

STANDARD OPERATING PROCEDURE

**Office of Programs and Resource Development
Children and Adult Services
Interstate Compact for the Placement of Children (ICPC)**

**ICPC Process for DHHR Staff
Effective Date: July 1, 2006
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1.0 Purpose

To provide an overview of the administration of the Interstate Compact on the Placement of Children (ICPC) and the Compact's role in the promotion of safety, permanency, and well-being through the legal placement of children across state lines.

2.0 Scope

This procedure provides guidance to the staff of the Bureau for Children and Families as well as other individuals or agencies (public or private) directly or indirectly involved/interested in the interstate placement of children, who may or may not be cognizant of the laws, regulations and policies pertaining to the interstate placement of children. This document is intended as supplemental information and does not replace any existing policy, statutory requirements or regulations relating to foster care, adoption, child protective services or ICPC.

3.0 Introduction and History

3.1 How the Compact Came About

The need for a compact to regulate the interstate movement of children was recognized in the 1950s. At that time, a group of east coast social service administrators joined informally to study the problems of children moved out of state for foster care or adoption. They recognized that a state's jurisdiction ends at its borders and that a state can only compel an out-of-state agency or individual to discharge its obligations toward a child through a compact. In response to these and other problems, the Interstate Compact on the Placement of Children was drafted, and in 1960 New York was the first state to enact it. West Virginia (WV) enacted the ICPC law in 1975 ([WV 49-7-101](#)).

3.2 What the Compact Does

The Compact is a uniform law that has been enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child.

The Compact law contains 10 articles. They define the types of placements and placers subject to the law; the procedures to be followed in making an interstate placement; and the specific protections, services, and requirements brought by enactment of the law.

In addition to the ICPC code, there are 12 Regulations (I-XII) adopted pursuant to Article VII of the ICPC code by action of the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) at its annual meetings.

4.0 Definitions

4.1 Compact Administrator/ Deputy Compact Administrator: Each state appoints a Compact Administrator and one or more Deputy Administrators who oversee or perform the day-to-day tasks associated with the administration of the Compact. In every state, the Compact office and personnel are located in an office that is part of the department of public welfare or the state's equivalent agency. In WV, the Compact Administrator is the Commissioner of the Bureau for Children and Families. The Deputy Compact Administrator is the Program Manager assigned to the Regulatory Management unit within the Division of Children and Adult Services.

Note: Throughout this document, the term *Compact Administrator* is used to designate both the person appointed pursuant to Article VII and those persons (*Deputy Compact Administrators*) to whom the responsibility for day-to-day operation of the Compact has been administratively designated.

4.2 Compact Administration: The Compact Administrator is designated to serve as the central clearing point for all referrals for interstate placements. The Compact Administrator maintains case files for all children placed into and out of the state.

After the placement is approved and the child is moved into the state, the Compact Administrator acts as a liaison between the placing worker and receiving state until the placement is terminated or adoption/guardianship is consummated.

4.3 Interstate Placement: The sending, bringing or causing of a child to be sent or brought into another state; the placement of a child in another state with an approved placement resource.

4.4 Sending State: The state requesting an out of state placement of a child or the state from which the child is placed.

4.5 Sending Agency: The parent, guardian, court or agency located in the sending state which sends, causes, brings, arranges for, or proposes placement of a child into another state. Note the term "sending agency" as used on the form ICPC-[100A](#) indicates the agency or individual financially responsible and responsible for planning for the child being placed.

4.6 Receiving State: The state into which a child is placed or is to be placed.

4.7 Receiving Agency: The agency, individual, or entity located in the receiving state which provides services (home study and supervision) on behalf of the sending agency for the child to be placed from the sending state. The receiving agency could be the public child welfare agency or a private agency with which the sending agency has a contract.

4.8 Placement Resource: The individual family or facility with which the child is to be placed.

(NOTE: Please see [Regulation 3](#) for additional definitions)

5.0 Articles and Regulations of the Compact

When a state enacts the Compact, it becomes law, just as any other legislation passed by a 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 party states, as well as a statute in each of the states, it must be interpreted and implemented uniformly by all states.

