

STATE OF MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES

Section H:
Interstate Compact on the
Placement of Children

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

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I. DFCS OVERVIEW

The Mississippi Department of Human Services will hereinafter be known as “MDHS” and its Division of Family and Children’s Services hereinafter will be known as “DFCS”.

A. History

The need for common rules governing the interstate movement of children was recognized in the 1950s when a group of social service administrators and children's advocates identified barriers for placing children out-of-state for adoption and foster care. Although there were some federal statutes that regulated interstate movement, they did not provide sufficient and consistent protections for children moved between states. The group found that a sending state could not compel the receiving state to provide protection or support services for a child nor could a receiving state compel a sending state to remain financially responsible for the child.

In response to this group's findings, Interstate Compact on the Placement of Children (ICPC, also known as the Compact) was drafted and first signed in 1960. ICPC is not a federal law but is a contractual agreement among the Member States. All 50 states, the District of Columbia and the U.S. Virgin Islands are members of the ICPC. However, it is open to joinder by all U.S. territories and possessions as is, with Congressional consent, Canada and any/all of its provinces.

Mississippi’s ICPC laws begin at MISS. CODE ANN. § 43-18-1. These laws were implemented to ensure protection and services to children who are placed across state lines for foster care or as a preliminary step to an adoption.

II. LEGAL BASIS for AUTHORITY

ICPC is a “uniform law” enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands, to ensure protection and services to children who are placed across state lines and is open to joinder by all U.S. territories/possessions and, with consent of Congress, Canada and any/all its provinces.

The Compact is designed to give each child requiring placement across state lines the maximum opportunity for appropriate and desirable care, to insure that both sending and receiving authorities are able to make informal decisions regarding the suitability of a proposed placement, and to establish and maintain jurisdictional responsibility.

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A. Mississippi's ICPC

Mississippi joined the Compact as a Member State in 1976 via State statute MISS. CODE ANN. § 43-18-1 establishes that MDHS/DFCS has statutory responsibility to ensure that all private and public child placing agencies, licensed or approved to operate in the State of Mississippi, comply with Compact procedures in the movement of children into or out of Mississippi. Furthermore, approval for the importation of children for placement in a Mississippi home is the legal responsibilities of MDHS under the authority of the *Administration of Child Welfare Act (MISS. CODE ANN. 43-18- 3)*.

B. Safe and Timely Inter-State Placement of Foster Children Act 2006

The primary purpose of Safe and Timely Interstate Placement of Children in Foster Care Act of 2006 (P.L. 109-239) is to improve protections for children and to hold States accountable for safe and timely placements of children across State lines. The Act mandates states to complete an interstate home study within 60 days after a home study request is received. If failure to complete the home study within this period is beyond a state's control (e.g., background checks), then the law allows an additional 15 days; total of 75 days for completion. Incentive payments to states for timely home studies are provided if the State completes the interstate home study in 30 days or less.

C. Multi Ethnic Placement Act (MEPA)

The *Improving America's Schools Act* (P.L. 103-382) contains the *Multi-Ethnic Placement Act of 1994* (MEPA). An amendment to this Act is part of the *Small Business Job Protection Act of 1996* (P.L. 104-188) and is known as the *Interethnic Adoption Provisions Act of 1996* (IEP). MEPA-IEP prohibits agencies receiving Title IV-E foster care funds from

deny[ing] any person the opportunity to be an adoptive or foster parent ... or delay[ing] or deny[ing] the placement of a child ... solely on the basis of race, color or national origin of the adoptive or foster parent or the child ...
(PL 103-382, § 553 a.1.A-B)

These factors must be applied on an individualized basis, not by general rule “in the best interest of the child.”

Neither race, color, nor national origin (RCNO) of a child or prospective caregiver may be considered in the placement selection process for a foster child unless an individualized assessment reveals that such consideration is in the child's best interests. Culture may not be

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used as a proxy for RCNO. Placements may not be delayed or denied on the basis of RCNO of the child or the provider.

D. Indian Child Welfare Act (ICWA) PL 95-608

To ensure that the heritage of Indian children is recognized, protected, and monitored in and out of state, the following information concerning a child's Native American Heritage should be included with the ICPC request:

1. Is parent or child of Native American heritage?
2. Is parent eligible for tribal membership?
3. Is parent registered with a Native American tribe?
4. Is child eligible for tribal membership?
5. Has child been registered with a Native American tribe?

Multi Ethnic Placement Act (MEPA) and Title VI do not impact the placement preferences for an American Indian child who is a member of, or is eligible for membership in a federally recognized tribe. MEPA and Title VI apply fully to American Indian children who are not covered under ICWA.

III. DEFINITIONS

Age of Majority - the chronological time when a child legally ceases to be considered a minor and assumes legal control over his/her person, actions and decisions, thereby terminating the legal authority, control and responsibility of his/her parents, custodian or guardian. The term generally applies to individuals from age 18 to 21.

Approved Placement – See Regulation 3 Definitions (7)

Assessment - an evaluation of a prospective placement by a public child placing agency in the Receiving State to determine if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is applicable only to a placement by a public child placing agency.

CFSA – a generic acronym used, for purposes of this policy, to identify every state's child and family services agency.

Compact Administrator - the Director of a state CFSA.

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Deputy Compact Administrator – the Program Manager of a state ICPC office or his/her immediate supervisor.

Child – *See* Regulation 3 Definitions (13)

Compact – an abbreviated name for the ICPC.

Contracted Child Placing Agency - any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

Emancipation – *See* Regulation 3 Definitions (22).

Foster Care – *See* Regulation 3 Definitions (26).

Home State - the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with a parent or a person acting as a parent.

A period of temporary absence is counted as part of the six-month or other period. For purposes of the ICPC if a child is under the jurisdiction of a Mississippi Court or under the control and custody of a Mississippi Agency the child's home state is Mississippi.

Home Study – *See* Regulation 3 Definitions (30).

ICPC – *See* Regulation 3 Definitions (31).

Interstate Compact Specialist - an employee of CFSA ICPC office who is responsible for processing ICPC referrals under the supervision of the Deputy Compact Administrator.

Jurisdiction – *See* Regulation 3 Definitions (36).

Kinship Care – the care given to a child when s/he is placed with an individual who is at least 21 years of age and either: a relative of the foster child by blood, marriage, or adoption; an individual, identified by a relative of the foster child by blood, marriage, or adoption, in a sworn affidavit, to have close personal or emotional ties with the foster child or child's family which pre-dated the child's placement with the individual.

Legal Guardianship – *See* Regulation 3 Definitions (38).

Legal Risk Placement – *See* Regulation 3 Definitions (39).

MDHS/ICPC Unit/Administrator/Specialist – Mississippi's ICPC Unit is housed at State Office. All ICPC requests (incoming and outgoing) must come through the MDHSICPC Unit. There are no county or regional ICPC units in any Member State.

Member State – a state that has enacted the ICPC. (*See also*, "Party State" below)

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Non-Custodial Parent – *See* Regulation 3 Definitions (42).

Party State – also known as “Member State” or “Receiving State” or “Sending State”.

Permanency - a process that includes involvement of the youth as a participant or leader in finding a permanent connection with at least one (1) committed adult who provides:

- a safe, stable, and secure parenting relationship,
- love, unconditional commitment,
- lifelong support in the context of reunification,
- a legal adoption or guardianship, where possible, and
- the opportunity to maintain contacts with important persons including siblings.

Physical Custody - physical possession of a child by any person. It is considered to be the date a child entered into foster care.

Placement – *See* Regulation 3 Definitions (48).

Priority Request - a court order to expedite the placement of a child in another state that meets the legal requirements of ICPC Regulation VII for a priority placement.

Progress Reports - reports completed by the child’s Sending State’s worker, usually on a quarterly basis, once a child has been placed in a Receiving State pursuant to this Compact.

Provisional Placement – *See* Regulation 3 Definitions (53).

Receiving Agency - the agency in the state in which the child is to be placed.

Receiving State – *See* Regulation 3 Definitions (55).

Relative – *See* Regulation 3 Definitions (56).

Residential Facility – *See* Regulation 3 Definitions (60).

Resource Provider – a person (individual or organization) who is responsible for a child/youth (age birth to 21 years) who is in placement through ICPC, such as:

- a caretaker,
- employee or volunteer, whether compensated or non-compensated,
- in an out-of-home care setting who is responsible for the child’s/youth’s welfare;
- a person who legally or voluntarily assumes the care, custody, maintenance or support of the child/youth; and
- any other staff person in an out-of-home care setting regardless of whether or not the person is responsible for the care or supervision of the child/youth.

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Sending Agency/Agent - the agency/agent from which the placement of a child is initiated. MISS. CODE ANN. § 43-18-1.II.b. specifically defines "the Sending Agency" as:

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, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

Sending State – See Regulation 3 Definitions (63).

State – See Regulation 3 Definitions (65).

Supervision – See Regulation 3 Definitions (68).

Supervision Reports - See Regulation 3 Definitions (69). (See Appendix A)

Title IV-E Eligibility Status – determination of whether a child in need of an out-of-state placement will be eligible for Medicaid. This information may be obtained from the Eligibility Unit in the Sending State.

Visit/Visitation – See Regulation 9 (1-7)

Form ICPC-100A - a form initiated by the Sending Agency to request approval to place a child in another state. It provides relevant information regarding the placement and serves as the actual contract between the Sending and Receiving States. A placement cannot be made until the Compact Administrators (or designee) from both states have approved and signed the ICPC-100A.

Form ICPC-100B – a form used to confirm the placement of a child in a Receiving State with an approved ICPC resource. It serves the following additional purposes: (a) as a report on the child's placement status, indicating the date of placement or a change in placement; and (b) is prepared for other status changes in cases, such as withdrawal of the proposed placement request; completion of child's treatment, custody of the child is transferred to a relative or parent, status change from foster care to adoption, child reaches the age of majority or is legally emancipated, Sending State terminates jurisdiction with/without concurrence of the Receiving State; child returns to Sending State, child moves to another state, or the approved resource is not used for the placement.

Regulation No. 3

Definitions and Placement Categories: Applicability and Exemptions

1. Intent of Regulation No. 3: To provide guidance in navigating the ICPC regulations and to assist its users in understanding which interstate placements are governed by, and which are exempt from, the ICPC.

(a) Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the placement

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resource(s) comply with the licensing and other applicable laws of the receiving state after placement of the child in the receiving state.

(b) Age restrictions: The ICPC Articles and Regulations do not specify an age restriction at time of placement, but rather use the broad definition of “child.” The sending state law may permit the extension of juvenile court jurisdiction and foster care maintenance payments to eligible youth up to age 21. Consistent with Article V, such youth should be served under ICPC if requested by the sending agency and with concurrence of the receiving state.

2. Placement categories requiring compliance with ICPC: Placement of a child requires compliance with the Compact if such placement is made under one of the following four types of placement categories:

(a) Four types of placement categories:

(1) Adoptions: Placement preliminary to an adoption (independent, private or public adoptions)

(2) Licensed or approved foster homes (placement with related or unrelated caregivers)

(3) Placements with parents and relatives when a parent or relative is not making the placement as defined in Article VIII (a) “Limitations”

(4) Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.

(b) Court involvement and court jurisdiction legal status: The above placement categories may involve placement by persons and/or agencies that at the time of placement may not have any court involvement (i.e., private/independent adoptions and residential placements). Where there is court jurisdiction with an open court case for dependency, abandonment, abuse and/or neglect, the case is considered a public court jurisdiction case, which requires compliance with ICPC Article III (*see* Regulations No. 1, No. 2, No. 7 and No. 11) note exemption for selected “parent” cases as described below in Section 3, “cases that are exempt from ICPC regulations. In most public court jurisdiction cases the court has taken guardianship and legal custody away from the “offending” caregiver and has given it to a third party at the time placement of the child is made with an alternative caregiver. However, in select cases identified below, the sending court may not have taken guardianship or legal custody away from the parent/guardian, when the ICPC-100A -2- ICPC .requesting permission to place is sent to the receiving state. Those cases are identified on the ICPC-100A with the legal status of “court jurisdiction only” as explained below.

(c) Court jurisdiction only: The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise, remove and/or place the child. Although the child is not in the guardianship/custody of an agency or the court at the

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time of completing ICPC-100A, the agency or the court may choose to exert legal authority to supervise and or remove and place the child and therefore is the sending agency. As the sending agency/court it would have specified legal responsibilities per ICPC Article V, including the possible removal of the child if placement in the receiving state disrupts or the receiving state requests removal of the child. There are several possible situations where “court jurisdiction only” might be checked as the “legal status” on the ICPC-100A:

(1) Residential placement (Regulation No. 4): The court has jurisdiction, but in some situations, such as with some probation (delinquent) cases, guardianship remains with the parent/relative, but the court/sending agency is seeking approval to place in a receiving state residential treatment program, and has authority to order placement and removal.

(2) Contingency/concurrent request in cases where removal may become necessary (Regulations No. 2 or No. 7): The child may be in the custody of the offending parent or relative while the public agency tries to bring the family into compliance with court orders and or agency service (case) plan. (Some states call this an order of “protective supervision” or “show cause.”) The court may have requested an ICPC home study on a possible alternative caregiver in a receiving state. It is understood at time of placement the court would have guardianship/legal custody and Article V would be binding.

(3) Parent/relative relocated to receiving state (Regulation No. 1): If the sending court selects to invoke ICPC Article V and to retain court jurisdiction even though the family/relative has legal guardianship/custody and has moved to the receiving state, then the sending court may request a home study on the parent/relative who has moved with the child to the receiving state. By invoking ICPC the sending court is bound under Article V. If the receiving state determines the placement to be contrary to the interests of the child, the sending court must order removal of the child and their return to the sending state or utilize an alternative approved placement resource in the receiving state. The ICPC-100A must be signed by the sending judge or authorized agent of the public agency on behalf of the sending court in keeping with ICPC Article V.

3. Placements made without ICPC protection:

(a) A placement with a parent from whom the child was not removed: When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent. Receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

(b) Sending court makes parent placement with courtesy check: When a sending court/agency seeks an independent (not ICPC related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the “courtesy check” rests directly with the sending court/agency and the person or party in

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the receiving state who agree to conduct the “courtesy” check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.

(c) Placements made by private individuals with legal rights to place: Pursuant to Article VIII (a), this Compact does not apply to the sending or bringing of a child into a receiving state by the child’s parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child’s non-agency guardian and leaving the child with any such parent, relative or non-agency guardian in the receiving state, provided that such person who brings, sends, or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, or diminished or severed by the action or order of any court.

(d) Placements handled in divorce, paternity or probate courts: The compact does not apply in court cases of paternity, divorce, custody, and probate pursuant to which or in situations where children are being placed with parents or relatives or non-relatives.

(e) Placement of children pursuant to any other Compact: Pursuant to Article VIII (b), the Compact does not apply to 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.

4. **Definitions:** The purpose of this section is to provide clarification of commonly used terms in ICPC. Some of these words and definitions can also be found in the Interstate Compact on the Placement of Children, ICPC Regulations, Interstate Compact on Juveniles, and federal statutes and regulations.

(Note: source of definition is identified right after the word prior to the actual definition.)

(1) **Adoption:** the method provided by state law that establishes the legal relationship of parent and child between persons who are not so related by birth or some other legal determination, with the same mutual rights and obligations that exist between children and their birth parents. This relationship can only be termed adoption after the legal process is complete (*see* categories or types of ICPC adoptions below).

(2) **Adoption categories:**

(a) **Independent adoption:** adoptions arranged by a birth parent, attorney, other intermediary, adoption facilitator or other person or entity as defined by state law.

(b) **Private agency adoption:** an adoption arranged by a licensed agency whether domestic or international that has been given legal custody or responsibility for the child including the right to place the child for adoption.

(c) **Public adoption:** Adoptions for public court jurisdiction cases.

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- (3) **Adoption home study:** (definition listed under “home studies”)
- (4) **Adjudicated delinquent:** a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
- (5) **Adjudicated status offender:** a person found to have committed an offense that would not be a criminal offense if committed by an adult.
- (6) **Age of majority:** the legally defined age at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. The age of majority is defined by state laws, which vary by state and is used in Article V, “...reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state” (*see* definition below of “child” as it appears in Article II).
- (7) **Approved placement:** the receiving state Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”
- (8) **Boarding home:** as used in Article II (d) of the ICPC, means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child’s being in the home of the placement recipient (has same meaning as family free).
- (9) **Case history:** an organized record concerning an individual, their family and environment that includes social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement.
- (10) **Case plan:** (*see* “service plan” definition)
- (11) **Central Compact office:** the office that receives ICPC placement referrals from sending states and sends ICPC placement referrals to receiving states. In states that have one central Compact office that services the entire state, the term “central Compact office” has the same meaning as “central state Compact office” as described in Regulation No. 5 of the ICPC. In states in which ICPC placement referrals are sent directly to receiving states and received directly from sending states by more than one county or other regional area within the state, the “central Compact office” is the office within each separate county or other region that sends and receives ICPC placement referrals.
- (12) **Certification:** to attest, declare or swear to before a judge or notary public.
- (13) **Child:** a person, who by reason of minority, is legally subject to parental guardianship or similar control.
- (14) **Child welfare caseworker:** a person assigned to manage the cases of dependency children who are in the custody of a public child welfare agency and may include private contract providers of the responsible state agency.

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- (15) **Concurrence to discharge:** when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.
- (16) **Concurrence:** when the receiving and sending Compact Administrator agree to a specific action pursuant to ICPC, i.e., decision as to providers.
- (17) **Conditions for placement:** as established by Article III apply to any placement as defined in Article II(d) and regulations adopted by action of the Association of Administrators of the Interstate Compact on the Placement of Children.
- (18) **Courtesy:** consent or agreement between states to provide a service that is not required by ICPC.
- (19) **Courtesy check:** a process that does not involve the ICPC, used by a sending court to check the home of a parent from whom the child was not removed.
- (20) **Court jurisdiction only cases:** the sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise and/or remove and place the child for whom the court has not taken guardianship or legal custody.
- (21) **Custody:** (*see physical custody, see legal custody*)
- (22) **Emancipation:** the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child placing agency, by operation of law or court order.
- (23) **Emergency placement:** a temporary placement of 30 days or less in duration.
- (24) **Family free:** as used in Article II (d) of the ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient (has same meaning as boarding home).
- (25) **Family unit:** a group of individuals living in one household.
- (26) **Foster care:** If 24-hour-a-day care is provided by the child's parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care. In addition to the federal definition (45 C.F.R. § 1355.20 "Definitions") this includes 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

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(27) **Foster home study:** (*see* definition under home studies)

(28) **Foster parent:** a person, including a relative or non-relative, licensed to provide a home for orphaned, abused, neglected, delinquent or disabled children, usually with the approval of the government or a social service agency.

(29) **Guardian** [*see* ICPC Regulation No. 10 section 1(a)]: a public or private agency, organization or institution that holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child for which a parent would have authority and responsibility for doing so by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning that the guardian has a professional obligation to carry out.

(30) **Home Study** (*see* Safe and Timely Interstate Placement of Foster Children Act of 2006): an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional and physical development.

(a) **Adoption home study:** a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).

(b) **Foster home study:** a home study conducted for the purpose of placing a child with a placement resource who is required to be licensed or approved in accordance with federal and/or receiving state law.

(c) **Interstate home study** (*see* Federal Safe and Timely Act): a home study conducted by a state at the request of another state, to facilitate an adoptive or foster care placement in the state of a child in foster care under the responsibility of the state [*see* foster care definition(s)].

(d) **Parent home study:** applies to the home study conducted by the receiving state to determine whether a parent placement meets the standards as set forth by the requirements of the receiving state.

(e) **Relative home study:** a home study conducted for the purpose of placing a child with a relative. Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the receiving state.

(f) **Non-relative home study:** a home study conducted for the purpose of placing a child with a non-relative of the child. Such a home study may or may not require the same level of

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screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the receiving state.

(g) ***Safe and Timely Interstate Home Study Report*** (*see* Federal Safe and Timely Act): an interstate home study report completed by a state if the state provides to the state that requested the study, within 60 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the state to have completed, within the 60-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

(31) **ICPC**: a Compact between states and parties pursuant to law, to ensure protection and services to children who are placed across state lines.

(32) **Independent adoption entity**: any individual authorized in the sending state to place children for adoption other than a state, county or licensed private agency. This could include courts, private attorneys and birth parents.

(33) **Intrastate**: existing or occurring within a state

(34) **Interstate**: involving, connecting or existing between two or more states.

(35) **Interstate home study**: (*see* definition under Home studies).

(36) **Jurisdiction**: the established authority of a court to determine all matters in relation to the custody, supervision, care and disposition of a child.

(37) **Legal custody**: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.

(38) **Legal guardianship** (*see* 45 C.F.R. § 1355.20 “Definitions”): a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term legal guardian means the caretaker in such a relationship.

(39) **Legal risk placement** (legal risk adoption): a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother’s state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

(40) **Member state**: a state that has enacted this Compact (*see* also definition of state).

(41) **Non-agency guardian** [*see* ICPC Regulation No. 10 section 1(b)]: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in ICPC Regulation No. 10 section 1(a).

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- (42) **Non-custodial parent:** a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or physical custody of a child.
- (43) **Non-offending parent:** the parent who is not the subject of allegations or findings of child abuse or neglect.
- (44) **Non-relative:** a person not connected to the child by blood, marriage or adoption, or otherwise defined by the sending or receiving state.
- (45) **Parent:** a biological, adoptive parent or legal guardian as determined by applicable state law and is responsible for the care, custody and control of a child or upon whom there is legal duty for such care.
- (46) **Parent home study:** (*see* definition under home studies)
- (47) **Physical custody:** Person or entity with whom the child is placed on a day-to-day basis.
- (48) **Placement** (*see* ICPC Article II (d) “Definitions”): the arrangement for the care of a child in a family free, in a 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.
- (49) **Placement resource:** the person(s) or facility with whom the child has been or may be placed by a parent or legal custodian; or, placed by the court of jurisdiction in the sending state; or, for whom placement is sought in the receiving state.
- (50) **Progress report:** (*see* “supervision report” definition)
- (51) **Provisional approval:** an initial decision by the receiving state that the placement is approved subject to receipt of required additional information before final approval is granted.
- (52) **Provisional denial:** the receiving state cannot approve a provisional placement pending a more comprehensive home study or assessment process due to issues that need to be resolved.
- (53) **Provisional placement:** a determination made in the receiving state that the proposed placement is safe and suitable and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.
- (54) **Public child-placing agency:** any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.

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(55) **Receiving state** (*see* ICPC Article II (c) “Definitions”): 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.

(56) **Relative**: a birth or adoptive brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece, nephew, as well as relatives of half blood or marriage and those denoted by the prefixes of grand and great, including grandparent or great grandparent, or as defined in state statute for the purpose of foster and or adoptive placements.

(57) **Non-relative**: a person not connected to the child by blood, marriage or adoption.

(58) **Relative home study**: (*see* definition under home studies)

(59) **Relocation**: the movement of a child or family from one state to another.

(60) **Residential facility or residential treatment center or group home**: a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. For purposes of the Compact, residential facilities do not include institutions primarily educational in character, hospitals or other medical facilities (as used in Regulation 4, they are defined by the receiving state).

(61) **Return**: the bringing or sending back of a child to the state from which they came.

(62) **Sending agency**: (*see* ICPC Article II (b) “Definitions”): 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, charitable agency or other entity having legal authority over a child who sends, brings, or causes to be sent or brought any child to another party state.

(63) **Sending state**: the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits or enables the child to be sent to another state.

(64) **Service (case) plan**: a comprehensive individualized program of action for a child and his/her family establishing specific goals and objectives and deadlines for meeting these goals and objectives.

(65) **State**: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

(66) **State court**: a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18) or as otherwise defined by state law.

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(67) **Stepparent**: a man or woman married to a parent of a child at the time of the intended placement or as otherwise defined by the sending and/or receiving state laws, rules and/or regulations.

(68) **Supervision**: monitoring of the child and the child's living situation by the receiving state after a child has been placed in a receiving state pursuant to a provisional approval or an approved placement under Article III(d) of the ICPC or pursuant to a child's relocation to a receiving state in accordance with Regulation No. 1 of the ICPC.

(69) **Supervision report**: provided by the supervising case worker in the receiving state; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.

(70) **Timely Interstate Home Study**: (*see* definition under home studies)

(71) **Visit**: as defined in Regulation No. 9.

IV. SCOPE OF ICPC

A. What the Compact Does

The Compact law establishes orderly and uniform procedures for the interstate placement of children and assigns responsibility for those involved in placing the child. The ICPC contains 10 Articles and every state's ICPC contains basically the same Articles. Each Article defines a specific function of the law including identifying the types of placements and placers 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.

B. Types of Placements Covered

Articles II (d), III and VI of the ICPC identify the four types of placements of children which are subject to compliance:

1. Placement preliminary to an adoption.
2. Placements into foster care, including foster homes, group homes, residential treatment facilities, and institutions.
3. Placements with parents and relatives when a parent or relative is not making the placement.
4. Placements of adjudicated delinquents in institutions in other states.

Not all placements of children into other states are subject to compliance with the Compact. The

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Compact does not include placements made in medical and mental health facilities or in boarding schools, or "any institution primarily educational in character." (MISS. CODE ANN. § 43-18-1.II.d.)

C. Who Must Use the Compact?

Article II (b) of the ICPC defines who must use the Compact when they "send, bring, or cause a child to be brought or sent" to another member state. These agencies, courts, persons, and other entities called " the Sending Agent" are:

1. A state party to the Compact, or any officer or employee of a party state.
2. A subdivision, such as a county or a city, or any officer or employee, of the subdivision.
3. A court of a party state.
4. Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

D. Limitations

Not all Sending Agents who place children out of state are required to seek compliance under the ICPC. Article VIII (a) of the ICPC excludes from coverage, placements made from certain individuals to certain enumerated individuals. Specifically:

1. The sending or bringing of a child by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian who has responsibility for the child and leaving the child with a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or the child's non-agency guardian in the receiving state.
2. Exclusion from ICPC occurs only when both the Sending Agent and the placement recipient belong to the enumerated classes of individuals. EX: a placement of a child made by a parent whose rights to plan for the child have not been diminished by a court action or through a custodial action and the placement is with an "adult uncle or aunt" of the child in another State is exempt from compliance with the ICPC.
3. Placements of children across state lines which result from the exclusive jurisdiction of a divorce court are not subject to compliance with the ICPC. Specific examples include requests for a study or supervision of a parent in another state or a change in custody between divorced parents, whether agreed upon or adversarial or a change in visitation schedule or supervision during a visitation schedule which is based on a divorce court action.

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Child Protective Services investigations require contacts in other states which include: reports on the circumstances of a child or family and the location of a child or an adult. This includes enrollment in school, supervision, a well-being check and other services that are not subject to ICPC procedures. Contact the Child Protective Services Hotline in each state for further information and/or assistance.

E. Safeguards Offered by the Compact

Articles I and V of the ICPC outlines the safeguards provided for both the child and the parties involved in the child's placement:

1. Provides the Sending Agency the opportunity to obtain home studies and an evaluation of the proposed placement. (*See Appendix B*)
2. 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.
3. Guarantees the child legal and financial protection by addressing these responsibilities with the Sending Agency or individual.
4. Ensures that the Sending Agency does not lose jurisdiction over the child once the child moves to the Receiving State.
5. Provides the Sending Agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

These safeguards are routinely available when the child, the person, or responsible agency and the placement are all in a single state or jurisdiction. When the placement involves two states or jurisdictions, however, these safeguards are available through the Compact.

F. Procedures for Making Compact Placement

Articles I, III, and V serve as the basis for the procedures for ICPC compliance including the referral and home study processes, the basis for and the authority to issue a decision regarding the placement, the case-management and closure processes, including permanency or disruption for each child. It details specific procedural application and best practice for compliance.

G. Penalties for Illegal ICPC Placements

Article IV of the ICPC specifies penalties which may be taken if violations are made under Article III and V of the ICPC. Interstate placements made in violation of the law constitute a violation of the "laws respecting the placement of children of both the state in which the Sending

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Agency is located or, from which it sends or brings the child and of the receiving state" (Article IV).

Violators are subject to punishment or penalties in both jurisdictions in accordance with their laws. In addition to liability for any such punishment or penalty, any violation shall constitute full and sufficient grounds for suspension or revocation of any license, permit or other legal authorization held by the Sending Agent which empowers or allows a child to be placed.

V. ARTICLES OF THE ICPC

A. Article I. Purpose and Policy

It is the purpose and policy of the party state 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 in order to evaluate a projected placement.
- d) Appropriate jurisdictional arrangements for the care of children will be promoted.

B. Article II. Definitions

As used in this compact:

- a) "Child" means a person, who by reason of minority, is legally subject to parental guardianship or similar control.
- b) "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, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- c) "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

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placement with state or local public authorities or for placement with private agencies or persons.

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

C. Article III. Conditions for Placement

- a) 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.
- b) 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:
- 1) The name, date and place of birth of the child.
 - 2) The identity and address or addresses of the parents or legal guardian.
 - 3) 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.
 - 4) 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.
- c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) 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 there from, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.
- d) 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, that the proposed placement does not appear to be contrary to the interests of the child.

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D. 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 such 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.

E. Article V. Retention of Jurisdiction

- a) The Sending Agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, 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.
- b) 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.
- c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agents in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state 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 (a) hereof.

F. 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

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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:

- a) Equivalent facilities for the child are not available in the Sending Agency's jurisdiction; and
- b) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

G. 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 other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

H. Article VIII. Limitations

This compact shall not apply to:

- a) The sending or bringing of a child into a receiving state by his parent, stepparent, 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.
- b) 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.

I. Article IX. Enactment & 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 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.

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J. Article X. Construction & 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 or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and 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.

VI. ICPC PROCEDURES

Prior to sending any child into a Receiving State for placement in foster care, an adoption, a child-caring agency or institution, the Sending Agency shall furnish the appropriate public authorities in the Receiving State notice of the intent to send or place a child.

