

INTERSTATE/INTERCOUNTRY SERVICES FOR CHILDREN

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I. PHILOSOPHY

The Interstate Compact on the Placement of Children regulates the interstate movement of children. The Compact is a uniform law that has been enacted by all the fifty states, the District of Columbia and the U.S. Virgin Islands. The North Carolina legislature enacted the Compact on July 1, 1971. The Compact is the best means we have to ensure protection and services to children who are placed across state lines for foster care or adoption.

The Compact is a legally and administratively sound means of placing children across states lines with the same safeguards and services as are available when they are placed within their own state. The Compact provides the means for securing an evaluation of a prospective placement before the child is sent outside the state and provides assurance that the sending state retains jurisdiction over the child sufficient to ensure that the child receives adequate care and protection.

Increased mobility expanded social services and the importance of continuity of responsibility for children have increased the demand for cooperative services between agencies across state and national boundaries. If a family or other resource in a community at a distance can meet a child's needs to a greater

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degree than can be provided in his own state, the desirability of an out-of-state placement is accepted. Placements across state lines require the cooperation of agencies in ensuring that potential placements are evaluated for suitability and that supervision will be provided for the time necessary to determine that the placement is in the child's best interest. There must be assurance that the child will be returned to his home state should the placement break down.

The Association of Administrators of the Interstate Compact on the Placement of Children, the Secretariat and the legal counsel of the APHSA promulgate rules and regulations in an effort to ensure that the terms and provisions of the Compact are carried out effectively. The basic philosophy is that children being placed across state lines should receive the same quality care and protection they would have received in their home state.

Successful permanency planning outcomes of children placed across state lines should be promoted by ensuring: 1) that each child requiring placement has the opportunity to be placed in a suitable environment, with persons having appropriate qualifications or in institutions having appropriate facilities to provide care; 2) that the authorities in a state where a child is to be placed have the opportunity to assess the proposed placement, thereby promoting compliance with requirements for the protection of the child; 3) that the authorities of the state from which the placement is made may obtain sufficient information to evaluate the proposed placement before it is made; and 4) that appropriate jurisdictional arrangements for the care of children will be promoted.

II. LEGAL BASIS

North Carolina is a member of the Interstate Compact on Placement of Children (N.C.G.S. § 7B-3800) which provides a framework within which member states can plan cooperatively for interstate placements to ensure that children will receive appropriate care and supervision. The Interstate Placement Statute that requires the consent of the Department of Health and Human Services prior to placement of children into or out of North Carolina also governs the interstate placement of children. North Carolina's Administrative Procedure Act Rules Regarding Interstate Services can be found here:

Pursuant to N.C.G.S. § 7B-3806 the governor has designated the Director, Division of Social Services as Administrator of the Interstate Compact on Placement of Children. The Director, Division of Social Services has designated the supervisor of the Interstate and Regulatory Administration Team as Deputy Administrator to carry out the provisions of this law.

The Interstate Compact on the Placement of Children (ICPC) applies to the sending from or bringing into NC of any child under any type of legal jurisdiction relating to:

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- Placement of a child as preliminary to possible adoption, including relative adoption.
- Placement of a child into foster care.
- Placement of a child with parents after removal by the court or a voluntary placement.
- Placement of a child in agency custody with relatives.
- All Group Homes/residential placements, including adjudicated delinquents in institutions.

When there is a conflict, the ICPC takes precedence over statutory law in individual states.

The ICPC does not apply to:

The sending from or bringing into North Carolina of a child not under any type of legal jurisdiction by one of the relatives listed below *and* leaving the child with a parent, relative or non-agency guardian as long as they have full legal right to plan for the child prior to the placement and this right has not been voluntarily terminated or diminished by an order of the court.

- Parent
- Step-parent
- Grandparent
- Adult brother or sister
- Adult aunt or uncle
- Non-agency Guardian

Any child placed in a facility for the sole purpose of education.

Any child placed in a medical facility for the sole purpose of acute medical care.

Any child placed pursuant to any other interstate compact (i.e. Interstate Compact on Juveniles, Interstate Compact on Mental Health).

Any child placed in the legal custody of a parent as a result of a court order in a divorce, paternity or probate proceeding.

Any child placed with a non-offending parent when both of the following are true:

- the court has no evidence that the parent is unfit and seeks no evidence they are unfit
- the court relinquishes jurisdiction over the child immediately upon placement.

An ICPC home evaluation can be requested, but is not required, when the court makes a parent placement and requests an independent courtesy check.

III. REGULATIONS

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In the ensuing years since the passage of the Interstate Compact on the Placement of Children (ICPC), the Association of Compact Administrators has passed 12 Regulations, with Regulation 2 being repealed and replaced. These regulations are for the purpose of further clarifying the ICPC.

REGULATION 0.01 | FORMS

1. To promote efficiency in processing placements pursuant to the ICPC and to facilitate communication among sending agencies, states and other concerned persons, the forms promulgated by the compact administrators, acting jointly, shall be used by all sending agencies, Sending and Receiving States, and others participating in the arranging, making, processing and supervision of placements.
2. ICPC forms shall be uniform as to format and substance and each state shall make available a reference to where its form may be obtained by the public.
3. The mandatory forms currently in effect are described below. These forms shall be produced in sufficient supply by each of the states to meet its needs and the needs of persons and agencies required to use them. The forms referenced in the preceding sentence, currently in effect are the following:
 - i. Interstate Compact Placement Request hereafter referred to as the ICPC-100A (DSS-1837):
 - ii. Interstate Compact Report on Child's Placement Status hereafter referred to as the ICPC-100B (DSS-1838):
 - iii. Sending State's Priority Home Study Request hereafter referred to as ICPC-101 (DSS-5252):
 - iv. Receiving State's Priority Home Study Request hereafter referred to as ICPC-102 (DSS-5253):

The ICPC-102 is an optional form that is available for use.

4. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
5. This regulation is adopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of April 29 through May 2, 2001; the regulation, as amended was approved May 2, 2001, and is effective as of Jul 2, 2001.

REGULATION 1 | CONVERSION OF INTRASTATE PLACEMENT INTO INTERSTATE PLACEMENT: RELOCATION OF FAMILY UNITS

Regulation 1 as first effective May 1, 1973, amended April 1999, is repealed and is replaced by the following:

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The following regulation was amended by the Association of Administrators of the ICPC on April 18, 2010 and is declared to be effective as amended as of October 1, 2010.

1. A placement initially intrastate in character becomes an interstate placement subject to the ICPC if the child's principal place of abode is moved to another state, with the following exceptions:
2. Intent: The intent of Regulation 1 is to ensure that an already safe and stable placement made by a sending agency in the Sending State will continue if the child is relocated to the Receiving State. Additionally, it is the intent of this Regulation 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.
3. Applicability to Relocation. A request for a home evaluation solely for the purpose of a periodic assessment of the placement where there is no ongoing supervision shall not be governed by this regulation and shall be a matter of courtesy between the states.
4. Applicability to Temporary Relocation: If a child is brought into the Receiving State by an approved placement resource for a period of ninety (90) days or less and remains with the approved placement resource, approval of the Receiving State is not required. Both the Sending or Receiving State may request approval of the placement, and, if the request is made, the Sending and Receiving States shall take the necessary action to process the request if the Sending and Receiving States agree to do so.

Supervision by the Receiving State is not required for a temporary relocation of ninety (90) days or fewer; however, pursuant to section 422(b) (17) Social Security Act § 422 of the Social Security Act, supervision by the sending agency is required. Supervision may be provided as a courtesy to the Sending State. If supervision is requested, the Sending State shall provide an ICPC-100B and the information required in Section 5(b) below.

If a child is brought into the Receiving State by an approved placement resource for a temporary placement in excess of ninety (90) days or if the temporary relocation will recur, full compliance with this regulation is required.

The public child placing agency in the Sending State is responsible to take action to ensure the ongoing safety of a child placed in a Receiving State pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the Sending State as soon as possible when return is requested by the Receiving State.

5. Provisional Approval:
 - (a) In any instance where the decision to relocate into another state is made or it is intended to send or bring the child to the Receiving State, or the child and existing

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family unit have already been sent or brought into the Receiving State, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed within five (5) business days by the sending agency and transmitted to the Receiving State with notice of the intended placement date. The sending agency shall request that the Receiving State respond to the case within five (5) business days of receipt of the request. If the family unit and child are already present in the Receiving State, the Receiving State shall determine within five (5) business days of receipt of the ICPC-100A and complete home study request packet whether provisional approval shall be granted and provide the decision in writing to the Sending State compact administrator by facsimile, mail, overnight mail or electronic transmission, if acceptable.

(b) The documentation provided with a request for prompt handling shall include:

- (1) An ICPC-100A (DSS-1837): fully completed.
- (2) An ICPC-100B (DSS-1838): if the child is already present in the Receiving State
- (3) A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is ongoing.
- (4) A case history for the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
- (5) In any instance where the Sending State has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the placement resource(s) and/or their home showing the status of the placement resource(s), as qualified placement resource(s).
- (6) A copy of the most recent home study of the placement resource(s) and any updates thereof.
- (7) Copies of the progress reports on the family unit for the last six months and the most recent judicial review court report and court order completed in the Sending State.
- (8) A copy of the child's case/services/permanency plan and any supplements to that plan, if the child has been in care long enough for such a plan to be required.
- (9) An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.

(c) Documents may be submitted by overnight mail or any other recognized method for expedited communication. The Receiving State shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the Receiving State may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record.

(d) In an instance where a placement resource(s) holds a current license, certificate or approval from the Sending State evidencing qualification as a foster parent or other placement resource, the Receiving State shall give effect

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to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III(d) of the ICPC, unless the Receiving State compact administrator has substantial evidence that the license, certificate, or approval is expired or otherwise not valid. If the Receiving State requires licensure as a condition of placement approval, or the Receiving State compact administrator determines that the license, certificate, or approval from the Sending State has expired or otherwise is not valid, both the Sending State and the placement resource shall state in writing that the placement resource will become licensed in the Receiving State.

- (e) The Receiving State shall recognize and give effect to evidence that the placement resource has satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
 - (1) the training program is shown to be substantially equivalent to training offered for the same purpose in the Receiving State; and
 - (2) The evidence submitted is in the form of an official certificate or document identifying the training.

6. Initial Home Study Report:

(a) Pursuant to the Safe and Timely Interstate Placement of Foster Children Act of 2006, within sixty (60) days after receiving a home study request, the Receiving State shall directly or by contract conduct, complete, and return a report to the Sending State on the results of the study of the home environment for purposes of assessing the safety and suitability of the child remaining in the home. The report shall address the extent to which placement in the home would meet the needs of the child. In the event the parts of the home study involving the education and training of the placement resource remains incomplete, the report shall reference such items by including a prospective date of completion.

(b) Approval of the request may be conditioned upon compliance by the placement resource with any licensing or education requirement in the Receiving State. If such condition is placed upon approval, a reasonable date for compliance with the education or licensing requirement shall be set forth in the documentation granting approval.

7. Final Approval or Denial:

- (a) Pursuant to Article III(d), final approval or denial of the placement resource request shall be provided by the Receiving State compact administrator as soon as practical but no later than onehundred and eighty days (180) days from receipt of the initial home study request.
- (b) If necessary or helpful to meet time requirements, the Receiving State may communicate its determination pursuant to Article III (d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission or

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electronic transmission, if acceptable. However, this may not be done before the Receiving State compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III (d) written notice requirements.

8. Nothing in this regulation shall be construed to alter the obligation of a Receiving State to supervise and report on the placement; nor to alter the requirement that the placement resource(s) comply with the licensing and other applicable laws of the Receiving State after arrival therein.
9. A favorable determination made by a Receiving State pursuant to Article III (d) of the ICPC and this regulation means that the Receiving State is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 5(a) of this regulation and does not relieve any placement resource or other entity of the obligation to comply with the laws of the Receiving State as promptly as possible after arrival of the child in the Receiving State.
10. The Receiving State may decline to provide a favorable determination pursuant to Article III(d) of the Compact if the Receiving State compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation or until the compact administrator has the documentation identified in subparagraph 5(b) hereof.
11. If it is subsequently determined by the Receiving State Compact Administrator that the placement in the Receiving State appears to be contrary to the best interest of the child, the Receiving State shall notify the sending agency that approval is no longer given and the Sending State shall arrange to return the child or make an alternative placement as provided in Article V (a) of the ICPC.
12. Supervision:
Within thirty (30) days of the Receiving State compact administrator being notified by the Sending State compact administrator or by the placement resource that the placement resource and the child have arrived in the Receiving State, the appropriate personnel of the Receiving State shall visit the child and the placement resource in the home to ascertain conditions and progress toward compliance with applicable federal and state laws and requirements of the Receiving State. Subsequent supervision must include face-to-face visits with the child at least once each month.

A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the Receiving State. Such supervision visits shall continue until supervision is terminated by the Sending State. Concurrence of the Receiving State compact administrator for termination of supervision should be sought by the Sending State prior to termination. Reports of supervision visits shall

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be provided to the Sending State in accordance with applicable federal laws and as set forth elsewhere in these regulations.

The public child placing agency in the Sending State is responsible to take action to ensure the ongoing safety of a child placed in a Receiving State pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the Sending State as soon as possible when return is requested by the Receiving State. (*See Regulation 11*)

13. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
14. This regulation is adopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of April 2010.

REGULATION 2 | PUBLIC COURT JURISDICTION CASES: PLACEMENTS FOR PUBLIC ADOPTION OR FOSTER CARE IN FAMILY SETTINGS AND/OR WITH PARENTS, RELATIVES

Regulation 2, as adopted on May 25, 1977 by the Association of Administrators of the ICPC, was repealed April 1999 and is replaced by the following:

The following regulation, adopted by the Association of Administrators of the ICPC, is declared to be in effect on and after October 1, 2011. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.

1. Intent of Regulation 2: The intent of this regulation is to provide at the request of a sending agency, a home evaluation and placement decision by a Receiving State for the proposed placement of a child with a proposed caregiver who falls into the category of: placement for public adoption, or foster care and/or with parents, or relatives.
2. Regulation 2 does apply to cases involving children who are under the jurisdiction of a court for abuse, neglect or dependency, as a result of action taken by a child welfare agency: The court has the authority to determine supervision, custody and placement of the child or has delegated said authority to the child welfare agency, and the child is being considered for placement in another state.
 - (a) Children not yet placed with prospective placement resource: This Regulation covers consideration of a placement resource where the child has not yet been placed in the home. ICPC Regulation 7 Expedited Home Study can be used instead of Regulation 2 for this category when requirements are met for an expedited home study request.

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- (b) Change of status for children who have already been placed with ICPC approval: This regulation is used when requesting a new home evaluation on the current approved placement resource. This might include an upgrade from unlicensed relative to licensed foster home or to adoption home placement category (see Regulation 3 section 2(a) Types of Placement Categories).
 - (c) Child already placed without ICPC approval, except when the child has relocated with the caregiver to the Receiving State pursuant to Regulation 1: When a child has been placed in a Receiving State prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the Sending State bearing full liability and responsibility for the safety of the child. The Receiving State may request immediate removal of the child until the Receiving State has made a decision per ICPC. The Receiving State is permitted to proceed, but not required to proceed with the home study/ICPC decision process, as long as the child is placed in violation of ICPC. The Receiving State may choose to open the case for ICPC courtesy supervision but is not required to do so, as is required under ICPC Regulation 1 Relocation of Family Unit Cases.
- 3. Placements made without ICPC protection: Regulation 2 does not apply to:
 - (a) A placement with a parent from whom the 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, the Receiving State shall have no responsibility for supervision or monitoring for the court having made the placement.
 - (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.
- 4. Definitions and placement categories: (See Regulation 3)
- 5. Sending State case documentation required with ICPC-100A request: The documentation provided with a request for prompt handling shall be current and shall include:
 - (a) An ICPC-100A (DSS-1837) fully completed.
 - (b) An ICPC-100B (DSS-1838) if the child is already placed without prior approval in the Receiving State. The Receiving State is not obligated to provide supervision until the placement has been approved with an ICPC-100A signed by the Receiving State ICPC office, unless provisional approval has been granted.

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- (c) A copy of the current court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is ongoing.
 - (d) Signed statement required from assigned sending agency case manager:
 - (1) Confirming the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
 - (2) Including the name and correct physical and mailing address of the placement resource and all available telephone numbers and other contact information for the potential placement resource.
 - (3) Describing the number and type of bedrooms in the home of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.
 - (4) confirming the potential placement resource acknowledges that he/she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child, including child care, if needed.
 - (5) That the placement resource acknowledges that a criminal records and child abuse history check will be completed for any persons residing in the home required to be screened under the law of the Receiving State.
 - (e) A current case history for the child, including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
 - (f) Any child previously placed with placement resource in Sending State: If the placement resource had any child placed with them in the Sending State previously, the sending agency shall provide all relevant information regarding said placement to the Receiving State, if available.
 - (g) Service (case) Plan: A copy of the child's case/service/permanency plan and any supplements to that plan, if the child has been in care long enough for a permanency plan to be required.
 - (h) Title IV-E Eligibility verification: An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act and Title IV-E documentation, if available. Documentation must be provided before placement is approved.
 - (i) Financial/Medical Plan: A detailed plan of the proposed method for support of the child and provision of medical services.
 - (j) A copy of the child's Social Security card or official document verifying correct Social Security Number, if available, and a copy of the child's birth certificate, if available.
6. Methods for transmission of documents: Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including FAX and/or electronic transmission, if acceptable by both Sending and Receiving State. The Receiving State shall recognize and

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give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the Receiving State may request and shall be entitled to receive originals or duly certified copies of any legal documents if it considers them necessary for a legally sufficient record under its laws. All such transmissions must be sent in compliance with state laws and/or regulations related to the protection of confidentiality.

