STANDARD FOR THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) programs regarding the placement, and/or supervision of children placed across state lines for foster care or adoption through the Interstate Compact on the Placement of Children (ICPC). This standard is intended to achieve statewide consistency in the development and application of CFS core services and shall be implemented in the context of all applicable laws, rules and policies. The standard will also provide a measurement for program accountability.

INTRODUCTION

The current ICPC has been enacted by all states, the District of Columbia, and the U.S. Virgin Islands. It establishes procedures to ensure that children placed across state lines for foster care or adoption are placed with persons who are safe, suitable, and able to provide proper care. It also establishes legal and financial responsibility for supervision and the provision of services for the child.

In order to protect all parties involved in an interstate placement, the ICPC:

- Provides the sending agency the opportunity to obtain home studies and an evaluation of the proposed placement;
- Allows the prospective receiving state to ensure that the placement is not "contrary to the interests of the child" and that its applicable laws and policies have been followed before it approves the placement;
- Guarantees the child legal and financial protection by assigning financial responsibility for the ongoing support and services of a child with the sending agency or individual;
- Ensures that the sending agency does not lose jurisdiction once the child moves to the receiving state; and
- Provides the sending agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

The ICPC process entails a complete home study conducted by the receiving state. All foster, relative, parent and adoptive home studies shall include the following information about the proposed placement family:

- Social and medical histories;
- Backgrounds;
- Parenting and discipline styles;
- Employment and financial histories;
- Physical evaluation of their home;

- Criminal and child abuse background history;
- Personal and professional references;
- Foster or adoptive parent training, if applicable; and
- Social Worker recommendations.

Once the placement is determined to be "not contrary to the welfare of the child" and the child is placed, the receiving state is responsible for ongoing supervision of the placement and for providing support services to the family and regular reports to the sending state agency as agreed to at the time of placement authorization.

The ICPC law contains ten (10) articles that define the types of placements subject to the law; the procedures to be followed in making an interstate placement; and the specific protections, services, and requirements under the law.

The provisions of the ICPC law, as well as the requirements of the "Safe and Timely Interstate Placement of Foster Children Act of 2006" are addressed in this standard.

TERMS (as defined in the ICPC Articles)

Exempt Relative

Those relative placements specifically enumerated by Article VIII –parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or legal guardian - as being exempt from compliance with the ICPC in certain circumstances. When an individual of the exempt class is the person/agency sending the child as well as the placement recipient, the placement is not subject to compliance with the ICPC. In order for a legal guardian to qualify as an "exempt relative" the guardianship must have existed prior to the *plans* for placement. Appointment of the proposed caretaker (relative, foster or adoptive) as the child's legal guardian, at the time the placement is proposed, *does not avoid* the requirement to comply with the ICPC.

Regulation 1

Regulation 1 is the regulation that provides guidance to those cases where an intrastate (within the state) placement converts to an interstate (between states) placement. A placement that was initially intrastate becomes an interstate placement subject to the ICPC when the child's *current* resource family moves to another state.

Regulation 7

A regulation which applies when a court determines, *through a court order*, that a placement is a priority placement because:

- The proposed placement resource is a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian; *and*
 - One child in the sibling group is under five years of age; or
 - o The child is in an emergency placement; or
 - o The court finds the child has a significant relationship with the proposed placement resource; *or*

• The child is in care due to a sudden or recent incarceration, incapacitation or death of a parent or guardian.

Regulation 7 excludes placements that are requesting foster care licensure and/or adoption or when the child is in the receiving state in violation of the ICPC. Regulation 7 requires the receiving state/agency to complete the assessment and make a placement determination within twenty (20) business days.

With the changes to Regulation 7, which went into effect October 1, 2011, there is now the option of requesting provisional approval for placement. If provisional approval is requested, the time frame for the initial decision is seven (7) **calendar** days from the time of receipt in the receiving state. If placement is approved, the child may be placed, and the receiving state will follow up with a comprehensive home study.

