		1		1		7
South Dakota		4		3		23
Tennessee		1		2		8
Texas		7		5		32
Utah		2		1		5
Vermont		0		2		2
Virginia		2		3		6
Virgin Islands		0		0		0
Washington		3		14		20
West Virginia		2		1		2
Wisconsin		4		0		3
Wyoming		0		5		8

ICPC Survey

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires that state courts receiving the basic Court Improvement Program grant assess the role, responsibilities and effectiveness of their own courts in the interstate placement of children. As part of the assessment, this survey of judges and lawyers in Nebraska is necessary to identify areas that need improvement with regard to the placement of children across state lines. Your responses to the questions will be anonymous and the entire survey should take no more than 15 minutes to complete.

General

1: I am currently

Please choose **only one** of the following:

- A judge
- A lawyer for the Child Welfare Agency
- A parent's lawyer
- A GAL
- A lawyer representing both parents and children
- Other

2: I have been in my current position

Please choose **only one** of the following:

- Less than a year
- 1-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- More than 20 years

3: In your current position, approximately how many cases in which the ICPC was an issue have you been involved in?

Please choose **only one** of the following:

- 0-5
- 6-10
- 11-15
- 16-20
- More than 20

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3']

4: In your current position, approximately what percentage of your abuse and neglect cases have involved interstate placements?

Please choose **only one** of the following:

- 96-100% (all)
- 66-95% (most)
- 36-65% (about half)
- 11-35% (some)
- 0-10% (none)

Administrative

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3']

5: At what point in your abuse and neglect cases are non-custodial parents and key relatives usually identified?

Please choose **only one** of the following:

- before the initial protective custody hearing
- at or shortly after the initial protective custody hearing
- at or shortly after the adjudication hearing
- at or shortly after the disposition hearing or one of the disposition review hearings
- Other

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3']

6: At what point in the court process are ICPC issues typically first identified?

Please choose **only one** of the following:

- before the initial protective custody hearing (i.e. at a pre-hearing conference)
- at or shortly after the initial protective custody hearing
- at or shortly after the adjudication hearing
- at the disposition hearing or one of the disposition review hearings
- Other

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3']

7: In approximately what percentage of your ICPC cases are delays experienced?

Please choose **only one** of the following:

- 96-100% (all)
- 66-95% (most)
- 36-65% (about half)
- 11-35% (some)

0-10% (none)

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

8: Based on your experiences over the past 5 years, please identify up to 5 of the most common reasons for delays in the ICPC process that you have observed in cases where the ICPC was an issue

Please number each box in order of preference from 1 to 16

Delay in entry of the court order placing the child in care

Delay in the agency preparing the ICPC package to send to the sending state ICPC office

Delay in the sending state ICPC office reviewing and approving the package and sending it to the receiving state ICPC office

The need by the sending state ICPC office to return the ICPC package to the local agency for some reason such as it was incomplete

Delay by the receiving state ICPC office processing the case and sending it to the local agency in the receiving state for the home study to be done

The need by the receiving state ICPC office to return the ICPC package to the sending state ICPC office for some reason such as it was incomplete

Delay in the home study being done by the local agency in the receiving state

Negotiations between the two ICPC offices regarding issues of concern found by the Home Study

Delay in obtaining required FBI checks

Delay in obtaining Sending State - State Police checks

Delay in obtaining Sending State - Local Police checks

Delay in obtaining National Sexual Offender Registry checks

Delay in obtaining Sending State Sexual Offender Registry checks

Delay in obtaining Receiving State Sexual Offender Registry checks

Delay in obtaining Sending State Child Welfare Registry checks

Delay in obtaining Receiving State Child Welfare Registry checks

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

9: Have you taken any steps to try to reduce delays in interstate placements? If so, what? With what success?

Please write your answer here:

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

10: In approximately what percentage of your ICPC cases has the court acted (i.e. made a placement or terminate jurisdiction) without following all ICPC requirements?

Please choose *only one* of the following:

96-100% (all, ICPC requirements are never followed)

66-95% (most)

36-65% (about half)

11-35% (some)

0-10% (none, ICPC requirements are always followed)

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

11: If you have been involved in cases where the court acted in violation of the ICPC, to the best of your knowledge, what is the most common reason for not following through with the ICPC process?

Please write your answer here:

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

12: In what percentage of your ICPC cases has an early review date been requested by an attorney regarding any ICPC matter?

Please choose *only one* of the following:

- 96-100% (all)
- 66-95% (most)
- 36-65% (about half)
- 11-35% (some)
- 0-10% (none)

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

13: Within how many days of the hearing are court orders typically entered and mailed to DHHS?

