

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 9:</b> Interstate Compact on the Placement of Children (ICPC) <b>Section 01:</b> Request to Place an Indiana Child in Another State	
	<b>Effective Date:</b> March 1, 2023	<b>Version:</b> 4

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## POLICY OVERVIEW

The Indiana Department of Child Services (DCS) operates Indiana's Interstate Compact on the Placement of Children (ICPC) Unit. When a request is made to place an Indiana child in another state, the Indiana ICPC Unit oversees the requirements for placing a child out-of-state; ensures the compliance of the prospective out-of-state placement is safe and suitable for the child; and ensures DCS retains financial and medical responsibility for the child until jurisdiction is terminated by the court.

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## PROCEDURE

The ICPC process applies to four (4) types of out-of-state placements:

1. Adoption (see policies 9.06 International Adoptions and 9.07 Private Interstate Adoptions);
2. Foster care, including residential treatment;
3. Relative/kinship; and

**Note:** DCS will not require prospective out-of-state relative/kinship placements to be licensed; however, if the receiving state requires licensure of the ICPC relative/kin, DCS will abide by the requirements of the receiving state. If licensed, a copy of the license must be sent to the DCS ICPC Unit.

4. Biological or adoptive parent.

**Note:** The ICPC does not apply when the child is placed by the court with the biological or adoptive parent from whom the child was not removed.

Placing a child in another state requires:

1. Identification of the out-of-state placement;
2. Submission of the ICPC referral packet;
3. Written approval from the DCS ICPC Unit and the receiving state's ICPC Office; and
4. A court order or authorization.

**Note:** If the court orders an Indiana child to be placed out-of-state **without approval** from both the DCS ICPC Unit and the receiving state's ICPC Office (with the exception of placement of a child with a parent), DCS will file an objection with the court based on the ICPC rules. The DCS Staff Attorney must notify their Chief Counsel, their Assistant

General Counsel, the DCS Deputy General Counsel over litigation, and the DCS ICPC Unit if the court orders the out-of-state placement over DCS' objection (see policy 9.12 Violations of ICPC Procedures for more information).

DCS will retain financial and medical responsibility for children placed out-of-state by DCS, including children placed in out-of-state residential treatment by juvenile probation, unless jurisdiction is terminated. See policy 9.10 Termination of Jurisdiction (ICPC Case Closure) for further guidance.

Prior to initiating the ICPC referral request, the Family Case Manager (FCM) will:

1. Meet with the FCM Supervisor and/or the Child and Family Team (CFT) regarding the feasibility of an out-of-state placement for the child;
2. Identify any possible out-of-state placement resources;

**Note:** The FCM should convene a Rapid Response Team upon learning of a potential out-of-state placement with a parent with whom there are concerns (see Practice Guidance for further guidance).

3. Prescreen the prospective placement resource to determine the prospective placement's willingness and ability to accept the out-of-state placement of the child and document findings on the Interstate Compact on The Placement of Children (ICPC) Statement of Family Case Manager on Potential Placement Resource (ICPC Regulation 2) form;

**Note:** The intent of prescreening is to prevent sending an ICPC referral to a placement resource who is not interested, lacks qualifications (based on home space or financial resources), or who has a criminal history which would preclude placement.

4. Work with the resource parent to ensure they have the necessary placement information upon determination that a case is appropriate for an ICPC referral. See the Indiana ICPC Interactive Guide for additional information; and
5. Provide the ICPC Regulation 2 form to the FCM Supervisor for signature.

To initiate the ICPC referral request, the FCM will:

1. Complete the ICPC referral packet with the following documentation **within five (5) business days** of securing the out-of-state placement (see the Indiana ICPC Interactive Guide for further guidance):
  - a. Completed Interstate Compact on the Placement of Children Request (100A) form,
  - b. Cover letter explaining the reason for the out-of-state placement referral, including any specific needs of the child to be addressed,
  - c. Completed ICPC Regulation 2 form signed by the FCM Supervisor,
  - d. Completed Indiana Interstate Compact on the Placement of Children- Financial/Medical Plan - If Child is Placed Out-of-State (100E) form signed by the Local Office Director (LOD) or designee,
  - e. Title IV-E eligibility verification,

**Note:** Contact the DCS Central Eligibility Unit (CEU) for assistance with Title IV-E eligibility verification.

- f. The child's social summary, including:
  - i. Reason for DCS/juvenile probation involvement;

- ii. The child's placement history, if applicable;
- iii. The child's education history (e.g., individualized education plan [IEP]);
- iv. The child's medical history (e.g., medical, dental, immunization records); and
- v. The child's psychological reports and any service/residential treatment discharge reports within the past year, if applicable.

