

**Border Agreement Between
The State of Maryland, Department of Human Resources and
The District of Columbia, Child and Family Services Agency**

I. Preface

The State of Maryland, Department of Human Resources and the District of Columbia, Child and Family Services Agency agree to partner in an effort to better serve the children of the District of Columbia ("DC") and the State of Maryland ("MD") who may need to cross borders in the Metropolitan DC area for foster care placement. The protections and advantages to children and States afforded by the Interstate Compact on the Placement of Children ("ICPC" or "Compact") will still be ensured and provided through this Border Agreement, however this Border Agreement will serve as a mechanism to expedite the ICPC process and better serve children living in the DC Metropolitan Area needing foster care placements.

II. Applicability

A. This Border Agreement applies to children who are:

1. In the care and custody of the District of Columbia's Child and Family Services Agency (CFSA) or Maryland's Local Department of Social Services, including the Montgomery County Department of Health and Human Services, (LDSS) and placed outside of their home jurisdiction into the neighboring jurisdiction of Maryland or the District of Columbia.
2. From birth to age 18 and from age 18 to age 21 years if the court retains jurisdiction over the child and the individual meets the eligibility requirements for extending jurisdiction.
3. Committed to both CFSA and DC Department of Youth Rehabilitation Services (DYRS).
4. Committed to both a MD LDSS and the MD Department of Juvenile Services (DJS).

B. This Agreement does not apply to:

1. Placements made with parents into either jurisdiction.

2. Placements made with relatives into either jurisdiction where the relative is not being approved as a resource foster/adoptive home.
3. Proposed foster or adoptive placements of DC children with approved Maryland public resource homes.
4. Children who are committed solely to DYRS or DJS.
5. Placements of co-committed children made solely by either DYRS or DJS.

III. Effective Date of this Agreement

This Agreement shall become effective beginning on the date of the last signature to the Agreement and shall remain in effect for five years unless terminated earlier as specified in Section IV.

IV. Termination

This Agreement may be terminated upon sixty (60) days written notice of cancelation. All notices shall be addressed to each party as set forth as follows:

If to Maryland: (Name of Current Secretary)
Office of the Secretary
Department of Human Resources
311 W. Saratoga Street
Baltimore MD 21201
(410) 767-7109-Phone
(410) 333-0099-Fax

If to DC: (Name of Current Director)
Director, District of Columbia, Child and Family
Services Agency
200 I Street S.E.
Washington, D.C. 20003
(202) 442-6175- Phone
(202) 727-6505-Fax

Note that courtesy copies of the notice of cancellation shall be sent to the Compact Administrator of each jurisdiction.

V. ICPC Procedures

- A. The usual and mandatory submission of an ICPC packet and required receiving-State ICPC approval prior to a child's placement is no longer required when, in appropriately applicable and valid "Border Agreement" cases, a child is temporarily placed from one jurisdiction to another when the child is being placed with a receiving State-licensed Child Placement Agency (CPA) or Residential Child Care (RCC) program. When the "Border Agreement" procedure is followed, the ICPC's protections and obligations are met and remain active until the child is returned to the sending State or permanency is otherwise appropriately achieved in keeping with ICPC Article V.

It is the responsibility of the receiving State-licensed CPA to approve/license foster/adoptive homes prior to placement and provide post-placement supervision of the child for the duration of the placement. The receiving State-licensed CPA is the appropriate authority delineated in ICPC Article III to receive the required information from the sending State and to notify the sending State that the proposed placement does not appear to be contrary to the interests of the child.

- B. Quarterly progress reports routed through the ICPC Offices for children placed in licensed foster homes from one jurisdiction to the other will no longer be required in these applicable "Border Agreement" cases. The Maryland Department of Human Resources ICPC Office will receive a monthly list/spread sheet of all CFSA children placed in the State of Maryland. The District of Columbia ICPC Office will receive, monthly, an equivalent list of Maryland children placed in DC. This list verifies the required provision of mandatory monthly visits and contacts with the child and the continued positive assessment of the home for the child's continued placement in Maryland or DC, per ICPC Article III (d) and ICPC Regulation #11.
- C. If permanency is to be achieved for a child previously placed in the receiving jurisdiction either by the ICPC process or the process outlined in this Agreement through either adoption or guardianship, the sending jurisdiction shall, pursuant to the ICPC, send the full request from its jurisdiction's ICPC office to the receiving jurisdiction's ICPC office. The submission will be made upon either the filing of the guardianship petition or completion of the adoptive home study, but not less than 30 days prior to the court hearing establishing permanency. This will include: (1) a child-specific addendum to the general home study; and (2) a progress report that assesses the resource parent (s) readiness to adopt or obtain guardianship of

the child and a recommendation to move forward with either adoption or guardianship. ICPC approval is required and needed in order to legally finalize the permanency status for the youth in that receiving jurisdiction. For adoptions, ICPC approval is limited to approving the placement and confirming mandatory post-placement service provisions. For relative custody and guardianship, consent and agreement to the proposed permanency plan from the ICPC office in the receiving jurisdiction is required.