Please choose *only one* of the following:

- 1 month or more
- 2 weeks
- 1 week
- a few days
- 1 day
- 0 - orders are entered/distributed on the day of the hearing
- lots of variation

Court-Agency Issues

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

14: When, in most ICPC cases, is the court first made aware of the need for an ICPC application?

Please choose *only one* of the following:

- within five (5) working days of the agency's discovery that an ICPC was needed
- Between one (1) week and thirty (30) days of the agency's discovery that an ICPC was needed
- Between thirty (30) and ninety (90) days of the agency's discovery that an ICPC was needed
- More than ninety (90) days from the agency's discovery that an ICPC was needed
- Other

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

15: In what percentage of your ICPC cases has a judge ordered the agency to take some action with regard to the case (i.e. to look into a possible out-of-state placement)?

Please choose *only one* of the following:

- 96-100% (all)
- 66-95% (most)
- 36-65% (about half)
- 11-35% (some)
- 0-10% (none)

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

16: What requirements, if any, are placed on the agency to notify the court and lawyers when ICPC results are known?

Please write your answer here:

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

17: What is the court vs. the agency's role in decisions concerning interstate placements?

Please write your answer here:

State-State Court Issues

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

18: In what percentage of your ICPC cases has the court shared information with other courts across state lines?

Please choose **only one** of the following:

- 96-100% (all)
 66-95% (most)
 36-65% (about half)
 11-35% (some)
 0-10% (none)

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

19: If another state's court is involved, how timely are the proceedings to obtain and review evidence from another state?

Please choose **only one** of the following:

- very timely
 reasonably timely
 not timely
 very untimely
 I have never been involved in a case in which obtaining and reviewing evidence from another state was necessary

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

20: What evidence is typically needed from other states, if any, other than a written report from the state agency regarding the prospective placement? (for example: testimony, documents, photos, videos, or audio tapes)

Please write your answer here:

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

21: If you have ever taken action by calling, writing, or emailing an ICPC office in another state, what has been the most typical response you received from the people you called, wrote to, or emailed?

Please choose **only one** of the following:

- Consistent cooperation from all or most states
 Consistent cooperation from some states, inconsistent or no cooperation from other states
 Inconsistent cooperation from all states
 No cooperation from any states
 I have rarely or never made contact with ICPC offices of other states

[Only answer this question if you answered '6-10' or '11-15' or '16-20' or 'More than 20' to question '3 ']

22: If you have ever taken action by calling, writing, or emailing a court or judicial officer in another state, what has been the most typical response you received from the people you called, wrote to, or emailed?

Please choose **only one** of the following:

- Consistent cooperation from all or most states
 Consistent cooperation from some states, inconsistent or no cooperation from other states
 Inconsistent cooperation from all states
 No cooperation from any states
 I have rarely or never made contact with ICPC offices of other states

23: Is video equipment available in your county for video depositions or testimony?

Please choose **only one** of the following:

- Yes
 No

24: To the best of your knowledge, what is the court in your jurisdiction legally permitted to do by rules of court or state law

Please choose **all** that apply:

- Hold a hearing by phone or video with someone in another state
 Cooperate with a judicial officer in another state to hold hearings where witnesses must be sworn in order to testify through a video or telephone hookup
 Contact ICPC administrators in your state or the other state to obtain information about the progress of an ICPC matter
 Contact by phone, letter, or email a judicial officer in another state in the locality where the child may be going to discuss the progress of an ICPC matter
 Admit properly authenticated evidence offered from another state in a hearing before the judicial officer
 Allow parties living in other states to participate as parties in interstate litigation without having to travel to the place where the court is hearing the case
 Enable parties living in other states to arrange on their own initiative to testify and present evidence in your state without traveling to your state to testify or present evidence
 Allow attorney involvement in such cases without the lawyer being a member of the bar of the state in which the case is being

heard

- Allow attorneys located in another state to file motions in your state as well as to question and cross examine witnesses in teleconferences and video conferences that are convened by a judge in your state
- At request of a judge from another state, issue requests or orders to the local child welfare agency in your state for the evaluation, within a specified time, of a foster home, parent, or child located in the area
- At request of a judge from another state, conduct a hearing in your state to gather specific information requested and send exhibits, findings of fact, and transcript to the judge in the other state
- To communicate directly, such as by telephone, with a judge or lawyer in another state to organize the interstate litigation process or to discuss legal issues
- To co-preside in interstate hearings, asking additional questions, observing the demeanor and credibility of any witnesses, and sharing such observations with the other judge

Suggestions for Change

25: What changes in state law (legislation, court rules, etc) are needed, overall, to expedite and enhance the fairness and efficiency of interstate placements?

Please write your answer here:

26: What organizational or practice changes are needed, such as enhanced legal and judicial education specifically regarding interstate placements, development of court forms, improvements in agency policies and procedures, etc?