IMPLEMENTING THE STANDARD

When the ICPC Applies

The following case situations *are* subject to the ICPC:

- Birth parent reunification in another state whenever a court has jurisdiction over the child who is being placed;*
- Relative care by a relative in another state whenever a court has jurisdiction over the child who is being placed; **
- Foster family care or group home care in another state when the placement duration is more than 30 days;
- Placement in a residential treatment facility in another state by a parent, agency, or court;
- Placements preliminary to domestic adoption between states by a public agency, private licensed child-placing agency, or by an independent/private attorney, parent, or intermediary; and
- International adoptions when the child is placed in one state with an agency and subsequently is placed in a second state for the purpose of adoption.

*Only under specific circumstances may the court transfer the child to a non-custodial parent without ICPC compliance (See Regulation No. 3.6(b)).

When the court has jurisdiction of the child to be placed, the court **may not grant custody of the child to an out-of-state relative without ICPC compliance.

Under certain situations, placement of a child across state lines *is not* subject to the ICPC. These situations include:

- Birth parent to birth parent placements, when no court has assumed jurisdiction of the child to be placed;
- Birth parent to certain exempt relative placements or guardians (refer to definition), when no court has assumed jurisdiction of the child to be placed;

- Exempt relative to birth parent or to other exempt relative, when no court has assumed jurisdiction of the child to be placed;*
- A child who is admitted for acute care to any hospital or other medical facility when the facility is not licensed for residential care in substitution for parental care or foster care;
- Visits (see page 10);
- Placement of a child into or out of Mexico, Canada, Puerto Rico, Guam, or American Samoa:
- International adoptions when the child is placed from the foreign country directly into the adoptive family's state of residence when Immigration and Naturalization has issued an IR-3 visa for the child being adopted; and
- Idaho's legal status of protective supervision is not sufficient to request services through the ICPC. It does not provide sufficient legal jurisdiction to invoke the ICPC as such jurisdiction must include the power to cause the return or transfer of the child as well as the financial responsibility for support and maintenance of the child.

Referrals for Interstate Placements

When an interstate placement is being considered, the ICPC requires that the sending agency submit a "written notice" of the proposed placement. This "notice" is submitted to the sending state's ICPC Compact Administrator, first, who then forwards it to the prospective receiving state's ICPC Compact Administrator.

The "notice" must consist of:

- ICPC-100A, "Interstate Compact Placement Request" Form for each child and for each type of placement (i.e., foster care and adoption);
- Custody and/or Termination of Parental Rights Order, which shows the sending agency has sufficient jurisdiction to be legally and financially responsible for the child:
- Current Service Plan including the Alternate Care Case Plan;
- Medical and Financial Plan for the child if placed with the proposed placement. This plan must include the child's current IV-E eligibility status and eligibility status if placed in the receiving state;
- Medical, educational, mental health, and/or developmental records; and
- Statement from the case worker confirming the potential placement resource is interested in placement, the correct address and phone number, number and type of bedrooms, financial statement, and the acknowledgement that a criminal history check will be completed for all adults residing in the home.

^{*} In order for a legal guardian to qualify as an "exempt relative" the guardianship must have existed prior to the **plans** for placement. Appointment of the proposed caretaker (relative, foster or adoptive) as the child's legal guardian, at the time the placement is proposed, **does not avoid** the requirement to comply with the ICPC.

In cases where a placement is initially intrastate in nature becomes an interstate placement subject to the ICPC (Refer to Term: "Regulation 1"), the "written notice" must be made immediately. In addition to the items listed above the "notice" must include:

- A copy of the most recent license, certificate or approval of the qualifications of the placement resource;
- A copy of the most recent home study of the placement resource and any updates,
- Evidence that the placement resource has completed required training in the sending state;
- A request that the receiving state provide prompt handling of the request with regard for the desired time for the child to be sent or brought to the receiving state; and
- Form ICPC 100B with the date of the move to begin supervision.

In every case the "written notice" must contain five (5) copies of the ICPC-100A and three (3) copies of all other records. If the forms are sent electronically, only one copy is required.

Upon receiving "written notice" of the proposed placement, the receiving state's ICPC Compact Administrator will forward the documents to the appropriate agency in the receiving state. As the receiving state, the Idaho ICPC Administrator will forward the documents to the regional field office ICPC Liaison. If the region contracts with a private agency to conduct the home study, the field office will forward the "written notice" to the contractor.

