

**INTERSTATE/INTERCOUNTRY  
SERVICES TO CHILDREN  
POLICY AND PROCEDURES  
Effective November 1, 2016  
Revision No. 3**

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**APPENDIX**

## I. INTRODUCTION

### A. Purpose

The purpose of this policy is to provide child welfare staff with procedures to implement the Interstate Compact on the Placement of Children (Code of Alabama 1975 § 44-2-20).

The Interstate Compact on the Placement of Children (ICPC) provides guidelines to ensure protection and services to children who are placed across state lines. The Compact is a uniform law enacted by all fifty (50) states, the District of Columbia, and the U. S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and prescribes responsibility for those involved in placing the child. (American Public Human Services Association (APHSA), Guide to the Interstate Compact on the Placement of Children, 2002).

The Guide to the Interstate Compact on the Placement of Children specifies that “children placed out of state need to be assured of the same protections and services that would be provided if they remained in their home states. They must also be assured of a return to their original jurisdiction should placements prove not to be in their best interests or should the need for out-of-state services cease.”

According to the Guide to the Interstate Compact on the Placement of Children “the Compact applies to four (4) types of situations in which children may be sent to other states.” These are as follows:

- Adoptions: Placement preliminary to an adoption (independent, private, or public adoptions)
- Licensed or approved foster homes (placement with related or unrelated caregivers)
- Placements with parents and relatives when a parent or relative is not making the placement as defined in Article VIII (a) “Limitations”
- Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.

Further, the Compact will apply if:

- You live in any of the 50 United States, the U.S. Virgin Islands, or the District of Columbia and
- You are sending the child to live with someone other than a relative or non-agency guardian named in Article VIII (a) of the Compact; or
- You are sending, bringing, or causing the child to be brought or sent into a party state, whether or not you have custody of the child, and without regard to the present location of the child (the child might even be in another country); or
- You are placing the child with someone or an agency other than a medical facility, a boarding school, or a mental health or mental retardation facility.

If the circumstances of the proposed placement are similar to those described on page 1, you should contact your Compact office for further information.

#### B. Legal Base

The Alabama Department of Human Resources has been given the legal duty and responsibility to provide homes for dependent and neglected children. Code of Alabama 1975, § 38-2-6 (14) provides that it shall be the duty and responsibility of the Department of Human Resources to “receive and care for dependent or neglected minor children committed to its care and place such children in family homes or in approved suitable institutions operating in accordance with the provisions of this title and supervise such children however placed.”

Code of Alabama 1975, § 38-7-15 provides for the placement of children from other states into Alabama. No person or agency shall bring or send any child into the State of Alabama for the purpose of placing him or procuring his adoption or placing him in any child care facility as defined in the Child Care Act without first obtaining the consent of the Department of Human Resources.

Code of Alabama 1975, § 44 – 2 – 20, Interstate Compact on the Placement of Children provides for Alabama, Department of Human Resources, to be the “appropriate public authority” to administer the “ Interstate Compact on the Placement of Children.” This compact governs both children brought into and children going out of state, and is binding in all fifty (50) states, including the Virgin Islands and the District of Columbia. (See Appendix for Code of Alabama, 1975, Interstate Compact on the Placement of Children.)

#### C. When The Compact Applies

When the Department has custody of children (temporary or permanent), is providing court ordered supervision, or the court has assumed jurisdiction, the compact applies to placements in other states with parents or relatives, in foster care, group homes, or institutions, or for adoption purposes. The Compact also applies if a private licensed child placing agency has custody (temporary or permanent). **A child cannot be placed out of state when the County Department has only an Agreement For Foster Care (DHR-DFC-731).**

In cases where a court has assumed legal jurisdiction and wishes to consider a placement in another state (other than a custody dispute), the court is the sending agency and must comply with the Compact. The court or a representative must sign the ICPC 100A (DHR-1238), Interstate Compact Placement Request as the sending agency.

When a parent, relative, or legal guardian has custody of a child and wishes to place that child in a licensed child care facility (other than the type of facilities listed on page 3 in Exceptions To The Compact), that person is the sending party and will retain responsibility for the child. The agency in the state where the parent, relative, or guardian resides assists that person in facilitating the placement through the Compact which includes completing the ICPC 100As (DHR-1238), showing the legal custodian as the sending party and financially responsible for the child. When the County Department becomes aware of

interstate placements made without prior approval, they shall notify Family Services Division, ICPC Office immediately and cooperate as directed.

The Compact also applies to independent/private adoptions. The birth mother is the sending agency and signs the ICPC 100-As (DHR-1238).