If it is determined to be in the best interest of the child to be placed in another state, the county worker will discuss the request for interstate placement with the Area Social Work Supervisor (ASWS). If the plan appears suitable, and the ASWS approves, the worker will proceed as follows:

A. Sending County's Responsibility

1. Procedure A: Home Study Requests to Place a Child in a Parent or Foster Placement in Another State

(Sending State Priority Home Study Request, *See* Appendix C)

(Receiving State Priority Home Study, *See* Appendix D)

1. To initiate an ICPC request for a Home Study and Placement approval, the referring worker shall submit an original and (2) copies of the ICPC referral packet to the ICPC office for review and processing. The ICPC referral packet shall contain the following documents: (*See* Appendix E)
 - a. ICPC Referral Checklist (*Go to* <http://dfcsmacweb/DFCSWEB/>).
 - b. Cover letter: Include type of request, whom request is for and reason for placement.

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- c. Social Summary: It should include background information and current assessment.
 - d. Current Custody Order and other pertinent court documents (signed and dated).
 - e. Financial/Medical Plan and appropriate supporting documentations. (*Go to* <http://dfcsmacweb/DFCSWEB/>)
 - f. Individual Service Plan (ISP)
 - g. Individual Educational Plan (IEP), psychological and/or psychiatric assessment or any document that specifies the child's needs, if available, school records, Birth Certificates and Social Security Cards.
 - h. Indian Child Welfare Act (ICWA). Indicate heritage, eligibility, compliance in the memo of request.
 - i. Form ICPC-100A, fully completed on each child. (*Go to* <http://dfcsmacweb/DFCSWEB/>)
 - j. Reference Form. (*See Appendix F*)
 - k. Statement of Interest Form (*Go to* <http://dfcsmacweb/DFCSWEB/>)
2. To initiate an ICPC request for an out-of-state Adoptive Placement the following additional documents are needed along with the above listed items:
- a. Documents that reflect that the child is legally "free" for adoption which must include one of the following for each parent.
 - b. Termination of Parental Rights (TPR)
 - c. Parental Relinquishment
 - d. Death Certificate, if either of the biological parents are deceased
 - e. Child Evaluation
 - f. Statement of Interest Form
3. To initiate an ICPC request for a **Private Adoptive Placement the referring worker shall submit** an original and (2) copies of the following documents:
- a. Private Adoption Checklist (*See appendix H*)
 - b. ICPC 100A Form
 - c. TPR order or Relinquishment
 - d. Placement Agreement

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- e. A current copy of agency's license
- f. Hospital Records: Medical Records, Discharge Summaries, etc.
- g. Social History of Birth Parents
- h. Birth Parents Counseling Summary
- i. Current Adoptive Home Study (*See* Adoption Checklist)
- j. Private Adoptions Only: Statement of Expenses paid to birth parent(s) by adoptive parent(s)
- k. Other: Any other documentation to meet the requirements of another state
- l. Prepaid Federal Express envelope

Send this information via Federal Express to:

Mississippi ICPC
Department of Human Services
Division of Family & Children's Services/ICPC
750 North State Street
Jackson, Mississippi 39202
601-359-4999

2. Procedure B: Request to Place a Child in a Residential Child Caring Facility (Congregate Care)

ICPC approval is required prior to placing a child in a residential facility in another state.

To initiate an ICPC request to place a child in a residential child caring facility, the referring worker shall submit original and (2) copies of the following documents to the Receiving State's ICPC office:

- a. Social Summary: It should include background information and reason for placement, along with current assessment of the child and family.
- b. Most recent court order reflecting the child's legal status.
- c. A letter of acceptance from the facility.
- d. Form ICPC -100A fully completed.

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3. Procedure C: ICPC Jurisdiction Referral

1. The appropriate Court assigned court liaison or DFCS worker will prepare an ICPC Court Jurisdiction Referral. The ICPC Court Jurisdiction Referral will be mailed in triplicate to the ICPC office or a complete copy of the ICPC Court Jurisdiction Referral will be scanned and e-mailed to the designated ICPC Administrator.
2. The ICPC Court Jurisdiction Referral will be entered in the current child welfare information system by the appropriate DFCS worker upon receipt.
3. An ICPC Court Jurisdiction Referral on a non-custodial child is limited to following required documents which are part of the court file:
 - a) An ICPC 100A form Interstate Compact Placement Request properly completed and signed by the Judge or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's placement and custody.
 - b) Cover Letter
 - c) Current Social History to include at a minimum, the child's name, date of birth, and other demographic information as included in the Court file.
 - d) Order of Reference Order and other pertinent court documents, including petitions, and order of adjudication of dependency/neglect or court order of protective supervision and if appropriate, court documents regarding delinquency or unruly adjudications.

Any supporting documents in the court file to substantiate the reason the child is before the court including medical, behavioral or other documents and the intent of further court action if not specified in other documents above.

4. Procedure D: Conversion of Intrastate Placement into Interstate Placement

Relocation of Family Units (*See Appendix I, Regulation 1*)

a) Intent

Situation: During the course of an in-state placement, circumstances require a Mississippi resource move to another state and per the family permanency plan (or equivalent); the DFCS custodial child who is placed with them is to remain in placement with them pending permanency.

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1. With the filing of an ICPC Regulation #1 Referral as prescribed below, the child may move with the approved Mississippi resource prior to the issuance of a placement decision by the Receiving State ICPC office.
2. The Mississippi resource home will be required to meet the resource home approval and/or licensure in the Receiving State for the continued placement of the child, however, supervision/contact with the child and family is implemented by the Receiving State within thirty (30) days of receipt of the referral packet.

b) ICPC # 1 Referral

The ICPC Reg. #1 Referral will include the following most current, required documentation:

1. ICPC Referral Checklist
2. An ICPC 100A. This form should contain the new address.
3. Cover Letter
4. Family Functional Assessment (or equivalent) or current social history (or equivalent) as appropriate
5. Family Permanency Plan
6. Custody order and other pertinent court documents (signed and dated) including previous petitions, and custodial orders.
7. ICPC Medical-Financial Plan and appropriate supporting documents.
8. Individual Education Plan, Social Security Card and Birth Certificates or equivalency
9. Approved or valid resource home study/re-assessments including all documents such as criminal history/ fingerprint results.
10. Form ICPC 100B, Interstate Compact Report on Child's Placement Status which specifies the date on, and the address to, which the child/resource family relocated. (*Go to <http://dfcsmacweb/DFCSWEB/>*)

c) Time Frame

A decision on provisional approval will be granted within five (5) business days of receipt of the ICPC - 100A and complete home study request packet. The decision will be provided, in writing, to the Sending State Compact Administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable.

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5. Procedure E: Regulation No. 2 (See Appendix I, Regulation 2)

Regulation 2 Covers:

- Children not yet placed through an approved home study
- Changing status of child already placed,
- Child already in receiving state without approval,
- Supervision terminated, jurisdiction retained,

Specific evidence of pre-screening of prospective placement is required to be included in ICPC packet. This is to prevent sending requests for placements with resource providers who are not interested or clearly will not pass.

Case manager must include the following:

- a signed statement that the potential placement is interested in having the child placed and will cooperate
- name and correct physical and mailing address of placement
- number and type of bedrooms in the home
- sufficient financial resources or
- explanation for how children will be fed, clothed and cared for
- acknowledgement by prospective placement that a criminal records and child abuse history check will be completed.

Report of home study (not actual home study) must be sent within 60 days and can include final approval or denial – consistent with Safe and Timely Interstate Placement of Children Act.

- If not a complete home study, must state what education and training is still required and the estimated time frame.
- If approved the Sending State will have six months to make the placement

If the home study is denied the Sending State can request reconsideration within 90 days, with or without a new home study

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Return of child to sending state

If child is in Receiving State without prior approval and Receiving State requests return, the Sending State must bring child back within 5 business days unless agreement has been reached between compact administrators on alternative placement.

If child in Receiving State was placed with approval and approval withdrawn, the child must return within 5 business days unless agreement is reached between compact administrators on alternative placement.

6. Procedure F: ICPC Procedures for Priority Placement of Child Under Regulation 7 (See Appendix I, Regulation 7)

Regulation 7 Covers

- a) 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
- b) 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
- c) The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child; or
- d) The child is currently in an emergency placement.

The placement must be with parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian. Regulation 7 does not apply:

- if child already placed in receiving state in violation of ICPC
- does not apply to foster care or adoption placements (unless placement already licensed)

Court must enter order of compliance making finding that child meets Reg. 7 criteria with specific findings as needed. The Court can ask for **provisional placement** – same as if child placed in shelter in receiving state. The Provisional placement is not a final approval and can be withdrawn.

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Courts can ask for jurisdiction to be relinquished upon approval of placement with a parent.

Before entering an ICPC order the case manager must provide to the court and court must find that a signed statement has provided the following:

- a signed statement that the potential placement is interested in having the child placed and will cooperate
- name and correct physical and mailing address of placement
- number and type of bedrooms in the home
- sufficient financial resources or
- explanation for how children will be fed, clothed and cared for
- acknowledgement by prospective placement that a criminal records and child abuse history check will be completed.
- If placement is with a parent, is there a request to relinquish jurisdiction.

Time Frames for entry of order and processing of request:

- 3 days from receipt of order the local county refers packet to the MS ICPC State office
- 2 days for MS ICPC State office to send packet out, if it is complete
- 2 days for Receiving State ICPC office to send to their local office
- 15 days for Receiving State local to complete home study and return to Receiving State ICPC office
- 3 days for Receiving State to make determination on placement when packet received from local office
- 20 days total in Receiving State to complete request and make a decision
- Judicial recourse possible in Receiving State if time frames not honored.

7. Procedure G: Interstate Compact Unit's Responsibility

The Interstate Compact Unit:

1. Reviews the request for the home study to determine that all relevant information has been furnished before submitting the request to the Receiving State's ICPC office for approval.
2. If the MDHS/ ICPC Specialist determines that the ICPC referral is incomplete the ICPC Specialist shall:

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- a. Call or send an e-mail to the referring worker to notify him or her of missing documents or information required to complete the ICPC referral within three (3) business days of receiving the referral.
- b. If the MDHS/ ICPC Specialist receives no response within the time frame, a second call or e-mail may be made to the referring worker or, to his/her supervisor and the MDHS/ ICPC Specialist shall return the incomplete ICPC referral to the referring worker with a transmittal outlining the reason it is incomplete.
- c. If the ICPC referral packet is complete, the MDHS/ ICPC Specialist shall sign the ICPC Placement Request and send the request to the Receiving State with two (2) copies of the transmittal letter and one (1) copy for the referring worker.
- d. If the ICPC request is denied, the MDHS/ ICPC Specialist shall inform the referring worker of the denial via ICPC – 100A form (MDHS-SS-497A). When necessary, the worker shall make arrangements to ensure the return of the child to Mississippi.
- e. When the completed home study is received, the Receiving State's Compact Administrator will review the study and indicates approval or disapproval of any proposed placement on the form ICPC – 100A (MDHS-SS-497A). The signed forms will be returned, with two copies of the home study, to Sending State's Compact Office.

8. Procedure H: Children Placed in Mississippi from another State

a) Receiving State Responsibilities

Article I (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.”*

1. Mississippi Department of Human Services, Division of Family and Children's Services adheres to federal laws including MEPA and the Civil Rights Act of 1964, which prohibits policies, procedures that deny any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color, or national origin of that person, or of the child involved; or which delay or deny any placement of a child in foster care or for adoption on the basis of race, color, or national origin of the foster caregiver(s), of the adoptive parent(s) or the child involved.
 - a) If an ICPC request is received from a state that is non-MEPA compliant the sending state shall be notified that Mississippi ICPC is unable to consider non-MEPA compliant requests. If the sending state still wishes the home to be considered Mississippi can only address RCNO if the child has had an individualized assessment that concludes that RCNO should be considered.

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Documentation regarding this request should be documented in a narrative in MACWIS under the Home Study.

2. State ICPC Office will review all referrals and resultant ICPC documents received from appropriate “sending agents” and determine completeness of all required documents as well as determine appropriateness of the authorizing signatures.
3. State ICPC Office will enter and/or manage a centralized ICPC database in the current child welfare information system as well as maintain a centralized paper file on each ICPC record.
4. If additional information is needed before a Referral or other documents can be processed to a receiving state, the State ICPC Office will notify the DFCS worker, court liaison, or appropriate party (sending agent) utilizing the ICPC transmittal and/or the current child welfare information system.
5. Additional information requested is to be mailed in triplicate to the State ICPC office or a copy scanned and e-mailed to the designated MS ICPC Administrator within ten (5) working days by the DFCS worker, court liaison, or appropriate party (sending agent). The Designated MS ICPC worker will be responsible to enter the information in the current child welfare information system.
6. If the requested information is not provided within 5 working days by the appropriate party, or a written notice documenting the reason the information or documents are not available and a proposed date as to when they may be available, the ICPC Office will return the referral packet to the DFCS worker, Court liaison or appropriate party. The Referral will be void; closed and documented as such in the current child welfare information system.
7. All ICPC Referrals must meet minimum requirements to be processed to the Receiving State. No limitations exist on the number of ICPC Referrals which may be submitted by the DFCS or court liaison or appropriate MS party (sending agent). No limitations exist pertaining to a timeframe within which an ICPC Referral may be submitted.
8. The State ICPC Office will process all complete ICPC Referrals to the Receiving State ICPC office in paper form by mail. The ICPC Administrator will scan and e-mail complete ICPC Referrals to a Receiving State with express permission of that State. Please note that some ICPC Party States are not equipped with personnel and equipment to accept ICPC Referrals or other documents in any electronic medium or their policy limits use of electronic medium to emergency only. A copy of the ICPC transmittal will be mailed to the DFCS workers, court liaison, or appropriate party for their record; an electronic notation including the date of the transaction will be entered in the current child welfare information system by the ICPC Administrator.

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9. Pending the issuance of a written decision by the receiving State ICPC office regarding placement of the child with that out-of-state resource, the DFCS worker or appropriate MS party with jurisdiction or custody of the child is not authorized to place the child across state lines under the ICPC. The DFCS worker or appropriate MS party responsible for planning for the child is responsible to maintain the child in an intra-state placement pending determination of appropriateness of the out-of-state resource per the ICPC.

Study:

Article I (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.”*

1. The Receiving State ICPC will assign the ICPC Referral to the appropriate local agency in their State or the private licensed agency as designated on the purchase of service agreement or the designated private licensed child placing agency to conduct an assessment or study on the placement resource. In ICPC referrals to Residential Treatment Centers, the “assignment” involves verification of the RTC licensure.
2. Upon assignment, the Receiving State Administrator may request additional or supporting information as it may deem necessary to conduct a valid assessment or study of the proposed resource.
3. Requests for additional or supporting information from a Receiving State will be transmitted through the ICPC Office to the DFCS, court liaison, or appropriate party utilizing the ICPC transmittal and/ or the current child welfare information system. Additional information requested is to be submitted to the ICPC office in triplicate within five (5) working days by the DFCS worker, court liaison, or appropriate party and documented in the record including the current child welfare information system. If the additional material needed is scanned, one copy of the additional or supporting information must be mailed to the MS ICPC office within two (2) working days of receipt of requested information.
4. All studies or assessment reports on the resource home in another State are conducted in accordance to applicable Federal and State laws and policy and licensing standards of the Receiving State. Designated public/private authorities in the receiving State determine the appropriateness of the placement resource for the specific child or children designated in the ICPC Referral based on the conclusions of their study or report or the licensing/regulatory authorities. An appeal or administrative review of the study decision or the study process is filed with the Receiving State authorities and subject to their applicable laws and policy and licensing standards.

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5. The Receiving State ICPC Administrator is responsible for forwarding the study or assessment report to the ICPC office within sixty (60) calendar days with or without issuing a decision for placement under the ICPC.
6. A study or assessment reports issued by a Receiving State ICPC Administrator without a decision on the ICPC 100A is considered a notice of circumstances of the resource in the Receiving State. Placement of a child in the custody/guardianship of DFCS with the out-of-state resource based on such a study or assessment report without a decision on the ICPC 100A does not meet Departmental policy as an approved resource placement nor provides full legal or financial protections for the child as designated under the ICPC. If a DFCS worker, court liaison or appropriate party determines to make a placement, it will be considered in violation of Article III of the Compact and places the child “at-risk”. The receiving state is under no obligation to provide services on behalf of the child placed or resource family pursuant to ICPC.
7. The ICPC Administrator is responsible to notify the DFCS Worker, court liaison, or appropriate party of the receipt of such a study or assessment report without a decision on the ICPC 100A from the Receiving State regarding the placement of the specific child or children with the out-of-state resource. Notification is in writing via ICPC transmittal and electronically, in the current child welfare information system.
8. DFCS Worker, or court liaison or other MS party (sending agent) will have 14 days after receipt of a study or assessment report issued without a decision on the ICPC 100A to notify the ICPC Administrator by written notice whether placement will be made or whether the ICPC Referral is being withdrawn or of their continued interest in pursuing the placement after approval on the ICPC 100A.
 - a) **Placement Made (Violation of Article III):** The written notice should specifically cite the name of the child and date of birth, current location of the child, and name of the placement resource in the receiving state, date child was allowed to be placed, circumstances of the child’s placement, recognition statement of ICPC Violation III and “at risk” status and responsibility for the child and to the placement resource if placement disrupts. Notice is to be signed and dated by DFCS or court liaison or the MS party (sending agent) and supervisor and mailed in triplicate to the ICPC office or one copy of the notice can be scanned and e-mailed to the appropriate ICPC Administrator. A copy of any notice scanned and e-mailed to the ICPC Administrator will be mailed within two (2) business days to the ICPC State Office. The information will be entered into the current child welfare information system by the ICPC Administrator and the ICPC instance closed as a Violation with no further services available under the ICPC.
 - b) **ICPC Referral Withdrawn:** An ICPC 100B, Interstate Compact Report on the Child’s Placement Status should be completed and mailed in triplicate to the ICPC

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office or scanned and e-mailed to the designated ICPC Administrator. Upon receipt, the ICPC Administrator will document the Withdrawal in the current child welfare information system and authorize the closure of the ICPC instance as “Referral Withdrawn.”

- c) **Defer Placement pending Approval:** Written notice to be mailed in triplicate by the DFCS, court liaison or other MS party (sending agent) to the ICPC office in the Receiving State along with a statement of intent to defer the placement of the child with the proposed placement until additional information has been secured on the resource and a decision issued under the ICPC. No ICPC 100B is required for a notice of intent to defer placement.

Decision:

Article III (d) “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 contrary to the interest of the child. “

1. If the decision for the placement of the child with the designated resource is denied by the Receiving State ICPC Administrator on the ICPC 100A, will forward the ICPC 100A denying the placement and the study or report which documents the reasons for denial to the DFCS Worker. The ICPC record will be closed “Placement denied”.
2. The ICPC Worker will enter the information in the current child welfare information system. The ICPC Worker will authorize the closure of the ICPC instance as “placement denied” in the current child welfare information system.
3. If the decision for the placement of the child with the designated resource is approved by the Receiving State ICPC Administrator on the ICPC 100A, will mail and scan and e-mail the ICPC 100A approving the placement and the study or report which documents the study process and approval to the DFCS Worker. The ICPC 100a and the study/documents are to be maintained in the record. Approvals for placements under the ICPC are valid for a period of six (6) months commencing from the date of the signature of the Receiving State ICPC Administrator. The information will be entered in the current child welfare information system.
4. The DFCS Worker is responsible to determine whether or not to use the approved placement, pursuant to the family permanency plan.
5. If the placement resource is approved and the placement will not be used or cannot be utilized within the 6 month time frame, the DFCS Worker will mail a completed ICPC Form 100B; Interstate Compact Report on the Child’s Placement Status (CS-0523) in triplicate to the ICPC office and specifies that the approved placement will not be used.

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Case Management:

1. Quarterly written progress reports are to address the child's safety, well-being, adjustment and services as specified on the family permanency plan (or equivalent) in order for the child to achieve permanency.
2. The ICPC Form 100B, Interstate Compact Report on the Child's Placement Status also serves as the notice to the receiving state to initiate their responsibility to monitor the continued licensure or approval status of the resource home in their state for compliance with Federal IV-B and IV-E.
3. The Receiving State is responsible to continue monthly supervisory contacts and quarterly written progress reports addressing the status of the child's placement and their safety, well-being and permanency until the child has achieved permanency through adoption; reaches the age of majority, becomes self-supporting or is discharged with the written concurrence of the Receiving State ICPC office.
4. The Receiving State ICPC Administrator is responsible to provide written concurrence to discharge further services to a child under the ICPC if the permanency goal is legal custody returned to parent or legal custody given to relatives or guardianship granted to relatives or others, or the Sending State's jurisdiction over the child may be terminated. The Receiving State ICPC Administrator will base concurrence upon the recommendations contained in the written progress reports.

Closure:

1. The DFCS Worker, court liaison, or appropriate party will mail three (3) copies of the ICPC form *100B, Interstate Compact Report on the Child's Placement Status* appropriately documenting court action and three (3) copies of any pertinent court order, which has been signed and dated to the ICPC office within thirty (30) days of the court action or will mail or scan and e-mail a copy of the completed ICPC 100B, Interstate Compact Report on the Child's Placement Status and the pertinent court order to the ICPC Administrator.
2. The ICPC Office will forward the documents to the Receiving State authorizing the closure of the ICPC record. No further services are available under the Compact.
3. The ICPC Office will document the date and reason for the closure in the current child welfare information system; effectively authorizing the closure of the ICPC instance. No further services are available under the Compact.

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b) Receiving County Responsibilities

1. The MDHS/ ICPC Deputy Administrator will forward the original and one (1) copy of the request to the appropriate supervisor for assignment to a worker to complete a home study.
 - The laws and policies of the sending state govern the conditions of custody and discharge.
 - A timely home study must be completed and a criminal history and central registry check are mandatory for all persons living in the home.
 - The assigned home study worker shall conduct a home study with written recommendation of the approval or denial of the placement request, and forward it to the ICPC Office within 60 calendar days of the date of receipt of the request.
 - For all approved placements, legal jurisdiction and financial responsibility for the child remain with the sending state.

All studies or assessment reports on potential placement resources in MS pursuant to the ICPC which are assigned to DFCS Regions or their contract agencies or an authorized public or private agency are to be completed within the following timelines which are projected from the current child welfare information system Intake Services Start Date:

a) ICPC Ref. #7 Priority Study	20 working days
b) Foster/Adoptive Study	60 calendar days
c) Re-assessment or Up-date	30 calendar days

c) Supervision

The Receiving State should provide supervision in a placement even though the placement is with a parent. The Receiving State should provide services for the child and the family once the placement has been approved through the compact and 100B has been received confirming date of placement. The Receiving State is responsible for the following:

- Ensures requested services are received.
- Completes quarterly reports.
- Notifies the ICPC office in the sending state when problems occur.
- Any out-of-state youth is bound by MS (the receiving states') law.

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- The receiving state maintains supervision until notification from the sending state that jurisdiction has been terminated
- Provides three (3) copies of quarterly progress reports.
- All reports are to be sent to the ICPC office for forwarding to the sending state's ICPC office.

d) Closure Requests

- Receiving state recommends dismissal and case closure or return of child to sending state.

Note: if a placement is unsuccessful, the sending state is responsible for the youth's return.

If legal action is pending against a youth it must be resolved prior to their departure from MS

9. Procedure I: Placement with Non-Member State/Territory for a Placement of a Child out of Mississippi

1. For placement in a Non-Member State/Territory, the Sending State or agency will follow the same procedure outlined in Child's Placement out of Mississippi with Member State. (*See IV, A. et seq above*)
2. A non-member state/territory is not legally required to accept the MDHS-SS-497A (ICPC - 100A) as Mississippi's statement of responsibility. MDHS/ ICPC staff may be requested to provide a written statement or to complete the non-member territory's own agreement forms. These forms will need to be forwarded to the MDHS/ ICPC for signature.
3. The Request should be addressed to the MDHS/ ICPC Unit and it will be forwarded to the appropriate person in the receiving territory.
4. Upon receipt of the evaluation and recommendation from the non-Compact member territory, the MDHS/ ICPC Administrator will forwards a copy to the sending office.

10. Procedure J: Non-Member State/Territory Placement into Mississippi

1. The Receiving State or agency will follow the same procedure as outline in the Child's Placement into Mississippi with Compact State. The request from the non-member territory will not include the form ICPS 100A since these are used only by members of the Compact.

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2. The non-member state/territory will be directed to remain financially and legally responsible for the child as part of the home study/supervision process. A statement to that effect must be signed by the Chief Executive Officer in that territory.
3. The request for that responsibility statement will be made by the MDHS/ ICPC Deputy Administrator after the evaluation and recommendation are received from the worker.
4. The responsibility statement of financial and legal responsibility must be obtained before placement of the child into Mississippi can be approved.

11. Procedure K: Responsibility for On-Going Services

a) The Sending State Shall:

1. Clarify services needed, and request quarterly supervision and progress reports. The information about supervision and reports is specified on the MDHS-SS-497A (ICPC - 100A).
2. Retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care treatment and disposition of the child.
3. Retain jurisdiction until the child is adopted, reaches majority, becomes self-supporting or is discharged.
4. Continue to have financial responsibility for support and maintenance of the child during the period of placement.

b) The Receiving State Shall:

1. Provide services to the child as designated by the Sending Agency on ICPC – 100A (MDHS-497A).
2. Provide other special services which are agreed to by both Sending and Receiving State.
3. Make face to face visits with child and family twice monthly with one visit taking place in the child's placement.
4. Provide progress reports to the sending state or agency designated on the ICPC 100A. Form. The original with two copies of the progress report should be sent directly to the MDHS/ ICPC Unit.

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12. Procedure L: ICPC – Mississippi Automated Child Welfare Information System (MACWIS) Procedures

a) Incoming ICPC Request

All Children in custody crossing state lines for placement must be entered in the MDHS MACWIS. For all incoming ICPC Requests, the ICPC Unit will be responsible for reviewing for complete information. The referral(s) will be entered in the following manner:

(1) Parent Home Study Requests

- a. ICPC Unit will enter the request into MACWIS with the oldest child as **Head of Household**.
- b. The request is entered through the New Intake tab by choosing the following:
 - i. Type of Request (parent, foster care, adoption)
 - ii. State (from)
 - iii. County (to)
 - iv. Date entered
 - v. Child(ren) name, DOB, and Race
 - vi. Resource name, Age, Race, and address
- c. The request will be **screened in** MACWIS.
- d. MACWIS will assign request to the county Intake Supervisor.
- e. The Intake Supervisor will assign request to county worker for evaluation.

(2) Foster and Adoptive Homes Study Requests

- a. The above procedures will be followed in MACWIS for Resource Home Requests with the exception of following county actions:
 - i. The request will be screened in MACWIS to the county where the prospective family resides.
 - ii. MACWIS will assign request to the County Intake Supervisor.
 - iii. The Intake Supervisor in the county where the prospective family resides will assign the request to the Resource Supervisor who will assign the request to a Resource/Adoption Specialist.

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(3) Supervision of ICPC Cases

Once a placement has been licensed and approved in MACWIS, the ICPC Unit will forward the approval to the Sending State. The Sending State will forward an ICPC 100 - B form showing when placement is made. The ICPC 100 - B Form will be sent to the county worker. The county worker will open a supervision case in MACWIS and begin monitoring the placement.

b) Outgoing ICPC Requests

- (1) All ICPC outgoing requests **must** be entered in the State's MACWIS. The worker will go to the *ICPC Outgoing Screen* and ensure following information is entered:
 - a. Child(ren) name(s)
 - b. State (to)
 - c. Date request is sent to State Office (SO)
 - d. Priority Status
 - e. Children in Family
 - f. County
 - g. Worker
 - h. Service Type (ICPC Outgoing)
 - i. Type of Care
 - j. Start Date
 - k. Resource information (name, address, phone number)
 - l. Checklist of documents sent (at least one item must be checked)
- (2) All outgoing ICPC Requests must be forwarded to the MS ICPC Office (original and 2 copies) and, if sending the request electronically, give the ICPC Unit prior notice.
- (3) Home Studies must be completed by the county worker in MACWIS. MACWIS will generate a tickler to the ICPC Unit when the home study is complete.

B. Permanency Hearing

“Permanency Hearing” is defined in 42 U.S.C. 675, § 475(5)(C) as being a

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“...hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than 12 months after the date the child is considered to have entered foster care (as determined under subparagraph (F)) (and not less frequently than every 12 months thereafter during the continuation of foster care), which hearing shall determine the permanency plan for the child...”

Timely Permanency Hearings are required for every child including ICPC children from Mississippi who are placed in another state and is the responsibility of the county office with oversight of the child. A copy of the Permanency Dispositional court order should be forwarded to the Mississippi ICPC Office and the receiving state ICPC office where the child is placed. After the initial permanency hearing, subsequent permanency hearings must be held no less frequently than every 12 months during the child’s continuation in foster care.

C. Joint Responsibilities of Receiving and Sending States

1. Responsibility to Inform Respective State of Status Changes

It is both the Receiving and Sending State’s responsibility to inform the other state of any change of status in Interstate Placement.

- a. The form MDHS-SS-497B (ICPC 100B) will be completed by the respective public or private agency when the following circumstances occur:
 - Placement is made.
 - Change in address.
 - Placement cancelled/withdrawn
 - Placement is terminated.
- b. The state or agency reporting the change of status will completes an original and three (3) copies of the MDHS-SS-497B (ICPC 100B), and sends it to the DFCS Interstate Compact Unit.
- c. The county worker must open an ICPC supervision case once the children have been placed in the approved placement.

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2. Direct Contact with other States

County workers should not make a direct request for a home study to an out of state county office nor should the county worker accept the same from another state. All ICPC requests must be made through the MDHS/ ICPC Office.

If it appears that a child has been placed out of state without proper clearance, the ASWS should notify the MDHS/ ICPC Unit immediately.

