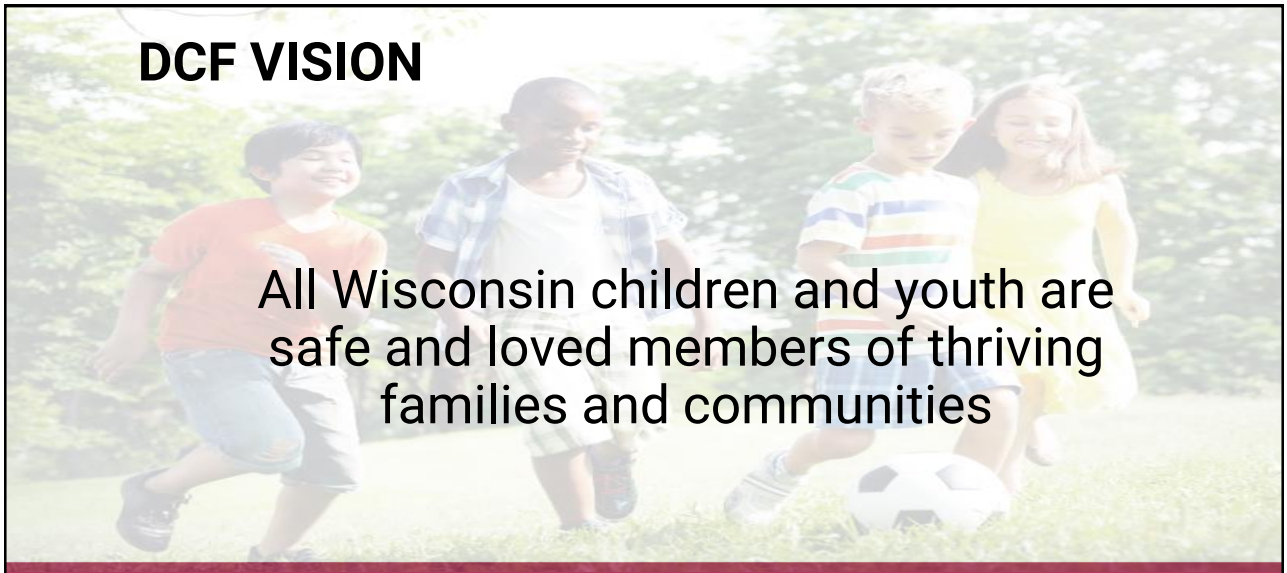
Interstate Compact on the Placement of Children ICPC 101

This law is designed to protect the best interests of children who are being placed outside of the state where they currently reside.

Wisconsin Department of Children and Families

DCF VISION



All Wisconsin children and youth are safe and loved members of thriving families and communities

Wisconsin Department of Children and Families

Wisconsin ICPC

Department of Children and Families

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Division of Safety and Permanence

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Bureau of Permanence and Out of Home Care

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Out of Home Care Section

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ICPC

The ICPC team

Shannon Braden, Compact Administrator
Out of Home Care Section Manager

Brittany Shellenberger, ICPC Specialist
Cases A-H *oldest child's last name

Carrie Kraus, Deputy Compact Administrator
Lead ICPC Specialist
Cases I-R *oldest child's last name

Kasia McCants, ICPC Specialist
Cases S-Z *oldest child's last name

Amie Bodart, ICPC Program Assistant
ICPC Assistant
All Residential requests

WHAT IS THE ICPC:

A statutory agreement between all 50 states, the US Virgin Islands and District of Columbia.

*Establishes uniform legal and administrative procedures governing the interstate placement of children

*Ensures the individual or entity placing the child maintains legal and financial responsibility for the child

The compact is found in section 48.988 of WI Statutes

*Note §48.99 begins the revised ICPC § 48.988 remains in effect until 35 member states enact the revised compact into law. Currently WI and 15 other states have the revised compact in their statutes

***New York first state to enact into law in 1960**

***Wisconsin enacted the ICPC into State law in 1977**

APHSA and AAICPC

American Public Human Service Association
Administers and oversees programs that bolster family well being- including the AAICPC

The Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC)
Established in 1974 and is responsible for administering the ICPC and carrying out the rules and terms of the ICPC.

The Secretariat to AAICPC
Provides ongoing administrative, legal and technical assistance to the compact party states. The Secretariat works to resolve problems of mutual concern and formulates standard practice and policies.