- D. Placements made pursuant to this Border Agreement shall be considered to be “legal placements” and fully compliant with the ICPC requirements of both jurisdictions.

VI. Information Sharing with State Education Agencies

- A. DC and Maryland will share information with the receiving jurisdiction’s state education agency:
 - 1. At initial school enrollment, a CFSA representative (or their designee) will disclose to the Maryland school that the child is in the care and custody of CFSA. The Lead Education Agencies will bill the DC public school system via the Office of State Special Education. If the child is in an adoptive home either at initial placement or subsequently, CFSA will inform the local school so that billing can cease.
 - 2. At initial school enrollment, the MD LDSS will share information concerning a child placed in the District of Columbia with the Office of the State Superintendent for Education. That Office will be responsible for sharing information with the schools in the District of Columbia.
- B. An approved ICPC 100A is not needed for a DC foster child, placed in Maryland, to be enrolled in a Maryland school or for a Maryland child, placed in DC, to be enrolled in a DC school. The foster child shall be enrolled in school pursuant to The Code of Maryland Regulations (COMAR) 13A.08.07, the DC Official Code 38-202(a), and the Fostering Connections to Success and Increasing Adoptions Act of 2008 (approved October 7, 2008, 122 Stat. 3949).

VII. Joint Monitoring of Child Placement Agencies

- A. The CFSA Office of Contracts Management and Performance Improvement Administration (CMPIA) and Maryland DHR – Office of Licensing and Monitoring (OLM) shall conduct joint monitoring visits as part of the

contract and licensing cycle. Coordination of these visits shall be accomplished by DC contract monitoring staff and Maryland's licensing coordinators.

VIII. Emergency Kin Placements

A. DC and Maryland may place a child with kin, as defined in section B, on an emergency basis if the following criteria are met:

1. The jurisdiction has issued the kin a valid temporary license to operate a foster home. A temporary license to operate a foster home may be issued only if:
 - a. The applicant is kin, as defined in Section B, to each foster child who would be placed in her or his home;
 - b. The applicant resides in the District of Columbia or Maryland;
 - c. The applicant has submitted an Emergency Temporary Licensing Packet to their jurisdiction's respective licensing office;
 - d. The applicant has:
 - i. Received a satisfactory criminal records checks from the Interstate Identification Index System, also known as the National Crime Information Center (NCIC); or
 - ii. Received a satisfactory criminal records check (FBI and local police clearances) in accordance with the DC Municipal Regulations (DCMR) and COMAR; and
 - iii. Received a satisfactory Child Protective Register/Services (CPR/CPS) check in accordance with DCMR and COMAR; and
 - iv. Received a satisfactory safety and clinical assessment of the prospective kinship foster home; and
 - v. Demonstrated the willingness and ability to provide a safe and secure environment for a foster child.
2. There exist exigent circumstances. Exigent circumstances exist if a child:
 - a. Must be removed from the home immediately because of suspected or substantiated child abuse or neglect; or
 - b. Is in either CFSA or LDSS' custody and must be removed from the placement immediately; or
 - c. A petition alleging neglect of the child has been filed before the Family Division of the Superior Court of the District of Columbia; and
 - d. A disposition of the neglect petition has not yet occurred.

3. All household members (not including foster children) who are 18 years of age or older residing in the prospective kinship foster home have:
 - a. Received a satisfactory criminal records checks from the NCIC;
 - b. Received a criminal records check (FBI and local police clearances) in accordance with DCMR and COMAR; and
 - c. Received a satisfactory CPR/CPS check in accordance with DCMR and COMAR.

- B. "Kin" is defined as an individual who is related to the child by blood or marriage within five degrees of consanguinity or affinity under Estates and Trusts Article, §1-203, Annotated Code of Maryland and is:
 1. 21 years old or older; or
 2. 18 years old or older and lives with a spouse who is 21 years old or older. (Per Maryland COMAR 07.02.11.03(45)).

- C. DC and Maryland local child welfare offices will expedite CPR/CPS clearance requests for Emergency Kin Placements. Clearances will be provided within 48 hours of receipt of the request.

- D. Emergency Kin placements will follow the procedures agreed upon in this Agreement's section V. ICPC Procedures.

