



CDSS

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EDMUND G. BROWN JR.  
GOVERNOR

November 21, 2011

ALL COUNTY LETTER NO. 11-79

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHIEF PROBATION OFFICERS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL CDSS ADOPTION DISTRICT OFFICES  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES  
ALL INTERSTATE COMPACT ON THE PLACEMENT OF  
CHILDREN COUNTY LIAISONS

SUBJECT: INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN  
(ICPC) REGULATIONS 2, 3, AND 7, AMENDED AND ADOPTED BY  
THE ASSOCIATION OF ADMINISTRATORS OF THE INTERSTATE  
COMPACT ON THE PLACEMENT OF CHILDREN (AAICPC),  
EFFECTIVE OCTOBER 1, 2011

REFERENCE: THE ICPC; FAMILY CODE SECTIONS 7900-7912; MANUAL OF  
POLICIES AND PROCEDURES SECTION 31-510; ICPC  
REGULATION NO. 11 AS ADOPTED APRIL 2010; ACLS 08-26, 10-31,  
10-56, AND 10-21

This ACL is to provide local California agencies, which have been delegated ICPC authority to act as sending and receiving agencies for the state, with a copy of three amended/new regulations which govern the placement of children. They are Regulation No. 2, Public Court Jurisdiction Cases; Regulation No. 3, Definitions and Placement Categories; and Regulation No. 7, Expedited Placement Decision. These regulations were adopted on May 1, 2011, at the Annual Business Meeting of the AAICPC. The regulations, adopted pursuant to ICPC Article VII, are effective October 1, 2011. All agencies sending and receiving children will be required to adhere to the new regulations for placements made via ICPC both coming into and going out of California on or after that date.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

**REGULATION NO. 2 - Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives**

This new regulation specifies the process for placing children who are under court jurisdiction, at the request of a sending agency, into adoptive and foster care placements across state lines. The regulation ensures provision of 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 public adoption, or foster care and/or with parents, or relatives. Many of the provisions of this regulation were previously contained in Regulation No. 3 but were moved to this regulation so that Regulation No. 3 could be used for other regulatory content.

Application

Regulation No. 2 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. This regulation covers consideration of a placement resource where the child has not yet been placed in the home. In addition, it is used when requesting a new home study on the currently approved placement resource or when a child is already placed without ICPC approval, unless the child is relocating with the caregiver pursuant to Regulation No. 1. This regulation does *not* apply to placements made without ICPC protection such as a placement with a parent from whom the child was not removed or when the sending court makes a parent placement and seeks an independent courtesy check.

Documentation Required

The regulation defines the items that must be part of a request for a home study and placement decision. The documentation for the request includes: ICPC 100A form; ICPC 100B form if the child has been placed without prior approval in the receiving state; current court order specifying authority to place child; current case history for the child; any relevant and available information regarding prior placement with same resource in sending state; child's case plan; Title IV-E eligibility verification; financial/medical plan; and a copy of (or official document verifying) child's social security card and birth certificate, if available.

Additionally, the request must contain a signed statement from the sending agency case manager that: 1) confirms the potential placement resource's interest in being a placement resource; 2) includes name and correct physical and mailing address of the potential placement resource and other relevant contact information; 3) lists the number and types of bedrooms in the home and the number of people who will be residing in the home; 4) states the potential placement resource acknowledges that sufficient

financial resources are available to care for child; and 5) affirms the potential placement resource acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home as required under the law of the receiving state.

#### Transmission of Documents

The regulation specifies that the manner of transmission of documents between states may vary. Some or all documents may be communicated by express mail or any other recognized method of expedited communication, including facsimile and/or electronic transmission, if acceptable by both the sending and receiving state. However, all transmissions should be sent in a secure method in compliance with applicable state and federal laws and/or regulations related to the protection of personally identifiable information and confidential information.

#### Safe and Timely Interstate Home Study Report

Regulation No. 2 requires that a Safe and Timely Interstate Home Study Report be completed as quickly as possible, but not more than 60 calendar days from the date of receiving the complete request from the sending state. The purpose of the home study is to assess the safety and suitability of the home environment for placement of the child. The receiving state must return a report to the sending state on the results of the home study which is to address the extent to which the home would meet the child's needs. The report may or may not include a decision approving or denying placement. More information on Safe and Timely reporting requirements can be found in ACL Nos. 08-26, dated May 28, 2008, and 10-31 dated June 9, 2010.