The AAICPC Executive Committee (EC)
An elected body that works with the AAICPC Secretariat to advance policy and practice directives and initiatives to improve the national administration of the ICPC.

Compact Administrator and Deputy Compact Administrator
Each member jurisdiction designates a CA and DCA to coordinate activities within their state and ensure the ICPC is carried out effectively in their state.

Why do we need the compact?

- Ensures children are placed with appropriate caregivers who can/will meet the child's needs
- Legal and financial protections for the child
- Establishes responsibilities for both the sending state (SS) and receiving state (RS)
- Ensures continued supervision after placement is made

Does the Compact apply?

The Compact DOES apply

- Placements with parents or relatives **when under jurisdiction of a juvenile court or county or state agency**
  - *Exceptions that ICPC does not apply in some states (NY, OR)
- Placements into foster homes or group homes
- Placements preliminary to adoptions including private adoptions
- Placements into residential treatment facilities



ICPC & ICJ

- Children under both a child welfare order and a chapter 938 order may need approval from ICPC and the Interstate Compact for Juveniles (ICJ)

The Compact does NOT apply

- Placements to boarding school or educational institutions
- Placements to a medical facility or hospital
- Placements or home studies done internationally
- Divorce or custody proceedings
- Placements made **by and to** a parent, stepparent, grandparent, aunt, uncle or adult sibling **with legal right to place**
  - No child welfare court system involvement

Roles in the Sending State

Sending Agency –case manager

- Sending agency explores proposed resource in other state
- Prepares and submits the ICPC referral (home study request) through eWiSacwis
- Agency maintains case management responsibilities including permanency planning
- Agency maintains financial responsibilities for the child and placement (ex. Foster payments or kinship)
- Must seek concurrence from receiving state prior to case closure

Wisconsin ICPC –DCF

- Reviews the ICPC referral once submitted
- Available for consult with agencies with specific case related questions
- Forwards the request to the other state
- Obtains completed study and placement decision from receiving state ICPC and forwards to WI Sending agency (Via eWiSacwis)
- WI ICPC has no case management responsibilities we act as the liaison between the states

Roles in the Receiving State

Receiving Agency

- The agency assigned to an incoming ICPC.
- Roles are either to conduct the home assessment and/or licensing or for supervision of already approved ICPC cases
- Receiving state is not responsible financially and not responsible for case management
- Receiving state agency can assist with referrals and will conduct monthly contacts with the family
- Submit quarterly progress reports to sending state
- Not responsible for services or helping meet court ordered conditions
- Provide Concurrence to close when sending state is seeking permanence

Receiving State –ICPC Central Office

- Receiving state ICPC reviews incoming referrals and assigns to their local agency for completion of home studies
- Reviews completed home study and makes final placement recommendation and forwards to sending state ICPC
- Receives DCF Form 100b notifications when placement is made and assigns to local agency for supervision
- Some receiving state offices assist with setting up Medicaid for child (this is specific to each state policy-not all states open Medical Assistance for non IV-E children)

DCF FORMS

ICPC 100A Placement Request

Sending State/Agency

- Formal written notice to the receiving state of its intention/request to make an interstate placement.
- Request for a home study/licensing
- Includes documentation of who is financially responsible and responsible for planning/placement of the child
- Request for a placement decision
- Signed by Sending agency representative and ICPC

Receiving State/Agency

- Following review of completed home assessment, it is the official notification that the proposed placement may or may not be made
- Signed by the State Central ICPC Specialist/Deputy Compact Administrator

DCF FORMS

ICPC 100B – Report on Child's Placement Status

- Confirm that an approved ICPC placement has been made
- Withdraw a placement request prior to the home study
- Indicate that an approved resource will not be used-so the ICPC can be closed
- Report a change in placement resource/type of care (ex unlicensed to licensed)
- Report change of address
- Close an ICPC case-when permanence occurs, or placement ends

