



INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

“THE PURPOSE BEHIND THE TRAVEL”

BACKGROUND OF THE LAW

The East Coast Social Services committee identified four problems:



- ❑ The failure of importation and exportation statutes enacted by individual states to provide protection for children. (These laws couldn't be enforced beyond the border of the state).
- ❑ That there was no legal way to monitor a child's placement once placed out of state. (No way of ensuring the delivery of support services to the caregiver of the child in the other state).

- ❑ That the state that where a child was placed had no legal means to enforce support or payments from the sending state. (No way to ensure payments for the child's educational and other services).
- ❑ That since jurisdiction ends at a state's border, the sending state has no way to legally remove a child from a bad placement or compel his return to his state of origin. (The sending state had no way to remove a child from a bad home).

In response to these problems, the Interstate Compact on Placement Of Children was drafted to establish and protect the rights and responsibilities of all parties involved in the interstate movement of children.

BACKGROUND OF THE LAW



INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

Brief History

- ❑ In 1960, New York became the first state to enact the Compact
- ❑ All 50 states, the District of Columbia and the U.S Virgin Islands participate in ICPC for children who are under court jurisdiction.
- ❑ It is the purpose and policy of the Party States to cooperate with each other in the interstate placement of children.



PURPOSE

What is ICPC and why is the Compact Important?



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PURPOSE OF THE COMPACT



The purpose of the ICPC is to ensure that if a child is moved across state lines, that child's rights are protected as if they were in their home state and all legal requirements are observed.

PURPOSE OF THE COMPACT

Ensure

Ensure protection and services to children who are placed across state lines for the purpose of foster care, adoption, group homes, or residential placement.

Provide

Provide each child requiring placement across state lines with the maximum opportunity for securing care and protection in the most suitable setting;

Ensure

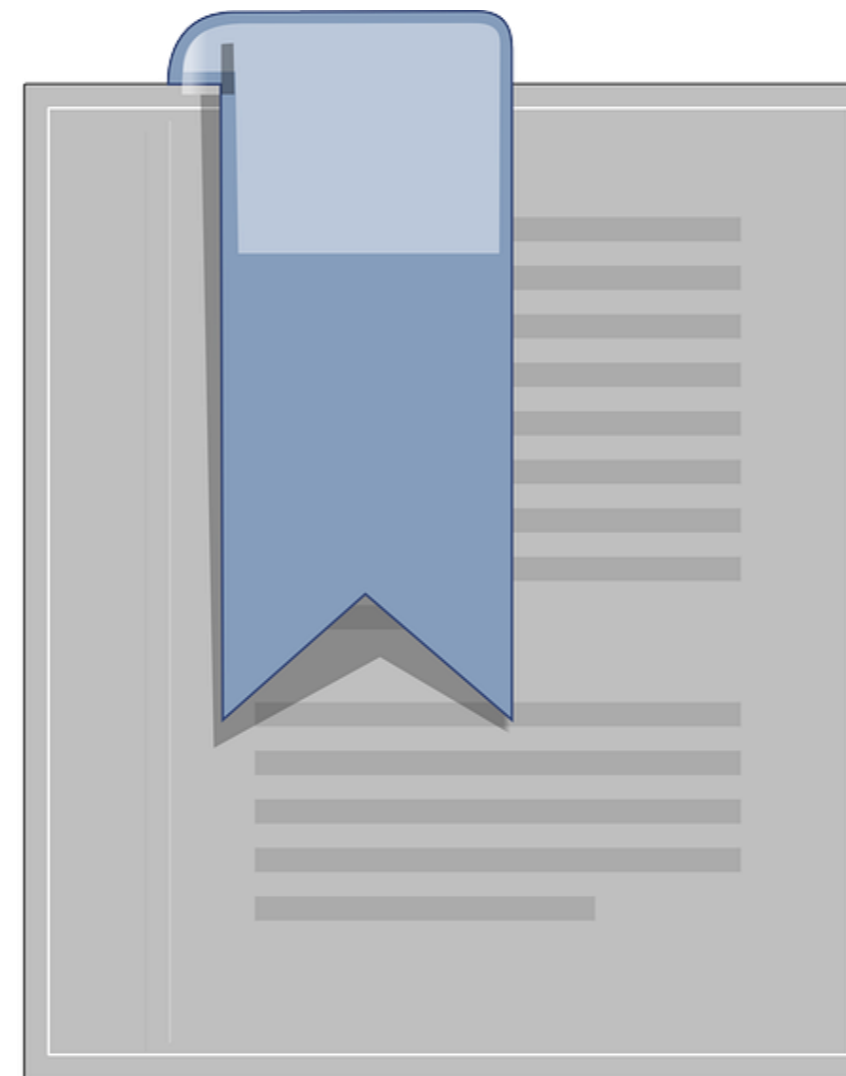
Ensure that both the sending and receiving state authorities have sufficient background information to make informed decisions concerning the appropriateness of a proposed placement;

