

ICPC - Interstate Compact on the Placement of Children

ICPC

P.L. 109–239 Safe and Timely Interstate
Placement of Children Act of 2006

HAWAII REVISED STATUTE §350E –1

Interstate Compact on Placement of
Children

[https://www.capitol.hawaii.gov/hrs/
isysquery/ac91cd42-ac3b-4ecc-
a233-38cbef2755cb/6/doc/#hit1](https://www.capitol.hawaii.gov/hrs/isysquery/ac91cd42-ac3b-4ecc-a233-38cbef2755cb/6/doc/#hit1)

ICPC – Interstate Compact on the Placement of Children

- ICPC is comprised of 10 articles and 12 regulations.
 - Articles define the types of placements and placers subject to the law; the procedures to be followed; and the specific protections, services and requirements.
 - Regulations provide specific directions for processing ICPC requests.

ICPC – Regulations

- ▶ **Regulation 1: Intact Family Relocating**
- ▶ **Regulation 2: Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives**
- ▶ **Regulation 3: Definitions and Placement Categories: Applicability and Exemptions**
- ▶ **Regulation 4: Residential Placements**
- ▶ **Regulation 5: Central State Compact Office**
- ▶ **Regulation 6: Permission to Place Child: Time Limitations, Reapplication**
- ▶ **Regulation 7: Expedited Placement Decision**
- ▶ **Regulation 8: Change of Placement Purpose**
- ▶ **Regulation 9: Definition of a Visit**
- ▶ **Regulation 10: Guardians**
- ▶ **Regulation 11: Responsibility of States to Supervise Children**
- ▶ **Regulation 12: Private/Independent Adoptions**

ICPC – Regulation 1

5

- ▶ Intact Family Relocating
- ▶ Applies to Family Supervision or foster child relocating with an approved resource family to another state.
- ▶ 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.
- ▶ Additional Documents Required*

ICPC – Regulation 2

- ▶ Applies to 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.
- ▶ Covers consideration of a placement resource where the child has not yet been placed in the home.

ICPC – Regulation 4

7

- ▶ Residential Placements
- ▶ Receiving state local child welfare workers and probation staff are not expected to provide any monitoring or supervision of children placed in residential facility programs.*
- ▶ Additional Documents Required: Letter of acceptance from residential facility
- ▶ Timelines – Approval and Placement

ICPC – Regulation 6

- ▶ Permission to Place Child: Time Limitations, Reapplication
 - ▶ 6 months from the date the 100A is signed

ICPC – Regulation 7

▶ CRITERIA

- ▶ Applies to: parent, step-parent, grandparent, adult uncle, adult aunt, adult siblings, and guardians only.
- ▶ Must meet at least one of the following criteria:
 - ▶ Unexpected dependency (death of parent), or
 - ▶ 4 years of age or younger, or
 - ▶ Substantial relationship - 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
 - ▶ In emergency placement – a temporary placement of 30 days or less in duration.
- ▶ Is not a foster home study. No licensing will be completed due to quick turnaround (need training component for licensing). *

ICPC – Regulation 7 Timelines

10

▶ Timeframes for REG 7:

- ▶ 2 business days: A REG 7 order must be sent to the local worker within two (2) business days of the hearing or consideration of the request. The order shall include:
 - ▶ Name, mailing address, email address, telephone number and fax number of the clerk of the court or a designated court administrator of the sending state court exercising jurisdiction over the child
- ▶ Upon receipt of the signed REG 7 court order, workers have three (3) business days to submit referral through NEICE to contracted provider.
- ▶ Upon receipt of the REG 7 request, the provider has two (2) business days to transmit the request to the receiving state.
- ▶ Expedited placement decision: 20 days

ICPC – Regulation 7 Documents

11

- ▶ Additional Documents:
 - ▶ REG 7 Statement of Case Manager
 - ▶ REG 7 Court Order which must include REG 7 language
 - ▶ ICPC 101 Form – Priority Home Study Request

ICPC - Regulation 8

12

- ▶ Change of Placement Purpose
 - ▶ Placement changes including:
 - ▶ Foster to adoptive
 - ▶ Permanency achieved and concurrence given by receiving state
 - ▶ Close out Compact based on decision not to utilize placement
 - ▶ Change of address
 - ▶ Requires formal notification to the receiving state

ICPC – Regulation 9

13

- ▶ Definition of a visit
 - ▶ Not a placement
 - ▶ Visit is distinguished by intent and purpose
 - ▶ Time limited to no more than 30 days
 - ▶ A stay less than 30 days is not subject to ICPC.
 - ▶ A stay longer than 30 days 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.

ICPC – Regulation 11

14

- ▶ Responsibility of States to Supervise Children
 - ▶ Provides guidance on when supervision begins, frequency, and duration.
 - ▶ Begins when the child is placed in the receiving state pursuant to an approved placement.*
 - ▶ Notification of placement is to be made to the receiving state via formal documentation but can begin if informed by other means.

ICPC – Regulation 11

15

- ▶ Supervision must continue until
 - ▶ The child reaches the age of majority or is legally emancipated; or
 - ▶ The child's adoption is finalized; or
 - ▶ Legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state; or
 - ▶ The child no longer resides at the home approved for placement of the child pursuant to Article III(d) of the ICPC; or
 - ▶ Jurisdiction over the child is terminated by the sending state; or
 - ▶ Legal guardianship of the child is granted to the child's caregiver in the receiving state; or
 - ▶ The sending state requests in writing that supervision be discontinued, and the receiving state concurs.
- ▶ 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:

ICPC - Violations and Consequences

- ▶ Violations
 - ▶ Placement prior to approval – Article III
 - ▶ Failure to provide lack of financial support – Article V
 - ▶ Unilateral closure – Article V
- ▶ Consequences
 - ▶ Lack of assurance that the placement is safe and able to meet the needs of the child
 - ▶ Lack of medical coverage to child
 - ▶ Lack of financial support to RCG
 - ▶ Lack of support to family to include mental health, educational and behavioral issues.
 - ▶ Potential placement disruption
 - ▶ Delays in permanency

ICPC - Supporting ICPC

17

- ▶ Be familiar with DHS policies and procedures including:
 - ▶ Family Finding – Foster Connections to Success Act
 - ▶ Concurrent Permanency Planning
- ▶ Be aware of timelines:
 - ▶ Referrals (3 business days of receipt)
 - ▶ Reports (within 60 days, 30 days is encouraged)*
 - ▶ Placements (within 6 months of signed 100A)
 - ▶ Supervision of placement (monthly face to face contact)*
- ▶ Know the documents to be included in an ICPC referral*
- ▶ Support the development/maintenance of the relationship between the child and potential caregiver.
- ▶ Reach out to Catholic Charities Hawaii (state's ICPC provider) to follow up on status of ICPC referrals*
- ▶ Monitor placement

CONTACTS/RESOURCES

18

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- ▶ ICPC State Pages
 - ▶ <http://icpcstatepages.org/>
- ▶ AAICPC Resources
 - ▶ <https://aphsa.org/AAICPC/AAICPC/Resources.aspx>
 - ▶ Articles
 - ▶ Regulations

QUESTIONS?