7. Safe and Timely Interstate Home Study Report to be completed within sixty (60) calendar days. This report is not equivalent to a placement decision. (a)

Timeframe for completion of Safe and Timely Interstate Home Study Report: As quickly as possible, but not more than sixty (60) calendar days after receiving a home study request, the Receiving State shall, directly or by contract, complete a study of the home environment for purposes of assessing the safety and suitability of the child being placed in the home. The Receiving State shall return to the Sending State a report on the results of the home study that shall address the extent to which placement in the home would meet the needs of the child. This report may, or may not, include a decision approving or denying permission to place the child. In the event the parts of the home study involving the education and training of the placement resource remain incomplete, the report shall reference such items by including an anticipated date of completion.

- (b) Receiving State placement decision may be postponed: If the Receiving State cannot provide a decision regarding approval or denial of the placement at the time of the safe and timely home study report, the Receiving State should provide the reason for delay and an anticipated date for a decision regarding the request. Reasons for delay may be such factors as Receiving State requires all relatives to be licensed as a foster home therefore ICPC office cannot approve an unlicensed relative placement request until the family has met licensing requirements. If such condition must be met before approval, a reasonable date for compliance shall be set forth in the Receiving State transmittal accompanying the initial home study, if possible.

8. Decision by Receiving State to approve or deny placement resource (ICPC100A).

- (a) Timeframe for final decision: Final approval or denial of the placement resource request shall be provided by Receiving State Compact Administrator in the form of a signed ICPC-100A, as soon as practical but no later than one hundred and eighty (180) calendar days from receipt of the initial home study request. This six (6)-month window is to accommodate licensure and/or other Receiving State requirements applicable to foster or adoption home study requests.
- (b) Expedited communication of decision: If necessary or helpful to meet time requirements, the Receiving State ICPC office may communicate its determination pursuant to Article III (d) to the sending agency's state Compact Administrator by FAX or other means of facsimile transmission or electronic transmission, if acceptable to both Receiving and Sending State. However, this may not be done before the Receiving State

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Compact Administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III (d) written notice requirements. The Receiving State home study local agency shall not send the home study and/or recommendation directly to the Sending State local agency without approval from the Sending and Receiving State ICPC offices.

- (c) Authority of Receiving State to make final decision: The authority of the Receiving State is limited to the approval or denial of the placement resource. The Receiving State may decline to provide a favorable determination pursuant to Article III (d) of the Compact if the Receiving State Compact Administrator finds that based on the home study, the proposed caregiver would be unable to meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional and physical development.
 - (d) Authority of sending court/placing agency: When the Receiving State has approved a placement resource, the sending court/placing agency has the final authority to determine whether to use the approved placement resource in the Receiving State. The Receiving State ICPC100A approval expires six months from the date the ICPC-100A was signed by Receiving State.
9. Reconsideration of an ICPC denial: (requested by the sending ICPC (Office))
- (a) Sending State may request reconsideration of the denial within 90 days from the date the ICPC-100A denying placement is signed by Receiving State. The request can be with or without a new home study, see items 9(a) (1) and 9(a) (2) below. After 90 days there is nothing that precludes the Sending State from requesting a new home study.
 - (1) Request reconsideration without a new home study: The sending ICPC office can request that the Receiving State ICPC office reconsider the denial of placement of the child with the placement resource. If the Receiving State ICPC office chooses to overturn the denial it can be based on review of the evidence presented by the sending ICPC office and any other new information deemed appropriate. A new ICPC-100A giving an approval without a new home study will be signed.
 - (2) Request new home study re-examining reasons for original denial: A sending ICPC office may send a new ICPC home study request if the reason for denial has been corrected; i.e., move to new residence with adequate bedrooms. The Receiving State office is not obligated to activate the new home study request, but it may agree to proceed with a new home study to reconsider the denial decision if it believes the reasons for denial have been corrected. This regulation shall not conflict with any appeal process otherwise available in the Receiving State.
 - (b) Receiving State decision to reverse a prior denied placement: The Receiving State ICPC office has 60 days from the date formal request to reconsider denial has been received from the Sending State ICPC office. If the Receiving State ICPC administrator decides to change the prior

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decision denying the placement, an ICPC transmittal letter and the new ICPC-100A shall be signed reflecting the new decision.

10. Return of child to Sending State/Receiving State requests to return child to Sending State:
 - (a) Request to return child to Sending State at time of ICPC denial of placement: If the child is already residing in the Receiving State with the proposed caregiver at the time of the above decision, and the Receiving State Compact Administrator has denied the placement based on 8(c) then the Receiving State Compact Administrator may request the Sending State to arrange for the return of the child as soon as possible or propose an alternative placement in the Receiving State as provided in Article V (a) of the ICPC. That alternative placement resource must be approved by the Receiving State before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the Sending and Receiving State ICPC offices.
 - (b) Request to return child to Sending State after Receiving State ICPC had previously approved placement: Following approval and placement of the child, if the Receiving State Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the Receiving State Compact Administrator may request that the Sending State arrange for the return of the child as soon as possible or propose an alternative placement in the Receiving State as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the Receiving State before placement is made. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the Sending and Receiving State ICPC offices. The Receiving State request for removal may be withdrawn if the Sending State arranges services to resolve the reason for the requested removal and the Receiving and the Sending State Compact Administrators mutually agree to the plan.
11. Supervision for approved placement should be conducted in accordance with ICPC Regulation 11.
12. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
13. This regulation is adopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting, April 30–May 1, 2011

REGULATION 3 | DEFINITIONS AND PLACEMENT CATEGORIES, APPLICABILITY AND EXEMPTIONS

This Regulation 3 is adopted pursuant to Article VII of the ICPC.

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This Regulation 3 as first effective July 2, 2001, was amended by the Association of Administrators of the ICPC on May 1, 2011 and is declared to be effective as of October 1, 2011.

1. Intent of Regulation 3: To provide guidance in navigating the ICPC regulations and to assist its users in understanding which interstate placements are governed by, and which are exempt from, the ICPC.
 - (a) Nothing in this regulation shall be construed to alter the obligation of a Receiving State to supervise and report on the placement; nor to alter the requirement that the placement resource(s) comply with the licensing and other applicable laws of the Receiving State after placement of the child in the Receiving State.
 - (b) Age restrictions: The ICPC Articles and Regulations do not specify an age restriction at time of placement, but rather use the broad definition of "child." The Sending State law may permit the extension of juvenile court jurisdiction and foster care maintenance payments to eligible youth up to age 21. Consistent with Article V, such youth should be served under ICPC if requested by the sending agency and with concurrence of the Receiving State.

2. Placement categories requiring compliance with ICPC: Placement of a child requires compliance with the Compact if it falls into one of the following four types of placement categories:
 - (a) Four types of placement categories:
 - (1) Adoptions: Placement preliminary to an adoption (independent, private or public adoptions)
 - (2) Licensed or approved foster homes (placement with related or unrelated caregivers)
 - (3) Placements with parents and relatives when a parent or relative is not making the placement as defined in Article VIII (a) "Limitations"
 - (4) Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation 4.
 - (b) Court involvement and court jurisdiction legal status: The above placement categories may involve placement by persons and/or agencies that at the time of placement may not have any court involvement (i.e., private/independent adoptions and residential placements). Where there is court jurisdiction with an open court case for dependency, abandonment, abuse and/or neglect, the case is considered a public court jurisdiction case, which requires compliance with ICPC Article III (see Regulations 1, 2, 7 and 11) note exemption for selected "parent" cases as described below in Section 3, "cases that are exempt from ICPC regulations. In most public court jurisdiction cases the court has taken guardianship and legal custody away from the "offending" caregiver and has given it to a third party at the time placement of the child is made with an alternative caregiver. However, in select cases identified below, the sending court may not have taken guardianship or legal custody away from the parent/guardian, when requesting permission to place is sent to

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the Receiving State. Those cases are identified on the ICPC-100A with the legal status of “court jurisdiction only” as explained below.

- (c) Court jurisdiction only: The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise, remove and/or place the child. Although the child is not in the guardianship/custody of an agency or the court at the time of completing ICPC-100A, the agency or the court may choose to exert legal authority to supervise and or remove and place the child and therefore is the sending agency. As the sending agency/court it would have specified legal responsibilities per ICPC Article V, including the possible removal of the child if placement in the Receiving State disrupts or the Receiving State requests removal of the child. There are several possible situations where “court jurisdiction only” might be checked as the “legal status” on the ICPC-100A:
 - (1) Residential placement (Regulation 4): The court has jurisdiction, but in some situations, such as with some probation (delinquent) cases, guardianship remains with the parent/relative, but the court/sending agency is seeking approval to place in a Receiving State residential treatment program, and has authority to order placement and removal.
 - (2) Contingency/concurrent request in cases where removal may become necessary (Regulations 2 or 7): The child may be in the custody of the offending parent or relative while the public agency tries to bring the family into compliance with court orders and or agency service (case) plan. (Some states call this an order of “protective supervision” or “show cause.”) The court may have requested an ICPC home study on a possible alternative caregiver in a Receiving State. It is understood at time of placement the court would have guardianship/legal custody and Article V would be binding.
 - (3) Parent/relative relocated to Receiving State (Regulation 1): If the sending court selects to invoke ICPC Article V and to retain court jurisdiction even though the family/relative has legal guardianship/custody and has moved to the Receiving State, then the sending court may request a home study on the parent/relative who has moved with the child to the Receiving State. By invoking ICPC the sending court is bound under Article V. If the Receiving State determines the placement to be contrary to the interests of the child, the sending court must order removal of the child and their return to the Sending State or utilize an alternative approved placement resource in the Receiving State. The ICPC-100A must be signed by the sending judge or authorized agent of the public agency on behalf of the sending court in keeping with ICPC Article V.

3. Placements made without ICPC protection:

- (a) A placement with a parent from whom the 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

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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.

- (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.
 - (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 nonagency 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 terminated, or diminished or severed by the action or order of any court.
 - (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 nonrelatives.
 - (e) Placement of children pursuant to any other Compact: Pursuant to Article VIII (b), the Compact does not apply to any placement, sending or bringing of a child into a Receiving State pursuant to any other interstate Compact to which both the state from which the child is sent or brought and the Receiving State are party, or to any other agreement between said states which has the force of law.
4. Definitions: The purpose of this section is to provide clarification of commonly used terms in ICPC. Some of these words and definitions can also be found in the ICPC, ICPC Regulations, Interstate Compact on Juveniles, and federal statutes and regulations. *(Note: source of definition is identified right after the word prior to the actual definition.)*

Adoption: the method provided by state law that establishes 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. This relationship can only be termed adoption after the legal process is complete (see categories or types of ICPC adoptions below).

Adoption categories:

- (a) **Independent adoption:** adoptions arranged by a birth parent, attorney, other intermediary, adoption facilitator or other person or entity as defined by state law.

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- (b) **Private agency adoption:** an adoption arranged by a licensed agency whether domestic or international that has been given legal custody or responsibility for the child including the right to place the child for adoption.
- (c) Adoptions for public court jurisdiction cases.

Adoption home study: (definition listed under “home studies”)

Adjudicated delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated status offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult.

Age of majority: the legally defined age at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. The age of majority is defined by state laws, which vary by state and is used in Article V, “...reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the Receiving State” (see definition below of “child” as it appears in Article II).

Approved placement: the Receiving State Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”

Boarding home: as used in Article II (d) of the ICPC, means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child’s being in the home of the placement recipient (has same meaning as family free).

Case history: an organized record concerning an individual, their family and environment that includes social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement.

Case plan: (see “service plan” definition)

Central Compact office: the office that receives ICPC placement referrals from Sending States and sends ICPC placement referrals to Receiving States. In states that have one central Compact office that services the entire state, the term “central Compact office” has the same meaning as “central state Compact office” as described in Regulation 5 of the ICPC. In states in which ICPC placement referrals are sent directly to Receiving States and received directly from Sending States by more than one county or other regional area within the state, the “central Compact office” is the office within each separate county or other region that sends and receives ICPC placement referrals.

Certification: to attest, declare or swear to before a judge or notary public.

Child: a person, who by reason of minority, is legally subject to parental guardianship or similar control.

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Child welfare caseworker: a person assigned to manage the cases of dependency children who are in the custody of a public child welfare agency and may include private contract providers of the responsible state agency.

Concurrence to discharge: is when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.

Concurrence: is when the Receiving and Sending Compact Administrator agree to a specific action pursuant to ICPC, i.e., decision as to providers.

Conditions for placement: as established by Article III apply to any placement as defined in Article II(d) and regulations adopted by action of the Association of Administrators of the ICPC.

Courtesy: consent or agreement between states to provide a service that is not required by ICPC.

Courtesy check: Process that does not involve the ICPC, used by a sending court to check the home of a parent from whom the child was not removed.

Court jurisdiction only cases: The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise and/or remove and place the child for whom the court has not taken guardianship or legal custody.

Custody: (see physical custody, see legal custody)

Emancipation: the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child placing agency, by operation of law or court order.

Emergency placement: a temporary placement of 30 days or less in duration.

Family free: as used in Article II (d) of the ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient (has same meaning as boarding home).

Family unit: a group of individuals living in one household.

Foster care: If 24-hour-a-day care is provided by the child's parent(s) by reason 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,

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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.

Foster home study: (see definition under home studies)

Foster parent: a person, including a relative or non-relative, licensed to provide a home for orphaned, abused, neglected, delinquent or disabled children, usually with the approval of the government or a social service agency.

Guardian [see ICPC Regulation 10 section 1(a)]: a public or private agency, organization or institution that holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child for which a parent would have authority and responsibility for doing so by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning that the guardian has a professional obligation to carry out.

Home Study (see Safe and Timely Interstate Placement of Foster Children Act of 2006: http://www.childwelfare.gov/systemwide/laws_policies/federal/index.cfm?event=federalLegislation.viewLegis&id=82): 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.

(a) Adoption home study: a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).

(b) Foster home study: a home study conducted for the purpose of placing a child with a placement resource who is required to be licensed or approved in accordance with federal and/or Receiving State law.

(c) Interstate home study (see Federal Safe and Timely Act): a home study conducted by a state at the request of another state, to facilitate an adoptive or foster care placement in the state of a child in foster care under the responsibility of the state [see foster care definition(s)].

(d) Parent home study: applies to the home study conducted by the Receiving State to determine whether a parent placement meets the standards as set forth by the requirements of the Receiving State.

(e) Relative home study: a home study conducted for the purpose of placing a child with a relative. Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the Receiving State.

(f) Non-relative home study: a home study conducted for the purpose of placing a child with a non-relative of the child. Such a home study may or may not require the same

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level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the Receiving State.

(g) Safe and Timely Interstate Home Study Report (see Federal Safe and Timely Act): an interstate home study report completed by a state if the state provides to the state that requested the study, within 60 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 60-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

ICPC: the ICPC is a Compact between states and parties pursuant to law, to ensure protection and services to children who are placed across state lines.

Independent adoption entity: any individual authorized in the Sending State to place children for adoption other than a state, county or licensed private agency. This could include courts, private attorneys and birth parents.

Intrastate: existing or occurring within a state

Interstate: involving, connecting or existing between two or more states.

Interstate home study: (see definition under Home studies)

Jurisdiction: the established authority of a court to determine all matters in relation to the custody, supervision, care and disposition of a child.

Legal custody: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.

Legal guardianship (see 45 C.F.R. § 1355.20 “Definitions”): a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term legal guardian means the caretaker in such a relationship.

Legal risk placement (legal risk adoption): a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the Sending State or the birth mother’s state of residence, if different from the Sending State, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

Member state: a state that has enacted this Compact (see also definition of state).

Non-agency guardian [see ICPC Regulation 10 section 1(b)]: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in ICPC Regulation 10 section 1(a).

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Non-custodial parent: a person who, at the time of the commencement of court proceedings in the Sending State, does not have sole legal custody of the child or physical custody of a child.

Non-offending parent: the parent who is not the subject of allegations or findings of child abuse or neglect.

Non-relative: a person not connected to the child by blood, marriage or adoption, or otherwise defined by the Sending or Receiving State.

Parent: 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.

Parent home study: (see definition under home studies)

Physical custody: Person or entity with whom the child is placed on a day-today basis.

Placement (see ICPC Article II (d) "Definitions":

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html): the arrangement for the care of a child in a family free, in a 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.

Placement resource: the person(s) or facility with whom the child has been or may be placed by a parent or legal custodian; or, placed by the court of jurisdiction in the Sending State; or, for whom placement is sought in the Receiving State.

Progress report: (see "supervision report" definition)

Provisional approval: an initial decision by the Receiving State that the placement is approved subject to receipt of required additional information before final approval is granted.

Provisional denial: the Receiving State cannot approve a provisional placement pending a more comprehensive home study or assessment process due to issues that need to be resolved.

Provisional placement: a determination made in the Receiving State that the proposed placement is safe and suitable and, to the extent allowable, the Receiving State has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the Receiving State requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

Public child-placing agency: any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.

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Receiving State (see ICPC Article II (c) “Definitions”): 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.

Relative: 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.

Non-relative: a person not connected to the child by blood, marriage or adoption.

Relative home study: (see definition under home studies)

Relocation: the movement of a child or family from one state to another.

Residential facility or residential treatment center or group home: 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).

Return: the bringing or sending back of a child to the state from which they came.

Sending agency: (see ICPC Article II (b) “Definitions”): 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 having legal authority over a child who 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.

Service (case) plan: a comprehensive individualized program of action for a child and his/her family establishing specific goals and objectives and deadlines for meeting these goals and objectives.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

State court: a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18) or as otherwise defined by state law.

