

ICPC FAQs

1. What is the Interstate Compact on the Placement of Children (ICPC)?

The Interstate Compact on the Placement of Children (ICPC) is a statutory agreement between all 50 states, the District of Columbia and the US Virgin Islands. The agreement governs the placement of children from one state into another state. It sets forth the requirements that must be met before a child can be placed out of state. The Compact ensures prospective placements are safe and suitable before approval, and it ensures that the individual or entity placing the child remains legally and financially responsible for the child following placement.

2. How does the ICPC work?

The Interstate Compact on the Placement of Children is an agreement between all fifty states, Washington, D.C. and the U.S. Virgin Islands. The Compact Agreement provides for the movement and safe placement of children between states when the children are in the custody of a state, being placed for private/independent adoption, or under certain circumstances, being placed by a parent or guardian in a residential treatment facility (RTF). The process involves several steps.

In order for an ICPC placement request to get started, a caseworker (or adoption entity) in the state the child is located creates a packet that includes such items as the child's social, medical, and educational history and the current status of any court case involving the child. The packet will also include information about the person who is being considered for placement of the child in the receiving state so that the receiving state will know who they should be evaluating for possible placement.

Once the placement request packet is created by the local person in the sending state, it gets sent to the central ICPC office in the sending state (usually the state capital, e.g., Austin, Texas). The ICPC central office in the state makes sure everything is in the packet, approves it for sending out, and then transmits it to the ICPC central office in the state where the child would be sent. Once it arrives in the central office of the receiving state of the proposed placement, that office also looks at the packet and if all is in order, the central office will send it down to the social services agency office in the local community where the prospective placement lives. The social services agency will then go out to the home, meet with everyone in the home, do background screening, and make a determination as to whether the home should be approved for the child to come and live there.

A completed home study report is then sent from the local agency to the central ICPC office in that state and the placement request is either approved or denied based on the recommendation of the home study report. The packet is then sent from the receiving state to the central office in the first state for review. Finally, the local office that started the

placement request is sent a copy of the completed home study along with documentation of the receiving state's decision to either approve or deny the placement request. If the request has been approved by the receiving state, the child can be placed in the chosen home.

While there is much more detail to the process in terms of the forms, financial arrangements for the child, and licensing that may need to be put in place, this is a simple overview of each of the steps that the placement request process will take to go from the local level in one state, through the central office of each state, to the local level in the other state and back again. The process ensures that when children are placed out of state, they are placed in a safe and nurturing environment that can meet their particular needs.

3. Why is the ICPC necessary?

The primary purpose of the ICPC is to ensure that children placed out-of-state are placed with care-givers who are safe, suitable and able to meet the child's needs. The ICPC requires an assessment of these factors before a child is placed out-of-state. Individual state statutes are not enough to ensure that such an assessment takes place prior to placement, because the authority of an individual state and its statutes ends at the state's border. As a legally binding agreement between all states, the ICPC ensures that children enjoy a uniform set of protections and benefits regardless of which state they are moving to or from.

Another critical function of the ICPC is to ensure that the person or entity that places a child out-of-state retains legal and financial responsibility for the child after the placement occurs. This directly benefits children by eliminating any question of who is ultimately responsible for the child's well-being and for meeting the child's needs following placement. The ICPC also protects the interests of states by ensuring that individual states are not put in the position of having to take on the legal and financial burden of caring for children placed within their borders from other states

4. When does the ICPC apply and when doesn't it apply

The ICPC governs the following types of placements:

- The placement of a child in the care or custody of a state public child welfare agency with a relative family, a foster family or an adoptive family in another state.
- The placement of a child by any individual or entity into another state if the placement is for the purpose of adoption.
- The placement of a child by any individual or entity into a licensed residential treatment center located in another state.
- Under certain circumstances, the placement of a child with the child's parent or parents located in another state. FAQ #5 on this list has more information

specifically about the applicability of ICPC to placements of children with parents located out-of-state.

- The ICPC does not govern the following types of placements:
- The placement of a child by the child's parent, step-parent, grandparent, adult sibling, adult uncle, adult aunt or legal guardian with any such relative or guardian located in another state.
- The placement of a child into a medical facility, a psychiatric institution or a boarding school located in another state.

5. When does the ICPC govern the placement of a child with the child's parent or parents and when does it not govern this type of placement?

The ICPC does not apply when a non-delinquent child who is under the jurisdiction of a court is placed out-of-state with her or his parent when the following conditions exist:

- The court does not have any evidence that the parent is unfit to care for the child
- The court does not seek any evidence with regard to the parent's fitness to care for the child
- At the time of placement, a request to place the child with the parent has not been submitted to the ICPC office in the other state
- The ICPC office in the state where the parent lives has not previously denied a request to place the child with the parent
- The court terminates its jurisdiction over the child at the time of the placement

The ICPC also does not apply when a child who is not a ward of the court or in the custody of a public child welfare agency goes to live with a parent in another state. The ICPC does apply when a court or public child welfare agency seeks to place a child with a parent located out-of-state if the court or agency has evidence that the parent may not be fit to care for the child or if the court or agency seeks an evaluation of the parent's fitness. The ICPC applies to any placement with a parent if and when it is known that the child will remain a ward of the court or will remain in the custody of a public child welfare agency after going to live with the parent.

