NC Department of Health and Human Services



# North Carolina Division of Social Services

Interstate Compact on the Placement of Children

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February 21, 2019

# **Objectives**

- > Historical and Legal Framework for ICPC
- >ICPC Articles versus Regulations
- > Frequently Processed Regulations
- > Common/Classic Themes
- **>NEICE**

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## **HISTORY OF ICPC**

- ❖ICPC-means Interstate Compact on the Placement of Children (ICPC)
- \*1950's Social Service Administrators conducted an Informal study-
- · Found that services were not available
- · States jurisdiction ends at its borders
- Agreed that compact was necessary to "compel" states to discharge its obligations to support a child's placement
- **❖1960** New York-First State to Enact Compact

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#### **HISTORY OF ICPC**

- The compact was implemented in 1976, as 35 states were required to enact the compact before it could be implemented. Ohio enacted the compact in 1976, making it the 35th state.
- ♦ NC enacted the compact on July 1, 1971.
- New Jersey was the last state to enact the compact in 1990.

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#### **What is ICPC**

- ICPC is a uniform law that has been enacted by all 50 states, Washington, DC and the US Virgin islands. Each state has a Compact Administrator Office. North Carolina's ICPC office is in the Division of Social Services, Department of Health and Human Services.
- Ensures protection and services to children who are placed across state lines for foster care and adoption.
- Establishes orderly procedures for the interstate placement of children and fixes responsibilities for those involved in placing the child.
- The ICPC covers a wide range of interstate placements and is meant to insure that both the sending and receiving states have the most complete information prior to the child's placement.
- Each state appoints Deputy Administrator who oversee or perform day-to-day tasks associated with the administration of the Compact.
- The Administrator is designated to serve as the central point for all referrals for interstate placement.

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#### **Legal Framework**

#### Federal Mandates Related to ICPC:

- PL 108-36- Keeping Children and Families Safe Act of 2003
- PL 105-89- Adoption and Safe Family's Act Reasonable Efforts and Safety Requirement
- 42 USC 675 (5) (A) and (C)- Social Security Act/Permanence plan
- 42 USC 622 (b) 12- Reasonable efforts and safety
  requirements
- PL 109-239- Safe and Timely Interstate Placement Act 0f 2006
- PL 115-123- Family First Prevention Services Act of 2018

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## **Public Law 109-239**

- PL 109-239- Safe and Timely Interstate Placement Act 0f 2006
- · Federal law requires states to complete
  - a home study and provide a written report to the sending state within 60 calendar days of receiving a placement request. The requirement applies to foster, relative, and adoption home studies.
  - Exempts home studies that require training and/or education but requires a "status" report on the request.

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## Legal Framework



#### **North Carolina**

ICPC State Laws

7B-3800: Adoption of Compact 7B-3700: Placement of Juveniles

#### Legal Framework 7B-3800

#### **Articles**

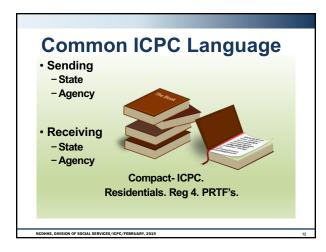
- Article I. Purpose and Policy
- · Article II. Definitions
- Article III. Conditions for Placement
- Article IV. Penalty for Illegal Placement
- Article V. Retention of Jurisdiction

#### **Articles**

- Article VI. Institutional Care of Delinquent Children
- Article VII. Compact Administrator
- Article VIII. Limitations
- Article IX. Enactment and Withdrawal
- Article X. Construction and Severability

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OVERVIEW OF RELEVANT REGULATIONS	
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Articles and Regulations: The Difference	
Difference	
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#### **Regulation 1: Relocation of Family Units**

- This Regulation addresses the request for approval for placement of a child in an approved placement resource in the receiving state where the sending state has already approved the placement and the resource now desires to move to the receiving state.
- Ensure that an already safe and stable placement made by a sending agency in the sending state will continue if the child is relocated to the receiving state.
- Allow supervision of the placement to be uninterrupted, for the family to comply with the requirements of the receiving state, and for both states to comply with all applicable state and federal laws, rules and regulations.
- Does not apply to temporary relocations of 90 days or less

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#### **Regulation 2: Placement for Public Cases**

