

Foster Care Services: ICPC

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1010

Interstate Compact on the Placement of Children (ICPC)

Children placed out of the state need to be assured of the same protection and services that would be provided if they remained in their home states. The Compact is the best means to ensure protection and services to children who are placed across state lines. The Compact is a uniform law that has been enacted by all 50 states, the District of Columbia, and U. S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and assigns responsibility for those involved in placing the child. When Georgia enacted the Compact (March 23, 1977), it became law, just as any other legislation passed by the state legislature. Under the terms of the law, the state agrees to follow uniform procedures when it makes or accepts interstate placements of children. Since the Compact is also a contract among the member states as well as a statute in each of them it must be interpreted and implemented uniformly by all states.

The Interstate Compact accomplishes the following:

- Provides the sending agency the opportunity to obtain home studies (an evaluation of the proposed placement).
- Allows the prospective receiving state to ensure that the placement is not “contrary to the interests of the child,” and that its applicable laws and policies have been followed before it approves the placement.
- Guarantees the child legal and financial protection by assigning these responsibilities with the sending agency or individual.
- Ensures that the sending agency does not lose jurisdiction over the child once the child moves to the receiving state.
- Provides the sending agency the opportunity to obtain supervision and regular reports on the child’s adjustment and progress in the placement.

TYPES OF PLACEMENTS COVERED

1010.1

Requirement

The Compact applies to the following situations in which children may be sent to other states:

- Placements with parents and/or relatives when a parent or relative is not making the placement.
- Placements into foster care, including foster homes, group homes, residential treatment facilities and institutions.
- Placements of adjudicated delinquents in institutions in other states.
- Placements preliminary to an adoption.

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WHO MUST USE THE COMPACT?

1010.2

Requirement

The Compact clearly spells out who must use the Compact when they “send, bring or cause a child to be brought or sent” to another member state. Those persons and agencies, called “sending agencies” are the following:

- Member states of the Compact, or any officer or employee of a member state.
- Subdivision, such as county, city or any officer or employee of a member state.
- Courts
- Any person (including parents and relatives in some instances), corporations, associations, or charitable agency of a member state.

NOTE: Not all placements of children in other states are subject to the Compact, or are all persons who place children out of state.

The Compact does not include placements made in medical and mental health facilities or in boarding schools, or “any institution primarily educational in character.” Also, specifically excluded from Compact coverage are placements of a child made by a parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or the child’s guardian. This exclusion occurs only when both the placer and the placement recipient belong to the enumerated classes of individuals.

DEFINITIONS USED BY THE COMPACT

1010.3

Requirement

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

“**Sending Agency**”- a member state, officer or employee thereof; a subdivision of a member state, or officer or employee thereof; a court of a member state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another state.

“**Receiving State**”- the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or for placement with private agencies or persons.

“**Placement**”- the arrangements for the care of a child in a family or boarding home or in a child caring agency or institution, but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

“**Visit**”- a social or cultural experience of short duration provided to the child, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services. The child’s stay is intended to be no longer than thirty (30) days. **As defined, a visit is not subject to Interstate Compact on the Placement of Children.**

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“Home Study”- 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.

“Interstate Home Study”- a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

“Timely Interstate Home Study”- an interstate home study completed by a State if the State provides to the State that requested the study, within 30 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 30 day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

PROCEDURES for PLACEMENTS OUT OF GEORGIA

1010.4

Requirement

To submit a completed request to the ICPC Specialist, the following information must be sent in triplicate:

1. **Cover letter** – This must include the child’s name, the proposed resource, the reason for the request, and specify the legal authority for the agency to make the placement.
2. **Court Order** - Current court order giving the agency custody and placement authority. [One per family]
3. **Comprehensive Family Assessment** - An assessment that includes birth family information, medical information, educational information, psychological and/or psychiatric evaluation, and ILP assessment (if appropriate). Family assessment- [One per family], all additional attachments (i.e. Medical, educational, psychological information) [One per child]. **Note- if the request is being made for a case older than a year, the above-named information is needed. However, an update to the family assessment and attachments may be required. Please refer to Section 1006.1, procedures 3 and 5.**
4. **Case Plan/Case Review (CPRS)** - The current Social Services Case Plan that includes the goals and steps for each family member. The identified needs of each child/family member must be stated. [One per family]
5. **Birth Certificate or Verification** [One per child]
6. **IV-E Determination**- The determination can be included in the cover letter or include a copy of the actual IV-E determination form. [One per child]
7. **Financial/Medical Plan**- [One per child]
8. **ICPC 100A (Form 97)** - The ICPC 100A is a set of six copies. Five copies should be sent to the ICPC office. One copy should be maintained in the child’s file. [One per child]

If three collated packets are not received, the material will be returned to the County Department. All ICPC information is to be forwarded to:

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Interstate Compact Specialist (ICPC)
Division of Family and Children Services
2 Peachtree Street, NW 18th Floor
Atlanta, Georgia 30303

1010.4 PRACTICE ISSUES

1. Placement approval from the receiving state must be obtained before the county department proceeds with placement out of state. Along with the approved 100A to place and home study, the Interstate Specialist will send a travel waiver to cover the child (ren)'s travel expenses. The case manager's travel is covered under Grant In Aid (GIA). Advance approval for the case manager's travel must be requested through the Office of Child Protection (OCP) Division Deputy Director using Form 5354, Interstate Travel Request.

If a resource from outside Georgia transports the child (ren), travel expenses for this provider will be the responsibility of the county office.

2. Once Georgia receives the report from the other state, the report must be accepted as meeting requirements, unless within 14 calendar days of receipt, the determination is made that based on grounds specific to the report that reliance on the report will be contrary to the child's welfare.
3. When a placement is approved, the county department and receiving agency or facility is to work out the details of the placement. The Form ICPC-100B will serve as the signal to the receiving state to initiate supervision. The county department must complete a Form ICPC-100B confirming the date of placement and forward the original and two copies to the Interstate Specialist. It is very important that the 100B is forwarded timely since some states close the case until the Form ICPC-100B is received.
4. If the approved resource will not be used for placement, the Form ICPC-100B must be sent to the Interstate Specialist confirming this to close the ICPC case.
5. When a placement is approved and the placement is made into another state, the county department must retain full custody and jurisdiction.

NOTE: If parental rights have been terminated by a Georgia court and placement is sought with a birth family member, a foster home study will be requested rather than a relative home study.

PROCEDURES for PLACEMENTS INTO GEORGIA

1010.5

Requirement

Requests for placements of children from other states into Georgia under ICPC must be made by the sending state ICPC office to the Georgia ICPC office.

1010.5 PRACTICE ISSUES

1. If an ICPC request for placement of a child is received directly by a county department, the county department should immediately forward all information to the Interstate Specialist. If a request is made by telephone to a county department, DFCS staff should ask the sending state to send the written request to the ICPC office in the sending state. If the sending agency is not familiar with ICPC, request that they contact their ICPC office for instruction.