#### D. Exceptions To The Compact

The Compact does not apply in the following situations:

- The Department of Human Resources does not complete interstate requests for divorce/custody investigations. If requests for these investigations are received from other states, the request should be returned to the other state with an explanation that the Department does not complete such investigations. The sending court or the family member residing in Alabama (for whom the investigation is requested) may contact a licensed child placing agency or the Alabama Board of Social Work Examiners (334 242-5860) to obtain a list of licensed Private Independent Practitioners (PIP). It is the responsibility of the person being investigated or other party to pay for the investigation.
- The Compact does not apply when placement of a child by a parent, relative, or guardian having legal custody with a relative in another state occurs. Code of Alabama, § 38-7-2 (13) defines a relative, for placement purposes as any of the following relationships by blood, marriage or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, half brother, half sister, uncle or aunt, and their spouses. **If such placement involves court action in which there are protective service issues or safety issues, this needs to be handled under the Interstate Compact.**
- Placement of a child in an institution for the mentally ill or mentally defective, epileptic, any hospital or medical facility, or an institution which is primarily educational.
- Placement of a child in the custody and care of the Department of Youth Services or Department of Mental Health. The Compact Office of the respective agency handles these placements.
- A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC).

Questions about whether requests are compact matters should be directed to the Family Services Division, ICPC Office.

## II. OTHER COMPACTS AFFECTING PLACEMENTS INTO OTHER STATES

### A. The Interstate Compact On Juveniles (ICJ)

The Interstate Compact on Juveniles is administered by the Department of Youth Services. It provides for obtaining home evaluations (from and to other states) for placement of children who are on probation or under the supervision of the

court, but who remain in the custody of their legal custodian. This Compact is also used to return runaway children who are not in the custody of the Department of Human Resources (see Section XIII for further instruction as to how the Compact is used to return runaways in the temporary custody of the Department of Human Resources).

B. The Interstate Compact On Mental Health

The Interstate Compact on Mental Health is administered by the Department of Mental Health. It provides for the transfer of children in residential treatment facilities in one state to similar facilities in another state where the legal custodian lives. It may also be used to see that aftercare services are provided. Generally, this Compact relates to children who are not in the legal custody of the county department, but there may be exceptions.

C. The Interstate Compact On Adoptions And Medical Assistance (ICAMA)

The Department of Human Resources administers the Interstate Compact on Adoptions and Medical Assistance. The Compact was developed in response to the mandate of the Adoption Assistance and Child Welfare Act of 1980, and directs states to protect the interstate interests of adopted children with special needs. This Compact ensures that adoptive parents of children with Federal IV-E Adoption Assistance Agreements and certain children with State Adoption Assistance Agreements including Medicaid receive the medical services and benefits provided for in their assistance agreement regardless of where they reside in the United States. It facilitates the delivery of benefits and services when families move during the continuance of the adoption assistance agreement or in cases when the child is initially placed for adoption across state lines. The Interstate Compact on Adoption and Medical Assistance has been enacted by most states.

### III. PROTECTIVE SERVICE ALERTS AND REFERRALS

A. Protective Service Alerts

The Family Services, ICPC Office is responsible for handling protective service alerts. These shall be used in case situations where a child's/family's exact whereabouts are unknown **and** child welfare staff have determined that further harm may come to the child unless protective services are provided.

Interstate protective service alerts are completed on the DHR-FCS-1597 and submitted along with the "Cover Memo for Child Protective Service Alert" to the Family Services Division, ICPC Office (Refer to Forms And Instructions section in the *Child Protective Service Policies and Procedures*). The Family Services Division, ICPC Office will forward these to the other state(s).

Intrastate protective service alerts are completed on the DHR-FCS-1597, along with the "Cover Memo for Child Protective Service Alert". These are mailed directly to the local county(ies) DHR office where the family and child are believed to reside. (Refer to Forms And Instruction section in the *Child Protective Service Policies and Procedures*).

Protective service alerts must contain the following information.

- Name(s) of the state(s) and/or county's to receive the alert;
- Identifying information on the children and family members (e.g., names, birth dates, ethnicity, gender, social security numbers);
- Brief description of the child/family situation and DHR's concern;
- Child's/family's suspected destination (if known) and action requested if the child/family is located (e.g., provide protective services, take child into protective custody);
- Child's legal status and a copy of the court order if DHR holds custody; and
- Name, address and telephone number of DHR contact person if the child/family is located.

**B. Protective Service Referrals**

Protective service referrals are used in situations when a family receiving protective services moves out-of-state and the family's address is known (Refer to Transfer of Cases policy for additional information).

