INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN

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Kansas
Department for Children and Families

WHAT IS THE ICPC?

Kansas Department for Children and Families

The Interstate Compact on the Placement of Children (ICPC) is a legislative agreement between all 50 states, the District of Columbia and the US Virgin Islands.

The agreement governs the placement of children across state lines through foster care or adoption (public or private).

The Compact language is adopted uniformly in every state.

Each jurisdiction has a compact administrator who interacts with other state compact administrators and communicates details about ICPC applications.

Participating in the Compact increases predictability and safety for child welfare agencies, social workers, foster care and adoption professionals, children, and prospective placements when a child is placed outside of their home state or territory.

WHAT IS THE ICPC?

INCREASES SAFE AND SUITABLE PLACEMENTS AND SUPERVISION

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The compact is premised on the belief that children requiring out-of-state placement **should receive the same protections and services** that would be provided if they remained in their home states.

Compact Main Purposes:

- Maximizes opportunities for safe, suitable and capable placements
- Maximizes information for the receiving state and prospective placement
- Maximizes information return for the sending state
- Resolves jurisdictional conflicts
- Establishes payment responsibility

HISTORY OF ICPC

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- **1950s** – A group of social service administrators identified issues in child welfare relations between states including:
  - No statutes for protection of children who moved across state lines existed
  - Sending state had no ability to ensure proper care and supervision of a child in the receiving state
  - Sending states lacked a means to compel receiving states to provide services to support the placement

- **1960** – Twelve state Conference approved what would become the Interstate Compact for the Placement of Children, first adopted in NY in 1960.

- **1974 –** Association of Administrators of the Interstate Compact on Placement of Children (AAICPC) formed to coordinate activities under the Compact and carry out the provisions of the contract

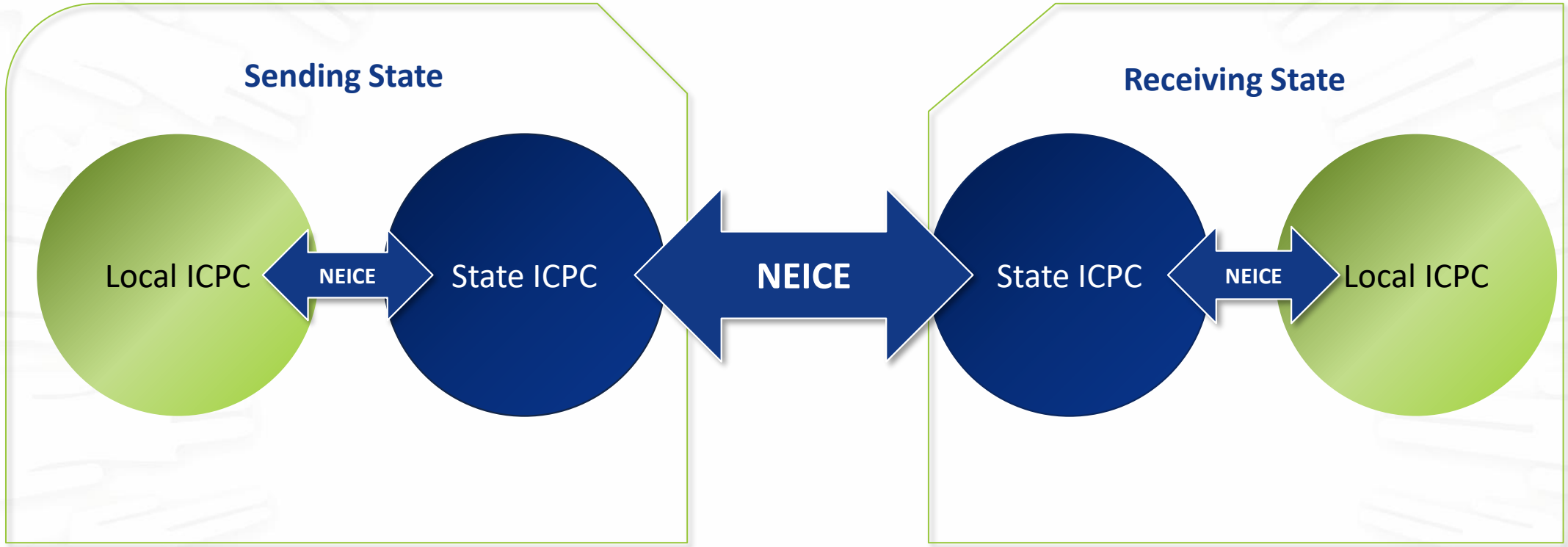
- **1976 –** Kansas adopts ICPC at KSA 38-1201 to KSA 38-1206. All sections have remained as adopted since that time except KSA 38-1206, which was amended in 1990 as part of Kansas Adoption and Relinquishment Act (KARA)