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Stepparent: a man or woman married to a parent of a child at the time of the intended placement or as otherwise defined by the Sending and/or Receiving State laws, rules and/or regulations.

Supervision: monitoring of the child and the child's living situation by the Receiving State after a child has been placed in a Receiving State pursuant to a provisional approval or an approved placement under Article III (d) of the ICPC or pursuant to a child's relocation to a Receiving state in accordance with Regulation 1 of the ICPC.

Supervision report: provided by the supervising case worker in the Receiving State; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.

Timely Interstate Home Study: (see definition under home studies)

Visit: as defined in Regulation 9.

REGULATION 4 | RESIDENTIAL PLACEMENT

Regulation 4, as adopted by the Association of Administrators of the ICPC on April 20, 1983, was readopted in 1999 and amended in 2001, and is replaced by the following:

The following regulation, adopted by the Association of Administrators of the ICPC, is declared to be in effect on and after October 1, 2012. Words and phrases used in this regulation have the same meaning as in the Compact, unless the context clearly requires another meaning. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.

1. Intent of this Regulation: It is the intent of Regulation 4 to provide for the protection and safety of children being placed in a residential facility in another state. Residential facility is further defined in Section 3 below.
 - (a) Approval by Receiving State prior to placement: Approval prior to placement is required for the protection of the child and the sending agency making the placement. Sending agency includes the parent, guardian, court, or agency ultimately responsible for the planning, financing, and placement of the child as designated in section I of the ICPC-100A. (See Article II (b) or Regulation 3, Section 4. (62) for full definition of sending agency.)
 - (b) Monitoring residential facility while child is placed: While children are placed in the Receiving State, the Receiving State ICPC office shall keep a record of all children currently placed at the residential facility through the ICPC process. The Receiving State ICPC office shall notify the Sending State

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ICPC office of any significant change of status at the residential facility that may be “contrary to the interests of the child”

(Article III(d) or may place the safety of the child at risk of which the Receiving State ICPC office becomes aware.

- (c) Prevent children from being abandoned in Receiving State: Once the sending agency makes a residential facility placement, the sending agency remains obligated under Article V to retain jurisdiction and responsibility for the child while the child remains in the Receiving State until the child becomes independent, self-supporting, or the case is closed in concurrence with both the Receiving and Sending State ICPC offices. The role of the Sending and Receiving State ICPC offices is to promote compliance with Article V that children are not physically or financially abandoned in a Receiving State.
2. Categories of children: This regulation applies to cases involving children who are being placed in a residential facility by the sending agency, regardless of whether the child is under the jurisdiction of a court for delinquency, abuse, neglect, or dependency, or as a result of action taken by a child welfare agency.

Age restrictions: (Regulation 3 Section 1(b)) The ICPC articles and regulations do not specify an age restriction at time of placement, but rather use the broad definition of “child.” The Sending State law may permit the extension of juvenile court jurisdiction and foster care maintenance payments to eligible youth up to age 21. Consistent with Article V, such youth should be served under ICPC if requested by the sending agency and with concurrence of the Receiving State.

- (a) Delinquent Child: Placement by a sending agency involving a delinquent child must comply with Article VI, Institutional Care of Delinquent Children, which reads as follows: “A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with the opportunity to be heard prior to his being sent to such other party jurisdiction for institutional care and the court finds that:
 - (1) Equivalent facilities for the child are not available in the sending agency’s jurisdiction; and
 - (2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.” (Hardship may apply to the child and his/her family.)
- (b) A child not yet placed in a residential facility in another state: The primary application of this regulation is to request approval to place prior to placement at the residential facility.
- (c) Change of status for a child: A new ICPC-100A and documents listed in Section 5 are required for a child who has been placed with prior ICPC

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approval, but now needs to move to a residential facility in this or another state, other than the child's state of origin.

- (d) Child already placed without ICPC approval: For the safety and protection of all involved, placement in a residential facility should not occur until after the Receiving State has approved the placement pursuant to Article III (d). When a child has been placed in a Receiving State prior to ICPC approval, the case is considered a violation of ICPC, and the placement is made with the sending agency and residential facility remaining liable and responsible for the safety of the child. The Receiving State may request immediate removal of the child until the Receiving State has made a decision per ICPC, in addition to any other remedies available under Article IV. The Receiving State is permitted to proceed with the residential facility request for approval, but is not required to proceed as long as the child is placed in violation of ICPC.
3. Definition of "Residential Facility" covered by this regulation:
- (a) Definition in ICPC Regulation 3 Section 4.(60) Residential facility or residential treatment center or group home: 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). Residential facilities may also be called by other names in the Receiving State, such as those listed under "Type of Care Requested on the ICPC-100A: Group Home Care, Residential Treatment Center, Child Caring Institution, and Institutional Care (Article VI), Adjudicated Delinquent."
 - (b) The type of license if any held by an institution is evidence of its character but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the ICPC or exempt in a particular instance is to be determined by the services it actually provides or offers to provide. In making any such determinations, the criteria set forth in this regulation shall be applied.
 - (c) The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the ICPC applies.
4. Definition of institutional facilities not covered by this regulation: In determining whether the sending or bringing of a child to another state is exempt from the provisions of the ICPC by reason of the exemption for various classes of institutions in Article II(d), the following concepts and terms shall have the following meanings:
- (a) "Primarily educational institution" means an institution that operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and the educational institution does not do one or more of the following. (Conditions below would require compliance with this Regulation.)

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- (1) accepts responsibility for children during the entire year;
 - (2) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
 - (3) provide any other services to children, except for those customarily regarded as extracurricular or co-curricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a 24-hour residential basis in the aforementioned school program or programs.
- (b) “Hospital or other medical facility” means an institution for the acutely ill that discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.
- (c) “Institution for the mentally ill or mentally defective” minors means a facility that is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase “mentally defective.”
- (d) Outpatient Services: If the treatment and care and other services are entirely out-patient in character, an institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC.
5. Sending State case documentation for Residential Facility Request: The documentation provided with a request for prompt handling shall be current and shall include:
- (a) ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>) fully completed (required for all residential facility requests).
 - (b) ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) required for all residential facility requests, if the child is already placed without prior approval in the Receiving State.
 - (c) Court or other authority to place the child:
 - (1) Delinquent child—a copy of the court order indicating the child has been adjudicated delinquent stating that equivalent facilities are not available in the sending agency’s jurisdiction and that

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institutional care in the Receiving State is in the best interest of the child and will not produce undue hardship. (See Article VI or Section 2.A above.)

- (2) Public agency child—For public court jurisdiction cases, the current court order is required indicating the sending agency has authority to place the child or, if authority does not derive from a court order, a written legal document executed in accordance with the laws of the Sending State that provides the basis for which the sending agency has authority to place the child and documentation that supervision is on-going or a copy of the voluntary placement agreement, as defined in Section 472(f)(2) of the Social Security Act executed by the sending agency and the child's parent or guardian.
 - (3) Child in the custody of a relative or legal guardian—a current court order or legal document is required indicating the sending agency has the authority to place the child.
 - (4) Parent placement (no court involvement)—The ICPC-100A is required and must be signed by the sending agency with the box checked under legal status indicating the parent has custody or guardianship and any additional documents required by the Sending or Receiving State.
- (d) Letter of acceptance from the residential facility: For some Receiving States this is a mandatory document for all placement requests, including those submitted by a parent or guardian. It provides the Receiving State ICPC office with indication that the residential facility has screened the child as an appropriate placement for their facility.
 - (e) A current case history for the child: (optional for placements requested under 5. (c) (3) and (4)), including custodial and social history, chronology of court involvement, social dynamics and a description of any special needs of the child.
 - (f) Service (case) plan: (optional for placements requested under 5.C(3) and (4))—A copy of the child's case or service or permanency plan and any supplements to that plan, if the child has been in care long enough for a permanency plan to be required.
 - (g) Financial and medical plan: A written description of the responsibility for payment of the cost of placement of the child in the facility, including the name and address of the person or entity that will be making the payment and the person or entity who will be otherwise financially responsible for the child. It is expected that the medical coverage will be arranged and confirmed between the sending agency and the residential facility prior to the placement.

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- (h) Title IV-E eligibility verification: (not required for parent placements)—an explanation of the current status of the child’s Title IV-E eligibility under the Federal Social Security Act and Title IV-E documentation, if available. Documentation must be provided before placement is approved.
 - (i) Placement Disruption Agreement: Some states may require a signed Placement Disruption Agreement indicating who will be responsible for the return of the child to the Sending State if the child disrupts or a request is made for the child’s removal and return to the Sending State.
- 6. Methods for transmission of documents: Some or all documents may be communicated by express mail or any other recognized method for expedited communication, including FAX and electronic transmission, if acceptable by both the Sending and the Receiving State. The Receiving State shall recognize and give effect to any such expedited transmission of an ICPC-100A and supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the Receiving State may request and shall be entitled to receive originals or duly certified copies of any legal documents if it considers them necessary for a legally sufficient record under its laws. All such transmissions must be sent in compliance with state laws and regulations related to the protection of confidentiality.
- 7. Decision by Receiving State to approve or deny placement resource (100A).
 - (a) Receiving State decision process: The Receiving State ICPC office reviews the child specific information and the current status of the residential facility. The Receiving State ICPC office approves or denies the placement based on a determination that “the proposed placement does not appear to be contrary to the interests of the child” (ICPC Article III (d)). The ICPC office may as part of its review process verify that the residential facility is properly licensed and not under an investigation by law enforcement, child protection, or licensing staff for unfit conditions or illegal activities that might place the child at risk of harm.
 - (1) Receiving State ICPC office may check to make sure the child is an appropriate match for the category of residential facility program.
 - (2) Receiving State ICPC office may check with the residential facility program to ensure that the request to place the child has been fully reviewed and officially accepted before ICPC approval is granted.
 - (b) Expedited communication of decision: If necessary or helpful to meet time requirements, the Receiving State ICPC office may communicate its determination pursuant to Article III(d) to the sending agency’s state Compact Administrator by FAX or other means of electronic transmission, if acceptable to both Receiving and Sending State. However, this may not be done before the Receiving State Compact Administrator has actually recorded the determination on the ICPC-100A. The written notice (the

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completed ICPC-100A) shall be mailed, sent electronically, if acceptable, or otherwise sent promptly to meet Article III (d) written notice requirements.

- (c) Authority of Receiving State to make final decision: The authority of the Receiving State is limited to the approval or denial of the placement resource. The Receiving State may approve or deny the placement resource if the Receiving State Compact Administrator finds based upon the review of the child specific information and on the review of the current status of the residential facility, “the proposed placement does not appear to be contrary to the interests of the child.” (ICPC Article III.(d))
 - (d) Emergency Residential Facility Placement Temporary Decision: Occasionally residential facility placements need to be made on an emergency basis. In those limited cases, Sending and Receiving State offices may, with mutual agreement, proceed to authorize emergency placement approval. Such emergency placement decision must be made within one business day or other mutually agreed timeframe, based upon receipt by the Receiving State of the ICPC-100A request and any other document required by the Receiving State to consider such emergency placement; e.g., a financial medical plan and a copy of a court order or other authority to make the placement. If emergency placement approval is temporarily granted, the formal ICPC placement approval will not be final until there has been full compliance with Sections 5 and 7 of this regulation.
8. Authority of sending agency: When the Receiving State has approved a placement resource, the sending agency has the final authority to determine whether to use the approved placement resource in the Receiving State. The Receiving State ICPC-100A approval for placement in a residential facility expires thirty calendar days from the date the 100A was signed by the Receiving State. The thirty (30) calendar day timeframe can be extended upon mutual agreement between the Sending and Receiving State ICPC offices.
 9. Submission of ICPC-100B: Upon determination by the sending agency to use the approved resource, the sending agency is responsible for filing an ICPC-100B with the Sending State ICPC office within three (3) business days of the actual placement. That notice is to be submitted to the Receiving State ICPC office, who is to forward the ICPC-100B to the residential facility within five (5) business days of receipt of the ICPC100B.
 10. Supervision Expectations:

 - (a) Residential Facility: The residential facility is viewed as the agency responsible for the 24-hour care of a child away from the child’s parental home. In that capacity the residential facility is responsible for the supervision, protection, safety, and well-being of the child. The sending agency making the placement is expected to enter into an agreement with the residential facility as to the program plan or expected level of supervision and treatment and the frequency and nature of any written progress or treatment reports.

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- (b) Receiving State local child welfare workers and probation staff are not expected to provide any monitoring or supervision of children placed in residential facility programs. The one exception are those children who may become involved in an incident or allegation occurring in the Receiving State that may involve the Receiving State law enforcement, probation, child protection or, ultimately, the Receiving State court.
 - (c) “Sending” agency making placement: The frequency and nature of monitoring visits by the sending agency or individual making the placement are determined by the sending agency in accordance with applicable laws.
- 11. Return of child to Sending State at the request of Receiving State:

 - (a) Request to return child to Sending State at time of ICPC denial of placement: If the child is already placed in the Receiving State residential facility at the time of the decision, and the Receiving State Compact Administrator has denied the placement, then the Receiving State Compact Administrator may request the Sending State ICPC office to facilitate with the sending agency for the return of the child as soon as possible or propose an alternative placement in the Receiving State as provided in Article V(a) of the ICPC. The alternative placement resource must be approved by the Receiving State before placement is made. Return of the child shall occur within five (5) business days from the date of notice for removal unless otherwise agreed upon between the Sending and Receiving State ICPC offices.
 - (b) Request to return child to Sending State after Receiving State ICPC had previously approved placement: Following approval and placement of the child in the residential facility, if the Receiving State Compact Administrator determines that the placement “appears to be contrary to the interests of the child,” then the Receiving State Compact Administrator may request that the Sending State ICPC office facilitate with the sending agency for the return of the child as soon as possible or propose an alternative placement in the Receiving State as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the Receiving State before placement is made. Return of the child shall occur within five (5) business days from the date of notice for removal, unless otherwise agreed upon between the Sending and Receiving State ICPC offices.

The Receiving State ICPC office’s request for removal may be withdrawn if the sending agency arranges services to resolve the reason for the requested removal and the Receiving and the Sending State Compact Administrators mutually agree to the plan.
- 12. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.

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13. This regulation was amended pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting May 4 through 7, 2012; such amendment was approved on May 5, 2012 and is effective as of October 1, 2012.

REGULATION 5 | CENTRAL STATE COMPACT OFFICE

Regulation 5, (“Central State Compact Office”), as first effective April 20, 1982, amended as of April 1999 and April 2002, is amended to read as follows:

1. It shall be the responsibility of each state party to the ICPC to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. For those states that have decentralized specific activities regarding Compact referrals from the central state compact office to a county, local office, or designated agency, the county, local office, or designated agency shall have the same authority and responsibility with respect to those specific activities regarding Compact referrals as if it were the central state compact office. The Compact office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact.
2. The Association of Administrators of the ICPC deems certain appointments of officers who are general coordinators of activities under the Compact in the party states to have been made by the executive heads of states in each instance wherein such an appointment is made by a state official who has authority delegated by the executive head of the state to make such an appointment. Delegated authority to make the appointments described above in this paragraph will be sufficient if it is either: specifically described in the applicable state’s documents that establish or control the appointment or employment of the state’s officers or employees; a responsibility of the official who has the delegated authority that is customary and accepted in the applicable state; or consistent with the personnel policies or practices of the applicable state. Any general coordinator of activities under the Compact who is or was appointed in compliance with this paragraph is deemed to be appointed by the executive head of the applicable jurisdiction regardless of whether the appointment preceded or followed the adoption of this paragraph. No person within an agency so designated by the appropriate authority in a state to make recommendations for or against placement of a child, as evidenced by signing ICPC-100A, shall also conduct the home study upon which such recommendation is made.
3. Words and phrases used in this regulation have the same meaning as in the Compact, unless the context clearly requires another meaning.
4. This regulation was amended pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting May 4 through 7, 2012; such amendment was approved on May 5, 2012 and is effective as of July 1, 2012.

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REGULATION 6 | PERMISSION TO PLACE IS VALID FOR SIX MONTHS

The following regulation, originally adopted in 1991 by the Association of Administrators of the ICPC, is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001.

1. Permission to place a child given pursuant to Article III (d) of the ICPC shall be valid and sufficient to authorize the making of the placement identified in the written document ICPC-100A, by which the permission is given for a period of six (6) months commencing on the date when the Receiving State compact administrator or his duly authorized representative signs the aforesaid ICPC100A.
2. If the placement authorized to be made as described in Paragraph 1 of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the Receiving State may require the updating of documents submitted on the previous application but shall not require a new home study unless the laws of the Receiving State provide that the previously submitted home study is too old to be currently valid.
3. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the Receiving State shall not require that a new license, permit or certificate be obtained in order to qualify the proposed placement recipient to receive the child in placement.
4. Upon a reapplication by the sending agency, the Receiving State shall determine whether the needs or conditions of the child have changed since it initially authorized the placement to be made. The Receiving State may deny the placement if it finds that the proposed placement is contrary to the interests of the child.
5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation was readopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its meeting of April 1999; it is amended pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of April 29 through May 2, 2001, was approved May 2, 2001, and is effective in such amended form as of July 2, 2001.

REGULATION 7 | EXPEDITED PLACEMENT

The following regulation adopted by the Association of Administrators of the ICPC as Regulation 7, Priority Placement, as first adopted in 1996, is amended to read as follows:

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the ICPC. A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.