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2. The county department should initiate the home evaluation only after the official request from the Georgia ICPC office. The evaluation should be completed and sent to the Georgia ICPC office within 45 calendar days. **Note: this policy refers specifically to the Interstate Home Study definition.** (Please refer to section 1010.3; there are three definitions for the different types of home studies.)
3. All evaluations must have background checks (GCIC, NCIC, sex offender registry, and CPS history). If the sending agency requests foster home approval, procedures outlined in Section 1014 of the Foster Care Manual for relative and non-relative foster homes evaluation should be followed. **To assure that sufficient time is allotted for background checks, the potential resource's fingerprints should be processed at the first contact.** The original fingerprint cards are not to be sent to state office but should be secured in the county office. Please refer to Section 1014.26, regarding proper handling of the fingerprint cards.
4. As a result of the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239, the receiving state is required to complete, report and return the results of a home study within 60 days after the State receives the request. The education and training of foster parents does not need to be completed within the 60-day timeframe.
5. If the county department must delay the home evaluation, a letter should be sent to the sending agency via the Georgia ICPC office explaining the delay. Three copies should be sent to the Georgia ICPC office.
6. If the placement resource indicates at any stage of the evaluation process that they cannot accept placement of the child, the case manager should discuss the reason and include this in a report to the Georgia ICPC office.
7. A clear recommendation about whether or not the placement should be made is necessary. The recommendation should be supported by the written evaluation. If special circumstances or conditions need to be met, it is advisable to delay a recommendation for placement until the conditions are met. Otherwise, there may be a liability issue.
8. The county department must send the original and 2 copies of the evaluation to the Georgia ICPC office. A copy of the fingerprint cards should be attached to each evaluation. Copies should not be sent directly to the sending agency.
9. The Georgia Interstate Specialist will review the evaluation to determine if it is complete. If not, the ICPC Specialist will request additional information from the county department.
10. The Georgia Interstate Specialist will indicate whether a placement may or may not be made on Form ICPC-100A and send a copy to the county department. The evaluation and Form ICPC-100A will be sent in duplicate by the Georgia Interstate Specialist to the sending state ICPC office.
11. Before a child can legally be placed in Georgia, placement approval must be indicated on the Form ICPC-100A. If a home is disapproved and placement occurs, the county department should advise the Georgia ICPC office.

PLACEMENT SUPERVISION

1010.6

Requirement

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The county assigned as the receiving agency should supervise ICPC placements in the same manner as any other placement. The routine contact standard for ICPC cases is quarterly.

When Georgia is the sending state, the case manager is responsible for assuring that the out-of-state agency provides placement supervision **at least quarterly** with written supervisory (progress) reports. If progress reports from the other state are not received, the Georgia ICPC specialist should be contacted for assistance.

1010.6 PRACTICE ISSUES

1. The original and two copies of all written supervisory reports should be submitted to the Georgia ICPC Office.
2. If there are problems with the placement, the supervisory reports may need to be sent more often. Narrative summaries (rather than contact sheets) of the activities or progress being made by the child/family must be submitted.
3. If the sending agency requests reports on a more frequent basis than quarterly, the county department should submit reports as requested. If it is not possible to comply with the sending agency's request, a letter should be sent to the Georgia ICPC office (original and two copies) explaining the county department's inability to comply. The anticipated frequency of contacts should be stated in this letter.
4. The responsibility to report any status change applies to both sending and receiving states. However, it is usually the sending state that sends notification of changes on the Form ICPC-100B. For example, change of address, or change of legal status after ICPC approval. If notification of a change has not been received and the county becomes aware of a change, the county department should send written notification of this change to the ICPC Program Specialist.
5. Case closure occurs when both ICPC offices have issued prior approval for termination after a period of supervision indicates placement is suitable. (This is usually 6 months to a year.)
6. After receipt of a supervisory report from the county department that clearly recommends case closure, the Georgia ICPC office will notify the sending state's ICPC office. **Do not send reports directly to the sending state's local office.**
7. Court action should be initiated in the sending state. Both the sending and receiving agencies should have planned and agreed upon the person recommended to assume custody.
8. The sending state ICPC office should send Form ICPC-100B and the most recent court order to officially close the case. The ICPC program specialist will forward a copy to the county.

DISRUPTION of PLACEMENT

1010.7

Requirement

When a placement disrupts, the sending agency is responsible for making an alternative plan immediately upon notification. The sending agency must provide for the cost of transportation back to the sending state unless the family or some other resource will pay.

The sending state is responsible for cost of temporary care (i.e., foster home in the receiving state) if the child (ren) needs to be placed prior to return to the sending state.

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The two local agencies involved with the child (ren) should coordinate efforts to assume child (ren)'s safe and expeditious return. Notify the ICPC Specialist by telephone if there are problems with the return. The sending agency should send Form ICPC-100B to officially close the case (original and two copies).

RUNAWAY CHILDREN

1010.8

Requirement

In the event that a child runs to Georgia from another state, the Interstate Compact on Juveniles (ICJ) is responsible for the return of the child to his/her home state. The Georgia Department of Juvenile Justice (DJJ) administers the Georgia ICJ office. The Georgia ICJ staff will facilitate the travel arrangements for the child.

