

# INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN



## Table of Contents

<a href="#"><u>What is the Interstate Compact</u></a> .....	3
<a href="#"><u>Regulation No 7 Priority Placement</u></a> .....	4
<a href="#"><u>Article III</u></a> .....	4
<a href="#"><u>Regulation No 9</u></a> .....	4
<a href="#"><u>Rule</u></a> .....	5
<a href="#"><u>Suggestions for Interviewing</u></a> .....	5
<a href="#"><u>Utah Human Services Code</u></a> .....	7
<a href="#"><u>The Seven Steps to ICPC</u></a> .....	11
<a href="#"><u>Title IVE and Reimbursability for ICPC</u></a> .....	12
<a href="#"><u>ICPC for Children from another State</u></a> .....	13

## What is the Interstate Compact?

The Interstate Compact on the Placement of Children (ICPC), defines 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 brought by enactment of the law.

## Why is the Compact needed?

- ✿ 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 its applicable laws and policies have been followed before it approves the placement.
- ✿ Guarantees the child legal and financial protection by establishing these responsibilities with the sending agency or individual.
- ✿ Ensures the sending agency does not lose jurisdiction over the child once the child moves to the receiving state.
- ✿ Provides the sending agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

## Who does the Compact apply to?

- ✿ Placement preliminary to an adoption, including placements through a public agency, private agencies or attorneys.
- ✿ Placements into foster care, including foster homes, group homes and residential treatment facilities.
- ✿ Placements with parents and relatives when a parent or relative is not making the placement.
- ✿ Placements of adjudicated delinquents in institutions in other states.

## Who does the Compact NOT apply to?

- ✿ Placements made in medical and mental health facilities.
- ✿ Boarding schools or "any institution primarily educational in character."
- ✿ Placement of a child made by and to a parent, step parent, grandparent, adult brother or sister, adult aunt or uncle or child's guardian. (*Unless child is in custody of the state or under court jurisdiction.*)
- ✿ Divorce or custody procedures
- ✿ International studies or adoptions
- ✿ Visits.

### **Expedited ICPC Regulation No.7** ***(Does Apply IF)***

- ✿ A child is under the age of 4 and younger and their siblings are placed in the same home, or
- ✿ One child being placed has substantial relationship, or
- ✿ Unexpected dependency, or
- ✿ Emergency Shelter Care
- ✿ Must be placed with parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister.

### **Expedited ICPC Regulations No.7** ***(Does Not Apply IF)***

- ✿ The request for placement of the child is for licensed or approved foster family care;
- ✿ The request is for adoption; or
- ✿ The child is already in the receiving state in violation of ICPC.

### **Regulation No. 3**

- ✿ The compact does not apply when the court transfers the child to a non-custodial parent where there is no evidence that parent is unfit, **does not** request a home study, and **does not** retain jurisdiction over the child after the court transfers the child.
- ✿ If request for study on parent or relative is made, jurisdiction **must** be maintained until receiving state agrees with closure.
- ✿ The ICPC cannot be used for the sole purpose of obtaining a home study.

### **Regulation No.9**

- ✿ A "visit" is not a placement within the meaning of the ICPC. Visits and placements are distinguished on the basis of purpose, duration and the intention of the persons or agency with the responsibility for planning for the child as to the child's place of abode.
- ✿ Purpose is to provide the child with a social or cultural experience of short duration. 30 days. **The resource cannot have assumed legal responsibility for the child.**
- ✿ A visit cannot be made with the intention of making a placement while there is a pending home study request.
- ✿ A stay or proposed stay of longer than 30 days is a placement. It may be considered a visit if it begins and ends within the period of a child's school vacation.
- ✿ If there is not an end date specified it is considered a placement.

## Rule

- ✿ Open with a 100A.
- ✿ Place with a 100B.
- ✿ Supervision will not be provided until the 100B form is received by the local supervising agency.
- ✿ ICPC Form 100B notification must be submitted after the placement occurs indicating date of placement.
- ✿ Advise of status change with a 100B.
- ✿ Placement changes are submitted on the ICPC 100B form. *(When the child leaves one home or the placement type changes ie; relative to foster, foster to adopt, etc.)*
- ✿ **ALWAYS** close with a 100B.
- ✿ The 100B form is used for termination of the placement.
- ✿ The 100B form is also used to close the case and to end courtesy supervision.