TEAM ICPC

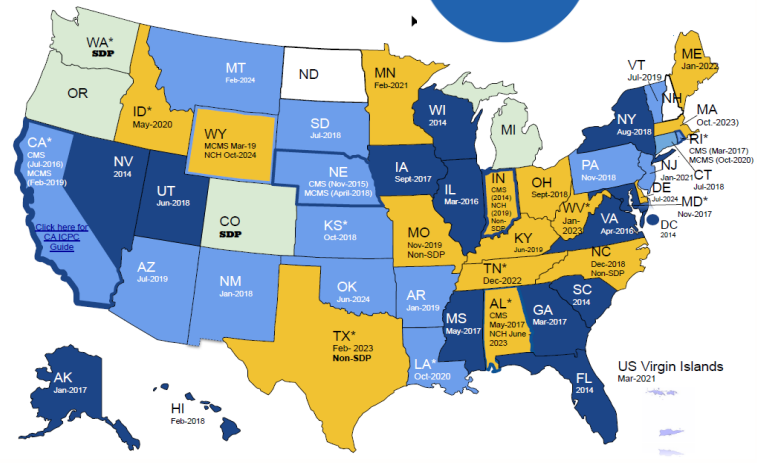




Interstate Transmissions

- WI agencies submit the referral to WI ICPC by creating a referral in eWiSACWIS
- WI ICPC reviews and will accept the referral or send it back for revision
- WI ICPC will then transmit to the other state-primarily through our NEICE system

50 ICPC Members with signed MOUs
46 fully implemented
2 temporarily exchanging documents only
(REV: October 21, 2024)



National Electronic Interstate Compact Enterprise

NEICE

Ten Articles and Twelve Regulations

Articles set out the procedures to be followed to implement the compact.
Regulations help to guide the daily practice of the ICPC

Regulation 1 – Relocation of Family Units
Regulation 2 – Public Court Jurisdiction Cases: Placements for parents, relative, foster or public adoption
Regulation 3 – Definitions and Placement Categories
Regulation 4 – Residential Placement
Regulation 5 – Central State Compact Office
Regulation 6 – Permission to Place Child: Time Limitations
Regulation 7 – Expedited Placement Decision
Regulation 8 – Change of Placement Purpose
Regulation 9 – Definition of a Visit
Regulation 10 – Guardians
Regulation 11 – Supervision
Regulation 12 – Private/Independent Adoptions





ICPC & TIMELINES

- Some Regulations have specific timeframes for ICPC processing
- Timeframes begin when a complete referral is received

- Timelines for Home studies – a variety of factors impact completion home studies. Ex. Staff shortages, background check results, fingerprinting, incorrect information, resource compliance, etc.

- SAFE AND TIMELY INTERSTATE PLACEMENT ACT (2006)
  Within 60 days a home study report should be completed-additional time permitted for licensure.

When is there court jurisdiction for ICPC purposes?

- TPC Order
- CHIPS Dispositional Order

No court jurisdiction when:

- TPC Request or CHIPS petition has been filed but there has been no juvenile court order entered



Protective Plans

Definition: A Protective Plan is an immediate, short-term strategy in response to the identification of Present Danger Threats. The Protective Plan is a negotiated arrangement, outside of the court process, that provides a child with adult supervision and care in order to control for or shield from identified danger threats.

Under a protective plan, an agency and a parent may agree that a child will stay temporarily with an individual outside the home (may include a resource who is out of state).

Should not be long-term and is not a formal placement

No juvenile court jurisdiction for ICPC purposes based on a protective plan being in place



In-Home CHIPS Cases

CHIPS order confers court jurisdiction for ICPC purposes, even when the child is placed in the home

ICPC guidance provides that if the parent under an in-home order seeks to move out of state, the ICPC needs to be complied with.

- "Consequently, the ICPC applies to interstate placements with parents if a child is under the jurisdiction of the juvenile or family court, the court has assumed responsibility to determine where the child will reside, and until such time as the interrupted parent-child relationship is restored and the state's intervention is ended." - ICPC Manual and Instructional Guide for Juvenile and Family Court Judges p. 34:

- Courts in some states have held that the ICPC does not apply to parental placements. *See, e.g.*, *Matter of J.B.*, 310 Or. App. 729 (Or. Ct. App. 2021)
- Not aware of any decisions by Wisconsin Courts or 7th Circuit Court of Appeals on this issue.

REGULATION ONE

Relocation of a family unit

Intrastate → Interstate



Applies when a family who has an approved placement of a child in the home state moves to another state prior to case closure/adoption.

- The local agency will submit a regulation one request to their state ICPC-it will be reviewed and sent to the new state ICPC office
- Assigned to the local agency and a new home study will be conducted in the new state
- Supervision will begin within 30 days of notice

REGULATION TWO

Placements for public adoption, or foster care and/or with parents or unlicensed relatives



Applies to cases involving children who are under the jurisdiction of the juvenile court

The court or agency must have authority to determine supervision, custody and placement of the child.

