Interstate Compact on the Placement of Children (ICPC)

Rhode Island Department of Children, Youth and Families
Policy: 700.0060
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The Interstate Compact on the Placement of Children (ICPC) is an agreement among the states, the District of Columbia and the U.S. Virgin Islands that establishes standardized procedures for the placement of children across state lines. The ICPC offers services and provides protections to a child moved across state lines for purposes of placement in foster care, adoption or reunification with parents. The ICPC assigns legal and financial responsibility, details eligibility and home study processes and outlines requirements for termination and courtesy supervision.

The Compact applies to placement:

- Prior to an adoption
- In foster care, including foster homes, group homes, certain residential treatment facilities and institutions
- With a parent or relative when a parent or relative is not making the placement
- Of a youth adjudicated delinquent in an institution in another state

The following placements are exempt from the Compact:

- In any institution that is primarily educational
- In a medical or mental health facility
- Of a child, who is not in the temporary custody, custody, or under the guardianship of the Department, with a close relative (parent, stepparent, grandparent, adult brother or sister, uncle or aunt or child's non-agency guardian) when the placement is initiated by another close relative.

The following statutes apply:

Adoption and Safe Families Act (Public Law 105-89)
Safe and Timely Interstate Placement Act (Public Law 109-239)
Indian Child Welfare Act of 1978 (Public Law 95-608)
Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351)
Child Abuse Prevention and Treatment Act (Public Law 93-247)
Rhode Island General Law 40-15, Interstate Compact on the Placement of Children

Related Procedure:

Interstate Compact on the Placement of Children (ICPC)

Related Policy:

Courtesy Supervision – Interstate Compact for Juveniles
Family Court Hearings for Out-of-State Placement of Children **Family Services Worker/Client Contact**

Interstate Compact on the Placement of Children (ICPC)

Procedure from Policy 700.0060: Interstate Compact on the Placement of Children (ICPC)

A. Placement of a Child from RI in another State (Sending State)

1. Prior to the placement of a child from Rhode Island with a family in another state, the Department requests that the home be fully licensed/approved in accordance with the standards established in the receiving state. (States use various terms, such as "approved" to indicate that a home is licensed.) In limited situations, an administrative decision may be made to place the child in a home that does not meet specific licensing requirements in the receiving state as long as the receiving state approves the placement through the ICPC.
2. The primary worker of a child follows Department procedures for out-of-state placements, including obtaining permission from the Family Court. (Refer to Policy 1100.0015, Family Court Hearings for Out-of-State Placement of Children.)
3. The primary worker prepares and submits the ICPC request packet to his/her supervisor for approval. The packet must include five copies of the ICPC form #100A, and three copies of all other items listed below in b through k, if applicable.
   a. ICPC form #100 A, signed by the primary worker or supervisor.
   b. Court order with judge's signature granting guardianship, temporary custody, or commitment to the Department.
   c. In limited circumstances, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going.
   d. A signed statement from the sending agency's primary worker or supervisor:
      i. Confirming the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
      ii. Including the name and correct physical and mailing address of the placement resource and all available telephone numbers and other contact information for the potential placement resource.
      iii. Describing the number and type of bedrooms in the home of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.
      iv. Confirming the potential placement resource acknowledges that he/she has or will access sufficient financial resources to feed, clothe and care for the child, including child care, if needed.
      v. That the placement resource acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home required to be screened under the laws of the receiving state.
   e. A current case history of the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
   f. Any child previously placed with placement resource in sending state. If the placement resource had any child placed with him/her in the

~~sending state previously, the sending agency provides all relevant, available information regarding that placement to the receiving state.~~

g. ~~A copy of the child's case/service/permanency plan and any supplements to that plan, if the child has been in care long enough for a permanency plan to be required.~~

h. ~~An explanation of the status of the child's Title IV-E eligibility under the~~

Federal Social Security Act. If applicable, Title IV-E documentation must be provided before placement is approved.

i. A detailed plan of the proposed method for financial support and provision of medical services.

j. A copy of the child's social security card or official document verifying correct social security number, if available, and a copy of the child's birth certificate if available.

k. In cases of residential facility placements, a copy of the letter accepting the child's placement at the facility.

4. The supervisor and ICPC administrator or designee review the final packet and forward to the appropriate receiving authority.

5. The primary worker and supervisor review the home study report and inform ICPC administrator if further information is required to make a determination regarding placement. The Department treats any home study received from another state as meeting the requirements for a home study prior to placement unless within fourteen days after receipt of the report the Department determines, based on grounds specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child.