After the local agency has completed the requested assessment, it prepares a home study (directly or by contract) that includes a recommendation on whether or not the placement should be made. This information is returned to the ICPC Compact Administrator in the receiving state for review. If the local agency's recommendation is positive *and* the ICPC Compact Administrator determines that all requirements of the receiving state's laws have been met, and the placement is not contrary to the best interests of the child, the placement will be approved. If the local agency recommends against the placement and/or the ICPC Compact Administrator determines that the placement cannot legally be made, or is contrary to the best interests of the child, the placement will be denied. In either case, the ICPC Compact Administrator notifies the sending state's ICPC Compact Administrator and forwards copies of the assessment and placement decision for the sending agency.

Time Frames for ICPC Requests

The Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) requires states, in the cases of foster care, relative, and adoptive home studies, to do the following:

- Evaluate the home environment in accordance with applicable requirements of the state in which the home is located; and
- Conduct, complete and report the results of the home study within sixty (60) calendar days after the ICPC Administrator receives the request. This time frame does not require the receiving state to have completed the parts of the home study

that involve education and training for prospective foster, relative, or adoptive parents.

In Idaho, the sixty (60) calendar days to conduct and complete a home study will begin upon the "start date" on the "presenting issue" and "service request screens" in FOCUS. The "start date" will be entered by the ICPC Compact Administrator and will be defined as the date Central Office receives a complete packet from the sending state. The FOCUS "response date" entered, by the ICPC Compact Administrator, on the home study presenting issue will be defined as the date the ICPC Compact Administrator processes the request and confirms the request with the sending state.

Within three (3) business days of the receipt of the complete written notice or home study request, the Idaho ICPC Compact Administrator will forward the request to the regional field office ICPC Liaison.

In situations where the sending state does not comply with the request for missing documentation within the sixty (60) calendar day period and the missing documentation is such that the social worker is unable to ascertain whether the home environment meets the individual needs of the child; or in situations where the social worker determines completion of the home study is not in the best interest of the child, the placement request should, within the required time period, be denied.

Suggestions on how to meet the required sixty (60) calendar day timeframe:

Responsibilities of the ICPC Compact Administrator

- The compact administrator receives written notification from sending state. The compact administrator will request any additional missing documentation at time of review.
- Within three (3) business days after receipt of the complete home study request, the compact administrator will enter the service request in FOCUS using the "Presenting Issue Start Date." The due date of the study shall be indicated on the ICPC transmittal sheet sent to all parties.

Responsibilities of the Regional Supervisor

- The regional supervisor shall assign the ICPC home study request for completion within two (2) business days of receipt.
- Within the two (2) business days of receipt, the regional supervisor shall request any additional missing documentation, if any.

Responsibilities of the Social Worker

Upon assignment of the home study, the assigned social worker will make
reasonable efforts to contact the proposed caregiver to set an appointment for the
home visit and to provide instructions regarding the criminal history process. If
the initial contact was written contact, the social worker shall follow this contact
with a telephone call to schedule the home visit or prior to denying the ICPC
request.

- During initial contact with the proposed caregiver, whether written or verbal, the social worker shall provide:
 - (1) Instructions regarding the criminal history process;
 - (2) A request to complete the fingerprint process within a two (2) week calendar time period;
 - (3) A statement that the request for placement will be denied if the fingerprints are not completed within the time period or other arrangements are not agreed upon; and
 - (4) Directions on how to contact the social worker.
- The social worker shall monitor the criminal history process during the two (2) calendar week time period.
- After completion of the home study, the social worker shall mail the home study and recommendations, in triplicate, within fifty-five (55) calendar days of the Date of Receipt. The home study shall be sent by any method which will insure delivery to Central Office within the fifty-five (55) calendar day time period. If sending electronically, only one copy is required.

Responsibilities of the ICPC Compact Administrator

- The compact administrator shall make a determination of placement and notify the sending state no later than the required sixty (60) calendar day time period.
- The compact administrator shall send notification by any method which will insure receipt of the notification by the due date.