#### Decision by Receiving State to Approve or Deny Placement Resource (ICPC 100A)

A final decision to approve or deny the placement resource must be provided by the receiving state compact administrator as soon as practical, but no later than 180 calendar days from the receipt of the complete initial home study request. The 180-day time line was created to accommodate licensure, including education and training, and other receiving state requirements which may apply to foster or adoptive home study requests.

Communication of the final decision may be expedited by facsimile or electronic transmission, if acceptable to both the receiving and sending state, **and** must be communicated by the receiving state on the ICPC 100A.

The receiving state's authority in this process is limited to approval or denial of the placement resource. Once the receiving state has approved the placement resource,

the sending state/placing agency has the final authority to determine whether or not to use the approved placement resource.

#### Reconsideration of an ICPC Denial

In the event a receiving state denies a placement resource, the sending state may request, with or without a new home study request, reconsideration of the denial within 90 calendar days from the date the ICPC 100A denying placement is signed by receiving state. The receiving state then has 60 calendar days from the date of the receipt of the formal request to reconsider the denial to determine whether it should be reversed. If the receiving state decides to change the prior decision denying the placement, an ICPC transmittal letter and a new ICPC 100A must be signed and sent to the receiving state reflecting the new decision.

#### Return of Child to Sending State

The receiving state compact administrator may request the sending state arrange for the return of the child or propose an alternative placement for approval in the receiving state. This request may be made: 1) if the placement resource is denied and the child is already residing in the receiving state with the proposed placement or 2) after the placement has been approved and the receiving state determines that the placement resource no longer meets the child's needs. The removal shall occur within **five working** days or as agreed upon between the two states.

#### Supervision

The regulation requires that supervision must be conducted in accordance with ICPC Regulation No. 11. More information on the supervision requirements of Regulation No. 11 can be found in ACL No. 10-56 dated December 21, 2010.

#### **REGULATION NO. 3 - Definitions and Placement Categories: Applicability and Exemptions**

This amended regulation was changed to provide definitions for words and terms as they are used throughout the compact regulations and clarify those placement categories requiring compliance with the ICPC. It is intended to provide guidance in navigating the ICPC regulations and to assist in understanding which interstate placements are governed by and which are exempt from the ICPC.

#### Placement Categories Requiring Compliance

Regulation No. 3 requires compliance with ICPC if the placement of a child is made under one of the following four types of placement categories, even without court

involvement at the time of placement: 1) adoptions; 2) licensed or approved foster homes; 3) placements with parents and relatives (when a parent or relative is *not* making the placement); or 4) placements of all children into group homes/residential treatment facilities, including juveniles who have been adjudicated delinquents.

Additionally, this regulation provides guidance in distinguishing between differing types of public court jurisdiction cases.

#### Placements Made Without ICPC Protection

This regulation clarifies five scenarios when a placement is made without ICPC protection. These include: 1) placement with a parent from whom the child was not removed when the court has no, and seeks no, evidence that parent is unfit; 2) sending court makes parent placement with courtesy check; 3) placements made by private individuals with legal rights to place; 4) placements handled in divorce, paternity or probate courts; and 5) placement of children pursuant to any other compact.

#### Age Restriction

The current ICPC articles and regulations do not specify an age restriction at the *time of placement* for purposes of application of the ICPC. Rather ICPC regulations utilize the broad definition of the term “child.” This amended regulation recognizes that a sending state **may**, by law, permit the extension of juvenile court jurisdiction and foster care maintenance payments up to age 21 and that consistent with Article V of the ICPC such youth should be served under ICPC, **if requested** by the sending agency and **with concurrence** of the receiving state. This extension is permissive only.

#### Definitions

Regulation No. 3 has a large definition section which clarifies commonly used ICPC terms. Some of these can also be found elsewhere in ICPC articles and regulations, the Interstate Compact on Juveniles, and federal statutes and regulations.