If a child has been placed in the Receiving State prior to ICPC approval (Except Reg 1) the case is considered a violation of the ICPC.

No supervision or services are provided prior to ICPC approval

REGULATION FOUR

Residential Placement



Residential facility or residential treatment center or group home as defined as:

A facility providing a level of 24-hour care, supervised care that is beyond what is needed for assessment or treatment for an acute condition.

- Does not include institutions that are primarily educational
- Does not include hospitals or other medical facilities

*Approval by receiving state is required prior to placement

*Both public and private cases require an ICPC under the current compact

*Also applies to children who are under a JIPS or delinquency order under Chapter 938

ARTICLE VI of the Compact

Requires a juvenile court order be included with the request that indicates equivalent facilities are not available in the sending agencies jurisdiction and that institutional care in the receiving state is in the child's best interest and will not produce undue hardship

Intent is to expedite ICPC placement decision

Only if the placement will be with:

- A parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister or the child's guardian

AND

- A Priority Order has been signed by the judge (not commissioner)

AND

- The court order must indicate one or more of the following circumstances exist:
  - *Unexpected dependency due to a sudden or recent incarceration or death or a parent or guardian
  - *Child to be placed is four years or younger
  - *Court finds that any child in a sibling group has a substantial relationship with the proposed resource
  - *The child is in an emergency shelter

REGULATION SEVEN

Expedited Placement Decision



*Request must be received by ICPC within 5 business days of the judge signing the priority order

*Receiving state has 20 business days to complete assessment

* Reg 7's may not be requested if the child is already in the home and may not be for licensing

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

_____
A person under the age of 18

_____
Date of Birth

Priority Placement Order
(Interstate Compact on the Placement of Children)

Case No. _____

THE COURT FINDS:

1. The child is within the jurisdiction of this court.
2. [Name] _____ is the proposed placement resource in the receiving state of _____ and is a relative of the child as set forth in Article VIII(a) of the Interstate Compact on the Placement Children (Compact) and §48.988(8), Wis. Stats. Parent, stepparent, Grandparent, adult Aunt or uncle , adult brother or sister or childs's guardian
3. The placement is not for licensed foster family approved care or adoption and the child is not located in the receiving state in violation of the Compact.
4. The child qualifies for a priority placement under "Priority Regulation No. 7" of the Compact by meeting one or more of the following requirements: Must meet one or more
   - ☐ a. The child is under four years of age.
   - ☐ b. The child is an older sibling of a child under four years of age sought to be placed with the same proposed placement resource.
   - ☐ c. The child has a substantial relationship with the proposed placement resource.
   - ☐ d. Any child in the child's sibling group has a substantial relationship with the proposed placement resource and the child is sought to be placed with the same proposed placement resource.
   - ☐ e. The child is currently in an emergency placement.
   - ☐ f. There is an unexpected dependency due to sudden or recent incarceration, incapacitation, or death of a parent or guardian.
5. If a home study is approved by the receiving state, this placement would not be contrary to the best interest of the child.

THE COURT ORDERS:

1. _____ County is authorized to be the sending agency for the child under the terms of the Compact adopted by §48.988, Wis. Stats., and designates and directs the county child welfare agency or any receiving state agency to complete, carry out and effectuate all obligations and responsibilities of the sending agency under the Compact.

JC-1648, 09/22 Priority Placement Order (Interstate Compact on the Placement of Children) §48.988, Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 2

JC-1648 Priority Placement Order

- **ICPC will forward the full packet with JC-1648 to RS ICPC within 2 business days after receipt of a complete request (if all requirements are met)**

2. _____ County, or any receiving state agency, shall immediately commence procedures necessary for priority placement of the child with the placement resource indicated above.
3. Within two (2) business days, the court shall provide a copy of this Order to the authorized sending agency.
4. Within three (3) business days of the receipt of this Order, the sending agency shall transmit a copy of this Order, completed forms ICPC 100-A and 101, and supporting documentation to the Compact Administrator of the sending state with notice of the priority status of this request for placement.
5. The Compact Administrator of the sending state and all other persons to whom Article VII of the ICPC applies shall comply with Priority Regulation No. 7 and shall fully implement the procedures for the request for priority placement.
6. The receiving state shall comply with the Priority Regulation No. 7 and provide the completed home study to the State of Wisconsin Compact Administrator within 20 business days of receipt.