The MDHS/ ICPC Unit will expedite requests whenever possible and will work with the worker to facilitate a prompt response when needed for court hearings.

D. Cooperative/Reciprocal Services Provided

DFCS provides cooperative/reciprocal services to other states' social services agencies, private agencies, and courts, upon referral, when there is reported abuse, neglect, or dependency of minor children. International Social Services and national agencies serving children and/or families may make referrals and are provided cooperative services. All such requests must include a court order and shall be referred through the MDHS/ ICPC Office.

1. Types of Services Rendered

Reciprocal cooperative services most frequently requested are listed below:

1. Home studies -
 - a. to evaluate a proposed home for the placement of a child, may or may not result in the placement of the child across state lines. Such requests include placement with parents, relatives, foster homes or adoptive homes. Foster home studies may be completed according to either the receiving or sending states' policy.
 - b. custody home studies in divorce and custody proceedings, with accompanying court order. A fee must be paid in advance, before the study is initiated. Payment in the form of cashier's check or money order should be made to the Treasurer of the state to whom the request is made.
2. Supervision of placement of a child who is placed with foster or adoptive parents.

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3. Evaluations

- a. of family situations for Family and Juvenile Courts, regarding custody of Children when neglect or abuse is involved.
 - b. of a proposed plan for adoption and supervision for the child, pending legal proceedings in cases where adoptive parents have had to move to another state.
 - c. of a proposed plan for adoption and supervision for the child, pending legal consummation of the adoption, assisting in the completion of the legal proceedings in cases where adoptive parents have had to move to another state.
4. Transfer of an adoptive home resource to a child placing agency in another state when the applicants move while the study is in process, or an adoption is pending.

2. Visits under the ICPC of a Child into another State

1. A visit may not be extended or renewed in a manner which causes/will cause it to exceed thirty (30) days or the school vacation period. (*See Definitions*)
2. A visit is with a parent or relative or significant kin who is known to the child and who has not, nor will not, assume legal or physical responsibility for the child to the extent that: (a) a claim for financial assistance may be filed; or (b) enrollment in school or responsibility for medical service, except in an emergency, is authorized during the visit.
3. No study, background checks or supervision of the visit is necessary.
4. A child who remains in a “visit” for over thirty (30) days with a resource that has not been assessed under provision of the ICPC is considered to be in an unapproved placement which is a violation of ICPC Article III and the child is considered to be “without proper guardianship”.
5. The child is, then, considered “at risk” and subject to a protective services referral. Protections allowable under the ICPC are not available to the child in the Receiving State.

3. Disruption of a Mississippi Child Placed in another State through ICPC

When a child, in Mississippi custody guardianship and placed in another state under an approved ICPC, disrupts the placement, the Receiving State should immediately advise the MDHS/ ICPC Unit. The Sending State (Mississippi) retains jurisdiction over the child and maintains the responsibility to plan for the child, including the responsibility to remove the child from the placement.

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E. Termination of Responsibility

1. Responsibilities for providing supervision and requested reports are terminated with the concurrence of both states when:
 - a. Child is adopted.
 - b. Child reaches majority age.
 - c. Child becomes self-supporting, or marries.
 - d. Child is discharged from court wardship, with both Sending and Receiving States' concurring that there is no further need for supervision.
 - e. When placement becomes unsuitable or unworkable, the responsible state must make an alternate plan for the child's return.
2. The termination of placement of foster children placed out-of-state in foster homes are illegal under the Compact. Provisions must be made for the foster children's placement in other homes.
3. Sending and Receiving States notify each other of termination of responsibilities by means of the ICPC 100B (MDHS-SS-497B).

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VII. APPENDICES

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

**Mississippi
Form DFCS 523**

Appendix A

Mississippi Family and Children's Services
Interstate Compact on the Placement of Children (ICPC)
SUPERVISION REPORT

Name of Child(ren)	Name of Caretaker(s)	Date of Report
Caseworker Phone:	Address of Placement	Reporting Period

Dates and locations of Face-to-Face Contact:

Discuss child(ren)'s current circumstances, addressing safety in placement and well-being:

Child(ren)'s school performance. If applicable attach copies of report card, IEP or evaluations:

Child(ren)'s health & medical status including dates of medical and dental appointments, names of service providers records, evaluations and therapy reports if applicable.

Discuss any special accomplishments/ progress made by the child(ren) during this supervision period.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Supervisor Report, continues)

Mississippi Family and Children's Services

Discuss any changes in resource family's physical environment:

Discuss any special challenges experienced by resource family:

Supervising Worker's Recommendation:

- Continued Placement
- Establish Guardianship
- Return custody to parent, terminate jurisdiction
- Finalize Adoption
- Other (specify)

Signature Worker:

Signature Supervisor:

Signature ICPC:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix B
HOME EVALUATION GUIDE

The attached guide is to be used as the format for all ICPC Regulation 7 Priority Home Evaluations. It will give a composite picture of the family and will provide a base from which to make an informed decision about placement.

The attached guide should be used for a priority home evaluation.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC-101
August 1996

Appendix C

**SENDING STATE
PRIORITY HOME STUDY REQUEST**

To be submitted by Social Worker with other required ICPC materials

Name of Child¹ _____ Age _____ Mother's Name _____
Ethnic Group _____ DOB _____ Father's Name _____

PROPOSED CARETAKER

NAME: _____ Marital Status: S, M, Sep., D, W Living with _____
(name of person)

ADDRESS: _____

Telephone Home #: _____ Work #: _____ Social Security # _____

Relationship to child identified above: _____

Best time of day to contact caretaker: _____ Employer _____
(If applicable)

Alternate Contact Name & Address: _____

ASSESSMENT OF CHILD

Case Plan Attached: Yes No (circle one) Financial/Medical Plan attached: Yes No (circle one)

Special Needs: _____

Handicaps: Mental/Physical _____

Service Needs/Treatment Requirements: _____

School Information: _____

Other required pertinent information regarding child and family will follow: yes no (circle one)

Worker's Name: _____ (please print) _____ (Tel. #)

Worker's Signature: _____ (date)

Supervisor's Signature: _____ (if required) _____ (date) _____ (Tel. #)

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC-102
August 1996

**Appendix D
Receiving State's Priority Home Study**

(Each section must be completed)

Name of Child*to be placed _____ Age _____ Sending State _____
Ethnic Group _____ DOB _____
Dates of telephone contact _____ Dates of Home Visits _____

PROPOSED CARETAKER/SPOUSE

Name: _____ SS# _____
Address: _____
Telephone (Home) _____ (Work) _____

Marital Status: M S Sep. D W (Circle One)
Living With: Name _____
Length of relationship (if not marital) _____

Caretaker's Employer's Name & Address:

Phone: _____

Caretaker's Spouse: _____
Spouse's Employer's Name & Address _____

Phone: _____

YOU MUST SUBMIT INCOME VERIFICATION

Household Income: \$ _____ yearly _____ monthly _____ bi-weekly _____ weekly
(Provide and Circle only one)

Is present income adequate? _____
Head of Household: _____ (Name on rent receipts, utility bills, etc.)
Number of Members in Household: _____
Relationship to proposed caretaker: _____
Relationship of proposed caretaker to child: _____

Reason for wanting to care for children: _____
How did you hear about child's situation? _____
Do you understand the situation that caused this request? _____

HOME AND COMMUNITY

Adequacy of space:
Will the child have his/her own bed? Yes _____ No _____
Closet Space? Yes _____ No _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Receiving State's Priority Home Study, continues)

Will the child share a bed room? Yes _____ No _____
Housekeeping Standards: _____
Potential hazards, safety problems (specify) _____

Proposed caretaker and other family members state that they are in basic, good health and free of communicable diseases: Yes _____ No _____ If "no", explain: _____

Appropriateness of neighborhood: _____
Proximity to school, medical services, etc. : _____
Ability to protect child from offender: _____
Willingness to provide care (Time-limited?) Open-ended?) _____
Appropriateness of child care plans: _____
Forms of discipline: _____
Willingness and ability to care for child without financial help: _____
Willingness to accept/apply for AFDC? Yes _____ No _____
Requests Foster Care Benefits? Yes _____ No _____
Willingness to undergo licensure? Yes _____ No _____

SPECIAL NEEDS

Ability of caretaker, community, schools to meet child(ren)'s special needs: _____

School progress/problems: _____

Family known to Public/Social Services Agencies Yes _____ No _____ If yes, explain _____

Previous contacts with Public/Social Service Agencies: _____

OTHER ADULTS IN HOUSEHOLD

(List separately/Use additional sheet to list household members if needed)

Name: _____ Age: _____
Relationship to proposed caretaker: _____
Relationship to child to be placed: _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Receiving State's Priority Home Study, continues)

Attitude towards placement: _____
Name: _____ Age _____
Relationship to proposed caretaker: _____
Relationship to child to be placed: _____
Attitude towards placement: _____

CLEARANCES (in receiving state law)

Police/Sheriff:

Child Abuse and Neglect:

AREA OF CONCERN

Did you visualize or anticipate any potential problem areas with this case (explain)?

PLAN FROM SENDING STATE

Is the submitted case plan suitable/adequate for this proposed placement: Yes ___ No ___
(If no, explain below)

Recommended changes in the case plan or goal?

Financial/Medical Plan adequate for this child? Yes ___ No ___ (If no, explain below)

Are there any restrictions, limitations you would place on the proposed family, the court, the placing agency? Yes _____ No _____ (If yes, explain)

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Receiving State's Priority Home Study, continues)

STUDY NARRATIVE

Discuss any areas which cannot be addressed by this abbreviated study. Expound on any area(s) needing clarification.

WORKER'S RECOMMENDATIONS: For Placement ____ Against Placement ____
(Explain below)

Signatures: _____ Position: _____

_____ Position: _____

Date: _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix E ICPC Referral Packet Residential Treatment Facility

When a child's parent or legal guardian is proposing to place a child into a residential treatment facility in another state, the Referral Packet must contain the following:

- Cover letter (in triplicate) that includes the financial and medical plan for each child
- Form ICPC-100A (original and 4 copies) completed and signed by "sending party" for each child
- Social history (in triplicate) for each child that includes the basis on which the particular residential treatment facility was selected
- Educational, medical, psychiatric, and/or psychological reports (in triplicate) on each child, if appropriate
- Verification of each child's eligibility for Title IV-E Medicaid benefits, current and in the proposed placement

When an agency or a court is proposing to place a child into a residential treatment facility, the agency or an officer of the court is responsible for preparing the ICPC Referral Packet, using the guidelines developed by the Sending State ICPC office. A copy of the court order (in triplicate) must be included to show who has legal custody of the child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Appendix E, continues)

CONTENT ICPC REFERRAL PACKET

Proposed Placement with Birth Parent, Relative, or Foster Care

The ICPC Referral Packet for placement with a birth parent, relative or foster care in another Member State should include:

- Form ICPC-100A on each child, completed and signed by person/agency with authority to be the “Sending Agency” as defined in Article II (b) (**original and 4 copies**)
- Cover letter (**in triplicate**) that includes –
 - a. Reason out-of-state placement is being pursued;
 - b. Statement indicating the person/agency/court that has legal custody of each child;
 - c. Permanency goal and brief statement of case plan for each child (including identification of specific service(s) needed by each child) and the expected achievement date(s);
 - d. Plans for meeting cost of care in other state, including who is financially responsible for each child;
 - e. Indication of each child’s eligibility or ineligibility for
- Title IV-E Medicaid benefits;
- SSI benefits;
 - a. Request for evaluation of the proposed caretaker and identifying information about the proposed caretaker, including type of resource (e.g., foster family, relative family, etc.).
- Social summary on EACH child (**in triplicate**)
- Court order(s) on EACH child (**in triplicate**) that shows –
 - a. Court has jurisdiction over each child;
 - b. Date of adjudicatory hearing for each child;
 - c. Person/agency who has legal custody of each child;
 - d. Person/agency who has physical custody of each child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Mississippi
Form DFCS 524

**Appendix F
References**

**ASSOCIATION OF ADMINISTRATORS OF
THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

REFERENCES

Name: _____	Made Contact		(Please explain below)	
Street Address: _____			Positive	Negative
City, State, Zip: _____	()	()	()	()
Telephone: _____	yes	no		

Home _____
Work _____

Name: _____
Street Address: _____

City, State, Zip: _____
Telephone: _____

Home _____
Work _____

Name: _____
Street Address: _____

City, State, Zip: _____
Telephone: _____

Home _____
Work _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix G

Heading for the report to the court:

This report should have the court heading at the top in order for it to be filed in the proper court file.

Example:

IN THE _____ CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR _____ COUNTY, MISSISSIPPI

In the Interest of
Child's Name: _____ Case No.: _____
DOB: _____ Division: _____

Body of the Report:

PRE-SCREENING FORM REG-2

Pursuant to the requirements of Regulation 2, Section 5(d) of the Interstate Compact on the Placement of Children (ICPC), I, _____ *{full legal name}*, certify that the following information is true:

1. I have communicated directly with the potential placement resource, _____ *[name of person with whom child to be placed]*.
2. The potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
3. The name, correct address, available telephone number or other contact information, date of birth, and social security number of the placement resource is as follows:

_____ Name of placement resource
_____ Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Appendix J- Regulation 2, continues)

4. The name, correct address, available telephone number or other contact information, date of birth, and social security number of all adults in the home is as follows:

_____ Name of adult

_____ Name of adult

_____ Mailing Address of placement resource

_____ Physical Address of placement resource

_____ City/State/Zip Code

_____ Telephone numbers/contact information

5. The number and type of rooms in the proposed residence is sufficient to accommodate the child as follows:

Number of bedrooms: _____

Number of adults residing in the home: _____

Number of children residing in the home, including child to be placed: _____

6. _____ *[name of person with whom child to be placed]* has or will access financial resources to feed, clothe, and care for the child, including child care.
7. _____ *[name of person with whom child to be placed]* acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home to be screened under the law of the receiving state.

Dated:

Signature

Title:

Printed Name:

Address:

City, State, Zip:

Telephone Number:

Fax Number:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Heading for the report to the court:

This report should have the court heading at the top in order for it to be filed in the proper court file.

Example:

IN THE _____ CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR _____ COUNTY, MISSISSIPPI

In the Interest of

Child's Name: _____ Case No.: _____

DOB: _____ Division: _____

Body of the Report:

PRE-SCREENING FORM REG-7

Pursuant to the requirements of Regulation 7, Section 7(a) of the Interstate Compact on the Placement of Children (ICPC), I, _____ *{full legal name}*, certify that the following information is true:

1. I have communicated directly with the potential placement resource, _____ *{name of person with whom child to be placed}*.
2. The potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
3. _____ *{name of person with whom child to be placed}* is the:

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> father | <input type="checkbox"/> adult aunt |
| <input type="checkbox"/> mother | <input type="checkbox"/> adult uncle |
| <input type="checkbox"/> stepparent | <input type="checkbox"/> adult brother |
| <input type="checkbox"/> grandparent | <input type="checkbox"/> adult sister |
| <input type="checkbox"/> guardian | |

of _____ *{name of child}*.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Appendix J- Regulation 7, continues)

4. The name, correct address, available telephone number or other contact information, date of birth, and social security number of the placement resource is as follows:

_____ Name of placement resource
_____ Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information
_____ Date of Birth
_____ Social Security Number

5. The name, correct address, available telephone number or other contact information, date of birth, and social security number of all adults in the home is as follows:

_____ Name of adult
_____ Name of adult
_____ Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information
_____ Date of Birth
_____ Social Security Number

6. The number and type of rooms in the proposed residence is sufficient to accommodate the child as follows:

Number of bedrooms: _____
Number of other rooms in the home: _____
Number of adults residing in the home: _____
Number of children residing in the home, including child to be placed: _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(Appendix J- Regulation 7, continues)

7. _____ *[name of person with whom child to be placed]* has or will access financial resources to feed, clothe, and care for the child.

If the child needs child care, it will we provide as follows:

_____N/A

8. _____ *[name of person with whom child to be placed]* acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home to be screened under the law of the receiving state and that, to the best knowledge of the placement resource, no one residing in the home has a criminal or child abuse history that would prohibit the placement.

In the Interest of _____(child's name) (page 3)
Statement of Case Manager/Potential Placement/Party under ICPC Regulation 7

9. I am unaware of any fact that would prohibit the child being placed with the placement resource. Also, I have completed and am prepared to send all required paperwork to the sending state ICPC office, including the ICPC 100A and Form 101.

Dated:

Signature
Title:
Printed Name:
Address:
City, State, Zip:
Telephone Number:
Fax Number:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Mississippi
Form DFCS 525

Appendix H Adoption Request Checklist

ICPC ADOPTION REQUEST CHECKLIST (All Requests Must be Submitted in TRIPLICATE)

Adoptive Home Study and Conversion Requests

- ICPC-100A form requesting adoptive home study
- TPR and all other court orders / legal documents on child(ren)
- Complete social / medical / psychological / educational history on child(ren)
- IV-E documentation on child(ren)
- Financial / Medical Plan
- Certification of first time adoptive parents pre-adoptive training requirements
- Cover letter

Newborn Adoptive Placements Requests (MS does not accept UNBORN baby requests)

- ICPC-100A form requesting adoptive placement
- TPR Order (needed if finalizing in MS) or Relinquishment (approved as a “legal risk” placement)
- Family History / Medical / Genetic Questionnaire signed by birthparents or explanation if both have not completed this
- Family History Pregnancy and Delivery Information Questionnaire
- Hospital records: discharge summary, medical records
- Social history of birth mother and birth father
- Birth parents counseling summary
- Adoptive home study
- Private adoptions only: statement of expenses paid to birth parent(s) by adoptive parents
- Certification of first time adoptive parents pre-adoptive training requirements
- Other: Any other documentation to meet the requirements of another state
- Overnight courier envelope for the Receiving State with postage to contain 2 copies of request
- Send this information via overnight courier ONLY to:
Mississippi ICPC
Department of Human Services/ Division of Family & Children’s Services
750 North State Street
Jackson, MS 39202

Older Children Adoptive Placement Requests

- ICPC-100A form requesting adoptive placement
- TPR Order or Relinquishment (if pending, may approve as “legal risk placement”)
- Social history of birth mother and birth father
- Current adoptive home study
- Current foster home license
- Documentation of 3 pre-adoptive placement visits (for special needs children only)
- Certification of first time adoptive parents pre-adoptive training requirements
- Other: Any other documentation to meet the requirements of another state

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix I

Regulations 1-11

Regulation No. 1

Conversion of Intrastate Placement into Interstate Placement; Relocation of Family Units

1. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state, except as set forth herein.
2. Intent: This Regulation addresses the request for approval for placement of a child in an approved placement resource in the receiving state where the sending state has already approved the placement in the sending state and the resource now desires to move to the receiving state. The intent of Regulation 1 is to ensure that an already safe and stable placement made by a sending agency in the sending state will continue if the child is relocated to the receiving state. Additionally, it is the intent of this Regulation for supervision of the placement to be uninterrupted, for the family to comply with the requirements of the receiving state, and for both states to comply with all applicable state and federal laws, rules and regulations.
3. Applicability to Relocation: This Regulation shall apply to relocation of a child and the placement resource where supervision is ongoing. A request for a home study solely for the purpose of a periodic assessment of the placement where there is no on-going supervision shall not be governed by this regulation and shall be a matter of courtesy between the states. Nothing shall prohibit a sending state from contracting privately for a periodic assessment of the placement.
4. Applicability to Temporary Relocation: If a child is brought into the receiving state by an approved placement resource for a period of ninety (90) days or less and remains with the approved placement resource, approval of the receiving state is not required. Either the sending or receiving state may request approval of the placement, and, if the request is made, the sending and receiving states shall take the necessary action to process the request if the sending and receiving states agree to do so.

Supervision by the receiving state is not required for a temporary relocation of ninety (90) days or fewer; however, pursuant to section 422(b)(17) of the Social Security Act 422 U.S.C. 622, supervision by the sending agency is required. Supervision may be provided as a courtesy to the sending state. If supervision is requested, the sending state shall provide a Form 100B and the information required in Section 5(b) below.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

If a child is brought into the receiving state by an approved placement resource for a temporary placement in excess of ninety (90) days or if the temporary relocation will recur, full compliance with this regulation is required.

The public child placing agency in the sending state is responsible to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.

5. Provisional Approval:

- a) In any instance where the decision to relocate into another state is made or it is intended to send or bring the child to the receiving state, or the child and existing family unit have already been sent or brought into the receiving state, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed within five (5) business days by the sending agency's state compact administrator and transmitted to the receiving state compact administrator with notice of the intended placement date. The sending agency's state compact administrator shall request that the receiving state respond to the case within five (5) business days of receipt of the request and with due regard for the desired time for the child to be sent or brought to the receiving state. If the family unit and child are already present in the receiving state, the receiving state's compact administrator shall determine within five (5) business days of receipt of the 100A and complete home study request packet whether provisional approval shall be granted and provide the decision in writing to the sending state compact administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable.
- b) The documentation provided with a request for prompt handling shall include:
 1. A form ICPC-100A fully completed.
 2. A form 100B if the child is already present in the receiving state
 3. A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going.
 4. A case history for the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
 5. In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification

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- of the placement resource(s) and/or their home showing the status of the placement resource(s), as qualified placement resource(s).
6. A copy of the most recent home study of the placement resource(s) and any updates thereof.
 7. Copies of the progress reports on the family unit for the last six months and the most recent judicial review court report and court order completed in the sending state.
 8. A copy of the child's case/services/permanency plan and any supplements to that plan, if the child has been in care long enough for such a plan to be required.
 9. An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.
- c) Requests for prompt handling shall be as provided in paragraph 5(a) hereof. Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including electronic transmission, if acceptable. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.
- d) In an instance where a placement resource(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other placement resource, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III(d) of the ICPC, unless the receiving state compact administrator has substantial evidence that the license, certificate, or approval is expired or otherwise not valid. If the receiving state requires licensure as a condition of placement approval, or the receiving state compact administrator determines that the license, certificate, or approval from the sending state has expired or otherwise is not valid, both the sending state and the placement resource shall state in writing that the placement resource will become licensed in the receiving state.
- e) The receiving state shall recognize and give effect to evidence that the placement resource has satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
1. the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state; and
 2. the evidence submitted is in the form of an official certificate or document identifying the training.

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6. Initial Home Study Report:

- a) Pursuant to the Safe and Timely Interstate Placement of Foster Children Act of 2006, within sixty (60) days after receiving a home study request, the receiving state shall directly or by contract conduct, complete, and return a report to the sending state on the results of the study of the home environment for purposes of assessing the safety and suitability of the child remaining in the home. The report shall address the extent to which placement in the home would meet the needs of the child. In the event the parts of the home study involving the education and training of the placement resource remain incomplete, the report shall reference such items by including a prospective date of completion.
- b) Approval of the request may be conditioned upon compliance by the placement resource with any licensing or education requirement in the receiving state. If such condition is placed upon approval, a reasonable date for compliance with the education or licensing requirement shall be set forth in the documentation granting approval.

7. Final Approval or Denial:

- a) Pursuant to Article III(d), final approval or denial of the placement resource request shall be provided by the receiving state compact administrator as soon as practical but no later than one-hundred and eighty days (180) days from receipt of the initial home study request.
- b) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III(d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission or electronic transmission, if acceptable. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III(d) written notice requirements.

8. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the placement resource(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.

9. A favorable determination made by a receiving state pursuant to Article III(d) of the ICPC and this regulation means that the receiving state is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 5(a) of this regulation and does not relieve any placement resource or other

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

entity of the obligation to comply with the laws of the receiving state as promptly as possible after arrival of the child in the receiving state.

10. The receiving state may decline to provide a favorable determination pursuant to Article III(d) of the Compact if the receiving state compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation or until the compact administrator has the documentation identified in subparagraph 5(b) hereof.
11. If it is subsequently determined by the receiving state Compact Administrator that the placement in the receiving state appears to be contrary to the best interest of the child, the receiving state shall notify the sending agency that approval is no longer given and the sending state shall arrange to return the child or make an alternative placement as provided in Article V(a) of the ICPC.
12. Supervision:

Within thirty (30) days of the receiving state compact administrator being notified by the sending state compact administrator or by the placement resource that the placement resource and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall visit the child and the placement resource in the home to ascertain conditions and progress toward compliance with applicable federal and state laws and requirements of the receiving state. Subsequent supervision must include face-to-face visits with the child at least once each month. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the receiving state. Such supervision visits shall continue until supervision is terminated by the sending state. Concurrence of the receiving state compact administrator for termination of supervision should be sought by the sending state prior to termination. Reports of supervision visits shall be provided to the sending state in accordance with applicable federal laws and as set forth elsewhere in these regulations.

The public child placing agency in the sending state is responsible to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.

13. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
14. This regulation is adopted pursuant to Article VII 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 at its annual meeting of April 2010.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Regulation No. 2

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

1. Intent of Regulation No. 2: 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.
2. Regulation No. 2 does apply 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: The court has the authority to determine supervision, custody and placement of the child or has delegated said authority to the child welfare agency, and the child is being considered for placement in another state.
 - a) Children not yet placed with prospective placement resource: This Regulation covers consideration of a placement resource where the child has not yet been placed in the home. ICPC Regulation No. 7 Expedited Home Study can be used instead of Regulation No. 2 for this category when requirements are met for an expedited home study request.
 - b) Change of status for children who have already been placed with ICPC approval: This regulation is used when requesting a new home study on the current approved placement resource. This might include an upgrade from unlicensed relative to licensed foster home or to adoption home placement category (*see* Regulation No. 3 section 2(a) Types of Placement Categories).
 - c) Child already placed without ICPC approval, except when the child has relocated with the caregiver to the receiving state pursuant to Regulation 1: When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the sending state bearing full liability and responsibility for the safety of the child. The receiving state may request immediate removal of the child until the receiving state has made a decision per ICPC. The receiving state is permitted to proceed, but not required to proceed with the home study/ICPC decision process, as long as the child is placed in violation of ICPC. The receiving state may choose to open the case for ICPC courtesy supervision but is not required to do so, as is required under ICPC Regulation No. 1 Relocation of Family Unit Cases.
3. Placements made without ICPC protection: Regulation No. 2 does not apply to:
 - a) A placement with a parent from whom the child was not removed: When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that

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the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent, the receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

- b) Sending court makes parent placement with courtesy check: When a sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the courtesy check rests directly with the sending court/agency and the person or party in the receiving state who agree to conduct the courtesy check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.
4. Definitions and placement categories: (*See* Regulation No. 3)
 5. Sending state case documentation required with ICPC-100A request: The documentation provided with a request for prompt handling shall be current and shall include:
 - a) A Form ICPC-100A fully completed.
 - b) A Form ICPC-100B if the child is already placed without prior approval in the receiving state. The receiving state is not obligated to provide supervision until the placement has been approved with an ICPC-100A signed by the receiving state ICPC office, unless provisional approval has been granted.
 - c) A copy of the current court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going.
 - d) Signed statement required from assigned sending agency case manager:
 1. confirming the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
 2. 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.
 3. 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.
 4. confirming the potential placement resource acknowledges that he/she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child, including child care, if needed.

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5. that the placement resource acknowledges that a criminal records and child abuse history check will be completed for any persons residing in the home required to be screened under the law of the receiving state.
 - e) A current case history for 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 them in the sending state previously, the sending agency shall provide all relevant information regarding said placement to the receiving state, if available.
 - g) Service (case) Plan: 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) Title IV-E Eligibility verification: An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act and Title IV-E documentation, if available. Documentation must be provided before placement is approved.
 - i) Financial/Medical Plan: A detailed plan of the proposed method for support of the child 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.
6. Methods for transmission of documents: Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including FAX and/or electronic transmission, if acceptable by both sending and receiving state. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies of any legal documents if it considers them necessary for a legally sufficient record under its laws. All such transmissions must be sent in compliance with state laws and/or regulations related to the protection of confidentiality.
7. Safe and Timely Interstate Home Study Report to be completed within sixty (60) calendar days. This report is not equivalent to a placement decision.
 - a) Timeframe for completion of Safe and Timely Interstate Home Study Report: As quickly as possible, but not more than sixty (60) calendar days after receiving a home study request, the receiving state shall, directly or by contract, complete a study of the home environment for purposes of assessing the safety and suitability of the child being placed

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in the home. The receiving state shall return to the sending state a report on the results of the home study that shall address the extent to which placement in the home would meet the needs of the child. This report may, or may not, include a decision approving or denying permission to place the child. In the event the parts of the home study involving the education and training of the placement resource remain incomplete, the report shall reference such items by including an anticipated date of completion.

- b) Receiving state placement decision may be postponed: If the receiving state cannot provide a decision regarding approval or denial of the placement at the time of the safe and timely home study report, the receiving state should provide the reason for delay and an anticipated date for a decision regarding the request. Reasons for delay may be such factors as receiving state requires all relatives to be licensed as a foster home therefore ICPC office cannot approve an unlicensed relative placement request until the family has met licensing requirements. If such condition must be met before approval, a reasonable date for compliance shall be set forth in the receiving state transmittal accompanying the initial home study, if possible.
8. Decision by receiving state to approve or deny placement resource (100A).
- a) Timeframe for final decision: Final approval or denial of the placement resource request shall be provided by receiving state Compact Administrator in the form of a signed ICPC-100A, as soon as practical but no later than one hundred and eighty (180) calendar days from receipt of the initial home study request. This six (6)-month window is to accommodate licensure and/or other receiving state requirements applicable to foster or adoption home study requests.
 - b) Expedited communication of decision: If necessary or helpful to meet time requirements, the receiving state ICPC office may communicate its determination pursuant to Article III(d) to the sending agency's state Compact Administrator by FAX or other means of facsimile transmission or electronic transmission, if acceptable to both receiving and sending state. However, this may not be done before the receiving state Compact Administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III(d) written notice requirements. The receiving state home study local agency shall not send the home study and/or recommendation directly to the sending state local agency without approval from the sending and receiving state ICPC offices.
 - c) Authority of receiving state to make final decision: The authority of the receiving state is limited to the approval or denial of the placement resource. The receiving state may decline to provide a favorable determination pursuant to Article III(d) of the Compact if the receiving state Compact Administrator finds that based on the home study, the

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proposed caregiver would be unable to meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional and physical development.