#### **REGULATION NO. 7 - Expedited Placement Decision**

The newly amended Regulation No. 7 regarding priority placements establishes the process for expedited placement requests for specified children being placed across state lines pursuant to the ICPC with relatives or guardians. The intent of the regulation is to protect the safety of children while a more comprehensive home study is done and to provide the sending agency with an expedited approval or denial, thereby permitting the sending state to explore alternative resources if needed. While an expedited process was previously available under the prior version of this regulation, the amended

version now provides more prescriptive time lines, a provisional approval process, and a sending state sample “order of compliance.”

### Application of Regulation

The regulation describes in detail when the expedited process provided for in the regulation may or may not apply. It sets forth four criteria, at least one of which must exist before a Regulation No. 7 request may be made by a sending state.

The criteria include: 1) an unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian; 2) a child four years of age or younger, including older siblings sought to be placed with the same proposed placement resource; 3) the court finds that any child in the sibling group sought to be placed has a substantial relationship with a placement resource; and 4) a child who is currently in an emergency placement.

This section applies to children under the jurisdiction of the juvenile court who have been removed from their parent/s. The regulation shall not apply if: 1) the child has already been placed in violation of the ICPC in the receiving state; 2) the intention of the sending state is for licensed or approved foster care or adoption; or 3) the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, doesn't seek evidence regarding fitness and relinquishes jurisdiction.

### Provisional Approval or Denial

The regulation permits a receiving state to make a provisional approval or denial of the placement resource pending the final approval or denial. Upon the request of the sending state, the receiving state may, but is not required to, provide provisional approval or denial. In the event a receiving state opts to make a provisional determination, certain processes must first be followed. These include: 1) performing a physical walk through of the prospective placement resource's home; 2) searching of receiving state's child protective services database for prior reports/investigations on the prospective placement resource as would be required in the receiving state for emergency placements; 3) completing local criminal background check on the prospective placement; 4) conducting other determinations as agreed upon by both the sending and receiving states; and 5) providing a provisional written report to the sending state as to the appropriateness of the placement. A determination made in response to a request for provisional approval or denial shall be completed within seven calendar days of receipt of the completed request packet by the receiving state compact administrator. The provisional approval or denial shall be communicated to the sending state compact administrator by the receiving state compact administrator in writing and shall not include the signed form ICPC 100A until the final decision is made.

Provisional placement, if approved, shall continue pending a final approval or denial by the receiving state or until the receiving state requires the return of the child to the sending state.

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 concurrence is not given, the sending agency shall retain jurisdiction over the child as otherwise provided under Article V of the ICPC.

A provisional denial means 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.

#### Required Action by Sending Agency

The regulation specifies that before a request for an expedited placement decision can be submitted to the receiving state, the sending agency must 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 the potential placement confirmed the appropriateness for the ICPC expedited placement decision process. The regulation further specifies the required elements of those statements as: 1) s/he is interested in being a placement resource; 2) s/he fits the definition as outlined in Article VIII(a) of the ICPC; 3) the name and correct address, all available telephone numbers, dates of birth and social security numbers; 4) number and type of rooms; 5) financial resources; 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 persons residing in the home, and no one has a criminal history or child abuse history that would prohibit the placement; and 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. The regulation also outlines what documentation the sending agency must submit to the sending state court.

#### Order of Compliance

The new Regulation No. 7 of the ICPC requires the sending state court, after receiving the documentation from the sending state agency, to enter an order consistent with the sample "Form Order for Expedited Placement Decision pursuant to ICPC" (also called "Order of Compliance") adopted with the regulation (see attached), subject to any additions or deletions required by federal law or the law of the sending state. In California, Administrative Office of the Courts staff has indicated that the Judicial

Council Family and Juvenile Law Advisory Committee will propose revising Judicial Council Form JV-567 to reflect the new Regulation No. 7 requirements. A revised form JV-567 is expected to go into effect on or before January 1, 2013. Until such time as the revised form JV-567 becomes available, CDSS staff recommends that child welfare and probation departments that are preparing proposed court orders for California sending courts work collaboratively with their local county counsel and courts to ensure the court orders for this purpose are consistent with the sample order. For questions regarding court orders developed during this interim period, please contact Mara Bernstein, Administrative Office of the Courts, at (415) 865-7728 or [mara.bernstein@jud.ca.gov](mailto:mara.bernstein@jud.ca.gov).