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2. This regulation shall hereafter be denoted as Regulation 7 for Expedited Placement Decision.
3. Intent of Regulation 7: The intent of this regulation is to expedite ICPC approval or denial by a Receiving State for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, and to:
 - (a) Help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process.
 - (b) Provide the Sending State court and/or sending agency with expedited approval or denial. An expedited denial would underscore the urgency for the Sending State to explore alternative placement resources.
4. This regulation shall not apply if:
 - (a) The child has already been placed in violation of the ICPC in the Receiving State, unless a visit has been approved in writing by the Receiving State Compact Administrator and a subsequent order entered by the Sending State court authorizing the visit with a fixed return date in accordance with Regulation 9.
 - (b) The intention of the Sending State is for licensed or approved foster care or adoption. In the event the intended placement [must be parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian as per Article VIII(a)] is already licensed or approved in the Receiving State at the time of the request, such licensing or approval would not preclude application of this regulation.
 - (c) the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, does not seek any evidence from the Receiving state the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.
5. Criteria required before Regulation 7 can be requested: Cases involving a child who is under the jurisdiction of a court as a result of action taken by a child welfare agency, the court has the authority to determine custody and placement of the child or has delegated said authority to the child welfare agency, the child is no longer in the home of the parent from whom the child was removed, and the child is being considered for placement in another state with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, must meet at least one of the following criteria in order to be considered a Regulation 7 case:
 - (a) Unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental or physical condition of a parent or guardian, or
 - (b) 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; or
 - (c) The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource.

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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; or
(d) The child is currently in an emergency placement.

6. Provisional approval or denial:

- (a) Upon request of the sending agency and agreement of the Receiving State to make a provisional determination, the Receiving State may, but is not required to, provide provisional approval or denial for the child to be placed with a parent or relative, including a request for licensed placement if the Receiving State has a separate licensing process available to relatives that includes waiver of non-safety issues. Upon receipt of the documentation set forth in Section 7 below, the Receiving State shall expedite provisional determination of the appropriateness of the proposed placement resource by:
 - (1) Performing a physical “walk through” by the Receiving State’s caseworker of the prospective placement’s home to assess the residence for risks and appropriateness for placement of the child,
 - (2) Searching the Receiving State’s child protective services data base for prior reports/investigations on the prospective placement as required by the Receiving State for emergency placement of a child in its custody,
 - (3) Performing a local criminal background check on the prospective placement,
 - (4) Undertaking other determinations as agreed upon by the Sending and Receiving State Compact Administrators, and
 - (5) Providing a provisional written report to the Receiving State Compact Administrator as to the appropriateness of the proposed placement.
- (b) A request by a Sending State for a determination for provisional approval or denial shall be made by execution of an Order of Compliance by the Sending State court that includes the required findings for a Regulation 7 request and a request for provisional approval or denial
- (c) Determination made under a request for provisional approval or denial shall be completed within seven (7) calendar days of receipt of the completed request packet by the Receiving State Compact Administrator. A provisional approval or denial shall be communicated to the Sending State Compact Administrator by the Receiving State Compact Administrator in writing. This communication shall not include the signed ICPS-100A until the final decision is made pursuant to Section 9 below.
- (d) Provisional placement, if approved, shall continue pending a final approval or denial of the placement by the Receiving State or until the Receiving State requires the return of the child to the Sending State pursuant to paragraph 12 of this regulation.
- (e) If provisional approval is given for placement with a parent from whom the child was not removed, the court in the Sending State may direct its agency to request concurrence from the Sending and Receiving State Compact Administrators to place the child with the parent and relinquish

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jurisdiction over the child after final approval is given. If such concurrence is not given, the sending agency shall retain jurisdiction over the child as otherwise provided under Article V of the ICPC.

- (f) A provisional denial means that the Receiving State cannot approve a provisional placement pending the more comprehensive home study or assessment process due to issues that need to be resolved.

7. Sending agency steps before sending court enters Regulation 7 Order of Compliance: In order for a placement resource to be considered for an ICPC expedited placement decision by a Receiving State, the sending agency shall take the following minimum steps prior to submitting a request for an ICPC expedited placement decision:

- (a) Obtain either a signed statement of interest from the potential placement resource or a written statement from the assigned case manager in the Sending State that following a conversation with the potential placement resource, the potential placement resource confirms appropriateness for the ICPC expedited placement decision process. Such statement shall include the following regarding the potential placement resource:

- (1) S/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
- (2) S/he fits the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian, under Article VIII (a) of the ICPC.
- (3) The name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.
- (4) A detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.
- (5) S/he has financial resources or will access financial resources to feed, clothe and care for the child.
- (6) If required due to age and/or needs of the child, the plan for child care, and how it will be paid for
- (7) s/he acknowledges that a criminal records and child abuse history check will be completed on any persons residing in the home required to be screened under the law of the Receiving State and that, to the best knowledge of the placement resource, no one residing in the home has a criminal history or child abuse history that would prohibit the placement.
- (8) Whether a request is being made for concurrence to relinquish jurisdiction if placement is sought with a parent from whom the child was not removed.

- (b) The sending agency shall submit to the Sending State court:
 - (1) The signed written statement noted in 7a, above, and

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- (2) a statement that based upon current information known to the sending agency, that it is unaware of any fact that would prohibit the child being placed with the placement resource and that it has completed and is prepared to send all required paperwork to the Sending State ICPC office, including the ICPC-100A and ICPC-101.
8. Sending State court orders: The Sending State court shall enter an order consistent with the Form Order for Expedited Placement Decision adopted with this modification of Regulation 7 subject to any additions or deletions required by federal law or the law of the sending state. The order shall set forth the factual basis for a finding that Regulation 7 applies to the child in question, whether the request includes a request for a provisional approval of the prospective placement and a factual basis for the request. The order must also require completion by the sending agency of ICPC-101 for the expedited request.
9. Time frames and methods for processing of ICPC expedited placement decision:
 - (a) Expedited transmissions: The transmission of any documentation, request for information under paragraph 10, or decisions made under this regulation shall be by overnight mail, facsimile transmission, or any other recognized method for expedited communication, including electronic transmission, if acceptable. The Receiving State shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation provided it is legible and appears to be a complete representation of the original. However, the Receiving State may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws. Any state Compact Administrator may waive any requirement for the form of transmission of original documents in the event he or she is confident in the authenticity of the forms and documents provided.
 - (b) Sending State court orders to the Sending State agency: The Sending State court shall send a copy of its signed order of compliance to the Sending State agency within two (2) business days of the hearing or consideration of the request. The order shall include the name, mailing address, e-mail address, telephone number and FAX number of the clerk of court or a designated court administrator of the Sending State court exercising jurisdiction over the child.
 - (c) Sending agency sends ICPC request to Sending State ICPC office: The Sending State court shall direct the sending agency to transmit to the Sending State Compact Administrator within three (3) business days of receipt of the signed Order of Compliance, completed ICPC-100A and ICPC-101, the statement required under Paragraph 7 above and supporting documentation pursuant to ICPC Article III.
 - (d) Sending State ICPC office sends ICPC Request to Receiving State ICPC office: Within two (2) business days after receipt of a complete Regulation 7 request, the Sending State Compact Administrator shall transmit the complete request for the

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- assessment and for any provisional placement to the Receiving State Compact Administrator. The request shall include a copy of the Order of Compliance rendered in the Sending State.
- (e) Timeframe for Receiving State ICPC office to render expedited placement decision: no later than twenty (20) business days from the date that the forms and materials are received by the Receiving State Compact Administrator, the Receiving State Compact Administrator shall make his or her determination pursuant to Article III (d) of the ICPC and shall send the completed 100-A to the Sending State Compact Administrator by expedited transmission.
 - (f) Timeframe for Receiving State ICPC office to send request packet to receiving local agency: The Receiving State Compact Administrator shall send the request packet to the local agency in the Receiving State for completion within two (2) business days of receipt of the completed packet from the Sending State Compact Administrator.
 - (g) Timeframe for Receiving State local agency to return completed home study to central office: The local agency in the Receiving State shall return the completed home study to the Receiving State Compact Administrator within fifteen (15) business days (including date of receipt) of receipt of the packet from the Receiving State Compact Administrator.
 - (h) Timeframe for Receiving State ICPC Compact Administrator to return completed home study to Sending State: Upon completion of the decision process under the timeframes in this regulation, the Receiving State Compact Administrator shall provide a written report, an ICPC-100A approving or denying the placement, and a transmittal of that determination to the Sending State Compact Administrator as soon as possible, but no later than three (3) business days after receipt of the packet from the Receiving State local agency and no more than twenty (20) business days from the initial date that the complete documentation and forms were received by the Receiving State Compact Administrator from the Sending State Compact Administrator.
10. Recourse if Sending or Receiving State determines documentation is insufficient:
- (a) In the event the Sending State Compact Administrator finds that the ICPC request documentation is substantially insufficient, s/he shall specify to the sending agency what additional information is needed and request such information from the sending agency.
 - (b) In the event the Receiving State Compact Administrator finds that the ICPC request documentation is substantially insufficient, he or she shall specify what additional information is needed and request such information from the Sending State Compact Administrator. Until receipt of the requested information from the Sending State Compact Administrator, the Receiving State is not required to continue with the assessment process.

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- (c) In the event the Receiving State Compact Administrator finds that the ICPC request documentation is lacking needed information but is otherwise sufficient, s/he she shall specify what additional information is needed and request such information from the Sending State Compact Administrator. If a provisional placement is being pursued, the provisional placement evaluation process shall continue while the requested information is located and provided.
 - (d) Failure by a Compact Administrator in either the Sending State or the Receiving State to make a request for additional documentation or information under this paragraph within two (2) business days of receipt of the ICPC request and accompanying documentation by him or her shall raise a presumption that the sending agency has met its requirements under the ICPC and this regulation.
- 11. Failure of Receiving State ICPC office or local agency to comply with ICPC Regulation 7: Upon receipt of the Regulation 7 request, if the Receiving State Compact Administrator determines that it will not be possible to meet the timeframes for the Regulation 7 request, whether or not a provisional request is made, the Receiving State Compact Administrator shall notify the Sending State Compact Administrator as soon as practical and set forth the Receiving State's intentions in completing the request, including an estimated time for completion or consideration of the request as a regular ICPC request. Such information shall also be transmitted to the sending agency by the Sending State Compact Administrator for it to consider other possible alternatives available to it.

If the Receiving State Compact Administrator and/or local state agency in the Receiving State fail(s) to complete action for the expedited placement request as prescribed in this regulation within the time period allowed, the Receiving State shall be deemed to be out of compliance with this regulation and the ICPC. If there appears to be a lack of compliance, the Sending State court that sought the provisional placement and expedited placement decision may so inform an appropriate court in the Receiving State, provide that court with copies of relevant documentation and court orders entered in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the holding of hearings, taking of evidence, and the making of appropriate orders, for the purpose of obtaining compliance with this regulation and the ICPC.
- 12. Removal of a child: Following any approval and placement of the child, if the Receiving State Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then the Receiving State Compact Administrator may request the Sending State Compact Administrator arrange for the immediate return of the child or make alternative placement as provided in Article V (a) of the ICPC. The Receiving State request for removal may be withdrawn if the Sending State arranges services to resolve the reason for the requested removal and the Receiving and Sending State Compact Administrators mutually agree to the plan. If no agreement is reached, the Sending State shall expedite return of the child to the Sending State within

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- five (5) business days unless otherwise agreed in writing between the Sending and Receiving State Compact Administrators.
13. This regulation as first effective October 1, 1996, and readopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of April 1999, is amended pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of May 1, 2011; the regulation, as amended was approved on May 1, 2011 and is effective as of October 1, 2011.

REGULATION 8 | CHANGE OF PLACEMENT PURPOSE

1. An ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss1838ia.pdf>) should be prepared and sent in accordance with the instructions (DSS-1838I: (<http://info.dhhs.state.nc.us/olm/forms/dss/dss1838I.pdf>)) whenever there is a change of purpose in an existing placement, e.g., from foster care to pre-adoption even though the placement recipient remains the same. However, when a Receiving State or a Sending State requests a new ICPC-100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC100As.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is effective on and after April 30, 2000, pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting of April 30 -May 3, 2000.

REGULATION 9 | DEFINITION OF A VISIT

1. A visit is not a placement within the meaning of the ICPC. 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 as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.

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4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. 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, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
6. A request for a home study or supervision made by the person or agency which 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.
7. A visit as defined in this regulation is not subject to the ICPC.
8. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
9. This regulation as first adopted as a resolution effective April 26, 1983, was promulgated as a regulation as of April 1999; and is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the ICPC, at their meeting of April 2002, with such amendments effective after June 27th, 2002.

REGULATION 10 | GUARDIANS

1. Guardian Defined. As used in the ICPC and in this Regulation:
 - (a) "Guardian" means a public or private agency, organization, or institution which holds a valid and effective appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. Guardian also means an individual who is a nonagency guardian as defined in subparagraph (b) hereof.
 - (b) "Non-agency guardian" means an individual holding a currently valid appointment from a court of competent jurisdiction to have all

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of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

2. **Prospective Adoptive Parents Not Guardians.** An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.
3. **Effect of Guardianship on ICPC placements.**
 - (a) An interstate placement of a child with a non-agency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child's parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.
 - (b) An appropriate court of the sending agency's state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.
4. **Permanency Status of Guardianship.**
 - (a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a Receiving State in compliance with ICPC, appointment of the placement recipient as guardian by the Sending State court is grounds to terminate the applicability of the ICPC when the Sending and Receiving State compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court that appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.
 - (b) If, subsequent to the making of an interstate placement pursuant to ICPC, a court of the Receiving State appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the Receiving State concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the Sending and Receiving States, the sending agency and an appropriate court of the Sending State shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.
5. **Guardian Appointed by Parent.**

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If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A non-agency guardian so appointed shall be deemed a nonagency guardian as that term is used in Article VIII (a) of ICPC, provided that such non-agency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a non-agency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

6. Other Definitions of Guardianship Unaffected.

The definitions of "guardian" and "non-agency guardian" contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of "guardian" or "non-agency guardian" when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

7. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
8. This regulation was first promulgated in April 1999; it is amended by the Compact Administrators acting jointly and pursuant to Article VII of the ICPC their annual meeting of April 2002 with such amendments effective after June 27th, 2002.

REGULATION 11 | RESPONSIBILITY OF STATES TO SUPERVISE CHILDREN

The following regulation was adopted by the Association of Administrators of the ICPC on April 18, 2010 and is declared to be in effect on and after October 1, 2010.

1. Words and phrases used in this regulation have the same meanings as those ascribed to them in the ICPC. A word or phrase not defined in the ICPC shall have the same meaning ascribed to it in common usage.
2. Definitions:
 - (a) "Central Compact Office" means the office that receives ICPC placement referrals from Sending States and sends ICPC placement referrals to Receiving States. In states that have one central compact office that services the entire state, the term "central compact office" has the same meaning as "central state compact office" as described in Regulation 5 of the ICPC. In states in which ICPC placement referrals are sent directly to Receiving States and

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received directly from Sending States by more than one county or other regional area within the state, the “central compact office” is the office within each separate county or other region that sends and receives ICPC placement referrals.

- (b) “Child Welfare Caseworker” means a person assigned to manage the cases of dependency children who are in the custody or under the supervision of a public child welfare agency.
- (c) “Public Child Placing Agency” means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.
- (d) “Supervision” means monitoring of the child and the child’s living situation by the Receiving State after a child has been placed in a Receiving State pursuant to an approved placement under Article III (d) of the ICPC or pursuant to a child’s relocation to a Receiving State in accordance with Regulation 1 of the ICPC.

3. A Receiving State must supervise a child placed pursuant to an approved placement under Article III(d) of the ICPC if supervision is requested by the Sending State, and;

- (a) the sending agency is a public child placing agency, and
- (b) the agency that completed the home study for placement of the child in the Receiving State is a public child placing agency, and
- (c) The child’s placement is not in a residential treatment center or a group home.

4. Supervision must begin when the child is placed in the Receiving State pursuant to an approved placement under Article III (d) of the ICPC and the Receiving State has received an ICPC-100B from the Sending State indicating the date of the child’s placement. Supervision can and should begin prior to receipt of the ICPC-100B if the Receiving State has been informed by other means that the child has been placed pursuant to an approved placement under Article III (d) of the ICPC.

5. (a) Supervision must continue until:

- (1) the child reaches the age of majority or is legally emancipated; or
- (2) the child’s adoption is finalized; or
- (3) legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the Sending State; or

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- (4) the child no longer resides at the home approved for placement of the child pursuant to Article III(d) of the ICPC; or
- (5) jurisdiction over the child is terminated by the Sending State; or
- (6) legal guardianship of the child is granted to the child's caregiver in the Receiving State; or
- (7) The Sending State requests in writing that supervision be discontinued, and the Receiving State concurs.

(b) Supervision of a child in a Receiving State may continue, notwithstanding the occurrence of one of the events listed above in 5(a) (1–7), by mutual agreement of the Sending and Receiving State's central compact offices.

- 6. Supervision must include face-to-face visits with the child at least once each month and beginning no later than 30 days from the date on which the child is placed, or 30 days from the date on which the Receiving State is notified of the child's placement, if notification occurs after placement. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the Receiving State. The purpose of face-to-face visits is to help ensure the on-going safety and well being of the child and to gather relevant information to include in written reports back to the Public Child Placing Agency in the Sending State. If significant issues of concern are identified during a face-to-face visit or at any time during a child's placement, the Receiving State shall promptly notify the central compact office in the Sending State in writing.
- 7. The Child Welfare Caseworker assigned to supervise a child placed in the Receiving State shall complete a written supervision report at least once every ninety (90) days following the date of the receipt of the ICPC-100B by the Receiving State's central compact office notifying the Receiving State of the child's placement in the Receiving State. Completed reports shall be sent to the central compact office in the Sending State from the central compact office in the Receiving State. At a minimum such reports shall include the following:
 - (a) Date and location of each face-to-face contact with the child since the last supervision report was completed.
 - (b) A summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child.
 - (c) If the child is attending school, a summary of the child's academic performance along with copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents.