## Suggestions for Interviewing an ICPC Placement Resource

When interviewing a placement resource, determine the following:

- ✿ Interest
- ✿ Capacity
- ✿ Type of placement *(parent, relative, foster or adoptive)*

### Suggested Questions

- ✿ What is your relationship to the child?
- ✿ How well do you know this child?
- ✿ Have you had recent contact with the child?
- ✿ Have you previously cared for this child?
- ✿ How familiar are you with this child's needs?
- ✿ What resources are available in your area? *(mental health centers etc)*
- ✿ Do you have the means to transport his child to any therapy appointments that may be required and are you willing to do so?
- ✿ What is the quality of your relationship with the child's parent(s) and with the other relatives in general?
- ✿ If applicable, How will you enforce a court order prohibiting contact with a specific person?
- ✿ Do you have the space to accommodate the child in your home?
- ✿ How many other children are presently in the home?

- ✿ What kind of disciplinary strategies do you employ in dealing with your own children and is this the technique you will continue to utilize if this child is placed in your care?
- ✿ Can you assume the financial and medical costs of caring for this child without public assistance?
- ✿ If necessary, are you willing to become licensed foster parents?
- ✿ Will you contact the local TANF unit to determine if there are any available financial assistance programs for you to care for children from Utah?
- ✿ Are you prepared to work with the local agency in achieving reunification or other permanency for the child?
- ✿ If all the adults in the household work, what are your child care arrangements?

## Utah Human Services Code

### 62A-4a-701. Interstate Compact on Placement of Children

The Interstate Compact on the Placement of Children is hereby enacted and entered into with all other jurisdictions that legally join in the compact which is, in form, substantially as follows: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN 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 so that:

(1) 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 necessary and desirable care.

(2) 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.

(3) 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.

(4) Appropriate jurisdictional arrangements for the care of the children will be promoted. ARTICLE II Definitions

As used in this compact:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(2) "Sending agency" means a party state, officer, or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, Indian tribe, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child in a family free, adoptive, or boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution, primarily educational in character, and any hospital or other medical facility. ARTICLE III Conditions for Placement

(1) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving

state governing the placement of children therein.

(2) Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(a) The name, date, and place of birth of the child.

(b) The identity and address or addresses of the parents or legal guardian.

(c) The name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child.

(d) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(e) Any public officer or agency in a receiving agency state which is in receipt of a notice pursuant to Paragraph (2) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(f) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

#### ARTICLE IV Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

#### ARTICLE V Retention of Jurisdiction

(1) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-

supporting, or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(2) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(3) Nothing in this compact shall be construed to prevent any agency authorized to place children in the receiving agency from performing services or acting as agent in the receiving agency jurisdiction for a private charitable agency of the sending agency; nor to prevent the receiving agency from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in Paragraph (1) above.

#### ARTICLE VI Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact, but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

#### ARTICLE VII Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of the party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE VIII Limitations

This compact shall not apply to:

(1) The sending or bringing of a child into a receiving state by his parent, step-

parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(2) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party or to any other agreement between said states which has the force of law.

#### ARTICLE IX Enactment and Withdrawal

This compact shall be open to joinder by any state, territory, or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, and with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

