

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

AUGUST 8, 2007

MEMORANDUM

<p><u>What's Inside:</u> ICPC CWM and Forms Updated</p>

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND
CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: REVISIONS TO THE INTERSTATE COMPACT ON THE
PLACEMENT OF CHILDREN (ICPC)

DISCUSSION:

This memorandum updates staff on federally mandated revisions to the Interstate Compact on the Placement of Children (ICPC). The Safe and Timely Interstate Placement of Children Act of 2006, Public Law (PL) 109-239, establishes more uniform procedures for states to adhere to when children are being placed across state lines. These procedures require changes to the Child Welfare Manual (CWM), ICPC forms, and prompted the need for clarification of placement types for which the Compact does or does not apply, as well as an explanation of Regulations 1 and 7.

The ICPC is a legally binding contract among member states approved by the legislatures of all 50 states, the District of Columbia, and the U.S. Virgin Islands as uniform law. The Compact assures the protection of children crossing state lines and ensures they receive the same supports and services as if they remained in their own state. PL 109-239 holds states accountable for the expeditious placement of children into safe, permanent homes across state lines.

SAFE AND TIMELY INTERSTATE PLACEMENT ACT/PL 109-239

States are required to complete a foster/adoptive assessment, defined by PL 109-239 within 60 calendar days after the request is received in the ICPC unit in Central Office. The preliminary home assessment does not require the training component or FBI checks, but should evaluate the safety and suitability of placing a child in a prospective foster or adoptive home. *Staff must be aware that the preliminary home assessment does not provide authorization for a child to be placed.* Once the preliminary home assessment is completed it should be forwarded to the ICPC unit in Central Office and not to the sending state's worker.

After the preliminary home assessment is submitted to Central Office, staff will then proceed with completing the home study as set forth in the CWM, Section 6, Chapter 3

Attachment A, Guide for Conducting Foster/Kinship Family Assessments. The home study must address the extent to which the proposed placement will meet the specific needs of the child, including the child's safety, permanency and well-being. The home study, including FBI checks, must be completed and returned within 90 calendar days after the State received the **original** request. The CSW should submit the original and two (2) copies of the completed home study along with a *recommendation* for or against placement. *The ICPC Coordinator will make the decision whether or not the placement is approved.* (The timeframe of 120 days as noted in CWM Section 6, Chapter 3, Attachment A applies only to in-state home studies and not to ICPC home studies.)

This procedure does not apply to parents and unlicensed relatives. Parents and unlicensed relatives will go through the same home study format as an applicant applying for licensure, which is clarified in Memorandum CD04-63 and in the CWM Section 6, Chapter 3, Attachment A. The differences are that parents and unlicensed relatives are not required to complete training, and the timeframe for completing their assessment/home study is 60 days.

Any child subject to an ICPC referral *may not* be moved by the sending state without the approval of the receiving state's ICPC office. The ICPC Coordinators in each state are responsible for ensuring that requests and documentation are processed in accordance with the federal guidelines and timeframes.

PLACEMENT TYPES CLARIFICATION

The Compact *applies* when children are to be placed in the following settings:

- Interstate adoptive placement;
- Interstate placement for care into relative/kinship placements, foster homes, group homes, and/or residential treatment;
- Interstate placement with parents and relatives when there is court jurisdiction;
- Interstate placement of adjudicated delinquents *only* when placement is sought for residential treatment.

The Compact *does not apply* when placement is sought under any of the following circumstances:

- Interstate placement from birth parent to birth parent, *when there is no court jurisdiction*;
- Interstate placement from birth parent to relative (as defined in RSMo 210.620 Article VIII), *when there is no court jurisdiction*;
- Interstate placement from legal guardian to birth parent or relative, *when there is no court jurisdiction*;
- Interstate placement to a medical or psychiatric hospital;
- Interstate placement to an educational program (Job Corp, college, etc);
- Interstate placement of adjudicated delinquents unless placement is sought for residential treatment (*see above*);
- Divorce/custody assessments;

- International adoptions when the United States Citizenship and Immigration Services (USCIS) has issued an IR-3 visa (adopted in the child's country of origin);
- Placement of any child into/or out of Canada, Puerto Rico, Guam/American Samoa or any other foreign country;
- Children under court jurisdiction visiting a relative/parent for 30 days or less. *Anything over 30 days is considered a placement and would be subject to ICPC.*

REGULATION I AND REGULATION VII

The two most frequently cited regulations in the Compact are Regulations 1 and 7:

- *Regulation No. 1* -- Conversion of Intrastate Placement into Interstate Placement; Relocation of Family Units

Regulation 1 applies when a family with a child who is under court jurisdiction is placed in their home, plans to move to another state. When the family moves, they may continue to receive the same benefits as in Missouri. The family should be advised they must meet the new state's requirements for an approved home study. The ICPC referral is to be prepared within ten (10) calendar days, as directed in the CWM Section 4, Chapter 25.