Please write your answer here:

27: Please feel free to use this space to make any other comments you might have about the ICPC process

Please write your answer here:

Submit Your Survey.

Thank you for completing this survey. Please fax your completed survey to: .

ICPC Survey Summary

Question 1: I am currently

	Frequency	Percent	Valid Percent	Cumulative Percent
-other-	4	4.9	4.9	4.9
No response	2	2.4	2.4	7.3
A Judge	15	18.3	18.3	25.6
Lawyer for Child Welfare Agency	1	1.2	1.2	26.8
Parent's Lawyer	3	3.7	3.7	30.5
A GAL	10	12.2	12.2	42.7
A lawyer representing both parents and children	31	37.8	37.8	80.5
Prosecutor/ State's Attorney/ County Attorney	16	19.5	19.5	100.0
Total	82	100.0	100.0	

Question 2: I have been in my current position

	Frequency	Percent	Valid Percent	Cumulative Percent
Less than a year	4	4.9	4.9	4.9
1-5 years	26	31.7	31.7	36.6
6-10 years	17	20.7	20.7	57.3
11-15 years	16	19.5	19.5	76.8
16-20 years	6	7.3	7.3	84.1
More than 20 years	13	15.9	15.9	100.0
Total	82	100.0	100.0	

Question 3: In your current position, approximately how many cases in which the ICPC was an issue have you been involved in?

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	5	6.1	6.1	6.1
0-5	34	41.5	41.5	47.6
6-10	11	13.4	13.4	61.0
11-15	12	14.6	14.6	75.6
16-20	7	8.5	8.5	84.1
More than 20	13	15.9	15.9	100.0
Total	82	100.0	100.0	

Question 4: In your current position, approximately what percentage of your abuse and neglect cases have involved interstate placements?

	Frequency	Percent	Valid Percent	Cumulative Percent
66-95% (most)	1	2.3	2.3	2.3
36-65% (some)	24	55.8	55.8	58.1
0-10% (none)	18	41.9	41.9	100.0
Total	43	100.0	100.0	

Question 5: **At what point in your abuse and neglect cases are non-custodial parents and key relatives usually identified?**

	Frequency	Percent	Valid Percent	Cumulative Percent
-oth- (see below)	1	2.3	2.3	2.3
Before the initial protective custody hearing	10	23.3	23.3	25.6
At or shortly after the initial protective custody hearing	25	58.1	58.1	83.7
At or shortly after the adjudication hearing	5	11.6	11.6	95.3
At or shortly after the disposition hearing or one of the disposition review hearings	2	4.7	4.7	100.0
Total	43	100.0	100.0	

Other: "at facilitated prehearing conference which immediately precedes the initial protective custody hearing; also CPS may have early info based on its initial assessment"

Question 6: **At what point in the court process are ICPC issues typically first identified?**

	Frequency	Percent	Valid Percent	Cumulative Percent
-oth-	1	2.3	2.3	2.3
Before the initial protective custody hearing	3	7.0	7.0	9.3
At or shortly after the initial protective custody hearing	16	37.2	37.2	46.5
At or shortly after the adjudication hearing	8	18.6	18.6	65.1
At the disposition hearing or one of the disposition review hearings	15	34.9	34.9	100.0
Total	43	100.0	100.0	

Other: at the time of placement

Question 7: **In approximately what percentage of your ICPC cases are delays experienced?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	1	2.3	2.3	2.3
96-100% (all)	8	18.6	18.6	20.9
66-95% (most)	15	34.9	34.9	55.8
36-65 (about half)	12	27.9	27.9	83.7
11-35% (some)	6	14.0	14.0	97.7
0-10% (none)	1	2.3	2.3	100.0
Total	43	100.0	100.0	

Question 8: **Based on your experiences over the past 5 years, please identify up to 5 of the most common reasons for delays in the ICPC process that you have observed in cases where the ICPC was an issue**

Most common reason for delays

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	9.3	9.3	9.3
Delay in the agency preparing the ICPC package to send to the sending state ICPC office	12	27.9	27.9	37.2
Delay in the sending state ICPC office reviewing and approving the package and sending it to the receiving state ICPC office	8	18.6	18.6	55.8
Delay by the receiving state ICPC office processing the case and sending it to the local agency in the receiving state for the home study to be done	11	25.6	25.6	81.4
The need by the receiving state ICPC office to return the ICPC package to the sending state ICPC office for some reason such as it was incomplete	1	2.3	2.3	83.7
Delay in the home study being done by the local agency in the receiving state	6	14.0	14.0	97.7
Negotiations between the two ICPC offices regarding issues of concern found by the home study	1	2.3	2.3	100.0
Total	43	100.0	100.0	

