



RECOMMENDATIONS: ICPC AND THE ARMED SERVICES

Summary of Recommendations

- 1) The Interstate Compact for the Placement of Children (ICPC) should try to accommodate the extraordinary needs of the prospective adoptive/foster care service member family whenever possible to maximize the recruitment potential of military families.
- 2) States should have discretion under the ICPC in making service member residency determinations between a permanent duty station and a state of legal residence.
- 3) Authorization of a proxy should be permitted for service members in placement hearings.
- 4) Member states should recognize and accept all member state home studies in foster care and adoption placements.
- 5) Placements involving OCONUS duty stations should not be included in the ICPC.

1. Service member families as resource families

Recommendation: *The ICPC should try to accommodate the extraordinary needs of the prospective adoptive/foster care service member family whenever possible to maximize the recruitment potential of military families*

In developing the recommendation, the working group discussed the following:

- Support and medical services available to service member families
- Structure and community inherent in service family life and its benefit to potential placements
- The need to overcome placement difficulties particular to service member families to facilitate permanency and maximize the use of military families as potential placement resources

Discussion: Military benefits such as housing, medical care, community, and support services make for a caring and secure environment that can provide the structure so greatly needed by children in an out-of-home placement. An example of such support services is the Exceptional Family Member Program (EFMP) and the Family Advocacy Program (FAP).

The Exceptional Family Member Program

Children adopted from the foster care system often experience special needs. Given the mobility of the military, it can be a concern for adoptive parents that they be able to obtain the medical, psychological, and/or educational programs necessary to meet their child's exceptional needs in all military assignment locations. The Deputy Under Secretary of Defense for Military Community and Family Policy, with support from the Navy's Lifelines, offers a program called the Exceptional Family Member Program. *"The program is a mandatory enrollment program for active duty personnel, to include members of the Coast Guard, whose goal is to locate military families in geographic areas where the needs of their special needs family member can be met. The aim of the program is to assign service members to locations that can meet the special medical or educational needs of their family members. Sponsors are still deployable according to the needs of the service."* This service is an example of the military's commitment to accommodating families and reason military families can be a great potential resource as prospective adoptive families.

See the EFM Connections webpage at <http://www.efmconnections.org>.

The Family Advocacy Program

In 1984, the Department of Defense created the Family Advocacy Program to work with military personnel and their families to support them in preventing and stopping violence. The FAP mission is to prevent, identify, report, intervene in, and treat all aspects of child abuse/neglect and domestic abuse. The FAP works to achieve the following goals:

- Promote the prevention, early identification, reporting, and treatment of child abuse and neglect and domestic abuse
- Strengthen family functioning in a manner which increases the competency and self-sufficiency of military families
- Preserve families in which abuse has occurred without compromising the health, welfare, and safety of the victims
- Collaborate with state and local civilian social service agencies
- Provide effective treatment for all family members when appropriate

Military support services available to service member families include FAP prevention, intervention and treatment services in child abuse or neglect and domestic violence cases. Non-clinical counseling services are available through what are known Family Service Centers. Non-clinical counseling services are also available through *Military OneSource*, akin to an Employee Assistance Program. *Military OneSource* is a toll-free information and referral service available 24/7 at 1.800.342.9647.

Military families are a great resource as prospective adoptive families. However, the nature of military service necessitates frequent moves and may make it impractical for military families to

provide a foster family home. In all cases, the best interests of the child for achieving permanency should be the guiding force behind changes to the Interstate Compact on the Placement of Children.

2. Determining state residency for service member families

Recommendation: *States should have discretion under the ICPC in making service member residency determinations between a permanent duty station and a state of legal residence.*

In developing the recommendation, the working group discussed the following:

- Different residency scenarios particular to service members
- The residency determination difficulties faced by service members involved in foster care and adoption placements due to military mobility
- The need to allow for ICPC flexibility in assigning a state of residency to service members in order to overcome these difficulties to facilitate permanency and maximize the use of military families as potential placement resources

Discussion: The difficulties often associated with interjurisdictional placements disproportionately affect prospective adoptive military families. The military, by its very nature, is mobile. Military families need additional considerations and concessions in out of home placements to accommodate for this fact. One such consideration is in the area of residency. Flexibility in ascertaining service member residency would permit an increased and more successful use of military families as out-of-home and adoptive placements. State should have the ability to choose between a service member's *permanent duty station state* or their declared *state of legal residence* when assigning residency for the purposes of foster care and adoption.