**Note:** See policy 10.11 Child Social Summary for additional information.

- g. Court order authorizing or requesting the out-of-state placement and any other applicable court orders indicating the child's legal status and the agency that has wardship (i.e., DCS or juvenile probation).

**Note:** If the wardship exceeds 12 months, the most recent court order must be included, as well as the order granting wardship. All court orders must be signed and dated by the presiding judge.

- h. Signed Case Plan/ Prevention Plan,
- i. Copy of the child's birth certificate (or proof of paternity), and
- j. Copy of the child's Social Security card, if available.

2. Include the following additional information in the ICPC referral packet if the out-of-state placement is for residential treatment:
  - a. Acceptance letter from the out-of-state residential facility;
  - b. Court order authorizing treatment at the out-of-state residential facility;
  - c. Completed Interstate Compact on the Placement of Children (ICPC) Financial and Medical Responsibility Acknowledgement and Placement Disruption Agreement (ICPC Regulation 4) form; and
  - d. Completed Interstate Compact on the Placement of Children Report on Child's Placement Status (100B) form if the child is already placed.
3. **Email** the following information as two (2) separate documents as outlined below to the DCS ICPC Unit **within three (3) business days** of receiving the court order for out-of-state placement:
  - a. Completed ICPC referral packet, and
  - b. Completed 100A form (see the Indiana ICPC Interactive Guide).

**Exception:** Submit the above documentation **within two (2) business days** of receiving the court order for out-of-state placement if an expedited ICPC is needed. See policy 9.05 Expedited Placement for Out-of-State ICPC Placements for further guidance.

Once the out-of-state placement is approved by the DCS ICPC Unit, the receiving state's ICPC Office, and the court, the FCM will:

1. Coordinate travel for the child to the approved out-of-state placement resource (see policy 9.11 Transportation Costs); and
2. Email the completed 100B form to the DCS ICPC Unit advising of placement.

**Note:** In the event the proposed out-of-state placement will not be used, the 100B form must be completed and emailed to the DCS ICPC Unit to close the ICPC referral.

The FCM Supervisor will:

1. Review the case during case staffing to ensure the FCM explores all in-state relative/kinship placement options prior to deciding on an out-of-state placement resource, unless out-of-state placement is with a parent;
2. Review and sign the ICPC Regulation 2 form completed by the FCM to include in the ICPC referral packet; and
3. Ensure timely and accurate submission of the ICPC referral packet to the DCS ICPC Unit (see the Indiana ICPC Interactive Guide).

The LOD will:

1. Review and sign the 100E form completed by the FCM to include in the ICPC referral packet; and
2. Review and sign the ICPC Regulation 4 form completed by the FCM if the out-of-state placement is for residential treatment.

The DCS ICPC Unit (including the Compact Administrator, Deputy Compact Administrator, or designee) will:

1. Review the ICPC referral packet for accuracy and ensure all necessary documentation is included **within three (3) business days** of receipt;
2. Email the FCM and the FCM Supervisor immediately if the ICPC referral packet is missing information which may result in a delay in processing;
3. Forward the completed ICPC referral packet to the receiving state's ICPC Office through the National Electronic Interstate Compact Enterprise (NEICE) system **within three (3) business days** of approval;
4. Email the placement decision to the FCM and the FCM Supervisor upon receipt of the home study (not applicable for residential treatment) and the 100A form from the receiving state's ICPC Office through the NEICE system; and
5. Retain a copy of the ICPC referral packet for six (6) months after case closure for DCS ICPC Unit records.

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## RELEVANT INFORMATION

### Definitions

#### Case Staffing

Case staffing is a systemic, frequent, clinical review of all case information with safety, permanency, and well-being as driving forces for case activities.

#### Foster Care

The federal definition of foster care as defined in 45 CFR 1355.20 is "24-hour substitute care for all children placed away from their parents or guardians and for whom the State agency has placement and care responsibility".

#### National Electronic Interstate Compact Enterprise (NEICE)

NEICE is a national electronic system for exchanging all the data and documents required by the ICPC to place children across state lines. See policy [9.13 National Electronic Interstate Compact Enterprise \(NEICE\)](#).