#### Time Frames and Methods for Processing of ICPC Expedited Placement Decision

The amended regulation specifies time frames and communication methods for a request for an ICPC expedited placement decision to provide clear guidelines to expedite the process. Time frames and methods for processing of ICPC expedited placement decisions are established for both the sending agency and court as well as the receiving agency processing the request. Expedited transmissions may now also be sent by facsimile or electronic transmission, if acceptable. However, all transmissions should be sent in a secure method in compliance with applicable state and federal laws and/or regulations related to the protection of personally identifiable information and confidential information.

#### Recourse if Documentation is Insufficient

This regulation provides detailed instructions for both the sending and receiving states and their agencies to obtain any needed information when the ICPC request documentation is substantially insufficient.

Failure by either the receiving or sending state to make a request for additional documentation within two business days of receipt of the ICPC request shall raise a presumption that the sending agency has met its requirements under the ICPC and this regulation.

#### Failure of Receiving State ICPC Office or Local Agency to Comply

The regulation provides that if, upon receipt of an expedited placement request, the receiving state compact administrator determines that it will not be possible to meet the required time frames for processing the request, whether or not a provisional request is made, the receiving state compact administrator **must** notify the sending state compact administrator as soon as practical. The notification must include the intentions in completing the request and estimated time for completion of the request. If the



receiving state fails to complete the action for the expedited placement request within the prescribed time lines, the receiving state will be deemed out of compliance. If there appears to be a lack of compliance, the sending state court may then inform the appropriate receiving state court and ask for assistance. The receiving court may provide such assistance, including holding hearings, taking evidence and making orders, for the purpose of obtaining compliance with the ICPC and Regulation No. 7.

#### Removal of a Child

The regulation provides that following any approval and placement of a child if the placement no longer meets the needs of the child, the receiving state compact administrator may request the sending state compact administrator to arrange for the immediate return of the child or to make an 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 situation and both states 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 business days unless otherwise agreed upon by both states.

Nothing in these regulations has changed any Aid to Families with Dependent Children-Foster Care (AFDC-FC) eligibility or rates requirements described in prior ACLs including ACL No. 10-21, dated June 14, 2010, regarding Requirements and Procedures for the Receipt of AFDC-FC Funds for Children Placed Out of State.

The full text of each regulation has been attached for your review, information, and compliance.

Should you have any questions regarding this ACL or the amended/new regulations, please contact the Out-of-State Placement Policy Unit, within the Children's Services Operations and Evaluation Branch, at (916) 651-8100 or [ICPC@dss.ca.gov](mailto:ICPC@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachments

## **Regulation No. 2**

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

Regulation No. 2, as adopted on May 25, 1977 by the Association of Administrators of the Interstate Compact on the Placement of Children, was repealed April 1999 and is replaced by the following:

The following regulation, adopted by the Association of Administrators of the Interstate Compact on the Placement of Children, is declared to be in effect on and after October 1, 2011. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.

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 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.

(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 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 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 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.

12. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

13. 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, April 30–May 1, 2011.

### **Regulation No. 3**

#### **Definitions and Placement Categories: Applicability and Exemptions**

This Regulation No. 3 is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children.

This Regulation No. 3 as first effective July 2, 2001, was amended by the Association of Administrators of the Interstate Compact on the Placement of children on May 1, 2011 and is declared to be effective as of October 1, 2011.

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 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

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 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 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.

(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.

(15) Concurrence to discharge: is 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: is 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: 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.

(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 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).

(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 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.

(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.

## **Regulation No. 7**

### **Expedited Placement Decision**

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children as Regulation No. 7, Priority Placement, as first adopted in 1996, is amended to read as follows:

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the Interstate Compact on the Placement of Children (ICPC). A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.
2. This regulation shall hereafter be denoted as Regulation No. 7 for Expedited Placement Decision.
3. 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.
4. 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.
5. 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:

- (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.

6. 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.
- (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.

7. 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.

(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.

8. 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.

9. Time frames and methods for processing of ICPC expedited placement decision:

(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.

(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.

10. 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.

11. 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.

12. 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.