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- (d) A summary of the child's current health status, including mental health, the dates of any health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations, reports or other pertinent records.
- (e) An assessment of the current placement and caretakers (e.g., physical condition of the home, caretaker's commitment to child, current status of caretaker and family, any changes in family composition, health, financial situation, work, legal involvement, social relationships; child care arrangements).
- (f) A description of any unmet needs and any recommendations for meeting identified needs.
- (g) If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the Sending State's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.

8. (a) The Receiving State shall respond to any report of abuse or neglect of a child placed in the Receiving State pursuant to an approved placement under Article III (d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the Receiving State.

(b) If the Receiving State determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the Sending State to move the child at the time

that the Receiving State makes this determination, the Receiving State shall place the child in a safe and appropriate setting in the Receiving State. The Receiving State shall promptly notify the Sending State if a child is moved to another home or other substitute care facility.

(c) The Receiving State shall notify the central compact office in the Sending State of any report of child abuse or neglect of a child placed in the Receiving State pursuant to an approved placement under Article III (d) of the ICPC, regardless of whether or not the report is substantiated. Notification of the central compact office in the Sending State will occur as soon as possible after such a report is received.

(d) It is the responsibility of the public child placing agency in the Sending State to take action to ensure the ongoing safety of a child placed in a Receiving State pursuant to an approved placement under Article III (d) of the ICPC, including return of the child to the Sending State as soon as possible when return is requested by the Receiving State.

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(e) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the Sending State to take timely action to relieve the Receiving State of any financial burden the Receiving State has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the Sending State pursuant to Article III (d) of the ICPC.

9. (a) The child placing agency in the Sending State is responsible for case planning for any child placed in a Receiving State by the child placing agency in the Sending State pursuant to an approved placement under Article III (d) of the ICPC.

(b) The child placing agency in the Sending State is responsible for the ongoing safety and well-being of any child placed in a Receiving State by the child placing agency in the Sending State pursuant to an approved placement under Article III (d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.

(c) The Receiving State shall be responsible to assist the Sending State in locating appropriate resources for the child and/or the placement resource.

(d) The Receiving State shall notify the central compact office in the Sending State in writing of any unmet needs of a child placed in the Receiving State pursuant to an approved placement under Article III (d) of the ICPC.

(e) If the child's needs continue to be unmet after the notification described in (d) above has occurred, the Receiving State may

require the child placing agency in the Sending State to return the child to the Sending State. Before requiring the return of the child to the Sending State, the Receiving State shall take into consideration the negative impact on the child that may result from being removed from his or her home in the Receiving State and shall weigh the potential for such negative impact against the potential benefits to the child of being returned to the Sending State. Notwithstanding the requirement to consider the potential for such negative impact, the Receiving State has sole discretion in determining whether or not to require return of a child to the Sending State.

REGULATION 12 | PRIVATE/INDEPENDENT ADOPTIONS

The following regulation, as adopted by the Association of Administrators of the ICPC, is declared to be in effect on and after October 1, 2012. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.

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1. Definitions:
 - a) “Adoption” is the method provided by state law that establishes 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. This relationship can only be termed “adoption” after the legal process for adoption finalization is complete.
 - b) “Adoption Home Study” is a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a potential adoptive parent.
 - c) “Adoption Facilitator” is an individual that is not licensed or approved by a state as an adoption agency, child-placing agency, or attorney, and who is engaged in the matching of birth parents with adoptive parents.
 - d) “Independent Adoption” is an adoption arranged by a birth parent or other person or entity as designated, defined, and authorized by the laws of the applicable state or states, to take custody of and to place children for adoption.
 - e) “Independent Adoption Entity” is any individual or entity authorized by the law of the applicable state or states to take custody of and to place children for adoption and to place children for adoption other than a state, county, or licensed private agency.
 - f) “Intermediary” is any person or entity who is not an Independent Adoption Entity as defined above, but who acts for or between any parent and any prospective parent, or acts on behalf of either, in connection with the placement of the parent’s child born in one state, for adoption by a prospective parent in a different state.
 - g) “Legal Risk Placement” means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the Sending State or the birth mother’s state of residence, if different from the Sending State, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.
 - h) “Legal Risk Medical Statement” is an acknowledgment by the prospective adoptive parents that known physical, emotional, or other relevant history of the child has been disclosed.

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- i) “Private Agency” is a licensed or state approved agency whether domestic or international that has been given legal authority to place a child for adoption.
 - j) “Private Agency Adoption” is an adoption arranged by a licensed or approved agency whether domestic or international that has been given legal custody or responsibility for the child including the right to place the child for adoption.
2. Intent of Regulation 12: The intent of this regulation is to provide guidance and ICPC requirements for the processing of private agency or independent adoptions. The ICPC process exists to ensure protection and services to children and families involved in executing adoptions across state lines and to ensure that the placement is in compliance with all applicable requirements. It is further the intent of Regulation 12 for the sending agency to comply with each and every requirement set forth in Article III of the ICPC that governs the placement of children therein.
3. Application of Regulation 12: This regulation applies to children being placed for private adoption or independent adoption whether being placed by a private agency or by an Independent Adoption Entity, as defined herein, or with the assistance of an Intermediary, as defined herein, and as in compliance with the other articles and regulations.
4. Conditions for placement as stated in ICPC Article III: Prior to sending, bringing, or causing any child to be sent or brought into a Receiving State for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the Receiving State written notice of the intention to send, bring, or place the child in the Receiving State. The notice shall contain:
 - a) The name, date, and place of birth of the child.
 - b) The identity and address or addresses of the parents or legal guardian. If the identity or address of a birth parent and/or legal parent is not provided, an explanation as to why it has not been provided shall be included to the extent that it is consistent with the laws of the applicable state.
 - c) The name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child.
 - d) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made. Compliance with this requirement may be met by submission of the documentation required under Section 6 below.

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5. Legal and financial responsibility during placement: For placement of a child by a private agency for independent adoption, the private agency shall be:
 - a) Legally responsible for the child, including return of the child to the Sending State if the adoption does not occur during the period of placement.
 - b) Financially responsible for the child absent a contractual agreement to the contrary or a statement by the prospective adoptive parent or parents that they will assume financial responsibility.

6. Sending agency or party case documentation required with ICPC-100A private agency/independent adoption request:
 - a) For placement by a private agency or independent entity, the required content to accompany a request packet for approval shall include all of the following:
 - (1) ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) requesting ICPC approval to make placement;
 - (2) Cover letter: A request for approval signed by the person requesting approval identifying the child, birth parent(s), the prospective adoptive parent(s), a statement as to how the match was made, name of the intermediary, if any, and the name of the supervising agency and address;
 - (3) Consent or relinquishment: signed by the parents in accordance with the law of the Sending State, and, if requested by the Receiving State, in accordance with the laws of the Receiving State. If a parent is permitted and elects to follow the laws of a state other than his or her state of residence, then he or she should specifically waive, in writing, the laws of his or her state of residence and acknowledge that he or she has a right to sign a consent under the law of his or her state of residence. The packet shall contain a statement detailing how the rights of all parents shall be legally addressed;
 - (4) Certification by a licensed attorney or authorized agent of a private adoption agency or independent entity that the consent or relinquishment is in compliance with the applicable laws of the Sending State, or where requested, the laws of the Receiving State;

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- (5) Verification of compliance with Indian Child Welfare Act (25 U.S.C. 1901);
- (6) Legal risk acknowledgement signed by the prospective adoptive parents, if applicable in either the Sending or Receiving State;
- (7) Statement of authority: A copy of the current court order pursuant to which the sending agency has authority to place the child or, if the authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going;
- (8) Current case history for the child, including custodial and social history, chronology of court involvement, social dynamics, education information (if applicable), and a description of any special needs of the child. If an infant, at a minimum, a copy of the medical records of the birth and hospital discharge summary for the child, if the child has been discharged;
- (9) Foster home license: If the Receiving State placement resource previously lived in the Sending State and that state has required licensure, certification, or approval, a copy of the most recent license, certificate, or approval of the qualification of the placement resource(s) and/or their home showing the status of the placement resource as a qualified placement resource, if available. If the Receiving State placement resource was previously licensed, certified, or approved as a foster or adoptive parent in the Sending State and such license, certificate, or approval was involuntarily revoked, a statement of when such revocation occurred and the reasons for such revocation;
- (10) Adoptive home study or approval: A copy of the most recent adoption home study or approval of the prospective adoptive family must be provided, including, in accordance with the law of the Receiving State, verification of compliance with federal and state background clearances, including FBI fingerprint and Child Abuse/Neglect clearances and Sex Offender Registry clearance, a copy of any court order approving the adoptive home (if entered), and a statement by the person or entity that the home is approved or a revised current home study update if the home study is more than 12 months old;
- (11) A copy of the Order of Appointment of Legal Guardian, if applicable;

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- (12) Affidavit of Expenses, if applicable; and
 - (13) Copy of sending agency's license or certification, if applicable;
 - (14) Biological parents' information—social history, medical history, ethnic background, reasons for adoption plan, and circumstances of proposed placement. If the child was previously adopted, the adoptive parents shall provide the information set forth in this section for the biological parents, if available;
 - (15) A written statement from the person or entity that will be providing post-placement supervision (may be included in adoption home study) acknowledging the obligation to provide post-placement supervision; and
 - (16) Authority for the prospective adoptive parents to provide medical care, if applicable.
- b) If a home study is completed by a licensed private agency in the Receiving State, the Sending State shall not impose any additional requirements to complete the home study that are not required by the Receiving State unless the adoption is finalized in the Sending State.
7. Authorization to travel: Additional documents may be requested
- a) Except as set forth herein, the child shall not be sent, brought, or caused to be sent or brought into the Receiving State until the appropriate public authorities in the Receiving State shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child. Article III (d).
 - b) The Sending and Receiving State ICPC office may request additional information or documents prior to finalization of an approved placement. Travel by the prospective adoptive parents into the Receiving State with the child shall not occur until the required content of the request packet for approval has been submitted, received and reviewed by the Sending and Receiving State ICPC offices and approval to travel has been given, provided, however, a Receiving State may, at its sole discretion, approve travel while awaiting provision of additional documentation requested.
8. Approval by the Receiving State ICPC office: A provisional or final approval for placement must be obtained in writing from the Receiving State ICPC office in accordance with the ICPC. A signed ICPC-100A

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must be provided by the Receiving State if the writing was in any other form. In any event, approval or denial must be given within three (3) business days of the receipt of the completed packet by the Receiving State Compact Administrator.

9. Upon placement of a child by the sending agency following approval by the Receiving State Compact Administrator, the sending agency shall, within five (5) business days of placement of the child, submit a completed ICPC-100B confirming placement to the Sending State Compact Administrator. Upon finalization of the adoption, if the sending agency is a private adoption agency, the private adoption agency shall provide to the Sending State Compact Administrator a copy of the final judgment of adoption together with an ICPC-100B for closure, which shall then be sent to the Receiving State Compact Administrator within thirty (30) business days of entry of judgment. Upon finalization of an independent adoption, the sending agency or entity shall provide a copy of the final judgment of adoption together with an ICPC-100B for closure within thirty (30) business days of entry of judgment to the Sending State Compact Administrator who shall then send it to the Receiving State Compact Administrator.
10. Notification if child placed in violation of Article III: A child placed into the Receiving State prior to a decision for placement constitutes a violation of Article III and the laws respecting the placement of children of both states; subject to liability cited in Article IV. Penalty for Illegal Placement. All parties to the placement arrangements, including prospective resource parents, the sending agency, private licensed child-placing agency or legal counsel are responsible for notifying the appropriate ICPC authorities in both states of the circumstances and to coordinate action to provide for the safety and well-being of the child pending further action. If a child has been placed in the Receiving State in violation of Article III, an ICPC-100B indicating the date the child was placed in the prospective adoptive home, together with items listed in Section 6 above, shall then be filed with the Sending State Compact Administrator who shall forward them to the Receiving State's Compact Administrator. If all required documents are provided, the Sending State and the Receiving State shall give due and appropriate consideration to placement as permitted under the Sending and Receiving State laws.
11. This regulation is adopted pursuant to Article VII of the ICPC by action of the Association of Administrators of the ICPC at its annual meeting May 4 through 7, 2012; such adoption was approved on May 6, 2012 and is effective as of October 1, 2012.

IV. DEFINITIONS AND APPLICABILITY

For Definitions, please refer to Section III Regulation 3.

Placement Categories requiring compliance with the Interstate Compact when there is public court jurisdiction relating to dependency, abuse or delinquency are as follows:

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1. Placements preliminary to an adoption.
2. Placement with a related or unrelated caregiver.
3. Placement with parents and relatives when a parent or relative is not making the placement.
4. Residential Placements of all children as defined in Regulation 4.
Court jurisdiction often means that custody has been given to a Child Welfare agency and removed from the home. It also may include cases where the children remain in the home and the parents retain custody. If the Court has an open case for abuse, neglect or dependency and has the authority to supervise, remove and to place the child(ren), it has jurisdiction. Should this be the case at the time of an application for Interstate Services, the ICPC-100A should indicate Court Jurisdiction only.

Cases where court jurisdiction only might be checked on the ICPC-100A legal status are:

1. Contingency or concurrent requests in cases where removal may become necessary.
2. Parent or relative with guardianship/custody has relocated to a Receiving State and the court retains jurisdiction and wishes to have a home study to determine best interests of child.

Placements made without Interstate Compact protections:

1. A placement with a parent from whom the child was not removed, the court has no evidence the parent is unfit and seeks no evidence from the Receiving State.
2. Sending court makes a parent placement with a courtesy check.
3. Placement made by private individuals with legal rights to place.
4. Placements handled in divorce, paternity or probate courts.
5. Placements made pursuant to other compacts.

All requests for placement must include the following (For guidance in completing an Interstate Placement Packet, refer to DSS-5255 Checklist for Interstate Requests: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5255-ia.pdf>):

The ICPC-100A (DSS-1837:

<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf> and Instructions DSS1837I: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837I.pdf>) requires 5 copies be submitted to initiate an out-of-state placement request. These must be signed by an agency representative and submitted with the request package, but not stapled to or mixed with other documentation.

1. The following information/materials, hereafter known as the **Interstate Placement Packet**, must be submitted in *triplicate* to the North Carolina ICPC office.
 - a. **Cover letter**- This letter should be addressed the NC ICPC office and include identification of each child for whom the placement is sought, one placement resource and the type of placement requested.

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- b. **Social Assessment of the Child and Family-** The social assessment must be current within six months. See the sample outline in number 7 below for guidance.
 - c. **Legal Documents-** A copy of the most recent court order specifying the agency's authority to place the child. If a court order is not available, a statement of the basis on which the agency is placing the child and documentation that supervision is ongoing must be included.
 - d. **Case/Services/Permanent Plan-** A copy of the plan along with any supplements.
 - e. **Financial/Medical Plan (DSS- 5251:** <https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5251-ia.pdf>) - The plan must specify how the child's financial/medical needs will be met. In a few cases, the family will be able to assume financial responsibility. However, in most cases of non-parental placement, financial assistance, either TANF or foster care maintenance payments, will be needed. In all cases, it must be specified whether the child is IV-E eligible.
 - f. **Birth Certificate and/or Social Security Card**
 - g. **Foster Care Certifications/Home study-** A copy of the most recent home study and license, certificate or approval of the qualifications of the placement resource and/or their home (if available) showing they are a qualified placement resource. Information should also be included about any other children that were ever placed in the home prior to this request.
 - h. **Medical/Educational/Psychological Information-** The type and amount of information should be included in the request packet based on the case. The information given should help the receiving state ensure that the placement resource is able to meet the needs of the child(ren).
 - i. **Public Adoption** cases require legal clearance documents and an adoption Profile (or other information relevant to the adoptive placement.
 - j. **Foster and Relative Requests-** require a Statement of Interest (**DSS 1841:** <http://info.dhhs.state.nc.us/olm/forms/dss/dss1841-ia.pdf>).
 - k. **Expedited Requests-** require a court Order of Compliance consistent with form **DSS-1839** (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1839-ia.pdf>) and a signed statement of interest form (**DSS 1840:** <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1840-ia.pdf>).
2. When a child is in the legal custody of a Department of Social Services, the ICPC-100A must be signed by the DSS director or his designee.
 3. When the child is not in the legal custody of a Department of Social Services, but is under the court's jurisdiction, the ICPC-100A must be signed by the Judge. In these cases, the court is the sending agency and must be specified in Section I of the ICPC-100A as the agency responsible for planning and as financially responsible.
 4. If the child is a member of a federally recognized Indian tribe, the Indian Child Welfare Act applies.

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5. ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss1838-ia.pdf> and Instructions DSS 1838I: <http://info.dhhs.state.nc.us/olm/forms/dss/dss1838I.pdf>) must be completed if the child is already present in the Receiving State. The packet should include 3 copies.
6. Sample outline and directions for the Child and Family Assessment:

DIRECTIONS:

Please review the existing case material on each child to ensure that the information listed below accompanies the ICPC-100A. If there is no social assessment available on the referred child and family, please address all areas.

CURRENT SITUATION

Circumstances precipitating out-of-state placement Location of child and length of time there

Situation and location of parents, situation and location of siblings, if any Description of out-of-state placement resource, if known, or type of placement resource being sought Child's attitude toward placement Parent's attitude toward placement

CURRENT ASSESSMENT OF CHILD

Physical appearance height, weight, hair color, eye color, skin color, Distinctive marks

Current adjustment: behavioral, emotional, social skills. Relationship/interactions with parents, caregivers, siblings, peers Health: diagnosis, treatment, prognosis. Special needs, if any.

Education: grade, achievement, classroom behavior, relationship to teachers and classmates, extra curricular activities.