Second most common reason for delays

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	9.3	9.3	9.3
Delay in the agency preparing the ICPC package to send to the sending state ICPC office	4	9.3	9.3	18.6
Delay in the sending state ICPC office reviewing and approving the package and sending it to the receiving state ICPC office	8	18.6	18.6	37.2
The need by the sending state ICPC office to return the ICPC package to the local agency for some reasons such as it was incomplete	5	11.6	11.6	48.8
Delay by the receiving state ICPC office processing the case and sending it to the local agency in the receiving state for the home study to be done	10	23.3	23.3	72.1
The need by the receiving state ICPC office to return the ICPC package to the sending state ICPC office for some reason such as it was incomplete	4	9.3	9.3	81.4
Delay in the home study being done	6	14.0	14.0	95.3

by the local agency in the receiving state				
Negotiations between the two ICPC offices regarding issues of concern found by the home study	2	4.7	4.7	100.0
Total	43	100.0	100.0	

Third most common reason for delays

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	30	69.8	69.8	69.8
Delay in entry of the court order placing the child in care	1	2.3	2.3	72.1
Delay in the agency preparing the ICPC package to send to the sending state ICPC office	2	4.7	4.7	76.7
The need by the sending state ICPC office to return the ICPC package to the local agency for some reasons such as it was incomplete	2	4.7	4.7	81.4
The need by the receiving state ICPC office to return the ICPC package to the sending state ICPC office for some reason such as it was incomplete	2	4.7	4.7	86.0
Delay in the home study being done by the local agency in the receiving state	1	2.3	2.3	88.4
Negotiations between the two ICPC offices regarding issues of concern found by the home study	1	2.3	2.3	90.7
Delay in obtaining required FBI checks	1	2.3	2.3	93.0
Delay in obtaining sending state – local police checks	1	2.3	2.3	95.3
Delay in obtaining receiving state child welfare registry checks	2	4.7	4.7	100.0
Total	43	100.0	100.0	

Question 9 **Have you taken any steps to try to reduce delays in interstate placements? If so, what? With what success?(a)**

JUDGES	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	33.3	33.3	33.3
Only tried to get "extended visits" approved if sufficiently satisfied placement safe & stable.	1	8.3	8.3	41.6
ordering an Expedited Home Study. set repeated reviews to monitor progress.	1	8.3	8.3	49.9
pre-hearing conferences.	3	24.9	24.9	74.8
Probably not appropriate for a judge to do so as it would likely result in ex parte communication.	1	8.3	8.3	83.2
Set short time review hearings.	1	8.3	8.3	91.5

tried to get the department to plan ahead and move things as quickly as possible	1	8.3	8.3	100.0
Total	12	100.0	100.0	

Lawyer representing both parents and children	Frequency	Percent	Valid Percent	Cumulative Percent
No response	9	42.9	42.9	42.9
communication with ICPC workers in both states	4	19.1	19.1	62.0
Concurrent planning	1	4.8	4.8	66.4
communication with proposed placement family to facilitate gathering needed information.	1	4.8	4.8	71.2
Request court review	1	4.8	4.8	76.0
communication with receiving states	1	4.8	4.8	80.8
Filed motions for placement or contempt action against department lobby the caseworkers and county attorney to hurry up because when there is delay	1	4.8	4.8	85.6
order to expedite ICPC process per statute	1	4.8	4.8	90.4
We try to get the court to order the placement	1	4.8	4.8	95.2
Working closely with the psw	1	4.8	4.8	100.0
Total	21	100.0	100.0	

Other	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	50.0	50.0	50.0
30 day visit if we believe the ICPC is almost done.	1	12.5	12.5	62.5
make package to agency and sending state more complete and correct	1	12.5	12.5	75.0
work with agencies to establish time-tables and then send out reminders and schedule reviews.	1	12.5	12.5	87.5
working closely with the psw	1	12.5	12.5	100.0
Total	8	100.0	100.0	

Question 10: In approximately what percentage of your ICPC cases has the court acted (i.e. made a placement or terminate jurisdiction) without following all ICPC requirements?

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	6	14.0	14.0	14.0
36-65% (about half)	2	4.7	4.7	18.6
11-35% (some)	14	32.6	32.6	51.2
0-10% (none)	21	48.8	48.8	100.0
Total	43	100.0	100.0	

Question 11: **If you have been involved in cases where the court has not followed the ICPC requirements, to the best of your knowledge, what is the most common reason for not following through with the ICPC process?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	28	65.1	65.1	65.1
A child needs a placement and family in another state are appropriate according to HHS caseworker placing a child on "extended visitation" with a relative, then awaiting ICPC approval	1	2.3	2.3	67.4
Court of competent jurisdiction in receiving state has entered custody order.	1	2.3	2.3	69.8
delays	1	2.3	2.3	72.1
Failure to hear anything back from the receiving state.	5	11.6	11.6	83.7
ICPC state on receiving end not doing job.	1	2.3	2.3	86.0
Many avoid recommending out of state placement altogether because of delays of the process	1	2.3	2.3	88.4
mistake - not aware of noncompliance by caseworker	1	2.3	2.3	90.7
Pressure by HHS to cut corners.	1	2.3	2.3	93.0
The out of state placement is a natural parent with no evidence of abuse or neglect, merely was the non-custodial parent.	1	2.3	2.3	95.3
There is a competent relative willing to come to this State and be qualified by local authorities.	1	2.3	2.3	97.7
Total	43	100.0	100.0	100.0

