

Presentation Radio Blog
March 2012
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Adoption/ICPC/ICAMA
Federal Laws that impact Child Welfare

Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption

(Note: This is simply to name a few Acts that have shaped the work for child welfare that the States must comply with the federal requirements, and has both improved practice and has been challenging.)

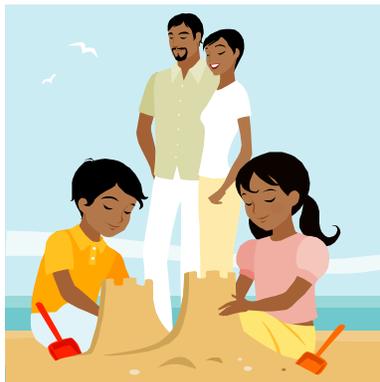
1. Social Security Act of 1935
2. Child Abuse Prevention and Treatment Act of 1974, (CAPTA), reauthorized 2010
3. Multi-Ethnic Placement Act of 1974, as amended by IEP (MEPA)
4. Indian Child Welfare Act of 1978 (ICWA)
5. Adoption Assistance and Child Welfare Act of 1980
6. Adoption and Safe Families Act of 1997 (ASFA)
7. Adam Walsh Child Protection and Safety Act of 2006
8. Fostering Connections to Success and Increasing Adoptions Act of 2008
9. Child and Family Services Improvement and Innovation Act of 2011

Concurrent Planning is the general term used to describe an alternative (i.e., adoption) to reunification of children with their original family. It may be done simultaneously with reunification planning and may begin at the time the children are initially removed from their family.

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Some Conflicting Priorities for DFS when trying to implement best practices, and/or implementing these federal and state laws:

- 1) First Placement, Best Placement
- 2) Father Contact
- 3) Relative Placement Priority
- 4) Siblings should be placed together
- 5) Child should remain at their home school





What is the Interstate Compact on the Placement of Children or ICPC?

The Interstate Compact on the Placement of Children (ICPC) is a statutory agreement between all 50 states, the District of Columbia and the US Virgin Islands. The agreement governs the placement of children crossing state lines for the purposes of foster care and adoption. It sets forth the requirements that must be met before a child can be placed out of state. The Compact ensures prospective placements are safe and suitable before approval, and it ensures that the individual or entity placing the child remains legally and financially responsible for the child following placement.

So what does this mean?

This means that when an interstate placement is being considered (or movement of a child across state lines), the Compact requires that the sending agency or state submit a written notice of the proposed placement to the receiving state's Deputy Compact Administrator (WY-Maureen Clifton-central clearing point for all referrals for interstate placements). From here the home study of the proposed placement will be gathered and the determination will be made whether or not the placement is contrary to the child's interests. After the placement is approved and the child is moved in to the state, the placement will be supervised by the home study agency.

Besides the home study, what are some of the ICPC requirements that must be met before an interstate adoption is approved?

- Relinquishments from the birth mother and birth father
- Background checks: Child Abuse/Neglect and FBI checks
- Non-Identifying Background Information on birth mother, birth father
- Medical Statements on Child
- ICWA
- Adoption Agency Licensed

What is the Interstate Compact on Adoption and Medical Assistance or ICAMA?

ICAMA is the formal mechanism through which children in interjurisdictional adoptive placements (child from foster care is adopted and child moves from one state to another) receive financial assistance and coverage for medical care when receiving an adoption subsidy. Although WY is not party to ICAMA, WY acts as an ICAMA state. That is, WY uses all standardized forms that other states use.

ICAMA provides the framework for protecting the interests of children with special needs in adoptive placements, as defined in the Adoption Assistance and Child Welfare Act (PL 96-272), and defined by the Adoption and Safe Families Act of 1997. While PL 96-272 set the foundation for determining special needs as eligibility for adoption assistance payments, each state passed laws or set policies further identifying the factors that qualify as special needs. These laws and policies generally identify the following factors in order to provide an adoption subsidy agreement:

- Child of minority races or ethnicities
- Older children
- Children who are part of a sibling group
- Children who have medical, physical, or emotional conditions

ICAMA sets forth guidelines for reciprocity that enable children placed in adoptive homes outside their state to receive Medicaid. As allowed under federal legislation and regulation, each state's Medicaid program is different, including application and processes and coverage. ICAMA requires standard forms and procedures that meet federal and state requirements to facilitate the interstate process. Eligibility for Medicaid can be determined by the guidelines of the Title IV-E of the Social Security Act or under individual state guidelines. States involved in interjurisdictional adoptions negotiate eligibility, coverage, and financial responsibility for medical and other services as part of each child's adoption assistance agreement. ICAMA provides the structure for the States to negotiate through their differences.

When does ICAMA apply? ICAMA applies if the child has an adoption subsidy agreement in effect and the child is being placed with an adoptive family in another state or the child is moving to another state with his/her adoptive family after finalization.

How can I initiate the ICAMA process in WY? Contact your supervisor and/or Maureen Clifton. Maureen is the Deputy Compact Administrator for WY. This designation means that she manages day-to-day administration of the compact. Each state party to ICAMA has a designated Compact Administrator.

The WY ICAMA State office will send the above information to the receiving ICAMA state. This will enable the adoption subsidy agreement to remain in place although the family moved to another state. The sending state/adoption assistance state is still responsible for the cash payment part of the subsidy. The receiving state/resident state, ideally, then will be responsible for the Medicaid coverage for the child (the state the family is now residing).

All Title IV-E eligible children are Medicaid eligible in all states. Not all state-funded adoption assistance eligible children are Medicaid eligible in all states. Each state has a document approved by the federal government known as Medicaid State Plan. This plan is the state's agreement to meet the requirements of Medicaid law. The agreement can vary from state to state as far as administration of state funded Medicaid.

Most states do offer state funded adoption assistance (often referred to as COBRA-reciprocity or reciprocity).

Adoption as a permanency option
Radio Blog March 2012
Maureen Clifton

- 1) Introduction—discuss what will be covered, statutes, rules, policy
- 2) Concepts considered before and during Adoption: Reunification, reasonable efforts, levels of care, least restrictive environment, diligent search, relative search, visitation plans, face to face
- 3) Child cannot reunify, so adoption and / or guardianship are considered
- 4) If adoption, child must be legally free, termination of parental rights (TPR) or relinquishment WY Statutes, 6 month pre-adopt, 14 years and older, finding an adoptive home
- 5) More reasonable efforts
- 6) Tools and techniques used, parenting options, concurrent planning, wrap-around
- 7) Time Bombs in your case
- 8) Federal and state laws
- 9) Other adoption concepts to know: Interstate Compact on the Placement of Children (ICPC), Interstate Compact on Adoption and Medical Assistance (ICAMA), Safe Haven, Educational Training Vouchers (ETV), guardianship, putative father registry, Confidential Intermediary (CI) program, medical information, types of adoptions, more for infant adoptions-birth parents can relinquish any time after birth and medical form on the DFS website, importance of appropriate adoption language.
- 10) dfsweb.state.wy.us, click on programs, click on adoption

