



Looking Behind the Curtain: The ICPC

July 2025

Topics

- What's a Compact
- Authority for the ICPC
- Purpose, Language, Applicability
- Parents
- Relatives
- Visitation
- State office and how it works
- Addressing Delays

Interstate Compact for Placement of Children

Formal agreement between states

Both

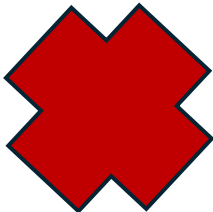
Statutory law

Contract between
state

Mechanisms to Bindingly Resolve Interstate Policy Issues



FEDERAL STATUTE



FEDERAL
REGULATIONS



INTERSTATE COMPACT



Cannot:

1

Choose to adopt
only certain
provisions

2

Change the
provisions
unilaterally

3

Act in conflict with
the terms of the
compact

Terms of the
Compact take
precedence over
state law
(even state
constitution)



The ICPC Law

10 Articles

Article 38.

Interstate Compact on the Placement of Children.

§ 7B-3800. Adoption of Compact.

The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in a form substantially as contained in this Article. It is the intent of the General Assembly that Article 37 of this Chapter shall govern interstate placements of children between North Carolina and any other jurisdictions not a party to this Compact. It is the intent of the General Assembly that Chapter 48 of the General Statutes shall govern the adoption of children within the boundaries of North Carolina.

52 Parties





More

Article 38 - Interstate Compact on the Placement of Children.

G.S. 7B-3800	§ 7B-3800. Adoption of Compact.
G.S. 7B-3801	§ 7B-3801. Financial responsibility under Compact.
G.S. 7B-3802	§ 7B-3802. Agreements under Compact.
G.S. 7B-3803	§ 7B-3803. Visitation, inspection or supervision.
G.S. 7B-3804	§ 7B-3804. Compact to govern between party states.
G.S. 7B-3805	§ 7B-3805. Placement of delinquents.
G.S. 7B-3806	§ 7B-3806. Compact Administrator.
G.S. 7B-3807	§ 7B-3807: Repealed by Session Laws 2021-100, s. 19, effective October 1, 2021.
G.S. 7B-3808	§ 7B-3808. Action for Interstate Compact administrator to forward a request.

<https://aphsa.org/aaicpc/>



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Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC)

[AAICPC Home](#)

[Revised ICPC](#)

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Interstate Compact on the Placement of Children (ICPC) Regulations

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Purpose

Article I

Placed in suitable environment with appropriate qualified caregivers

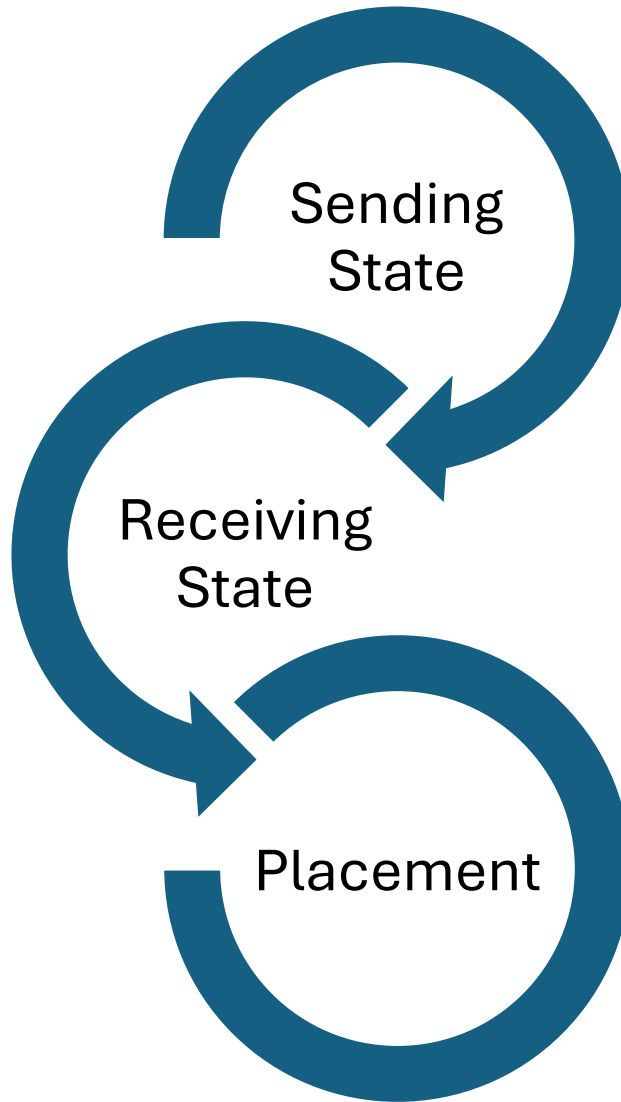
Full opportunity for state authorities to ascertain circumstances of the placement