**IV. RETURN OF RUNAWAY CHILDREN IN CUSTODY OF STATE OR COUNTY DEPARTMENT**

The Department of Human Resources is responsible for the return of a runaway child who is in the temporary custody of the County Department. The Department of Youth Services (DYS), through the Interstate Compact on Juveniles, is responsible for the return of all other runaway children to and from Alabama.

When the Department of Youth Services learns that a runaway child may be in the custody of the State or County Department of Human Resources, the Department of Youth Services will contact the State or County Department to determine if the youth is in their custody. When the County Department is notified, either by Youth Services or by some other source, of a runaway child who is in the custody of their Department, the county supervisor is to notify the Family Services Division, ICPC Office. The Family Services Division, ICPC Office will make arrangements for travel and supervision if needed. The county worker/supervisor shall furnish the Family Services Division, ICPC Office with a pick-up order and custody order. If supervision is needed, the Family Services Division, ICPC Office is to be furnished necessary details such as a physical description of the child, clothing worn by the child, etc.

If the County Department learns of a runaway from another state who cannot be returned under the Juvenile Compact, the Family Services Division, ICPC Office must be contacted as to the handling of these cases.

**V. INTERSTATE PLACEMENT IN GROUP HOMES AND CHILD CARE INSTITUTIONS**

**A. Request From An Alabama County Department For Placement In Other States**

1. Request for placement of a child in a child care institution or group home in another state is sent in triplicate to the Family Services Division, ICPC Office. The request shall include a statement of why the proposed placement in another state is believed to be in the best interest of the child. A contact may be made by the county with the out-of-state child care facility to determine if the proposed placement is appropriate and will meet the child's needs. All referrals to out-of-state childcare facilities must be submitted through the Family Services Division, ICPC Office. All proposed referrals must be approved by the Family Services Division, ICPC Office prior to placement.
2. A child can only be referred to, placed in, or provided services by child care facilities which are licensed or approved in accordance with the laws in the state in which they are located. Additionally the childcare facility must be in compliance with Title VI of the Civil Rights Act of 1964.
3. A social history on the child and his family, any additional information requested by the out-of-state facility and the ICPC-100A (DHR-1238) must be included in the request.
4. The Family Services Division, ICPC Office, determines which interstate placement statutes applies and routes the request accordingly.
5. If the receiving state concurs that this placement is in the best interest of the child, Family Services Division, ICPC Office is notified in writing by the appropriate authority in the receiving state and the ICPC-100As (DHR-1238) are returned. The Family Services Division, ICPC Office then notifies the County Department. Prior to the placement, the court having jurisdiction must be notified for written concurrence with the out-of-state plan for a child who is in the temporary or permanent custody of the Department.
6. Payment must be worked out before placement. The receiving state and facility shall be aware of the amount of payment before placement occurs.
7. The child care institution shall be informed as to how the medical bills will be handled prior to placement. If the child is Title IV-E eligible, certification of eligibility shall be sent to the childcare institution.
8. Following approval of the Compact Administrators of both states, the County Department makes the final arrangements for placement. The ICPC –100B (DHR-1239) is submitted at the time of placement to the Family Services Division, ICPC Office.

9. After the child is placed in the receiving state, reports on adjustment by the supervising agency will be requested in accordance with the previously agreed upon plan.
10. When it is determined that placement in the out-of-state childcare institution should be terminated, the County Department is responsible for alternate plans for the child. If the County Department needs assistance in making an alternate plan for the child, Family Services Division, ICPC Office, may be contacted for consultation. **ICPC-100Bs (DHR-1239) must be submitted to Family Services Division, ICPC Office to officially terminate the placement.**

#### B. Placement By Parents Or Legal Guardians

If a parent or guardian having legal custody of a child places the child in a child care institution or group home in another state, this is considered an ICPC placement. The County Department in the county of residence of the legal parent is notified through ICPC channels of the placement. It is the county's responsibility to assist the parent in completing the ICPC-100As (DHR-1238) and forwarding the forms with any information obtained about the placement to the Family Services Division, ICPC Office. The County Department is notified when the placement is approved. Usually no other services are required. The receiving state or parent/guardian shall notify the Family Services Division, ICPC Office, when the child leaves the group home or child care institution. The ICPC-100Bs (DHR-1239) to officially close the case will be completed by the Compact Office of the sending state.