Circuit Court Address and Phone Number

DISTRIBUTION:
1. Court
2. Child's Guardian ad Litem/Adversary Counsel
3. Parents
4. Parents' Attorney(s)
5. District Attorney/Corporation Counsel
6. Caseworker

REGULATION NINE-Definition of a Visit

PLACEMENT

30 days
Or longer

No end date-
When placement
is made

Have an approved ICPC

Supervision provided by RS

VS

VISIT

30 days
Or less

Has start & end date

Social or cultural experience
of short duration

Friend, relative, camp, etc. has no
legal responsibility

No services or supervision will occur when child is on a visit.

Reg 9
6.)When a child is in the home when a request for a home study is submitted, there is a rebuttable presumption that the intent of the stay is placement, not a visit

REGULATION TEN

Guardianship

If the child's parent, stepparent, grandparent, adult brother or sister or adult uncle or aunt is making a placement with a nonagency guardian, whose appointment to the guardianship existed prior to consideration of making the placement, is not subject to the ICPC.



- When the child is in the child welfare system and is exiting to guardianship and there is an open ICPC:
  - If the guardian is appointed by the sending state court → there are grounds to terminate the ICPC when the sending and receiving state compact administrators concur on the termination.
  - If, the guardian is appointed by the receiving state court → the appointment shall be construed as a request that the sending agency and the receiving agency concur in the discontinuance of the application of the ICPC to the placement.
- No additional paperwork or approval is needed for a child who reaches permanency through guardianship after a child welfare case.

REGULATION TWELVE

Private/Independent Adoptions



- Provide guidance for interstate private and independent adoptions
- Ensure the placement follows all applicable laws and requirements
- Ensure supervision is in place until adoption is final

ICPC does not approve the adoption but provides placement approval and allows the family to travel back to their home state with the child.

Approval or denial must be made within 3 business days

ICWA and the ICPC

Indian Child Welfare Act (ICWA)

- Federally enacted by Congress in 1978
- Intent to protect the best interest of Indian Children and promote stability of Indian tribes and families

Wisconsin Indian Child Welfare Act (WICWA)

- Signed into state law on December 7, 2009
- Intent to clarify and improve compliance in WI
- WI is home to 11 federally recognized tribes

Does the Compact apply to ICWA cases?

- If an Indian child is being placed interstate (and child is under jurisdiction of public child welfare agency) the ICPC applies to that placement
  - However, placement requirements of ICWA preempt any ICPC requirements
- Tribe to Tribe- Sovereign nations-ICPC does not apply if placement is made by and to a Tribe
  - Unless- Tribe requests ICPC services
  - Tribe has adopted the ICPC into its own laws
  - Tribe has an existing Title IV-E agreements with the state requires ICPC compliance
- Full faith and credit if the ICPC is invoked and the tribe completes the home study

The home study is complete Now what…



Approval from Receiving State

- Valid for six months
- If placement is made: send DCF form 100b to sending state ICPC
- Supervision requested from receiving state
- Case must remain open for supervision until concurrence to close is received from receiving state
- Sending state maintains case management and financial support
- Send DCF form 100b to close if approval will not be used

Denial from Receiving State

- Placement may not be made
- ICPC will close
- A new request can be made in the future if documentation is provided that shows the reasons for denial have been resolved

We disagree with the denial - is there an appeal process?

There is no formal appeal process

Within 90 days of denial may submit request for reconsideration

Up to Receiving State if they will accept

Must provide evidence of what changed to impact decision

VIOLATIONS OF THE ICPC

Children who are under the jurisdiction of the courts/agency that are placed in another state prior to an ICPC approval are in violation of the ICPC

- Consequences of placement made in violation:
  - ❖ Medicaid will not be open for the child
  - ❖ Will not be open for supervision
  - ❖ Difficulty obtaining other needed services



48.988 (4) *Penalty for illegal placement. The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state.. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws….*

ICPC RESOURCES

ICPC DROP-IN MEETING SCHEDULE 2024

DATE	TOPIC	AGENCIES INVITED
Jan 10, 2024 & July 10, 2024	**ICPC 101**	All
Feb. 14, 2024 & Aug.14, 2024	**Creating an ICPC Referral**	All with eWiSacwis access
March 13, 2024 & September 11, 2024	**Working in the ICPC Record**	All with eWiSacwis access
April 10, 2024 & Oct 9, 2024	**Q & A for Regulation 12's**	Private Adoption Agency staff
May 8, 2024 & Nov 13, 2024	**Q & A for Public Adoption**	Public Adoption Agency staff
June 12, 2024 & Dec 11, 2024	**Q & A for Counties**	County Agency Staff

