

## INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

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



## What is a Compact?

“An agreement or contract between persons, nations, or states. A contract between parties that creates obligations and rights capable of being enforced, and contemplated as such between the parties, in their distinct and independent characters.”

## What is the ICPC:

The ICPC is a statutory law (Minnesota Statutes, section 260.851 to 260.950) in all 52-member jurisdictions (all 50 states, US Virgin Islands and District of Columbia) and a binding contract between the member jurisdictions that establishes uniform legal and administrative procedures governing the interstate placement of children.

- The Interstate Compact is a *legally binding contract between the sending state and the receiving state.*

## Types of placements covered

- Placement preliminary to an adoption (public or private)
- Placements into foster homes, group homes, residential treatment facilities, and institutions
- Placements with parents and relatives when a parent or relative is not making the placement



## The Compact....



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

## Purpose of the ICPC:

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

## How the Compact is written

The Compact law contains 10 articles. They define 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.

## Ten Articles of the Compact

- Article I. Purpose and Policy
- Article II. Definitions
- Article III. Conditions for placement
- Article IV. Penalty for Illegal placement
- Article V. Retention of Jurisdiction
- Article VI. Institutional Care of Delinquent Children
- Article VII. Compact Administrator
- Article VIII. Limitations
- Article IX. Enactment and Withdrawal
- Article X. Construction and Severability



## Article I. Purpose and Policy

It is the purpose 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 . . . .
- (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 on the basis of which to evaluate a projected placement before it is made.
- (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

## Article II. Definitions

Child - means a person, who by reason of minority, is legally subject to parental guardianship or similar control.

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.

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

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, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

## Article III. Conditions for Placement

- 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.
- 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:
  - The name, date and place of birth of the child.
  - The identity and address or addresses of the parents or legal guardian.
  - 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.
  - 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.

## Article III. Conditions for Placement, con't

- 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 state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.
- 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, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

## 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.



## Article V. Retention of Jurisdiction

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.



## 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 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:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

## 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.

## 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.

## Article IX. Enactment and 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 two years after the effective date of such statute and 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.

## Article X. Construction and 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.



## Regulations

There are currently 11 Regulations within the ICPC. These regulations help to guide the daily practice of the ICPC and help to maintain consistency throughout the members.

## Regulations

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

## Regulation No. 0.01 Forms

- Forms shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.
- ICPC forms shall be uniform as to format and substance.
- The mandatory forms currently in effect are described below.
  - ICPC-100A "Interstate Compact Placement Request;"
  - ICPC-100B "Interstate Compact Report on Child's Placement Status;"
  - ICPC-101 "Sending State's Priority Home Study Request."
- Form ICPC-102 "Receiving State's Priority Home Study Request" is an optional form that is available for use.



## Regulation No. 1

### Conversion of Intrastate Placement into Interstate Placement; Relocation of Family units

- Applies when a family caring for an individual whose placement is applicable to the ICPC moves to Minnesota from another state
- The sending state will submit a Regulation 1 request to MN ICPC providing as much information as possible concerning the location and character of the family home
- If the family holds a foster care license in the sending state, that license should be honored until such a time the family becomes licensed in Minnesota.
- The initial home study must be completed within sixty (60) days
- Supervision by receiving state to begin within thirty (30) days of receipt of notice that child is present in receiving state.



## Regulation No. 2

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

- Placement of a child requires compliance with the Compact if such placement is with either of the following:
  - Placement for public adoption
  - Placement onto foster care and/or with parents, or relatives
- Applies to cases involving children who are under the jurisdiction of a court for abuse, neglect or dependency, as a result of action taken by a child welfare agency.
  - Children not yet placed with prospective placement resource;
  - Change of status for children who have already been placed with ICPC approval; ie – upgrade from unlicensed relative to a licensed foster home.
  - Child already placed without ICPC approval – placed in violation of ICPC with the sending state bearing full liability and responsibility for the safety of the child
- Newest provision within Regulation 2 (effective 10/1/11) is the required Case Manager Statement, copy of birth certificates and verification of Social Security numbers

## Regulation No. 3

### Definitions and Placement Categories: Applicability and Exemptions

- Regulation No. 3 has been changed to incorporate Definitions and General Provisions

## Regulation No. 4

### Residential Placement

## Regulation No. 5

### Central State Compact Office

- Each party to the ICPC is to establish a procedure by which all Compact referrals shall be made through a central state compact office

## Regulation No. 6

### Permission to Place Child: Time Limitations, Reapplication

- Placement approval is given for a period of 6 months commencing on the date when the receiving state approved the placement (signing of the 100A)

## Regulation No. 7 –

### Expedited Placement Decision



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

A placement determination must be made as soon as possible, but no later than 20 business days from the date the request was received by the receiving state.

## Regulation No. 9 Visits



A visit is defined under regulation No. 9 and does not require ICPC approval. A visit is defined as a stay for 30 days or less, unless it takes place entirely within a child's academic summer vacation. The visit is to provide a child with a social or cultural experience and cannot be extended or renewed to exceed the presumed visit time frames.

## Regulation No. 11

### Responsibility of States to Supervise Children (effective 10/01/10)



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

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.

## Regulation No. 11, con't

### Responsibility of States to Supervise Children

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.