Below you will find a link to the full text of the Articles and Regulations of the Compact. For a quick reference, you will also find a short description of the Regulations.

<http://www.aphsa.org/content/AAICPC/en/resources.html>

- **Regulation 0.01- FORMS**
- **Regulation 1-Conversion of Intrastate Placement into Interstate Placement; Relocation of Family Units**
- **Regulation 2- Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives**
- **Regulation 3- Definitions and Placement Categories: Applicability and Exemptions**
- **Regulation 4-Residential Placement**
- **Regulation 5- Central State Compact Office**
- **Regulation 6- Permission to Place Child: Time Limitations, Reapplication**
- **Regulation 7- Expedited Placement Decisions**
- **Regulation 8- *Change of Placement Purpose***
- **Regulation 9- Definition of a Visit**
- **Regulation 10- Guardians**
- **Regulation 11- Responsibility of States to Supervise Children**
- **Regulation 12- Private/Independent Adoptions**

6.0 Placement Types and Procedures for Compact Placement

6.1 Types of Placement Covered:

6.1. a Relative Placement- Placement of a child(ren) with 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. A relative home study may not include the licensure of the relative.

6.1. b Parent Placement- Placement of a child(ren) with 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.

6.1.c Foster Placement- If 24-hour-a-day care is provided by the child's parent(s) because 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.

6.1. d Adoption Placement- Placement of a child(ren) with the intent of establishing 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.

6.1. e Residential Placements-Placement in 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).

6.2 Placement Exemptions: (Legal Placements Made Without ICPC Protection) The following information is found under [Regulation 3](#).

6.2. a Placement with parent from whom 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.

6.2. 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.

6.2.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.

6.2. 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.

6.3 Penalties for Illegal Placements

Interstate placements made in violation of the law constitute a violation of the “laws respecting the placement of children of both the state in which the sending agency is located or, from which it sends or brings the child and of the receiving state” ([Article IV](#)). Violators are subject to punishment or penalties in both jurisdictions in accordance with their laws. Imposition of penalties has been rare, but since 1980 there have been cases in which a child placed illegally was ordered returned to the sending state.

6.4 Processing Interstate Placements

6.4. a WV as a Sending State- “Path of a Home Study Request, Placement Approval or Placement Supervision Packet”

- 1) The worker of the child(ren) will gather the required document to prepare the ICPC request. The [ICPC checklist](#) can be used to make a complete packet for potential placement resource

homes. For residential placements, the documentation for the packet may vary depending on the receiving state, so contact the WV ICPC Office for “specific receiving state” requirements.

- 2) The request should be forwarded to the WV ICPC Office for review. The packet needs to have information on each child in the request, in triplicate form. If the WV ICPC Office deems the request to be incomplete the case worker will be notified by email.
- 3) Once all required documents are received, the WV ICPC Office will forward the packet to the receiving state’s ICPC Office. If the request is for a placement resource home, the WV ICPC Office will open a “request to provide services” referral on the potential placement resource home in FACTS. The referral will be maintained in the WV ICPC Office until an approval is provided by the receiving state.
- 4) The receiving state will complete the home study in the timeframe outlined in the regulation that the request falls under. If this is a [Regulation 4](#) request (Residential), placement approval will be given to the WV ICPC Office, upon review by the receiving state.
- 5) When the completed home study with the placement decision ([100A](#)) is returned, by the receiving state, to the WV ICPC Office, it will be forwarded to the worker that made the request. The “request to provide services” referral will be transferred to the designated Home Finding Supervisor’s regional inbox in FACTS. A copy of the transmittal will be placed in the file cabinet, in FACTS, for the referral.
- 6) The designated Home Finding Supervisor will be notified of the transferred referral via email by the WV ICPC Office.
- 7) The designated Home Finding Supervisor will complete the “request to provide services” referral and open an ICPC provider record, in FACTS, if placement will be made. If placement will not be made, the Home Finding Supervisor will close out the “request to provide services” referral in FACTS.
- 8) If placement is recommended, the placement must occur within 6 months. If the placement is denied, placement MAY NOT occur and the WV ICPC case will be closed.
- 9) If placement will be made in the placement resource home, the worker will follow the instructions for entering a placement in FACTS. The worker will also need to submit a 100B to the WV ICPC office. Please see section 7.1 for more directions.

