

**ALABAMA and TENNESSEE NON-CUSTODY SAFETY PLACEMENT -  
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) BORDER  
AGREEMENT**

**BETWEEN ALABAMA DEPARTMENT OF HUMAN RESOURCES (AL DHR),  
AND TENNESSEE DEPARTMENT OF CHILDREN SERVICES (TN DCS)**

**PURPOSE:** The purpose of this border state agreement is to facilitate a voluntary and temporary family-based placement of a non-custodial child who is subject to an ongoing child protective services investigation, family assessment or family preservation with a relative or kin who resides in a bordering state utilizing applicable Safety policy and procedure including an IPA and as appropriate, transition that temporary safety placement of the child into an expedited placement under court jurisdiction or as a custodial placement which meets the requirements of the Interstate Compact on the Placement.

If during the conduct of a child protective services investigation, family assessment or family preservation, an Alabama Department of Human Resources (*Hereinafter* AL DHR) or Tennessee Department of Children Services (*Hereinafter* TN DCS) case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to promote the safety of the child. The case manager may consider the feasibility and practicality of a voluntary temporary family-based placement of the non-custodial child with a relative or person whom the child has a significant relationship with (“kin”) who resides in-state or in designated counties in a bordering state utilizing applicable policy and procedure.

For purpose of this agreement, the respective state counties that are participating in this agreement and who may be considered for voluntary temporary family based placement of a non-custodial child for a period of forty-five (45) not to exceed sixty (60) calendar days are listed on *Appendix “A”*. At any time during and/or up to the forty-five (45) not to exceed sixty (60) calendar days temporary placement , should circumstances require the child to be brought under the protection/jurisdiction of the sending state court and/or placement in the custody of the sending state child welfare system, this agreement allows the child to remain in the receiving state placement if safe and appropriate, to execute and complete compliance with ICPC Court Jurisdiction or Custodial Regulation #7 Expedited Decision procedures.

**I. Initial Requirements**

**A. Immediate Protection Agreement/ Family Permanency Plan**

1. Each agency will follow their respective policies and procedures regarding the development, approval and implementation of a non-custodial Immediate Protection Agreement and subsequent Family Permanency Plan or Safety Plan.

Placement facilitated through a Non-custodial Immediate Protection Agreement will be voluntarily [*Emphasis added*] made by parents, guardians, or custodians who enter into a Non-custodial Immediate Protection Agreement.

2. All terms, conditions and timelines identified on the Non-custodial Immediate Protection Agreement will be clarified with parents/guardians/custodians and relatives /kin by the sending state case manager.
3. The Non-custodial Immediate Protection Agreement will specifically allow the parent(s)/ guardians/ custodians to retain legal custody of the child, while securing their voluntary agreement to the course of action outlined in the Non-custodial Immediate Protection Agreement and Family Permanency Plan including the placement of the child during a child protective services investigation, family assessment or family preservation.
4. The sending state case manager is responsible to facilitate the voluntary placing of the non-custodial child with relatives or “kin” who reside in the other state as documented on the Non-custodial Immediate Protection Agreement.
5. Each agency will follow their respective policy and procedure to establish a record which tracks data in child protective services investigation, family assessment and or family preservation cases which includes information about the child involved in the temporary, voluntary safety placement with relatives or “kin” residing out-of-state pursuant to this Border Agreement.

#### **B. Border Agreement Non-custodial Expedited Safety Study**

1. The sending state case manager will initiate a request for a Border Agreement Non-custodial Expedited Safety Study on identified relatives or kin in the receiving State by calling the Tennessee DCS Child Abuse Hotline or the designated AL DHR County telephone number.
2. The Tennessee DCS Child Abuse Hotline Responder or designated AL DHR County Responder will contact the appropriate TN DCS or AL DHR local office/on call case manager within thirty (30) minutes of completion of the call from the sending state case manager to relay information needed to initiate the BA Non-custodial Expedited Safety Study.
3. Tennessee DCS and Alabama DHR will provide local contact numbers for follow up purposes. See Appendix “A”