Question 12: **In what percentage of your ICPC cases has an early review date been requested by an attorney regarding any ICPC matter?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	9.3	9.3	9.3
96-100% (all)	1	2.3	2.3	11.6
66-85% (most)	2	4.7	4.7	16.3
36-65% (about half)	8	18.6	18.6	34.9
11-35% (some)	18	41.9	41.9	76.7
0-10% (none)	10	23.3	23.3	100.0
Total	43	100.0	100.0	

Question 13: **To the best of your knowledge, within how many days of the hearing are court orders typically entered and mailed to DHHS?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	2	4.7	4.7	4.7
1 week	2	4.7	4.7	9.3
A few days	16	37.2	37.2	46.5
1 day	6	14.0	14.0	60.5

Same day as hearing	10	23.3	23.3	83.7
Lots of variation	7	16.3	16.3	100.0
Total	43	100.0	100.0	

Question 14: **To the best of your knowledge, when is the court typically first made aware of the need for an ICPC application?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	11	25.6	25.6	25.6
Other (see below)	1	2.3	2.3	27.9
Within 5 working days of the agency's discovery that an ICPC was needed	2	4.7	4.7	32.6
Between 1 week and 30 days of the agency's discovery that an ICPC was needed	18	41.9	41.9	74.4
Between 30 and 90 days of the agency's discovery that an ICPC was needed	9	20.9	20.9	95.3
More than 90 days from the agency's discovery that an ICPC was needed	2	4.7	4.7	100.0
Total	43	100.0	100.0	

Other: if left for the agency to discover, at time of dispositional hearing. At time of initial custody if possible out of state placement is brought to court's attention by some party

Question 15: **In what percentage of your ICPC cases has the court ordered the agency to take some action with regard to the case (i.e. to look into a possible out-of-state placement)?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	4	9.3	9.3	9.3
96-100% (all)	2	4.7	4.7	14.0
66-95% (most)	4	9.3	9.3	23.3
36-65% (about half)	13	30.2	30.2	53.5
11-35% (some)	12	27.9	27.9	81.4
0-10% (none)	8	18.6	18.6	100.0
Total	43	100.0	100.0	

Question 16: **What requirements, if any, are placed on the agency to notify the court and lawyers when ICPC results are known?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	17	39.5	39.5	39.5
Almost none. I usually find out at or very shortly before the next court hearing.	1	2.3	2.3	41.9
Court reports & review hearings	1	2.3	2.3	44.2
Direction as to notice needed to gain jurisdiction.	1	2.3	2.3	46.5
Don't know what the requirements are. As a practical matter, they should, and immediately.	1	2.3	2.3	48.8

APPENDIX F

I don't remember many cases where there are notification requirements and it is assumed that the agency will let us know, but that is sometimes not related to us as is should be	1	2.3	2.3	51.2
Letters are sent to all parties and to the court	1	2.3	2.3	53.5
No requirements, and most often information is not passed on to the attorneys.	1	2.3	2.3	55.8
None - outside of the court itself wanting to know.	1	2.3	2.3	58.1
not many that I know of unless the court specifically set that up	1	2.3	2.3	60.5
regularly the court orders the department to provide copies of the ICPC results.	1	2.3	2.3	62.8
Require notification of parties within 10 days of results being known	10	23.3	23.3	86.0
Results are to be distributed upon receipt.	1	2.3	2.3	88.4
Routinely done by HHS. Some courts will set check hearings to monitor. GALs babysit & nag HHS.	1	2.3	2.3	90.7
Some judges place the requirement in most recent review order.	1	2.3	2.3	93.0
Usually find out at a scheduled court hearing.	1	2.3	2.3	95.3
usually only as part of an order requested by counsel	1	2.3	2.3	97.7
written correspondence with the court	1	2.3	2.3	100.0
Total	43	100.0	100.0	