6.4.b WV as a Receiving State- “Path of a Home Study Request, Placement Approval or Placement Supervision Packet”

- 1) When the WV ICPC Office receives a request for a home study, from another state, the WV ICPC Office will open a “request to provide services” referral on the potential placement resource home in FACTS.
- 2) The WV ICPC Office will then transfer the “request to provide services” referral to the designated Home Finding Supervisor’s regional inbox in FACTS. A copy of the transmittal will be placed in the file cabinet of the “request to provide services” referral in FACTS. Documentation from the sending state on the potential placement resource home will be forwarded to the designated Home Finding Supervisor via mail.
- 3) The Home Finding Supervisor will be notified of the transferred referral via email by the WV ICPC Office.
- 4) Within 2 business days, the Home Finding Supervisor will assign the home study to a Home Finder for completion. If the request is on a biological parent home study, the Home Finding Supervisor will reference the [SOP on Parent Evaluations](#) to determine if the home study needs to be completed by the Child Protective Services Unit and forward the request to them if necessary.
- 5) Once the home study has been assigned, the Home Finding Supervisor will complete the [Case Worker Assignment form](#) and send it to the WV ICPC Office within 5 business days.
- 6) ICPC Home Studies are required to be completed within 30-60 days unless the request falls under [Regulation 7](#), which is an expedited placement decision request and must be completed within 20 calendar days of receipt of the request.
- 7) If the home study isn’t completed within the timeframes above, the [Safe and Timely Progress form](#) needs to be completed by the Home Finder and forwarded to WV ICPC Office as indicated on the form.
- 8) Once the home study is completed and a placement decision is made, the signed home study report, certificate of approval (if applicable), and a [Safe and Timely Progress form](#) should be mailed to the WV ICPC Office.
- 9) If the home study is approved, the sending state has 6 months to make placement.
- 10) When a placement is made in the home, the WV ICPC Office will be informed of the placement by the sending state via a [100B](#).
- 11) The WV ICPC Office will open a “request to receive services” referral in FACTS for the youth and transfer the referral to the designated Home Finding Supervisor’s regional Inbox in FACTS.
- 12) The transmittal will be placed in the file cabinet of the “request to receive services” referral. Any documentation submitted by

the sending state will be sent to the Home Finding Supervisor via mail.

- 13) The Home Finding Supervisor will complete the “request to receive service” referral, and open an ICPC youth’s case.
- 14) The Home Finding Supervisor will send the ICPC case, within 2 business days, to the designated CPS or YS Supervisor for assignment to a worker who will be providing the supervision of the youth.
- 15) If the sending state does not utilize the approved placement resource within 6 months, a [100B](#) will be forwarded by the sending state to the WV ICPC Office who will close of the ICPC case.
- 16) The WV ICPC Office will send the [100B](#) to the Home Finding Supervisor, so the placement resource provider case can be closed.
- 17) If the placement is denied, the ICPC case will be closed.

7.0 Worker/Supervisor Responsibilities

The following is a guide of worker responsibilities in an ICPC case. This guide is to be used in conjunction with [state policy](#). For proper case documentation in FACTS, please refer to the FACTS help desk guide. If clarification is needed, please consult your supervisor.

7.1 When WV is the Sending State

7.1. a Child Protective Services/ Adoption/ Youth Services Worker responsibilities:

- 1) After reviewing section **6.0, Placement Types and Procedures for Compact Placement**, of this SOP, the worker will gather the information for the packet by using the [ICPC checklist](#) or contact the WV ICPC Office for guidance on a residential placement packet.
- 2) The worker will inform the WV ICPC Office of changes in the child(ren)s case if applicable. (E.I. forwarding updated case plans, most recent court orders, sending [100B](#) if home study is no longer needed)
- 3) If placement is approved in a placement resource home, the worker will receive the home study with the placement approval from the WV ICPC Office. If the worker decides to use the placement they will need to send a [100B](#) to the WV ICPC Office immediately after the child is placed. For a residential placement, the worker must send a [100B](#) to the WV ICPC Office.