- d) Authority of sending court/placing agency: When the receiving state has approved a placement resource, the sending court/placing agency has the final authority to determine whether to use the approved placement resource in the receiving state. The receiving state ICPC-100A approval expires six months from the date the 100A was signed by receiving state.
9. Reconsideration of an ICPC denial: (requested by the sending ICPC Office)
- a) Sending state may request reconsideration of the denial within 90 days from the date 100A denying placement is signed by receiving state. The request can be with or without a new home study, *see* items 9(a)(1) and 9(a)(2) below. After 90 days there is nothing that precludes the sending state from requesting a new home study.
 - 1) Request reconsideration without a new home study: The sending ICPC office can request that the receiving state ICPC office reconsider the denial of placement of the child with the placement resource. If the receiving state ICPC office chooses to overturn the denial it can be based on review of the evidence presented by the sending ICPC office and any other new information deemed appropriate. A new 100A giving an approval without a new home study will be signed.
 - 2) Request new home study re-examining reasons for original denial: A sending ICPC office may send a new ICPC home study request if the reason for denial has been corrected; i.e., move to new residence with adequate bedrooms. The receiving state ICPC office is not obligated to activate the new home study request, but it may agree to proceed with a new home study to reconsider the denial decision if it believes the reasons for denial have been corrected. This regulation shall not conflict with any appeal process otherwise available in the receiving state.
 - b) Receiving state decision to reverse a prior denied placement: The receiving state ICPC office has 60 days from the date formal request to reconsider denial has been received from the sending state ICPC office. If the receiving state ICPC administrator decides to change the prior decision denying the placement, an ICPC transmittal letter and the new 100A shall be signed reflecting the new decision.
10. Return of child to sending state/Receiving state requests to return child to sending state:
- a) Request to return child to sending state at time of ICPC denial of placement: If the child is already residing in the receiving state with the proposed caregiver at the time of the

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above decision, and the receiving state Compact Administrator has denied the placement based on 8(c) then the receiving state Compact Administrator may request the sending state to arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

- b) Request to return child to sending state after receiving state ICPC had previously approved placement: Following approval and placement of the child, if the receiving state Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the receiving state Compact Administrator may request that the sending state arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

The receiving state request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and the sending state Compact Administrators mutually agree to the plan.

11. Supervision for approved placement should be conducted in accordance with ICPC Regulation No. 11.

Regulation No. 3

See Regulation No. 3 under part III. Definitions.

Regulation No. 4

Residential Placement

1. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of the exemption for various classes of institutions in Article II (d), the following concepts and terms shall have the following meanings:

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- a) "Primarily educational institution" means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which does not do one or more of the following:
 - 1) accept responsibility for children during the entire year;
 - 2) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
 - 3) provide any other services to children, except for those customarily regarded as extracurricular or cocurricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or programs.

 - b) "Hospital or other medical facility" means an institution for the acutely ill which discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.

 - c) "Institution for the mentally ill or mentally defective" minors means a facility which is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase "mentally defective."

 - d) Treatment for a chronic mental or behavioral condition, as described in this regulation, that is 24-hour care away from the child's parental home is foster care as such term is used in Article III of ICPC.
- 2.
- a) Admission for treatment of an acute condition includes the treatment and care of minors who are mentally ill or developmentally disabled and who require stabilization of such condition for short-term treatment. Such short term treatment is exempt from the Interstate Compact on the Placement of Children.

 - b) Placement for treatment of a chronic condition includes the treatment and care of minors who may be mentally ill, emotionally ill, or developmentally disabled and require treatment beyond what was required for stabilization of the underlying acute condition. Treatment modalities for chronic conditions may include psychotherapy and psychopharmacology.

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- c) Any placement of a minor for treatment of that minor's chronic mental or behavioral condition into a facility having treatment programs for acute and chronic conditions must be made pursuant to the Interstate Compact on the Placement of Children. The Interstate Compact on the Placement of Children becomes applicable once the minor is placed for treatment of a chronic condition regardless of whether that child was originally placed in the same facility for treatment of an acute condition.
 - d) A minor may be accepted into a residential treatment center without first having been in that facility for the treatment of an acute condition
3. An institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC, if the treatment and care and other services are entirely out-patient in character.
 4. The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the Interstate Compact on the Placement of Children applies. Such determination is made on a case-by-case basis.
 5. The type of license, if any, held by an institution is evidence of its character, but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide.

Regulation No. 5

Central State Compact Office

It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact.

Regulation No. 6

Permission to Place Child: Time Limitations, Reapplication

The following regulation, originally adopted in 1991 by the Association of Administrators of the Interstate Compact on the Placement of Children, is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001.

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1. Permission to place a child given pursuant to Article III (d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document ICPC-100A, by which the permission is given for a period of six (6) months commencing on the date when the receiving state compact administrator or his duly authorized representative signs the aforesaid ICPC-100A.
2. If the placement authorized to be made as described in Paragraph 1. of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the receiving state may require the updating of documents submitted on the previous application, but shall not require a new home study unless the laws of the receiving state provide that the previously submitted home study is too old to be currently valid.
3. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the receiving state shall not require that a new license, permit or certificate be obtained in order to qualify the proposed placement recipient to receive the child in placement.
4. Upon a reapplication by the sending agency, the receiving state shall determine whether the needs or condition of the child have changed since it initially authorized the placement to be made. The receiving state may deny the placement if it finds that the proposed placement is contrary to the interests of the child.
5. State's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.
6.
 - a) The receiving state shall respond to any report of abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state.
 - b) If the receiving state determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the sending state to move the child at the time that the receiving state makes this determination, the receiving state shall place the child in a safe and appropriate setting in the receiving state. The receiving state shall promptly notify the sending state if a child is moved to another home or other substitute care facility.
 - c) The receiving state shall notify the central compact office in the sending state of any report of child abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC, regardless of whether or not the

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report is substantiated. Notification of the central compact office in the sending state will occur as soon as possible after such a report is received.

- d) It is the responsibility of the public child placing agency in the sending state to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.
- e) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the sending state to take timely action to relieve the receiving state of any financial burden the receiving state has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the sending state pursuant to Article III(d) of the ICPC.

7.

- a) The child placing agency in the sending state is responsible for case planning for any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC.
- b) The child placing agency in the sending state is responsible for the ongoing safety and well-being of any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.
- c) The receiving state shall be responsible to assist the sending state in locating appropriate resources for the child and/or the placement resource.
- d) The receiving state shall notify the central compact office in the sending state in writing of any unmet needs of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC.
- e) If the child's needs continue to be unmet after the notification described in (d) above has occurred, the receiving state may require the child placing agency in the sending state to return the child to the sending state. Before requiring the return of the child to the sending state, the receiving state shall take into consideration the negative impact on the child that may result from being removed from his or her home in the receiving state and shall weigh the potential for such negative impact against the potential benefits to the child of being returned to the sending state. Notwithstanding the requirement to consider the potential for such negative impact, the receiving state has sole discretion in determining whether or not to require return of a child to the sending state.

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Regulation No. 7

Expedited Placement Decision

1. Intent of Regulation No. 7: 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, and to:
 - a) Help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process.
 - b) Provide the sending state court and/or sending agency with expedited approval or denial. An expedited denial would underscore the urgency for the sending state to explore alternative placement resources.
2. This regulation shall not apply if:
 - a) the child has already been placed in violation of the ICPC in the receiving state, unless a visit has been approved in writing by the receiving state Compact Administrator and a subsequent order entered by the sending state court authorizing the visit with a fixed return date in accordance with Regulation No. 9.
 - b) the intention of the sending state is for licensed or approved foster care or adoption. In the event the intended placement [must be parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian as per Article VIII(a)] is already licensed or approved in the receiving state at the time of the request, such licensing or approval would not preclude application of this regulation.
 - c) the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, does not seek any evidence from the receiving state the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.
3. Criteria required before Regulation No. 7 can be requested: Cases involving a child who is under the jurisdiction of a court as a result of action taken by a child welfare agency, the court has the authority to determine custody and placement of the child or has delegated said authority to the child welfare agency, the child is no longer in the home of the parent from whom the child was removed, and the child is being considered for placement in another state with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, must meet at least one of the following criteria in order to be considered a Regulation No. 7 case:

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- a) 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
- b) 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
- c) the court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child; or
- d) the child is currently in an emergency placement.

4. Provisional approval or denial:

- a) Upon request of the sending agency and agreement of the receiving state to make a provisional determination, the receiving state may, but is not required to, provide provisional approval or denial for the child to be placed with a parent or relative, including a request for licensed placement if the receiving state has a separate licensing process available to relatives that includes waiver of non-safety issues.

Upon receipt of the documentation set forth in Section 7 below, the receiving state shall expedite provisional determination of the appropriateness of the proposed placement resource by:

- 1) performing a physical "walk through" by the receiving state's caseworker of the prospective placement's home to assess the residence for risks and appropriateness for placement of the child,
- 2) searching the receiving state's child protective services data base for prior reports/investigations on the prospective placement as required by the receiving state for emergency placement of a child in its custody,
- 3) performing a local criminal background check on the prospective placement,
- 4) undertaking other determinations as agreed upon by the sending and receiving state Compact Administrators, and
- 5) providing a provisional written report to the receiving state Compact Administrator as to the appropriateness of the proposed placement.

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- b) A request by a sending state for a determination for provisional approval or denial shall be made by execution of an Order of Compliance by the sending state court that includes the required findings for a Regulation No. 7 request and a request for provisional approval or denial.
 - c) Determination made under a request for provisional approval or denial shall be completed within seven (7) calendar days of receipt of the completed request packet by the receiving state Compact Administrator. A provisional approval or denial shall be communicated to the sending state Compact Administrator by the receiving state Compact Administrator in writing. This communication shall not include the signed Form 100A until the final decision is made pursuant to Section 9 below.
 - d) Provisional placement, if approved, shall continue pending a final approval or denial of the placement by the receiving state or until the receiving state requires the return of the child to the sending state pursuant to paragraph 12 of this regulation.
 - e) If provisional approval is given for placement with a parent from whom the child was not removed, the court in the sending state may direct its agency to request concurrence from the sending and receiving state Compact Administrators to place the child with the parent and relinquish jurisdiction over the child after final approval is given. If such concurrence is not given, the sending agency shall retain jurisdiction over the child as otherwise provided under Article V of the ICPC.
 - f) A provisional denial means that the receiving state cannot approve a provisional placement pending the more comprehensive home study or assessment process due to issues that need to be resolved.
5. Sending agency steps before sending court enters Regulation No. 7 Order of Compliance: In order for a placement resource to be considered for an ICPC expedited placement decision by a receiving state, the sending agency shall take the following minimum steps prior to submitting a request for an ICPC expedited placement decision:
- a) Obtain either a signed statement of interest from the potential placement resource or a written statement from the assigned case manager in the sending state that following a conversation with the potential placement resource, the potential placement resource confirms appropriateness for the ICPC expedited placement decision process. Such statement shall include the following regarding the potential placement resource:
 - 1) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
 - 2) s/he fits the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian, under Article VIII(a) of the ICPC.

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- 3) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.
 - 4) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.
 - 5) s/he has financial resources or will access financial resources to feed, clothe and care for the child.
 - 6) if required due to age and/or needs of the child, the plan for child care, and how it will be paid for.
 - 7) s/he 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 law of the receiving state and that, to the best knowledge of the placement resource, no one residing in the home has a criminal history or child abuse history that would prohibit the placement.
 - 8) whether a request is being made for concurrence to relinquish jurisdiction if placement is sought with a parent from whom the child was not removed.
- b) The sending agency shall submit to the sending state court:
- 1) the signed written statement noted in 7a, above, and
 - 2) a statement that based upon current information known to the sending agency, that it is unaware of any fact that would prohibit the child being placed with the placement resource and that it has completed and is prepared to send all required paperwork to the sending state ICPC office, including the ICPC-100A and ICPC Form 101.
6. Sending state court orders: The sending state court shall enter an order consistent with the Form Order for Expedited Placement Decision 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, whether the request includes a request for a provisional approval of the prospective placement and a factual basis for the request. The order must also require completion by the sending agency of ICPC Form 101 for the expedited request.
7. Time frames and methods for processing of ICPC expedited placement decision:

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- a) Expedited transmissions: The transmission of any documentation, request for information under paragraph 10, or decisions made under this regulation shall be by overnight mail, facsimile transmission, or any other recognized method for expedited communication, including electronic transmission, if acceptable. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation provided it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws. Any state Compact Administrator may waive any requirement for the form of transmission of original documents in the event he or she is confident in the authenticity of the forms and documents provided.
- b) Sending state court orders to the sending state agency: The sending state court shall send a copy of its signed order of compliance to the sending state agency within two (2) business days of the hearing or consideration of the request. The order shall include the name, mailing address, e-mail address, telephone number and FAX number of the clerk of court or a designated court administrator of the sending state court exercising jurisdiction over the child.
- c) Sending agency sends ICPC request to sending state ICPC office: The sending state court shall direct the sending agency to transmit to the sending state Compact Administrator within three (3) business days of receipt of the signed Order of Compliance, a completed ICPC-100A and Form 101, the statement required under Paragraph 7 above and supporting documentation pursuant to ICPC Article III.
- d) Sending State ICPC office sends ICPC Request to Receiving State ICPC office: Within two (2) business days after receipt of a complete Regulation 7 request, the sending state Compact Administrator shall transmit the complete request for the assessment and for any provisional placement to the receiving state Compact Administrator. The request shall include a copy of the Order of Compliance rendered in the sending state.
- e) Timeframe for receiving state ICPC office to render 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, the receiving state Compact Administrator shall make his or her determination pursuant to Article III(d) of the ICPC and shall send the completed 100-A to the sending state Compact Administrator by expedited transmission.
- f) Timeframe for receiving state ICPC office to send request packet to receiving local agency: The receiving state Compact Administrator shall send the request packet to the local agency in the receiving state for completion within two (2) business days of receipt of the completed packet from the sending state Compact Administrator.

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- g) Timeframe for receiving state local agency to return completed home study to central office: The local agency in the receiving state shall return the completed home study to the receiving state Compact Administrator within fifteen (15) business days (including date of receipt) of receipt of the packet from the receiving state Compact Administrator.
 - h) Timeframe for receiving state ICPC Compact Administrator to return completed home study to sending state: Upon completion of the decision process under the timeframes in this regulation, the receiving state Compact Administrator shall provide a written report, a 100A approving or denying the placement, and a transmittal of that determination to the sending state Compact Administrator as soon as possible, but no later than three (3) business days after receipt of the packet from the receiving state local agency and no more than twenty (20) business days from the initial date that the complete documentation and forms were received by the receiving state Compact Administrator from the sending state Compact Administrator.
8. Recourse if sending or receiving state determines documentation is insufficient:
- a) In the event the sending state Compact Administrator finds that the ICPC request documentation is substantially insufficient, s/he shall specify to the sending agency what additional information is needed and request such information from the sending agency.
 - b) In the event the receiving state Compact Administrator finds that the ICPC request documentation is substantially insufficient, he or she shall specify what additional information is needed and request such information from the sending state Compact Administrator. Until receipt of the requested information from the sending state Compact Administrator, the receiving state is not required to continue with the assessment process.
 - c) In the event the receiving state Compact Administrator finds that the ICPC request documentation is lacking needed information but is otherwise sufficient, s/he she shall specify what additional information is needed and request such information from the sending state Compact Administrator. If a provisional placement is being pursued, the provisional placement evaluation process shall continue while the requested information is located and provided.
 - d) Failure by a Compact Administrator in either the sending state or the receiving state to make a request for additional documentation or information under this paragraph within two (2) business days of receipt of the ICPC request and accompanying documentation by him or her shall raise a presumption that the sending agency has met its requirements under the ICPC and this regulation.
9. Failure of receiving state ICPC office or local agency to comply with ICPC Regulation No. 7: Upon receipt of the Regulation No. 7 request, if the receiving state Compact Administrator determines that it will not be possible to meet the timeframes for the

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Regulation No. 7 request, whether or not a provisional request is made, the receiving state Compact Administrator shall notify the sending state Compact Administrator as soon as practical and set forth the receiving state's intentions in completing the request, including an estimated time for completion or consideration of the request as a regular ICPC request. Such information shall also be transmitted to the sending agency by the sending state Compact Administrator for it to consider other possible alternatives available to it.

If the receiving state Compact Administrator and/or local state agency in the receiving state fail(s) to complete action for the expedited placement request as prescribed in this regulation within the time period allowed, the receiving state shall be deemed to be out of compliance with this regulation and the ICPC. If there appears to be a lack of compliance, the sending state court that sought the provisional placement and expedited placement decision may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation and court orders entered in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the holding of hearings, taking of evidence, and the making of appropriate orders, for the purpose of obtaining compliance with this regulation and the ICPC.

10. Removal of a child: Following any approval and placement of the child, if the receiving state Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the receiving state Compact Administrator may request the sending state Compact Administrator arrange for the immediate return of the child or make alternative placement as provided in Article V (a) of the ICPC. The receiving state request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and sending state Compact Administrators mutually agree to the plan. If no agreement is reached, the sending state shall expedite return of the child to the sending state within five (5) business days unless otherwise agreed in writing between the sending and receiving state Compact Administrators.

Regulation No. 8

Change of Placement Purpose

An ICPC-100B should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to preadoption even though the placement recipient remains the same. However, when a receiving

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state or a sending state requests a new ICPC-100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC-100As.

Regulation No. 9

Definition of a Visit

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
6. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.
7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.

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Regulation No. 10

Guardians

1. Guardian Defined.

As used in the Interstate Compact on the Placement of Children (ICPC) and in this Regulation:

- a) "Guardian" means a public or private agency, organization or institution which holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning which the guardian has a professional obligation to carry out. Guardian also means an individual who is a non-agency guardian as defined in subparagraph (b) hereof.
- b) "Non-agency guardian" means an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

2. Prospective Adoptive Parents Not Guardians.

An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.

3. Effect of Guardianship on ICPC Placements.

- a) An interstate placement of a child with a non-agency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child's parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.
- b) An appropriate court of the sending agency's state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.

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4. Permanency Status of Guardianship.

- a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.
- b) If, subsequent to the making of an interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the sending agency and an appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.

5. Guardian Appointed by Parent.

If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A non-agency guardian so appointed shall be deemed a non-agency guardian as that term is used in Article VIII (a) of ICPC, provided that such non-agency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a non-agency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

6. Other Definitions of Guardianship Unaffected.

The definitions of "guardian" and "non-agency guardian" contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of "guardian" or "non-agency guardian" when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

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Regulation No. 11

Responsibility of States to Supervise Children

1. Definitions:
 - a) “Central Compact Office” means the office that receives ICPC placement referrals from sending states and sends ICPC placement referrals to receiving states. In states that have one central compact office that services the entire state, the term “central compact office” has the same meaning as “central state compact office” as described in Regulation 5 of the ICPC. In states in which ICPC placement referrals are sent directly to receiving states and received directly from sending states by more than one county or other regional area within the state, the “central compact office” is the office within each separate county or other region that sends and receives ICPC placement referrals.
 - b) “Child Welfare Caseworker” means a person assigned to manage the cases of dependency children who are in the custody or under the supervision of a public child welfare agency.
 - c) “Public Child Placing Agency” means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.
 - d) “Supervision” means monitoring of the child and the child’s living situation by the receiving state after a child has been placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC or pursuant to a child’s relocation to a receiving state in accordance with Regulation 1 of the ICPC.
2. A receiving state must supervise a child placed pursuant to an approved placement under Article III(d) of the Interstate Compact on the Placement of Children (ICPC) if supervision is requested by the sending state, and
 - a) the sending agency is a public child placing agency, and
 - b) the agency that completed the home study for placement of the child in the receiving state is a public child placing agency, and
 - c) the child’s placement is not in a residential treatment center or a group home.
3. Supervision must begin when the child is placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and the receiving state has received a form 100B from the sending state indicating the date of the child’s placement.

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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 pursuant to an approved placement under Article III(d) of the ICPC.

4.
 - a) Supervision must continue until:
 - 1) the child reaches the age of majority or is legally emancipated; or
 - 2) the child's adoption is finalized; or
 - 3) legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state; or
 - 4) the child no longer resides at the home approved for placement of the child pursuant to Article III(d) of the ICPC; or
 - 5) jurisdiction over the child is terminated by the sending state; or
 - 6) legal guardianship of the child is granted to the child's caregiver in the receiving state; or
 - 7) the sending state requests in writing that supervision be discontinued, and the receiving state concurs.
 - b) Supervision of a child in a receiving state may continue, notwithstanding the occurrence of one of the events listed above in 5(a)(1-7), by mutual agreement of the sending and receiving state's central compact offices.
5. Supervision must include face-to-face visits with the child at least once each month and beginning no later than 30 days from the date on which the child is placed, or 30 days from the date on which the receiving state is notified of the child's placement, if notification occurs after placement. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the receiving state. The purpose of face-to-face visits is to help ensure the on-going safety and well being of the child and to gather relevant information to include in written reports back to the Public Child Placing Agency in the sending state. If significant issues of concern are identified during a face-to-face visit or at any time during a child's placement, the receiving state shall promptly notify the central compact office in the sending state in writing.
6. The Child Welfare Caseworker assigned to supervise a child placed in the receiving state shall complete a written supervision report at least once every ninety (90) days following

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the date of the receipt of the form 100B by the receiving state's central compact office notifying the receiving state of the child's placement in the receiving state. Completed reports shall be sent to the central compact office in the sending state from the central compact office in the receiving state. At a minimum such reports shall include the following:

- a) Date and location of each face-to-face contact with the child since the last supervision report was completed.
 - b) A summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child.
 - c) If the child is attending school, a summary of the child's academic performance along with copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents.
 - d) A summary of the child's current health status, including mental health, the dates of any health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations, reports or other pertinent records.
 - e) An assessment of the current placement and caretakers (e.g., physical condition of the home, caretaker's commitment to child, current status of caretaker and family, any changes in family composition, health, financial situation, work, legal involvement, social relationships; child care arrangements).
 - f) A description of any unmet needs and any recommendations for meeting identified needs.
 - g) If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the sending state's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.
- 7.
- a) The receiving state shall respond to any report of abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state.
 - b) If the receiving state determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the sending state to move the child at the time that the receiving state makes this determination, the receiving state shall place the child in a safe and appropriate setting in the receiving state. The

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receiving state shall promptly notify the sending state if a child is moved to another home or other substitute care facility.

- c) The receiving state shall notify the central compact office in the sending state of any report of child abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC, regardless of whether or not the report is substantiated. Notification of the central compact office in the sending state will occur as soon as possible after such a report is received.
 - d) It is the responsibility of the public child placing agency in the sending state to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.
 - e) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the sending state to take timely action to relieve the receiving state of any financial burden the receiving state has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the sending state pursuant to Article III(d) of the ICPC.
- 8.
- a) The child placing agency in the sending state is responsible for case planning for any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC.
 - b) The child placing agency in the sending state is responsible for the ongoing safety and well-being of any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.
 - c) The receiving state shall be responsible to assist the sending state in locating appropriate resources for the child and/or the placement resource.
 - d) The receiving state shall notify the central compact office in the sending state in writing of any unmet needs of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC.
 - e) If the child's needs continue to be unmet after the notification described in (d) above has occurred, the receiving state may require the child placing agency in the sending state to return the child to the sending state. Before requiring the return of the child to the sending state, the receiving state shall take into consideration the negative impact on the child that may result from being removed from his or her home in the receiving state and shall

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weigh the potential for such negative impact against the potential benefits to the child of being returned to the sending state. Notwithstanding the requirement to consider the potential for such negative impact, the receiving state has sole discretion in determining whether or not to require return of a child to the sending state.

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STATE OF MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES

**Section H:
Interstate Compact on the
Placement of Children**

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VII. DFCS OVERVIEW

The Mississippi Department of Human Services will hereinafter be known as “MDHS” and its Division of Family and Children’s Services hereinafter will be known as “DFCS”.

F. History

The need for common rules governing the interstate movement of children was recognized in the 1950s when a group of social service administrators and children's advocates identified barriers for placing children out-of-state for adoption and foster care. Although there were some federal statutes that regulated interstate movement, they did not provide sufficient and consistent protections for children moved between states. The group found that a sending state could not compel the receiving state to provide protection or support services for a child nor could a receiving state compel a sending state to remain financially responsible for the child.

In response to this group's findings, Interstate Compact on the Placement of Children (ICPC, also known as the Compact) was drafted and first signed in 1960. ICPC is not a federal law but is a contractual agreement among the Member States. All 50 states, the District of Columbia and the U.S. Virgin Islands are members of the ICPC. However, it is open to joinder by all U.S. territories and possessions as is, with Congressional consent, Canada and any/all of its provinces.

Mississippi’s ICPC laws begin at MISS. CODE ANN. § 43-18-1. These laws were implemented to ensure protection and services to children who are placed across state lines for foster care or as a preliminary step to an adoption.

VIII. LEGAL BASIS for AUTHORITY

ICPC is a “uniform law” enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands, to ensure protection and services to children who are placed across state lines and is open to joinder by all U.S. territories/possessions and, with consent of Congress, Canada and any/all its provinces.

The Compact is designed to give each child requiring placement across state lines the maximum opportunity for appropriate and desirable care, to insure that both sending and receiving authorities are able to make informal decisions regarding the suitability of a proposed placement, and to establish and maintain jurisdictional responsibility.

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G. Mississippi's ICPC

Mississippi joined the Compact as a Member State in 1976 via State statute MISS. CODE ANN. § 43-18-1 establishes that MDHS/DFCS has statutory responsibility to ensure that all private and public child placing agencies, licensed or approved to operate in the State of Mississippi, comply with Compact procedures in the movement of children into or out of Mississippi. Furthermore, approval for the importation of children for placement in a Mississippi home is the legal responsibilities of MDHS under the authority of the *Administration of Child Welfare Act (MISS. CODE ANN. 43-18- 3)*.

H. Safe and Timely Inter-State Placement of Foster Children Act 2006

The primary purpose of Safe and Timely Interstate Placement of Children in Foster Care Act of 2006 (P.L. 109-239) is to improve protections for children and to hold States accountable for safe and timely placements of children across State lines. The Act mandates states to complete an interstate home study within 60 days after a home study request is received. If failure to complete the home study within this period is beyond a state's control (e.g., background checks), then the law allows an additional 15 days; total of 75 days for completion. Incentive payments to states for timely home studies are provided if the State completes the interstate home study in 30 days or less.

I. Multi Ethnic Placement Act (MEPA)

The *Improving America's Schools Act* (P.L. 103-382) contains the *Multi-Ethnic Placement Act of 1994* (MEPA). An amendment to this Act is part of the *Small Business Job Protection Act of 1996* (P.L. 104-188) and is known as the *Interethnic Adoption Provisions Act of 1996* (IEP). MEPA-IEP prohibits agencies receiving Title IV-E foster care funds from

deny[ing] any person the opportunity to be an adoptive or foster parent ... or delay[ing] or deny[ing] the placement of a child ... solely on the basis of race, color or national origin of the adoptive or foster parent or the child ...
(PL 103-382, § 553 a.1.A-B)

These factors must be applied on an individualized basis, not by general rule “in the best interest of the child.”

Neither race, color, nor national origin (RCNO) of a child or prospective caregiver may be considered in the placement selection process for a foster child unless an individualized assessment reveals that such consideration is in the child's best interests. Culture may not be

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used as a proxy for RCNO. Placements may not be delayed or denied on the basis of RCNO of the child or the provider.

J. Indian Child Welfare Act (ICWA) PL 95-608

To ensure that the heritage of Indian children is recognized, protected, and monitored in and out of state, the following information concerning a child's Native American Heritage should be included with the ICPC request:

6. Is parent or child of Native American heritage?
7. Is parent eligible for tribal membership?
8. Is parent registered with a Native American tribe?
9. Is child eligible for tribal membership?
10. Has child been registered with a Native American tribe?

Multi Ethnic Placement Act (MEPA) and Title VI do not impact the placement preferences for an American Indian child who is a member of, or is eligible for membership in a federally recognized tribe. MEPA and Title VI apply fully to American Indian children who are not covered under ICWA.

IX. DEFINITIONS

Age of Majority - the chronological time when a child legally ceases to be considered a minor and assumes legal control over his/her person, actions and decisions, thereby terminating the legal authority, control and responsibility of his/her parents, custodian or guardian. The term generally applies to individuals from age 18 to 21.

Approved Placement – See Regulation 3 Definitions (7)

Assessment - an evaluation of a prospective placement by a public child placing agency in the Receiving State to determine if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is applicable only to a placement by a public child placing agency.

CFSA – a generic acronym used, for purposes of this policy, to identify every state's child and family services agency.

Compact Administrator - the Director of a state CFSA.

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Deputy Compact Administrator – the Program Manager of a state ICPC office or his/her immediate supervisor.

Child – *See* Regulation 3 Definitions (13)

Compact – an abbreviated name for the ICPC.

Contracted Child Placing Agency - any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

Emancipation – *See* Regulation 3 Definitions (22).

Foster Care – *See* Regulation 3 Definitions (26).

Home State - the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with a parent or a person acting as a parent.

A period of temporary absence is counted as part of the six-month or other period. For purposes of the ICPC if a child is under the jurisdiction of a Mississippi Court or under the control and custody of a Mississippi Agency the child's home state is Mississippi.

Home Study – *See* Regulation 3 Definitions (30).

ICPC – *See* Regulation 3 Definitions (31).

Interstate Compact Specialist - an employee of CFSA ICPC office who is responsible for processing ICPC referrals under the supervision of the Deputy Compact Administrator.