- *Regulation No. 7* – Priority Placement

Regulation 7 referrals, commonly referred to as “Priority” referrals, were initiated to address the problem of frequent delays in completing home studies on a select group of individuals as identified in Article VIII of the Compact. Specific criterion listed below must be met and specifically addressed in the accompanying court order:

The proposed placement recipient is a relative (as defined in RSMo 210.620 Article VIII) of the child(ren), **and**

- The child(ren) is under 2 years of age; *or*
- The child(ren) is in an emergency placement requiring the child to be moved within 30 days; *or*
- The child(ren) has spent a substantial amount of time in the home of the proposed placement recipient.

*A Regulation 7 referral **cannot** be court ordered if foster care licensing or an adoptive study is being requested, or if the child is already residing in the recipient's home.*

FORMS

The CS-ICPC forms listed below have been updated to CD-ICPC forms and are available on E-Forms. Staff should begin using the current versions of these forms as of this memo and destroy any outdated versions.

➤ Placement Request (CD-ICPC-100A) (**mandatory**)

Form CD-ICPC-100A is a legal binding contract that is consistent in all Compact member states and territories. This form must be used by the sending agency to request approval to place a child in another state along with all relevant information, including the type of home study requested (relative, foster, or adoptive parent). If Missouri is the Sending Agency and is going to make a maintenance payment to the resource provider should the placement be approved, a foster home study should be requested regardless of the degree of relationship. If a home study is requested for an unlicensed relative, STARS for the Caregiver is not required. If a home study is requested for relative foster care, STARS for the Caregiver is required.

Following the completion of a home study by the receiving state, this form is the official notification that the proposed placement can/cannot be made in conformity with the Interstate Compact. *The CD-ICPC-100A must accompany all requests for out-of-state placements and it must be returned with an approval/denial for placement from the receiving state's ICPC office BEFORE any Compact placement decision is made.*

➤ Child Placement Status Report (CD-ICPC-100B) (**mandatory**)

Form CD-ICPC-100B is consistent in all Compact member states and territories. Once the receiving state approves the placement this form is utilized by the sending state to notify the receiving state of the following:

- A child has moved to the approved placement and supervision is requested; or
- A change in physical placement in the receiving state has occurred; or
- The approved placement resource will not be utilized or the referral request is being withdrawn; or
- Termination of the ICPC agreement is necessary. RSMo 210.620, Article V states the sending agency shall retain jurisdiction until one of the following occurs:
 - The child's adoption is legally finalized;
 - The child reaches the age of majority (18 years);
 - The child becomes self-supporting;
 - The child returns to Missouri; or
 - The child is discharged from court jurisdiction with the concurrence of the appropriate authority in the receiving state.

➤ Transmittal Checklist (CD-ICPC-100D) (**mandatory**)

Form CD-ICPC-100D, is used when a referral is made for the placement of a Missouri child into another state under the provisions of the ICPC. It is completed by the immediate supervisor of the Children's Service Worker (CSW) who is making the referral to ensure that:

- An appropriate plan is being developed for each child;
- All necessary/required paperwork has been included and reviewed for completeness;
- The correct number of copies of all material has been included in the packet.

Once the supervisor has reviewed the packet, checked the appropriate boxes and signed box #13, the packet – including this form -- is sent to the Circuit Manager (CM) or designee. The CM or designee then reviews for completeness and signs the CD-ICPC-100D in box #14. *Except in the case of Regulation 7, Priority referrals, all ICPC referrals **must** include this form signed by the CM or designee. Failure to include this form with the appropriate individuals' signatures will result in the entire referral packet being returned to the sending county.*

➤ Sending State Priority Home Study Request (CD-ICPC-101) (**mandatory**)

Form CD-ICPC-101 is used to notify the receiving state that a Regulation 7, Priority placement, of a child is being requested. Form CD-ICPC-101 is completed with the rest of the referral packet within three (3) business days of receipt of a court order which indicates the court has determined that a priority placement situation exists. Child Welfare Manual, Section 4, Chapter 25 contains the criteria/timeframes to be used in determining whether a Priority referral is appropriate.

