

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

This law (Minnesota Statute 260.851 – 260.93) is designed to protect the best interests of children who are being placed outside of Minnesota and those children who are being placed in Minnesota in foster care, adoption, or a residential facility.



Minnesota Department of **Human Services**

What is the ICPC:

- **Contract between member jurisdictions that establishes uniform legal and administrative procedures governing the interstate placement of children.**
- **All 50 states, Virgin Islands & D.C.**
- **10 Articles, 12 Regulations**
- **The Interstate Compact is a *legally binding contract between the sending state and the receiving state.***

Purpose of the ICPC:

- **The ICPC is based on the premise that children requiring out-of-state placement should receive the same protections and services that would be provided if they remained in their home states.**
- **In addition, the ICPC assures that legal and financial responsibilities are assigned for supporting the placement prior to making the placement.**



The Compact....



- **Requires notice of intent to place and evaluate potential placement suitability before placement is made;**
- **Specifically allocates the legal and administrative responsibilities during the time of the interstate placement;**
- **Provides a basis for enforcement of rights and responsibilities of the sending and receiving parties; and**
- **Authorizes joint actions of the administrators in all party states to further the effective and efficient operations and services for children in interstate placements.**

Cases subject to ICPC:

- **Birth parent unification or reunification – whenever court has jurisdiction of the child/ren to be placed**
- **Kinship care by relative – whenever court has jurisdiction of child/ren to be placed**
- **Foster Care**
- **Residential Treatment Facility/Institution**
- **Adoption (public or private)**

Types of Requests:

- **Parent**
- **Relative**
- **Foster Care**
- **Group Home**
- **Residential Treatment Facility**
- **Adoption**
- **International Adoption**



11 Regulations:

- **Regulation No. 0.01 – Forms**
- **Regulation No. 1 – Conversion of Intrastate Placement; Relocation of Family Units**
- **Regulation No. 2 – Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives**
- **Regulation No. 3 – Definitions and Placement Categories: Applicability and Exemptions**
- **Regulation No. 4 – Residential Placement**
- **Regulation No. 5 – Central State Compact Office**
- **Regulation No. 6 – Permission to Place Child: Time Limitations, Reapplication**
- **Regulation No. 7 – Expedited Placement Decision**
- **Regulation No. 8 – Change of Placement Purpose**
- **Regulation No. 9 – Definition of a Visit**
- **Regulation No. 10 – Guardians**
- **Regulation No. 11 – Supervision**

Regulation No. 0.01

Forms:

- **Forms shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.**
- **ICPC forms shall be uniform as to format and substance.**
- **The mandatory forms currently in effect are described below.**



ICPC-100A "Interstate Compact Placement Request;"

ICPC-100B "Interstate Compact Report on Child's Placement Status;"

ICPC-101 "Sending State's Priority Home Study Request."

- **Form ICPC-102 "Receiving State's Priority Home Study Request" is an optional form that is available for use.**

Regulation No. 2:

Placements with Parents, Relatives, Non-agency Guardians,
and Non-family settings

- **Placement of a child requires compliance with the Compact if such placement is with either of the following:**
 - Placement for public adoption
 - Placement into foster care and/or with parents, or relatives
- **Applies to cases involving children who are under the jurisdiction of a court for abuse, neglect or dependency, as a result of action taken by a child welfare agency.**
 - Children not yet placed with prospective placement resource;
 - Change of status for children who have already been placed with ICPC approval: ie – upgrade from unlicensed relative to a licensed foster home.
 - Child already placed without ICPC approval – placed in violation of ICPC with the sending state bearing full liability and responsibility for the safety of the child



A Placement Request Includes:

