

# NAVIGATING THE ICPC

Understanding the Law &  
Implications for Best Interest  
Representation

# INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- ❖ Statutory Agreement between all 50 states, DC, and the US Virgin Islands
- ❖ Guam nor Puerto Rico are signatories currently
- ❖ Governs the cooperation of states when a youth involved in the child welfare system is moving from one state to another
- ❖ Governs the cooperation of states when some youth involved in the juvenile justice system is moving from one state to another

# REGULATIONS

## 0.01 – Forms

#1 = Intrastate Converting to Interstate Placement

#2 = Child Welfare Cases/Public Adoption

#3 = Definitions and Placement Categories

#4 = Residential Placement

#5 = Central State Compact Office

#6 = Permission to Place Child: Time Limits, Reapplication



# REGULATIONS CON'T

#7 = Expedited Placement Decision

#8 = Change of Placement Purpose

#9 = Definition of a Visit

#10 = Guardians

#11 = Responsibility of States to Supervise Children

#12 = Private and Independent Adoption

# WHEN DOES ICPC APPLY?



- ❖ Adoption – Domestic and International
- ❖ Whenever a child welfare involved youth is moving from one state to another state
  - ❖ Adjudication as a dependent is not required for a standard ICPC request
- ❖ Whenever a juvenile justice involved youth is moving from one state another state
  - ❖ Adjudication is required

# TO WHOM DOES ICPC APPLY?

## Child Welfare Involved:

- ❖ Preliminary to Adoption (aka Pre-Adoptive Placement)
- ❖ Foster Care Placement (including congregate care placement)
- ❖ With Relatives

## Juvenile Justice Involved Youth

- ❖ With Parents or Relatives\*
- ❖ Residential Treatment Facility



# PLACEMENTS TO WHICH THE ICPC DOES NOT APPLY

- ❖ Placement with a non-custodial parent
- ❖ Divorce custody cases/investigations
- ❖ Boarding schools
- ❖ Hospitals or Medical facilities
- ❖ Institutions specifically for the treatment of acute mental illness or developmental disabilities
- ❖ Short-term placements for assessment and stabilization of youth with mental illness or developmental disabilities



# PLACEMENTS TO WHICH THE ICPC DOES NOT APPLY

- ❖ Placements of a child into or out of Puerto Rico, Guam, or American Samoa
- ❖ Visits
- ❖ If there is no court that has assumed jurisdiction
  - ❖ Birth Parent to Birth Parent
  - ❖ Birth Parent to Relative and Relative to Birth Parent
  - ❖ Relative to Relative





# ICJ

## ❖ Interstate Compact for Juveniles

- ❖ Delinquent or accused delinquent youth with an active warrant
- ❖ Non-delinquent youth who have left their state of residence without permission
- ❖ Youth who have run from an ICPC placement and the placement refuses to take the youth back or the youth refuses to return to the placement

## ❖ Juveniles Eligible for Supervision under ICJ Article 1(A)

- ❖ Youth on probation, parole, or deferred adjudication who seek to travel or relocate to another state
- ❖ Including:
  - ❖ In home placement with a parent or guardian
  - ❖ In other home placement excluding residential treatment facilities
  - ❖ Full-time students at a secondary school or accredited university, college, or state licensed training program

# BOTH ICPC AND ICJ

Cases where both ICPC and ICJ may apply:

- ❖ Runaways
- ❖ Residential Placements
- ❖ Some Family Settings



# HOW DOES ICPC WORK?

- ❖ Establishes the process for a sending state to request approval
- ❖ Establishes the process for a receiving state to grant or deny approval
- ❖ Establishes timelines (kinda)
- ❖ Provides for courtesy supervision of you in receiving state
  - ❖ Including reports
- ❖ Provides for financial responsibility and payments for providers

# THE PROCESS

## ❖ Local Sending Agency

- ❖ Prepares referral packets (Form 100A) & sends to state ICPC office
- ❖ Maintains financial obligations
- ❖ Makes travel arrangements to place/return the youth

## ❖ Sending State Agency

- ❖ Reviews packets & ensures legal compliance
- ❖ Forwards packet to receiving state ICPC office
- ❖ Monitors status and resolves problems



# THE PROCESS

## ❖ Receiving State Agency

- ❖ Reviews packets & ensures legal compliance
- ❖ Assigns packets to appropriate local county agency
- ❖ Approves or denies placement
- ❖ Monitors placement status and resolves problems