Significant others in the child's life

ASSESSMENT OF PARENT (S) AND FAMILY

Physical description of parent(s) (appropriate for adoption) Current functioning: education, employment, financial, parental, and social.

Relationship/interactions with spouse, children, other significant family members Health: physical and mental; diagnosis, treatment, and prognosis.

Current and anticipated involvement with child

V. REQUESTS FOR SERVICES IN OTHER STATES

A. TYPES OF PLACEMENTS

1. Relocation of a Child placed in North Carolina who moves with the Family Unit.

When an agency is supervising the placement (foster parents, family or relatives) of a child who is placed in North Carolina and the child and family relocate to another state for a period in excess of 90 days or if the temporary relocation will reoccur, an application for ICPC

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approval must be submitted to the State Compact office. For a temporary relocation of 90 days or fewer, the agency has a choice of whether or not to do an ICPC request. Supervision requirements through the Social Security ACT 422 USC 622 (http://www.ssa.gov/OP_Home/ssact/title04/0422.htm) regarding safety remain in effect for NC children during visits to other states. Upon the decision of the family unit to move, make a visit of more than 90 days or a recurring visit to another state, the appropriate documentation shall be submitted to the State Compact office. The State Compact office will process the paperwork within 5 business days and shall request a response from the receiving state within 5 days of the receipt of the request.

Provisional Decision Should the child and family unit already be in the state, the local agency must request a provisional decision within 5 business days of receipt of the ICPC100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>), ICPC100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838ia.pdf>) and complete ICPC packet. (See Section IV)

The completed Interstate Placement Packet is required to initiate an ICPC request. An initial home evaluation report assessing continued safety and well being of the placement for the child will be returned within 60 days of receiving the request. Final approval by the Receiving State shall be made as soon as practical, but no later than 180 days from receipt of the initial home evaluation request. Should an unfavorable decision be made, the local agency will arrange the return of the child or make an alternative placement.

2. **Placements for Public Adoption or Licensed Foster Care in Family Settings and/or Parents or other Relatives Out of North Carolina.**

- a. When children under the jurisdiction of the court for abuse, neglect, or dependency are considered for a placement in another state for the purposes of adoption, foster care, relative or parent, the agency must send a completed ICPC packet to the State compact office prior to the child going to the placement. This applies to the following situations:
 1. Children not yet placed with a potential placement resource.
 2. Change of status for children already placed with ICPC approval.
- b. Children already placed without ICPC approval: When a child has been placed without ICPC approval it is considered a violation of the ICPC and the Receiving State bears no obligation to supervise or proceed with a home evaluation.
- c. Exceptions to this requirement are as follows:

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1. A placement with a parent from whom the child was not removed when the court has no evidence the parent is unfit and seeks no evidence. For this exception to apply, the court must relinquish jurisdiction over the case immediately upon placement with the parent and therefore is no responsibility for supervision of the placement.
 2. The North Carolina Court makes a placement with a parent from whom the child was not removed and requests an independent courtesy check. The quality of this check will rest with both parties involved in the courtesy check.
- d. An expedited home evaluation request can be initiated when a child has not yet been placed in the home. See Expedited Placement Decision requirements (Section IX).
- e. A complete ICPC packet along with a Signed Statement of Interest (DSS-1840:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1840-ia.pdf>) from the assigned DSS case manager must be submitted to be considered.
- f. A final approval or denial must be provided as soon as practical, but no later than 180 days and must be in the form of a signed ICPC-100A. ICPC provides for a 6 month window to accommodate licensure or other receiving state requirements. Although the Receiving State has authority to approve or deny the placement resource, North Carolina retains final authority to determine whether to use the approved placement resource. The approval expires 6 months from the date the ICPC-100A is signed.
- g. North Carolina may request in writing a reconsideration of a denial of the placement resource within 90 days of the date an ICPC-100A denying placement is signed by the Receiving State. This request may or may not include a new home evaluation. To request reconsideration without a new home evaluation, the local Department of Social Services must request a review of the evidence presented or offer new evidence addressing the reasons for denial. A new home study may be requested if there is reason to believe the reasons for denial have been remedied. Once a request for reconsideration is made, the Receiving State has 60 days from the formal request to make a decision. Should the decision be overturned, a new ICPC-100A must be signed reflecting the new decision and sent to North Carolina.
- h. Should a denial of the placement be made and a child already be residing in the Receiving State, DSS must arrange for the return of the child as soon as possible or propose an alternative placement in the Receiving State. The alternative placement resource must be approved by the Receiving State

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before placement is made. The return of the child shall occur within 5 working days from the date of the notice for removal unless otherwise agreed upon by the NC DSS and the Receiving State. A request to remove a child may be withdrawn by a state, if NC DSS can arrange services which resolve the reason for the request to remove.

3. Placements in Residential Facilities Out of North Carolina.

Pursuant to G.S. § 7B-3800 Article VI:

(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html), when an agency, court or any person in North Carolina proposes to place a child into a group home, child caring institution, residential child care facility, foster care camp, maternity home or residential treatment facility in another state, the provisions of the Compact apply. The Compact also applies if an adjudicated delinquent is court ordered into out of state confinement.

The Compact does not apply if the facility is primarily an educational institution, a hospital or institution for a child with a mental illness or mental retardation. A residential institution may be exempt with respect to some children and not exempt with respect to others. The primary factor is the purpose of the placement. If the placement constitutes foster care (with or without fee), the Compact applies.

It is recommended that social workers request consultation from the Interstate Services Consultants in determining whether the Compact applies in such cases.

When an agency, court or any person proposes to place a child in a residential child-care facility outside North Carolina, the following procedures need to be undertaken by the social worker:

- a. For children in the custody or placement responsibility of a county department of social services:
 1. Determine that the facility is 1) licensed and 2) in compliance with the Civil Rights Act of 1964, Rehabilitation Act of 1973, and the American Disabilities Act of 1990, when the child is in the custody or placement responsibility of a county department of social services.
 2. Make an application for services and preadmission determination that the facility can meet the needs of the child.

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3. When the application process is completed and an admission decision has been made, complete and submit an ***Interstate Placement Packet*** to the Interstate Services unit that includes the following information/materials:

- a. **Cover letter** giving the reason the out-ofstate placement is in the best interest of the child.

- b. **Social Assessment** on the child and biological family. The social summary should be current (within 6 months).

- c. **ICPC-100A (DSS-1837:**

<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>)

- d. Legal Documents Copy of current court

order verifying that the child is in the legal custody of a department of social services or is under the jurisdiction of the court.

- e. Psychological Evaluation (if available)

- f. Letter of Acceptance

- b. For private placements (children not in the custody or placement responsibility of a county department of social services) and a court or person is the sending agency:

1. Determine that the facility is licensed.
2. Make an application for services and preadmission determination that the facility can meet the needs of the child.
3. When the application process is completed and an admission decision has been made, complete and submit an ***Interstate***

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Placement Packet to the Interstate Services unit that includes the following information/materials:

- a. **Cover letter** giving the reason the out-of-state placement is in the best interest of the child.
- b. **ICPC-100A (DSS-1837:**
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>)
- c. Letter of Acceptance
- d. Psychological Evaluation or Mental Health Treatment Plan
- e. Legal Documents
- f. Custody order **or** notarized letter of parentage
- g. Court order for juveniles that have been adjudicated delinquent to comply with G.S. § 7B3800 Article VI:
(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySession/Chapter_7B/GS_7B3800.html).

4. Placements For Adoption Out Of North Carolina

When consideration is being given to placing a child with a family in another state for the purpose of adoption, an interstate request for a preplacement assessment must be submitted to the Interstate Services unit. When adoptive parents transfer to another state before the completion of the Decree of Adoption, supervisory services must be requested using the ICPC-100B (DSS-1838:

<http://info.dhhs.state.nc.us/olm/forms/dss/dss1838ia.pdf>). A

Complete interstate request packet as listed on the ICPC Checklist (DSS-5255:

<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5255-ia.pdf>) must be sent to the State Compact office. In addition to the general packet, the following must be included:

- (a) **Legal clearance documents.**
- (b) **Adoption Profile** (Or other information relevant to adoptive placement).

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(c) Adoption assistance eligibility.

Refer to Adoptions in the NC Child Welfare manual ~~manual for additional information on adoption laws, policies, practice and procedures.~~

Provisional Placement Decisions

- a. In any instance where a child is intended to relocate (more than 90 days) to another state with an existing placement resource or has already relocated, the agency must request Provisional Approval from the Receiving State.
- b. Provisional Approval may be requested when an
- c. Expedited Request has been properly submitted.
- d. Immediately upon making a decision to obtain a Provisional Approval, an ICPC-100A and complete application packet must be processed by NC Interstate Services and transmitted to the Receiving State. A request for a response with in 5 business days will be made of the Receiving State.
- e. If the request relates to an existing placement, the following must be included with the ICPC packet:
 1. An ICPC-100 B if the child is already in the Receiving State,
 2. A copy of the most recent licensure or approval (if available),
 3. A copy of the most recent home evaluation of the placement resource and any updates, copies of progress reports on the family unit for the last 6 months and the most recent judicial review court report.
- f. Should the request be for an expedited placement decision, the Order of Compliance (DSS-1839:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1839-ia.pdf>) must request a provisional decision.

B. STATE AND COUNTY RESPONSIBILITIES REGARDING REQUESTS FOR OUT-OF-STATE PLACEMENTS

1. Upon receipt of a request for an out-of-state placement, Interstate Services staff review, evaluate and assess the interstate packet for thoroughness, completeness and compliance with Interstate laws. Based on the Interstate Services staff's review, additional information may be requested.
2. The interstate packet is then forwarded to the Compact Administrator in the Receiving State.
3. The Interstate Services staff in the Receiving State reviews, evaluates, and assesses the request for thoroughness, completeness and compliance and forwards the request to the local agency.

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4. The receiving agency completes the home evaluation, foster home study or adoptive study and sends the study in triplicate with a recommendation regarding placement to the Receiving State's Interstate Services office.
5. The Receiving State's Interstate Services staff receives and reviews the evaluation and recommendation, decides whether to approve or deny the placement and signs the ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>).
6. The home evaluation and ICPC-100A (DSS-1837) are sent to the North Carolina Interstate Services Unit.
7. The North Carolina Interstate Services staff reviews the evaluation and forwards it to the county Department of Social Services or person who originated the request.
8. If a placement has been approved by the Receiving State and the placing agency decides to proceed with the placement, it may be necessary for the agency to file a motion for review, requesting the approval of the court if a prior order does not give authority to proceed with placement of the child under the provisions of the ICPC.
9. The county Department of Social Services completes the planning process for placement of the child out of state by notifying and consulting with the placement resource and the receiving agency.
10. Following the placement of the child, the county Department of Social Services completes ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) indicating the date of placement and sends it to the Interstate Services unit for forwarding to the Receiving State. The ICPC100B (DSS-1838) notifies the Receiving State that the child has been placed and that supervision needs to begin as soon as possible.
11. If the decision is made that a child will not be placed in the other state, the county Department of Social Services must send an ICPC-100B to the Interstate Services office indicating that the resource will not be used and requesting case closure.
12. If the placement is denied, an ICPC-100B is not required. The denied ICPC-100A is sufficient documentation to close the case. The Receiving State has the authority to approve or deny the placement. The Sending agency has the authority to determine whether or not to utilize the placement. The approval expires 6 months from the date the ICPC-100A is signed by the Receiving State.
13. A reconsideration of a denial from a Receiving State may be requested within 90 days from the date that the 100A denying placement is signed by the Receiving State. This request may be with or without a new home evaluation.

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14. Requests for reconsideration without a new home evaluation should present new information with the request.
15. Requests for reconsideration with a new home evaluation should be utilized when an agency is asking the Receiving State to re-examine the original reasons for denial due to a change in the circumstances which led to the denial.

C. NORTH CAROLINA'S RESPONSIBILITIES FOLLOWING AN OUTOFSTATE PLACEMENT

1. North Carolina As Sending State Throughout the child's placement in another state, the county Department of Social Services or sending agency or person and the North Carolina Interstate Services staff collaborate to keep the receiving state informed of the child's permanent plan and legal status. The following information must be submitted in triplicate to the Interstate Services office when there is a change in a child's circumstances or legal status:
 - a. **Case plans.**
 - b. **Court Orders** from court reviews, legal custody/jurisdiction must be retained until the Receiving State sends written concurrence for termination. Refer to G.S. § 7B-3800 Article V:
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/H_TML/BySection/Chapter_7B/GS_7B-3800.html
 - c. **ICPC-100B** (DSS-1838:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) when child is originally placed in another state and when there is a change in placement.
 - d. **Requests for Licensing Information** from the Receiving State when the home is originally licensed and each time the home is relicensed.

Additionally, caseworker visits are made every **6** months, as required by P.L. 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006 (http://www.childwelfare.gov/systemwide/laws_policies/federal/ind ex.cfm?event=federalLegislation.viewLegis&id=82).

2. **Disruptions**

If an out-of-state placement disrupts and the Receiving State asks that a child be returned to North Carolina, the county Department of Social Services or sending agency or person must make arrangements to have the child returned within five (5) business days unless otherwise agreed to by both the Sending and Receiving Interstate Services offices.

If the Receiving State and the North Carolina agency or person agree that it is in the child's best interest to remain in the Receiving State, this may be possible if an alternative placement can be arranged. Appropriate alternative placements include, but are not limited to an

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emergency shelter for children, or a residential treatment facility for acute episodes for brief treatment.

The alternative placement resource must be approved by the Receiving State before placement is made. North Carolina's sending agency or person continues to have legal custody/jurisdiction after a placement is made in another state. Therefore case planning, ongoing safety and well being of the child and financial responsibilities for the child remain with the North Carolina sending agency or person.

Occasionally, a local agency and the Interstate Office in the Receiving State will send a written agreement to accept legal custody/jurisdiction of a child. The termination of jurisdiction in North Carolina and the acceptance of jurisdiction by the other state must be closely coordinated with the two courts involved.

VI. REQUESTS FROM OTHER STATES FOR SERVICES IN NORTH CAROLINA

North Carolina's Responsibilities as a Receiving State

When a child is placed by another state into North Carolina, the county Departments of Social Services' responsibilities are as follows:

- a. Supervision of the placement within 30 days of the State Interstate office being notified the child is in the State;
- b. Submission of progress reports as determined by the ICPC-100A to the Interstate office for forwarding to the sending state; (ICPC Supervision Report 30 Day (DSS 5331:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5331.pdf> or ICPC Supervision Report 90 Day (DSS 5332:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5332.pdf>).
- c. Notifying the ICPC office in writing when there is a change in the child's placement.

Supervision serves the purpose of assessing the conditions and progress toward compliance with laws and requirements of both Sending and Receiving states. It must include face to face visits with the child at least once a month and occur within the child's home a majority of the time. Supervision visits continue until supervision is terminated by the sending state.

Safety Concerns- the Sending Agency has responsibility for action to ensure ongoing safety. Safety issues may be addressed by providing services, finding an alternate placement in the Receiving State or returning the child to the Sending State.

A. PLACEMENTS WITH PARENTS OR RELATIVES IN NORTH CAROLINA

1. When interstate requests are received by the North Carolina Interstate

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Services office, they are reviewed for completeness and compliance and are forwarded to the appropriate county Department of Social Services. Based on the Interstate Services staff review, additional information may be requested from the Sending State.

2. The county Department of Social Services may also request additional information from the sending agency through the Interstate Services office. When such a request is made, the request must be made in triplicate to the Interstate Services office by the county Department of Social Services.
3. When completing a home evaluation, refer to the Home Evaluation Outline in Section C below. The Home Evaluation should be completed within 60 days in compliance with P.L. 109239, the Safe and Timely Interstate Placement of Foster Children Act of 2006 (http://www.childwelfare.gov/systemwide/laws_policies/federal/index.cfm?event=federalLegislation.viewLegis&id=82). When a delay is anticipated, the county Department of Social Services should notify NC's Interstate Services unit. The written notification must be made in triplicate explaining the delay, i.e., fingerprint checks have not been received, and sent to the Interstate Services unit.
4. Upon completing the Home Evaluation, the county Department of Social Services forwards the study and a cover letter in triplicate to Interstate Services unit. The completed Home Evaluation must include a definite recommendation regarding the suitability of the placement. All interstate correspondence must be submitted in triplicate and must include the NC file number as well as the other state's file number, when applicable. Home Evaluations must not be sent directly to any other state.
5. After review of the Home Evaluation, the Interstate Services staff will approve or disapprove the placement, forward the Home Evaluation and ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss1837-ia.pdf>) to the Sending State and send a copy of the transmittal to the county DSS.
6. When a county Department of Social Services receives an ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>), notifying that the child has been placed in North Carolina, the county Department of Social Services begins supervision of the child at that time.
7. Throughout a child's placement in North Carolina, progress reports are submitted to the Interstate Services office in accordance with the frequency requested on the ICPC-100A by the Sending State. Each progress report must include a definite statement that the Sending State must retain jurisdiction unless or until the time a recommendation for transfer of legal custody to the placement resource or termination of jurisdiction is appropriate.
8. Requests for a provisional determination by the Sending State to North Carolina will initiate the following activities:
 - (a) Visiting the prospective placement residence to assess risks and appropriateness for placement.