- **100A**
- **Cover letter**
 - Child
 - Type of placement
 - Brief explanation of reason for placement
 - Where and with whom the child will be placed
- **Case Manager Statement**
- **Legal Documents**
 - Signed Court Order establishing the authority to place
 - Termination of Parental Rights (adoptive placements)
- **Financial/Medical Plan**
 - Title IV-E eligibility documentation
 - Financial/Medical Plan – 100B
 - Information that identifies the child's Adoption Assistance Eligibility
- **Out of home placement plan**
 - Plan specifically addresses placement in requested home and the potential services needed for the child
- **Social/Medical history**
 - Child's social history
 - All psychological evaluations
 - Specific placement needs
 - Expectations of the providers
 - IEP's
 - Immunization records
- **Birth Certificate**
- **Verification of Social Security #**
- **Indian Child Welfare Act (ICWA)**
 - Tribal notice and necessary response



Financial/Medical Responsibility:

A financial/medical form – 100B (DHS 1542D) must be submitted with each ICPC request and must indicate:

- **That the sending state is financially responsible for the child/ren**
- **What type of financial assistance the placement resource will receive**
- **If the child/ren is IV-E eligible**
- **What type of medical coverage the child will be eligible to receive**



Regulation 4: Residential Placements

The placement of a child for the treatment of a chronic mental or behavioral condition for 24-hour care away from the child's parental home is required to comply with the ICPC.

Regulation 7: Priority Placement

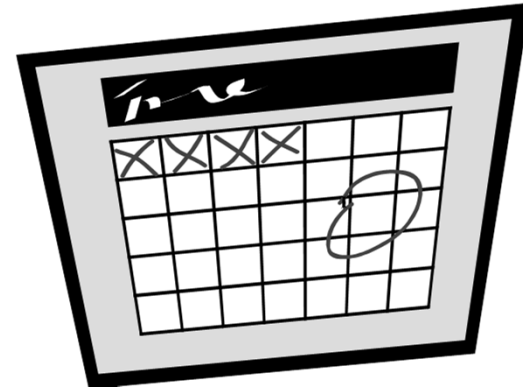


- **The court in the sending state must determine that a priority placement is required – a court order must be prepared.**
- **The court order is only valid if it contains one or more of the following circumstances:**
 - **Unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent/guardian; or**
 - **The child is four (4) years of age or younger, including siblings to be placed with the same proposed placement; or**
 - **The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed resource; or**
 - **The child is currently in an emergency shelter.**

Regulation 7 Timeframes:

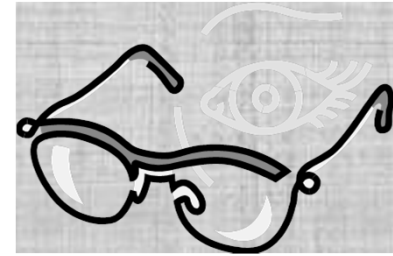
- **Submit 100A and all documentation to DHS within 3 business days of signed order**
- **DHS to transmit request to receiving state within 2 business days**
- **Receiving state to make provisional approval or denial within 7 calendar days**
- **Expedited placement decision by receiving state within 20 business days**

Regulation 9: Visits



- **ICPC approval not needed for visit.**
- **Visit includes:**
 - **Stay of 30 days or less.**
 - **Visits can be for a longer duration as long as they take place during the child's academic summer vacation.**
- **Visit is to provide a child with a social or cultural experience and cannot be extended or renewed to exceed the presumed visit time frames.**