## ❖ Local Receiving Agency

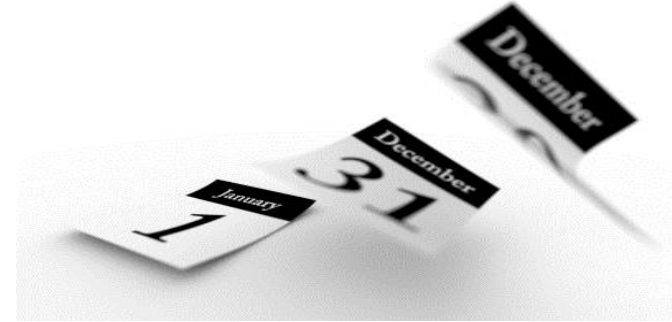
- ❖ Complete home-study & make recommendations, including dismissal & case closure or return to sending state
- ❖ Provide courtesy supervision
- ❖ Ensure requested services are received
- ❖ Complete quarterly placement reports



# PROBLEMS WITH ICPC

- ❖ Delays in interstate placements of six months to over a year
  - ❖ Requirement for relatives to meet foster care licensing requirements may be contributing to delay
- ❖ Inability of states to collect, track, analyze, and report competent data
- ❖ Inability of states to exchange and evaluate case files and provide timely placement decisions
- ❖ Lack of designated or reallocated funds/resources
- ❖ No adoption of a singular evaluation tool, education, and training course for licensing
- ❖ Unclear legal framework and outdated administrative process

# DELAYS



- ❖ Once the packet, including the 100A are delivered to the receiving state it can be accepted, rejected, or the receiving state can request more information
- ❖ Once accepted, the receiving state's ICPC office will assign it to an evaluating agency in the appropriate county
- ❖ Nearly all states have a single ICPC office
- ❖ Only 3 states have decentralized ICPC offices located in the actual counties
  - ❖ California, Colorado, and Ohio
- ❖ All caregivers must now meet all licensing requirements, including relatives

# EXPEDITED ICPC

Priority Placement = Regulation 7

Adjudication is required for an expedited ICPC

A court order for an expedited ICPC is also required

- ❖ Factual basis for why Reg 7 applies
- ❖ Whether a provisional approval is requested and, if so, the factual basis
  - ❖ Provisional approval/denial must be in writing
  - ❖ Provision determination shall be completed within 7 calendar days of receipt of the completed request packet by the receiving state compact administrator
- ❖ Require the completion of all ICPC forms by the sending agency





# EXPEDITED ICPC CON'T

- ❖ Child under the age of 4
- ❖ Child with siblings under the age of 4 who will be placed in the same placement
- ❖ Any child in a sibling group has a substantial relationship with the proposed placement/caregiver
- ❖ Unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian
- ❖ Child is in a emergency placement

# CASE MANAGEMENT WITH ICPC

- ❖ Home Study
- ❖ Licensed Placements
- ❖ Supervision in Receiving State
- ❖ Placement Reports
- ❖ Financial Responsibility



# THE INFAMOUS 30-DAY VISIT

## ❖ A Visit:

- ❖ Does not extend beyond 30-days
- ❖ Is a social or cultural experience
- ❖ Involves no intention or hope of extending beyond 30-days
- ❖ Has a express termination/return date

## ❖ Not A Visit:

- ❖ Proposed stay is longer than 30-days
- ❖ Visit is extended beyond 30-days
- ❖ Duration of the stay is unclear: no express termination/return date
- ❖ Being used as a 'test' or 'trial' placement





# COMING ATTRACTIONS

National Electronic Interstate Compact Enterprise (NEICE)

A web-based electronic case-processing system used to exchange data and documents across state jurisdictions

Grant-funded Program expected to shorten processing times and reduce administrative costs

Launched 2013: Florida, Indiana, Nevada, South Carolina, Wisconsin, and D.C.

June 2015 – May 2016: 12 new states

All 50 states by May 2018.

# ICPC RESOURCES

- ❖ <http://www.aphsa.org>
- ❖ [http://www.ncjfcj.org/sites/default/files/ICPCManualandGuideFullDoc\\_0.pdf](http://www.ncjfcj.org/sites/default/files/ICPCManualandGuideFullDoc_0.pdf)
- ❖ <http://www.icpcstatepages.org/Colorado/icpcprocessing/>
- ❖ <http://www.aphsa.org/content/AAICPC/en/ICPCRegulations.html>
- ❖ [http://www.aphsa.org/content/APHSA/en/resources/LINKS/STATE\\_CONTACTS.html](http://www.aphsa.org/content/APHSA/en/resources/LINKS/STATE_CONTACTS.html)
- ❖ <http://www.aphsa.org/content/dam/AAICPC/PDF%20DOC/Home%20page/ICPC-Policy-Brief.pdf>
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# QUESTIONS