Jurisdiction – *See* Regulation 3 Definitions (36).

Kinship Care – the care given to a child when s/he is placed with an individual who is at least 21 years of age and either: a relative of the foster child by blood, marriage, or adoption; an individual, identified by a relative of the foster child by blood, marriage, or adoption, in a sworn affidavit, to have close personal or emotional ties with the foster child or child's family which pre-dated the child's placement with the individual.

Legal Guardianship – *See* Regulation 3 Definitions (38).

Legal Risk Placement – *See* Regulation 3 Definitions (39).

MDHS/ICPC Unit/Administrator/Specialist – Mississippi's ICPC Unit is housed at State Office. All ICPC requests (incoming and outgoing) must come through the MDHSICPC Unit. There are no county or regional ICPC units in any Member State.

Member State -~~is~~ a state that has enacted the ICPC. (*See also*, "Party State" below)

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Non-Custodial Parent – *See* Regulation 3 Definitions (42).

Party State – also known as “Member State” or “Receiving State” or “Sending State”.

Permanency - a process that includes involvement of the youth as a participant or leader in finding a permanent connection with at least one (1) committed adult who provides:

- a safe, stable, and secure parenting relationship,
- love, unconditional commitment,
- lifelong support in the context of reunification,
- a legal adoption or guardianship, where possible, and
- the opportunity to maintain contacts with important persons including siblings.

Physical Custody - physical possession of a child by any person. It is considered to be the date a child entered into foster care.

Placement – *See* Regulation 3 Definitions (48).

Priority Request - a court order to expedite the placement of a child in another state that meets the legal requirements of ICPC Regulation VII for a priority placement.

Progress Reports - reports completed by the child’s Sending State’s worker, usually on a quarterly basis, once a child has been placed in a Receiving State pursuant to this Compact.

Provisional Placement – *See* Regulation 3 Definitions (53).

Receiving Agency - the agency in the state in which the child is to be placed.

Receiving State – *See* Regulation 3 Definitions (55).

Relative – *See* Regulation 3 Definitions (56).

Residential Facility – *See* Regulation 3 Definitions (60).

Resource Provider – a person (individual or organization) who is responsible for a child/youth (age birth to 21 years) who is in placement through ICPC, such as:

- a caretaker,
- employee or volunteer, whether compensated or non-compensated,
- in an out-of-home care setting who is responsible for the child’s/youth’s welfare;
- a person who legally or voluntarily assumes the care, custody, maintenance or support of the child/youth; and
- any other staff person in an out-of-home care setting regardless of whether or not the person is responsible for the care or supervision of the child/youth.

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Sending Agency/Agent - the agency/agent from which the placement of a child is initiated. MISS. CODE ANN. § 43-18-1.II.b. specifically defines "the Sending Agency" as:

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, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

Sending State – See Regulation 3 Definitions (63).

State – See Regulation 3 Definitions (65).

Supervision – See Regulation 3 Definitions (68).

Supervision Reports - See Regulation 3 Definitions (69). (See Appendix A)

Title IV-E Eligibility Status – determination of whether a child in need of an out-of-state placement will be eligible for Medicaid. This information may be obtained from the Eligibility Unit in the Sending State.

Visit/Visitation – See Regulation 9 (1-7)

Form ICPC-100A - a form initiated by the Sending Agency to request approval to place a child in another state. It provides relevant information regarding the placement and serves as the actual contract between the Sending and Receiving States. A placement cannot be made until the Compact Administrators (or designee) from both states have approved and signed the ICPC-100A.

Form ICPC-100B – a form used to confirm the placement of a child in a Receiving State with an approved ICPC resource. It serves the following additional purposes: (a) as a report on the child's placement status, indicating the date of placement or a change in placement; and (b) is prepared for other status changes in cases, such as withdrawal of the proposed placement request; completion of child's treatment, custody of the child is transferred to a relative or parent, status change from foster care to adoption, child reaches the age of majority or is legally emancipated, Sending State terminates jurisdiction with/without concurrence of the Receiving State; child returns to Sending State, child moves to another state, or the approved resource is not used for the placement.

Regulation No. 3

Definitions and Placement Categories: Applicability and Exemptions

1. Intent of Regulation No. 3: To provide guidance in navigating the ICPC regulations and to assist its users in understanding which interstate placements are governed by, and which are exempt from, the ICPC.

(a) Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the placement

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resource(s) comply with the licensing and other applicable laws of the receiving state after placement of the child in the receiving state.

(b) Age restrictions: The ICPC Articles and Regulations do not specify an age restriction at time of placement, but rather use the broad definition of “child.” The sending state law may permit the extension of juvenile court jurisdiction and foster care maintenance payments to eligible youth up to age 21. Consistent with Article V, such youth should be served under ICPC if requested by the sending agency and with concurrence of the receiving state.

2. Placement categories requiring compliance with ICPC: Placement of a child requires compliance with the Compact if such placement is made under one of the following four types of placement categories:

(a) Four types of placement categories:

(1) Adoptions: Placement preliminary to an adoption (independent, private or public adoptions)

(2) Licensed or approved foster homes (placement with related or unrelated caregivers)

(3) Placements with parents and relatives when a parent or relative is not making the placement as defined in Article VIII (a) “Limitations”

(4) Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.

(b) Court involvement and court jurisdiction legal status: The above placement categories may involve placement by persons and/or agencies that at the time of placement may not have any court involvement (i.e., private/independent adoptions and residential placements). Where there is court jurisdiction with an open court case for dependency, abandonment, abuse and/or neglect, the case is considered a public court jurisdiction case, which requires compliance with ICPC Article III (*see* Regulations No. 1, No. 2, No. 7 and No. 11) note exemption for selected “parent” cases as described below in Section 3, “cases that are exempt from ICPC regulations. In most public court jurisdiction cases the court has taken guardianship and legal custody away from the “offending” caregiver and has given it to a third party at the time placement of the child is made with an alternative caregiver. However, in select cases identified below, the sending court may not have taken guardianship or legal custody away from the parent/guardian, when the ICPC-100A -2- ICPC .requesting permission to place is sent to the receiving state. Those cases are identified on the ICPC-100A with the legal status of “court jurisdiction only” as explained below.

(c) Court jurisdiction only: The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise, remove and/or place the child. Although the child is not in the guardianship/custody of an agency or the court at the

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time of completing ICPC-100A, the agency or the court may choose to exert legal authority to supervise and or remove and place the child and therefore is the sending agency. As the sending agency/court it would have specified legal responsibilities per ICPC Article V, including the possible removal of the child if placement in the receiving state disrupts or the receiving state requests removal of the child. There are several possible situations where “court jurisdiction only” might be checked as the “legal status” on the ICPC-100A:

(1) Residential placement (Regulation No. 4): The court has jurisdiction, but in some situations, such as with some probation (delinquent) cases, guardianship remains with the parent/relative, but the court/sending agency is seeking approval to place in a receiving state residential treatment program, and has authority to order placement and removal.

(2) Contingency/concurrent request in cases where removal may become necessary (Regulations No. 2 or No. 7): The child may be in the custody of the offending parent or relative while the public agency tries to bring the family into compliance with court orders and or agency service (case) plan. (Some states call this an order of “protective supervision” or “show cause.”) The court may have requested an ICPC home study on a possible alternative caregiver in a receiving state. It is understood at time of placement the court would have guardianship/legal custody and Article V would be binding.

(3) Parent/relative relocated to receiving state (Regulation No. 1): If the sending court selects to invoke ICPC Article V and to retain court jurisdiction even though the family/relative has legal guardianship/custody and has moved to the receiving state, then the sending court may request a home study on the parent/relative who has moved with the child to the receiving state. By invoking ICPC the sending court is bound under Article V. If the receiving state determines the placement to be contrary to the interests of the child, the sending court must order removal of the child and their return to the sending state or utilize an alternative approved placement resource in the receiving state. The ICPC-100A must be signed by the sending judge or authorized agent of the public agency on behalf of the sending court in keeping with ICPC Article V.

3. Placements made without ICPC protection:

(a) A placement with a parent from whom the child was not removed: When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent. Receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

(b) Sending court makes parent placement with courtesy check: When a sending court/agency seeks an independent (not ICPC related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the “courtesy check” rests directly with the sending court/agency and the person or party in

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the receiving state who agree to conduct the “courtesy” check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.

(c) Placements made by private individuals with legal rights to place: Pursuant to Article VIII (a), this Compact does not apply to the sending or bringing of a child into a receiving state by the child’s parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child’s non-agency guardian and leaving the child with any such parent, relative or non-agency guardian in the receiving state, provided that such person who brings, sends, or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, or diminished or severed by the action or order of any court.

(d) Placements handled in divorce, paternity or probate courts: The compact does not apply in court cases of paternity, divorce, custody, and probate pursuant to which or in situations where children are being placed with parents or relatives or non-relatives.

(e) Placement of children pursuant to any other Compact: Pursuant to Article VIII (b), the Compact does not apply to 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.

4. **Definitions:** The purpose of this section is to provide clarification of commonly used terms in ICPC. Some of these words and definitions can also be found in the Interstate Compact on the Placement of Children, ICPC Regulations, Interstate Compact on Juveniles, and federal statutes and regulations.

(Note: source of definition is identified right after the word prior to the actual definition.)

(1) **Adoption:** the method provided by state law that establishes the legal relationship of parent and child between persons who are not so related by birth or some other legal determination, with the same mutual rights and obligations that exist between children and their birth parents. This relationship can only be termed adoption after the legal process is complete (*see* categories or types of ICPC adoptions below).

(2) **Adoption categories:**

(a) **Independent adoption:** adoptions arranged by a birth parent, attorney, other intermediary, adoption facilitator or other person or entity as defined by state law.

(b) **Private agency adoption:** an adoption arranged by a licensed agency whether domestic or international that has been given legal custody or responsibility for the child including the right to place the child for adoption.

(c) **Public adoption:** Adoptions for public court jurisdiction cases.

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- (3) **Adoption home study:** (definition listed under “home studies”)
- (4) **Adjudicated delinquent:** a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
- (5) **Adjudicated status offender:** a person found to have committed an offense that would not be a criminal offense if committed by an adult.
- (6) **Age of majority:** the legally defined age at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. The age of majority is defined by state laws, which vary by state and is used in Article V, “...reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state” (*see* definition below of “child” as it appears in Article II).
- (7) **Approved placement:** the receiving state Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”
- (8) **Boarding home:** as used in Article II (d) of the ICPC, means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child’s being in the home of the placement recipient (has same meaning as family free).
- (9) **Case history:** an organized record concerning an individual, their family and environment that includes social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement.
- (10) **Case plan:** (*see* “service plan” definition)
- (11) **Central Compact office:** the office that receives ICPC placement referrals from sending states and sends ICPC placement referrals to receiving states. In states that have one central Compact office that services the entire state, the term “central Compact office” has the same meaning as “central state Compact office” as described in Regulation No. 5 of the ICPC. In states in which ICPC placement referrals are sent directly to receiving states and received directly from sending states by more than one county or other regional area within the state, the “central Compact office” is the office within each separate county or other region that sends and receives ICPC placement referrals.
- (12) **Certification:** to attest, declare or swear to before a judge or notary public.
- (13) **Child:** a person, who by reason of minority, is legally subject to parental guardianship or similar control.
- (14) **Child welfare caseworker:** a person assigned to manage the cases of dependency children who are in the custody of a public child welfare agency and may include private contract providers of the responsible state agency.

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- (15) **Concurrence to discharge:** when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.
- (16) **Concurrence:** when the receiving and sending Compact Administrator agree to a specific action pursuant to ICPC, i.e., decision as to providers.
- (17) **Conditions for placement:** as established by Article III apply to any placement as defined in Article II(d) and regulations adopted by action of the Association of Administrators of the Interstate Compact on the Placement of Children.
- (18) **Courtesy:** consent or agreement between states to provide a service that is not required by ICPC.
- (19) **Courtesy check:** a process that does not involve the ICPC, used by a sending court to check the home of a parent from whom the child was not removed.
- (20) **Court jurisdiction only cases:** the sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise and/or remove and place the child for whom the court has not taken guardianship or legal custody.
- (21) **Custody:** (*see* physical custody, *see* legal custody)
- (22) **Emancipation:** the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child placing agency, by operation of law or court order.
- (23) **Emergency placement:** a temporary placement of 30 days or less in duration.
- (24) **Family free:** as used in Article II (d) of the ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient (has same meaning as boarding home).
- (25) **Family unit:** a group of individuals living in one household.
- (26) **Foster care:** If 24-hour-a-day care is provided by the child's parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care. In addition to the federal definition (45 C.F.R. § 1355.20 "Definitions") this includes 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

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(27) **Foster home study:** (*see* definition under home studies)

(28) **Foster parent:** a person, including a relative or non-relative, licensed to provide a home for orphaned, abused, neglected, delinquent or disabled children, usually with the approval of the government or a social service agency.

(29) **Guardian** [*see* ICPC Regulation No. 10 section 1(a)]: a public or private agency, organization or institution that holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child for which a parent would have authority and responsibility for doing so by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning that the guardian has a professional obligation to carry out.

(30) **Home Study** (*see* Safe and Timely Interstate Placement of Foster Children Act of 2006): an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional and physical development.

(a) **Adoption home study:** a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).

(b) **Foster home study:** a home study conducted for the purpose of placing a child with a placement resource who is required to be licensed or approved in accordance with federal and/or receiving state law.

(c) **Interstate home study** (*see* Federal Safe and Timely Act): a home study conducted by a state at the request of another state, to facilitate an adoptive or foster care placement in the state of a child in foster care under the responsibility of the state [*see* foster care definition(s)].

(d) **Parent home study:** applies to the home study conducted by the receiving state to determine whether a parent placement meets the standards as set forth by the requirements of the receiving state.

(e) **Relative home study:** a home study conducted for the purpose of placing a child with a relative. Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the receiving state.

(f) **Non-relative home study:** a home study conducted for the purpose of placing a child with a non-relative of the child. Such a home study may or may not require the same level of

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screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the receiving state.

(g) ***Safe and Timely Interstate Home Study Report*** (*see* Federal Safe and Timely Act): an interstate home study report completed by a state if the state provides to the state that requested the study, within 60 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the state to have completed, within the 60-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

(31) **ICPC**: ~~The Interstate Compact on the Placement of Children is~~ a Compact between states and parties pursuant to law, to ensure protection and services to children who are placed across state lines.

(32) **Independent adoption entity**: any individual authorized in the sending state to place children for adoption other than a state, county or licensed private agency. This could include courts, private attorneys and birth parents.

(33) **Intrastate**: existing or occurring within a state

(34) **Interstate**: involving, connecting or existing between two or more states.

(35) **Interstate home study**: (*see* definition under Home studies).

(36) **Jurisdiction**: the established authority of a court to determine all matters in relation to the custody, supervision, care and disposition of a child.

(37) **Legal custody**: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.

(38) **Legal guardianship** (*see* 45 C.F.R. § 1355.20 “Definitions”): a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term legal guardian means the caretaker in such a relationship.

(39) **Legal risk placement** (legal risk adoption): a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother’s state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

(40) **Member state**: a state that has enacted this Compact (*see* also definition of state).

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- (41) **Non-agency guardian** [*see* ICPC Regulation No. 10 section 1(b)]: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in ICPC Regulation No. 10 section 1(a).
- (42) **Non-custodial parent**: a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or physical custody of a child.
- (43) **Non-offending parent**: the parent who is not the subject of allegations or findings of child abuse or neglect.
- (44) **Non-relative**: a person not connected to the child by blood, marriage or adoption, or otherwise defined by the sending or receiving state.
- (45) **Parent**: a biological, adoptive parent or legal guardian as determined by applicable state law and is responsible for the care, custody and control of a child or upon whom there is legal duty for such care.
- (46) **Parent home study**: (*see* definition under home studies)
- (47) **Physical custody**: Person or entity with whom the child is placed on a day-to-day basis.
- (48) **Placement** (*see* ICPC Article II (d) “Definitions”): the arrangement for the care of a child in a family free, in a 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.
- (49) **Placement resource**: the person(s) or facility with whom the child has been or may be placed by a parent or legal custodian; or, placed by the court of jurisdiction in the sending state; or, for whom placement is sought in the receiving state.
- (50) **Progress report**: (*see* “supervision report” definition)
- (51) **Provisional approval**: an initial decision by the receiving state that the placement is approved subject to receipt of required additional information before final approval is granted.
- (52) **Provisional denial**: the receiving state cannot approve a provisional placement pending a more comprehensive home study or assessment process due to issues that need to be resolved.
- (53) **Provisional placement**: a determination made in the receiving state that the proposed placement is safe and suitable and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.
- (54) **Public child-placing agency**: any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on

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behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.

(55) **Receiving state** (*see* ICPC Article II (c) “Definitions”): 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.

(56) **Relative**: a birth or adoptive brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece, nephew, as well as relatives of half blood or marriage and those denoted by the prefixes of grand and great, including grandparent or great grandparent, or as defined in state statute for the purpose of foster and or adoptive placements.

(57) **Non-relative**: a person not connected to the child by blood, marriage or adoption.

(58) **Relative home study**: (*see* definition under home studies)

(59) **Relocation**: the movement of a child or family from one state to another.

(60) **Residential facility or residential treatment center or group home**: a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. For purposes of the Compact, residential facilities do not include institutions primarily educational in character, hospitals or other medical facilities (as used in Regulation 4, they are defined by the receiving state).

(61) **Return**: the bringing or sending back of a child to the state from which they came.

(62) **Sending agency**: (*see* ICPC Article II (b) “Definitions”): 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, charitable agency or other entity having legal authority over a child who sends, brings, or causes to be sent or brought any child to another party state.

(63) **Sending state**: the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits or enables the child to be sent to another state.

(64) **Service (case) plan**: a comprehensive individualized program of action for a child and his/her family establishing specific goals and objectives and deadlines for meeting these goals and objectives.

(65) **State**: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

(66) **State court**: a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18) or as otherwise defined by state law.

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(67) **Stepparent**: a man or woman married to a parent of a child at the time of the intended placement or as otherwise defined by the sending and/or receiving state laws, rules and/or regulations.

(68) **Supervision**: monitoring of the child and the child's living situation by the receiving state after a child has been placed in a receiving state pursuant to a provisional approval or an approved placement under Article III(d) of the ICPC or pursuant to a child's relocation to a receiving state in accordance with Regulation No. 1 of the ICPC.

(69) **Supervision report**: provided by the supervising case worker in the receiving state; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.

(70) **Timely Interstate Home Study**: (*see* definition under home studies)

(71) **Visit**: as defined in Regulation No. 9.

X. SCOPE OF ICPC

K. What the Compact Does

The Compact law establishes orderly and uniform procedures for the interstate placement of children and assigns responsibility for those involved in placing the child. The ICPC contains 10 Articles and every state's ICPC contains basically the same Articles. Each Article defines a specific function of the law including identifying the types of placements and placers 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.

L. Types of Placements Covered

Articles II (d), III and VI of the ICPC identify the four types of placements of children which are subject to compliance:

5. Placement preliminary to an adoption.
6. Placements into foster care, including foster homes, group homes, residential treatment facilities, and institutions.
7. Placements with parents and relatives when a parent or relative is not making the placement.
8. Placements of adjudicated delinquents in institutions in other states.

Not all placements of children into other states are subject to compliance with the Compact. The

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Compact does not include placements made in medical and mental health facilities or in boarding schools, or "any institution primarily educational in character." (MISS. CODE ANN. § 43-18-1.II.d.)

M. Who Must Use the Compact?

Article II (b) of the ICPC defines who must use the Compact when they "send, bring, or cause a child to be brought or sent" to another member state. These agencies, courts, persons, and other entities called "the Sending Agent" are:

5. A state party to the Compact, or any officer or employee of a party state.
6. A subdivision, such as a county or a city, or any officer or employee, of the subdivision.
7. A court of a party state.
8. Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

N. Limitations

Not all Sending Agents who place children out of state are required to seek compliance under the ICPC. Article VIII (a) of the ICPC excludes from coverage, placements made from certain individuals to certain enumerated individuals. Specifically:

4. The sending or bringing of a child by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian who has responsibility for the child and leaving the child with a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or the child's non-agency guardian in the receiving state.
5. Exclusion from ICPC occurs only when both the Sending Agent and the placement recipient belong to the enumerated classes of individuals. EX: a placement of a child made by a parent whose rights to plan for the child have not been diminished by a court action or through a custodial action and the placement is with an "adult uncle or aunt" of the child in another State is exempt from compliance with the ICPC.
6. Placements of children across state lines which result from the exclusive jurisdiction of a divorce court are not subject to compliance with the ICPC. Specific examples include requests for a study or supervision of a parent in another state or a change in custody between divorced parents, whether agreed upon or adversarial or a change in visitation schedule or supervision during a visitation schedule which is based on a divorce court action.

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Child Protective Services investigations require contacts in other states which include: reports on the circumstances of a child or family and the location of a child or an adult. This includes enrollment in school, supervision, a well-being check and other services that are not subject to ICPC procedures. Contact the Child Protective Services Hotline in each state for further information and/or assistance.

O. Safeguards Offered by the Compact

Articles I and V of the ICPC outlines the safeguards provided for both the child and the parties involved in the child's placement:

6. Provides the Sending Agency the opportunity to obtain home studies and an evaluation of the proposed placement. (*See Appendix B*)
7. 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.
8. Guarantees the child legal and financial protection by addressing these responsibilities with the Sending Agency or individual.
9. Ensures that the Sending Agency does not lose jurisdiction over the child once the child moves to the Receiving State.
10. Provides the Sending Agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

These safeguards are routinely available when the child, the person, or responsible agency and the placement are all in a single state or jurisdiction. When the placement involves two states or jurisdictions, however, these safeguards are available through the Compact.

P. Procedures for Making Compact Placement

Articles I, III, and V serve as the basis for the procedures for ICPC compliance including the referral and home study processes, the basis for and the authority to issue a decision regarding the placement, the case-management and closure processes, including permanency or disruption for each child. It details specific procedural application and best practice for compliance.

Q. Penalties for Illegal ICPC Placements

Article IV of the ICPC specifies penalties which may be taken if violations are made under Article III and V of the ICPC. Interstate placements made in violation of the law constitute a violation of the "laws respecting the placement of children of both the state in which the Sending

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Agency is located or, from which it sends or brings the child and of the receiving state" (Article IV).

Violators are subject to punishment or penalties in both jurisdictions in accordance with their laws. In addition to liability for any such punishment or penalty, any violation shall constitute full and sufficient grounds for suspension or revocation of any license, permit or other legal authorization held by the Sending Agent which empowers or allows a child to be placed.

XI. ARTICLES OF THE ICPC

R. Article I. Purpose and Policy

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

- e) 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.
- f) 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.
- g) The proper authorities of the state from which the placement is made may obtain the most complete information in order to evaluate a projected placement.
- h) Appropriate jurisdictional arrangements for the care of children will be promoted.

S. Article II. Definitions

As used in this compact:

- e) "Child" means a person, who by reason of minority, is legally subject to parental guardianship or similar control.
- f) "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, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- g) "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

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placement with state or local public authorities or for placement with private agencies or persons.

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

T. Article III. Conditions for Placement

- e) 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.
- f) 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:
 - 5) The name, date and place of birth of the child.
 - 6) The identity and address or addresses of the parents or legal guardian.
 - 7) 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.
 - 8) 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.
- g) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) 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 there from, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.
- h) 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, that the proposed placement does not appear to be contrary to the interests of the child.

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U. 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 such 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.

V. Article V. Retention of Jurisdiction

- d) The Sending Agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, 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.
- e) 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.
- f) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agents in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state 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 (a) hereof.

W. 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

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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:

- c) Equivalent facilities for the child are not available in the Sending Agency's jurisdiction; and
- d) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

X. 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 other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Y. Article VIII. Limitations

This compact shall not apply to:

- c) The sending or bringing of a child into a receiving state by his parent, stepparent, 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.
- d) 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.

Z. Article IX. Enactment & 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 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.

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AA. Article X. Construction & 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 or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and 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.

XII. ICPC PROCEDURES

Prior to sending any child into a Receiving State for placement in foster care, an adoption, a child-caring agency or institution, the Sending Agency shall furnish the appropriate public authorities in the Receiving State notice of the intent to send or place a child.

If it is determined to be in the best interest of the child to be placed in another state, the county worker will discuss the request for interstate placement with the Area Social Work Supervisor (ASWS). If the plan appears suitable, and the ASWS approves, the worker will proceed as follows:

BB. Sending County's Responsibility

4. Procedure A: Home Study Requests to Place a Child in a Parent or Foster Placement in Another State

(Sending State Priority Home Study Request, *See Appendix C*)

(Receiving State Priority Home Study, *See Appendix D*)

2. To initiate an ICPC request for a Home Study and Placement approval, the referring worker shall submit an original and (2) copies of the ICPC referral packet to the ICPC office for review and processing. The ICPC referral packet shall contain the following documents: (*See Appendix E*)
 1. ICPC Referral Checklist ([Go to http://dfcsmacweb/DFCSWEB/](http://dfcsmacweb/DFCSWEB/) ~~*See Appendix F*~~).
 - m. Cover letter: Include type of request, whom request is for and reason for placement.

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- n. Social Summary: It should include background information and current assessment.
 - o. Current Custody Order and other pertinent court documents (signed and dated).
 - p. Financial/Medical Plan and appropriate supporting documentations. (*Go to <http://dfcsmacweb/DFCSWEB/> See Appendix G*)
 - q. Individual Service Plan (ISP)
 - r. Individual Educational Plan (IEP), psychological and/or psychiatric assessment or any document that specifies the child's needs, if available, school records, Birth Certificates and Social Security Cards.
 - s. Indian Child Welfare Act (ICWA). Indicate heritage, eligibility, compliance in the memo of request.
 - t. Form ICPC-100A, fully completed on each child. (*Go to <http://dfcsmacweb/DFCSWEB/> See Appendix H*)
 - u. Reference Form. (*See Appendix F I*)
 - v. Statement of Interest Form (*Go to <http://dfcsmacweb/DFCSWEB/> See Appendix J*)
4. To initiate an ICPC request for an out-of-state Adoptive Placement the following additional documents are needed along with the above listed items:
- g. Documents that reflect that the child is legally "free" for adoption which must include one of the following for each parent.
 - h. Termination of Parental Rights (TPR)
 - i. Parental Relinquishment
 - j. Death Certificate, if either of the biological parents are deceased
 - k. Child Evaluation
 - l. Statement of Interest Form
5. To initiate an ICPC request for a **Private Adoptive Placement the referring worker shall submit** an original and (2) copies of the following documents:
- m. Private Adoption Checklist (*See Appendix ~~G~~ K*)
 - n. ICPC 100A Form
 - o. TPR order or Relinquishment
 - p. Placement Agreement

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- q. A current copy of agency's license
- r. Hospital Records: Medical Records, Discharge Summaries, etc.
- s. Social History of Birth Parents
- t. Birth Parents Counseling Summary
- u. Current Adoptive Home Study (*See* Adoption Checklist)
- v. Private Adoptions Only: Statement of Expenses paid to birth parent(s) by adoptive parent(s)
- w. Other: Any other documentation to meet the requirements of another state
- x. Prepaid Federal Express envelope

Send this information via Federal Express to:

Mississippi ICPC
Department of Human Services
Division of Family & Children's Services/ICPC
750 North State Street
Jackson, Mississippi 39202
601-359-4999

5. Procedure B: Request to Place a Child in a Residential Child Caring Facility (Congregate Care)

ICPC approval is required prior to placing a child in a residential facility in another state.

To initiate an ICPC request to place a child in a residential child caring facility, the referring worker shall submit original and (2) copies of the following documents to the Receiving State's ICPC office:

- e. Social Summary: It should include background information and reason for placement, along with current assessment of the child and family.
- f. Most recent court order reflecting the child's legal status.
- g. A letter of acceptance from the facility.
- h. Form ICPC -100A fully completed.

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6. Procedure C: ICPC Jurisdiction Referral

4. The appropriate Court assigned court liaison or DFCS worker will prepare an ICPC Court Jurisdiction Referral. The ICPC Court Jurisdiction Referral will be mailed in triplicate to the ICPC office or a complete copy of the ICPC Court Jurisdiction Referral will be scanned and e-mailed to the designated ICPC Administrator.
5. The ICPC Court Jurisdiction Referral will be entered in the current child welfare information system by the appropriate DFCS worker upon receipt.
6. An ICPC Court Jurisdiction Referral on a non-custodial child is limited to following required documents which are part of the court file:
 - e) An ICPC 100A form Interstate Compact Placement Request properly completed and signed by the Judge or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's placement and custody.
 - f) Cover Letter
 - g) Current Social History to include at a minimum, the child's name, date of birth, and other demographic information as included in the Court file.
 - h) Order of Reference Order and other pertinent court documents, including petitions, and order of adjudication of dependency/neglect or court order of protective supervision and if appropriate, court documents regarding delinquency or unruly adjudications.

Any supporting documents in the court file to substantiate the reason the child is before the court including medical, behavioral or other documents and the intent of further court action if not specified in other documents above.

7. Procedure D: Conversion of Intrastate Placement into Interstate Placement

Relocation of Family Units (*See Appendix **H M**, Regulation 1*)

c) Intent

Situation: During the course of an in-state placement, circumstances require a Mississippi resource move to another state and per the family permanency plan (or equivalent); the DFCS custodial child who is placed with them is to remain in placement with them pending permanency.