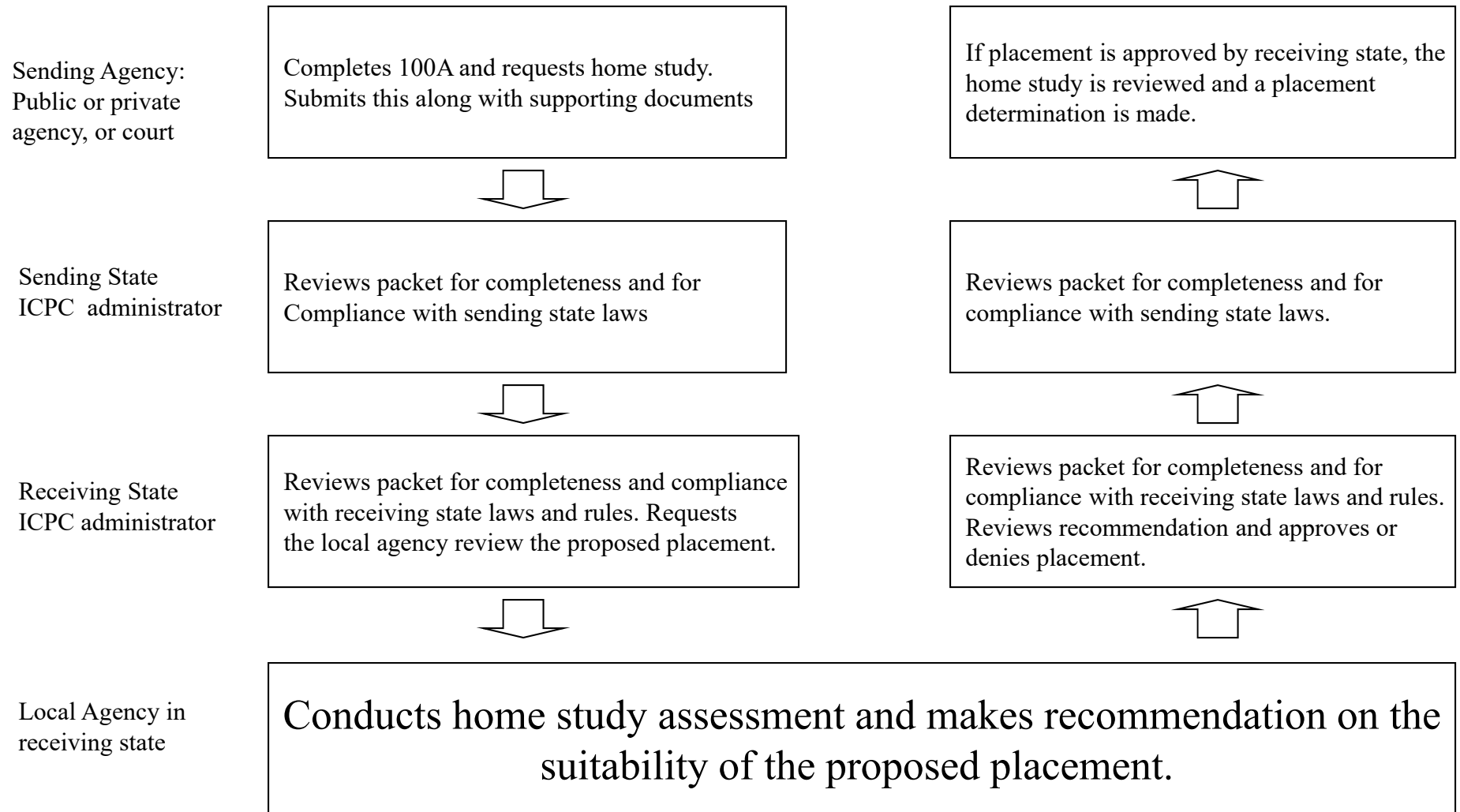
Regulation 11:



Responsibility of States to Supervise Children

- **Receiving state must supervise a child placed in an approved home pursuant to ICPC if supervision is requested by the sending state.**
 - **Sending state must provide form 100B indicating the date of the child's placement.**
 - **Supervision can and should begin prior to receipt of the form 100B if the receiving state has been informed by other means that the child has been placed.**
 - **Supervision includes face to face visits 1x/month and must begin within 30 days of notification or placement. Written reports shall be submitted by CW caseworker at least every 90 days.**

ICPC Request Process:



Processing a Placement Request:

- **Minnesota ICPC will forward the placement request to the receiving state, local county or private agency**
- **ICPC requests should be processed by the ICPC office within three (3) working days from receipt**
- **The local county or private agency receives the request and assigns it for processing**

Role of MN ICPC office when MN is sending state:

- **Consult with County and Tribal staff on ICPC matters.**
- **Review and forward referrals to receiving State ICPC office.**
- **Assure compliance with Minnesota laws, rules and regulations as they intersect with the ICPC.**
- **Resolve problems between the Receiving State and the Minnesota local county.**

Responsibilities of the Local Receiving Agency:

- **Conducts the requested home study on the proposed caregiver and determines if the home is appropriate for the particular child/ren (ICPC home study is to be completed within 60 working days)**
- **Help provide services the child may need**
- **Monitor the home to assure the child is safe, secure, and cared for**
- **Provides regular progress reports through the designated channels to the local sending agency**



Relative Placement Requests:

- **In Minnesota placement resources, who receive a child for care, are required to pursue and complete foster care licensing. Minnesota Statutes, section 245A.035, provides a process for suitable relatives to immediately receive a child for placement until they are licensed.**
- **Other states may not have similar requirements. Relative studies will be completed and a recommendation provided – it is not ok to assume the resource will be automatically licensed for foster care.**

Placement Recommendation:



- **Final approval/denial within 180 days of receipt of initial request by receiving state.**
- **Once the assessment has been completed, it is necessary for a recommendation to be made.**
- **The recommendation should be clearly described in the summary of the assessment.**

Types of Recommendations:

- **Approval – valid for a period of six (6) months**

The placement is approved

- **Approval with Conditions**

The placement is approved IF specific conditions are met

- **Denial**

The placement is denied and the case is closed

Placement Denial:

- **Sending state may be required to return child already placed if authority to place is not given or revoked.**
- **Sending state may propose an alternative placement in the receiving state – must be approved prior to placement.**
- **Sending state may arrange for services to resolve reasons for requested removal.**
- **Sending state has 5 days to remove unless otherwise agreed.**

Appealing a Denial:

- **Sending state may request reconsideration of a denial within 90 days.**
 - **With or without new home study**
 - **Receiving state has 60 days to respond**
- **After 90 days, the sending state may request a new home study.**

What happens to a Completed Assessment and Recommendation?

The home study and the following are submitted the ICPC office:

- **Completed Home Study Assessment**
- **Placement Recommendation**
- **Cover letter outlining the recommendation**
- **Foster Care license, if applicable**
- **Appropriate Background Clearances, if applicable**

Article V. - Retention of Jurisdiction:

- **Sending agency must retain jurisdiction until the child is:**
 - **Adopted,**
 - **Turns 18,**
 - **Becomes self-supporting, OR**
 - **Is discharged with the agreement of the receiving state. If TPLPC is the end goal, child must remain in the foster home for six months following placement, then sending agency can request agreement from receiving agency to close.**

Article V. - Retention of Jurisdiction:

- **While pending closure:**
 - **Sending agency retains authority to move the child.**
 - **Sending agency continues to be financially responsible.**

Case Closing:

- **An ICPC placement is considered an open case until a 100B is submitted indicating the case may be closed. A 100B may be submitted for:**
 - **Adoption finalization**
 - **A child aging out of the system**
 - **TPLPC by the Court**
 - **A child returning to the sending state**

Placement prior to ICPC approval:

- **No assurances that home is safe.**
- **Receiving state may refuse to:**
 - **Assist with services to meet child's needs**
 - **Provide supervision**
 - **Complete home study until child returned to sending state**

Best Practice:

- **No placement until ICPC approval to place & home is licensed**
 - **No IV-E foster care if not licensed**
 - **No IV-E medical if not licensed**
 - **Need 6 months in licensed home before TPLPC w/Northstar**
- **No placement until approved by court if parent(s) still have visitation rights**
- **No placement unless relative/kin is also permanency resource**

International Home Studies:

- If a home study is required on an international resource, you must privately contract through International Social Services (ISS) – not through ICPC.
- International Social Services:
 - Is a non-profit, international social work agency based in Geneva
 - Works in 150 countries on 6 continents
 - Does not need to complete studies in Puerto Rico, Guam or Samoa, as these can be covered by ICPC

ISS Contact Information:

ISS – United States American Branch

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Website: www.iss-usa.org

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