In the event that a Georgia child in DFCS custody runs to another state, there are specific procedures that should be followed in an attempt to locate and return the child. The case manager should notify the following parties should a child in DFCS custody run away:

- Appropriate law enforcement agency
- Child's parents
- County and any other Division/agency that has custody or commitment of the child

If assistance is needed in locating the child, the case manager may send an alert to a specific state or location. The county department should also email an alert within the state.

A brief written summary should be prepared which provides as much identifying and descriptive information on the child as possible. A cover letter specifying the area to which the alert is to be circulated (i.e., nationally or to a specific state) and a recent picture of the child, if available, should be sent in triplicate to the ICPC/Constituent Services Unit for handling. *See Section 1016 for handling the expenses related to the return of a child in DFCS custody.*

TRAVEL EXPENSES

1010.9

Requirement

Interstate travel expenses are authorized by the ICPC office. These reimbursable travel expenses are associated with a child's approved ICPC placement to and from an approved ICPC out of home resource. The Interstate Travel Expenses Waiver is proposed and sent to the county department at the time the county is notified that the ICPC placement is approved. It can be used if the placement in another state disrupts and/or if the child must be returned to Georgia. Travel costs (for the child only) include subsistence, mileage, airfare, etc. If it is necessary for the case manager or other DFCS staff person to accompany the child, the case manager travel costs are paid from Grant in Aid (GIA).

NOTE: Advance approval for the case manager's travel must be requested through the Deputy Director of Financial and Administration using Form 5354, Interstate Travel Request.

1010.9 PRACTICE ISSUES

1. The authorization of Interstate Travel Expenses Waiver through the Georgia ICPC office should be obtained prior to arranging travel for the child (ren).

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2. Travel Incorporated is the travel agency used to make the travel arrangements and secure payment authorization. The DHR Office of Financial Services/Travel Subsection should be contacted if assistance is needed.
3. All bills related to the child (ren)'s travel should be forwarded to the county's accounting department, and copy should be maintained on file for audit purposes. A copy of the Interstate Travel Waiver should always be attached to the county's expense authorization for the child (ren).
4. The ICPC policy specialist will send an Interstate Travel Expense Waiver to the county office for children approved for placement via the compact. Interstate Travel Expense Waivers are not sent to county departments for court jurisdiction cases.

1010.10

COURT JURISDICTION CASES

Requirement

The Interstate Compact applies in situations when a Georgia court has established jurisdiction. The following are the types of cases that apply:

1. **Relative Care Subsidy-** Refer to Foster Care Manual Section 1004.2 for the procedures of setting up a RCS case. Per RCS policy, the funds follow the child even if the approved relative resource relocates to another state or the child is placed through ICPC in an out-of-state placement. The Juvenile Court Judge reviews the circumstances of the child in the permanent custody of the relative every three years, based on the established jurisdiction where custody was originally transferred to the relative. Should the relative placement no longer be appropriate and/or there is a change in the custody arrangements per court order, the RCS payments are terminated.
2. **Protective Custody Services** – This situation presents when (1) protective services and/or supervision of a family is needed in Georgia or in another state; **and** (2) the court has established jurisdiction. The court becomes the sending agency and ICPC applies. When the court is the sending party, the county department should request the court to sign Form 97 (ICPC 100A) and to be shown on the form in the two sections regarding financial responsibility. If the court will not agree to be identified as responsible for the placement, the county department “by order of the appropriate court”, can be shown in the section regarding responsibility. The county director or designee must sign the ICPC 100A. Information in these cases may be limited. A cover letter, court order and any available information should be collated in three packets and forwarded along with the 100A to the ICPC office.