Question 17: **What is the court vs. the agency's role in decisions concerning interstate placements?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	11	25.6	25.6	25.6
Agency decides placement, but court can overturn this decision if it is not in the best interest of the child.	1	2.3	2.3	27.9
Agency make a recommendation; the Court evaluates options and makes the final decision.	1	2.3	2.3	30.2
agency makes recommendations, and court has final say	1	2.3	2.3	32.6
balancing parents rights and childrens best interest	1	2.3	2.3	34.9
Both look at best interests	1	2.3	2.3	37.2
Court's knowledge is usually limited by what agency reports. Pre-hearing conferences are helping in identifying possibilities outside agency info path.	1	2.3	2.3	39.5
Court can require investigation, but if negative results, court would seldom overrule agency decision.	1	2.3	2.3	41.9
Court has final decision	1	2.3	2.3	44.2

Court has the final say in all placements if disputed. No placement permitted out of state without court order authorizing same.	1	2.3	2.3	46.5
Court makes final decision.	1	2.3	2.3	48.8
Ensuring follow through and compliance with orders	1	2.3	2.3	51.2
Generally cooperative but occasionally adversarial.	1	2.3	2.3	53.5
Generally, the agency will make a determination regarding interstate placement and then if one of the parties objects, the matter is taken up by the court.	1	2.3	2.3	55.8
Have seen several approaches. Dept. has simply sent a change of placement notice to all parties, including judge, on occasions. Sometimes it is brought up during a review hearing.	1	2.3	2.3	58.1
HHS makes recommendations and provides approval. Court makes ultimate determination concerning placement.	1	2.3	2.3	60.5
I think the court ought to have more power, with the parties and agency having full disclosure.	1	2.3	2.3	62.8
in my experience it appears to be the agencies that handle ICPC issues, and the individual client's attorneys.	1	2.3	2.3	65.1
it's the lawyers' responsibility to present to the court what options are available. sometimes the agency, for whatever reason, is unable to assist in the preparation for those issues	1	2.3	2.3	67.4
None	1	2.3	2.3	69.8
Often times the court relies heavily on recommendations of PSW.	1	2.3	2.3	72.1
Sometimes the agency will make recommendations one way or the other. Ultimately up to the court.	1	2.3	2.3	74.4
The agency appears to have total control.	1	2.3	2.3	76.7
The agency is generally in charge of placement.	1	2.3	2.3	79.1
the agency prepares for the out of state placement but the court has the final say	1	2.3	2.3	81.4
The court always has the last say on the matter. Even if we check on out of state placements, and one is available, it still may not be in the best interest of the child to be placed in sister state. One time the child even objected to be moved out of sta	1	2.3	2.3	83.7

The court certainly has controlling power, but the agency has many subtle ways of delaying application when it so desires.	1	2.3	2.3	86.0
The Court depends on the agency to do the foot work regarding placements. The Court does nothing without a greenlight from the agency.	1	2.3	2.3	88.4
The Court has the role of decision maker. The agency's role is to gather the full information so that the court can make an intelligent and informed decision.	1	2.3	2.3	90.7
The court has to approve any recommendations from the agency.	1	2.3	2.3	93.0
The court makes findings on reasonable efforts or lack thereof on HHS' getting the ICPC done. The court can take a lead role by emphasizing the importance of addressing issues at the beginning of the case and throughout the life of a case when necessary a	1	2.3	2.3	95.3
The court makes the decision if the agency supports the decision with proper investigations and arrangements for care and there are no other legal constraints.	1	2.3	2.3	97.7
The court mandates compliance and the agency carries out the directive.	1	2.3	2.3	100.0
Total	43	100.0	100.0	

Question 18: In what percentage of your ICPC cases has the court shared information with other courts across state lines?

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	10	23.3	23.3	23.3
96-100% (all)	1	2.3	2.3	25.6
66-95% (most)	2	4.7	4.7	30.2
36-65% (about half)	2	4.7	4.7	34.9
11-35% (some)	14	32.6	32.6	67.4
0-10% (none)	14	32.6	32.6	100.0
Total	43	100.0	100.0	

Question 19: If another state's court is involved, how timely are the proceedings to obtain and review evidence from another state?

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	6	14.0	14.0	14.0
Reasonably timely	12	27.9	27.9	41.9
Not timely	5	11.6	11.6	53.5
I have never been involved in a case in which obtaining and reviewing evidence from another state was necessary	20	46.5	46.5	100.0
Total	43	100.0	100.0	

Question 20: **What evidence is typically needed from other states, if any, other than a written report from the state agency regarding the prospective placement? (for example: testimony, documents, photos, videos, or audio tapes)**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	24	55.8	55.8	55.8
copies of files or evidence	1	2.3	2.3	58.1
court orders, doc notes, pleadings	3	7.0	7.0	65.1
Depends on the issue	1	2.3	2.3	67.4
documents	1	2.3	2.3	69.8
I expect there are independent investigations from effected parties' counsel that parallel the agency's preparations.	1	2.3	2.3	72.1
none	5	11.6	11.6	83.7
police records, copies of court orders, such as divorce decrees, counseling and school records	1	2.3	2.3	86.0
reports and narratives	1	2.3	2.3	88.4
reports of services previously provided to prospective custodian.	1	2.3	2.3	90.7
Testimony, court orders, photos, police reports.	1	2.3	2.3	93.0
The person who prepared the report is always required in our jurisdiction.	1	2.3	2.3	95.3
Usually just written report	1	2.3	2.3	97.7
Usually none because we won't accept them until adjudication is final.	1	2.3	2.3	100.0
Total	43	100.0	100.0	