Other recommendations to insure a timely response include:

- Scanning the document to a .pdf file, and emailing one copy to the Idaho ICPC office;
- Use of overnight mail (i.e., Federal Express, UPS, etc.);
- Have the family immediately initiate the Criminal History Unit background check and begin gathering other information for the home study prior to receiving the criminal history results;
- Use of a licensing variance (refer to Resource and Family Licensing for Relatives and Non-Relatives Standard) to expedite the foster care placement of a child from another state into Idaho. Use of a licensing variance is appropriate as long as there are no safety concerns and the variance pertains to non-safety rules or training. Examples of non-safety foster care standards which may be considered for a variance include, but are not limited to: training requirements; bedroom or sleeping arrangements. However, according to the Resource Family Licensing for Relatives and Non-Relatives Standard, an ICPC assessment requires the standard IDHW Criminal History Background Check for all adults eighteen [18] years or older living in the home;
- Use of contracts with private agencies to conduct home studies when doing so is necessary to meet the time frames; and/or
- Conduct, complete and return a preliminary report to the Idaho ICPC office. This report need not include a recommendation for placement, but must address "the extent to which placement in the home would meet the needs of the child". The preliminary report must also include the condition(s) which must be met in order

to provide a recommendation of placement approval. Examples of conditions to placement may include, but are not limited to:

- o Satisfactory completion of criminal history checks; or
- o Receipt of favorable medical reports or personal references.

If the preliminary home study is submitted then an addendum to the report must also be submitted once the study is fully complete. The addendum should also include a recommendation for or against placement if one was not provided in the preliminary report. Once a recommendation for placement is made the authorization remains valid for a six (6) month period.

P.L. 109-239 provides the sending state with fourteen (14) calendar days to accept or reject the home study received from another state. Upon receipt of a requested home study the social worker in the sending state will, within fourteen (14) calendar days:

- Accept the home study; or
- Notify the Idaho ICPC Compact Administrator if the social worker determines that reliance on the report would be contrary to the child's welfare.

P.L. 109-239 does not obligate the social worker who made the home study request to make the placement decision within fourteen (14) calendar days. Child placement decisions, including whether or when to place a child out-of-state are decisions made by the state agency.

Child Placement

Placement of a child may be made once the compact administrator in the receiving state notifies the compact administrator in the sending state, in writing, that the proposed placement does not appear to be contrary to the interests of the child. Placement authorization is valid for six (6) months. If placement does not occur within six (6) months of the receiving state's placement authorization, a new "written notice"/request must be made. This can usually be accomplished with a new 100A, and any updates on the child and family to request an extension of the approval for an additional six (6) months.

Once placement is made, the sending agency notifies the receiving state of the placement by completing an ICPC - 100B, "Interstate Compact Report: Child Placement Status" Form. Submission of the ICPC - 100B opens the case for supervision in the receiving state.

In cases where a placement initially intrastate (within the state) in nature becomes an interstate (between states) placement subject to the Regulation 1 of the ICPC, within thirty (30) days of being notified by the sending state, or by the placement resource, that the child has arrived in the receiving state, the supervising social worker in the receiving state shall make initial contact with the placement resource to begin supervision of the placement. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interests of the child, the continued placement will be denied

and the sending agency, who remains financially and legally responsible for the child, will arrange for the return of the child or make an alternative placement.

The standard of practice when Idaho is the sending state, is to require full licensure of relative caregivers when children are placed, either intrastate or interstate, with relative caregivers (see Resource Family Licensing for Relatives and Non-Relatives Standard). There are interstate situations, however, where the initial "notice"/request to the receiving state may be for a relative home study only, rather than for full licensure. Those situations may include:

- A court order Regulation 7 Priority Placement; and
- A delay in the child's placement would be harmful to the child's well being.

If the initial study requested is a relative home study, a criminal history process must be a part of this study before placement may occur.

Following the completion of the relative home study, placement authorization as a relative placement, and the initial interstate placement of the child with the unlicensed relative, a subsequent ICPC "written notice" requesting full licensure and placement authorization as a relative foster care placement must be submitted by the child's social worker.

NOTE: No foster care costs can be made using Title IV-E or IV-B funds when a child is placed with unlicensed relative caregivers. Once the relative caregiver becomes fully licensed, a copy of the out-of-state license must be submitted to the Idaho Resource Development Unit (RDU) for a re-determination of the child's IV-E eligibility.