6. The supervisor documents acceptance or denial of the home study report in RICHIST.

7. The prospective placement cannot be made until the receiving state compact administrator grants approval. All requirements for care planning, including service plan reviews, court reviews and permanency hearings continue to apply.

a. A supervisory or administrative decision may be made to place the child prior to the completion of licensing if approval has been granted for a placement. After placement is made, the supervisor must notify the Rhode Island compact administrator immediately via ICPC Form 100B.

b. In limited situations, a home may be granted ICPC approval by the receiving state, even though the home will not meet the licensing standards in the receiving state. In these situations, administrative approval through the primary worker's chain of command is obtained prior to placement.

c. The sending state must utilize the approved placement within six months (ICPC Regulation No. 6).

d. If the status of the placement changes from a foster/relative placement to a pre-adoptive placement, approval of the placement as an adoptive home must be obtained from the receiving state according to that state's policy and procedures prior to finalization of the adoption.

e. If a decision is made not to use the approved placement, the ICPC case must be closed utilizing the ICPC Form 100B.

B. ICPC Priority Placement (ICPC Regulation 7) requires a court order signed by a judge that includes a finding of the need for a priority placement.

1. ICPC regulations allow a court to order expedition of an out of state placement to meet the special needs of a child. ICPC Priority Placement procedures are applied only when the sending state's request meets the following criteria:

a. The proposed placement is with a relative defined as the following:

i. parent

ii. stepparent

iii. grandparent

iv. adult brother or sister

v. adult aunt or uncle

vi. legal guardian

b. ~~The child must meet one of the following criteria:~~

i. ~~is under four years of age, or is a sibling of the child under four years of age and the children are to be placed together~~

ii. ~~is living in an emergency shelter~~
iii. ~~experiences an unexpected dependency due to parent incarceration, death or incapacitation~~
iv. ~~has spent a considerable amount of time in the home of the proposed caretaker or has a significant relationship with the proposed caretaker (siblings of a child who meets these criteria who will be placed together)~~

2. ~~ICPC Priority Placement does not apply when the child is already living in the receiving state in violation of ICPC or when the sending state is requesting that a foster, family care or adoptive home be licensed/approved.~~
3. ~~The Department's legal office obtains the signed expedited placement decision order within two business days of the hearing.~~
4. ~~For a priority placement the primary worker and supervisor will include:~~
   a. ~~Signed, expedited placement order~~
   b. ~~Sending State Priority Home Study Request Form (ICPC Form 101)~~
   c. ~~Follow the placement requirements outlined in Section A, Placement of a Child from RI in another State (Sending State), above~~
   d. ~~Forward request to the compact administrator within three business days~~
5. ~~Within two business days of receipt of priority request, the sending state compact administrator transmits by overnight mail or electronic transmission the priority request (ICPC form 101).~~
6. ~~The receiving compact administrator makes a determination within twenty business days from the receipt date of the complete overnight mail or electronic transmission request.~~
7. ~~If approved the primary worker follows the placement procedures outlined in A.6.~~

C. ~~Placement of a Child Into RI from Another State (Receiving State)~~

1. ~~The referral is reviewed by the ICPC administrator for completeness and then assigned to a primary worker for completion of the home study and recommendations.~~
2. ~~The ICPC home study is completed by the primary worker, approved by the supervisor on the Interstate Compact Home Assessment form (DCYF # 190), submitted in triplicate to the ICPC administrator and returned to the sending state within sixty consecutive days of receiving the request from another state.~~
3. ~~In the case of a referral for a home study for a foster or adoptive home, the Department conducts a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home and to what extent the placement would meet the needs of the child.~~
4. ~~If foster or pre-adoptive home licensing is requested, the ICPC homestudy report is forwarded within sixty days. Licensing does not occur until all requirements have been met.~~
5. ~~The ICPC administrator approves or denies the placement and conveys that decision to the sending state.~~
6. ~~If the approved placement is utilized and the sending state so requests, the case is assigned to a primary worker in the appropriate region for post-placement supervision, written reports and monthly face-to-face contact. Frequency of contact must follow guidelines established in DCYF Policy 700.0165, Family Services W orker/Client Contact.~~
7. ~~The case remains open to the Department until the child is adopted, custody is returned to a parent, or other permanency plan is arranged. Under no~~

circumstances can the sending state close the case without approval from the Department's compact administrator.

D. Under certain circumstances, the Interstate Compact on Juveniles regulates the movement of a juvenile across state lines. Refer to DCYF Policy 800.0030, Courtesy Supervision - Interstate Compact for Juveniles.