

February 4, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-136

The notice is intended for County Child Welfare and County Adoption Offices, to implement the use of The National Electronic Interstate Compact Enterprise (NEICE) Case Management System (CMS).



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

February 4, 2021

ALL COUNTY LETTER (ACL) NO. 20-136

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGER
ALL PRIVATE ADOPTION AGENCIES
ALL COUNTY ADOPTION OFFICES
ALL COUNTY CHIEF PROBATION OFFICERS
ALL INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)
LIAISONS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: THE NATIONAL ELECTRONIC INTERSTATE COMPACT ENTERPRISE
(NEICE) CASE MANAGEMENT SYSTEM (CMS)

REFERENCE: [ALL COUNTY LETTER \(ACL\) NO. 17-113](#), [FAMILY FIRST PREVENTION SERVICES ACT \(H.R. 5456 \(FAMILY FIRST\)\)](#), [FAMILY CODE SECTION 7900, ET SEQ.](#)

The purpose of this ACL is to disseminate information and instructions to counties and other interested stakeholders regarding the implementation and use of the NEICE. This ACL supersedes ACL No. 17-113.

The NEICE was launched in November 2013 as a pilot project with six states in collaboration with the American Public Human Services Association (APHSA). Following a successful pilot and with support from the Administration for Children and Families (ACF), the NEICE is now expanding nationwide. The NEICE will support the efficient and effective placement of children across state lines outlined in the Interstate Compact on the Placement of Children (ICPC). The NEICE provides real-time information exchange for the safe and timely placement of youth out of state including wards and dependent children, non-minor dependents (NMDs), and privately placed youth. It eliminates the paper form currently in use but does not replace data entry of ICPC related activities into the Child Welfare Services/Case Management System (CWS/CMS).

The NEICE has potential impact on county Child Welfare Services Agencies (CWSAs), regional offices, and field adoption offices by replacing the existing paper-based forms

process for ICPC requests. The work required and the time for the states to exchange paperwork is significantly reduced, and as a result, children spend less time waiting for placement. The NEICE allows child welfare workers to communicate and provide timely updates to courts, parties and their attorneys, Indian tribes and their relevant agencies, relevant private service providers, and families awaiting placement. The California Department of Social Services (CDSS) requires county CWSAs to participate in the NEICE, which is available through a service agreement between CDSS and APHSA.

In accordance with the Family First Prevention Services Act (FFPSA), within Division E of the Bipartisan Budget Act of 2018 (P.L. 115-123), states must implement an electronic interstate case-processing system by October 1, 2027. States may choose to participate anytime up to 2027, and, as discussed in more detail below, optional federal funding is available to assist them in developing such a system. Utilization of the NEICE system satisfies this requirement for CDSS and county CWSAs. CDSS is exploring options for county juvenile probation departments to access the NEICE, but such access is currently unavailable.

The Private Adoption Agencies (PAAs) will continue to use the current paper processes, as federal requirements regarding usage of NEICE does not apply to PPAs.

All tribes are exempt from the FFPSA's requirements regarding the electronic interstate case-processing system, as the tribes are not members of the Interstate Compact and there currently is no mechanism for them to join the Compact. CDSS is exploring mechanisms for tribal access to NEICE, for both Title IV-E agreement tribes¹ who opt to use the ICPC for out-of-state placements and for tribes who wish to track the status of ICPC approval of placements for their children. If access is granted to Title IV-E agreement tribes by APHSA, CDSS will begin working with the Title IV-E tribes, including negotiating modifications to the Title IV-E agreements if necessary, to ensure their access to NEICE conforms with their own child welfare practices and individual Title IV-E agreements with CDSS. If access to the NEICE system is granted to tribes, CDSS will issue further guidance that explains the extent of access for tribes and any requirements for and/or limitations on its use by tribes.

BACKGROUND

The ICPC is an agreement among member states and United States (U.S.) territories authorizing them to work together to ensure that when children are placed across state lines, the children receive adequate protection and support services. In 1975, California adopted the provisions of the ICPC, now found in Family Code Section 7900 et seq. This statute designates CDSS as "the appropriate public authority" responsible for

¹ For the purpose of this letter, this means the tribes with a Title IV-E of the Social Security Act agreement established pursuant to Welfare and Institutions Code section 10553.1.

administration of the ICPC. The ICPC protects children and families through laws and policies that clarify the responsibilities of the sending and receiving states regarding funding, protection and support services, and supervision of a child when moved from their home state. Most administrative requirements of the ICPC have historically been finalized through certified mail, which hinders the timeliness of placement. In addition, duplicate cases are frequently created for children and families in the paper-based system because there is no mechanism for cross-referencing case records state- and nationwide.

