

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 9:</b> Interstate Compact on the Placement of Children (ICPC)	<b>Effective Date:</b> December 1, 2013
	<b>Section 7:</b> Private Interstate Adoptions	<b>Version:</b> 2

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) requires approval by the DCS Interstate Compact on the Placement of Children (ICPC) Office of all private, interstate adoptions by Indiana families of a child from another state.

DCS will require appointment of a guardian for the child unless the birth parents have surrendered their parental rights. The child's birth parents and adoptive parents are legally prohibited from serving as the guardian.

DCS will require written verification that the child is legally free for adoption prior to approving the ICPC adoption referral. Verification should include copies of the Termination of Parental Rights (TPR) court order or copies of signed consents to adopt, verification that a Licensed Child Placing Agency (LCPA) is involved (if applicable), and verification that a guardian has been appointed by the court.

In accordance with the [American Public Human Services Association](#) (APHSA) guidelines, the child may not leave the sending state without the approval of both the sending and receiving state's interstate offices.

DCS will not pay any costs or fees associated with non-relative private interstate adoptions.

**Note:** This policy does not apply to adoptions involving DCS wards or wards of other state child welfare agencies. See separate policies [9.1 Request to Place an Indiana Child in Another State](#) and/or [9.2 Request to Place a Child in Indiana](#).

Code References

1. [IC 31-28-4-1: Enactment, Provision](#)
2. [465 IAC 2-3: Interstate compact on the placement of children](#)

<b>PROCEDURE</b>
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The DCS ICPC Office will ensure the private agency coordinating the adoption completes a referral packet and submits three (3) identical copies of the referral packet and five (5) copies of the [ICPC Request \(SF106/100A\)](#) to the sending state's ICPC Office. The referral packet should include the following:

1. Cover letter detailing reason for the referral;
2. Child's social history;
3. Child's medical history;
4. Psychological and any other reports current within the past year;
5. Court order of TPR, signed consents to adoption by birth parents, or notice of publication on a missing parent regarding the adoption proceedings;

6. Native American statement included in the TPR order or the surrender attested to by both natural parents as stated below:
  - a. I am not an enrolled member of an Indian Tribe or an Alaskan Village, and
  - b. To the best of my knowledge, I am not eligible for membership in an Indian tribe or an Alaskan Village.
7. Proof of publication or no registration with an applicable Putative Father Registry if there is a putative father whose rights have not been terminated or no birth father is named;
8. A legal risk agreement signed by the adoptive parents if the biological parents of the child(ren) are not married;
9. A statement by the designated LCPA or licensing agency describing counseling that has been provided to the birth parents concerning their rights and the services available to them if they choose to parent instead of placing the child for adoption;
10. Legal documentation of the child's availability for adoption in the form of either:
  - a. A court order terminating parental rights and the appointment of a guardian for the child; or
  - b. A notarized surrender of parental rights to an LCPA.
11. Written background information on the birth parents; and
12. Home study including background check information regarding the adoptive family.

**Note:** All forms listed above are provided by the private LCPA.

**[REVISED]** The DCS ICPC Office will:

1. Review the referral for accuracy and completeness within three (3) business days of receipt;
2. Sign the [ICPC Request \(SF106/100A\)](#) and send it to the receiving state's ICPC Office if the referral packet is complete; and
3. Send the [ICPC Request \(SF106/100A\)](#) to the LCPA or licensing agency that originally made the referral once it is approved by the receiving state.

The receiving ICPC Office will:

1. Review the referral for accuracy and completeness; and
2. If the referral is approved, sign the [ICPC Request \(SF106/100A\)](#) and return it to the sending ICPC Office.

#### PRACTICE GUIDANCE

N/A

#### FORMS AND TOOLS

1. [ICPC Request \(SF106/100A\)](#)
2. [ICPC Regulation No.12](#)

## RELATED INFORMATION

### **Responsibility of the Guardian**

The guardian shall be a full guardian of the person (child), willing and able to assume full financial responsibility for the child should the child not be legally adopted in either Indiana or the other state. This responsibility includes the return of the child to the sending state if the adoption disrupts.

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