

Interstate Compact on the Placement of Children (ICPC)

A Court Reference Guide for Tennessee Child and Parent Attorneys, Multidisciplinary Professionals and Court Staff

The Interstate Compact on the Placement of Children (ICPC) is a uniformly applied law enacted by all fifty (50) states, the District of Columbia, and the U.S. Virgin Islands.

THE PURPOSE

The *Interstate Compact on the Placement of Children (ICPC)* ensures protection and services to children who are placed across state lines for foster care, preliminary to an adoption, or for temporary services in a Residential Treatment Facility (RTF) or Institution.

THE LAW & POLICY

The ICPC establishes orderly procedures and responsibilities for the interstate placement of children. (T.C.A. §§ 37-4-201 through 37-4-207).

DCS *Administrative Policy 1.30* describes the responsibilities of the family service worker to administer the ICPC among and between party states, agencies, and community partners to ensure protection and services for children who are placed across state lines for the purpose of foster care, preliminary adoption placement or temporary placement into licensed out-of-state residential treatment facilities or institutions.

ICPC Provides:

- Sending agency an opportunity to obtain home studies and an evaluation of the proposed placement. (see Art. II(d) for definition of "sending agency")
- Receiving state an opportunity to ensure the placement is not "contrary to the interests" of the child. (see Art. II(c) for definition of "receiving state")
- Applicable laws and policies of the receiving state have been followed.
- Sending agency's state court does not lose jurisdiction over the child once the child moves to the receiving state.
- Sending agency will be able to obtain supervision and regular reports on the child's placement from the receiving state.

Placements Covered by ICPC:

- Placements preliminary to an adoption;
- Placements into licensed or approved foster homes (relative or non-relative);
- Placements with parents and qualified relatives, unless parent or qualifying relative directly places with another parent or qualifying relative and there is no DCS or court involvement; and
- Placements of adjudicated delinquents in group homes and residential facilities.

Placements Exempt from ICPC:

- Placement of child with parent from whom child was not removed if: 1) parent is not unfit; 2) court doesn't seek evidence of parent's fitness; and 3) court relinquishes jurisdiction over child immediately upon placement. (Reg. No. 2). Receiving state has no responsibility for supervision or monitoring. Sending court may request a courtesy check at discretion of receiving state and may opt to comply with full ICPC home study. (Reg. No. 3(3)(b)).
- Placement pursuant to divorce, paternity, custody or probate court action when child is placed with parents, relatives or non-relative persons (not D&N).
- Placement pursuant to another Compact (e.g. ICJ). (Art. VIII(b)).
- Placements made into primarily educational facilities, hospital, or other medical facilities. (Art. II(d)).

ICPC REGULATIONS:

Reg. 1: Relocation of Intact Family Units

Reg. 2: Placement for Adoptions or Foster Care in Family Settings and/or with Parents, Relatives

Reg. 3: Definitions and Placement Categories

Reg. 4: Residential Placement

Reg. 5: Central State Compact Office

Reg. 6: Permission to Place Child: Time Limitations, Reapplication

Reg. 7: Expedited Placement Decision

Reg. 8: Change of Placement Purpose

Reg. 9: Definition of a Visit

Reg. 10: Guardians

Reg. 11: Responsibilities of States to Supervise Children

Reg. 12: Private/Independent Adoptions

ICPC PLACEMENT REQUESTS:

Intact Family Placement (Regulation 1):

Child has been placed through an approved home study and the family wishes to move to another state. The family can move prior to the approval of the other state, but the receiving state must ultimately approve the family remaining.

Residential Treatment Facility (Regulation 4):

Placement in a facility providing 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition (does not include educational, hospitals, or other medical facilities - Reg. No. 3 Sec. 3 (60)).

- Sending person, court or agency maintains jurisdiction and responsibility for monitoring treatment (in consultation with facility). Receiving state only monitors for licensing and reports of harm at the facility.

Regular ICPC (Regulation 2):

Child to be placed in another state with a parent, relative, non-relative, foster care, or for adoption.

- Addresses when ICPC applies, referral documentation, timeframes, denial, disruption, return of child, etc.

Expedited ICPC (Regulation 7):

Child available for placement with specific relatives when court order finds:

- At least one child of placement sibling group is four years old or younger;
- At least one child of placement sibling group has a substantial relationship with the prospective placement;
- Unexpected dependency due to sudden or recent incarceration, incapacitation or death of parent or guardian; or
- Child is currently in emergency placement.

** An order indicating ICPC compliance is required for an expedited request.

Prior to making a formal ICPC request (both regular and expedited), the court must make a finding that the proposed caretaker is interested in providing for the child, as well as provide the information set out in T.C.A. § 37-4-201. (Art. III(b)).