## **II. Response Requirement**

### **A. Responding to BA Non-custodial Expedited Safety Study Request**

1. Within sixty (60) minutes of the notice by the TN DCS Child Abuse Hotline Responder/AL Intake Responder of the request for a BA Non-custodial Expedited Safety Study, the TN DCS or AL DHR receiving state case manager will contact the appropriate sending state case manager by telephone and confirm receipt of the request and specify an estimated time for completion of the BA Non-custodial Expedited Safety Study.
2. Pertinent documents which may be available and assistive to the BA Non-custodial Expedited Safety Study request including the Immediate Protection Agreement, Family Permanency Plan, and as appropriate any assessments will be faxed or electronically scanned and sent via email by the sending state case manager to the receiving state case manager.
3. The receiving state case manager will conduct the BA Non-custodial Expedited Safety Study of the identified relative or "kin" caregiver(s) and the home environment using the receiving state's applicable policy and procedures for such a placement.
4. The BA Non-custodial Expedited Safety Study report will :
  - a. Assess and document the residence for risks and appropriateness for placement;
  - b. document information regarding the relative or kin caregiver(s) and other residents in the home and their capacity to support the child for a temporary placement;
  - c. document results of local background checks/verifications, criminal background record check and child abuse registry check on all adults residing in the home;
  - d. verify the understanding of the relative or kin to the terms of the temporary placement;
  - e. conclude with a determination regarding the appropriateness of use of the placement resource and the impact on the safety and well-being of the child;
  - f. state the reason for approval or denial which includes any terms or conditions for the decision; and,
  - g. Include appropriate authorizing signatures.
5. Both Alabama DHR and Tennessee DCS policy requires a criminal background records check before facilitating a voluntary placement with kin or placing custody with relative or kin.

As part of TN DCS criminal background records check, DCS must complete a NCIC III Purpose Code X inquiry for all relatives and kin with whom children are to be placed under this Agreement. The proposed caregiver must agree to submit fingerprint samples through the approved State of Tennessee vendor on or before

the 15th calendar day that the NCIC III Purpose Code X criminal background check is conducted or the child must be returned to the sending state. Tennessee DCS will complete the NCIC III Purpose Code X name base criminal background check on the same day as the request is received. Fingerprint results will be forwarded within two (2) days of receipt from the FBI/TBI. No information will be provided under this Agreement which will violate federal or state law, regulation or policy.

The party states agree to conduct annual reviews of the costs associated with the criminal record checks and to make supplemental agreements as necessary to insure compliance with the requirements of this paragraph.

6. A verbal report of the BA Non-custodial Expedited Safety Study conclusions is expected to be completed within four (4) hours of receipt of the request and communicated to pertinent parties in both states.
7. The written report of the BA Non-custodial Expedited Safety Study and all supporting documentation and signatures will be forwarded to the Sending State within one (1) business day of the verbal report.

#### **B. Approval of BA Non-custodial Expedited Safety Study/Placement**

1. Approval of the BA Non-custodial Expedited Safety Study is the responsibility of the receiving state agency and must meet the receiving state agencies current policies and procedures.
2. An approval for the temporary placement of the non-custodial child with the relative or kin caregiver is valid for forty-five (45) not to exceed sixty (60) calendar days.
3. The sending state case manager is responsible to schedule a Family Team Meeting / Individualized Service Plan with pertinent parties within 72 hours of the approval of the placement to process the Family Permanency Plan or equivalent and clarify terms and conditions and secure agreement and signatures of all parties. Copies of the documents will be given to all parties prior to or concurrent with the physical placement of the child.
4. These actions include but not limited to :
  - a. Completion and signature on the Family Permanency Plan / ISP Plan;
  - b. Secure agreement and signature of the parent(s) or legal guardian(s) on a Non- Custodial Consent for Transportation; and
  - c. Completion of Safety Placement Checklist and Consent for Medical Treatment/Educational Services.

5. The next business day after placement is made, the sending state case manager will initiate a call to the receiving state case manager to confirm results of the placement FTM / ISP, confirm date of placement and receipt of pertinent documents, discuss the need for any immediate services and clarify the coordination of /on-going arrangements for supervision and services and scheduling of on-going contact.
6. The sending state case manager is responsible to make arrangements for the scheduling, identification of, and notice to the pertinent parties and document the Family Team Meeting / ISP Meeting in cooperation with the receiving state case manager prior to the expiration of the BA Non-Custodial Immediate Safety placement.
7. Receiving State case manager will conduct a supervisory contact (face to face) with the child in the placement with relative or kin on or before expiration of seven calendar days from placement. Within 72 hours of the contact, the receiving state case manager will provide a written report to the sending state case manager. Thereafter, follow up supervisory contact (face to face) will be made once every 14 calendar days and a report on the circumstances sent within 72 hours to the sending state case manager.