For military families, the designation of a state of residency should consider the impact the choice will have on timeliness and the permanency of the placement. The choice should consider whether the placement is for the purpose of adoption or foster care and consider the following two terms when determining residency for military families on active duty:

- a. *Permanent duty station:* The military installation where an active duty service member is currently assigned and is usually physically located. Note: Permanent duty station assignments often last from two to four years.
- b. *State of legal residence:* The state in which the active duty service member is considered a resident for tax and voting purposes. This is often *not* the service member's current physical location (i.e., not the service member's permanent duty station).

When determining whether to use a service member's permanent duty station (the state in which the military installation is located) or state of legal residence for determinations of residency, the State must consider the following two factors:

- a. Which term/state location would result in a timelier placement for the child?

b. Which term/state location would result in a placement that is in the best interests of the child?

The permanent duty station is often the most relevant term and should be chosen in most cases. The permanent duty station is the logical choice for residency purposes because a home study must be conducted in the home in which the child will be placed. Home studies must represent the suitability of a prospective adoptive parent's current home. Because the current home for an active duty member is their permanent duty station, only a permanent duty station can provide that determination. However, in an adoption case where a service member is deployed prior to adoption finalization, the state of legal residency should be able to be defined as the family's state of residency in order to facilitate permanency if the new state requires the service member to establish legal residency prior to filing a final adoption petition. This situation is a problem when a service member is permanently stationed in one state and their legal residence is in another state. The question for military families can be, "Where can this family finalize an adoption?"

Some states require a family to establish legal residency prior to filing a final adoption petition. This presents two problems- the first is experienced by all prospective adoptive parents and the second is particular to service member families. The first problem is that establishing residency within a new state takes time and can delay permanency. The second problem is that the military is permitted to designate a legal residence and maintain this designation regardless of their physical presence or absence in the state. Some states require an adoptive parent's physical presence in the state of legal residence in order to finalize the adoption process. To avoid the added burden to the military family, the ICPC should be rewritten to allow "residency" for the purposes of adoption finalization to be defined as the family's permanent duty station (i.e. their current physical location) or their state of legal residence, whichever choice would be in the best interest of achieving permanency for the child.

Note: It was also suggested that if a state would not permit flexibility in residency designation, that ICPC member states should agree to allow for a proxy to stand in for the service member in necessary court proceedings in states that mandate a petitioner's physical presence.

3. Deployment affects on the placement process

Recommendation: *Authorization of a proxy should be permitted for service members at placement hearings.*

In developing the recommendation, the working group discussed the following:

- Different deployment scenarios particular to service members
- The deployment difficulties faced by service members involved in foster care and adoption placements
- The need to allow for state law flexibility allowing for the use of proxies in court proceedings in order to overcome deployment difficulties to facilitate permanency and maximize the use of military families as potential placement resources

Discussion: The mobility of the armed forces often imposes difficulties on service families involved in foster care and adoption placements. Many scenarios particular to service member families can disrupt the placement process. If a service member is deployed after the

supervisory period but prior to finalization, the new state of residence may require the physical presence of the service member to finalize an adoption. It would be helpful if states allowed service member's flexibility in the requirement for a petitioner's physical presence in state for court placement proceedings. As was discussed under Recommendation #2 regarding residency assignment, ICPC member states should agree to allow for a proxy to stand in for the service member in necessary court proceedings in states that mandate a petitioner's physical presence.

4. Home studies for service member families

Recommendation: *Member states should recognize and accept all member state home studies in foster care and adoption placements.*

In developing the recommendation, the working group discussed the following:

- Different scenarios particular to service members involved in foster care and adoption home studies
- The difficulties faced by service members in completing a foster care or adoption home study due to military mobility
- The need to overcome these difficulties by creating a universal home study in order to facilitate permanency and maximize the use of military families as potential placement resources

Discussion: Due to the mobility of the military, a service member's family could find themselves in varying stages of home study completion when they are deployed. In one example, the family could complete a home study in one state and be deployed to another state (sent to a new duty station) prior to adoption finalization or prior to entirely completing a home study in the first state. In most cases, the family would then need to begin the home study at the beginning of the process, regardless of where they were in the process in the previous state. Moving across state lines can affect the home study process. Moving across state lines often imposes burdens on families and delays in permanency and these effects are experienced more frequently by the military family. The following scenarios are illustrative of home study issues for service member families.