6. Does the ICPC apply to placements of children into residential treatment facilities located in another state?

Generally yes. Approval via ICPC from the state in which the residential facility is located is required in order for a child from a different state to be placed there. The ICPC process for residential placements varies somewhat from state to state. Some states prohibit the physical placement of a child at any time prior to receipt of written approval from the state's ICPC office. Some states require a placement request to be submitted via ICPC for residential placements, but they permit children to be physically placed before the request is received and approved. In states that allow placement before approval, the ICPC

process is used more as a means of keeping track of who is being served in the state's residential programs instead of a process for determining the suitability of the placement. The residential programs themselves are generally knowledgeable about the ICPC process for the state in which they are located

The ICPC applies regardless of whether the out-of-state residential placement is being made by public or private agency or by the child's own family. Residential programs will typically guide families through the ICPC process when it is a family that is placing a child from out-of-state into the program.

Interstate placements into certain types of facilities are specifically excluded from the ICPC. These include the following:

- Placements in boarding schools or, in the language of the ICPC, placements in "any institution that is primarily educational in character" are not covered by ICPC. Many treatment-oriented facilities include an on-site school, but this does not exclude them from coverage by ICPC. ICPC does not cover placements at any institution that is strictly a boarding school. If the institution markets itself as providing specific treatment or behavioral rehabilitation, or if there is a set of admission criteria that makes reference to specific treatment needs, the institution is most likely covered by ICPC.
- Placements in hospitals or other medical facilities are not covered by ICPC. If medical care for acute conditions is not the primary function of the facility, it does not fit this category.
- Placements in institutions that are specifically for the treatment of individuals with acute mental illness or developmental disabilities are not subject to the ICPC. Short-term placements for assessment and stabilization of children with mental illness or developmental disabilities are not subject to the ICPC.

7. When a person or entity seeks to place a child out-of-state through the ICPC process, how is the prospective placement evaluated for safety and suitability?

Most children placed out-of-state are placed with families. Often, they are placed with relatives or with non-custodial parents, but they may also be placed with non-relative foster families or non-relatives who plan to adopt. Regardless of the type of family, their suitability as care-givers for a child or group of children is assessed by what is generally referred to as a "home study". Approval or denial of a request to place the specific child or children with a family located out-of-state is based almost entirely on the content and recommendation of the completed home study report. If the child being placed is in the care and custody of the sending state's public child welfare agency, the home study will typically be conducted by the public child welfare agency in the state where the

prospective care-givers live.

A home study typically includes background checks of all family members, face-to-face interviews with family members, completion of a written questionnaire and a physical inspection of the home to ensure it meets applicable safety requirements. A written home study report is prepared based on the information gathered.

Sometimes children in the care and custody of public child welfare agencies are adopted by out-of-state families that have been working with a private adoption agency. In these instances, the private agency that the family is working with has typically already completed a home study by the time it becomes necessary to seek approval for placement via the ICPC, and there is no need to request a home study from the public child welfare agency in the family's home state. Similarly, families that seek to privately adopt an out-of-state child who is not in the care and custody of a public agency will work with a private adoption agency to obtain a home study to be used in the adoption process and for placement approval for the specific child or children via the ICPC.

8. Do I need to be licensed or certified to have a child placed in my home via ICPC?

The requirements for licensing vary from state to state. Some states require all types of homes to be licensed or certified for foster care before a child can be placed in the home. Some states do not require homes to be licensed or certified if the identified care-givers are relatives of the child being placed. If the identified care-giver is the child's parent, licensing is not required in any state. Other factors may be considered when determining whether or not a home must be licensed in a particular state, such as whether or not the identified care-givers will receive foster payments. Even if licensing is not required, a home study must still be completed before a decision can be made to approve or deny a placement request.

9. How long does it take to get an ICPC placement decision from the state where the child will be placed?

Many factors influence how long it takes for a receiving state to decide whether or not to approve a placement. It can take time for potential foster/relative/adoptive families to complete all of the requirements for approval in their state. In addition to interviews and home inspection, those requirements may include FBI fingerprint background clearances, child welfare history checks from other states where the family has lived, reference checks, and completion of relevant training. For more information about requirements and time lines regarding a specific state, please see the State Page for that state.

Federal law requires states to complete a home study and provide a written report to the sending state within 60 calendar days of receiving a placement request. The requirement applies to foster, relative, and adoption home studies. This law requires only that a report on the home study be provided; it does not require that a placement decision (approval or

denial) be given within 60 days. Depending upon the circumstances (as described in the above paragraph), it may take longer for a receiving state to be able to make a final decision about whether or not to approve placement.

10. Once placement is approved, how long does it take to move the child?

It is up to the sending entity with custody/jurisdiction of the child (i.e. public child welfare agency, private adoption agency, court, parent, etc) to decide if and when to place the child, and to make arrangements to place the child. In addition, depending upon the case, court approval may be needed before the child is placed.

ICPC approval for placement generally is considered to expire after 6 months if the child has not yet been placed. In some instances, it may be possible to extend the approval.

11. If placement is denied, is there an appeal's process?

Currently, there is no formal nationwide process to appeal an ICPC denial. States vary as to what, if any, options exist to appeal a denial. For more information about appeal options in a specific state, please see the State Page for that state.

12. Is ICPC required for a child to visit another state?

A visit differs from a placement on the basis of purpose, duration, and intention. For ICPC purposes, a visit is defined as a temporary stay to provide a child with a social or cultural experience of short duration. A visit lasts no longer than 30 days or, for a school-aged child, the period of a school vacation. ICPC does not apply to visits, and the receiving state does not provide a home study and/or supervision for visits.

If the sending state has submitted a request for a home study or supervision and sends the child to stay with the proposed caregiver in the receiving state, it is presumed that it is a placement and not a visit.

Please see Regulation 9 of the ICPC for more details.