

INTERSTATE COMPACT

Interstate Compact on the Placement of Children (ICPC)

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Policy

The **Interstate Compact on the Placement of Children (ICPC)** is the law that allows states to place children across state lines. The purpose of the ICPC is to ensure children are placed with persons or institutions who are safe, suitable, and able to provide proper care. It provides for ongoing supervision of the placement. It also fixes legal and financial responsibility for the provision of services for the child.

The existing compact has been enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands.

Note: Puerto Rico is not a member of the compact.

The Compact is administered by the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), which is an affiliate of the American Public Human Services Association APHSA.

Legal Reference: Conn. Gen. Stat. §§17a-175 through 182.

Types of Placements Covered

The ICPC sets forth certain procedures to be followed when placing children across state lines in:

- foster care, group homes, residential treatment facilities and institutions;
 - a placement with a parent or relative when a state court, state child welfare agency, or other agency guardian is making the placement;
 - a placement preliminary to an adoption; and
 - residential placements of adjudicated delinquents.
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Who Must Use the Compact

Sending Agencies are persons or agencies who “send, bring, or cause a child to be brought or sent” to another state. Sending agencies are subject to the compact and include the following:

- A state party to the Compact, or any officer or employee of a party state;
- A subdivision, such as a county or a city, or any officer or employee, of the subdivision;
- A court of a party state; and
- Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

Receiving Agencies are persons or agencies who “receive”, a child from another state. Receiving agencies are subject to the compact and include the following:

- A state party to the Compact, or any officer or employee of a party state;
 - A subdivision, such as a county or a city, or any officer or employee, of the subdivision;
 - A court of a party state; and
 - Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.
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Who is excluded from the compact	<p>The Compact does not apply to the following:</p> <ul style="list-style-type: none">• Placements made in medical and mental health facilities;• Placements in boarding schools, or “any institution primarily educational in character”;• Placement of a child made by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child’s guardian (provided placement recipient is also of the enumerated class of individuals). <p>Note: Per the above criteria, the Compact generally does not apply to custody proceedings or to probate court proceedings.</p>
Jurisdiction / Sending Agency Responsibility	<p>The sending agency must retain legal and financial responsibility for the child. This means the sending agency has both the authority and responsibility to determine all matters in relation to custody, supervision, care and disposition of the child, just as the sending agency would have if the child had remained in the sending agency state. This includes the authority to return the child to the sending state.</p>
Supervision	<p>Supervision by the receiving agency shall include monthly face-to-face visits with the child and the placement resource with the majority of visits to occur in the child’s home. Quarterly, written, supervisory reports on the child’s overall functioning and recommendations on continuation of ICPC placement and permanency goal are to be sent to the sending agency.</p>
CPS Report in ICPC Cases / Return of Child	<p>A Receiving State shall notify the Sending Agency of any report of child abuse or neglect concerning the child and any ongoing CPS investigation. If removal of the child from the ICPC placement is required and return to the home state is requested, the Sending Agency will comply in accordance with ICPC Regulations.</p> <p>The receiving state has sole discretion in determining whether or not to require return of a child to the sending state.</p>
Termination	<p>Jurisdiction shall continue until the child:</p> <ul style="list-style-type: none">• is adopted;• reaches age of majority;• becomes self-supporting; or• is discharged with the concurrence of the receiving state.
Licensing	<p>In accordance with Conn. General Statutes §17a-114 all children in the custody of the Department must be placed in homes or facilities that are “licensed”. Exceptions may be made for pre-licensed placements with relatives, kin, or special study placements if the requirements set forth in Conn. Gen. Stat. §17a-114(c) are met.</p> <p>There are no provisions in the ICPC to request that a receiving state complete an “expedited study” or “expedited licensing” process.</p>

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Expedited Placement Decision

Under Regulation 7 a sending state, may, in limited cases request an “**Expedited Placement Decision**” which includes a provisional approval or denial for placement prior to licensing.

The application of Regulation 7 is limited to cases where the court finds that the child is:

- the subject of an unexpected dependency;
- is 4 years of age or younger;
- the child or a sibling has a substantial relationship with the proposed relative resource; or
- is currently in an emergency placement.

The proposed relative resource must be a first degree relative.

Conn. Gen. Stat. §17a-114(c) allows the placement of children in an unlicensed relative or fictive kin homes pending licensing. In instances where a child is being placed in Connecticut from another State the Interstate Compact Office works in conjunction with the Regional Foster and Adoptive Services Unit (FASU). FASU will conduct a home visit to determine if a placement resource is viable for placement prior to licensure. In accordance with Conn. Gen. Stat. §17a-149 the FASU unit will proceed to complete licensure within 60 days of placement of the child.

When Connecticut is the sending state, the Department shall only motion the Court for use of Regulation 7 at the discretion of the Commissioner or designee.

Parent Studies

For children in the care and custody of CT-DCF, all parents are considered to be Non-Custodial parents. DCF has contracted with International Social Services-USA, (ISS-USA) to conduct all parent studies.

Request studies via www.iss-usa.org or question@iss-usa.org.

Reconsideration /Reapplication

An approval for placement expires 6 months from the date issued. If the approval expires, the sending agency must re-apply for approval to place the child.

A sending state may request reconsideration of a denial for placement within 90 days of the date of decision. After 90 days from a denial, the sending state may re-apply.

Out-of-State Visits

An out-of-state visit is not subject to the ICPC. A visit is defined as a stay of 30 days or less, an exception includes a visit of longer duration that begins and ends within the period of a child’s vacation from school. A visit may not be extended or renewed. If an agency sends or proposes to send a child on a visit when there is a pending ICPC application, there will be a rebuttable presumption that the intent of the stay is not a “visit”.

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Enforcement States who violate the compact shall be subject to the penalties provided by law in either jurisdiction. In addition, disputes may be subject to litigation in federal court under the contracts clause of the 11th amendment.

Any violation may constitute grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows the agency to place or care for children.

Role of Interstate Compact Unit The Department's Interstate Compact office provides case management and monitoring on all open ICPC matters.

The office offers case consultation and conducts trainings for the Department's Area Office staff, private CT child-placing agencies, and other parties as appropriate.

References

- Association of Administrators of the Interstate Compact on the Placement of Children <http://www.aphsa.org/content/AAICPC/en/home.html>
- <http://icpcstatepages.org/Connecticut/info/>