In response to these barriers, the APHSA collaborated with the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) and the ACF to contract with an information technology company to design and initiate the NEICE system. The initial pilot of six states in November 2013 resulted in shortened processing times and reduced administrative costs for the participating states. Not all 50 states and U.S. territories have agreed to implement the NEICE at this time. APHSA hopes to have nationwide NEICE participation by 2027.

Implementing the NEICE statewide will allow counties to increase Continuous Quality Improvement (CQI) efforts. The NEICE can produce reports, safe and timely notifications, security, and live placement data. These elements aim to improve practice, service delivery, and outcomes for children being placed across state lines.

CDSS has entered into an agreement with APHSA and is funding the required annual fee. This agreement allows for statewide use of the NEICE to facilitate the transfer of information between the sending and receiving state agencies consistent with the ICPC. The NEICE is a state-hosted secure server custom-designed by an information technology company for processing the exchange of information between states for ICPC cases. The system is designed to allow centralized changes which are immediately available to all states rather than having to test and implement changes in each state individually.

IMPLEMENTATION PLAN

CDSS has elected to utilize a phased implementation of the NEICE to better accommodate training needs and identify any changes to be made to administrative processes at both the state and county levels. In July 2016, CDSS state operations and regional adoption offices implemented the NEICE for residential and adoption placement requests.

When Congress enacted the FFPSA, it added optional funding to support permanency for foster youth. Included among these optional programs was funding to "facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or

adoptive homes across State lines." (42 U.S.C. § 629g, subd. (g)(1).) In order to qualify for a federal grant for this funding, a state must outline the goals and outcomes expected from the case-processing system. Those goals and outcomes must include 1) reduction in time needed to achieve permanency for a child placed in another state, 2) improved administrative processes and reduced costs to the foster care system, and 3) secure exchange of relevant case files and other necessary information as well as timely communication and placement decisions among the states. (42 U.S.C. § 629g, subd. (g)(2)(A).) A state must also describe the activities to be funded in whole or in part with the federal funds, including how those activities will be rolled out, and describe the strategies for integrating programs and services for children who are placed in another state. (42 U.S.C. § 629g, subd. (g)(2)(B) & (C).)

In order to ensure that California meets the 2027 deadline for implementation of the electronic interstate case-processing system, CDSS elected to participate in this optional program, adopting the NEICE to receive the additional federal funds to support permanency for California's foster youth. CDSS must require counties to implement this unified system as part of the grant requirements.

CDSS has an MOU with APHSA. Counties may access the current state implementation list and future additions through the APHSA main website at www.aphsa.org. When accessing the NEICE system, each user is required to agree to terms and conditions of the MOU including, but not limited to, compliance with applicable laws for privacy and security of confidential and sensitive information provided by or through the NEICE system. Therefore, individual counties do not need to enter into separate MOUs to use the system.

As with any information technology, the possibility of data breaches exists. When a county learns of any data breaches associated with placement information provided from another jurisdiction, it must immediately notify the California ICPC Deputy Compact Administrator (DCA), complete a summary report of the breach, and comply with other measures described in the attached MOU. Contact information for the DCA may be found on the CDSS website.

Access to NEICE is currently not included in the Title IV-E tribe agreements, nor is it required for Title IV-E tribes. As noted above, CDSS is exploring mechanisms to provide tribal access. If a tribe has an ICPC case, it is expected that the county child welfare agency will collaborate with the tribe for the processing of an ICPC request, as well as keep the tribe informed of the status of the request.

Paper forms and supporting documents will continue to be used for out-of-state placement requests by juvenile probation. Probation officers are encouraged to

securely submit the Regulation No. 4 Residential placement packets to the ICPC email box.

WORKFLOW

What information and data can be transmitted electronically through the NEICE system is dependent on the state and/or territory participating in the system. Just as with the current paper form, sending and receiving states can initiate and respond to a request with an ICPC 100 A form through the NEICE, including requests for assessments of placement for NMDs. The only agencies able to view the information are the sending or receiving agencies involved in the interstate placement of the child.