13. This regulation as first effective October 1, 1996, and readopted 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 1999, is amended 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 May 1, 2011; the regulation, as amended was approved on May 1, 2011 and is effective as of October 1, 2011.

**IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_**

**IN RE: CHILD'S NAME    DOB**

**REGULATION 7 FORM ORDER FOR EXPEDITED PLACEMENT DECISION PURSUANT TO THE ICPC**

**THIS CAUSE** came on to be heard on \_\_\_\_\_ before the court on the motion/petition of \_\_\_\_\_ (party making request) seeking the entry of this order for compliance with Regulation 7 of the Interstate Compact on the Placement of Children (ICPC); and the court, hearing evidence and/or the parties being in agreement, does find as follows:

A. The name and date of birth of each child noted below on this date is as follows:

\_\_\_\_\_ (Name of child, date of birth)

\_\_\_\_\_ (Name of child, date of birth)

\_\_\_\_\_ (Name of child, date of birth)

B. This court has jurisdiction over each child noted pursuant to Articles II, III and V(a) of the ICPC to invoke the Compact for the purpose of requesting one or more home study assessments and expedited placement decisions on potential resource families living in one or more receiving states.

C. Pursuant to Article III(d) of the Compact, this court may only place, or authorize the department/agency to place, each child above in an approved placement in a receiving state, including a provisional placement as authorized by Regulation 7 of the ICPC, after receipt of written notification from the receiving state that the proposed placement does not appear to be contrary to the interests of the child.

D. If any child above is placed pursuant to paragraph C above, this court will retain Article V(a) jurisdiction over that child sufficient to determine all matters in relation to the custody, supervision, care and disposition of him/her, which it would have if the child had remained in this state; and this court will not terminate jurisdiction over said child or terminate the supervisory responsibility of the department/agency having custody of the child during the period of placement in the receiving state until the child is adopted, reaches the age of majority, becomes self-supporting, or is discharged with concurrence of the appropriate authority in the receiving state.

E. This court expressly finds that its jurisdiction over said child includes the power to effect or cause the return of the child to this state or its transfer to another location or custodian pursuant to law within five (5) business days of receipt of written notification from the receiving state Compact Administrator that placement authorization will not be approved or that previous placement approval has been withdrawn by the receiving state, and that the sending state has and will continue to have financial responsibility for support and maintenance of the child during the period of placement in the receiving state.

Further, this court order provides sufficient authority and direction for the sending agency to immediately return said child(ren) within five (5) working days of receipt of written notification from the receiving state Compact Administrator that placement authorization will not be approved, or that previous placement approval has been withdrawn by the receiving state for reasons determined by the receiving state.

F. If any child noted above is sent, or allowed to go, to a provisional placement in a receiving state, this court finds that any such placement must be in compliance with Regulation 7 of the ICPC of which this court takes judicial notice, including its purpose in defining and regulating a provisional placement under the Compact.

**AND THE COURT** having heard testimony and argument of counsel and any unrepresented parties and reviewed documents as permitted by law and Regulation 7 of the ICPC, the undersigned makes the following findings of fact by

- ( ) clear and convincing evidence
- ( ) a preponderance of the evidence

that paragraphs 5, 6, and 7 of Regulation 7 of the ICPC apply regarding each child noted above:

G. \_\_\_\_\_ (relative's name) is the proposed placement resource in the receiving state of \_\_\_\_\_ and is the

- a. \_\_\_ Mother
- b. \_\_\_ Father
- c. \_\_\_ Stepparent
- d. \_\_\_ Grandparent
- e. \_\_\_ Adult brother or sister
- f. \_\_\_ Adult uncle or aunt
- g. \_\_\_ Guardian

of \_\_\_\_\_ (child noted above); and

H. Each child noted above is under the jurisdiction of the court as a result of action taken by a child welfare agency.

I. The child \_\_\_\_\_ referenced in A. meet(s) one or more of the following requirements pursuant to paragraph 5 of Regulation 7:

1. The court has the authority to determine custody and placement of each child or has delegated said authority to the child welfare agency, and each child is being considered for placement in another state with a parent, stepparent, grandparent, adult brother or sister, or adult aunt or uncle, or guardian of the child named in A, and the child in A above meets the following criteria:

a. ( ) **unexpected dependency** due to 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 an unexpected medical, mental or physical condition of a parent or guardian, or

b. ( ) at least one of the children 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 \_\_\_\_\_ (child's name), is one of the **children in a sibling group sought to be placed and has a substantial relationship** with the proposed placement resource; substantial relationship means the proposed placement has spent more than cursory time with the child, is known to the child, and has established more than a minimal bond with the child; or

d. ( ) the child(ren) is/are currently in an emergency placement.