Question 21: **If you have ever taken action by calling, writing, or emailing an ICPC office in another state, what has been the most typical response you received from the people you called, wrote to, or emailed?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	12	27.9	27.9	27.9
Consistent cooperation from all or most states	3	7.0	7.0	34.9
Inconsistent cooperation from all states	5	11.6	11.6	46.5
No cooperation from any states	2	4.7	4.7	51.2
I have rarely or never made contact with ICPC offices of other states	21	48.8	48.8	100.0
Total	43	100.0	100.0	

Question 22: **If you have ever taken action by calling, writing, or emailing a court or judicial officer in another state, what has been the most typical response you received from the people you called, wrote to, or emailed?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	11	25.6	25.6	25.6
Consistent cooperation from all or most states	8	18.6	18.6	44.2
Consistent cooperation from some states, inconsistent or no cooperation from other states	2	4.7	4.7	48.8
Inconsistent cooperation from all or most states	2	4.7	4.7	53.5
No cooperation from any states	1	2.3	2.3	55.8
I have rarely or never made contact with ICPC offices of other states	19	44.2	44.2	100.0
Total	43	100.0	100.0	

Question 23: **Is video equipment available in your county for video depositions or testimony?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	14	17.1	17.1	17.1
No	25	30.5	30.5	47.6
Yes	43	52.4	52.4	100.0
Total	82	100.0	100.0	

Question 24: **To the best of your knowledge, what is the court in your jurisdiction legally permitted to do by rules of court or state law**

[Hold a hearing by phone or video with someone in another state]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	42	51.2	51.2	51.2
Y	40	48.8	48.8	100.0
Total	82	100.0	100.0	

[Cooperate with a judicial officer in another state to hold hearings where witnesses must be sworn in order to testify through a video or telephone hookup]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	61	74.4	74.4	74.4
Y	21	25.6	25.6	100.0
Total	82	100.0	100.0	

[Contact ICPC administrators in your state or the other state to obtain information about the progress of an ICPC matter]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	54	65.9	65.9	65.9
Y	28	34.1	34.1	100.0
Total	82	100.0	100.0	

[Contact by phone, letter, or email a judicial officer in another state in the locality where the child may be going to discuss the progress of an ICPC matter]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	50	61.0	61.0	61.0
Y	32	39.0	39.0	100.0
Total	82	100.0	100.0	

[Admit properly authenticated evidence offered from another state in a hearing before the judicial officer]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	34	41.5	41.5	41.5
Y	48	58.5	58.5	100.0
Total	82	100.0	100.0	

[Allow parties living in other states to participate as parties in interstate litigation without having to travel to the place where the court is hearing the case]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	61	74.4	74.4	74.4
Y	21	25.6	25.6	100.0
Total	82	100.0	100.0	

[Enable parties living in other states to arrange on their own initiative to testify and present evidence in your state without traveling to your state to testify or present evidence]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	68	82.9	82.9	82.9
Y	14	17.1	17.1	100.0
Total	82	100.0	100.0	

[Allow attorney involvement in such cases without the lawyer being a member of the bar of the state in which the case is being heard]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	68	82.9	82.9	82.9
Y	14	17.1	17.1	100.0
Total	82	100.0	100.0	

[Allow attorneys located in another state to file motions in your state as well as to question and cross examine witnesses in teleconferences and video conferences that are convened by a judge in your state]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	76	92.7	92.7	92.7
Y	6	7.3	7.3	100.0
Total	82	100.0	100.0	

[At request of a judge from another state, issue requests or orders to the local child welfare agency in your state for the evaluation, within a specified time, of a foster home, parent, or child located in the area]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	66	80.5	80.5	80.5
Y	16	19.5	19.5	100.0
Total	82	100.0	100.0	

[At request of a judge from another state, conduct a hearing in your state to gather specific information requested and send exhibits, findings of fact, and transcripts to the judge in the other state]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	71	86.6	86.6	86.6
Y	11	13.4	13.4	100.0
Total	82	100.0	100.0	

[To communicate directly, such as by telephone, with a judge or lawyer in another state to organize the interstate litigation process or to discuss legal issues]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	60	73.2	73.2	73.2
Y	22	26.8	26.8	100.0
Total	82	100.0	100.0	

[To co-preside in interstate hearings, asking additional questions, observing the demeanor and credibility of any witnesses, and sharing such observations with the other judge]

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	79	96.3	96.3	96.3
Y	3	3.7	3.7	100.0
Total	82	100.0	100.0	

Question 25: What changes in state law (legislation, court rules, etc) are needed, overall, to expedite and enhance the fairness and efficiency of interstate placements?