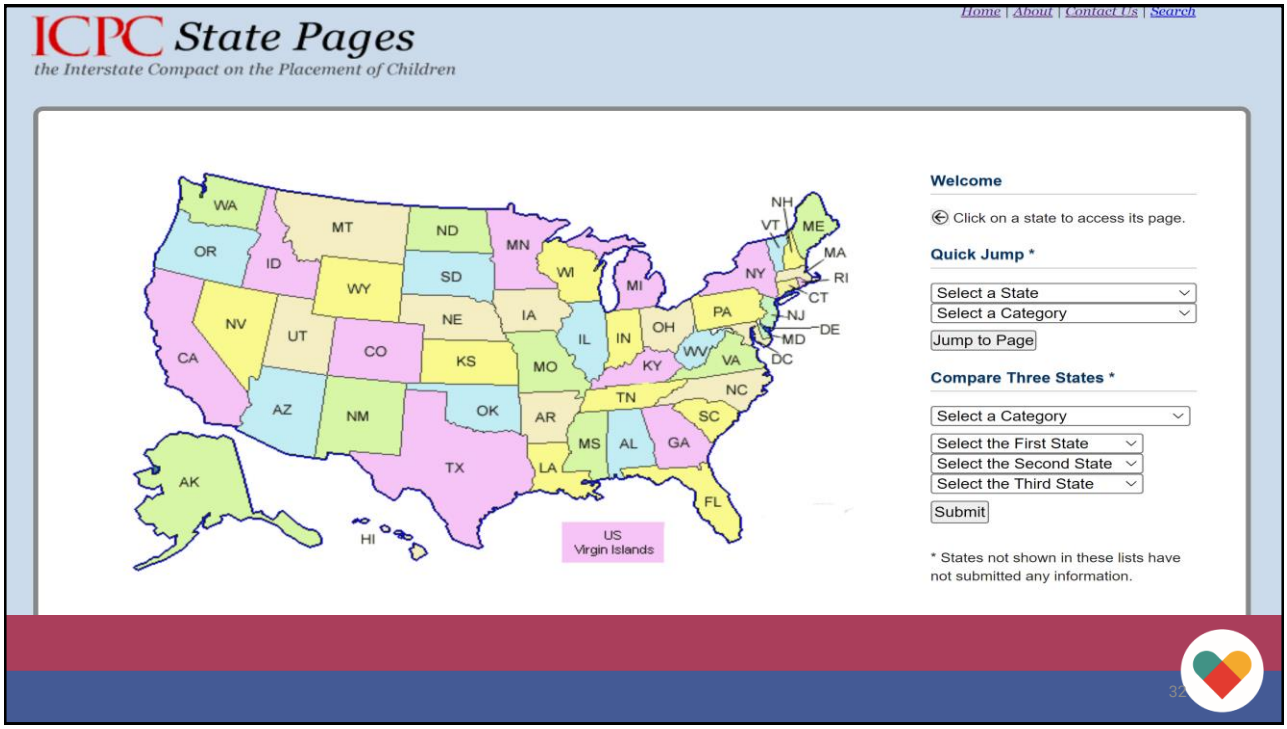
These meetings are open to all but most helpful to child welfare professionals who may need to submit an ICPC referral or who may be assigned to complete home studies or provide supervision as the receiving state.

Please forward the invites to those who can most benefit from these meetings!!

Meetings are held via Zoom the 2nd Wednesday of each month.
9:00 am – 10:20 am

Ongoing Services Standards

A section was added to Ongoing Services Standards in June 2017. There are 30 pages full of more detailed information on ICPC Policy:
https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf



ICPC RESOURCES

ICPC Page of the DCF Website

We have a webpage that provides general information, links to resources, and contact information: https://dcf.wisconsin.gov/cwportal/icpc
You can also get there by going to https://dcf.wisconsin.gov/ and clicking: DCF Partners - Child Welfare Workers - Worker Portal - Placement – ICPC