### **C. Denial of BA Non-custodial Expedited Safety Study**

1. Denial of the BA Non-custodial Expedited Safety Study is the responsibility of the receiving state agency and must meet the receiving state agency's policies and procedure.
2. The receiving state case manager will communicate a decision to deny placement pursuant to BA Non-custodial Expedited Safety Study to the sending state case manager by telephone within 30 minutes of the determination. The denial shall include the name and phone number of an accessible supervisor, should the sending state wish to discuss the reason for the denial and any alternative measures that would allow for re-consideration of the placement. Otherwise, no placement will be made.
3. The receiving state case manager will fax or electronically scan and email a copy of the BA Non-custodial Expedited Safety Study, including attachments and signatures to the sending state case manager on the next business day after issuance of the verbal decision.

### **III. Termination of Border Agreement Non-Custodial Safety Study Placement**

1. In conjunction with the parent/guardian/custodian, the sending state case manager may request the child be returned to the parent/guardian/custodian in the



sending state anytime during the Border Agreement Non-Custodial Safety Study placement based upon the case manager's assessment of the ability of the parent(s)/legal custodian(s) to resume care of the child or in the event new circumstances have occurred. The receiving state will assist in returning the child to the sending state, if needed, within the limits of the law. The BA Non-custodial Safety Placement will be closed as "child returned to sending state."

2. The parent/legal custodian in the sending state in conjunction with the relative/kin may petition their court for an adjudication of the dependency or deprivation, requesting a disposition of custody or Temporary Protection Order to the relative or kin caregiver. The BA Non-custodial Safety Placement will be closed as "adjudication and disposition to relative or kin" or "adjudication and TPO," respectively. In the event custody is awarded to the relative or kin caregiver at this juncture, the agencies shall abide by the court's determination after all appeals, if any, are filed with the court with respect to jurisdiction.
3. The sending state case manager may petition their court for protective jurisdiction or custody of the child based upon allegations of abuse or neglect. If the sending state court deems the child to be in its protective jurisdiction or if the court grants custody to the state agency, for purposes of this Agreement, the child may remain in the approved BA Non-Custodial Safety Placement if a request for ICPC Regulation No 7 Expedited Placement Decision Order is filed by the court or with the court on the relative or kin caregiver of the child, currently the BA Safety Placement pursuant to ICPC Article III, ICPC Regulation #7 as supported through ICPC Regulation #9.
  - Within two (2) business days of the ICPC Regulation No 7 Expedited Placement Decision Order signed by the judge or magistrate, either the court or the case manager must submit an ICPC Regulation No.7 Expedited Placement referral requesting a Priority Placement Home Study to the Sending State ICPC office. The referral is to contain the following documents: an ICPC 100A, Statement of Confirmation; custody order, the ICPC Reg. No. 7 Expedited Placement Decision Order, ICPC 101, the approved BA Non-custodial Expedited Safety Study including accompanying documents; the IPA, FFP, Assessments and an ICPC 100B which confirms the date that the child was initially placed under the BA non-custodial Safety Placement. Submission of all documents will be via fax or Electronic scan and email.
  - No later than five (5) business days after the ICPC Regulation No. 7 Expedited Placement referral has been filed, the sending state case manager must supply supporting documentation to the sending state's ICPC office to include all assessments of the child and family, the permanency plan, the Medical/Financial Plan with IV-E determination,

immunization records, current medical and prescriptions, educational records and any other supporting documentation.

- Within 10 business days of the ICPC Reg. #7 Expedited Placement Decision Order, the sending state case manager must hold at least one Child and Family Team Meeting/ ISP.
- Until completion of the Priority Placement Home Study and issuance of a decision, all protections, services and supervisory responsibility over the child will remain with the sending state.
- The expedited Priority Placement Home Study process must be completed within 20 business days of the signing of the ICPC Reg. No. 7 Expedited Placement Decision Order. The receiving state will assign a case manager to visit the child as mandated by contact standards established by the sending state.
- If the placement is not fully approved within the 20 business days, the child must be returned to the sending state.