➤ Receiving State's Priority Home Study (CD-ICPC-102) (*optional*)

Form CD-ICPC-102 is optional and is used to complete a Priority Home Study in the time specified. This format is used only for those individuals who fall into the categories listed for a Priority referral (parents/step parent; grandparents/ step grandparents; aunts/ uncles; adult siblings) and who have been classified as such by the court of jurisdiction in the sending state. Staff may use the regular home study format or write a narrative in lieu of this form.

For all other referrals refer to the Child Welfare Manual, Section 6, Chapter 3, Attachment A – Guide for Conducting Foster/ Kinship Family Assessments.

➤ Financial/Medical Plan (CD-ICPC-3) (**mandatory**)

Form CD-ICPC-3 is a new form used to notify the receiving state of a child's IV-E eligibility status and if a maintenance payment will be made on behalf of a child. If a child is not IV-E eligible and the resource placement will not receive a maintenance payment, this form lets the receiving state know that the resource family may need to apply for public assistance. This form also indicates how the child's medical and financial needs will be met once placement occurs. The Financial/ Medical plan **must** accompany each initial ICPC referral packet.

Any costs, other than regular maintenance payments, need to be approved through proper administrative channels.

OBSOLETE FORMS

The following forms are now obsolete: Certification of Eligibility for Title IV-E Foster Care or Adoption Assistance and Medical Assistance (CS-ICPC-1) and the Notice of Action/ Medicaid Eligibility (CS-ICPC-2) have been replaced by the Interstate Compact on the Placement of Children (ICPC) Financial/Medical Plan (CD-ICPC-3). The Protective Services Interstate Placement Form (SS 64) is no longer applicable. The CS-ICPC-1, CS-ICPC-2 and SS-64 forms should be destroyed.

NEW LEGISLATION

New legislation is currently underway throughout the country to amend the ICPC, but it must be adopted by thirty-five states in order to become effective. The new ICPC was recently approved by the Missouri General Assembly in Senate Bill 84, however, until it is ratified by 35 states, Missouri will continue to abide by the current provisions as indicated in RSMo 210.620.

REFERENCE TOOL

The Adoption Exchange Association has made an ICPC Receiving and Sending State Checklist tool, and is available to staff by clicking on the link located in the Reference Documents and Resources section below.

NECESSARY ACTION:

1. Please review this memorandum with all Children's Division Staff.
2. All questions should be cleared through normal supervisory channels and directed to:

CHILD PLACEMENT COORDINATORS:

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CHILD WELFARE MANUAL REVISIONS:

Section 3, Chapter 1.3 [Court Involved Cases](#)
Section 3, Chapter 2.5 [Forms Completion And Record Review](#)
Section 4, Chapter 10.11 [Steps Taken In The Process Of Returning The Child](#)
Section 4, Chapter 11 Attachment C: [Special Expenses Payment](#)
Section 4, Chapter 25 [Interstate Placements](#)
Section 4, Chapter 28.9 [Adoption With A New Family](#)
Section 4, Chapter 30 Attachment B: [Interstate Medicaid Guidelines](#)
Section 5, Chapter 2.7 [Health Insurance Portability And Accountability Act \(HIPAA\)](#)
Section 6, Chapter 3 Attachment A: [Guide For Conducting Foster/Kinship Family Assessments](#)
Section 6, Chapter 3 Attachment H: [Guide For Conducting Adoptive Family Assessment Services](#)

FORMS AND INSTRUCTIONS:

CD-ICPC-100A Placement Request and Instructions
CD-ICPC-100B Child Placement Status Report and Instructions
CD-ICPC-100D Transmittal Checklist and Instructions
CD-ICPC-101 Sending State's Priority Home Study Request and Instructions
CD-ICPC-102 Receiving State's Priority Home Study and Instructions
CD-ICPC-3 Financial/Medical Plan and Instructions

REFERENCE DOCUMENTS AND RESOURCES:

P.L. 109-239 [Safe & Timely Interstate Placement of Foster Children Act of 2006](#)

CD04-63 [Background Investigation Procedures in ICPC Cases](#)

CD06-88 [Safe & Timely Interstate Placement of Foster Children Act of 2006](#)

[Interstate Compact on the Placement of Children](#)

[ICPC Receiving/Sending State Checklist tools](#)

RELATED STATUTE:

RSMo 210.620 [Child Protection & Reformation](#)

ADMINISTRATIVE RULES:

13 CSR 35-60 Licensing of Foster Family Homes
13 CSR 40-50 Licensing of Foster/Adoptive Homes
13 CSR 40-73 Licensing of Child Placing Agencies

PN/BL/MKK/MS