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- (b) Searching the RIL for prior reports/investigations on the placement resource.
- (c) Performing a local background criminal background check on the placement resource.
- (d) Providing a provisional written report to the Interstate Services Office as to the appropriateness of the placement. Determination must be made within 7 calendar days of receipt of the completed request packet by the NC Interstate Compact Office.
- (e) A provisional placement shall continue until a final approval or denial of the placement by North Carolina or until the Sending State is requested to return the child.
- (f) A provisional denial means that the Receiving State cannot approve a provisional placement. A more comprehensive home study or assessment process is needed to resolve issues.
- (g) A final decision must be made within 15 business days from the date that the forms and materials were received by the NC Interstate office. The NC Interstate office will forward the home study and decision within 3 business days, but no later than 20 days.
- (h) Should NC Interstate office determine the documentation provided is substantially deficient, a request for additional documentation will occur within 2 business days. If a request is not made within 2 business days, the documentation will be deemed adequate. If a provisional decision is requested, the provisional placement evaluation process will continue while waiting for the additional information.
- (i) Failure of the county Department of Social Services to comply with actions within the timeframes set for expedited placement decisions will mean the County is out of compliance with Regulation 7.

9. Decision to approve or deny placement:

- (a) Authority rests with North Carolina to make a determination of approval or denial of the placement. The Home Evaluation report should clearly state whether the County is approving or denying the placement. This should occur as soon as practical; however, must occur within 180 days. This six month time frame is to allow licensing and training requirements applicable to foster or adoption requests.
- (b) If the foster parent or relative placement moved here with the child from a Sending State with a current license, certificate or approval as qualified to be a foster parent or other placement resource, North Carolina must honor the license and training from the Sending State unless there is substantial evidence that the license, certificate, or approval has expired or otherwise is not valid. Then the placement

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resource and the Sending State shall state in writing that the placement resource will become licensed in the Receiving State.

- (c) In the event the home study completed in 60 days does not include a decision approving or denying permission to place a child due to training and/or licensing, the report shall reference such items by including an anticipated date of completion.
- (d) Reconsideration of an Interstate Services denial may be made by a Sending State with or without a home evaluation within 90 days from the date the 100A is signed denying the placement. Reconsideration may be based on:
 - a. New information presented addressing the issues for denial in the home evaluation.
 - b. Re-examination of the reasons for original denial when there has been a change in the circumstances leading to the denial. This would mean a new home evaluation must be completed to ensure the change in circumstances warrant approval.
 - c. A decision on the reconsideration of the denial must be made within 60 days of the date that the formal request to reconsider was received from the Sending State Interstate Services office.
 - d. At the time of a denial of placement or a determination that the placement no longer meets the needs of the child, the return of the child shall occur within 5 working days from the date of notice for removal unless otherwise agreed upon between the Sending State and North Carolina.

B. PLACEMENTS FOR ADOPTION IN NORTH CAROLINA BY A PUBLIC AGENCY

1. Interstate requests for adoptive placements are received by the NC Interstate Services office and are reviewed for completeness and compliance. Complete and compliant request packets are forwarded to the appropriate county Department of Social Services.
2. The county Department of Social Services may also request additional information from the sending agency through the Interstate Services office. When such a request is made, the request must be made in triplicate and sent to the Interstate Services office by the county Department of Social Services.
3. Upon completing the Home Evaluation (also known as the Preplacement Assessment and home study) the county Department of Social Services shall forward the study and a cover letter in triplicate to the NC Interstate Services office. The Home Evaluation (Preplacement Assessment) must include a definite **recommendation regarding the suitability of the placement**. All interstate correspondence must be submitted in triplicate and must include the NC file number as well as the other state's file number, when applicable. **Home Evaluations (Preplacement Assessment) must not be sent directly to any other state.**

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4. After review of the Home Evaluation (Preplacement Assessment) the Interstate Services staff will approve or disapprove the placement, forward the Home Evaluation (Preplacement Assessment) and ICPC100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837ia.pdf>) to the sending state and return a copy of the transmittal to the agency that completed the home evaluation.
5. When a county Department of Social Services receives an ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>), notifying that the child has been placed in North Carolina, the county Department of Social Services must begin supervision of the child(ren).
6. Throughout a child's placement in North Carolina, progress reports are submitted to the Interstate Services office in accordance with the frequency requested on the ICPC-100A DSS1837 by the Sending State. Each progress report must include a definite statement that the Sending State retains jurisdiction until the final Decree of Adoption.

C. Home Evaluation Outline (AKA the Preplacement Assessment)

Directions:

Address all areas that apply. Refer to other studies if applicable.

Identifying Data:

Names, ages, sex, religion of members of household.

Summary of Agency's Experience:

Comment on family's attitude and degree of cooperation. If the family is previously known to agency, include information on the previous contacts.

Health and Physical Description:

Include a brief physical description. Indicate the general health conditions of members of the household and important past health problems.

Personality and Inter-Personal Relationships:

Briefly describe the personalities of members of the household. Comment on life experiences as they affect current functioning. Comment on how family members relate to others.

Quality of Marriage:

Briefly describe the roles of husband and wife in the marriage and/or their relationship to each other. Include information on previous marriages if any. What are their particular strengths and vulnerabilities? (This will not apply to all placements.)

Describe Child Rearing Practices and Beliefs

Education and Employment:

Describe the education and employment history of the family.

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Social Relationships:

Briefly describe the family's social life, recreational interest, and community relations.

Housing and Financial Situation:

Brief description of the home and plans for accommodating the child Describe the family's economic situation and whether they will need financial assistance.

Criminal Record:

Include information on any criminal record of a family member.

Motivation and Attitude toward Parenting the Child (ren):

Include information on the family's motivation in requesting the placement and their relationship with the child. What preparations have been made for the child? How will the special needs of the child be met? Does the family understand the future supervisory role of the agency?

References ***Recommendations***

VII. VIOLATIONS OF COMPACT LAW AND PROCEDURES A. VIOLATIONS

North Carolina General Statute 7B-3800 Article III (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html) outlines the conditions for placement of children into other states party to the compact. When a county Department of Social Services learns that a child has been placed either into or out of the state in violation of the compact law, the county Department of Social Services is required to immediately notify the Interstate Services office of the placement.

B. PROCEDURES

1. When a North Carolina agency receives direct correspondence from an out-of-state agency in regard to placement with a parent or relative or into a family foster home, two copies of the correspondence must be forwarded to the Interstate Services office. When correspondence is received directly in regard to an adoptive placement, two copies of the correspondence must be forwarded to the Interstate Services office.
2. When a North Carolina agency receives a telephone request from an out-of-state agency, the agency must immediately inform the Interstate Services office and request the out-of-state agency to send the request to their Interstate Services office for forwarding to the North Carolina Interstate Services office.
3. All requests for home evaluations must be submitted to the Interstate Services office of the sending state for forwarding to the other state.

VIII. NON-COMPACT REQUESTS

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The NC Interstate Services office will facilitate requests for custody investigations both from county Departments of Social Services and other states in which the child is not in agency custody. These investigations may involve divorce actions and custody disputes. At this time, the law allows county Departments of Social Services to assess a fee and many counties do assess a fee for these courtesy services.

IX. EXPEDITED PLACEMENT DECISIONS

Expedited Placement is specifically designed to reduce the time certain children must wait for an approved interstate placement while protecting their safety and minimizing the trauma of interim or multiple placements.

1. **However, it does not apply to any case in the Sending State if the request is for adoption, licensed foster care or a family unit who has moved to another state.** Expedited Status also does not apply if the child has already been placed in violation of the Interstate Compact in the Receiving State, or if the court places a child with a parent from whom the child was not removed and the court has no indication the parent is unfit and seeks no information regarding fitness. Expedited Placements may be requested when the following exist: It is a case under the jurisdiction of the court as a result of action taken by a county Department of Social Services.
2. The court has authority to determine custody and placement of the child and the child no longer lives in the home of the parent found to be neglecting or abusing the child.
3. The child is being considered for placement in another state with one of the following:
 - Parent
 - Stepparent,
 - Grandparent
 - Adult uncle or aunt
 - Adult brother or sister or
 - The child's guardian
4. Additionally, one of the following must be true to expedite a placement:
 - a. The child becomes unexpectedly dependent due to a sudden or recent incarceration, incapacitation or death of a parent or guardian.
 - b. The child to be placed is four years of age or younger, along with older siblings to be placed with the same proposed placement.
 - c. The court finds that any child in the sibling group has an established bond and has spent substantial time with the proposed placement resource or
 - d. The child is currently in an emergency placement.
5. Expedited placement requests are not applicable if:
 - a. The child was placed in violation of the compact
 - b. The intent of the placement is licensed or approved foster care or adoption

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- c. The Court places a child with a parent from whom the child was not removed, there is no evidence of being unfit as a parent and the court seeks no evidence. The Court must relinquish custody.
6. When requesting an expedited placement decision, the agency will ensure the following:
 - a. Child has not been placed in violation of the compact.
 - b. The goal is not licensed or approved foster care, adoption or placement with a parent from whom the child was not removed and the court has no evidence of being unfit, seeks no evidence and the court relinquishes jurisdiction upon placement with the parent.
 - c. There is an unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian, or
 - d. The child sought to be placed is under 4 years of age or younger, including other siblings sought to be placed with the same placement resource, or
 - e. The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource, or
 - f. The child is in an emergency placement.
7. Prior to an Order of Compliance being issued, the local Department of Social Services must ensure the following steps have been taken with the potential placement resource utilizing the **Case Manager Statement of Interest (DSS-1840)**:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss1840-ia.pdf>:
 - a. He/she articulates interest in being a placement resource and is willing to participate in the Interstate Process.
 - b. Has verified they fit the definition of a parent, step-parent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian.
 - c. The name, address and all available phone numbers and the birthdates and social security numbers for all adults residing in their home.
 - d. Detailed information about the number of rooms in their residence and the number of people residing in the home.
 - e. Agrees they have the financial resources or will seek the resources needed to feed, clothe and care for the child, including child care.
 - f. Acknowledges criminal records and child abuse history check will be completed on any adults residing in the home and to the best of their knowledge no one residing in the home has a criminal history or child abuse history that would prohibit the placement.
 - g. Whether a request for concurrent relinquishment of jurisdiction is sought with a parent from whom the child was not removed.

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For an Interstate case to become an expedited placement request, it must be prioritized through a judicial process. Once given priority status, the case will be given special attention in order to complete the interstate approval process within 20 business days. An interstate case obtains expedited status when a judge initiates an order which sets forth that the situation the child is in **meets the criteria for expedited status**. The local Department of Social Services must submit the Case Manager Statement of Interest (DSS-1840) to the court along with a statement that based upon the information currently known to them, there is no reason why the child cannot be placed with the potential resource when requesting an Order of Compliance (DSS-1839: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1839-ia.pdf>).

All court orders for requests for expedited placement decisions from the sending court must be consistent with the Case Manager Statement of Interest (DSS1840) stating the aforementioned information as well as the Order for Compliance (DSS-1839) must accompany the Complete Interstate packet to the NC Interstate Services office.

Since the purpose of Regulation 7 is to reduce the time a child has to wait for the approval of an interstate placement, when a priority placement request is initiated, the court and each local and state agency involved agree to follow specific timeframes. Unless otherwise required or allowed by this regulation, all transmittals of documents and other materials should be by overnight, express mail. Following are the specific requirements, including the timeframes and the procedures to follow for Regulation 7.

1. **Court Action-2 Business Days Timeframe:** The court initiates the Expedited Placement Request upon request or on its own motion, through the making and signing of an order consistent with the Order of Compliance. Within two business days, the court must send the Order of Compliance to the Local Department of Social Services. The court order must include the name, address, telephone number and fax number of the judge and the court.
2. **Sending Agency-3 Business Days Timeframe:** Within three business days, the Local Department of Social Services, in addition to the components of a complete referral packet for routine ICPC cases, transmits the signed Order of Compliance (DSS-1839), The Statement of Interest Form (DSS-1840) requesting an Expedited Home Study Request (DSS-5252: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5252.pdf>) to the sending state ICPC. The agency needs to indicate on the outside of the package the Expedited status of the request for placement.
3. **Sending State ICPC-2 Business Days Timeframe:** Within a time not to exceed two business days after receipt of the Expedited Placement Request, the North Carolina Interstate Office transmits, by overnight express mail, the completed Expedited Home Study Request form and accompanying documentation to the Receiving State ICPC, indicating on the outside of the package the Expedited status of the request for placement.
4. **Receiving State ICPC-20 Business Days Timeframe:** A timeframe of 20 business days has been designated for the Receiving State and the local agency in the Receiving State to determine if the prospective placement resource will be approved. During this length of time, the following activities need to be completed:

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- (a) Day 1: the state ICPC sets up the Expedited Placement Request in Records Management and the state ICPC consultant reviews the case for thoroughness and completeness,
- (b) Day 2: the state ICPC consultant sends the case to the county Department of Social Services via overnight express mail and documents same in the file, and,
- (c) Day of Receipt to Day 15 or earlier: the county Department of Social Services completes the Expedited Home Study Form 102 (DSS-5253: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5253.pdf>), including a recommendation statement, and transmits the results via overnight express mail to the State ICPC office. If there are time constraints, the DSS staff may call the state ICPC office and orally provide a report of the findings of the Expedited Home Study, or the results may be faxed to the state ICPC office, and,
- (d) Day 20 or earlier: the Receiving State ICPC office sends by fax the completed/approved ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>) to the Sending State ICPC, along with the completed Priority Home Study form.

EXCEPTIONS: There are 4 possible exceptions to the timelines and procedures. These exceptions are as follows:

- If within two working days of receipt of the ICPC Priority Placement Request, the Sending State ICPC office determines that the documentation is substantially insufficient, specifies that additional information is needed, and requests the additional documentation from the local sending agency. The request for additional information is required to be made by FAX or by telephone, if FAX is not available, or
- If within two working days of receipt of the ICPC Priority Placement Request, the Receiving State ICPC office notifies the Sending State ICPC office that further information is necessary. The notice needs to specifically detail the information needed. In this case, the 20 business days for the Receiving State ICPC office (and local agency) to complete the Priority Home Study will be calculated from the date of the receipt by the Receiving State ICPC of the information requested.
- Modification to the time periods in Regulation #7 may be made with a written agreement between the court which made the order, the sending agency, the Sending State ICPC office and the Receiving State ICPC office.
- If the Receiving State ICPC office finds that extraordinary circumstances make it impossible for it and the local agency to comply with the time requirements set forth in Regulation # 7,

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an exception to compliance is allowed IF within two business days the Receiving State ICPC office, upon ascertaining inability to comply, notifies the Sending State ICPC office via FAX of the reasons for non-compliance AND informs the Sending State ICPC office of the date that the Expedited Home Study will be completed.

5. Final approval of the placement will be given as soon as practicable but no later than 180 days from the receipt of the initial home study request. This is meant to provide adequate time to meet state requirements applicable to foster or adoption home studies (i.e. licensing). Should a state not be able to comply with the timeframes set in regulation, they must notify the Sending State through the Interstate Offices of the reason it cannot be completed and the timeframe for completing the request. An agreement made between all parties must be made or an alternative plan developed.
6. If the Receiving State fails to complete the expedited placement request in the required timeframes, it will be deemed to be out of compliance. The Sending State court that sought the Provisional Placement and Expedited Placement decision may inform the court in the Receiving State and request assistance in compliance. The Sending State court should provide the court in the Receiving State with copies of relevant documentation and court orders entered in the case and request assistance. Within Receiving court's jurisdiction and authority, the court may hold hearings, take evidence and make appropriate orders for the purpose of obtaining compliance with the Compact and its regulations.

BRIEF HISTORY OF CHILD AND FAMILY

Composition of the family, including birth order of siblings Parent(s) history: marriage(s), divorce(s), separation(s), death(s), employment, education, and functioning within family group

Health: major illnesses, hospitalizations; at what age, duration, treatment, hereditary conditions.

Child's developmental functioning: problems, lags, fixations, and regressions.

Placement history, if any, including circumstances leading to initial request for placement

Involvement of relatives and/or significant others

PERMANENCY PLANNING

Permanent plan for the child

Other options available for the child

Anticipated duration of the proposed placement

Relationship of proposed placement to the permanent plan

X. TERMINATION OF COMPACT PLACEMENTS A. CIRCUMSTANCES OF TERMINATION

The compact placement may be legally terminated under any one of the following circumstances:

1. The child is returned to the Sending State.

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2. Legal custody of the child is returned to the parent or granted to a relative with the concurrence of the Receiving State.
3. Adoption is finalized either in the Receiving State or in the Sending State.
(For information regarding the Interstate Compact on Adoption and Medical Assistance, refer to the NC Child Welfare manual).
4. The child is legally emancipated, or reaches the age of majority and there are no special circumstances to warrant continuing responsibility.
5. The supervising agency in the Receiving State recommends that the sending agency's custody/court jurisdiction be terminated and their Interstate Services office sends written concurrence. It should be noted that while this option is possible, it is rarely recommended or approved.

B. REQUIREMENTS FOR TERMINATION OF AGENCY CUSTODY AND TRANSFER OF COURT JURISDICTION

First and foremost, a sending agency's legal custody or a court's jurisdiction cannot be terminated without the recommendation of the receiving agency and the concurrence of the Receiving State's Interstate Services office.

In the case of transfer of court jurisdiction, the termination of a compact placement will require court action relieving the agency of custody of the child or the sending court of jurisdiction. It is important to note that the transfer of jurisdiction must be facilitated by the court.

When a recommendation is made by a court that custody be awarded to a person or relative in another state, the procedures vary depending on the rules set forth by the district court judge. The court has the authority to award legal custody of a child to a person or relative outside the state provided that the person or relative is willing to accept legal custody of the child and has been given notice of the hearing.

In some cases, it is preferable that the court in the Sending State relinquish jurisdiction of the child to the court in the Receiving State provided the receiving agency and their Interstate office agree in writing prior to this action. It is required that court orders relinquishing jurisdiction and court orders assuming jurisdiction be preceded by communication and agreement between the courts and judges involved. It is important that these court orders be coordinated to prevent a lapse in jurisdiction of the child.