- Regulation 2 applies to cases involving children who are under the jurisdiction of a court for;
  - abuse, neglect or dependency, as a result of action taken by a child welfare agency:
- The court has the authority to determine:
- supervision, custody and placement of the child or has delegated said authority to the child welfare agency, and the child is being considered for placement in
- Provide at the request of a sending agency, a home study and placement decision by a receiving state for the proposed placement of a child with a proposed caregiver who falls into the category of:
  - placement for public adoption, or foster care and/or with parents, or relatives

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#### **Regulation 4: Residential Placements**

- Provide for the safety and protection of children placed in a Psychiatric Residential Treatment Facility (PRTF) in another state.
- Requires Prior approval before placement is made in a residential facility.
- Required to have a record of all children placed in all facilities where placements have been made.
- Applies to <u>all</u> children placed in residential facilities in another state regardless of whether there is court jurisdiction or in the custody of Social Services
- Article VI language for adjudicated juveniles.

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#### **Regulation 7: Expedited Placements**

- The intent of this regulation is to expedite an ICPC decision for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian.
- Criteria required before Regulation No. 7 can be requested:

(a) unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental or physical condition of a parent or guardian, (b) the child sought to be placed is four years of age or younger, including older siblings sought to be placed with the same proposed placement resource; or (c) the court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child;

(d) the child is currently in an emergency placement

20 Business Days Decision

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#### **Requesting ICPC Services**

State ICPC Policy: Chapter XI Interstate/Intercountry Services

https://www2.ncdhhs.gov/info/olm/manuals/dss/csm-70/man/

#### **CHECKLIST FOR INTERSTATE PLACEMENTS**

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN CHECKLIST FOR INTERSTATE PLACEMENT REQUESTS:

The Information Listed Below Applies to Public Agency Placements (Except Psychiatric Residential Treatment Facility Placements)

Except Psychiatric Residential Transmet Facility Phaements)

\$\int \text{Const. With Psychiatric Residential Transmet Tr

Items M-Q are conditional and are based on the type of placement requested. When these items are included in the request, please include triplicate copies per placement resource. Remember 5 copies per child of the 100A. ICPC 101 will always be the top page in all Expedited Requests. Arrange packages with the cover letter and other common documents to all children on top; put the child specific information undermeath.

For additional assistance in preparing a request for ICPC, please contact the North Carolina Division of Social Services; ICPC office at 919.527.5390.