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3. With the filing of an ICPC Regulation #1 Referral as prescribed below, the child may move with the approved Mississippi resource prior to the issuance of a placement decision by the Receiving State ICPC office.
4. The Mississippi resource home will be required to meet the resource home approval and/or licensure in the Receiving State for the continued placement of the child, however, supervision/contact with the child and family is implemented by the Receiving State within thirty (30) days of receipt of the referral packet.

d) ICPC # 1 Referral

The ICPC Reg. #1 Referral will include the following most current, required documentation:

11. ICPC Referral Checklist
12. An ICPC 100A. This form should contain the new address.
13. Cover Letter
14. Family Functional Assessment (or equivalent) or current social history (or equivalent) as appropriate
15. Family Permanency Plan
16. Custody order and other pertinent court documents (signed and dated) including previous petitions, and custodial orders.
17. ICPC Medical-Financial Plan and appropriate supporting documents.
18. Individual Education Plan, Social Security Card and Birth Certificates or equivalency
19. Approved or valid resource home study/re-assessments including all documents such as criminal history/ fingerprint results.
20. Form ICPC 100B, Interstate Compact Report on Child's Placement Status which specifies the date on, and the address to, which the child/resource family relocated. ([Go to Go http://dfcsmacweb/DFCSWEB/](http://dfcsmacweb/DFCSWEB/) ~~See Appendix L~~)

e) Time Frame

A decision on provisional approval will be granted within five (5) business days of receipt of the ICPC - 100A and complete home study request packet. The decision will be provided, in writing, to the Sending State Compact Administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable.

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8. Procedure E: Regulation No. 2 (See Appendix **HM, Regulation 2)**

Regulation 2 Covers:

- Children not yet placed through an approved home study
- Changing status of child already placed,
- Child already in receiving state without approval,
- Supervision terminated, jurisdiction retained,

Specific evidence of pre-screening of prospective placement is required to be included in ICPC packet. This is to prevent sending requests for placements with resource providers who are not interested or clearly will not pass.

Case manager must include the following:

- a signed statement that the potential placement is interested in having the child placed and will cooperate
- name and correct physical and mailing address of placement
- number and type of bedrooms in the home
- sufficient financial resources or
- explanation for how children will be fed, clothed and cared for
- acknowledgement by prospective placement that a criminal records and child abuse history check will be completed.

Report of home study (not actual home study) must be sent within 60 days and can include final approval or denial – consistent with Safe and Timely Interstate Placement of Children Act.

- If not a complete home study, must state what education and training is still required and the estimated time frame.
- If approved the Sending State will have six months to make the placement

If the home study is denied the Sending State can request reconsideration within 90 days, with or without a new home study

Return of child to sending state

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If child is in Receiving State without prior approval and Receiving State requests return, the Sending State must bring child back within 5 business days unless agreement has been reached between compact administrators on alternative placement.

If child in Receiving State was placed with approval and approval withdrawn, the child must return within 5 business days unless agreement is reached between compact administrators on alternative placement.

9. Procedure F: ICPC Procedures for Priority Placement of Child Under Regulation 7 (See Appendix [H M](#), Regulation 7)

Regulation 7 Covers

- e) 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
- f) 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
- g) The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child; or
- h) The child is currently in an emergency placement.

The placement must be with parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian. Regulation 7 does not apply:

- if child already placed in receiving state in violation of ICPC
- does not apply to foster care or adoption placements (unless placement already licensed)

Court must enter order of compliance making finding that child meets Reg. 7 criteria with specific findings as needed. The Court can ask for **provisional placement** – same as if child placed in shelter in receiving state. The Provisional placement is not a final approval and can be withdrawn.

Courts can ask for jurisdiction to be relinquished upon approval of placement with a parent.

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Before entering an ICPC order the case manager must provide to the court and court must find that a signed statement has provided the following:

- a signed statement that the potential placement is interested in having the child placed and will cooperate
- name and correct physical and mailing address of placement
- number and type of bedrooms in the home
- sufficient financial resources or
- explanation for how children will be fed, clothed and cared for
- acknowledgement by prospective placement that a criminal records and child abuse history check will be completed.
- If placement is with a parent, is there a request to relinquish jurisdiction.

Time Frames for entry of order and processing of request:

- 3 days from receipt of order the local county refers packet to the MS ICPC State office
- 2 days for MS ICPC State office to send packet out, if it is complete
- 2 days for Receiving State ICPC office to send to their local office
- 15 days for Receiving State local to complete home study and return to Receiving State ICPC office
- 3 days for Receiving State to make determination on placement when packet received from local office
- 20 days total in Receiving State to complete request and make a decision
- Judicial recourse possible in Receiving State if time frames not honored.

10.Procedure G: Interstate Compact Unit's Responsibility

The Interstate Compact Unit will:

3. Review the request for the home study to determine that all relevant information has been furnished before submitting the request to the Receiving State's ICPC office for approval.
4. If the MDHS/ ICPC Specialist determines that the ICPC referral is incomplete the ICPC Specialist shall:
 - a. Call or send an e-mail to the referring worker to notify him or her of missing documents or information required to complete the ICPC referral within three (3) business days of receiving the referral.

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- b. If the MDHS/ ICPC Specialist receives no response within the time frame, a second call or e-mail may be made to the referring worker or, to his/her supervisor and the MDHS/ ICPC Specialist shall return the incomplete ICPC referral to the referring worker with a transmittal outlining the reason it is incomplete.
- c. If the ICPC referral packet is complete, the MDHS/ ICPC Specialist shall sign the ICPC Placement Request and send the request to the Receiving State with two (2) copies of the transmittal letter and one (1) copy for the referring worker.
- d. If the ICPC request is denied, the MDHS/ ICPC Specialist shall inform the referring worker of the denial via ICPC – 100A form (MDHS-SS-497A). When necessary, the worker shall make arrangements to ensure the return of the child to Mississippi.
- e. When the completed home study is received, the Receiving State's Compact Administrator will review the study and indicates approval or disapproval of any proposed placement on the form ICPC – 100A (MDHS-SS-497A). The signed forms will be returned, with two copies of the home study, to Sending State's Compact Office.

11.Procedure H: Children Placed in Mississippi from another State

f) Receiving State Responsibilities

Article I (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.”*

- 10. Mississippi Department of Human Services, Division of Family and Children's Services adheres to federal laws including MEPA and the Civil Rights Act of 1964, which prohibits policies, procedures that deny any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color, or national origin of that person, or of the child involved; or which delay or deny any placement of a child in foster care or for adoption on the basis of race, color, or national origin of the foster caregiver(s), of the adoptive parent(s) or the child involved.
 - a) If an ICPC request is received from a state that is non-MEPA compliant the sending state shall be notified that Mississippi ICPC is unable to consider non-MEPA compliant requests. If the sending state still wishes the home to be considered Mississippi can only address RCNO if the child has had an individualized assessment that concludes that RCNO should be considered. Documentation regarding this request should be documented in a narrative in MACWIS under the Home Study.

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11. State ICPC Office will review all referrals and resultant ICPC documents received from appropriate “sending agents” and determine completeness of all required documents as well as determine appropriateness of the authorizing signatures.
12. State ICPC Office will enter and/or manage a centralized ICPC database in the current child welfare information system as well as maintain a centralized paper file on each ICPC record.
13. If additional information is needed before a Referral or other documents can be processed to a receiving state, the State ICPC Office will notify the DFCS worker, court liaison, or appropriate party (sending agent) utilizing the ICPC transmittal and/or the current child welfare information system.
14. Additional information requested is to be mailed in triplicate to the State ICPC office or a copy scanned and e-mailed to the designated MS ICPC Administrator within ten (5) working days by the DFCS worker, court liaison, or appropriate party (sending agent). The Designated MS ICPC worker will be responsible to enter the information in the current child welfare information system.
15. If the requested information is not provided within 5 working days by the appropriate party, or a written notice documenting the reason the information or documents are not available and a proposed date as to when they may be available, the ICPC Office will return the referral packet to the DFCS worker, Court liaison or appropriate party. The Referral will be void; closed and documented as such in the current child welfare information system.
16. All ICPC Referrals must meet minimum requirements to be processed to the Receiving State. No limitations exist on the number of ICPC Referrals which may be submitted by the DFCS or court liaison or appropriate MS party (sending agent). No limitations exist pertaining to a timeframe within which an ICPC Referral may be submitted.
17. The State ICPC Office will process all complete ICPC Referrals to the Receiving State ICPC office in paper form by mail. The ICPC Administrator will scan and e-mail complete ICPC Referrals to a Receiving State with express permission of that State. Please note that some ICPC Party States are not equipped with personnel and equipment to accept ICPC Referrals or other documents in any electronic medium or their policy limits use of electronic medium to emergency only. A copy of the ICPC transmittal will be mailed to the DFCS workers, court liaison, or appropriate party for their record; an electronic notation including the date of the transaction will be entered in the current child welfare information system by the ICPC Administrator.
18. Pending the issuance of a written decision by the receiving State ICPC office regarding placement of the child with that out-of-state resource, the DFCS worker or

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appropriate MS party with jurisdiction or custody of the child is not authorized to place the child across state lines under the ICPC. The DFCS worker or appropriate MS party responsible for planning for the child is responsible to maintain the child in an intra-state placement pending determination of appropriateness of the out-of-state resource per the ICPC.

Study:

Article I (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.”*

9. The Receiving State ICPC will assign the ICPC Referral to the appropriate local agency in their State or the private licensed agency as designated on the purchase of service agreement or the designated private licensed child placing agency to conduct an assessment or study on the placement resource. In ICPC referrals to Residential Treatment Centers, the “assignment” involves verification of the RTC licensure.
10. Upon assignment, the Receiving State Administrator may request additional or supporting information as it may deem necessary to conduct a valid assessment or study of the proposed resource.
11. Requests for additional or supporting information from a Receiving State will be transmitted through the ICPC Office to the DFCS, court liaison, or appropriate party utilizing the ICPC transmittal and/ or the current child welfare information system. Additional information requested is to be submitted to the ICPC office in triplicate within five (5) working days by the DFCS worker, court liaison, or appropriate party and documented in the record including the current child welfare information system. If the additional material needed is scanned, one copy of the additional or supporting information must be mailed to the MS ICPC office within two (2) working days of receipt of requested information.
12. All studies or assessment reports on the resource home in another State are conducted in accordance to applicable Federal and State laws and policy and licensing standards of the Receiving State. Designated public/private authorities in the receiving State determine the appropriateness of the placement resource for the specific child or children designated in the ICPC Referral based on the conclusions of their study or report or the licensing/regulatory authorities. An appeal or administrative review of the study decision or the study process is filed with the Receiving State authorities and subject to their applicable laws and policy and licensing standards.
13. The Receiving State ICPC Administrator is responsible for forwarding the study or assessment report to the ICPC office within sixty (60) calendar days with or without issuing a decision for placement under the ICPC.

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14. A study or assessment reports issued by a Receiving State ICPC Administrator without a decision on the ICPC 100A is considered a notice of circumstances of the resource in the Receiving State. Placement of a child in the custody/guardianship of DFCS with the out-of-state resource based on such a study or assessment report without a decision on the ICPC 100A does not meet Departmental policy as an approved resource placement nor provides full legal or financial protections for the child as designated under the ICPC. If a DFCS worker, court liaison or appropriate party determines to make a placement, it will be considered in violation of Article III of the Compact and places the child “at-risk”. The receiving state is under no obligation to provide services on behalf of the child placed or resource family pursuant to ICPC.
15. The ICPC Administrator is responsible to notify the DFCS Worker, court liaison, or appropriate party of the receipt of such a study or assessment report without a decision on the ICPC 100A from the Receiving State regarding the placement of the specific child or children with the out-of-state resource. Notification is in writing via ICPC transmittal and electronically, in the current child welfare information system.
16. DFCS Worker, or court liaison or other MS party (sending agent) will have 14 days after receipt of a study or assessment report issued without a decision on the ICPC 100A to notify the ICPC Administrator by written notice whether placement will be made or whether the ICPC Referral is being withdrawn or of their continued interest in pursuing the placement after approval on the ICPC 100A.
 - a) **Placement Made (Violation of Article III):** The written notice should specifically cite the name of the child and date of birth, current location of the child, and name of the placement resource in the receiving state, date child was allowed to be placed, circumstances of the child’s placement, recognition statement of ICPC Violation III and “at risk” status and responsibility for the child and to the placement resource if placement disrupts. Notice is to be signed and dated by DFCS or court liaison or the MS party (sending agent) and supervisor and mailed in triplicate to the ICPC office or one copy of the notice can be scanned and e-mailed to the appropriate ICPC Administrator. A copy of any notice scanned and e-mailed to the ICPC Administrator will be mailed within two (2) business days to the ICPC State Office. The information will be entered into the current child welfare information system by the ICPC Administrator and the ICPC instance closed as a Violation with no further services available under the ICPC.
 - b) **ICPC Referral Withdrawn:** An ICPC 100B, Interstate Compact Report on the Child’s Placement Status should be completed and mailed in triplicate to the ICPC office or scanned and e-mailed to the designated ICPC Administrator. Upon receipt, the ICPC Administrator will document the Withdrawal in the current child welfare information system and authorize the closure of the ICPC instance as “Referral Withdrawn.”

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- c) **Defer Placement pending Approval:** Written notice to be mailed in triplicate by the DFCS, court liaison or other MS party (sending agent) to the ICPC office in the Receiving State along with a statement of intent to defer the placement of the child with the proposed placement until additional information has been secured on the resource and a decision issued under the ICPC. No ICPC 100B is required for a notice of intent to defer placement.

Decision:

Article III (d) "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 contrary to the interest of the child. "

6. If the decision for the placement of the child with the designated resource is denied by the Receiving State ICPC Administrator on the ICPC 100A, will forward the ICPC 100A denying the placement and the study or report which documents the reasons for denial to the DFCS Worker. The ICPC record will be closed "Placement denied".
7. The ICPC Worker will enter the information in the current child welfare information system. The ICPC Worker will authorize the closure of the ICPC instance as "placement denied" in the current child welfare information system.
8. If the decision for the placement of the child with the designated resource is approved by the Receiving State ICPC Administrator on the ICPC 100A, will mail and scan and e-mail the ICPC 100A approving the placement and the study or report which documents the study process and approval to the DFCS Worker. The ICPC 100a and the study/documents are to be maintained in the record. Approvals for placements under the ICPC are valid for a period of six (6) months commencing from the date of the signature of the Receiving State ICPC Administrator. The information will be entered in the current child welfare information system.
9. The DFCS Worker is responsible to determine whether or not to use the approved placement, pursuant to the family permanency plan.
10. If the placement resource is approved and the placement will not be used or cannot be utilized within the 6 month time frame, the DFCS Worker will mail a completed ICPC Form 100B; Interstate Compact Report on the Child's Placement Status (CS-0523) in triplicate to the ICPC office and specifies that the approved placement will not be used.

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Case Management:

5. Quarterly written progress reports are to address the child's safety, well-being, adjustment and services as specified on the family permanency plan (or equivalent) in order for the child to achieve permanency.
6. The ICPC Form 100B, Interstate Compact Report on the Child's Placement Status also serves as the notice to the receiving state to initiate their responsibility to monitor the continued licensure or approval status of the resource home in their state for compliance with Federal IV-B and IV-E.
7. The Receiving State is responsible to continue monthly supervisory contacts and quarterly written progress reports addressing the status of the child's placement and their safety, well-being and permanency until the child has achieved permanency through adoption; reaches the age of majority, becomes self-supporting or is discharged with the written concurrence of the Receiving State ICPC office.
8. The Receiving State ICPC Administrator is responsible to provide written concurrence to discharge further services to a child under the ICPC if the permanency goal is legal custody returned to parent or legal custody given to relatives or guardianship granted to relatives or others, or the Sending State's jurisdiction over the child may be terminated. The Receiving State ICPC Administrator will base concurrence upon the recommendations contained in the written progress reports.

Closure:

4. The DFCS Worker, court liaison, or appropriate party will mail three (3) copies of the ICPC form *100B, Interstate Compact Report on the Child's Placement Status* appropriately documenting court action and three (3) copies of any pertinent court order, which has been signed and dated to the ICPC office within thirty (30) days of the court action or will mail or scan and e-mail a copy of the completed ICPC 100B, Interstate Compact Report on the Child's Placement Status and the pertinent court order to the ICPC Administrator.
5. The ICPC Office will forward the documents to the Receiving State authorizing the closure of the ICPC record. No further services are available under the Compact.
6. The ICPC Office will document the date and reason for the closure in the current child welfare information system; effectively authorizing the closure of the ICPC instance. No further services are available under the Compact.

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g) Receiving County Responsibilities

2. The MDHS/ ICPC Deputy Administrator will forward the original and one (1) copy of the request to the appropriate supervisor for assignment to a worker to complete a home study.
 - The laws and policies of the sending state govern the conditions of custody and discharge.
 - A timely home study must be completed and a criminal history and central registry check are mandatory for all persons living in the home.
 - The assigned home study worker shall conduct a home study with written recommendation of the approval or denial of the placement request, and forward it to the ICPC Office within 60 calendar days of the date of receipt of the request.
 - For all approved placements, legal jurisdiction and financial responsibility for the child remain with the sending state.

All studies or assessment reports on potential placement resources in MS pursuant to the ICPC which are assigned to DFCS Regions or their contract agencies or an authorized public or private agency are to be completed within the following timelines which are projected from the current child welfare information system Intake Services Start Date:

d) ICPC Ref. #7 Priority Study	20 working days
e) Foster/Adoptive Study	60 calendar days
f) Re-assessment or Up-date	30 calendar days

h) Supervision

The Receiving State should provide supervision in a placement even though the placement is with a parent. The Receiving State should provide services for the child and the family once the placement has been approved through the compact and 100B has been received confirming date of placement. The Receiving State is responsible for the following:

- Ensures requested services are received.
- Completes quarterly reports.
- Notifies the ICPC office in the sending state when problems occur.
- Any out-of-state youth is bound by MS (the receiving states') law.

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- The receiving state maintains supervision until notification from the sending state that jurisdiction has been terminated
 - Provides three (3) copies of quarterly progress reports.
 - All reports are to be sent to the ICPC office for forwarding to the sending state's ICPC office.
- i) Closure Requests**
- Receiving state recommends dismissal and case closure or return of child to sending state.

Note: if a placement is unsuccessful, the sending state is responsible for the youth's return.

If legal action is pending against a youth it must be resolved prior to their departure from MS

12. Procedure I: Placement with Non-Member State/Territory for a Placement of a Child out of Mississippi

5. For placement in a Non-Member State/Territory, the Sending State or agency will follow the same procedure outlined in Child's Placement out of Mississippi with Member State. (*See IV, A. et seq above*)
6. A non-member state/territory is not legally required to accept the MDHS-SS-497A (ICPC - 100A) as Mississippi's statement of responsibility. MDHS/ ICPC staff may be requested to provide a written statement or to complete the non-member territory's own agreement forms. These forms will need to be forwarded to the MDHS/ ICPC for signature.
7. The Request should be addressed to the MDHS/ ICPC Unit and it will be forwarded to the appropriate person in the receiving territory.
8. Upon receipt of the evaluation and recommendation from the non-Compact member territory, the MDHS/ ICPC Administrator will forwards a copy to the sending office.

13. Procedure J: Non-Member State/Territory Placement into Mississippi

5. The Receiving State or agency will follow the same procedure as outline in the Child's Placement into Mississippi with Compact State. The request from the non-member territory will not include the form ICPS 100A since these are used only by members of the Compact.

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6. The non-member state/territory will be directed to remain financially and legally responsible for the child as part of the home study/supervision process. A statement to that effect must be signed by the Chief Executive Officer in that territory.
7. The request for that responsibility statement will be made by the MDHS/ ICPC Deputy Administrator after the evaluation and recommendation are received from the worker.
8. The responsibility statement of financial and legal responsibility must be obtained before placement of the child into Mississippi can be approved.

14. Procedure K: Responsibility for On-Going Services

j) The Sending State Shall:

5. Clarify services needed, and request quarterly supervision and progress reports. The information about supervision and reports is specified on the MDHS-SS-497A (ICPC - 100A).
6. Retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care treatment and disposition of the child.
7. Retain jurisdiction until the child is adopted, reaches majority, becomes self-supporting or is discharged.
8. Continue to have financial responsibility for support and maintenance of the child during the period of placement.

k) The Receiving State Shall:

5. Provide services to the child as designated by the Sending Agency on ICPC – 100A (MDHS-497A).
6. Provide other special services which are agreed to by both Sending and Receiving State.
7. Make face to face visits with child and family twice monthly with one visit taking place in the child's placement.
8. Provide progress reports to the sending state or agency designated on the ICPC 100A. Form. The original with two copies of the progress report should be sent directly to the MDHS/ ICPC Unit.

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15. Procedure L: ICPC – Mississippi Automated Child Welfare Information System (MACWIS) Procedures

1) Incoming ICPC Request

All Children in custody crossing state lines for placement must be entered in the MDHS MACWIS. For all incoming ICPC Requests, the ICPC Unit will be responsible for reviewing for complete information. The referral(s) will be entered in the following manner:

(1) Parent Home Study Requests

- c. ICPC Unit will enter the request into MACWIS with the oldest child as **Head of Household**.
- d. The request is entered through the **New Intake** tab by choosing the following:
 - i. Type of Request (parent, foster care, adoption)
 - ii. State (from)
 - iii. County (to)
 - iv. Date entered
 - v. Child(ren) name, DOB, and Race
 - vi. Resource name, Age, Race, and address
- d. The request will be **screened in** MACWIS.
- f. MACWIS will assign request to the county Intake Supervisor.
- g. The Intake Supervisor will assign request to county worker for evaluation.

(2) Foster and Adoptive Homes Study Requests

- b. The above procedures will be followed in MACWIS for Resource Home Requests with the exception of following county actions:
 - iv. The request will be screened in MACWIS to the county where the prospective family resides.
 - v. MACWIS will assign request to the County Intake Supervisor.
 - vi. The Intake Supervisor in the county where the prospective family resides will assign the request to the Resource Supervisor who will assign the request to a Resource/Adoption Specialist.

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(3) Supervision of ICPC Cases

Once a placement has been licensed and approved in MACWIS, the ICPC Unit will forward the approval to the Sending State. The Sending State will forward an ICPC 100 - B form showing when placement is made. The ICPC 100 - B Form will be sent to the county worker. The county worker will open a supervision case in MACWIS and begin monitoring the placement.

m) Outgoing ICPC Requests

(4) All ICPC outgoing requests **must** be entered in the State's MACWIS. The worker will go to the *ICPC Outgoing Screen* and ensure following information is entered:

- m. Child(ren) name(s)
- n. State (to)
- o. Date request is sent to State Office (SO)
- p. Priority Status
- q. Children in Family
- r. County
- s. Worker
- t. Service Type (ICPC Outgoing)
- u. Type of Care
- v. Start Date
- w. Resource information (name, address, phone number)
- x. Checklist of documents sent (at least one item must be checked)

(5) All outgoing ICPC Requests must be forwarded to the MS ICPC Office (original and 2 copies) and, if sending the request electronically, give the ICPC Unit prior notice.

(6) Home Studies must be completed by the county worker in MACWIS. MACWIS will generate a tickler to the ICPC Unit when the home study is complete.

CC. Permanency Hearing

“Permanency Hearing” is defined in 42 U.S.C. 675, § 475(5)(C) as being a
“...hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or

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approved by the court, no later than 12 months after the date the child is considered to have entered foster care (as determined under subparagraph (F)) (and not less frequently than every 12 months thereafter during the continuation of foster care), which hearing shall determine the permanency plan for the child..."

Timely Permanency Hearings are required for every child including ICPC children from Mississippi who are placed in another state and is the responsibility of the county office with oversight of the child. A copy of the Permanency Dispositional court order should be forwarded to the Mississippi ICPC Office and the receiving state ICPC office where the child is placed. After the initial permanency hearing, subsequent permanency hearings must be held no less frequently than every 12 months during the child's continuation in foster care.

DD. Joint Responsibilities of Receiving and Sending States

16. Responsibility to Inform Respective State of Status Changes

It is both the Receiving and Sending State's responsibility to inform the other state of any change of status in Interstate Placement.

- d. The form MDHS-SS-497B (ICPC 100B) will be completed by the respective public or private agency when the following circumstances occur:
 - Placement is made.
 - Change in address.
 - Placement cancelled/withdrawn
 - Placement is terminated.
- e. The state or agency reporting the change of status will complete an original and three (3) copies of the MDHS-SS-497B (ICPC 100B), and send it to the DFCS Interstate Compact Unit.
- f. The county worker must open an ICPC supervision case once the children have been placed in the approved placement.

17. Direct Contact with other States

County workers should not make a direct request for a home study to an out of state county office nor should the county worker accept the same from another state. All ICPC requests must be made through the MDHS/ ICPC Office.

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If it appears that a child has been placed out of state without proper clearance, the ASWS should notify the MDHS/ ICPC Unit immediately.

The MDHS/ ICPC Unit will expedite requests whenever possible and will work with the worker to facilitate a prompt response when needed for court hearings.

EE. Cooperative/Reciprocal Services Provided

DFCS provides cooperative/reciprocal services to other states' social services agencies, private agencies, and courts, upon referral, when there is reported abuse, neglect, or dependency of minor children. International Social Services and national agencies serving children and/or families may make referrals and are provided cooperative services. All such requests must include a court order and shall be referred through the MDHS/ ICPC Office.

18.Types of Services Rendered

Reciprocal cooperative services most frequently requested are listed below:

5. Home studies -
 - c. to evaluate a proposed home for the placement of a child, may or may not result in the placement of the child across state lines. Such requests include placement with parents, relatives, foster homes or adoptive homes. Foster home studies may be completed according to either the receiving or sending states' policy.
 - d. custody home studies in divorce and custody proceedings, with accompanying court order. A fee must be paid in advance, before the study is initiated. Payment in the form of cashier's check or money order should be made to the Treasurer of the state to whom the request is made.
6. Supervision of placement of a child who is placed with foster or adoptive parents.
7. Evaluations
 - d. of family situations for Family and Juvenile Courts, regarding custody of Children when neglect or abuse is involved.
 - e. of a proposed plan for adoption and supervision for the child, pending legal proceedings in cases where adoptive parents have had to move to another state.

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- f. of a proposed plan for adoption and supervision for the child, pending legal consummation of the adoption, assisting in the completion of the legal proceedings in cases where adoptive parents have had to move to another state.
- 8. Transfer of an adoptive home resource to a child placing agency in another state when the applicants move while the study is in process, or an adoption is pending.

19. Visits under the ICPC of a Child into another State

- 6. A visit may not be extended or renewed in a manner which causes/will cause it to exceed thirty (30) days or the school vacation period. (*See Definitions*)
- 7. A visit is with a parent or relative or significant kin who is known to the child and who has not, nor will not, assume legal or physical responsibility for the child to the extent that: (a) a claim for financial assistance may be filed; or (b) enrollment in school or responsibility for medical service, except in an emergency, is authorized during the visit.
- 8. No study, background checks or supervision of the visit is necessary.
- 9. A child who remains in a “visit” for over thirty (30) days with a resource that has not been assessed under provision of the ICPC is considered to be in an unapproved placement which is a violation of ICPC Article III and the child is considered to be “without proper guardianship”.
- 10. The child is, then, considered “at risk” and subject to a protective services referral. Protections allowable under the ICPC are not available to the child in the Receiving State.

20. Disruption of a Mississippi Child Placed in another State through ICPC

When a child, in Mississippi custody guardianship and placed in another state under an approved ICPC, disrupts the placement, the Receiving State should immediately advise the MDHS/ ICPC Unit. The Sending State (Mississippi) retains jurisdiction over the child and maintains the responsibility to plan for the child, including the responsibility to remove the child from the placement.

FF. Termination of Responsibility

- 3. Responsibilities for providing supervision and requested reports are terminated with the concurrence of both states when:
 - f. Child is adopted.

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- g. Child reaches majority age.
 - h. Child becomes self-supporting, or marries.
 - i. Child is discharged from court wardship, with both Sending and Receiving States' concurring that there is no further need for supervision.
 - j. When placement becomes unsuitable or unworkable, the responsible state must make an alternate plan for the child's return.
4. The termination of placement of foster children placed out-of-state in foster homes are illegal under the Compact. Provisions must be made for the foster children's placement in other homes.
4. Sending and Receiving States notify each other of termination of responsibilities by means of the ICPC 100B (MDHS-SS-497B).

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

VIII. APPENDICES

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

**Mississippi
Form DFCS 523**

**Appendix A
Supervision Report**

**Mississippi Family and Children's Services
Interstate Compact on the Placement of Children (ICPC)
SUPERVISION REPORT**

Name of Child(ren)	Name of Caretaker(s)	Date of Report
Caseworker Phone:	Address of Placement	Reporting Period

Dates and locations of Face-to-Face Contact:

Discuss child(ren)'s current circumstances, addressing safety in placement and well-being:

Child(ren)'s school performance. If applicable attach copies of report card, IEP or evaluations:

Child(ren)'s health & medical status including dates of medical and dental appointments, names of service providers records, evaluations and therapy reports if applicable.

Discuss any special accomplishments/ progress made by the child(ren) during this supervision period.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

--

Mississippi Family and Children's Services

Discuss any changes in resource family's physical environment:

--

Discuss any special challenges experienced by resource family:

--

Supervising Worker's Recommendation:

- Continued Placement
- Establish Guardianship
- Return custody to parent, terminate jurisdiction
- Finalize Adoption
- Other (specify)

--

Signature Worker:

Signature Supervisor:

Signature ICPC:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix B
HOME EVALUATION GUIDE

The attached guide is to be used as the format for all ICPC Regulation 7 Priority Home Evaluations (Forms ICPC 101 and ICPC 102). It will give a composite picture of the family and will provide a base from which to make an informed decision about placement.