When jurisdiction is accepted by the Receiving State, the parent or relative may petition that court for legal custody. As an alternative, the court could award custody to the parent or relative if it is recommended by the agency having legal custody.

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C. CASE CLOSURE

When the sending agency's legal custody and the court's jurisdiction have been terminated, the sending agency shall promptly submit three copies of the ICPC100B (DSS-1838) and three copies of the court order to the Interstate Services office to close the Interstate case. Copies of the court order must also be given to the parent, relative or agency that has received legal custody.

XI. PLACEMENTS IN RESIDENTIAL FACILITIES IN NORTH CAROLINA

Requirements:

Approval for the placement of a child into a North Carolina facility is required prior to placement, for the protection and safety of children. Pursuant to G.S. § 7B-3800 Article VII

(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html) when an agency, court or any person in North Carolina proposes to place a child into a group home, child caring institution, residential child care facility, foster care camp, maternity home or residential treatment facility in another state, the provisions of the Compact apply. Children served under the Interstate Compact for Juveniles also have a responsibility to comply with the Compact for the Placement of Children when seeking placement in a residential setting.

The Compact applies to all children who are being placed in a residential facility, regardless of whether they are under the jurisdiction of the court for dependency, delinquency, abuse or neglect.

Once a placement has been made by a Sending State into a residential facility in the Receiving State, the sending agency remains obligated under Article V of the Compact to retain jurisdiction until the child becomes independent, self-supporting, or the case is closed in concurrence with both the Receiving and Sending State ICPC offices.

A facility will fall under the compact when it provides 24 hour supervised care that is beyond what is needed for assessment or treatment of an acute condition. A facility that is primarily educational in nature, hospitals or other medical facilities providing acute care do not fall under the Compact. Facilities falling under the Compact can be called by other names such as Group Homes, Residential Treatment Centers, or Child Caring Institutions. The type of license a facility holds does not determine the need for compliance with ICPC, nor does the funding source. Instead it is the services the facility provides which determine compliance. For further information see Section III Regulation 4.

When making a decision about the applicability of Interstate to a placement, the following guidelines apply:

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- A. An Educational institution is one that operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and the educational institution does not (1) accept responsibility for children during the entire year; (2) provide substitute parental supervision and control or foster care; and (3) provide any other services to children, except for those customarily regarded as extracurricular or co-curricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a 24-hour residential basis in the aforementioned school program or programs.
- B. A Hospital or other medical facility is one for the acutely ill that discharges its patients when they are no longer acutely ill and which does not provide a substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem, whether for health or mental health related issues.
- C. Institution for the mentally ill or “mentally defective” minors means a facility that is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase “mentally defective.”
- D. Outpatient Services: If the treatment and care and other services are entirely out-patient in character, an institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC.

It is recommended that social workers request consultation from the Interstate Services Consultants in determining whether the Compact applies in such cases.

Procedures

When an agency, court or any person proposes to place a child in a residential child-care facility outside North Carolina, the following procedures need to be undertaken by the social worker:

- A. For children in the custody or placement responsibility of a county Department of Social Services:
 - 1. Determine that the facility is 1) licensed and 2) in compliance with the Civil Rights Act of 1964, Rehabilitation Act of 1973, and the American Disabilities Act of 1990.

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2. Make an application for services and preadmission determination that the facility can meet the needs of the child.
3. When the application process is completed and an admission decision has been made, complete and submit a complete Interstate Placement Packet to the Interstate Services unit that includes the following information/materials related to a child in the custody of a public agency:
 - a. Cover letter giving the reason the out-of-state placement is in the best interest of the child.
 - b. ICPC-100A (DSS-1837:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837ia.pdf>)
 - c. ICPC-100B (DSS-1838:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838ia.pdf>) is required if the child has already been placed in a residential facility.
 - d. Legal Documents Copy of current court order verifying that the child is in the legal custody of a department of social services or is under the jurisdiction of the court and that equivalent facilities are not available in the Sending Agency's jurisdiction.
 - e. Psychological Evaluation/documentation showing the appropriateness of the placement.
 - f. Letter of Acceptance from the facility.
 - g. Financial/Medical Plan (DSS-5251:
<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5251-ia.pdf>). which includes a written description of the responsibility for payment of the cost of placement of the child in the facility, including the name and address of the person or entity that will be making the payment and the person or entity who will otherwise financially responsible for the child. If IV-E documentation of eligibility is available, it should be included.

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- B. For private placements (children not in the custody or placement responsibility of a county Department of Social Services), the Sending Agency is the parent, guardian or court.
1. Determine that the facility is licensed.
 2. Make an application for services and preadmission determination that the facility can meet the needs of the child.
 3. When the application process is completed and an admission decision has been made, complete and submit an Interstate Placement Packet to the Interstate Services unit that includes the following information/materials:
 - a. Cover letter giving the reason the out-of-state placement is in the best interest of the child.
 - b. ICPC-100A (DSS-1837:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837ia.pdf>) signed by the parent, guardian or judge ordering the placement.
 - c. ICPC-100B (DSS-1838:
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838ia.pdf>) is required if the child has already been placed in a residential facility.
 - d. Letter of Acceptance from the facility.
 - e. Psychological Evaluation or documentation of appropriateness of the facility.
 - f. Financial/Medical Plan (DSS-5251:
<https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5251ia.pdf>) which includes a written description of the responsibility for payment of the cost of placement of the child in the facility, including the name and address of the person or entity that will be making the payment and the person or entity who will otherwise financially responsible for the child.

The procedure for placement of a child from another state into a North Carolina facility is the same as the procedure for placement of a North Carolina child into a

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residential facility in another state. It is important that approval has been granted through Interstate Compact with either a verbal approval or a signed ICPC 100A.

Decision by the Receiving State to approve or deny placement resources:

The Receiving State ICPC office reviews the child specific information and the current status of the residential facility. The ICPC office either approves or denies the request based on a determination that the proposed placement is not contrary to the best interests of the child. (Article III (d) of the Compact). Additionally the office may review for a correct match of the category of treatment program.

Emergency residential placement requests may occasionally be necessary. In these limited cases, the Sending and Receiving States may, with mutual agreement, authorize emergency placement approval within one business day or another mutually agreed upon time frame. Emergency approvals may be done with the signed ICPC-100A and acceptance letter, however are not final until there has been a complete packet submitted and the Receiving State signs the ICPC-100A.

A final decision on the placement request shall be provided to the Sending State ICPC office with a signed ICPC-100A no later than 3 business days from the date the request was received by the Receiving State ICPC. If a child's status necessitates an expedited determination, the decision can be communicated through FAX or electronic transmission.

Monitoring Requirements:

The Receiving State is not expected to monitor children placed in a residential facility. The residential facility is viewed as the agency responsible for the 24 hour care of the child away from the child's parental home. In that capacity, it is the residential facility that is responsible for the supervision, safety, protection and well being of the child. It is the expectation that the Sending agency will enter into an agreement with the facility about the expected level of supervision, treatment, frequency and nature of all progress or treatment reports. The one exception to this, are those children who may become involved in an incident in the Receiving State involving law enforcement, probation or child protection.

The frequency and nature of the monitoring visits by the Sending State are determined by the Sending Agency.

The residential facility is required to send any progress reports to the Interstate Services office. When the child is discharged from placement, the residential facility or sending agency is required to notify the Interstate Services office of the discharge date and circumstances of the discharge by sending an ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>).

In the case of disruptions, the NC Interstate Services staff assists in prompt planning. This may include notifying the Sending State of the need for the immediate return of the child to the Sending State or placement of the child in an appropriate alternative placement.

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Sending State Responsibilities:

Once the Sending State has made the residential placement, they remain obligated under Article V of the Compact to retain jurisdiction and responsibility for the child while the child is in the Receiving State. Jurisdiction and responsibility can only be terminated upon the child becoming independent, selfsupporting or with concurrence of both the Sending and Receiving State ICPC offices.

The Sending State has the final authority to determine whether to use an approved placement. The approval by the Receiving State expires 30 calendar days from the date the ICPC-100 A was signed unless a mutually agreed upon alternative date is decided.

If a child is already placed in a residential setting at the time of the decision and the placement is denied by the Receiving State, the Receiving State Compact Administrator may request the return of the child as soon as possible or propose an alternative placement. The alternative resource must be approved by the Receiving State prior to placement. Return of the child shall occur within 5 Business days from the date the Sending State is notified unless otherwise agreed upon.

The Receiving State's request for removal can be withdrawn if the sending agency resolves the issues precipitating the request for removal and both the sending and receiving agency agree on the plan.

The Sending State is required to keep a list of children placed in any facility in the Receiving State. Notification by the Receiving State of any significant change of status in a facility that may be potentially contrary to the child's best interest will be made to the Sending State. Therefore accurate information about who is in the facility and who is not is vital to the protection of children.

XII. PRIVATE/ INDEPENDENT ADOPTIONS

The ICPC process for Private/Independent Adoptions assists in ensuring protection and services to children and families involved in executing adoptions across state lines and ensures adoptions are in compliance with all applicable requirements. This policy applies to all adoptions through private entities, independent adoption entities, or with the assistance of an intermediary. For purposes of this policy these entities shall be known as the Sending agency. For more definitions see Section III Regulation 12.

Placement Process:

Prior to a child who is born in a Sending State coming into the Receiving State for foster care or an adoptive home, a complete Interstate Adoption Packet will be submitted to the ICPC office of the Sending State. A complete packet will contain the following:

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1. The name, date and place of the birth of the child
2. The identity and address of the birth parents or an explanation as to why the information has not been provided consistent with NC laws.
3. The name and address of the person, agency or institution the Sending Agency proposes sending the child.
4. A full statement of the reasons for the adoption and evidence of authority to proceed with the adoption.

Documentation:

The aforementioned requirements can be met through the submission of the following documents:

1. An ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss1837-ia.pdf>) requesting approval to make a placement signed by the birth parent or agency holding custody of the child.
2. Cover Letter: Contains a request for approval signed by the person requesting the approval, identifying the child, birth parents, the prospective adoptive parents, a statement as to how the match was made, name of the intermediary (if any), contact information for the agency/attorney handling the adoption and the name of the supervising agency and address.
3. Consent or relinquishment: signed by the parents in accordance with NC law, and if requested the Receiving State law. If a parent elects to follow the laws of the Receiving State, rather than NC law, then he or she should waive in writing the laws of NC. The packet shall address how the rights of all parents will be addressed.
4. Certification by a licensed attorney or authorized agency of a private adoption agency or independent entity that the consent or relinquishment is in compliance with the laws of NC or where requested, the laws of the Receiving State.
5. Verification of compliance with the Indian Child Welfare Act.
6. Legal and Medical Risk acknowledgement signed by the prospective adoptive parents.
7. Statement of authority: A copy of the current court order giving the Sending Agency authority to place the child or a statement of the basis on which the Sending agency has authority to place the child and documentation that supervision is on-going.
8. Statement of where the birth parents choose the finalization to occur
9. Current case history for the child, including custodial and social history, chronology of court involvement, social dynamics, education information (if applicable), and a description of any special needs of the child. If the child is an infant, at a minimum a copy of the medical

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records of the birth and hospital discharge summary for the child, if the child has been discharged.

10. Foster Home License: If the Receiving State placement resource previously lived in the Sending State and that state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the placement resource and/or their home showing the status of the placement resource as a qualified placement resource, if available. If the license, certification or approval was involuntarily revoked, a statement of when such revocation occurred and the reasons for the revocation.
11. Pre-adoptive home study: A copy of the most recent adoption home study or approval of the prospective adoptive family must be provided, including verification of federal and state background clearances. The study must include a statement that the home is approved and should meet the requirements of the state in which the adoption will be completed.
12. A copy of the court order appointing a guardian (if applicable).
13. Affidavit of expenses: Include all expenses to the adoptive couple for the adoption.
14. Copy of Sending Agency license (if applicable).
15. Biological parents' information: social history, medical history, ethnic background, reasons for adoption plan, and circumstances of proposed placement. If the child was previously adopted, the adoptive parents shall provide the information set forth in this section for the biological parents, if available.
16. A written statement from the person or entity that will be providing postplacement supervision (may be included in adoption home study) acknowledging the obligation to provide post-placement supervision.
17. Birth Record: to include a labor and delivery report/Hospital discharge summary and any other medical records should the child be premature or have complications. Older children should have a medical summary to include medical history or records.
18. Copy of the birth certificate.
19. Additional documents may be requested prior to finalization of the approved placement by the Receiving State.

Travel

Travel by the prospective adoptive parents into the Receiving State shall not occur until the required information listed above has been submitted to the North Carolina ICPC, and approval has been received from the Receiving State. A provisional approval can be obtained in writing from the Receiving State ICPC office. Final approval will be the signature of the Receiving State ICPC on the ICPC-100A (DSS-1837:

<http://info.dhhs.state.nc.us/olm/forms/dss/dss1837ia.pdf>). A decision must be

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rendered by the Receiving ICPC within 3 business days of the receipt of the complete packet.

Notification of Placement/Closure

The sending agency is required to submit a completed ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) to the NC ICPC office confirming the placement within 5 business days of the placement of the child. Upon finalization of the adoption, a copy of the court order finalizing the adoption together with a completed ICPC 100B (DSS-1838) noting the reason for termination shall be submitted to the ICPC office to close out the ICPC request within 30 days of the filing of the final court order.

Violation of the Compact

A child placed into the Receiving State prior to its ICPC office giving approval of the placement constitutes a violation of Article III of the Compact. All parties to the placement arrangement are responsible for notifying the appropriate ICPC personnel in both states of the placement violation. Information should include the circumstances which led to the violation and the plan to provide for the safety and wellbeing of the child pending further action. An ICPC-100 B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) should accompany the ICPC packet indicating the date the child was placed in the prospective adoptive home along with the complete ICPC packet earlier listed. Once the documents have been submitted both the Sending and Receiving States will give consideration to the placement.

Legal and Financial Responsibility

A private entity facilitating an independent adoption has legal responsibility for the return of the child to the sending state if the adoption does not occur during the period of placement.

Absent a contractual agreement to the contrary, as evidenced by a signed statement by the prospective adoptive parents that they will assume responsibility, the private entity bears financial responsibility.

XIII. INTERSTATE/INTERCOUNTRY SERVICE ACTIVITY CODES

Interstate/Intercountry Service is not defined as a discrete service in North Carolina. Service workers use the interstate/intercountry rules and procedures to facilitate arrangements for and support the provision of other discrete services. Thus, interstate/intercountry services best describe an implementation of mechanisms which bring the delivery of discrete services into a legal framework.

Interstate/Intercountry Services for Children

Service worker activities required to meet requirements specific to General Statutes and implementing policies on interstate/intercountry movement of children are generally the initial function and the on going case management function. The services required by children moving under the protection of the interstate laws should be those services (protective services, foster care services, adoption services, etc.) appropriate to the child's service needs.

Interstate/intercountry service activities most frequently facilitate the delivery of adoption services and foster care services. However, the provision of other discrete services to children may require the use of interstate channels. The following guidance may be of assistance to gain perspective on accounting for a worker's time:

1. Requests from an out-of-state agency to evaluate a prospective placement resource in North Carolina.

Time used to respond to this request may be relatively brief; or, considerable time may be spent in a home study. Services workers may consider initial contacts as activities to carry out the agency's intake function (Code 381). During this period it is often difficult to know whether the potential placement will develop and whether there will be an eventual service need/request.

In some instances, assessment of the potential placement resource can be in response to a request for a child to come into the state for purposes of adoption. In these instances, services workers can account for their time as Adoption Services Recruitment (Code 011). The same approach may be used if the prospective placement of the child would be a licensed or approved and supervised foster care facility (Code 103).

When the time spent and the nature of the assessment activities go beyond intake, but do not fall within the adoption or foster care services recruitment contexts, service workers may account for their time as "Other Child Welfare Services" (Code 390).

Based on the evaluation of the potential placement resource in relationship to what the out-of-state agency has revealed about the needs of the child, the county department of social services either recommends the placement or does not recommend the placement. If placement is recommended, the county department of social services and the out-ofstate agency negotiate a tentative plan for services. The county department of social services may sign an application on behalf of the child and establish a services file. At this point, a needs assessment, planning for services, and arranging for services constitute case management activities (Code 109 for foster care or 009 for adoption).

2. Services Activities after Placement of a Child in North Carolina

After a child is in North Carolina, the county department of social services completes the eligibility determination process. Case planning is completed and direct service delivery to the child begins. This process is

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the same as with any other services case. Throughout the duration of the case, time spent in negotiations and joint planning with the out-of-state agency may be viewed as case management (Code 109 for foster care or 009 for adoption).

- A. When a child in the custody of an out of state agency is placed with his/her parent(s) in North Carolina, services which are needed and wanted are to be provided, e.g., protective services, delinquency prevention services, individual and family adjustment services. These services may be provided as long as the child needs such services, based on the joint assessment/planning negotiations with the out of state agency. At such time as services are no longer needed and appropriate, the two agencies should consider termination of the other state's custody and the interstate compact agreements.
- B. When a child who is in the custody of an out-of-state agency is placed with relatives or in a licensed/approved foster care facility, foster care services (Code 109) are appropriate. These services included licensure preparation (Code 103) of the relative's home when the other state needs the home to be licensed in order for foster care assistance payments to be made.
- C. When a child, who is in the custody of an out-of-state agency and who is legally free for adoption, is placed with adoptive parents, adoption services (Code 009) are appropriate.

3. Interstate Runaways

When a North Carolina foster child runs away and is detained in another state, the activities required to affect his return are case management activities (Code 109).

When an out-of-state runaway needs services and placement in the temporary custody of a county department of social services, protective services (Code 210) are provided. The negotiations and planning with the court, the Interstate Compact on Juveniles, and the state of residence regarding the return are case management (Code 380).