The workflow and processes of the NEICE are adaptable to the structure of the county. Each county will select and delegate specific user roles, which will impact the transmittal workflow process within the NEICE.

The NEICE's functionality increases when used in conjunction with Adobe Pro. It is suggested that users obtain access to an Adobe Pro license to work in a paperless environment and directly upload the ICPC documents into the NEICE.

Technical assistance will be provided by the technical vendor and CDSS to alleviate challenges and offer support to county users. Within the NEICE itself, a technical assistance portal can be accessed directly by the user and is monitored regularly by the technical vendor. CDSS Out-of-State Placement Policy Unit will provide technical assistance as it relates to programmatic entry into the NEICE. In addition, online training links and videos, user manuals, and webinars have been created for training purposes.

COUNTY ICPC ADMINISTRATOR AND RESPONSIBILITIES

Each county will appoint an ICPC administrator with the ability to add and delete users at the local level. The California ICPC DCA will serve as the back-up for each county to assist in user accounts.

The county ICPC administrator is responsible for managing the county NEICE users. This includes but is not limited to adding and removing NEICE users, ensuring staff receive the proper information and security training, and reporting all breaches to the California ICPC DCA. The county ICPC administrator is also responsible for ensuring that only county authorized users access and use the NEICE system in accordance with the purposes of the attached APHSA and CDSS MOU and that the county authorized users protect the confidentiality of the information received through the NEICE system in accordance with all applicable state and federal confidentiality and privacy laws.

ICPC REGULATIONS

The ICPC regulations that have an active administrative process are outlined below to give direction on the workflow within the NEICE:

Regulation No.1 Conversion of Intrastate placement into interstate placements relocation of family units and Regulation No. 2 Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives. This will be conducted autonomously by the county through the NEICE. Consistent with the current paper process, the county ICPC coordinator will enter a new case into the NEICE and upload the supporting documentation specific to the type of request. The NEICE will generate an ICPC 100 A form, which can be electronically signed by the sending party. These documents are then directly transmitted to the receiving state ICPC DCA. The receiving state DCA will then directly respond to the request. Case worker users will enter cases and submit directly to the ICPC Coordinator for review and then transmittal. The county's structure will determine user role assignment. Placement requests for **Regulation No. 7 Expedited Placement Decision** is an option within the NEICE for placements that fit the criteria listed within the ICPC.

Regulation No. 4 Residential Placement. This will be conducted in conjunction with CDSS central office for approval and transmittal to the receiving state. Currently, probation departments are not able to access the NEICE, but CDSS is exploring options for usage. The county will enter a new case into the NEICE and upload the supporting documentation. The case will then be transmitted to the central office for review. The ICPC 100 A form will be electronically signed by CDSS central office and transmitted directly to the receiving state. The receiving state will approve or deny the placement resource and transmit the request back to CDSS central office. Upon receipt of approval or denial of the placement resource, CDSS central office will transmit the information to the county user. Both county case worker and county ICPC coordinator can submit a placement request to CDSS ICPC central office. If the receiving state is not participating in the NEICE and does not accept electronic requests, the current paper process is to be followed.

Regulation No. 8 Change of Placement Purpose. The ICPC 100 B form can be generated by the NEICE and submitted directly to the receiving state or CDSS central office. For residential placement the county will have the ability to submit the ICPC 100 B form to CDSS ICPC central office for initial placement, changes to placement, or case closure. This will allow for CDSS ICPC central office to transmit the form to the receiving state.

Regulation No. 12 Private/Independent adoption. Currently, private adoption agencies are not able to access the NEICE, but CDSS is exploring options for usage.

For independent adoptions, the delegated county adoption agencies and regional adoption offices that manage independent adoptions may input a new case into NEICE and upload the supporting documentation. The ICPC 100A can be generated and electronically signed and transmitted to the receiving state by the County or Regional Office user.

CDSS will work alongside the counties and the technical vendor to have user accounts established and begin training on the NEICE system.

If you have any questions or need additional guidance regarding the information in this letter, contact the Out-of-State Placement Policy Unit at (916) 651-8100 or at ICPC@dss.ca.gov.

Sincerely,

Original Document Signed By:

DAVE MCDOWELL
Branch Chief
Children's Services Operations and Evaluation Branch