### Forms and Tools

- Case Plan/Prevention Plan (SF 2956) - Available in the case management system
- DCS CEU Email - [Centralized.Eligibility@dcs.IN.gov](mailto:Centralized.Eligibility@dcs.IN.gov)

- [DCS ICPC Unit Email - ICPCUnit.dcs@dcs.in.gov](mailto:ICPCUnit.dcs@dcs.in.gov)
- [DCS ICPC Webpage](#)
- [Interstate Compact on the Placement of Children \(ICPC\) Financial and Medical Responsibility Acknowledgement and Placement Disruption Agreement \(ICPC Regulation 4\) \[SF 57215\]](#)
- [Indiana ICPC Interactive Guide](#) – Available on SharePoint
- [Indiana Interstate Compact on the Placement of Children - Financial/Medical Plan- If Child Is Placed Out-of-State \(SF 49597\) \[100E\]](#)
- [Interstate Compact on the Placement of Children Report on the Child's Placement Status \(100B\)](#) – Available in the case management system
- [Interstate Compact on the Placement of Children Report on Child's Placement Status \(100B\)](#) – Available in the case management system
- [Interstate Compact on the Placement of Children Request \(100A\)](#) – Available in the case management system
- [Interstate Compact on the Placement of Children \(ICPC\) Statement of Family Case Manager on Potential Placement Resource \(ICPC regulation 2\) \[SF 55736\]](#)

#### **Related Policies**

- [8.01 Selecting a Placement Option](#)
- [9.03 Initial Placement/Placement Changes](#)
- [9.05 Expedited Placement for Out-of-State ICPC Placements](#)
- [9.06 International Adoptions](#)
- [9.07 Private Interstate Adoptions](#)
- [9.08 Minimum Contact for DCS ICPC Placements](#)
- [9.10 Termination of Jurisdiction \(ICPC Case Closure\)](#)
- [9.11 Transportation Costs](#)
- [9.12 Violations of ICPC Procedures](#)
- [9.13 National Electronic Interstate Compact Enterprise \(NEICE\)](#)
- [10.11 Child Social Summary](#)

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#### **LEGAL REFERENCES**

- [IC 10 31-10-2-2: Consideration of the best interests of the child](#)
- [IC 31-28-4: Interstate Compact on the Placement of Children](#)
- [IC 31-28-4-1: Enactment; provision](#)
- [IC 31-28-4-2: Financial responsibility for placed children](#)
- [ICPC Regulation No. 2 Public Court Jurisdiction Cases: Placements for Public Adoption or Foster Care in Family Settings and/or with Parents, Relatives](#)
- [ICPC Regulation No. 7 Expedited Placement Decision](#)
- [ICPC Regulation No. 9 Definition of a Visit](#)
- [45 CFR 1355.20: Definitions](#)

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## PRACTICE GUIDANCE- DCS POLICY 9.01

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Determining Placement Options**

When determining placement for the child, first consideration should always be given to a parent even if the parent lives out-of-state. If a parent who resides out-of-state is a placement option, ICPC is not required. Suitable and willing relatives/kin should be considered next prior to considering other placement options. See policy 8.01 Selecting a Placement Option for further guidance.

### **Rapid Response for Out-of-State Placement with Parent**

A Rapid Response Team will meet to review the identified concerns regarding potential out-of-state placement with a parent prior to initiating the ICPC referral request. The Rapid Response Team is composed of the following:

1. FCM;
2. FCM Supervisor;
3. LOD or Division Manager (DM);
4. DCS Staff Attorney;
5. Regional Manager (RM); and
6. Chief Counsel.

The Rapid Response Team will meet as soon as possible and consider the following:

1. The concerns regarding the out-of-state parent and whether those concerns are significant enough to not immediately place the child with the out-of-state parent;
2. Whether the concerns about the out-of-state parent have been well documented in DCS' petition and/or if DCS needs to amend the petition or dispositional order;
3. Whether DCS has enough information to use a "best interests" argument to not place the child with the out-of-state parent; and

**Note:** If a "best interests" argument is used, DCS should cite IC 31-10-2-2 in its objection of the placement and need for additional information. Reasons for this may include, but are not limited to:

- a. Lack of a parent-child relationship,
  - b. The parent having a criminal or child welfare history, and/or
  - c. Parent's instability, lack of resources, or unresolved mental health issues.
4. The methods which DCS may use to determine if the out-of-state parent is appropriate for placement without using the ICPC process.

If the Rapid Response Team needs additional assistance following the meeting, the Field Operations Assistant Deputy Directors (ADDs), Assistant General Counsel, and/or other members of DCS management may assist as needed.

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