- E. CFSA will provide a separate monthly listing of all children placed in temporary kin homes. Once the home becomes fully approved, the child will be removed from the Emergency Kin List and recorded on the ICPC Caseload list.

IX. Child Abuse Investigation and Safety Check Procedures

- A. When DC CFSA or MD DHR requires a safety check on a child in the other state, a request will be made to the local Child Protective Services (CPS) office for a safety check by the local office. If the local office is unable to accommodate the request, the requesting agency may enter the other state to complete the safety check. In that case, the requesting agency will inform the local CPS office by the next business day that a safety check was completed in that jurisdiction. Only dually-licensed social workers will be permitted to complete safety checks in the other jurisdiction.

- B. CFSA CPS and Maryland CPS shall share information on investigations to determine if the family is receiving services in either jurisdiction.
- C. If there are allegations of child maltreatment involving a committed child residing in the receiving jurisdiction, CPS in the receiving jurisdiction shall investigate. CPS shall immediately inform the sending jurisdiction of the maltreatment investigation via a report to the sending jurisdiction's child abuse and neglect hotline. If CPS determines that the child is not safe in the home/residence per the receiving jurisdiction's policy, CPS will inform the sending state of the need to immediately respond and remove the child from the home. If the receiving jurisdiction determines that the child is safe, CPS will communicate that decision to the sending jurisdiction.
- D. If an investigation of suspected abuse or neglect is undertaken, additional children may not be placed in the home pending the outcome of the investigation. Within 5 days of the completion of the investigation, the jurisdictions will meet (either in person or via teleconference) to discuss the outcome of the investigation and any actions that need to be taken.
- E. ICPC still applies when a receiving jurisdiction notifies the sending jurisdiction that a child must be removed. All children placed in the receiving jurisdiction must be on the official placement list (e.g., ICPC Placement list, Emergency Kin list-per Section VIII.E above).
 - 1. The receiving jurisdiction's local agency will contact its ICPC office and request the child's removal;
 - 2. The ICPC office will contact the sending jurisdiction's ICPC office;
 - 3. The sending jurisdiction's ICPC office will notify its local agency;
 - 4. The sending jurisdiction's ICPC office will notify the receiving jurisdiction's ICPC office of the removal plans.

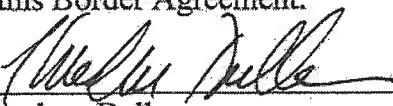
X. Definitions

As used in this Agreement terms shall have the same meaning as in the ICPC, except as otherwise defined in this Agreement. If not expressly defined in the Compact or in this Agreement, a term shall have its ordinary meaning in English usage.


- A. "Foster care placement" shall mean continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency

- B. "Child Protective Services" (CPS) safety check shall mean an assessment of whether a child is in danger of immediate harm or injury
- C. "Child" means an individual younger than 18 years, or from 18 to 21 years if the court retains jurisdiction over the child and the individual meets the eligibility requirements for extending jurisdiction.

Whereby the parties to this agreement by their signatures consent and agree to the terms of this Border Agreement.




Theodore Dallas
Secretary, Maryland Department of Human Resources

DATE: 2/7/13


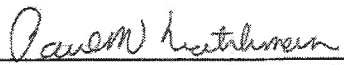
Brenda Donald
Director, District of Columbia Child & Family Services Agency

DATE: 1.30.13

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 4th Day Of February, 2013



Carol Ann Smith, Assistant Attorney General,
Maryland Department of Human Resources



Paul M. Kratchman, Assistant General Counsel
Child and Family Services Agency

First Extension of the Border Agreement Between
The State of Maryland, Department of Human Services and
The District of Columbia, Child and Family Services Agency

- I. The Border Agreement between the State of Maryland ("MD") and the District of Columbia ("DC") entered on February 7, 2013 ("Border Agreement") expired on February 7, 2018.
- II. The State of Maryland's Maryland Department of Human Services ("DHS") and the District of Columbia's Child and Family Services Agency ("CFSA") hereby revive or reinstate the Border Agreement with the same terms and obligations contained in the attached Border Agreement.
- III. This extension shall become effective beginning on the date of the last signature to the extension and shall remain in effect for five years unless terminated earlier as specified in Section IV of the Border Agreement.


Whereby the parties to this First Extension of the Border Agreement by their signatures consent and agree to the terms of this extension of the Border Agreement and the terms of the Border Agreement.



Lourdes R. Padilla

Secretary, Maryland Department of Human Services

DATE: 6/8/2018



Brenda Donald

Director, District of Columbia Child and Family Services Agency

DATE: 6-11-18