J. The department/agency has provided the court with a signed statement(s) from the potential placement resource(s) or the assigned case manager in the sending state that following a conversation with the potential placement resource, the potential placement resource confirms/meets the minimum requirements as required under Paragraph 7a of Regulation 7.

K. The sending agency has completed and is prepared to send all required paperwork to the sending state ICPC office, including the statement from the prospective placement resource or the assigned case manager under Paragraph 7a of Regulation 7, ICPC 100A and ICPC Form 101.

**IN CONSEQUENCE OF THE FOREGOING, IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:**

1. This court, having jurisdiction over the above referenced child(ren), invokes the use of the Interstate Compact on the Placement of Children and authorizes and directs this state's department/agency having custody of the child(ren) to be the sending agency in this/these matter(s) and directs it to complete, execute, and file all necessary forms and carry out and effectuate all obligations and responsibilities as the sending agency under the Compact.

2. The department/agency shall seek the following:

a. ( ) Approval for a provisional placement of each child noted above in the receiving state pending a more comprehensive home assessment of the potential placement resource by the receiving state and an expedited placement decision regarding final placement of the child(ren), or

b. ( ) A comprehensive home assessment of the potential placement resource in the receiving state and an expedited placement decision without a provisional placement of the subject child(ren), or

c. ( ) Approval for a provisional placement with a parent from whom the child was not removed and concurrence to relinquish jurisdiction upon final approval.

3. The transmission of any documentation or request for information in this case/these cases or decisions made shall be sent by overnight mail, FAX or as an attachment to an e-mail if approved by receiving state or such other equally expedient method as may in the future become available.

4. The court designates the following person to send copies of this and other orders needed to comply with Regulation 7 of the ICPC to the sending department/agency within two (2) business days of the entry of this and other orders entered in this case:

a. name \_\_\_\_\_

b. mailing address \_\_\_\_\_

c. e-mail address \_\_\_\_\_

d. telephone number \_\_\_\_\_

e. FAX number \_\_\_\_\_



5. The person designated to receive communication regarding the progress of the ICPC process in this/these matter(s) is:

- a. name \_\_\_\_\_
- b. mailing address \_\_\_\_\_
- c. e-mail address \_\_\_\_\_
- d. telephone number \_\_\_\_\_
- e. FAX number \_\_\_\_\_

6. The sending department/agency shall transmit, within three (3) business days of receipt of this signed order, a completed Form 100A and 101 (Request for Placement), and if not already sent, all required documentation for compliance with Regulation 7 and any supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator.

7. Within a time not to exceed 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 this Order of Compliance. In the event the sending state Compact Administrator finds that the ICPC documentation received is substantially insufficient, he or she shall specify to the sending agency what additional information is needed and request such information from the sending agency.

8. When a provisional placement sought by the sending state is approved by the receiving state for the subject child(ren), the receiving state Compact Administrator shall immediately notify the sending state Compact Administrator of that fact in writing through expedited means. Said person designated shall then seek an early hearing by this court to determine if said placement is in the best interests of the child(ren).

The person designated to receive communication in Paragraph 4 above shall maintain contact with the sending state's Compact Administrator to assist this court in determining the status of the ICPC process and shall report in writing to the court, the parties, and their counsel regarding said status no later than 7 days prior to any scheduled court hearing and provide any updates closer to the hearing date as may come to his/her attention. The sending state's Compact Administrator shall cooperate with and work with the above designated person and provide him/her with information and assistance regarding the progress of the ICPC process for the cases of the subject child(ren).

9. This case/these cases is/are continued to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for further hearing on the status of the ICPC process to which the parties present and their counsel are recognized to appear.

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge/Judicial Officer