Designate

Designate where planning, financial, and jurisdictional responsibility for the child lies.

ICPC ARTICLES

- ❖ Article I. Purpose and Policy
- ❖ Article II. Definitions
- ❖ Article III. Conditions for Placement
- ❖ Article IV. Penalty for Illegal Placement



- ❖ Article V. Retention of Jurisdiction
- ❖ Article VI. Institutional Care of Delinquent Children
- ❖ Article VII. Compact Administrator
- ❖ Article VIII. Limitations This Compact shall not apply to/



ICPC ARTICLES

Article I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a)** Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

- (b)** The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

- (c)** The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

- (d)** Appropriate jurisdictional arrangements for the care of children will be promoted.

ICPC REGULATIONS

- ❖ Regulation 1: Relocation of Family Units (Intact Family)
- ❖ Regulation 2: General Placement
- ❖ Regulation 3: Definitions
- ❖ Regulation 4: Residential Placement
- ❖ Regulation 5: Central State Compact Office
- ❖ Regulation 6: Permission to Place Child: Time Limitations, Reapplication

- ❖ Regulation 7: Priority Placement
- ❖ Regulation 8: Change of Placement Purpose
- ❖ Regulation 9: Definition of a Visit
- ❖ Regulation 10: Guardians
- ❖ Regulation 11: Supervision
- ❖ Regulation 12: Private Adoptions

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ICPC REGULATIONS (CONT.)

REGULATION NO. 2

Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives

The intent of this regulation is to provide at the request of a sending agency, a home study and placement decision by a receiving state for the proposed placement of a child with a proposed caregiver who falls into the category of: placement for public adoption, or foster care and/or with parents, or relatives.



PARENTS AND RELATIVES

Individuals who are considered for a Parent/relative placement include:

- ❖ Parent
- ❖ Stepparent
- ❖ Grandparent
- ❖ Adult Uncle or Aunt
- ❖ Adult Brother or Sister
- ❖ Child's Guardian



NOTE: This regulation is adopted pursuant to Article VIII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children.

States that “DO NOT” recognize Relative Home Studies:

- ❖ Massachusetts (MA-ICPC)
- ❖ Michigan (MI-ICPC)
- ❖ Mississippi (MS-ICPC)
- ❖ New Jersey (NJ-ICPC)
- ❖ New York (NY-ICPC)
- ❖ Rhode Island (RI-ICPC)
- ❖ Virginia (VA-ICPC)