- 4) At the time of placement, the child's worker will need to provide the placement resource with documentation showing that the children are under the legal custody of the WV DHHR and that the placement resource has physical custody. The worker will also have the placement resource home complete a [W-9](#) form.
- 5) A provider record will be set up in FACTS by the Home Finding Supervisor, from the "request to provide services" referral. The case worker of the child(ren) will provide the assigned Home Finder with the approved home study that was sent by WV ICPC Office. Additional documents may be required by the Home Finder.
- 6) If the case is transferred to a different worker than the one that submitted the original request, the [Case Worker Assignment form](#) will be completed by the supervisor and sent to the WV ICPC Office.
- 7) If the case is dismissed (legal guardianship, adoption, reunification, etc.) a [100B](#) will need to be completed by the case worker and sent to the WV ICPC Office along with legal documents if applicable. The [100B](#) would also be completed if the placement is not made.
- 8) If the request is under [Regulation 4](#), follow sections above excluding 7.1.a-5. The facility will already be set up in FACTS as an approved provider.
- 9) If the request is under [Regulation 7](#), please review the context under this regulation to ensure the case meets the criteria and deadlines for submission. (Please note that [Regulation 7](#) is not used for adoption or foster care home studies)

7.1. b Home Finding Worker Responsibilities:

- 1) The Home Finder will maintain the ICPC Provider Record that was opened by the Home Finding Supervisor from the "request to provide services" referral.
- 2) To complete the ICPC Provider Record the Home Finder will assure that the following documentation is in the FACTS record: [100A](#) with placement decision, the comprehensive home study, the certificate of approval (if applicable), and the [W-9](#).
- 3) For out of state ICPC Provider Records, the Home Finder will ensure that the family maintains compliance with certification, by notifying the WV ICPC Office when the foster/adoption certification is going to expire. The WV ICPC Office should be notified at least 60 days prior to the expiration date, so notification can be submitted to the receiving state.

7.2 When WV is the Receiving State

7.2. a Home Finding Unit Responsibilities:

- 1) Once a home study request is received by the WV ICPC Office from the sending state, the request is forwarded to the designated Home Finding Supervisor for assignment.
- 2) ICPC home studies must be completed within a 60-day time frame from the date the study request is received by the WV ICPC Office.
- 3) Assignment must be made within 2 business days of receiving the request.
- 4) The Home Finding Supervisor will need to complete the [Case Worker Assignment form](#) and submit to WV ICPC Office, within 5 business days of receiving the request.
- 5) If the request is on a biological parent, the Home Finding Supervisor would determine if the case needs to be assigned to Child Protective Services for completion as outlined in the [SOP on Parent Evaluations](#).
- 6) If the home study request needs to be completed by the Child Protective Services Unit, the Home Finding Supervisor will complete a [Request for Parent Evaluation](#) form and include this when forwarding the packet to the designated CPS Unit. A copy of the [Request for Parent Evaluation](#) form will be sent to the WV ICPC Office.
- 7) The home study needs to be completed within the ICPC [Regulations 2 or 7](#) timelines.
- 8) A [Safe and Timely Progress form](#) will be completed and sent to the WV ICPC Office at 30 day intervals from the date the home study request is received.
- 9) If a home study is being delayed, the main reason for the delay must be identified on the Safe and Timely Progress Form.
- 10) If the home study is approved, the Home Finder will submit the signed home study, certificate of approval (if applicable), and [Safe and Timely Form](#) (when the study was not completed in 60 days) to the WV ICPC Office.
- 11) If the placement resource is denied, the reason for denial along with the [Safe and Timely form](#) will be submitted to the WV ICPC Office and the case will be closed.
- 12) If a home study is approved and the home remains open, annual reviews of the home must be completed and documentation of the review must be submitted to the WV ICPC Office, prior to the home's certification expiration date, until notification is sent from the WV ICPC Office that the case is closed.
- 13) The Sending state will have 6 months from the time of the home study approval to make the placement. If the sending state is making placement, the WV ICPC Office is notified by a [100B](#) with a date that the child(ren) are placed. The [100B](#) will be forwarded to the designated Home Finding Supervisor.