- **1990 –** All 50 states, the District of Columbia, and US Virgin Islands adopted the Compact

ICPC TERMINOLOGY

- **Placement:** the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.
- **Receiving State:** means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
    - **Incoming:** Used when Kansas is the Receiving State, that is, there is an intention of another state to place a child in Kansas.
- **Sending Agency:** means a party state; officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state, a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- **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.
    - **Outgoing:** used when Kansas is the Sending state, that is, there is an intention to place a Kansas child in another state.
- ICPC processes are often referred to based on the regulation number that establishes the processes. E.G. Reg 7 ICPC

ICPC COMMUNICATION



When an ICPC has been initiated, communication occurs from State ICPC to State ICPC. This includes questions about home study status.

DCF policy allows local staff to directly discuss child-specific details or make direct contact in cases of emergency, but other states' policies may differ.

ICPC Process Generally

- Case Manager creates ICPC Packet including:
  - Child Information
  - Proposed Placement Information
- Packet forwarded to and reviewed by **sending** State ICPC Office
  - Any additional information is requested to comply with sending state laws
- Packet transmitted via NIECE to **receiving** State
  - Any additional information is requested to comply with receiving state laws
- Local Social Service Agency in the **receiving** state completes homestudy and background checks to makes a recommendation about the suitability of the placement
- **Receiving** State ICPC office approves or denies placement
- Homestudy and approval or denial is forwarded to **sending** state via NIECE for review by sending state
- If both **sending** and **receiving** state approve, the child can then be placed out of state.
- **Receiving** state monitors and supports placement and provides reports to the **sending** state for at least 6 months or until both states concur that the case can be closed or the placement otherwise disrupts.

SENDING STATE RESPONSIBILITIES

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- Preparation and transmission of ICPC Packet to the receiving state.
  - Respond to questions from the receiving state and potential placement and provide updates through the ICPC process.
- Review and forward status updates from the receiving state to the court.
- Maintain jurisdiction and responsibility for the court proceedings throughout the placement.
- Financially responsible for cost of placement and cost of services in the receiving state. This includes payment of ongoing adoption subsidy, if appropriate.
  - If the child cannot obtain it in the receiving state, the sending state remains responsible for medical coverage.
  - Kansas provides foster care medical coverage for children from other states placed in Kansas.
- If a placement disruption occurs, pick up the child from the receiving state within 5 days.
- Request concurrence for closure of the case when appropriate.

RECEIVING STATE RESPONSIBILITIES

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- Complete home study including:
  - Conduct initial and ongoing contact with the placement to determine ability and readiness to accept a child.
  - Conduct background checks (both name and fingerprint based) and review social services history in the state where the placement resides.
  - Conduct evaluation of the environmental conditions of the home.
  - Support the placement in engaging in licensing processes when required.
- Provide timely notification to the sending state of approval or denial of the placement.
- Supervise the placement and child after arrival and provide periodic reports to the sending state.
  - This includes ongoing contact with the placement and the child.
- Support placement to avoid disruption and provide notice when a disruption occurs.
- Concur with closure of the case when requested and appropriate.

WHEN ICPC APPLIES

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The ICPC governs the following four types of placements:

Adoptions: Placement preliminary to an adoption (independent, private or public adoptions)

Licensed or approved foster homes: (placement with related or unrelated caregivers)

Placements with relatives when done by the court, a social service agency, or other non-parent.

Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.

- The child to be placed must be under the age of 18.
- Generally, **sending** states defer to the rules in the **receiving** state for placement standards and requirements, licensing requirements, and other items. A **sending** state may request licensure that would not otherwise be required as part of the ICPC transmission.

WHEN ICPC DOES NOT APPLY

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The placement of a child by the child's parent, step-parent, grandparent, adult sibling, adult uncle, adult aunt or legal guardian with any such relative or guardian located in another state.

The placement of a child into a medical facility, a psychiatric institution or a boarding school located in another state.

Placement of an adult, even one who remains in the custody of the sending state, in the receiving state

ICPC PARENT PLACEMENTS

- Does Apply:
  - When the **court** or **public child welfare agency** seeks to place a child with a parent located out-of-state if the court or agency:
    - Has evidence that the parent may not be fit to care for the child
    - Is requesting an evaluation of the fitness of the parent to care for the child
    - Court or agency wishes for supervision of the placement in the receiving state

- Does Not Apply:
  - In **Kansas**, In Re SRC-Q, 52 Kan. App. 2d 454, held that ICPC does not apply to placement out of state with a parent, even when there has been a previous denial of placement via ICPC.
    - While an ICPC is not required, if a Court orders that ICPC proceed, then DCF as the Sending State Agency processes the ICPC under the normal practices.

ICPC AND VISITS

ICPC does not apply to visits when ICPC has not been initiated.