		CPC 1009 One form are shall
ICPC 199A	Please hoe	REV. 80001 Perse type
REV. 92001 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDRE	N REQUEST	INTERSTATE COMPACT REPORT ON CHILD'S PLACEMENT STATUS
TO: FROM: N.C. Diskon		TO: FROM: NC Depositions Green
	n Ave., 1 <sup>4</sup> Floor, McGryde Building East In Carolina 27800-2246	IDDS Rosen Ave. 1 <sup>®</sup> Foor Middle Bakke II
SECTION I DENTIFYING DATA		Rakejt, North Carolina 27803-2346
Notice is given of intent to place - Name of Child: Ethnicity: Hispanic	Origin: Yes No	Child's Name: Birthdate:
Social Security Number ISBN Eligible Rec:		
☐ Yes ☐ No ☐ American India	en or Pacific Islander	Mother's Name: Father's Name:
Sex Date of Seth Title NV-E determination     Asian	☐ Black or African American	SECTION II IN ACTIVITY
Name of Motion   Yes   No   Pending   Name of Father	☐ White	─ Initial Placement of Child in Receiving State — Date Child Receiving Bule:
Name of Assency or Person Resconsible for Planning for Child	Plene	Name of Resource
	THORE.	Address:
765bec	_	Type of Care:
Name of Agency or Person Financially Responsible for Critic.	I Prove	Placement Change Effective Date of Change:
		Name of Resource
Address:		Address
SECTION IT PLACEMENT INFORMATION		Type of Care:
Name of Person(s) or Facility Child is to be placed with:	Soc Sec # joptional): Soc Sec # joptional):	Type or care.
Mass	Pore:	SECTION III - COMPACT PLACEMENT TERMINATION
	ITT ADDPTION	_ Adoption Finalized
Type of Care Requested: Parent   Parent     Deletes (Not Parent)	☐ ADDPTION ☐N 6 Subside	Child Reached Majority/Legally Emancipated
Contac Combridges Contacting Tourisment Contact Contac	□Non N € Subsidy	Legal Custody Returned to Parent(s) Court Order Attached Legal Custody Given to Relative Court Order Attached
Group Home Care Inditational Care-Article VI	To Be Finalized In:	Legal Custody Given to Relative   Court Order Attached
Crise clause accuses a voluciones perudonar Chouse.	Sending State Pleceiving State	☐ Treatment Completed
Current Legal Status of Child: Protective Supervision		
☐ Sending Agency Custody/Guardanship ☐ Parental Rights Termin ☐ Parental Rights Termin ☐ Unaccompanied Refug	ated-Right to Place for Adoption	Sending State's Jurisdiction Terminated with the Concurrence of the Receiving State Unitateral Termination
		Child Returned to Sending State
SECTION III SERVICE PROUPERS IN THE INTERPRETATION INTERPRETATION IN THE INTERPRETATION INTERPRETATION IN THE INTERPRETATION INTERPRETATION INTERPRETATION	Supervisory Reports Requested:	Child Has Moved to Another State
☐ Parent Home Study ☐ Request Receiving State to Assance Superv		Proposed Placement Request Withdrawn Name of Placement Resource:
	Semi-Annually Upon Request	Approved Resource Will Not Be Used for
Adoptive Home Study   Sending Agency to Supervise	Cities	Name of Approved Placement
Name and Address of Supervising Agency in Receiving State:		Other (Specify):
Freinant   Didds Social Holes   D. Court Order   D. Freen	sialMedical Plan   Other Endoures	
Enclosed: Child's Social History Court Order Finan	Sighility Documentation	Date of Termination:
Signature of Sending Agency or Person:	Date:	
Signature of Sending State Compact Administrator, Deputy or Alternate	Deby	SECTION IV - SIGNATURES
	1	Person/Agency Supplying Information: Date:
SECTION IV - ACTION BY RECEIVING STATE PURSUANT TO ART		·
☐ Placement may be made ☐ Placement shall stransies:	not be made	Compact Administrator, Deputy or Alternate: Date:
Signature of Receiving State Compact Administrator, Deputy or Alternator	Dec	.
Signature or recording count company communities, begung to recorder.	1	INTO NOTE Consider for the color of the form
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of the same	April 1971 MI	. USO-1008 (MEX. BUULNA) ONE Welfare Services (CPC 1005) Page 1 of 1
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NC DSS 1839 Res	gulation 7 Order
NC Interstate Compact	
Order of Compilance	NC Interstate Compact
IN THE COURT OF THE STATE OF	Order of Compliance
IN RE: CHILD'S NAME DOB	will not be approved, or that previous placement approval has been withdrawn by the exercises state for manners determined by the exercises state.
REGULATION 7 FORM ORDER FOR EXPEDITED PLACEMENT DECISION PURSUANT TO THE ICPC	F. If may child noted above in seat, or allowed to go, to a geomatonal placement in a receiving older, this could find that any such placement assorb in a congliance with a receiving older, this could not that any such placement assorb in in congliance with a receiving and propose in defining and regulation a revisional placement when the Compact.
THIS CAUSE came on to be heard on purposed from the property of the control of the control of the motion periods and property analogy repeats periods give early of this order for complaines of Englation 7 of the Internate Compact on the Phocusaut of Children (CCPC), and the court, bearing evidence and/or the parties being in appressant, does find an follow:	AND THE COURT having heard testimony and regument of counsel and any tamogrounted parties and artivered documents in permanted by here and Regulation 7 of the ECPC, the undersigned nuties the following findings of fact by
A. The same and date of birth of each child noted below on this date is as follows:	dear and convincing evidence a preponderance of the evidence
(Name of child, date of birth) (Name of child, date of birth) (Name of child, date of birth)	that paragraphs 5, 6, and 7 of Regulation 7 of the ETPC apply seguring each child noted above:  G
B. This court has jurisdiction over each child noted perment to Articles II, III and V(s) of the ECPC to invoke the Compact for the purpose of requesting one or more house study assessment and expedited placement decisions on potential resource families living in one or more receiving table.	excelering unter of
C. Perresent to Acticle III/d) of the Compact, this cover many only place, or switcenine the department dynatry to place, each child above in an approved placement in a receiving stem, including a proximisant placement as surfaceized by Pagidation 7 of the CPC, after receipt of waiten notification from the receiving state that the proposed placement does not appear to be contern to the interns to the cubit.	g
D If may child above is placed present to pumping C offers, this cover will retain Active Vey jurisdiction cover that clid stifficate to desention and matter in the selection to the custody, respectively, care and dispositions of brainber, related in word above if the cliff of the custody, respectively, care sould reposit the production of the contractive of the contractive of the department of the contractive productive of the department prices prices contractly of the ex- clude disrupt the period of placement in the receiving twise until the child is adopted, needed to the question of the contractive of the prices of the contractive of the contracti	1. The child
8. This court requestly find that the justification are read that is staked the process to effect or come for them and the death that the interest or the matter is not extend to read the classification of the contrast of the death that their or its hundres to reduce for contrast to the visition and the process and statement will not be read to the read of the contrast of the contrast of the term of the contrast of the contr	interpretation of which of a period or protection, trouped internation as proportion contents as provided in the content of protection contents are provided in the content of protection contents of the contents of the contents of protection contents of
notification from the receiving state Compact Administrator that placement authorization 1991–1999 (Sec. 2 2012)	a minimal bond with the child; or DNS-IRIP (Nev. 1041) Child Welfara Service:
Child Welfare Services  ICPC Order of Countings	XCPC Order of Compliance Page 2 of 4