The BA Non-Custodial Safety Placement episode will be closed as “Regulation No. 7 initiated-Agency custody.

4. If the parent terminates the BA Non-Custodial Immediate Protection Agreement and the sending state agency initiates an emergency removal, the agency shall comply with the procedures outlines in 3 above. The BA Non-custodial Safety Placement episode will be closed as “Regulation No. 7 initiated-Agency emergency custody.”
5. If other court action is initiated to terminate the BA Non-Custodial Safety Placement, the BA Non-Custodial Safety Placement will be closed as “termination by court action”.
6. If the parent(s)/legal custodian(s) were only in the sending state on a temporary basis and are “otherwise free to leave” they may return to the receiving state and request appropriate services from TN DCS or AL DHR to help ensure the parent(s)/legal custodian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Non-custodial Safety Placement will be closed as “parents return to receiving state”.
7. If a decision is made by either state to take the case to court for any reason, the sending or receiving state case manager will make himself/herself available to participate in the legal process by telephone or otherwise.

#### **IV. Training**

1. Within thirty days of the date of the execution by all parties of this Agreement, or any amendments, TN DCS and AL DHR shall establish a common training curriculum and provide joint training for staff of the counties included in this

Agreement including adjunct/support staff and other auxiliary staff on protocol to be used to secure referral and other action by this BA (such as Hotline staff or after hours operators, judiciary) with the result that all staff in both states shall be trained no later than 60 days after final execution of this BA or amendments.

2. TN DCS and AL DHR are responsible to maintain a training curriculum regarding the BA and provide periodic training/refreshers training on BA application to all new employees or newly-assigned employees or auxiliary staff and to establish a schedule of periodic joint training to maintain viability of the BA. At a minimum, a joint training session will be conducted annually by the Local BA Management group.
3. TN DCS and AL DHR shall jointly agree upon a date when voluntary placements under this Agreement shall begin, taking into consideration the date by which training of staff will be accomplished.

**V. Border Agreement Reporting and Data Requirements**

TN DCS and AL DHR state staff shall establish a BA Management Group which may also be comprised of selected members of TN DCS and AL DHR from the Counties/Region designated in this agreement to agree upon forms and procedures for tracking data relating to the border agreement. The party states agree to conduct telephone conferences at least quarterly to discuss issues relating to this data collection.

**VI. Border Agreement Maintenance and Review**

1. An initial joint review meeting of the progress made under the agreement shall be conducted six months from the agreed upon implementation date and thereafter as mutually agreed upon by the party states. The party states also agree to conduct telephone conferences to discuss ongoing implementation issues as needed or requested by either state.
2. The agreement may be revisited at any time. Parties will be notified of the need to review in writing. A meeting to review will be held as soon as practicable after receipt of written notice.
3. Parties to this Agreement may determine the appropriateness of Departmental signatures to any Amendments to the Agreement to authorize validity.

**VII. Termination of Border Agreement**

1. This agreement may be terminated immediately upon mutual written consent of TN DCS and AL DHR or at such other time as the two parties may agree in the



written consent. An in-person review must occur with appropriate representatives from both states prior to termination.

2. Once written notice of termination has occurred, neither party will execute a BA Safety Placement request pursuant to this BA nor will either party accept a BA Safety Placement request. Any BA Safety Placement or ICPC Reg. #7 Expedited Decision Placement of ICPC Reg. #1, #2 or #9 placement made pursuant to this BA prior to receipt of notice of termination shall be handled in accordance with the terms of this BA to conclusion not to exceed beyond 30 business days. Ongoing cases may be finished according to the terms of the agreement until finalized upon those agreed upon terms.

**VIII. Signatures: Effective Date:**

This Agreement shall become effective on the fourteenth (14<sup>th</sup>) calendar day following its execution by the appropriate and authorized state officials in both Alabama and Tennessee, unless a different date is mutually agreed upon by both the party states.

Bonnie Hommrich

Bonnie Hommrich, Commissioner  
TN Department of Children's Services

7/18/16

Date

Nancy Buckner

Nancy Buckner, Commissioner  
AL Department of Human Resources

8/12/16

Date