Most complete information to evaluate placement before made obtained by state sending child

Promote appropriate jurisdictional arrangements re: child

Language

Article II



Applies to

Article III, VI

Foster care

Preliminary to
possible
adoption

Residential
placement

Institutional care
of delinquent
children

Proceedings

Abuse, Neglect, Dependency

- G.S. 7B-505; - 903

Adoptions

- G.S. 48-3-207
references 7B-3800
et seq

Does Not Apply to

Article VIII

Placement by

- parent
- stepparent
- grandparent
- adult sibling
- adult aunt or uncle or
- guardian

with any such relative or nonagency guardian

Sending State

Article V

Retains jurisdiction
to make decisions

\$\$\$\$\$

Receiving State

AAICPC Reg. 11

Supervision

30 days

90 days

Definition of “Foster Care”

AAICPC Reg 3.4(26)

- If 24-hour-a-day care is provided by the child’s parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care.
- In addition to the federal definition (45 C.F.R. § 1355.20 “Definitions”) this includes 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes.
- A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

45 CFR 1355.20

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Out-of- State Parent Placement

AAICPC Reg. 2.3

Not apply to a placement with non-removal parent when the court:

- has no evidence that the parent is unfit,
- does not seek any evidence from the receiving state that the parent is fit or unfit, and
- relinquishes jurisdiction over the child immediately upon placement with the parent

G.S. 131D-10.2

- (9) "Foster Care" means the continuing provision of the essentials of daily living on a 24-hour basis for dependent, neglected, abused, abandoned, destitute, orphaned, undisciplined or delinquent children or other children who, due to similar problems of behavior or family conditions, are living apart from their parents, relatives, or guardians in a family foster home or residential child-care facility. The essentials of daily living include but are not limited to shelter, meals, clothing, education, recreation, and individual attention and supervision.

G.S. 131D-10.2

In re E.L.E., 243 NC App 301 (2015)

Placed by child
placing agency

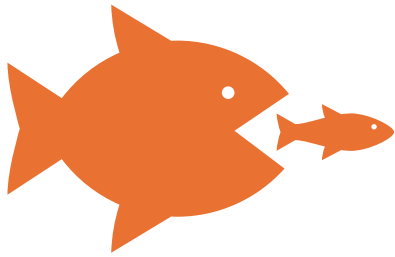
- (8) "Family Foster Home" means the private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship or adoption.

Unrelated

Split in opinions



Other rationale



Regulation exceeds the scope



Regulations not law in the state

In re Rholetter, 162 NC App 653 (2004)

“foster care” and
“preliminary to a
possible adoption”
clear and
unambiguous

Trial court determines
best interests

Petersen presumption
re: constitutional
rights

Juvenile Code

Placement while in nonsecure custody

7B-505(d); 506(h)(2)



Dispositional alternative

7B-903(a1)



Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children, Article 38 of this Chapter

Appellate Opinions

1

In re J.D.M.-J. (2018)
Custody under 7B-911
(vacated); ICPC

2

In re V.A. (2012)
DSS custody with
placement with relative;
ICPC

3

In re J.E. (2007)
Guardianship with relative
is not placement in foster
care/adoption; NO ICPC
Relies on In re Rholetter,
2004 re: placement

4

In re L.L. (2005)
Relative placement
requires ICPC (review
hearing changing custody
to foster parents)

In re K.B., 386 N.C. 68 (2024)

“We further affirm that the requirements of the ICPC apply to placement of children with out-of-state relatives including grandparents.... The ICPC does apply to an order granting guardianship to out-of-state grandparents.”

Between in-state and out-of-state relatives, not required to wait on completed ICPC home study to rule out the out-of-state relatives

What is a placement?

