

ICPC FREQUENTLY ASKED QUESTIONS

Question: What is the purpose of the ICPC?

Answer: The ICPC is based on the premise that children requiring out-of-state placement should receive the same protections and services that would be provided if they remained in their home states. Each child who requires placement out of their home state should receive the maximum opportunity to be placed in a suitable environment and with persons / institutions that have appropriate qualifications and facilities to provide the necessary / desirable degree and type of care the child requires. In addition, the ICPC assures that legal and financial responsibilities are assigned for supporting the placement prior to placing the child.

Question: Why do we have a compact?

Answer: Child welfare leaders nationwide want to be assured that the same level of protection and services that would be provided to a child if they remained in their home state (as stated above). Additionally, children must also be assured of a return to their original jurisdiction should the placement prove not to be in their best interest.

Question: What safeguards are offered by the ICPC?

Answer:

The sending state can have:

- A home study and evaluation of placement resources in the receiving state.
- A complete criminal background check and a Child Abuse and Neglect (CAN) screening.
- Continued jurisdiction over the child in the receiving state.
- Supervision and quarterly status reports on the child's adjustment and response to the placement.

The receiving state can ensure that the:

- Placement is not contrary to the interests of the child.
- Child is guaranteed legal and financial protection by establishing these responsibilities prior to placement.

Question: Who can initiate a placement through the Interstate Compact?

Answer: Persons who can initiate referrals are private individuals, the court, private/public child placement agencies, adoption agencies.

Question: Who must use the ICPC?

Answer: Sending agencies that send, bring, or cause a child to be sent or brought from one state to another must use the ICPC. Sending agencies include the following:

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

Question: For which types of placement must a referral through the ICPC be initiated?

Answer: Generally – placements preliminary to a possible adoption or foster care, including:

- Placements with Parents: birth parent reunification in another state whenever a court has jurisdiction over a child who is being placed;
- Kinship Care: kinship care by a relative in another state whenever a court has jurisdiction over a child who is being placed;
- Foster Family / Foster Group Homes: placements unrelated to the child
- Residential Care: placement in a residential facility;
- Domestic Adoption: by a public or private child-placing agency
- Adjudicated delinquents (Article VI) with a private institution;
- Treatment: when placed in a treatment facility.

Question: What types of placements are exempt from the ICPC?

Answer: The following are exempt:

- Placements between relatives: sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult aunt or uncle, or his / her guardian and leaving the child with any such relative or non-agency guardian in the receiving state.
- Placements made under other compacts: i.e., the Interstate Compact on Juveniles.
- Placement into certain types of institutions. i.e., schools / boarding schools (where the primary purpose for the placement is education), hospitals, mental facilities, Job Corps, etc.
- Placements made pursuant to Divorce: divorce, custody investigations involving home studies.
- Visits as defined in Regulation No. 9

Question: If I make a referral, how long should I anticipate waiting before I receive an approved or disapproved study?

Answer: Federal law mandates that all home studies be completed in 60 days. It is encouraged to expect 75 days from the date of referral submission for mail time, internal processing and the Administrative review of the file to ensure completion of all requirements.

Question: Is there any way to speed up this process?

Answer: Under certain circumstances (Regulation No. 7) a study can be expedited but a specific court order must accompany the request and the case must meet the criteria. Expedited requests shall be completed in 30 days.

Question: What are the Regulation No. 7 criteria?

Answer: When at least one of the following criteria is met:

- The child for whom placement is sought is under the age of two.
- The child is currently placed in an emergency shelter.
- The child has spent a significant amount of their life with the proposed placement resource.

Question: If a child comes into Nevada how often must a report be submitted to the sending state?

Answer: Reports are required quarterly at a minimum unless agreed upon otherwise or a significant change occurs with the child or the placement resource.

Question: How can I assure a placement resource will be reimbursed for foster care maintenance payments if in another state?

Answer: The referral must request foster home licensure to allow the placement resource to be reimbursed for foster care maintenance payments.

Question: How can I assure the child receives Medicaid in their placement resource if in another state?

Answer: The referral must request foster home licensure to allow the child to receive Medicaid.

Question: What constitutes a medical plan for a child placed out of state?

Answer: Medicaid, Title IVE eligibility.

Question: Who is responsible for transporting the child to a placement resource that has been approved through the ICPC?

Answer: The sending state.

Question: Who is responsible for transportation related expenses for a child coming back to Nevada (disrupted placement) for a visit with a parent with whom the agency is seeking to reunite the child?

Answer: The child welfare agency is ultimately responsible. The agency with legal custody – DCFS, WCDSS or CCDFS.

Question: Who is responsible for expenses related to returning the child if the placement breaks down and the child was placed through the ICPC?

Answer: The child welfare agency is ultimately responsible. The agency with legal custody – DCFS, WCDSS or CCDFS.

Question: Am I responsible for educational expenses for a child placed through the ICPC?

Answer: It depends; the sending agency which has legal custody is generally responsible for providing for financial/medical needs of the child. Federal special educational services should be available.

Question: What forms must I submit in the ICPC process?

Answer: See the Nevada ICPC Referral checklist for all required information. The ICPC Form 100A which is the actual contract between the sending state and the receiving state. A placement cannot be made until the Compact Administrator or their designee from both the sending and receiving state has signed the ICPC Form 100A. The ICPC Form 100B is used to inform the receiving state when a child is actually placed into their state, and to inform the receiving or sending state that an ICPC case has been closed.

Question: Can a child be placed in an out of state placement resource prior to an approved study or completion of a criminal background check and CAN screening?

Answer: No

Question: When can an ICPC placement be closed?

Answer: An ICPC case can only be closed when the child:

- Has been returned to the sending state
- Has reached the age of majority
- Is adopted, or
- Guardianship is granted.

Question: Who do I contact if I have further questions?

Answer: Nevada Department of Health and Human Services
Division of Child and Family Services
ICPC Compact Administrator
NVICPC@dcfs.state.nv.us
4126 Technology Way, 3rd Floor
Carson City, NV 89706

For information on ICPC Compact Administrators in other states refer to:

<http://www.abcadoptions.com/icpc.htm>

For additional information regarding “The New Interstate Compact for the Placement of Children (ICPC): Frequently Asked Questions Regarding Private and Independent Adoptions” refer to:

<http://www.aphsa.org/Policy/ICPC-REWRITE/New-ICPC-Private-and-Independent-Adoption-FAQ.doc>