Note: An open child protective services case **without a protective order** is not party to the Compact. Neither are protective services situations, which do not involve a court in another state for court-ordered supervision or placement. The county department should respond directly to the agency making the request. If a Georgia family receiving child protective services leaves the state, the county department should send a request for services directly to the agency in the other state. Refer to the APWA Directory for addresses. **Do not send a request ICPC office.**

3. **Georgia Court as the Sending Agency** – Typically, when the court becomes the sending agency, the situation involves relatives who are in dispute over placement plans for the child. ICPC does not apply to most divorce custody cases. If there is a third party involved, other than the parents, ICPC may apply. The Interstate Specialist will assist with clarification on these cases.

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MEDICAID COVERAGE

1010.11

Requirement

When a child who is receiving IV-E per diem is placed into Georgia from another state, the child may be determined eligible for Georgia Medicaid.

1010.11 PRACTICE ISSUES

When a child is IV-E eligible:

- The effective date for the child's medical assistance in Georgia is the first day of the month in which the child became a resident of the state.
- Verification of IV-E eligibility in the sending state is usually contained in the ICPC material; if it is not, this information must be documented in writing by the sending agency before eligibility for Medicaid can be determined.
- The case manager should provide caregiver information and any changes to the Medicaid worker responsible for certifying the child for Medicaid. This information should be given at the initial appointment and every six months during re-certification. **NOTE-** The sending agency is responsible for the re-determination of IV-E eligibility.
- When a Georgia child, who is receiving IV-E per diem, is placed in another state through ICPC, the child's Medicaid may be provided by the new state of residency.
- The case manager is responsible for including verification of the child's IV-E status, when making a referral to ICPC. Georgia is responsible for determining the child's eligibility for IV-E Medicaid initially, and at the six-month re-certifications.

When a child is IV-B eligible:

- The child may remain eligible for and use his/her Medicaid in the new state of residence, with an enrolled out of state provider.
- The case manager must notify the family Medicaid worker of the need to maintain an open Medicaid record during the child's residence out of state.
- The resource should be instructed to choose a provider in the receiving state who is willing to file a claim with Georgia Medicaid.
- The out of state provider must contact the Georgia Medicaid Claims Office at 1-800-766-4456, to receive information about enrollment and/or the filing of a claim. The necessary forms will be sent to the provider to complete. Once the claim is approved for payment, a provider number will be assigned which will facilitate the processing of future claims for that specific child.

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OUT OF STATE FOSTER HOME

1010.12

Requirement

Under special circumstances, an out of state foster home may be sought for placement of a child in foster care. Foster homes may also be sought for relatives or non-relatives of children in need of placement.

1010.12 PRACTICE ISSUES

Follow the steps outlined below:

1. The cover letter should request the receiving state to study the home as a foster home.
2. It should provide the amount of per diem Georgia will pay, and ask the receiving state to accept this per diem rate for the family if the home is approved.
3. An out of state non-relative may be considered for placement through the compact, if there is reason to believe that this placement is in the best interest of the child.
4. The child's IV-E status should be documented when making this referral.

NOTE: If parental rights have been terminated by a Georgia court and placement is sought with a birth family member, a foster home study will be requested rather than a relative home study.

OUT OF STATE IFC FACILITY

1010.13

Requirement

In rare instances, a child may need an out of state group home placement. When such circumstances exist, a child may be placed in an approved out of state group home, childcare institution or basic IFC facility. Prior approval from the county director and a waiver from the Manager of Field Operations are needed before initiating ICPC procedures.

After the waiver is received, the same referral procedures referenced in Section 1010.4 should be followed. Any additional information required by the placement facility should also be included.

REGULATION 1 – CHILD RELOCATED WITH FAMILY UNIT

1010.14

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Requirement

A placement initially intrastate in character becomes an interstate placement subject to ICPC if the child's principal place of abode is moved to another state.

If the child is to be sent or brought to the receiving state more than forty-five (45) days in the future the normal procedures of ICPC for an interstate placement shall be initiated. However, the ICPC 100A (Form 97) and the supporting information shall make it specific and clear that the relocation of a family unit is involved and that the family home has not yet been established. As much information as reasonably possible shall be given to the receiving state concerning the location and character of the interested family in the receiving state.