ICPC Webinars

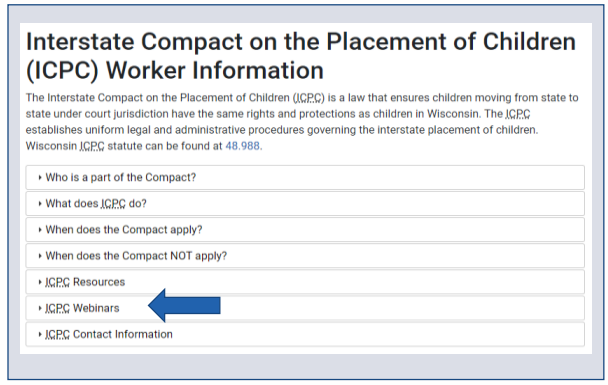
On the ICPC Webpage, there are links to 3 webinars

- **Interstate Compact on the Placement of Children: Understanding ICPC**
  This webinar provides a basic understanding of ICPC and the workflow between agencies and states.
  (16 minutes)

- **Interstate Compact on the Placement of Children: Submitting an ICPC Referral**
  This webinar provides an overview of the process for preparing and submitting an ICPC referral and management of the case if the ICPC is approved.
  (42 minutes)

- **Interstate Compact on the Placement of Children: Receiving an ICPC Referral**
  This webinar provides an overview of the ICPC process when Wisconsin is the receiving state and a WI agency has been assigned to complete a home study and/or provide supervision of a child.
  (23 minutes)

***NOTE**: The webinars do not review specific eWiSACWIS steps for ICPC work



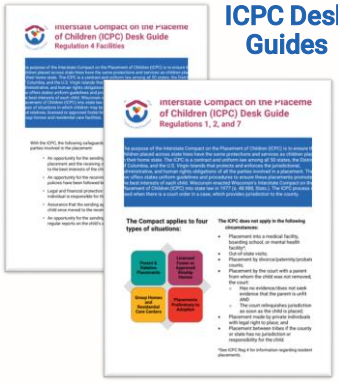
ICPC RESOURCES

CCIP E-Learning

- www.wicciptraining.com/elearningactivities?are=%20
- 14 minute video explaining the Interstate Compact on the Placement for Children



ICPC RESOURCES for Caseworkers



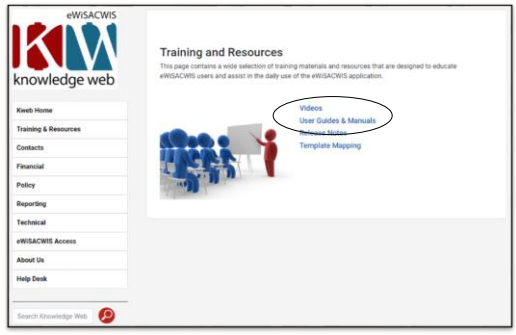
ICPC Desk Guides

Access the electronic ICPC desk guides on the eWiSACWIS User Guides – Case Work site under the ICPC tab:
https://dcf.wisconsin.gov/knowledgeweb/training/ewisacwis-user-guides/case-work

Desk guides provide information regarding the ICPC REGULATIONS and have helpful information to understand agency responsibilities and workflow.

There are two ICPC Desk Guides:

- **Regulations 1, 2, and 7**
  Parent, relative, foster and adoptive placements
- **Regulation 4**
  Group Home and Residential care center placements



eWiSACWIS Knowledge Web

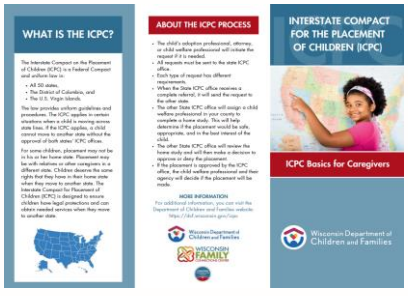
The eWiSACWIS Knowledge Web can be accessed through the DCF Website https://dcf.wisconsin.gov/knowledgeweb/training

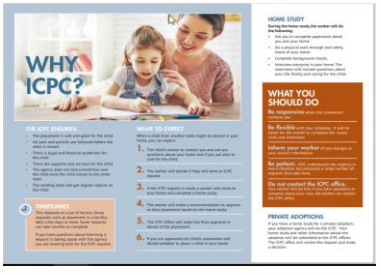
WISCONSIN FAMILY CONNECTIONS CENTER

ICPC Basics for Caregivers

The Wisconsin Family Connections Center has a brochure available as a resource for workers to provide to families:

The Interstate Compact for the Placement of Children (ICPC): ICPC Basics for Caregivers - Wisconsin Family Connections Center (wifamilyconnectionscenter.org)





QUESTIONS

