	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(15) Interstate Compact on the Placement of Children (ICPC)	Effective Date:	February 2015
	Policy Title:	Introduction to Interstate Compact on the Placement of Children		
Policy Number:	15.0	Previous Policy #:	1010	

CODES/REFERENCES

Uniform Child Custody Jurisdiction and Enforcement Act
O.C.G.A. § 39-4, Interstate Compact on the Placement of Children
ICPC Regulation 3, Definitions and Placement Categories

INTRODUCTION

Children in the custody of the Division of Family and Children Services (DFCS) who are placed outside of Georgia shall be assured the same protection and services that would be provided if they remained in their home state. The Interstate Compact on the Placement of Children (ICPC) is the best means to ensure protection and services to children who are placed across state lines. The Compact is a uniform law enacted by all 50 states, the District of Columbia, and U. S. Virgin Islands establishing orderly procedures for the interstate placement of children and assigns responsibility for those involved in placing the child. Georgia legislature enacted the Compact March 23, 1977. Under the terms of the law, the state agrees to follow uniform procedures when making or accepting interstate placements of children. Since the Compact is also a contract among the member states and has been codified into law by statute, it must be interpreted and implemented uniformly by all states.

The Compact accomplishes the following:

1. Provides the sending state/agency the opportunity to obtain home studies (an evaluation of the proposed placement) prior to making a determination that the placement is in the child's best interest.
2. Allows the prospective receiving state to ensure that the placement is not "contrary to the interests of the child," and that applicable laws and policies have been followed before approval of the placement.
3. Assures liability and responsibility for the safety of a child placed contrary to ICPC requirements (ICPC violation) rests with the sending state.
4. Guarantees the child legal and financial protection by assuring that the sending state retains legal and financial responsibility for any child placed subject to the Compact.
5. Provides the sending state/agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

Background

The need for a Compact to regulate the interstate movement of children was recognized in the 1950s. At that time, a group of east coast social service administrators joined informally to study the problems of children moved out of state for foster care or adoption. Among the problems they

identified was the failure of importation and exportation statutes enacted by individual states to provide protection for children. They recognized that a state's jurisdiction ends at its borders and that a state can only compel an out-of-state agency or individual to discharge its obligations toward a child through a compact. The administrators were also concerned that a state to which a child was sent did not have to provide supportive services even though it might agree to do so on a courtesy basis. In response to these and other problems, the Interstate Compact on the Placement of Children was drafted, and in 1960 New York was the first state to enact it.

PRACTICE GUIDANCE

In accordance with ICPC rules and regulations the following definitions will be used when complying with ICPC requirements:

Child

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

Home Study

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.

Interstate Home Study

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.

Placement

The arrangements for the care of a child in a family or 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.

Receiving State

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 private agencies or persons.

Safe Timely Interstate Home Study

An interstate home study report completed by a state if the state provides to the other 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.

Sending Agency

A member state, officer or employee thereof; a subdivision of a member state, or officer or employee thereof; a court of a member 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 state.

Visit


A social or cultural experience of short duration provided to the child, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services. The child’s stay is intended to be no longer than thirty (30) days. As defined, a visit is not subject to Interstate Compact on the Placement of Children.

FORMS/TOOLS

Association of Administrators of the Interstate Compact on the Placement of Children – ICPC Articles

Association of Administrators of the Interstate Compact on the Placement of Children – ICPC Regulations

The Code of Georgia – Free Public Access

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(15) Interstate Compact on the Protection of Children	Effective Date:	February 2015
	Policy Title:	Placements Subject to ICPC Jurisdiction	Previous Policy #:	1010.1

CODES/REFERENCES

ICPC Regulation 3, Definitions and Placement Categories
 O.C.G.A. § 39-4-1 through § 39-4-10, Interstate Compact on the Placement of Children

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall ensure that no child in the custody of DFCS is placed into another state without first complying with the applicable placement requirements of the Interstate Compact on the Placement of Children (ICPC).

EXCEPTION: Georgia law and ICPC practice permits the development of “agreements” between DFCS and the state child welfare agencies of other states. Georgia has implemented “border agreements” with states sharing a common geographical border with Georgia (see policy 15.8 Interstate Compact on the Placement of Children: Border Agreements).

DFCS shall adhere to the following placement types subject to ICPC compliance when the court retains jurisdiction subsequent to a finding of dependency:

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. Placement with parents and relatives (as defined by blood, marriage or adoption) when the parent or relative is not making the placement as defined in Article VIII(a) of the ICPC Articles, “Limitations”;
4. Group homes/residential placement of all children, including children adjudicated delinquent in institutions in other states as defined in Article VI and Regulation No. 4 of the Compact.

A child welfare agency operated by another state seeking the placement of children into Georgia in any of the placement types identified in items 1-4 above likewise shall comply with ICPC regulations and procedures.

The following placement types are not subject to the provisions of ICPC:

1. Placements with parents or relatives when the child’s parent or guardian is making the placement;
2. Placements made in medical facilities;
3. Placements made in mental health facilities; and
4. Placements in any Child Caring Agency or institution that is primarily educational in character (boarding schools).

NOTE: Child Caring Agency is defined as an institution caring for the mentally defective or any institution that is principally educational in nature; any hospital or other medical facility is exempt from ICPC requirements.

PRACTICE GUIDANCE

All children for whom the State of Georgia, acting by and through the County DFCS Office and who are subject to an order of custody (voluntary, temporary or permanent custody), are subject to ICPC regulations and procedures.

Any child who is the subject of a voluntary or judicial order of custody or commitment from another state is likewise subject to ICPC regulations and procedures.

A primary component of determining the appropriateness/approval of a prospective placement is the completion of all required Child Protective Services screens and background checks. This shall be fully adhered to prior to the placement of a child in another state.

Contact between county and/or state agencies should only occur after the approval of the compact request. The Georgia County DFCS should contact the State Office ICPC Unit if contacted by another state regarding a request or request consideration.

Occasionally, due to the proximity of a mental health or medical treatment facility to a bordering state, a child in state custody may have been hospitalized in a medical or mental health facility in another state. The necessity of treatment for the medical or mental health condition exempts the compliance with ICPC in such circumstances. The custodial entity is responsible for assuring that the child's needs are fully met. The state in which the child receives treatment is neither legally nor fiscally responsible for the child's care, treatment or assurance of safety.

FORMS AND TOOLS

Association of Administrators of the Interstate Compact on the Placement of Children – ICPC Articles

Association of Administrators of the Interstate Compact on the Placement of Children – ICPC Regulations

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