Scenario 1: Military family is stationed overseas as a permanent duty station. Their legal residence is in State A and they want to adopt a child from State A.

The FAP program overseas would be unable to perform a home study. FAP staff is not trained and/or licensed to perform that role. In such situations, FAP would turn to an American organization that could facilitate and perform the home study by contracting with an overseas social worker.

Scenario 2: Military family is stationed overseas as a permanent duty station. Their legal residence is in State A and they want to adopt a child from State B.

Again, the FAP program would be unable to perform a home study.

Scenario 3: Military family is permanently stationed in State A. They want to adopt a child from State A. Their legal residence is State B and they know that they will shortly be reassigned to a permanent duty station in State C.

The family might have begun the adoption process in State A and State A, their permanent duty station, would then be most relevant to this case in terms of residency. Timing is the key to this scenario. Depending on how “shortly” they will be moving to State C, the legal residence of State B might be most useful to use for residency purposes because it will remain static. The family cannot be considered a resident of C yet as they are not physically present in the state, and they will soon have no nexus to State A. In this case, State A would probably make a referral to State C to supervise the adoption after the move if adoption finalization has not occurred in State A prior to the move to State C. If the child had not been placed before the move to State C, ICPC would be triggered by the move.

Complications arise when a family completes an adoptive home study in one state, but moves to another state prior to adoption finalization. Some states require the adoptive family to do a second, complete home study or update the old home study in the new state. This additional effort required of the family and the delay it imposes on the adoption process is an issue for all families and for military families in particular. Meeting members decided that it would be beneficial to choose ICPC language that would not require parents to go through a second home study in such a situation. Universal state recognition of other states' home studies could relieve adoptive families of extra time, effort, and expense and shorten the time to permanency. In the above scenario, State C would be responsible for supervising the placement from the point the family moved to State C until finalization.

5.) Issues beyond the scope of the Interstate Compact for the Placement of Children

Recommendation: *Placements involving OCONUS duty stations should not be included in the ICPC.*

In developing the recommendation, the working group discussed the following:

- Different placement scenarios particular to service members involved in overseas duty stations
- The difficulties faced by FAP in working with placement issues in overseas duty station scenarios
- The need to acknowledge that the scope of an interstate compact cannot adequately encompass or address the difficulties inherent in placements involving overseas duty station

Discussion: Family Advocacy Program staff has found it extremely difficult to arrange for placement with a receiving state's child welfare system in the continental United States (CONUS) when the FAP removes a child from an American service member's care in an overseas duty assignment (OCONUS). State Child Protective Services (CPS) systems, including those in the state of the service member's legal residence, are hesitant to accept responsibility for a child whose parent(s) remain in an overseas duty assignment. State CPS worker have informed FAP staff overseas that unless the incident occurred while the family was living in the continental United States, state CPS cannot assume responsibility for the child. The host nations in which the

OCONUS military installations are located are also unable to take responsibility for the child. This example of interjurisdictional placement leaves FAP with few, if any, options for the child's care. In the cases in which state CPS has been willing to accept care, the transfer process has often been prolonged and complicated. If FAP identifies a potential placement family in the United States, it can be difficult to ensure that the state CPS will conduct the home study for that placement. In this case, states will sometimes refer FAP to International Social Services. This approach has not facilitated the completion of the home study process, which can take more than a year to complete in these cases.

Because an overseas country is the service member's permanent duty station in these cases, it was suggested that the service member's legal residence state could be designated as the sending state. The child would then assume the member's legal residence state as their state of residency as children often do in legal and scholastic situations. However, due to the international aspect of this type of interjurisdictional placement, these placements are outside the scope of an interstate compact at the present time and will be omitted from the FAP proposals for consideration in the rewrite of the Interstate Compact for the Placement of Children.