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	57	69.5	69.5	69.5
A system of communication between the Courts (multi-state), allowing another Courts records/evidence in to the record.	1	1.2	1.2	70.7
Allow Judges to contact other Judges without violating the Judicial cannons of Ethics	1	1.2	1.2	72.0
Allow more ways for people in other states to participate through the juvenile court system	1	1.2	1.2	73.2
Clarity and simplicity of requirements upon all parties	1	1.2	1.2	74.4
Better enforcement of ICPC	5	6.1	6.1	80.5

APPENDIX F

equip local courts with advanced technology.	1	1.2	1.2	81.7
faster home studies	1	1.2	1.2	82.9
legislation allowing testimony from another state without the actual presence of the witness here.	1	1.2	1.2	84.1
obviate the need for such placements by adequately funding in-state services and opening up the approval process from our Medicaid funder (Magelland).	1	1.2	1.2	85.4
Mandatory GAL involvement other than at the court	1	1.2	1.2	86.6
mechanism to speed process up	1	1.2	1.2	87.8
more caseworkers	1	1.2	1.2	89.0
more uniformity between states	3	3.7	3.7	92.7
Nebraska should recognize the rights of "psychological parents."	1	1.2	1.2	93.9
speed up process for non-custodial parent with no allegations	3	3.7	3.7	97.6
states sharing jurisdiction	1	1.2	1.2	98.8
get the Prehearing Conferences and the Resource Guidelines into law--like Arizona did.	1	1.2	1.2	100.0
Total	82	100.0	100.0	

Question 26: **What organizational or practice changes are needed, such as enhanced legal and judicial education specifically regarding interstate placements, development of court forms, improvements in agency policies and procedures, etc?**

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	60	73.2	73.2	73.2
Agency needs to better utilize technology for faster communication	1	1.2	1.2	74.4
Agency policy needs to be for ICPC requests to be handled as expeditiously as possible	3	3.7	3.7	78.0
better communication as to where the ICPC application stands in line in the other state.	1	1.2	1.2	79.3
earlier evaluation of whether out of state placement is appropriate	1	1.2	1.2	80.5
Easier access for forms from all states that will be required for an ICPC placement.	1	1.2	1.2	81.7
enhanced judicial education	1	1.2	1.2	82.9
Losing the federal 'kickback' a.k.a. 'adoption bounty' for parental termination would be a start...there's no cash incentive for parental reunification.	1	1.2	1.2	84.1
model code approach to this area would be helpful so when judges communicate we have a common statute to deal with	1	1.2	1.2	85.4
more GAL involvement	1	1.2	1.2	86.6

APPENDIX F

Prompter submission of requests to other states, and better distribution to all attorneys and parties of the results.	1	1.2	1.2	87.8
Standardized forms to motion court to expedite ICPC process would be helpful.	1	1.2	1.2	89.0
timelines and deadlines	2	2.4	2.4	91.5
Training of judges and/or lawyers and/or agency workers	7	8.5	8.5	100.0
Total	82	100.0	100.0	

Question 27: Please feel free to use this space to make any other comments you might have about the ICPC process

	Frequency	Percent	Valid Percent	Cumulative Percent
No response	75	91.5	91.5	91.5
Experience tells me that ICPC workers want to help but are often hampered by caseloads, supervisors and paperwork. I think it would be helpful for judges and parties to be able to communicate directly with ICPC workers when snags develop.	1	1.2	1.2	92.7
I think the court should have jurisdiction to make whatever orders necessary after the evidence is presented.	1	1.2	1.2	93.9
In the cases I have reviewed as a FCRB member, I have only seen 2-3 where the GAL has made any attempt to see the child. Others simply rely on talking with a foster parent at court. GALs must be held accountable	1	1.2	1.2	95.1
Reduce the hurdles. If there is an ICPC now, you can guarantee problems and delays. I also see the receiving state (sometimes Nebr. sometimes other states) exaggerating the home study because the receiving state worker is overworked and doesn't want the	1	1.2	1.2	96.3
Slow, Slow Slow process!!! Is a huge problem when HHS for the receiving state does not do their job. Getting monthly reports on the children from receiving state is often very difficult and near impossible to get.	1	1.2	1.2	97.6
Some of the questions were difficult to answer as they depending on the particular set of circumstances.	1	1.2	1.2	98.8
There are so many people involved in multiple states that it seems no one is accountable for delays or failures to get things done.	1	1.2	1.2	100.0
Total	82	100.0	100.0	