

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento CA 95814



April 20, 1988

ALL-COUNTY INFORMATION NOTICE 1-32-88

TO: All County Welfare Directors  
All County Probation Departments  
All Juvenile Court Judges

SUBJECT: INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN  
(ICPC) FOSTER CARE - SUPERVISION AND TERMINATION OF  
JURISDICTION

I would like to take this opportunity to thank all of you for your cooperation and efforts with our Interstate Compact on the Placement of Children (Compact) requests. Though the Compact has statutory authority and functions as a legal, contractual agreement between member states, the reason the Compact is successful is because participants make it work. As California's Compact caseload is over 12,000 cases, both volume and level of provided services can only be achieved through your ongoing cooperation and assistance.

In order to continue and improve upon our current service level, we have identified the following two Compact areas which appear to be the most frequently misunderstood by participating agencies: 1) When to provide supervision after there is Compact approval for placement of a dependent child; and 2) when to appropriately recommend termination of jurisdiction.

With respect to the issue of ongoing supervision, some counties appear to feel that a separate request, other than the ICPC Form 100B, must be made before they will provide ongoing supervision and written reports. This is partly due to the use of the term "courtesy supervision" which implies there is some element of choice.

Under Compact statute and regulations, discretion in this regard is not an option. Once a home study has been approved through the Compact process and the child is placed as confirmed by submission of the ICPC Form 100B, the county is then obligated to provide ongoing supervision and written reports as designated by ICPC Form 100A. (Manual of Policy and Procedures, Division 30, Sections 366.43, 366.44, 366.461 (a) and 366.462.)

With respect to the issue of termination of jurisdiction, Article III of the Compact Law very clearly identifies conditions under which jurisdiction can be terminated. These conditions are as follows: adoption, age of majority, ability to be self supporting, or there is mutual Compact concurrence for termination. There is no other basis for termination under the Compact.

Additionally, there are practical ramifications related to termination of jurisdiction not in compliance with the Compact. For instance, one of the more common rationales for terminating California jurisdiction not in compliance with the compact is that both parent(s) and relative(s) are in the receiving state and therefore, there is no reason for California to retain jurisdiction when the child's parents are not yet capable of providing a safe environment for the child. Since the child is with relatives, it may be assumed that the relative can provide necessary protection and care for the child. This is not a valid assumption because the parents can legally, once jurisdiction is dismissed, regain custody of the child over the objections of the relatives. Therefore, in these types of situations, until relatives can legally assume guardianship of the child, the Compact acts to protect the child by assuring that the sending state retains jurisdiction until appropriate legal custody is awarded.

We hope this information is both practical and helpful. Should you have any questions about this or any other Compact matter, please contact your County Consultant at (916) 323-2923.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services

cc: County Welfare Directors Association