When the decision to relocate into another state is made less than forty-five (45) days before the date in which it is intended to send or bring a child to the receiving state, an ICPC 100A (form 97) and supporting information, shall be prepared immediately upon notification by the family.

1010.14 PRACTICE ISSUES

For prompt handling of a Regulation 1 case, the following information must be included:

- ICPC 100A (Form 97) – completed in full
- Court order – Authority to Place
- Case history
- Certification or approval/ copy most recent approval
- Copy of the most recent home study and any updates
- Copy of child's permanency plan
- Child's IV-E determination
- Documentation to confirm foster parent has satisfactorily completed required training or preparation classes.

REGULATION 6 – PERMISSION TO PLACE IS VALID FOR SIX MONTHS

1010.15

Requirement

Permission to place a child pursuant to ICPC approval is valid for six months from the date the receiving state Compact Administration signs the ICPC 100A (Form 97). If the placement is made within the six months, placement may continue until one of the following events occurs; child is adopted, reaches majority, or is discharged with the concurrence of the appropriate authority in the receiving state. However, if a placement does not occur within six months, the county department must request a re-evaluation of the home before a placement may occur.

NOTE: Permission to place is not a transfer of custody or dismissal of jurisdiction.

REGULATION 7 – PRIORITY PLACEMENT

1010.16

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Requirement

A priority placement is defined as one in which a court order contains an express finding that at least one of the following circumstances applies:

1. The proposed placement resource is a parent, stepparent, grandparent, adult brother or sister; and.....
 - a. the child is under two; or
 - b. the child is in an emergency shelter; or
 - c. the court finds that the child has spent a substantial amount of time in the home of the proposed placement resource.

2. The receiving state's ICPC office has had a properly completed ICPC 100A (Form 97) and supporting documentation for over thirty (30) business days, but the sending agency has yet to receive notice as to whether the child may or may not be placed.

1010.16 PRACTICE ISSUES

1. Whenever a court determines that a proposed priority placement of a child across state lines is necessary, the court shall sign an order to that effect and forward it to the sending agency (local county department) within two (2) business days. The order shall include name, address, phone number, and fax number of the judge and court. The local county department shall transmit the court order, completed ICPC 100A (form 97), ICPC 101, and supporting documentation, within three (3) business days, to the Georgia ICPC office. Within two (2) business days after receipt of the priority placement request, the Georgia Interstate Specialist will transmit the request and supporting documentation to the receiving state's ICPC office, with a notice of priority request attached.

2. The receiving state's local county department shall receive and complete the priority relative study within twenty (20) business days from the date received (ICPC 102-Receiving State Priority Home Study).

3. If the receiving state is unable to fulfill its obligation under ICPC to comply with the time requirements of this regulation, there must be a written reply explaining the inability of the state to comply and providing a completion date. This notice shall contain a full identification and explanation of the extraordinary circumstances which has delayed compliance.

REGULATION 9 – INTERSTATE VISITS

1010.17

Requirement

A visit is not considered a placement. Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child. **An interstate visit shall have an express termination date, not to exceed thirty (30) days and is not subject to ICPC.**

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The purpose of a visit is to provide the child with a social or cultural experience for a short duration; such as, an overnight camp, visiting with a friend or relative who has not assumed legal responsibility for said child.

A stay or proposed stay of longer than thirty (30) days is a placement; unless that stay begins and ends within the period of a child's vacation from school as ascertained from the school's calendar. A visit may not be extended or renewed in a manner that causes or will cause it to exceed thirty (30) days, or school vacation period whichever the case may be. If, from the onset, a stay does not have an express termination date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.

A request for a home study or supervision made by a person or agency that sends or proposes to send a child on a visit will conclusively establish that the intent of the stay or proposed stay is not a visit

1010.17 PRACTICE ISSUES

The county department may be very familiar with the visiting resource and may feel that the child could visit for thirty (30) days or less, with the approval of the county director. It is recommended that the county department call the agency in the receiving state to inform the agency of the child's visit. It should be clearly stated that no placement is being made. The county department should provide a contact person and telephone number in the event that the child comes to the attention of the out-of-state agency.