In those cases where the receiving state provides "certification" for relative caregivers as an alternative to licensure, written verification from the receiving state indicating that their "certification" meets IV-E eligibility criteria for reimbursement, must be submitted to the RDU. IV-E may only be used if RDU has received a copy of the family's current foster care license or written verification from the receiving state that indicates the family's "certification" meets the Title IV-E eligibility criteria in their state.

In general, when making a foster care payment to a caregiver in another state, Idaho's rates are paid. Another state's rates may be paid only with prior approval given by the appropriate Hub's CFS Program Manager. Reasons for any exception to reimbursing at Idaho's rates must be documented in FOCUS.

It is important to emphasize that in situations where a child is placed by Idaho with an adoptive family in another state, Idaho would look to its own established foster care rate structure to determine the dollar amount available for Adoption Assistance. Special allowances made on behalf of an individual child, while he/she is in foster care, which are over and above Idaho's foster care payment rates, **cannot** be included in the amount negotiated in the Adoption Assistance Agreement once the placement becomes an adoptive placement. That is because the adoption assistance payment cannot exceed

Idaho's published foster care maintenance payment rate for the child. Thus, if a special allowance is made to pay the receiving state's foster care rate for a placement that is intended to become an adoptive placement, the placement resource should be made aware, at the time the special allowance is made, that the special allowance *may not* be used as part of the adoption assistance negotiation.

Per Regulation 9, a child's interstate "visit" is not subject to the ICPC. A "visit" is distinguished from a "placement" as follows:

- Purpose. The purpose of a visit is to provide the child with a social or cultural experience of short duration;
- Duration. A visit may not be extended to exceed thirty (30) days or the school vacation period. A visit must have a planned ending date within thirty (30) days or within the school vacation period; and
- Intent. If an ICPC request for placement of the child is pending with the receiving state, the intent of the child's stay in that receiving state will be presumed to be a "placement", made in violation, rather than a "visit".

Responsibilities of the Sending and Receiving Agency

The sending agency is responsible for the ongoing support and services of a child placed in another state. The receiving state is responsible for the cost of the assessment and home study of a proposed placement and ongoing supervision of a child placed by the other state's public agency. However, the sending state may choose to enter into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

The receiving state may charge for assessments and supervision provided for placements prior to an adoption made by a private child placing agency or, as in almost all cases, refers these requests to a licensed private agency for completion.

Frequency of Contact with Children Placed through the ICPC

When sending a child to another state, Idaho will request the state in which the child is to be placed to see the child on a monthly basis. Likewise, social workers in Idaho will see children assigned to them, placed in Idaho from another state, monthly as defined in the standard related to contact between social workers, the child, and alternate care providers. Supervision requirements are also outlined in ICPC Regulation 11. Idaho children who are in out-of-state placements through interstate compact shall be visited face-to-face no less frequently than every six (6) months, by the responsible party in Idaho, by a representative of the state in which the child is placed, or by a private agency contracted by either state [*IDAPA.16.06.01.405.05*]

Closure of ICPC Cases

The ICPC requires that the receiving state provide supervision of the placement until the sending state no longer has jurisdiction or custody of the child and requests closure. The level of jurisdiction or custody that must be maintained is defined as "sufficient to include the power to effect or cause the return or transfer of the child and financial

responsibility for support and maintenance." This jurisdiction or custody must be retained by the sending state until:

- The child is adopted;
- The child reaches the age of majority; or
- The child's custody is vacated by a court **with the concurrence** of the receiving state's supervising agency **and** ICPC Compact Administrator. This requires a written statement of concurrence from the receiving state.

The child's social worker should not recommend vacating custody without obtaining written concurrence from the receiving state first. Failure to do so is considered a violation of the compact.

Any action taken not consistent with this standard must be pre-approved by the FACS Division Administrator or designee. The action, rationale and approval must be documented in the file.

REFERENCES

- Resource Family Licensing for Relatives, Fictive Kin, and Non-Relatives Standard.
- Implementation Considerations for the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239), American Public Human Services Association. Guide to the Interstate Compact on the Placement of Children, 2002.

See the CFS eManual chapter on ICPC for further information.