## Cases subject to ICPC

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

## Types of Request

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



## A Placement Request Includes:

### 100A Cover letter

- Child
  - Type of placement
  - Brief explanation of reason for placement
  - Where and with whom the child will be placed
- Case Manager Statement
- Legal Documents
  - Signed Court Order establishing the authority to place
  - Termination of Parental Rights (adoptive placements)
- Financial/Medical Plan
  - Title IV-E eligibility documentation
  - Financial/Medical Plan – 100B (DHS 1542D)
  - Information that identifies the child's Adoption Assistance Eligibility
- Out of home placement plan
  - Plan specifically addresses placement in requested home and the potential services needed for the child
- Social/Medical history
  - Child's social history
  - All psychological evaluations
  - Specific placement needs
  - Expectations of the providers
  - IEP's
  - Immunization records
- Birth Certificate
- Verification of Social Security #
- Indian Child Welfare Act (ICWA)
  - Tribal notice and necessary response



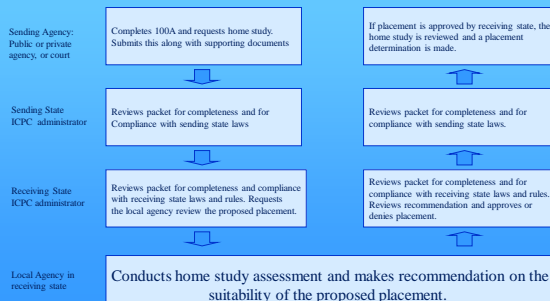
## Financial/Medical Responsibility

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

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



## ICPC Request Process



## Processing a placement request:

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

## **Role of MN ICPC office when MN is sending state:**

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

## **Role of MN ICPC office when MN is receiving state:**

- Review and forward referrals from the sending state to MN Counties.
- Monitor compliance with Minnesota laws, rules, and regulations as they intersect with the ICPC.
- Provide technical assistance and oversight to private agencies supervising placements.
- Resolve problems between the Sending State and the Minnesota local County.
- Review recommendation and render decision based on child's best interest.

## **Responsibilities of the Local Receiving Agency**

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

## **Conducting the Home Study Assessment - for Adoption and Foster Care**

- An ICPC home study must comply with the Laws and Rules of the State conducting the study
  - For Minnesota Studies, The Commissioner's Designated Format must be used
  - For Minnesota Studies, Adam Walsh background checks must be completed

## **MN Adoption Home Study**

**Minnesota Statutes, Section 259.41, subd. 2 and 3**

- At least one home visit
- Background checks according to Minnesota Statutes, Section 245C.33
- Medical and social history, as well as, an assessment of the subjects current health
- Assessment of potential parenting skills
- Assessment of subjects ability to financially provide for a child
- Assessment of the subjects level of knowledge and awareness of adoption issues including, cross-cultural, and special needs
- A recommendation regarding the suitability of the subject/s

## **MN Foster Care Home Study**

**Minnesota Rules, part 2960.3060, subp. 4**

- At least one in-home interview with all household members over seven years of age
- The applicant(s) must demonstrate the ability to:
  - Provide consistent supervision, positive and constructive discipline, and care and training to contribute to the foster child's well-being
  - Understand the licensing agencies programs and goals
  - Work within agency and state policies
  - Share responsibility for the foster child's well-being
  - Actively support the foster child's racial or ethnic background, culture, and religion, and respect the child's sexual orientation
  - Accept the foster child's relationship with the child's family and support visitation and/or reunification
  - Have a current network of support
  - Meet the foster child's special needs
  - Deal with anger, sorrow, frustration, conflict, and other emotions in a manner that will build positive interpersonal relationships
  - Nurture child, be mature and demonstrate an ability to comply with the child's care plan.





## Relative Placement Requests

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

## MN Relative Home Study Assessment

- Local agency may conduct a preliminary assessment on the relative to determine suitability for placement
- Assessment may include a background check for placement purposes
- If placement is made the relative must complete the licensing process

These requests are to follow Minnesota Statutes, sections 245A.035, subd. 1 – 6.

## Parent Placement

Parent home study requests are made through the ICPC when unification or reunification is to occur in another state whenever a court has jurisdiction over a child who is being placed.



## MN Parent Home Study Assessment

Minnesota Statutes, section 260C.012, subd. 1, e(2)

- Assess a noncustodial parent's ability to provide day-to-day care for the child and, when appropriate, provide necessary support to enable the noncustodial parent to safely provide the care. . . .
- Commissioner's designated format may be used
- Background checks may be required

## Residential Placements

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

## Placement Recommendation



- Once the assessment has been completed it is necessary for a recommendation to be made
- The recommendation should be clearly described in the summary of the assessment



## Types of Recommendations

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

*The placement is approved*

- **Approval with Conditions**

*The placement is approved IF specific conditions are met*

- **Denial**

*The placement is denied and the case is closed*

## What happens to a Completed Assessment and Recommendation

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

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

## Placement of a Child out of Minnesota

- You must submit a 100B form to MN ICPC. That form will be forwarded to the receiving state ICPC office.
- Once the 100B is received the receiving state will begin providing courtesy supervision
- Progress reports should be completed and submitted according to Reg. 11

## Placement of a Child out of Minnesota, con't

If transfer of custody is the permanency plan for the child – after a successful placement of six (6) months – you must request and wait for concurrence from the receiving state before custody is transferred and/or jurisdiction is vacated.

## Placement of a Child into Minnesota

- You should be notified of a child's placement by receiving a 100B form from MN ICPC.
- Once a child is placed it is then your responsibility to begin providing courtesy supervision
- Progress reports must be completed according to Reg. 11 and submitted to Minnesota ICPC in triplicate

## Case Closing

- An ICPC placement is considered an open case until a 100B is submitted indicating the case may be closed. A 100B may be submitted for:
  - Adoption Finalization
  - A Child aging out of the system
  - A child returning to the sending state
  - Transfer of legal custody by the court

## What to do when there are concerns with a placement

- Contact MN ICPC office – MN ICPC will contact the corresponding state's ICPC office
- Contact the children's case manager from the sending state to discuss concerns
- If there is health and safety concern that may pose a threat to the children in care, contact your local child protection immediately

## Minnesota ICPC Staff

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