- 14) Once the Home Finding Supervisor receives the [100B](#), indicating a placement has been made, a “request to receive services” referral will be opened by the WV ICPC Office and transferred to the Home Finding Supervisor’s regional Inbox in FACTS. The Home Finding Supervisor will complete the referral and open an ICPC case for the youth in FACTS and assign it to the designated district supervisor, to begin supervision of the placement. The FACTS Help Desk Guide will provide information on how to set up a “request to receive services” case. The case type will be an ICPC Case.
- 15) If this is a residential placement, refer to [Regulation 4](#) for guidance.

7.2. b Child Protective Services/Adoption/ Youth Services Worker responsibilities:

- 1) The district supervisor that assigns the “request to receive services” case to a worker will complete the [Case Worker Assignment form](#) and send the form to the WV ICPC Office.
- 2) Once a worker is assigned to the “request to receive services” ICPC case for supervision, the worker will complete a face to face visit with the child(ren) in placement within 30 days of assignment.
- 3) Monthly supervision must continue on the ICPC case until the case is closed by the sending state and notification of the closure is received from the WV ICPC Office.
- 4) Quarterly [ICPC Supervision Reports](#) are to be submitted to the WV ICPC Office. These reports must include the dates of the visits and location and any issues that were indicated.
- 5) For further information on supervision responsibilities please reference [Regulation 11](#).

8.0 Forms and Checklist

- 8.1 [Interstate Compact on the Placement of Children Checklist for Placement Requests](#)
- 8.2 [100A & Instructions for Completing Form 100A – ICPC Request](#)
- 8.3 [100B & Instructions for Completing Form 100B – ICPC Placement Status](#)
- 8.3 [Medical/Financial Plan](#)
- 8.5 [Case Manager Statement Regulation 2](#)
- 8.6 [Case Manager Statement Regulation 7](#)
- 8.7 [ICPC Form 101-Regulation 7](#)
- 8.8 [Regulation 7 Court order format example](#)
- 8.9 [Supervision Report Form example](#)
- 8.10 [Sample Child Summary example](#)

- 8.11 [Social Assessment form](#)
- 8.12 [Case Worker Assignment Form](#)
- 8.13 [Request for Parent Evaluation](#)
- 8.14 [Safe and Timely Progress Form](#)

9.0 Related Compacts

The following compacts also regulate certain types of interstate placements of children.

- 9.1 The [Interstate Compact on Adoption and Medical Assistance \(ICAMA\)](#) ensures that adoptive parents of children with special needs receive the services and benefits provided for in their adoption assistance agreement, particularly medical assistance in interstate cases. It facilitates the delivery of benefits and services when families move during the continuance of the adoption assistance agreement or in cases when the child is initially placed for adoption across state lines. The Compact was developed in response to the mandate of the Adoption Assistance and Child Welfare Act of 1980 that directs states to protect the interstate interests of adopted children with special needs. The Interstate Compact on Adoption and Medical Assistance has been enacted by most states.
- 9.2 The [Interstate Compact on Juveniles \(ICJ\)](#) permits interstate supervision of adjudicated delinquents on probation or parole and provides for the placement of certain juvenile delinquents in out-of-state public institutions. This Compact also authorizes the return of juvenile escapees and absconders to their home states, and is used to arrange the return of non-delinquent runaways to their homes. All 50 states and other jurisdictions, except for Puerto Rico and the Virgin Islands, have enacted this Compact.
- 9.3 The [Interstate Compact on Mental Health](#) permits the transfer of mentally ill and mentally retarded children and adults from a public institution in one state to a public institution in another state. It may also be used to secure publicly provided aftercare services in another state. A patient transferred through this Compact becomes the responsibility of the receiving state. The Interstate Compact on Mental Health has been enacted by most states and jurisdictions.