ICPC TIMELINES AND PROCEDURES

Timelines for Completion of Home Study and Issuance of Placement Decision

ICPC Reg	Description	Timeline
Reg #1	Intact Family Move	60-180 calendar days
Reg #2	Expedited Custodial Assessment Parent/Reunification Study	60-180 calendar days
Reg #2	Relative/Kin Study	60-180 calendar days
Reg #2	Foster Resource (Licensed or Approved)	60-180 calendar days
Reg #2	Adoptive Resource (Licensed or Approved)	60-180 calendar days
Reg #2	Status Change	60-180 calendar days
Reg #7	Priority Study (Parent)	20 working days or less
Reg #7	Priority Study (Relative)	20 working days or less
Reg #7	Provisional Decision (with agreement)	7 days or less

ICPC APPROVAL/DENIAL:

When receiving state has approved placement:

- Sending court has final authority to determine placement.
- Approval expires in 6 months from issuance.
- Receiving state may revoke approval.

When receiving state has denied placement:

- Sending court may request reconsideration within 90 days if reason for denial has been remedied.
- Reconsideration decision must be issued by receiving state within 60 days.
- Upon placement, sending agency must retain jurisdiction and open case until child is adopted, reaches majority, becomes self-supporting, or is discharged from supervision with agreement of the appropriate authority in the receiving state.

ATTORNEY TIP:

An attorney representing a child or parent in a case in which the ICPC is implicated should be familiar with the ICPC process and the individuals charged with ensuring ICPC compliance, such as the ICPC administrator, deputy administrators, and child welfare workers and their legal representatives (through whom legal communication should flow).

The *TN ICPC State Office* administers and manages the day-to-day operations for ICPC cases, provides case and program technical assistance, and addresses questions regarding ICPC related issues. This office processes all ICPC requests for the sending and receiving of children across state lines.

ICPC SAFEGUARDS:

- Sending agency/person receives home studies and evaluations of proposed placements to ascertain stability, appropriateness, and qualifications of proposed placement.
- Prospective receiving state ensures that proposed placement is not “*contrary to the interests of the child*” when approving placement.
- Responsibility for the child’s legal protection and financial support remains with the sending agency/person during the period of placement.
- Sending state retains jurisdiction over the child during the period of placement and continues to determine all matters of custody, supervision, care, and disposition.
- Sending agency/person may obtain services, supervision, and regular reports on the child’s adjustment and progress in the placement until the child is adopted, reaches majority, becomes self-supporting, or is discharged from supervision with concurrence of the appropriate authority in the receiving state.

The *TN ICPC State Office* contact information is:

Email Address: TNICPC.Ei-DCS@tn.gov

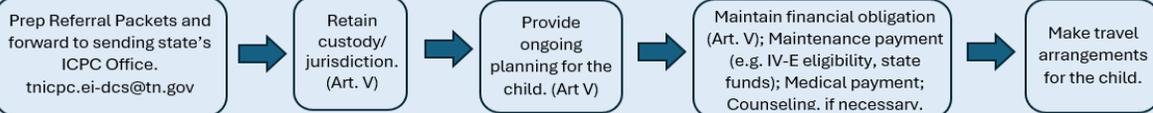
Phone: (615) 532-5593

- ❖ For direct contact numbers and case and state assignment areas for each Program Coordinator and Program Specialist:
<https://www.tn.gov/dcs/program-areas/interstate-compact/icp/contact.html>

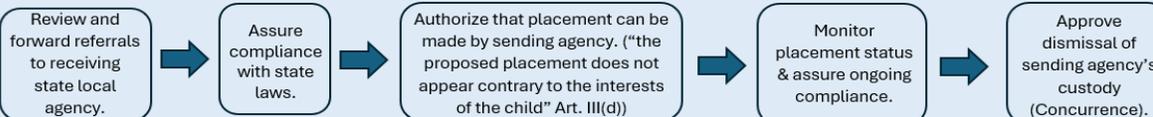
REFERRAL RECEIPT AND PROCESSING:

- TN ICPC Program Administrator (PA) reviews each referral packet for required documents and information within 2-3 business days of receipt unless otherwise specified.
- If referral is incomplete and/or additional information is needed, PA notifies the sending agent in writing. The additional information, or a written notice of reasons the information is unavailable and the anticipated date it will be available, must be scanned/e-mailed or mailed to the PA within 10 business days. If response is not provided within 10 business days, the referral may be closed to further action, and the packet may be returned or destroyed.
- TN ICPC State Office processes a complete ICPC referral packet to the receiving state’s ICPC Office within 5 business days of receipt.

Responsibilities of the Local Sending Agency



Responsibilities of the Receiving State



* Adapted from DCS Presentation, "Interstate Compact for Juveniles (ICJ) and Interstate Compact on the Placement of Children (ICPC)" presented to the Tennessee Council of Juvenile and Family Court Judges, February 2022.