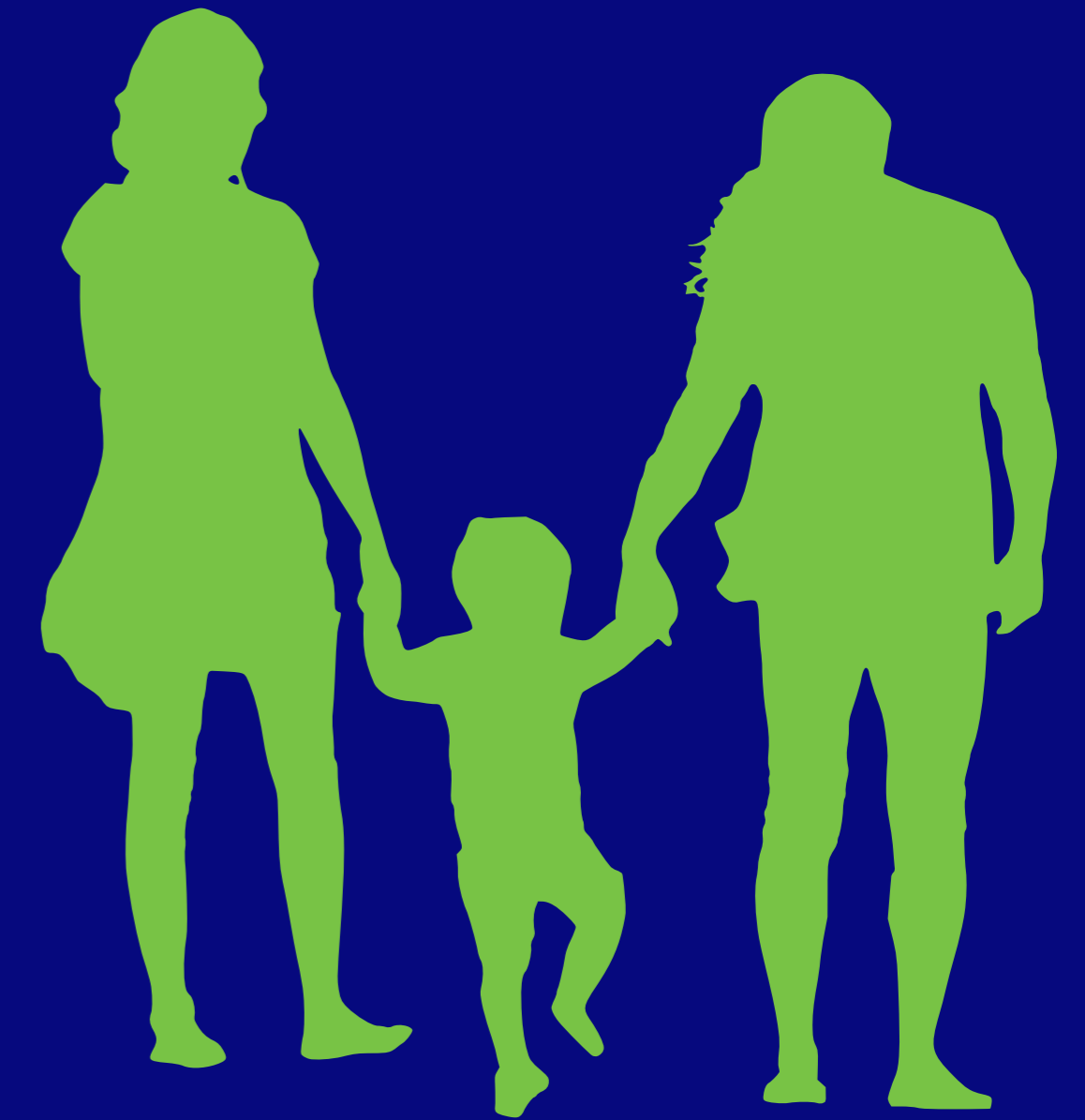
These states require their placement resource(s) to become certified in their state.



PARENTS AND RELATIVES

PARENT(S)

PARENT HOME STUDY



- ❖ Applies to the home study conducted by the receiving state;
- ❖ To determine whether a parent placement meets certain standards;
- ❖ The standards are set forth by the requirements of the receiving state
- ❖ **Hawaii (HI-ICPC)** and **Washington (WA-ICPC)** no longer accept parent home studies on non-custodial, non-offending parents. This is when a child(ren) is/are under the custody of the state and reunification is being considered with a non-offending/non-custodial parent.
- ❖ In lieu of a home study, HI-ICPC has developed policies/procedures that allow for the submission of requests for a courtesy visit.
- ❖ **New York (NY-ICPC)** will not accept or send ICPC parent home study requests.
- ❖ **Texas (TX-ICPC)** does not accept parent home studies for non-offending parents unless it has been court-ordered.

REGULATION 7 – EXPEDITED PLACEMENT DECISION

The intent of this Regulation is to expedite ICPC approval or denial by a receiving state for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, under Article VIII(a) of the ICPC.