The attached guide should be used for a priority home evaluation.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC-101
August 1996

Appendix C

**SENDING STATE
PRIORITY HOME STUDY REQUEST**

To be submitted by Social Worker with other required ICPC materials

Name of Child¹ _____ Age _____ Mother's Name _____
Ethnic Group _____ DOB _____ Father's Name _____

PROPOSED CARETAKER

NAME: _____ Marital Status: S, M, Sep., D, W Living with _____
(name of person)

ADDRESS: _____

Telephone Home #: _____ Work #: _____ Social Security # _____

Relationship to child identified above: _____

Best time of day to contact caretaker: _____ Employer _____
(If applicable)

Alternate Contact Name & Address: _____

ASSESSMENT OF CHILD

Case Plan Attached: Yes No (circle one) Financial/Medical Plan attached: Yes No (circle one)

Special Needs: _____

Handicaps: Mental/Physical _____

Service Needs/Treatment Requirements: _____

School Information: _____

Other required pertinent information regarding child and family will follow: yes no (circle one)

Worker's Name: _____ (please print) _____ (Tel. #)

Worker's Signature: _____ (date)

Supervisor's Signature: _____ (if required) _____ (date) _____ (Tel. #)

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC-102
August 1996

Appendix D
Receiving State's Priority Home Study

(Each section must be completed)

Name of Child*to be placed _____ Age _____ Sending State _____
Ethnic Group _____ DOB _____
Dates of telephone contact _____ Dates of Home Visits _____

PROPOSED CARETAKER/SPOUSE

Name: _____ SS# _____
Address: _____
Telephone (Home) _____ (Work) _____

Marital Status: M S Sep. D W (Circle One)
Living With: Name _____
Length of relationship (if not marital) _____

Caretaker's Employer's Name & Address:

Phone: _____

Caretaker's Spouse: _____
Spouse's Employer's Name & Address _____

Phone: _____

YOU MUST SUBMIT INCOME VERIFICATION

Household Income: \$ _____ yearly _____ monthly _____ bi-weekly _____ weekly
(Provide and Circle only one)

Is present income adequate? _____
Head of Household: _____ (Name on rent receipts, utility bills, etc.)
Number of Members in Household: _____
Relationship to proposed caretaker: _____
Relationship of proposed caretaker to child: _____

Reason for wanting to care for children: _____
How did you hear about child's situation? _____
Do you understand the situation that caused this request? _____

HOME AND COMMUNITY

Adequacy of space:
Will the child have his/her own bed? Yes _____ No _____
Closet Space? Yes _____ No _____

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Will the child share a bed room? Yes _____ No _____

Housekeeping Standards: _____

Potential hazards, safety problems (specify) _____

Proposed caretaker and other family members state that they are in basic, good health and free of communicable diseases: Yes _____ No _____ If "no", explain: _____

Appropriateness of neighborhood: _____

Proximity to school, medical services, etc. : _____

Ability to protect child from offender: _____

Willingness to provide care (Time-limited?) Open-ended?) _____

Appropriateness of child care plans: _____

Forms of discipline: _____

Willingness and ability to care for child without financial help: _____

Willingness to accept/apply for AFDC? Yes _____ No _____

Requests Foster Care Benefits? Yes _____ No _____

Willingness to undergo licensure? Yes _____ No _____

SPECIAL NEEDS

Ability of caretaker, community, schools to meet child(ren)'s special needs: _____

School progress/problems: _____

Family known to Public/Social Services Agencies Yes _____ No _____ If yes, explain _____

Previous contacts with Public/Social Service Agencies: _____

OTHER ADULTS IN HOUSEHOLD

(List separately/Use additional sheet to list household members if needed)

Name: _____ Age: _____

Relationship to proposed caretaker: _____

Relationship to child to be placed: _____

Attitude towards placement: _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Name: _____ Age _____
Relationship to proposed caretaker: _____
Relationship to child to be placed: _____
Attitude towards placement: _____

CLEARANCES (in receiving state law)

Police/Sheriff:

Child Abuse and Neglect:

AREA OF CONCERN

Did you visualize or anticipate any potential problem areas with this case (explain)?

PLAN FROM SENDING STATE

Is the submitted case plan suitable/adequate for this proposed placement: Yes ____ No ____
(If no, explain below)

Recommended changes in the case plan or goal?

Financial/Medical Plan adequate for this child? Yes ____ No ____ (If no, explain below)

Are there any restrictions, limitations you would place on the proposed family, the court, the placing agency? Yes ____ No ____ (If yes, explain)

STUDY NARRATIVE

Discuss any areas which cannot be addressed by this abbreviated study. Expound on any area(s) needing clarification.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

WORKER'S RECOMMENDATIONS: For Placement ____ Against Placement ____
(Explain below)

Signatures: _____ Position: _____

_____ Position: _____

Date: _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix E ICPC Referral Packet Residential Treatment Facility

When a child's parent or legal guardian is proposing to place a child into a residential treatment facility in another state, the Referral Packet must contain the following:

- Cover letter (in triplicate) that includes the financial and medical plan for each child
- Form ICPC-100A (original and 4 copies) completed and signed by "sending party" for each child
- Social history (in triplicate) for each child that includes the basis on which the particular residential treatment facility was selected
- Educational, medical, psychiatric, and/or psychological reports (in triplicate) on each child, if appropriate
- Verification of each child's eligibility for Title IV-E Medicaid benefits, current and in the proposed placement

When an agency or a court is proposing to place a child into a residential treatment facility, the agency or an officer of the court is responsible for preparing the ICPC Referral Packet, using the guidelines developed by the Sending State ICPC office. A copy of the court order (in triplicate) must be included to show who has legal custody of the child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

CONTENT ICPC REFERRAL PACKET

Proposed Placement with Birth Parent, Relative, or Foster Care

The ICPC Referral Packet for placement with a birth parent, relative or foster care in another Member State should include:

- Form ICPC-100A on each child, completed and signed by person/agency with authority to be the “Sending Agency” as defined in Article II (b) (**original and 4 copies**)
- Cover letter (**in triplicate**) that includes –
 - f. Reason out-of-state placement is being pursued;
 - g. Statement indicating the person/agency/court that has legal custody of each child;
 - h. Permanency goal and brief statement of case plan for each child (including identification of specific service(s) needed by each child) and the expected achievement date(s);
 - i. Plans for meeting cost of care in other state, including who is financially responsible for each child;
 - j. Indication of each child’s eligibility or ineligibility for
- Title IV-E Medicaid benefits;
- SSI benefits;
 - b. Request for evaluation of the proposed caretaker and identifying information about the proposed caretaker, including type of resource (e.g., foster family, relative family, etc.).
- Social summary on EACH child (**in triplicate**)
- Court order(s) on EACH child (**in triplicate**) that shows –
 - e. Court has jurisdiction over each child;
 - f. Date of adjudicatory hearing for each child;
 - g. Person/agency who has legal custody of each child;
 - h. Person/agency who has physical custody of each child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix F **ICPC Referral Checklist**

~~ICPC Referral Checklist~~
~~General Child Information needed:~~

~~INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN~~ ~~CHECKLIST FOR INTERSTATE REQUESTS~~

~~TO: _____, Mississippi ICPC Office~~
~~Name of ICPC Consultant~~

~~FROM: _____~~
~~County Agency Case Name~~

~~The following documents are included in the ICPC request packet in triplicate for the above named case. (All request packets must be submitted in triplicate for each placement requested.)~~

~~All packets must contain:~~

- ~~Cover letter requesting ICPC services~~
- ~~ICPC 100-A completed and signed by agency staff~~
- ~~Case financial/medical plan~~
- ~~Social summary~~
- ~~Medical information~~
- ~~Psychological evaluation~~
- ~~Educational information~~
- ~~Priority Regulation 7 Request (Form 101) and Expedited Order~~
- ~~Criminal Records Check~~
- ~~Indian Child Welfare clearance for children of Native American heritage~~

~~ICPC Checklist for Adoption Requests~~

~~Adoptive Home Study and Conversion Requests:~~

~~Submit to ICPC THREE identical packets for EACH child, each including:~~

- ~~ICPC 100A form requesting adoptive home study~~
- ~~TPR and all other court orders / legal documents on child~~
- ~~Complete social / medical / psych / educational history on child~~
- ~~IV-E documentation on child~~
- ~~Financial / Medical Plan~~
- ~~Cover Letter~~

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

~~Private\Newborn Adoptive Placement Requests: (Mississippi does not accept UNBORN baby requests)~~

~~Submit to ICPC THREE identical packets for EACH child, each including:~~

- ~~ICPC 100A form requesting adoptive placement~~
- ~~TPR order or Relinquishment~~
- ~~Family History Questionnaire—Medical / Genetic DCF-F-CFS0149 signed by birthparents or explanation if both parents have not completed this form~~
- ~~Family History Questionnaire—Medical / Genetic / Pregnancy and Delivery Information~~
- ~~Hospital Records: Medical Records, Discharge Summary~~
- ~~Social History of Birth Mother and Birth Father~~
- ~~Birth Parents Counseling Summary~~
- ~~Report to the Court~~
- ~~Current Adoptive Home Study and copy of Agency's License~~
- ~~Private Adoptions Only: Statement of Expenses Paid to Birth Parent(s) by Adoptive Parent(s)~~
- ~~Other: Any other documentation to meet the requirements of another state~~
- ~~Federal Express envelope for the receiving state with postage to contain two (2) copies of request~~
- ~~Send this information via Federal Express ONLY to:~~

~~Mississippi ICPC
Department of Human Services
Division of Family & Children's Services/ICPC
750 North State Street
Jackson, Mississippi 39202~~

~~Older Children Adoptive Placement Requests:~~

- ~~Submit to ICPC THREE identical packets for EACH child, each including:~~
- ~~ICPC 100A form requesting adoptive placement~~
- ~~TPR order or Relinquishment~~
- ~~Social History of Birth Mother and Birth Father~~
- ~~Report to the Court~~
- ~~Current Adoptive Home Study~~
- ~~Current Foster Home License~~
- ~~Documentation of 3 pre-adoptive placement visits (for special needs children only)~~
 - ~~Other: Any other documentation to meet the requirements of another state.~~

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix G
Financial & Medical Plan

Financial & Medical Plan _____ **DATE:** _____

(For children in the custody of MDHS/DFCS or in the jurisdiction of the court)

Name of _____
Child(ren) _____
Involved _____

FINANCIAL PLAN

- _____ We will provide foster board/subsidy adoption payments.
- _____ The placement resource will procure Aid For Dependent Children (AFDC) on behalf of the child(ren).
- _____ Placement resource agreed or will agree to use own resources in supporting child(ren).
- _____ This is a return to parent. Parent is financially responsible for child(ren).

MEDICAL PLAN

- _____ The Receiving State will arrange for Medicaid coverage based on the provisions of the COBRA legislation (Title IV-E).
- _____ The placement resource will be eligible for Medicaid through AFDC.
- _____ Child(ren) are not IV-E eligible. CFSA will provide reimbursement for the child(ren)'s medical expenditures incurred with prior approval.
- _____ The placement resource will provide the means to meet the medial needs of the child(ren).
- _____ This is a return to parent. Parent will provide medically for the child(ren).

_____ (Sending Agency) remains ultimately responsible for the support of the child(ren), and will retain jurisdiction over the child(ren) as mandated by _____.

_____ It shall continue to have financial responsibility for the support and maintenance of the child(ren) during the period of placement. In the event of justifiable need to return the child(ren) to _____ the Sending Agency will pay the transportation cost, and will receive full cooperation of the Receiving State to accomplish this. This plan will be in effect following the placement of the child(ren) and until proper legal discharge consistent with the provisions of the Interstate Compact on the Placement of Children.

Worker Signature: _____

Supervisor Signature _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC 100A (Rev. 8/2001)

**Appendix H
Form 100A**

**ONE FORM PER
CHILD PLEASE TYPE**

ICPC REQUEST

TO: _____ FROM: _____

SECTION I — IDENTIFYING DATA		
Notice is given of intent to place — Name of Child:		Ethnicity: — Hispanic Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to determine/unknown
Social Security Number:	ICWA Eligible <input type="checkbox"/> Yes <input type="checkbox"/> No	Race: <input type="checkbox"/> American Indian or <input type="checkbox"/> Black or African American <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> White
Sex:	Date of Birth:	Title IV-E determination: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending
Name of Mother:		Name of Father:
Name of Agency or Person Responsible for Planning for Child:		Phone Number:
Address:		
Name of Agency or Person Responsible for Planning for Child:		Phone Number:
Address:		
SECTION II — PLACEMENT INFORMATION		
Name of Person(s) or Facility Child is to be placed with:		Soe. Sec. No. (Opt):
Address:		Phone Number:
Type of Care Requested: _____ Parent _____ Relative (Not Parent) _____ Residential Treatment Center		<input type="checkbox"/> ADOPTION <input type="checkbox"/> IV-E Subsidy <input type="checkbox"/> Non IV-E Subsidy
Relationship: <input type="checkbox"/> Foster Family Home <input type="checkbox"/> Institutional Care Article VI, <input type="checkbox"/> Group Home Care <input type="checkbox"/> Adjudicated Delinquent <input type="checkbox"/> Other: <input type="checkbox"/> Child-Caring Institution		To Be Finalized In: <input type="checkbox"/> Sending State <input type="checkbox"/> Receiving State
Current Legal Status of Child: <input type="checkbox"/> Sending Agency Custody/Guardianship <input type="checkbox"/> Protective Supervision <input type="checkbox"/> Parent Relative Custody/Guardianship <input type="checkbox"/> Parental Rights Terminated Right to Place for Adoption <input type="checkbox"/> Court Jurisdiction Only <input type="checkbox"/> Other		
SECTION III — SERVICES REQUESTED		
Initial Report Requested (if applicable) <input type="checkbox"/> Parent Home Study <input type="checkbox"/> Relative Home Study <input type="checkbox"/> Adoptive Home Study <input type="checkbox"/> Foster Home Study	Supervisory Services Requested: <input type="checkbox"/> Request Receiving State to Arrange Supervision <input type="checkbox"/> Another Agency Agreed to Supervise <input type="checkbox"/> Sending Agency to Supervise	Supervisory Reports Requested: <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> <input type="checkbox"/>

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Name and Address of Supervising Agency in Receiving State:				
Enclosed:	<input type="checkbox"/> Child's Social History <input type="checkbox"/> Home Study of Placement Resource	<input type="checkbox"/> Court Order <input type="checkbox"/> ICWA Enclosure	<input type="checkbox"/> Financial/Medical Plan <input type="checkbox"/> IV E Eligibility Documentation	<input type="checkbox"/> Other Enclosures
Signature of Sending Agency or Person:				Date:
Signature of Sending State Compact Administrator, Deputy or Alternate:				Date:
SECTION IV—ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III (d) OF ICPC				
<input type="checkbox"/> Placement may be made <input type="checkbox"/> Placement shall not be made				
Remarks:				
Signature of Receiving State Compact Administrator, Deputy or Alternate:				Date:

DISTRIBUTION (Complete six (6) copies):

- ~~Sending Agency retains (1) copy and forwards completed original plus four (4) copies to:~~
- ~~Sending Compact Administrator, DCA or alternate retains a (1) copy and forwards completed original and three (3) copies to:~~
- ~~Receiving Agency Compact Administrator, DCA, or alternate who indicates action (Section IV) and forwards a (1) copy to receiving agency and the completed original and one copy to sending Compact Administrator, DCA, or alternate within 30 days.~~
- ~~Sending Compact Administrator, DCA, or alternate retains a completed copy and forwards the completed original to the Sending Agency.~~

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Mississippi
Form DFCS 524

Appendix F I
References

**ASSOCIATION OF ADMNISTRATORS OF
THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

REFERENCES

Name: _____	Made Contact		(Please explain below)	
Street Address: _____			Positive	Negative
City, State, Zip: _____	()	()	()	()
Telephone: _____	yes	no		

Home _____
Work _____

Name: _____
Street Address: _____

City, State, Zip: _____
Telephone: _____

Home _____
Work _____

Name: _____
Street Address: _____

City, State, Zip: _____
Telephone: _____

Home _____
Work _____

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Appendix J

Heading for the report to the court:

This report should have the court heading at the top in order for it to be filed in the proper court file.

Example:

IN THE _____ CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR _____ COUNTY, MISSISSIPPI

In the Interest of

Child's Name: _____ Case No.: _____

DOB: _____ Division: _____

Body of the Report:

PRE-SCREENING FORM REG-2
~~STATEMENT OF CASE MANAGER/POTENTIAL PLACEMENT/PARTY~~
UNDER ICPC REGULATION 2 (regular ICPC)

Pursuant to the requirements of Regulation 2, Section 5(d) of the Interstate Compact on the Placement of Children (ICPC), I, _____ *{full legal name}*,
certify that the following information is true:

8. I have communicated directly with the potential placement resource,
_____ *[name of person with whom child to be placed]*.
9. The potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
10. The name, correct address, available telephone number or other contact information, date of birth, and social security number of the placement resource is as follows:

_____ Name of placement resource

_____ Address of placement resource

_____ City/State/Zip Code

_____ Telephone numbers/contact information

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

11. The name, correct address, available telephone number or other contact information, date of birth, and social security number of all adults in the home is as follows:

_____ Name of adult
_____ Mailing Address of placement resource
_____ Physical Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information

In the Interest of _____ (child's name) (page 2)
Statement of Case Manager/Potential Placement/Party under ICPC Regulation 2

12. The number and type of rooms in the proposed residence is sufficient to accommodate the child as follows:

Number of bedrooms: _____
Number of adults residing in the home: _____
Number of children residing in the home, including child to be placed: _____

13. _____ [*name of person with whom child to be placed*] has or will access financial resources to feed, clothe, and care for the child, including child care.
14. _____ [*name of person with whom child to be placed*] acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home to be screened under the law of the receiving state.

Dated:

Signature
Title:
Printed Name:
Address:
City, State, Zip:
Telephone Number:
Fax Number:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Heading for the report to the court:

This report should have the court heading at the top in order for it to be filed in the proper court file.

Example:

IN THE _____ CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR _____ COUNTY, MISSISSIPPI

In the Interest of

Child's Name: _____ Case No.: _____

DOB: _____ Division: _____

Body of the Report:

PRE-SCREENING FORM REG-7
~~STATEMENT OF CASE MANAGER/POTENTIAL PLACEMENT/PARTY~~
UNDER ICPC REGULATION 7 (Expedited)

Pursuant to the requirements of Regulation 7, Section 7(a) of the Interstate Compact on the Placement of Children (ICPC), I, _____ *{full legal name}*, certify that the following information is true:

10. I have communicated directly with the potential placement resource, _____ *{name of person with whom child to be placed}*.
11. The potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
12. _____ *{name of person with whom child to be placed}* is the:

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> father | <input type="checkbox"/> adult aunt |
| <input type="checkbox"/> mother | <input type="checkbox"/> adult uncle |
| <input type="checkbox"/> stepparent | <input type="checkbox"/> adult brother |
| <input type="checkbox"/> grandparent | <input type="checkbox"/> adult sister |
| <input type="checkbox"/> guardian | |

of _____ *{name of child}*.

13. The name, correct address, available telephone number or other contact information, date of birth, and social security number of the placement resource is as follows:

_____ Name of placement resource

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

_____ Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information
_____ Date of Birth
_____ Social Security Number

In the Interest of _____ (child's name) (page 2)
Statement of Case Manager/Potential Placement/Party under ICPC Regulation 7

14. The name, correct address, available telephone number or other contact information, date of birth, and social security number of all adults in the home is as follows:

_____ Name of adult
_____ Address of placement resource
_____ City/State/Zip Code
_____ Telephone numbers/contact information
_____ Date of Birth
_____ Social Security Number

15. The number and type of rooms in the proposed residence is sufficient to accommodate the child as follows:

Number of bedrooms: _____
Number of other rooms in the home: _____
Number of adults residing in the home: _____
Number of children residing in the home, including child to be placed: _____

16. _____ [*name of person with whom child to be placed*] has or will access financial resources to feed, clothe, and care for the child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

If the child needs child care, it will we provide as follows:

_____N/A

17. _____ [*name of person with whom child to be placed*] acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home to be screened under the law of the receiving state and that, to the best knowledge of the placement resource, no one residing in the home has a criminal or child abuse history that would prohibit the placement.

In the Interest of _____(child's name) (page 3)
Statement of Case Manager/Potential Placement/Party under ICPC Regulation 7

18. I am unaware of any fact that would prohibit the child being placed with the placement resource. Also, I have completed and am prepared to send all required paperwork to the sending state ICPC office, including the ICPC 100A and Form 101.

Dated:

Signature
Title:
Printed Name:
Address:
City, State, Zip:
Telephone Number:
Fax Number:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Mississippi
Form DFCS 525

Appendix **G K** Adoption Request Checklist

ICPC ADOPTION REQUEST CHECKLIST (All Requests Must be Submitted in TRIPLICATE)

Adoptive Home Study and Conversion Requests

- ICPC-100A form requesting adoptive home study
- TPR and all other court orders / legal documents on child(ren)
- Complete social / medical / psychological / educational history on child(ren)
- IV-E documentation on child(ren)
- Financial / Medical Plan
- Certification of first time adoptive parents pre-adoptive training requirements
- Cover letter

Newborn Adoptive Placements Requests (MS does not accept UNBORN baby requests)

- ICPC-100A form requesting adoptive placement
- TPR Order (needed if finalizing in MS) or Relinquishment (approved as a “legal risk” placement)
- Family History / Medical / Genetic Questionnaire signed by birthparents or explanation if both have not completed this
- Family History Pregnancy and Delivery Information Questionnaire
- Hospital records: discharge summary, medical records
- Social history of birth mother and birth father
- Birth parents counseling summary
- Adoptive home study
- Private adoptions only: statement of expenses paid to birth parent(s) by adoptive parents
- Certification of first time adoptive parents pre-adoptive training requirements
- Other: Any other documentation to meet the requirements of another state
- Overnight courier envelope for the Receiving State with postage to contain 2 copies of request
- Send this information via overnight courier ONLY to:
Mississippi ICPC
Department of Human Services/ Division of Family & Children’s Services
750 North State Street
Jackson, MS 39202

Older Children Adoptive Placement Requests

- ICPC-100A form requesting adoptive placement
- TPR Order or Relinquishment (if pending, may approve as “legal risk placement”)
- Social history of birth mother and birth father
- Current adoptive home study
- Current foster home license
- Documentation of 3 pre-adoptive placement visits (for special needs children only)
- Certification of first time adoptive parents pre-adoptive training requirements
- Other: Any other documentation to meet the requirements of another state

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ICPC-100B (Rev. 8/2001)

Appendix L

**ONE FORM PER
CHILD, PLEASE TYPE**

ICPC-100B

ICPC REPORT ON CHILD'S PLACEMENT STATUS

TO: _____ FROM: _____

SECTION I—IDENTIFYING INFORMATION			
Name of Child:		Birthdate:	
Mother's Name:		Father's Name:	
SECTION II—PLACEMENT STATUS			
Initial Placement of Child in Receiving State Name of Resource: _____ Address: _____ Type of Care: _____		Date Child Placed in Receiving State:	
Placement Change Name of Resource: _____ Address: _____ Type of Care: _____		Effective Date of Change:	
SECTION III—COMPACT PLACEMENT TERMINATION			
<input type="checkbox"/> Adoption Finalized	<input type="checkbox"/> In Sending State	<input type="checkbox"/> In Receiving State	<input type="checkbox"/> Court Order Attached
<input type="checkbox"/> Child Reached Majority/ Legally Emancipated		<input type="checkbox"/> Court Order Attached	
<input type="checkbox"/> Legal Custody Returned to Parent(s)		<input type="checkbox"/> Court Order Attached	
<input type="checkbox"/> Legal Custody Given to Relative			
Name:		Relationship:	
<input type="checkbox"/> Treatment Completed <input type="checkbox"/> Sending Stat's Jurisdiction Terminated with the Concurrence of the Receiving State <input type="checkbox"/> Unilateral Termination <input type="checkbox"/> Child Returned to Sending State <input type="checkbox"/> Proposed Placement Request Withdrawn			
Name of Placement Resource:			
<input type="checkbox"/> Approved Resource Will Not Be Used for Placement			
Name of Approved Placement:			
<input type="checkbox"/> Other (Specify)			
Date of Termination:			
SECTION IV—SIGNATURES			
Person/Agency Supplying Information			Date:
Compact Administrator, Deputy or Alternate:			Date:

DISTRIBUTION (Complete four (4) copies of this form):

- Sending Agency retains (1) copy and forwards completed original plus three (3) copies to:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- ~~• Sending ICPC Administrator retains a one (1) copy and forwards two (2) copies to:~~
- ~~• Receiving Agency ICPC Administrator retains one (1) copy and forwards one (1) copy to the receiving agency.~~

Appendix H M

Regulations 1-11

Regulation No. 1

Conversion of Intrastate Placement into Interstate Placement; Relocation of Family Units

15. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state, except as set forth herein.
16. Intent: This Regulation addresses the request for approval for placement of a child in an approved placement resource in the receiving state where the sending state has already approved the placement in the sending state and the resource now desires to move to the receiving state. The intent of Regulation 1 is to ensure that an already safe and stable placement made by a sending agency in the sending state will continue if the child is relocated to the receiving state. Additionally, it is the intent of this Regulation for supervision of the placement to be uninterrupted, for the family to comply with the requirements of the receiving state, and for both states to comply with all applicable state and federal laws, rules and regulations.
17. Applicability to Relocation: This Regulation shall apply to relocation of a child and the placement resource where supervision is ongoing. A request for a home study solely for the purpose of a periodic assessment of the placement where there is no on-going supervision shall not be governed by this regulation and shall be a matter of courtesy between the states. Nothing shall prohibit a sending state from contracting privately for a periodic assessment of the placement.
18. Applicability to Temporary Relocation: If a child is brought into the receiving state by an approved placement resource for a period of ninety (90) days or less and remains with the approved placement resource, approval of the receiving state is not required. Either the sending or receiving state may request approval of the placement, and, if the request is made, the sending and receiving states shall take the necessary action to process the request if the sending and receiving states agree to do so.

Supervision by the receiving state is not required for a temporary relocation of ninety (90) days or fewer; however, pursuant to section 422(b)(17) of the Social Security Act 422 U.S.C. 622, supervision by the sending agency is required. Supervision may be provided as a courtesy to the sending state. If supervision is requested, the sending state

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

shall provide a Form 100B and the information required in Section 5(b) below.

If a child is brought into the receiving state by an approved placement resource for a temporary placement in excess of ninety (90) days or if the temporary relocation will recur, full compliance with this regulation is required.

The public child placing agency in the sending state is responsible to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.

19. Provisional Approval:

- f) In any instance where the decision to relocate into another state is made or it is intended to send or bring the child to the receiving state, or the child and existing family unit have already been sent or brought into the receiving state, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed within five (5) business days by the sending agency's state compact administrator and transmitted to the receiving state compact administrator with notice of the intended placement date. The sending agency's state compact administrator shall request that the receiving state respond to the case within five (5) business days of receipt of the request and with due regard for the desired time for the child to be sent or brought to the receiving state. If the family unit and child are already present in the receiving state, the receiving state's compact administrator shall determine within five (5) business days of receipt of the 100A and complete home study request packet whether provisional approval shall be granted and provide the decision in writing to the sending state compact administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable.
- g) The documentation provided with a request for prompt handling shall include:
 - 10. A form ICPC-100A fully completed.
 - 11. A form 100B if the child is already present in the receiving state
 - 12. A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going.
 - 13. A case history for the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

14. In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the placement resource(s) and/or their home showing the status of the placement resource(s), as qualified placement resource(s).
 15. A copy of the most recent home study of the placement resource(s) and any updates thereof.
 16. Copies of the progress reports on the family unit for the last six months and the most recent judicial review court report and court order completed in the sending state.
 17. A copy of the child's case/services/permanency plan and any supplements to that plan, if the child has been in care long enough for such a plan to be required.
 18. An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.
- h) Requests for prompt handling shall be as provided in paragraph 5(a) hereof. Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including electronic transmission, if acceptable. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.
- i) In an instance where a placement resource(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other placement resource, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III(d) of the ICPC, unless the receiving state compact administrator has substantial evidence that the license, certificate, or approval is expired or otherwise not valid. If the receiving state requires licensure as a condition of placement approval, or the receiving state compact administrator determines that the license, certificate, or approval from the sending state has expired or otherwise is not valid, both the sending state and the placement resource shall state in writing that the placement resource will become licensed in the receiving state.
- j) The receiving state shall recognize and give effect to evidence that the placement resource has satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
3. the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state; and
 4. the evidence submitted is in the form of an official certificate or document identifying the training.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

20. Initial Home Study Report:

- c) Pursuant to the Safe and Timely Interstate Placement of Foster Children Act of 2006, within sixty (60) days after receiving a home study request, the receiving state shall directly or by contract conduct, complete, and return a report to the sending state on the results of the study of the home environment for purposes of assessing the safety and suitability of the child remaining in the home. The report shall address the extent to which placement in the home would meet the needs of the child. In the event the parts of the home study involving the education and training of the placement resource remain incomplete, the report shall reference such items by including a prospective date of completion.
- d) Approval of the request may be conditioned upon compliance by the placement resource with any licensing or education requirement in the receiving state. If such condition is placed upon approval, a reasonable date for compliance with the education or licensing requirement shall be set forth in the documentation granting approval.

21. Final Approval or Denial:

- c) Pursuant to Article III(d), final approval or denial of the placement resource request shall be provided by the receiving state compact administrator as soon as practical but no later than one-hundred and eighty days (180) days from receipt of the initial home study request.
- d) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III(d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission or electronic transmission, if acceptable. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III(d) written notice requirements.

22. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the placement resource(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.

23. A favorable determination made by a receiving state pursuant to Article III(d) of the ICPC and this regulation means that the receiving state is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 5(a) of this regulation and does not relieve any placement resource or other

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

entity of the obligation to comply with the laws of the receiving state as promptly as possible after arrival of the child in the receiving state.