NC Internatate Compact  Other of Complexes  4. The Analysis was a small pain an analysis plantament  4. The Analysis was a small pain an analysis plantament  for the Compact of the Analysis	NO Interestate Compact  1. The season between the compact of the IXX person of the I
b. materia. b. materia. c. e-mail address d. vietphone member e. FAX number	ENTERED THIS DAY OF
DSS-1859 (Ber. 2002) Child Welfare Services ICPC Online of Compliance Prop. 3 of 4	BNA-1219 (Sec 2012) CASA Wellow Surviva  ICPC Online of Compliance Page 4 of 4

# Requesting ICPC Services: The NC ICPC Prioritization Process

- · Discussed 4 Types of Cases
- Regulation 1: Relocation of Family Units
  - Regulation 2:Public Agency Cases
- Regulation 4: Psychiatric Residential Treatment Facility (PRTF's)
  - Regulation 7: Expedited Cases

NODULE DRIVETON OF COOLSE CEDIMATE (LODG (FEBRUARY 201)



#### **Common Themes: ICPC Requests**

Missing Information

Incorrect Documentation

- Court Order missingespecially Regulation 7 orders (DSS-1839)
- Court Jurisdiction Cases do not contain a 100A signed correctly.
- Financial/Medical Formwhich designates responsibility-is not provided
- ICPC placement recommendation rendered inappropriately.
- School and Health Records
- ICPC relative definition not met-causing delays in processing/home study
- IV-E Eligibility

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MODERNIZATION OF ICPC	
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# **NEICE**

**National Electronic Interstate Compact Enterprise** 

December 3, 2018

## **NEICE**

#### Advantages

- PL 115-123 Family First Prevention Services Act require states to develop an electronic interstate case processing system.
- Effective December 3, 2018, North Carolina implemented NEICE.
- The National Electronic Interstate Compact Enterprise (NEICE) is a national electronic system for quickly and securely exchanging the data and downwents required by the Interstate Compact on the Placement of Children (CPC) to place children across state lines.
- The NEICE system does not have the vulnerability of an e-mail transmission or a paper copy.
- Reduced loss of case documentation thru postal mail; improved quality of the ICPC process by allowing states to monitor their ICPC cases
- Streamline the process across states
- Reduce errors, and allow quick access to case status when the case is in process at the receiving state
- Improved collection and analysis of reliable data to an extent not possible before
- Saved costs in administrative, mailing and copying costs, and staff. Additionally,
- NEICE improves accountability and transparency of all parties involved in the child welfare process

#### **NEICE: Operationalized in 27 States**

#### **STATES**

#### • Alabama

#### • Alaska

## Arkansas California

- Connecticut
- FloridaGeorgia
- Hawaii
- Illinois
- Indiana
- Iowa
- Kansas
   Maryland
- Mississippi

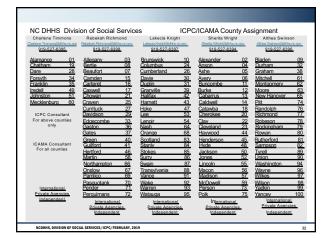
#### **STATES**

- Nebraska
- Nevada
- New Mexico
   New York
- North Carolina
- Ohio
   Pennsylvania
- Rhode Island
- South Carolina
   South Dakota
- Utah
- Virginia • Wisconsin





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# STATE OF THE STATE

### NC DHHS DSS

www.ncdhhs.gov/dss

American Public Human Services Association (APHSA)

(ICPC Articles and Regulations) https://aphsa.org/AAICPC/AAICPC/Resources.aspx



#### DEPUTY COMPACT ADMINISTRATOR

#### Carla McNeill

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www.ncdhhs.gov/dss