#### ARTICLE X Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.



## The Seven Steps to ICPC

1. Fill out the 100 A document on SAFE. Make five copies of this form.
2. Pull and make three copies each of:
  - ✿ Mental health assessment
  - ✿ Dental and medical forms
  - ✿ Signature Child and Family Plan
  - ✿ Two progress summaries
  - ✿ Child and Family assessment
  - ✿ All educational information
  - ✿ Birth certificated and Social Security Cards
  - ✿ **Signed** court orders requesting the ICPC or just verifying that DCFS has custody of jurisdiction
3. Complete the ICPC form: "ICPC Request Cover Letter/Case Manager Statement" found in SAFE. This form is twofold: Provides for a cover letter and confirms the case manager made contact with the proposed placement in the receiving state. ICPC regulations require that the proposed placement be pre-screened prior to submitting an ICPC request. The pre-screening process insures that the proposed placement is an appropriate resource and is willing to cooperate with the ICPC process.
4. Complete the medical/financial plan document of SAFE. Make three copies of this.
5. Submit these documents to your regional ICPC coordinator.
6. **SUBMIT YOUR 100B's:** When you receive the approval to place please submit 100B's to notify the receiving state that the child is coming and to set up supervision. Your case must remain open until the receiving state has given you permission to close it.
7. **SUBMIT YOUR 100B's:** When there is termination of DCFS custody, the child returns to Utah, or you decide not to use a home that you requested a study to be done on, submit your 100B's to close the ICPC case.
  - \* *Financial responsibility will always primarily be Utah's responsibility until the courts have terminated jurisdiction and our case is closed, even if the family is supporting the child's needs in the other state.*



## Title IV-E Eligibility and Reimbursability for ICPC Placements



Eligibility Workers must correctly identify when foster children are in qualified and fully licensed placements. This is true for children placed in another state through the ICPC process.

- ✿ All license and background screening information must be verified for out of state placements before IV-E eligibility and IV-E reimbursability can continue when a child is placed in another state.
- ✿ A license entry in SAFE does not mean that the placement has met the license and background screening requirements necessary for IV-E to continue.
- ✿ The eligibility worker must request copies of the license and or background screening documents and place copies in the eligibility file.
- ✿ Background screening documentation from the home study is adequate. The date of the clearances would be the date of the homes study, unless another date is contained in the record.
- ✿ SAFE will send a "no" for foster care maintenance payment to eRep each month when a IV-E foster child is placed out of state because the child is eligible for Medicaid in the state that they are residing in.
- ✿ SAFE will send a "yes" for the foster care maintenance payment to eRep each month when a non-IV-E foster child is placed in another state. The Utah Medicaid continues because Utah is remains responsible for the child and the child is not usually eligible for Medicaid in another state while in the custody of Utah DCFS.
- ✿ Call the IV-E Medicaid specialist with any questions.

# ICPC



**Interstate**

**Compact**

**Placement of**

**Children**

## **Steps for an Eligibility Worker to take for Foster Children placed in Utah from another State**

- ✦ Case approval is sent to the Regional Eligibility Coordinator from Scott Hodges or Sal Pahulu, State ICPC Coordinators. This information will include the “OK” to open a Utah Foster Care Medicaid case for the child. For incoming ICPC Foster Care cases the Medicaid Eligibility requirements are:
  - ✓ ICPC 100 A.
  - ✓ ICPC 100 B.
  - ✓ Documentation of Title IV-E Eligibility.
  - ✓ Schedule of foster care payments with the start date and the amount.
  - ✓ Court order.
- ✦ Send the DHS/DCFS ICPC Medicaid Application to the assigned Utah caseworker, the sending state caseworker or the foster parent to complete and sign.
- ✦ Upon receipt of the completed application, open a Foster Care Medicaid case and program in eRep beginning the date indicated in the ICPC information. Notify Scott Hodges of the child’s Medicaid eligibility. Send him the child’s name, HLCI and the effective date of the Medicaid eligibility.
- ✦ For the HMO assignment, contact the HPR in the area where the child is living.
- ✦ If a PSI case is opened in SAFE, assign yourself as a secondary worker.
- ✦ Update address information in eRep, as needed to insure correct mailing of Medicaid card and reviews.
- ✦ Close the Foster Care Medicaid program when notified that the child has left Utah or that an adoption has occurred. **Do not** close the FC Medicaid program automatically when the PSI case closes in SAFE. Please check with the caseworker, ICPC Coordinator and/or foster parent about the current status of the child. Utah may no longer be offering courtesy supervision to the placement, but the child may remain eligible for FC Medicaid.