



North Carolina Department of Health and Human Services  
Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27603  
Courier # 56-20-25 MSC 2409

Michael F. Easley, Governor  
Carmen Hooker Odom, Secretary

Sherry S. Bradsher, Director  
(919) 733-3055

October 25, 2006

***Dear County Director of Social Services***

**Attention:** Children's Services Supervisors  
Children's Services Social Workers

**Effective Date:** October 1, 2006

**Subject:** Safe and Timely Interstate Placement of Foster Children  
Act of 2006 (P.L. 109-239)

The Safe and Timely Interstate Placement of Foster Children was signed by President Bush on July 3, 2006 with an implementation date of October 1, 2006. There are several provisions of the Act that have created a lot of discussion by the states, so the Division has been awaiting further guidance which was received this week. Although federal regulations have not been issued as of this date, we must begin implementing the provisions of the Act with the knowledge that when the federal regulations are issued there may be changes.

Some of the provisions require legislative changes. Where statutes need to be changed, the Act extends the effective date to the first day of the first calendar quarter after the General Assembly adjourns. The provisions that do not require statutory changes are:

**1. Foster and Adoptive Home Study Requirements**

Reports on foster and adoptive home studies requested by another state are to be completed within **60 days**. An exception to the 60-day requirement is provided (but only until 9/30/08) if the State's failure to complete the home study within 60 days is due to circumstances beyond the State's control (e.g., delays in receipt of Federal agency background checks). This exception gives the State 15 more days to complete and report on the home study. The state that requested the home study must accept the completed home study unless, within 14 days of receiving the report, the state determines that reliance on the report would be contrary to the child's welfare.

The parts of the home study involving education and training of prospective foster and adoptive parents do not have to be completed within the same 60 (or 75) day timeframe. Further, states are permitted to contract with a private agency to conduct the home study.

**2. Timely Foster and Adoptive Home Study Incentives**

This is an incentive program to encourage states to complete timely interstate home studies. Key points include the following:

- \$10 million is authorized for each of fiscal years 2007-2010 for the U.S. Department of Health and Human Services (HHS) to award to a state an incentive payment of \$1,500 for each interstate home study completed within 30 days of the request. Funding of the incentive program is subject to annual appropriations. If the overall amount appropriated is too small to cover all payments, payments will be prorated. Incentives awarded to a state may be spent on any service allowed under Titles IV-B and IV-E. We are not certain at this time of the actual process of how and when HHS will begin the allocations.
- To earn an incentive, a state must provide data to HHS on interstate home studies that include (1) the total number of interstate home studies requested by the state identified by state, (2) the total number of timely interstate home studies completed by the state identified by the requesting state, and (3) other information the HHS Secretary may require.

**In order to comply with these provisions, the Interstate Office at the Division is reviewing internal policies to make every effort to send referrals and home studies in the timeframes indicated. Each county is encouraged to review its internal procedure to address these changes. Incentive payments received by North Carolina will be given to the counties that were able to meet the timeframes.**

### **3. Case Worker Visits**

The law increases the frequency of required caseworker visits from every 12 months to every 6 months for children in out-of-state foster care placements, and allows for a private agency under contract with either state to perform those visits.

**The supervising agency will need to document that these required visits have taken place.**

### **4. Case Review Changes**

The state must supply a copy of the child's most recent health and education records to the foster parent or foster care provider at the time of placement and to provide it at no cost to the child at the time the child is emancipated from foster care.

**The supervising agency will need to document that these records have been given to the foster care provider at the times indicated.**

### **5. Case Plan Changes**

Case plans documenting the steps being taken toward achieving permanence must include that the recruitment efforts included both possible in state and interstate placements.

**This provision will include all children in the foster care system for whom recruitment efforts are necessary to achieve permanence.**

The Information Memorandum from the Administration for Children and Families that addresses this new legislation can be found at

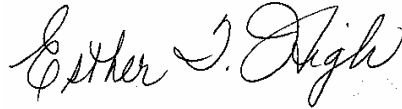
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/im0603.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/im0603.pdf).

As stated earlier, some aspects of the new law will require the amendment of North Carolina's General Statutes. Policy changes that are dependent on the statutes being amended will be

communicated to counties at that time.

If you have any questions, please feel free to contact Thomas Smith at (919) 733-9465 or at [thomas.smith@ncmail.net](mailto:thomas.smith@ncmail.net) or the Interstate Consultant that is assigned to your county.

Sincerely,

A handwritten signature in black ink that reads "Esther J. High". The signature is written in a cursive style with a large initial "E".

Esther High, Acting Chief  
Family Support and Child Welfare Services Section

cc: Sherry Bradsher  
JoAnn Lamm  
Children's Program Representatives  
Family Support and Child Welfare Services Team Leaders  
Sarah Barham  
Local Business Liaisons

**FSCWS-55-06**