(d) "Placement" means the arrangement for the care of a child in a family free 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 supervision continues until

Article V

AAICPC Reg 11

- Child is 18*
- Child is adopted*
- “discharged with concurrent of appropriate authority in receiving state”*
- Legal custody granted and jurisdiction terminated by sending state
- Jurisdiction in sending state terminated
- Legal guardianship granted to caregiver in receiving state
- Both states agree

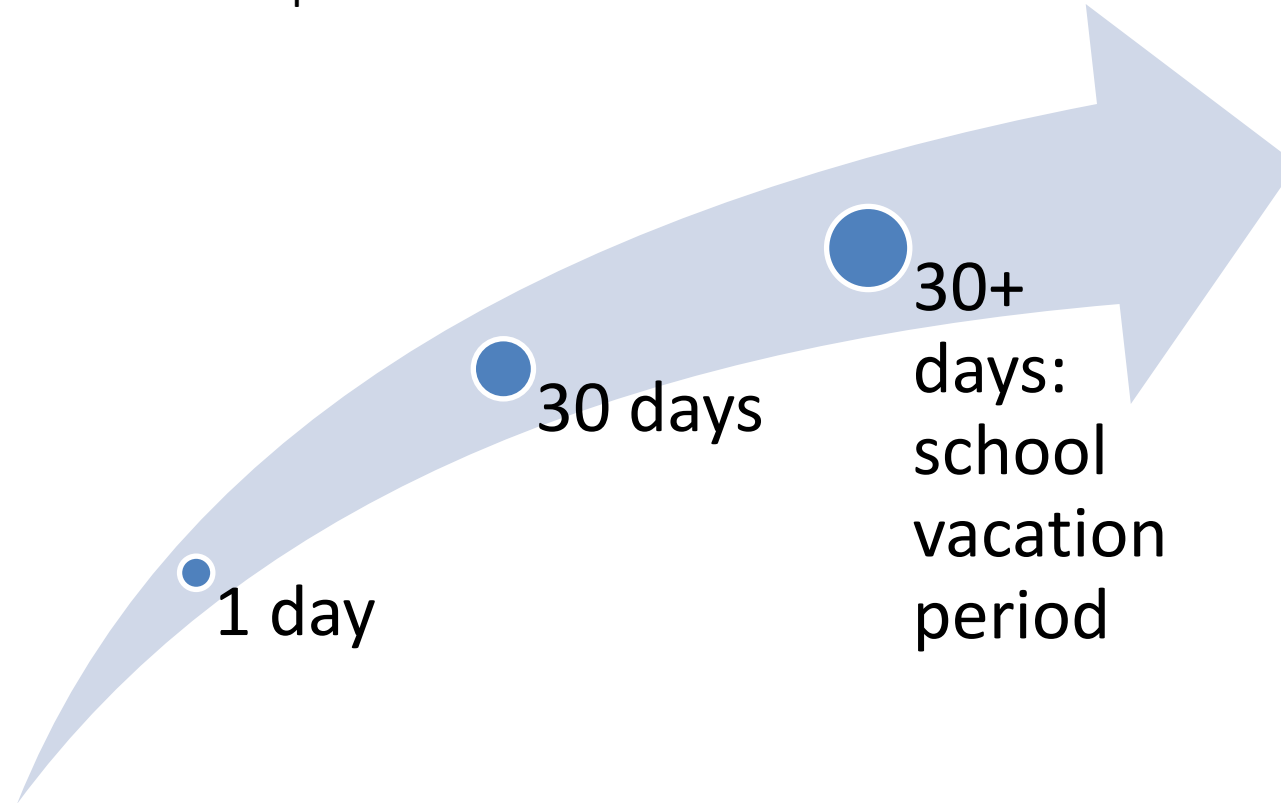
Write corresponding Number in chat

1. ICPC applies to parents and all relative placements (permanent and temporary)
2. ICPC applies to parent and only temporary relative placements (not permanent)
3. ICPC does not apply to parent or to permanent relative placement
4. ICPC does not apply to parents but does apply to all relative placements (permanent and temporary)

Visits – Regulation No. 9

Social or cultural experience of short duration

Need express “terminal date”



Request for home study: rebuttable presumption intent is proposed placement

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