24. The receiving state may decline to provide a favorable determination pursuant to Article III(d) of the Compact if the receiving state compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation or until the compact administrator has the documentation identified in subparagraph 5(b) hereof.
25. If it is subsequently determined by the receiving state Compact Administrator that the placement in the receiving state appears to be contrary to the best interest of the child, the receiving state shall notify the sending agency that approval is no longer given and the sending state shall arrange to return the child or make an alternative placement as provided in Article V(a) of the ICPC.
26. Supervision:

Within thirty (30) days of the receiving state compact administrator being notified by the sending state compact administrator or by the placement resource that the placement resource and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall visit the child and the placement resource in the home to ascertain conditions and progress toward compliance with applicable federal and state laws and requirements of the receiving state. Subsequent supervision must include face-to-face visits with the child at least once each month. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the receiving state. Such supervision visits shall continue until supervision is terminated by the sending state. Concurrence of the receiving state compact administrator for termination of supervision should be sought by the sending state prior to termination. Reports of supervision visits shall be provided to the sending state in accordance with applicable federal laws and as set forth elsewhere in these regulations.

The public child placing agency in the sending state is responsible to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.

27. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
28. This regulation is adopted pursuant to Article VII 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 at its annual meeting of April 2010.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Regulation No. 2

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

12. Intent of Regulation No. 2: 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.
13. Regulation No. 2 does apply 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: The court has the authority to determine supervision, custody and placement of the child or has delegated said authority to the child welfare agency, and the child is being considered for placement in another state.
 - d) Children not yet placed with prospective placement resource: This Regulation covers consideration of a placement resource where the child has not yet been placed in the home. ICPC Regulation No. 7 Expedited Home Study can be used instead of Regulation No. 2 for this category when requirements are met for an expedited home study request.
 - e) Change of status for children who have already been placed with ICPC approval: This regulation is used when requesting a new home study on the current approved placement resource. This might include an upgrade from unlicensed relative to licensed foster home or to adoption home placement category (*see* Regulation No. 3 section 2(a) Types of Placement Categories).
 - f) Child already placed without ICPC approval, except when the child has relocated with the caregiver to the receiving state pursuant to Regulation 1: When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the sending state bearing full liability and responsibility for the safety of the child. The receiving state may request immediate removal of the child until the receiving state has made a decision per ICPC. The receiving state is permitted to proceed, but not required to proceed with the home study/ICPC decision process, as long as the child is placed in violation of ICPC. The receiving state may choose to open the case for ICPC courtesy supervision but is not required to do so, as is required under ICPC Regulation No. 1 Relocation of Family Unit Cases.
14. Placements made without ICPC protection: Regulation No. 2 does not apply to:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- c) A placement with a parent from whom the child was not removed: When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent, the receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.
 - d) Sending court makes parent placement with courtesy check: When a sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the courtesy check rests directly with the sending court/agency and the person or party in the receiving state who agree to conduct the courtesy check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.
15. Definitions and placement categories: (*See* Regulation No. 3)
16. Sending state case documentation required with ICPC-100A request: The documentation provided with a request for prompt handling shall be current and shall include:
- k) A Form ICPC-100A fully completed.
 - l) A Form ICPC-100B if the child is already placed without prior approval in the receiving state. The receiving state is not obligated to provide supervision until the placement has been approved with an ICPC-100A signed by the receiving state ICPC office, unless provisional approval has been granted.
 - m) A copy of the current court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going.
 - n) Signed statement required from assigned sending agency case manager:
 - 6. confirming the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
 - 7. 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.
 - 8. 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.

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9. confirming the potential placement resource acknowledges that he/she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child, including child care, if needed.
10. that the placement resource acknowledges that a criminal records and child abuse history check will be completed for any persons residing in the home required to be screened under the law of the receiving state.
 - o) A current case history for the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
 - p) Any child previously placed with placement resource in sending state: If the placement resource had any child placed with them in the sending state previously, the sending agency shall provide all relevant information regarding said placement to the receiving state, if available.
 - q) Service (case) Plan: 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.
 - r) Title IV-E Eligibility verification: An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act and Title IV-E documentation, if available. Documentation must be provided before placement is approved.
 - s) Financial/Medical Plan: A detailed plan of the proposed method for support of the child and provision of medical services.
 - t) 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.
17. Methods for transmission of documents: Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including FAX and/or electronic transmission, if acceptable by both sending and receiving state. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies of any legal documents if it considers them necessary for a legally sufficient record under its laws. All such transmissions must be sent in compliance with state laws and/or regulations related to the protection of confidentiality.
18. Safe and Timely Interstate Home Study Report to be completed within sixty (60) calendar days. This report is not equivalent to a placement decision.

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- c) Timeframe for completion of Safe and Timely Interstate Home Study Report: As quickly as possible, but not more than sixty (60) calendar days after receiving a home study request, the receiving state shall, directly or by contract, complete a study of the home environment for purposes of assessing the safety and suitability of the child being placed in the home. The receiving state shall return to the sending state a report on the results of the home study that shall address the extent to which placement in the home would meet the needs of the child. This report may, or may not, include a decision approving or denying permission to place the child. In the event the parts of the home study involving the education and training of the placement resource remain incomplete, the report shall reference such items by including an anticipated date of completion.
 - d) Receiving state placement decision may be postponed: If the receiving state cannot provide a decision regarding approval or denial of the placement at the time of the safe and timely home study report, the receiving state should provide the reason for delay and an anticipated date for a decision regarding the request. Reasons for delay may be such factors as receiving state requires all relatives to be licensed as a foster home therefore ICPC office cannot approve an unlicensed relative placement request until the family has met licensing requirements. If such condition must be met before approval, a reasonable date for compliance shall be set forth in the receiving state transmittal accompanying the initial home study, if possible.
19. Decision by receiving state to approve or deny placement resource (100A).
- e) Timeframe for final decision: Final approval or denial of the placement resource request shall be provided by receiving state Compact Administrator in the form of a signed ICPC-100A, as soon as practical but no later than one hundred and eighty (180) calendar days from receipt of the initial home study request. This six (6)-month window is to accommodate licensure and/or other receiving state requirements applicable to foster or adoption home study requests.
 - f) Expedited communication of decision: If necessary or helpful to meet time requirements, the receiving state ICPC office may communicate its determination pursuant to Article III(d) to the sending agency's state Compact Administrator by FAX or other means of facsimile transmission or electronic transmission, if acceptable to both receiving and sending state. However, this may not be done before the receiving state Compact Administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III(d) written notice requirements. The receiving state home study local agency shall not send the home study and/or recommendation directly to the sending state local agency without approval from the sending and receiving state ICPC offices.

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- g) Authority of receiving state to make final decision: The authority of the receiving state is limited to the approval or denial of the placement resource. The receiving state may decline to provide a favorable determination pursuant to Article III(d) of the Compact if the receiving state Compact Administrator finds that based on the home study, the proposed caregiver would be unable to meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional and physical development.
 - h) Authority of sending court/placing agency: When the receiving state has approved a placement resource, the sending court/placing agency has the final authority to determine whether to use the approved placement resource in the receiving state. The receiving state ICPC-100A approval expires six months from the date the 100A was signed by receiving state.
20. Reconsideration of an ICPC denial: (requested by the sending ICPC Office)
- c) Sending state may request reconsideration of the denial within 90 days from the date 100A denying placement is signed by receiving state. The request can be with or without a new home study, *see* items 9(a)(1) and 9(a)(2) below. After 90 days there is nothing that precludes the sending state from requesting a new home study.
 - 3) Request reconsideration without a new home study: The sending ICPC office can request that the receiving state ICPC office reconsider the denial of placement of the child with the placement resource. If the receiving state ICPC office chooses to overturn the denial it can be based on review of the evidence presented by the sending ICPC office and any other new information deemed appropriate. A new 100A giving an approval without a new home study will be signed.
 - 4) Request new home study re-examining reasons for original denial: A sending ICPC office may send a new ICPC home study request if the reason for denial has been corrected; i.e., move to new residence with adequate bedrooms. The receiving state ICPC office is not obligated to activate the new home study request, but it may agree to proceed with a new home study to reconsider the denial decision if it believes the reasons for denial have been corrected. This regulation shall not conflict with any appeal process otherwise available in the receiving state.
 - d) Receiving state decision to reverse a prior denied placement: The receiving state ICPC office has 60 days from the date formal request to reconsider denial has been received from the sending state ICPC office. If the receiving state ICPC administrator decides to change the prior decision denying the placement, an ICPC transmittal letter and the new 100A shall be signed reflecting the new decision.

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21. Return of child to sending state/Receiving state requests to return child to sending state:
- c) Request to return child to sending state at time of ICPC denial of placement: If the child is already residing in the receiving state with the proposed caregiver at the time of the above decision, and the receiving state Compact Administrator has denied the placement based on 8(c) then the receiving state Compact Administrator may request the sending state to arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.
 - d) Request to return child to sending state after receiving state ICPC had previously approved placement: Following approval and placement of the child, if the receiving state Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the receiving state Compact Administrator may request that the sending state arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

The receiving state request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and the sending state Compact Administrators mutually agree to the plan.

22. Supervision for approved placement should be conducted in accordance with ICPC Regulation No. 11.

Regulation No. 4

Residential Placement

6. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of the exemption for various classes of institutions in Article II (d), the following concepts and terms shall have the following meanings:

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- e) "Primarily educational institution" means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which does not do one or more of the following:
 - 4) accept responsibility for children during the entire year;
 - 5) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
 - 6) provide any other services to children, except for those customarily regarded as extracurricular or cocurricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or programs.
 - f) "Hospital or other medical facility" means an institution for the acutely ill which discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.
 - g) "Institution for the mentally ill or mentally defective" minors means a facility which is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase "mentally defective."
 - h) Treatment for a chronic mental or behavioral condition, as described in this regulation, that is 24-hour care away from the child's parental home is foster care as such term is used in Article III of ICPC.
- 7.
- e) Admission for treatment of an acute condition includes the treatment and care of minors who are mentally ill or developmentally disabled and who require stabilization of such condition for short-term treatment. Such short term treatment is exempt from the Interstate Compact on the Placement of Children.
 - f) Placement for treatment of a chronic condition includes the treatment and care of minors who may be mentally ill, emotionally ill, or developmentally disabled and require treatment beyond what was required for stabilization of the underlying acute condition. Treatment modalities for chronic conditions may include psychotherapy and psychopharmacology.

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- g) Any placement of a minor for treatment of that minor's chronic mental or behavioral condition into a facility having treatment programs for acute and chronic conditions must be made pursuant to the Interstate Compact on the Placement of Children. The Interstate Compact on the Placement of Children becomes applicable once the minor is placed for treatment of a chronic condition regardless of whether that child was originally placed in the same facility for treatment of an acute condition.
- h) A minor may be accepted into a residential treatment center without first having been in that facility for the treatment of an acute condition
- 8. An institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC, if the treatment and care and other services are entirely out-patient in character.
- 9. The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the Interstate Compact on the Placement of Children applies. Such determination is made on a case-by-case basis.
- 10. The type of license, if any, held by an institution is evidence of its character, but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide.

Regulation No. 5

Central State Compact Office

It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact.

Regulation No. 6

Permission to Place Child: Time Limitations, Reapplication

The following regulation, originally adopted in 1991 by the Association of Administrators of the Interstate Compact on the Placement of Children, is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001.

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8. Permission to place a child given pursuant to Article III (d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document ICPC-100A, by which the permission is given for a period of six (6) months commencing on the date when the receiving state compact administrator or his duly authorized representative signs the aforesaid ICPC-100A.
9. If the placement authorized to be made as described in Paragraph 1. of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the receiving state may require the updating of documents submitted on the previous application, but shall not require a new home study unless the laws of the receiving state provide that the previously submitted home study is too old to be currently valid.
10. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the receiving state shall not require that a new license, permit or certificate be obtained in order to qualify the proposed placement recipient to receive the child in placement.
11. Upon a reapplication by the sending agency, the receiving state shall determine whether the needs or condition of the child have changed since it initially authorized the placement to be made. The receiving state may deny the placement if it finds that the proposed placement is contrary to the interests of the child.
12. State's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.
13.
 - f) The receiving state shall respond to any report of abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state.
 - g) If the receiving state determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the sending state to move the child at the time that the receiving state makes this determination, the receiving state shall place the child in a safe and appropriate setting in the receiving state. The receiving state shall promptly notify the sending state if a child is moved to another home or other substitute care facility.
 - h) The receiving state shall notify the central compact office in the sending state of any report of child abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC, regardless of whether or not the

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report is substantiated. Notification of the central compact office in the sending state will occur as soon as possible after such a report is received.

- i) It is the responsibility of the public child placing agency in the sending state to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.
- j) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the sending state to take timely action to relieve the receiving state of any financial burden the receiving state has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the sending state pursuant to Article III(d) of the ICPC.

14.

- f) The child placing agency in the sending state is responsible for case planning for any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC.
- g) The child placing agency in the sending state is responsible for the ongoing safety and well-being of any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.
- h) The receiving state shall be responsible to assist the sending state in locating appropriate resources for the child and/or the placement resource.
- i) The receiving state shall notify the central compact office in the sending state in writing of any unmet needs of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC.
- j) If the child's needs continue to be unmet after the notification described in (d) above has occurred, the receiving state may require the child placing agency in the sending state to return the child to the sending state. Before requiring the return of the child to the sending state, the receiving state shall take into consideration the negative impact on the child that may result from being removed from his or her home in the receiving state and shall weigh the potential for such negative impact against the potential benefits to the child of being returned to the sending state. Notwithstanding the requirement to consider the potential for such negative impact, the receiving state has sole discretion in determining whether or not to require return of a child to the sending state.

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Regulation No. 7

Expedited Placement Decision

11. Intent of Regulation No. 7: 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, and to:
 - c) Help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process.
 - d) Provide the sending state court and/or sending agency with expedited approval or denial. An expedited denial would underscore the urgency for the sending state to explore alternative placement resources.

12. This regulation shall not apply if:
 - d) the child has already been placed in violation of the ICPC in the receiving state, unless a visit has been approved in writing by the receiving state Compact Administrator and a subsequent order entered by the sending state court authorizing the visit with a fixed return date in accordance with Regulation No. 9.
 - e) the intention of the sending state is for licensed or approved foster care or adoption. In the event the intended placement [must be parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian as per Article VIII(a)] is already licensed or approved in the receiving state at the time of the request, such licensing or approval would not preclude application of this regulation.
 - f) the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, does not seek any evidence from the receiving state the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.

13. Criteria required before Regulation No. 7 can be requested: Cases involving a child who is under the jurisdiction of a court as a result of action taken by a child welfare agency, the court has the authority to determine custody and placement of the child or has delegated said authority to the child welfare agency, the child is no longer in the home of the parent from whom the child was removed, and the child is being considered for placement in another state with a parent, stepparent, grandparent, adult uncle or aunt,

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adult brother or sister, or the child's guardian, must meet at least one of the following criteria in order to be considered a Regulation No. 7 case:

- e) 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
- f) 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
- g) the court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child; or
- h) the child is currently in an emergency placement.

14. Provisional approval or denial:

- g) Upon request of the sending agency and agreement of the receiving state to make a provisional determination, the receiving state may, but is not required to, provide provisional approval or denial for the child to be placed with a parent or relative, including a request for licensed placement if the receiving state has a separate licensing process available to relatives that includes waiver of non-safety issues.

Upon receipt of the documentation set forth in Section 7 below, the receiving state shall expedite provisional determination of the appropriateness of the proposed placement resource by:

- 6) performing a physical "walk through" by the receiving state's caseworker of the prospective placement's home to assess the residence for risks and appropriateness for placement of the child,
- 7) searching the receiving state's child protective services data base for prior reports/investigations on the prospective placement as required by the receiving state for emergency placement of a child in its custody,
- 8) performing a local criminal background check on the prospective placement,
- 9) undertaking other determinations as agreed upon by the sending and receiving state Compact Administrators, and

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- 10) providing a provisional written report to the receiving state Compact Administrator as to the appropriateness of the proposed placement.
- h) A request by a sending state for a determination for provisional approval or denial shall be made by execution of an Order of Compliance by the sending state court that includes the required findings for a Regulation No. 7 request and a request for provisional approval or denial.
 - i) Determination made under a request for provisional approval or denial shall be completed within seven (7) calendar days of receipt of the completed request packet by the receiving state Compact Administrator. A provisional approval or denial shall be communicated to the sending state Compact Administrator by the receiving state Compact Administrator in writing. This communication shall not include the signed Form 100A until the final decision is made pursuant to Section 9 below.
 - j) Provisional placement, if approved, shall continue pending a final approval or denial of the placement by the receiving state or until the receiving state requires the return of the child to the sending state pursuant to paragraph 12 of this regulation.
 - k) If provisional approval is given for placement with a parent from whom the child was not removed, the court in the sending state may direct its agency to request concurrence from the sending and receiving state Compact Administrators to place the child with the parent and relinquish jurisdiction over the child after final approval is given. If such concurrence is not given, the sending agency shall retain jurisdiction over the child as otherwise provided under Article V of the ICPC.
 - l) A provisional denial means that the receiving state cannot approve a provisional placement pending the more comprehensive home study or assessment process due to issues that need to be resolved.
15. Sending agency steps before sending court enters Regulation No. 7 Order of Compliance: In order for a placement resource to be considered for an ICPC expedited placement decision by a receiving state, the sending agency shall take the following minimum steps prior to submitting a request for an ICPC expedited placement decision:
- c) Obtain either a signed statement of interest from the potential placement resource or a written statement from the assigned case manager in the sending state that following a conversation with the potential placement resource, the potential placement resource confirms appropriateness for the ICPC expedited placement decision process. Such statement shall include the following regarding the potential placement resource:
 - 9) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.

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- 10) s/he fits the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian, under Article VIII(a) of the ICPC.
 - 11) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.
 - 12) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.
 - 13) s/he has financial resources or will access financial resources to feed, clothe and care for the child.
 - 14) if required due to age and/or needs of the child, the plan for child care, and how it will be paid for.
 - 15) s/he 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 law of the receiving state and that, to the best knowledge of the placement resource, no one residing in the home has a criminal history or child abuse history that would prohibit the placement.
 - 16) whether a request is being made for concurrence to relinquish jurisdiction if placement is sought with a parent from whom the child was not removed.
- d) The sending agency shall submit to the sending state court:
- 3) the signed written statement noted in 7a, above, and
 - 4) a statement that based upon current information known to the sending agency, that it is unaware of any fact that would prohibit the child being placed with the placement resource and that it has completed and is prepared to send all required paperwork to the sending state ICPC office, including the ICPC-100A and ICPC Form 101.
16. Sending state court orders: The sending state court shall enter an order consistent with the Form Order for Expedited Placement Decision 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, whether the request includes a request for a provisional approval of the prospective placement and a factual basis for the request. The order must also require completion by the sending agency of ICPC Form 101 for the expedited request.

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17. Time frames and methods for processing of ICPC expedited placement decision:
- i) Expedited transmissions: The transmission of any documentation, request for information under paragraph 10, or decisions made under this regulation shall be by overnight mail, facsimile transmission, or any other recognized method for expedited communication, including electronic transmission, if acceptable. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation provided it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws. Any state Compact Administrator may waive any requirement for the form of transmission of original documents in the event he or she is confident in the authenticity of the forms and documents provided.
 - j) Sending state court orders to the sending state agency: The sending state court shall send a copy of its signed order of compliance to the sending state agency within two (2) business days of the hearing or consideration of the request. The order shall include the name, mailing address, e-mail address, telephone number and FAX number of the clerk of court or a designated court administrator of the sending state court exercising jurisdiction over the child.
 - k) Sending agency sends ICPC request to sending state ICPC office: The sending state court shall direct the sending agency to transmit to the sending state Compact Administrator within three (3) business days of receipt of the signed Order of Compliance, a completed ICPC-100A and Form 101, the statement required under Paragraph 7 above and supporting documentation pursuant to ICPC Article III.
 - l) Sending State ICPC office sends ICPC Request to Receiving State ICPC office: Within two (2) business days after receipt of a complete Regulation 7 request, the sending state Compact Administrator shall transmit the complete request for the assessment and for any provisional placement to the receiving state Compact Administrator. The request shall include a copy of the Order of Compliance rendered in the sending state.
 - m) Timeframe for receiving state ICPC office to render 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, the receiving state Compact Administrator shall make his or her determination pursuant to Article III(d) of the ICPC and shall send the completed 100-A to the sending state Compact Administrator by expedited transmission.
 - n) Timeframe for receiving state ICPC office to send request packet to receiving local agency: The receiving state Compact Administrator shall send the request packet to the

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local agency in the receiving state for completion within two (2) business days of receipt of the completed packet from the sending state Compact Administrator.

- o) Timeframe for receiving state local agency to return completed home study to central office: The local agency in the receiving state shall return the completed home study to the receiving state Compact Administrator within fifteen (15) business days (including date of receipt) of receipt of the packet from the receiving state Compact Administrator.
 - p) Timeframe for receiving state ICPC Compact Administrator to return completed home study to sending state: Upon completion of the decision process under the timeframes in this regulation, the receiving state Compact Administrator shall provide a written report, a 100A approving or denying the placement, and a transmittal of that determination to the sending state Compact Administrator as soon as possible, but no later than three (3) business days after receipt of the packet from the receiving state local agency and no more than twenty (20) business days from the initial date that the complete documentation and forms were received by the receiving state Compact Administrator from the sending state Compact Administrator.
18. Recourse if sending or receiving state determines documentation is insufficient:
- e) In the event the sending state Compact Administrator finds that the ICPC request documentation is substantially insufficient, s/he shall specify to the sending agency what additional information is needed and request such information from the sending agency.
 - f) In the event the receiving state Compact Administrator finds that the ICPC request documentation is substantially insufficient, he or she shall specify what additional information is needed and request such information from the sending state Compact Administrator. Until receipt of the requested information from the sending state Compact Administrator, the receiving state is not required to continue with the assessment process.
 - g) In the event the receiving state Compact Administrator finds that the ICPC request documentation is lacking needed information but is otherwise sufficient, s/he she shall specify what additional information is needed and request such information from the sending state Compact Administrator. If a provisional placement is being pursued, the provisional placement evaluation process shall continue while the requested information is located and provided.
 - h) Failure by a Compact Administrator in either the sending state or the receiving state to make a request for additional documentation or information under this paragraph within two (2) business days of receipt of the ICPC request and accompanying documentation by him or her shall raise a presumption that the sending agency has met its requirements under the ICPC and this regulation.

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19. Failure of receiving state ICPC office or local agency to comply with ICPC Regulation No. 7: Upon receipt of the Regulation No. 7 request, if the receiving state Compact Administrator determines that it will not be possible to meet the timeframes for the Regulation No. 7 request, whether or not a provisional request is made, the receiving state Compact Administrator shall notify the sending state Compact Administrator as soon as practical and set forth the receiving state's intentions in completing the request, including an estimated time for completion or consideration of the request as a regular ICPC request. Such information shall also be transmitted to the sending agency by the sending state Compact Administrator for it to consider other possible alternatives available to it.

If the receiving state Compact Administrator and/or local state agency in the receiving state fail(s) to complete action for the expedited placement request as prescribed in this regulation within the time period allowed, the receiving state shall be deemed to be out of compliance with this regulation and the ICPC. If there appears to be a lack of compliance, the sending state court that sought the provisional placement and expedited placement decision may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation and court orders entered in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the holding of hearings, taking of evidence, and the making of appropriate orders, for the purpose of obtaining compliance with this regulation and the ICPC.

20. Removal of a child: Following any approval and placement of the child, if the receiving state Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the receiving state Compact Administrator may request the sending state Compact Administrator arrange for the immediate return of the child or make alternative placement as provided in Article V (a) of the ICPC. The receiving state request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and sending state Compact Administrators mutually agree to the plan. If no agreement is reached, the sending state shall expedite return of the child to the sending state within five (5) business days unless otherwise agreed in writing between the sending and receiving state Compact Administrators.

Regulation No. 8

Change of Placement Purpose

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An ICPC-100B should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to preadoption even though the placement recipient remains the same. However, when a receiving state or a sending state requests a new ICPC-100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC-100As.

Regulation No. 9

Definition of a Visit

8. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
9. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
10. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
11. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
12. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
13. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.

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14. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.

Regulation No. 10

Guardians

7. Guardian Defined.

As used in the Interstate Compact on the Placement of Children (ICPC) and in this Regulation:

- c) "Guardian" means a public or private agency, organization or institution which holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning which the guardian has a professional obligation to carry out. Guardian also means an individual who is a non-agency guardian as defined in subparagraph (b) hereof.
- d) "Non-agency guardian" means an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

8. Prospective Adoptive Parents Not Guardians.

An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.

9. Effect of Guardianship on ICPC Placements.

- c) An interstate placement of a child with a non-agency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child's parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.

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- d) An appropriate court of the sending agency's state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.

10. Permanency Status of Guardianship.

- c) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.
- d) If, subsequent to the making of an interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the sending agency and an appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.

11. Guardian Appointed by Parent.

If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A non-agency guardian so appointed shall be deemed a non-agency guardian as that term is used in Article VIII (a) of ICPC, provided that such non-agency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a non-agency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

12. Other Definitions of Guardianship Unaffected.

The definitions of "guardian" and "non-agency guardian" contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of "guardian" or "non-

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agency guardian" when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

Regulation No. 11

Responsibility of States to Supervise Children

9. Definitions:

- e) "Central Compact Office" means the office that receives ICPC placement referrals from sending states and sends ICPC placement referrals to receiving states. In states that have one central compact office that services the entire state, the term "central compact office" has the same meaning as "central state compact office" as described in Regulation 5 of the ICPC. In states in which ICPC placement referrals are sent directly to receiving states and received directly from sending states by more than one county or other regional area within the state, the "central compact office" is the office within each separate county or other region that sends and receives ICPC placement referrals.
- f) "Child Welfare Caseworker" means a person assigned to manage the cases of dependency children who are in the custody or under the supervision of a public child welfare agency.
- g) "Public Child Placing Agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.
- h) "Supervision" means monitoring of the child and the child's living situation by the receiving state after a child has been placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC or pursuant to a child's relocation to a receiving state in accordance with Regulation 1 of the ICPC.

10. A receiving state must supervise a child placed pursuant to an approved placement under Article III(d) of the Interstate Compact on the Placement of Children (ICPC) if supervision is requested by the sending state, and;

- d) the sending agency is a public child placing agency, and
- e) the agency that completed the home study for placement of the child in the receiving state is a public child placing agency, and

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- f) the child's placement is not in a residential treatment center or a group home.
11. Supervision must begin when the child is placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and the receiving state has received a form 100B from the sending state 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 pursuant to an approved placement under Article III(d) of the ICPC.
- 12.
- c) Supervision must continue until:
 - 8) the child reaches the age of majority or is legally emancipated; or
 - 9) the child's adoption is finalized; or
 - 10) legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state; or
 - 11) the child no longer resides at the home approved for placement of the child pursuant to Article III(d) of the ICPC; or
 - 12) jurisdiction over the child is terminated by the sending state; or
 - 13) legal guardianship of the child is granted to the child's caregiver in the receiving state; or
 - 14) the sending state requests in writing that supervision be discontinued, and the receiving state concurs.
 - d) Supervision of a child in a receiving state may continue, notwithstanding the occurrence of one of the events listed above in 5(a)(1-7), by mutual agreement of the sending and receiving state's central compact offices.
13. Supervision must include face-to-face visits with the child at least once each month and beginning no later than 30 days from the date on which the child is placed, or 30 days from the date on which the receiving state is notified of the child's placement, if notification occurs after placement. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the receiving state. The purpose of face-to-face visits is to help ensure the on-going safety and well being of the child and to gather relevant information to include in written reports back to the Public Child Placing Agency in the sending state. If significant issues of concern are identified during a face-to-face visit or at any time during a child's placement, the

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receiving state shall promptly notify the central compact office in the sending state in writing.

14. The Child Welfare Caseworker assigned to supervise a child placed in the receiving state shall complete a written supervision report at least once every ninety (90) days following the date of the receipt of the form 100B by the receiving state's central compact office notifying the receiving state of the child's placement in the receiving state. Completed reports shall be sent to the central compact office in the sending state from the central compact office in the receiving state. At a minimum such reports shall include the following:
 - h) Date and location of each face-to-face contact with the child since the last supervision report was completed.
 - i) A summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child.
 - j) If the child is attending school, a summary of the child's academic performance along with copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents.
 - k) A summary of the child's current health status, including mental health, the dates of any health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations, reports or other pertinent records.
 - l) An assessment of the current placement and caretakers (e.g., physical condition of the home, caretaker's commitment to child, current status of caretaker and family, any changes in family composition, health, financial situation, work, legal involvement, social relationships; child care arrangements).
 - m) A description of any unmet needs and any recommendations for meeting identified needs.
 - n) If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the sending state's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.
15.
 - f) The receiving state shall respond to any report of abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state.

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- g) If the receiving state determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the sending state to move the child at the time that the receiving state makes this determination, the receiving state shall place the child in a safe and appropriate setting in the receiving state. The receiving state shall promptly notify the sending state if a child is moved to another home or other substitute care facility.
- h) The receiving state shall notify the central compact office in the sending state of any report of child abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC, regardless of whether or not the report is substantiated. Notification of the central compact office in the sending state will occur as soon as possible after such a report is received.
- i) It is the responsibility of the public child placing agency in the sending state to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.
- j) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the sending state to take timely action to relieve the receiving state of any financial burden the receiving state has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the sending state pursuant to Article III(d) of the ICPC.

16.

- f) The child placing agency in the sending state is responsible for case planning for any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC.
- g) The child placing agency in the sending state is responsible for the ongoing safety and well-being of any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.
- h) The receiving state shall be responsible to assist the sending state in locating appropriate resources for the child and/or the placement resource.
- i) The receiving state shall notify the central compact office in the sending state in writing of any unmet needs of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC.

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- j) If the child's needs continue to be unmet after the notification described in (d) above has occurred, the receiving state may require the child placing agency in the sending state to return the child to the sending state. Before requiring the return of the child to the sending state, the receiving state shall take into consideration the negative impact on the child that may result from being removed from his or her home in the receiving state and shall weigh the potential for such negative impact against the potential benefits to the child of being returned to the sending state. Notwithstanding the requirement to consider the potential for such negative impact, the receiving state has sole discretion in determining whether or not to require return of a child to the sending state.