All visits must be requested through ICPC when the process has been initiated but not yet approved.

The receiving state does not provide a home study or supervision for visits.

A child cannot visit for more than 30 days unless tied to a vacation from school, based on the academic calendar.

A visit must have a beginning and end date or clear duration at its inception.

A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period.

REGULATION 1 & 2

- **Regulation 1**
  - **Receiving** state has **60 calendar days** to complete and provide the home study to the **sending** state.
  - Used when a family is already an approved, safe, and stable placement in the **sending** state and wishes to move to the **receiving** state.
  - Intent is for supervision of the placement to be uninterrupted, for the family to comply with the requirements of the **receiving** state, and for both states to comply with all applicable state and federal laws, rules and regulations.
- **Regulation 2**
  - **Receiving** state has **60 calendar days** to complete and provide the home study to the **sending** state.
  - This regulation is used for general foster care or adoption placements in the receiving state. This is also used for parents and relatives who may not qualify under Regulation 7.

REGULATION 7

- Intent is to expedite approval or denial of a placement with specified relatives under certain circumstances.
- Requires a Court Order finding one of the following:
  - **Unexpected dependency** due to a sudden or recent incarceration, incapacitation or death of a parent/guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental or physical condition.
  - 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.
  - 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.
  - Child is currently in an **emergency placement**. (A temporary placement of 30 days or less in duration.)
- Only for use with placement of a child with a parent, stepparent, grandparent (first degree), adult aunt or uncle (first degree), adult brother or sister, or legal guardian.
- Expedited Timelines
  - Sending State Court has **2 working days** to send Reg 7 order to the Sending State Local Agency.
  - Sending State Local Agency has **3 working days** to assemble to the Packet and Send to State ICPC Office.
  - Sending State ICPC Office has **2 working days** to transmit referral to the receiving state.
  - Receiving state has **20 working days** to complete and provide the home study to the sending state.

REGULATION 4

- Regulation 4 involves placements in out of state residential facilities, not including hospitals or psychiatric treatment facilities. The intent is to increase protection and safety for children placed in out of state residential facilities.
- Residential placements are typically with facilities that the receiving state is familiar with and licenses. Approval is requested, but this also serves as a notification of placement.
- Generally, the sending state directly contacts the facility to arrange for payment and service provision, and the facility agrees to accept the child if it has an available bed.
- An ICPC packet is still completed. In advance of the placement, the receiving state determines that paperwork is appropriate and approves the placement.

BORDER AGREEMENT PLACEMENT

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- Agreement between Kansas and Missouri that allows for relative or nonrelated kin placements to occur within 60 miles of the state line before ICPC is initiated.
- Includes a notification process so that each state knows that an out of state child has been placed within their borders.
    - Notification occurs within 48 hours of placement.
- Does not alleviate the need for ICPC.
    - ICPC is to be submitted within 30 days of placement.
- Allows for placements near the border to occur more quickly.

EXAMPLES OF ICPC VIOLATIONS

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- Placement of a child out of state without initiating
- Placement, not including visits, of a child when ICPC is still pending
- Direct placements by the court with or without continuing court jurisdiction
- Parent placement, out of state, without releasing custody as part of CINC case
- Visits of uncertain duration, more than 30 days, or back-to-back visits.
- Finalization of an adoption without concurrence from the receiving state

Consequences of ICPC Violation

- Placement of a child in violation of ICPC can cause the receiving state to refuse services or supports to the placement.
- Return of the child to the sending state can be required
- Placements in violation of ICPC may be subject to sanctions established by the receiving state statutes

EXAMPLES OF ICPC DELAYS

- Incomplete packets, missing court orders, inadequate financial plans delaying transmission
- Delays in home study completion and approval or denial from the sending state
  - Failed resolution of financial and medical issues
  - Incomplete background checks, including out of state checks
  - Missing information based on individual state requirements
  - Inadequate staff, lack of training, caseworker turnover
- Foster care licensing, if required

ICPC KANSAS

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	SFY 2022	SFY 2023	SFY 2024	SFY 2025
Home Study Requests IN	403	425	459	358
Home Study Requests OUT	786	603	556	566
Placements IN	167	164	347	356
Placements OUT	330	242	281	289
Private Adoptions IN	46	40	34	46
Private Adoptions OUT	38	59	52	41
Residential Requests IN	56	56	65	90
Residential Requests OUT	33	23	51	43

ICPC RESOURCES

Association of the Administrators of the Interstate Compact on the Placement of Children - aphsa.org/AAICPC/default.aspx

State Pages – icpcstatepages.org/

Kansas Statutes Annotated (K.S.A. 38-1201 to 38-1206)

DCF Prevention and Protection Services Policy and Procedure Manual Section 9000.

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