REGULATION 7 – EXPEDITED PLACEMENT DECISION (CONT.)

The Criteria for Regulation 7

- ❖ Unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental, or physical condition of a parent or guardian, or
- ❖ The child sought to be placed is four years of age or younger, including older siblings sought to be placed with the same proposed placement resource; or
- ❖ The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource.
- ❖ The child is currently in an emergency placement.
- ❖ This regulation shall not apply if the child has already been placed in violation of the ICPC in the receiving state; for licensed or approved foster care or adoption; the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.



REGULATION 7 – EXPEDITED PLACEMENT DECISION (CONT.)

EXPEDITED TIMEFRAME



- ❖ Sending state court orders: The Sending State court shall enter an order consistent with the **Regulation 7 Form Order for Expedited Placement Decision Pursuant To The ICPC** adopted with this modification of Regulation No. 7 subject to any additions or deletions required by federal law or the law of the sending state. The order shall set forth the factual basis for a finding that Regulation No. 7 applies to the child in question.
- ❖ The Sending State Court shall send a copy of its signed order of compliance (**REGULATION 7 FORM ORDER FOR EXPEDITED PLACEMENT DECISION PURSUANT TO THE ICPC**) to the sending state agency within two (2) business days of the hearing or consideration of the request.
- ❖ The Sending Agency (LA-DCFS caseworker) sends the ICPC request to the Sending State ICPC Office within three (3) business days of receipt of the signed Order of Compliance, **Completed form 100A, Form 101, and other supporting documents.**
- ❖ The Sending State ICPC office sends the ICPC request to the Receiving State ICPC Office within two (2) business days after receipt of a complete Regulation 7 request.
- ❖ Time frame for the Receiving State ICPC office to render an expedited placement decision no later than twenty (20) business days from the date that the forms and materials are received by the Receiving State Compact Administrator.

VIOLATION OF THE COMPACT



VIOLATION OF THE COMPACT



VIOLATION

If a child/ren is placed across state lines without an approved home study:

- ❖ It would be considered an illegal placement which is a violation of Article IV Under the Compact.

- Article IV. Penalty for illegal Placement.

- ❖ The child/ren is not protected under the Compact and the receiving state does not have to allow the child to remain in that state.
- ❖ If a child/ren is placed or even sent on a visit while a referral is pending the receiving state does not have to proceed with the referral. Some states will deny the placement and close out the case. The receiving state can ask for the child to return to the sending state.

ICPC REFERRAL CHECKLIST (SENDING AND RECEIVING STATE)

Date:

Parish/Region/State:

Child/Children Name:

Placement Resource's Name:

___ Form 100-A (Create in NEICE)

SECTION I: MANADATORY INFORMATION

___ Cover Letter

___ Current Custody Order (The court order must state the child/ren is in LA-DCFS custody or the sending state has Jurisdiction. The court order must be less than one year old, and it CANNOT be an Instanter Order. The order must show jurisdiction for the sending or receiving state agency). TPR Judgement (if applicable).

___ Regulation 2 Case Manager Statement. (This information can be included in your Cover Letter. It is inclusive of details about criminal and agency's background check, name, address, number of rooms in the home, etc.)

___ Current Social Summary or AFF/Assessment Family Functioning

___ Current Case Plan

___ Financial/Medical Plan

SECTION II: OTHER PERTINENT INFORMATION Needed Regarding the Child

___ Psychological/Psychiatric Evaluation(s) and Therapy reports

___ Birth Certificate

___ Social Security Card

___ School Records (IEP)

___ Medical Information (98-F)

___ Immunization Record

___ IV-E Documentation (FAST-IV)

___ Proof of Paternity (AL and GA requires proof of paternity if the request is with a paternal relative).

___ Parent Home Study Request for Texas (If the ICPC referral is for a non-offending parent Texas requires a court order for the request).

For policy on referral documents referral to ICPC Policy 11-225

ICPC REFERRAL CHECKLIST

(SENDING AND RECEIVING STATE)

APHSA

APHSA: American Public Human Services Association

Web link: Aphsa.org



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OF CHILDREN

THANK YOU