#### C. Procedures For Placement Of Children In Out-of-State Residential Treatment Facilities

When the ISP for a child includes the possible placement of that child in an out-of-state residential treatment facility, refer to FS Policy, Out-of-Home Care Policies And Procedures, Placement of Children, D. Choosing The Least Restricted Setting, 5. Residential Facilities for Children and Youth, b. Child Care Institutions And Group Homes, Viii. Out of State Residential Treatment Facilities For Emotionally Handicapped Children, for procedures to follow.

#### D. Referrals From Child Care Facilities To County Departments

When a child care facility, which is not also a licensed child placing agency holds legal custody of a child and needs to have a relative resource explored for the child's possible placement, the facility shall refer the request for this service to the County Department in the county where the custody order was entered. The County Department in which the custody order was entered will initiate the ICPC request. Such service can be provided by the Department only to childcare facilities that are in compliance with Title VI of the Civil Rights Act of 1964. When a child care facility is licensed as a child placing agency, it can act as the sending agency in the ICPC request and follow procedures as previously outlined for the County Departments.

E. Request From Other State Agencies For Placement Of A Child In A Group Home Or Child Care Institution In Alabama requires the following:

1. A group home or childcare institution must contact the Family Services Division, ICPC Office prior to accepting a child from out of state. The department cannot accept referrals of a child to a child care facility that does not comply with Title VI of the Civil Rights Act of 1964.

Requests for placement of a child in a child care institution or group home in Alabama are sent to the Family Services Division, ICPC Office. The Family Services Division, ICPC Office, routes the request to the childcare facility. If a foster care maintenance payment is to be made by the requesting state, Title IV-E eligibility status information is required. If the child is IV-E eligible in the other state, the Family Services Division, ICPC Office will certify IV-E Medicaid eligibility to the Alabama Medicaid agency.

2. A Social history on the child and family shall be included.
3. If an out-of-state agency writes directly to an Alabama childcare facility, the agency shall be advised in writing by the childcare facility of the interstate placement statutes, with a copy sent to the Family Services Division, ICPC Office.
4. The Family Services Division, ICPC Office, will contact the childcare facility as to whether the child will be accepted into the facility. If the placement is approved, the sending state will be requested to send an ICPC-100B (DHR-1239) indicating placement date.

**VI. ICPC Regulations Number 7, 9, And 11**

A. Regulation 7 Expedited Placement Decision

1. This regulation shall hereafter be denoted as Regulation No. 7 for Expedited Placement Decision.

2. Intent of Regulation No. 7: The intent of this regulation is to expedite ICPC approval or denial by a receiving state for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, and to:

- (a) Help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process.

- (b) Provide the sending state court and/or sending agency with expedited approval or denial. An expedited denial would underscore the urgency for the sending state to explore alternative placement resources.

3. Criteria required before Regulation No. 7 can be requested:

- cases involving a child who is under the jurisdiction of a court as a result of action taken by a child welfare agency,
- the court has the authority to determine custody and placement of the child or has delegated said authority to the child welfare agency,
- the child is no longer in the home of the parent from whom the child was removed, and
- the child is being considered for placement in another state with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian.

4. In order to be considered a Regulation No. 7 case the following criteria must be met:

The first requirement for the Regulation 7 court order is the order must state the degree of relation the proposed resource is to the child. The relative relation must be a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister or the child's guardian.

5. The second requirement is the request must meet at least one of the following criteria listed below and this information must be stated in the court order:

- (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, or
- (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; or
- (d) The child is currently in an emergency placement.

6. (a) A signed Statement of Case Manager/Potential Placement Party under Regulation 7 form needs to be submitted with a Regulation 7 expedited home study request. Refer to Forms And Instructions (DHR-ICPC-2251). This form shows that a conversation has been had with the proposed placement resource. Such statement shall include the following regarding the potential placement resource:

(1) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.

(2) s/he fits the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian, under Article VIII(a) of the ICPC.

(3) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.

(4) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.

(b) The sending agency shall submit to the sending state court:

A statement that based upon current information known to the sending agency, that it is unaware of any fact that would prohibit the child being placed with the placement resource and that it has completed and is prepared to send all required paperwork to the sending state ICPC office, including the ICPC-100A and ICPC Form 101.

7. Sending state court orders: The sending state court shall enter an order consistent with the Form Order for Expedited Placement Decision adopted with this modification of Regulation No. 7 subject to any additions or deletions required by federal law or the law of the sending state. The order shall set forth the factual basis for a finding that Regulation No. 7 applies to the child in question. The order must also require completion by the sending agency of ICPC Form 101 for the expedited request.

8. Time frames and methods for processing of ICPC expedited placement decision:

(a) Expedited transmissions: The transmission of any documentation, request for information under paragraph 10, or decisions made under this regulation shall be by overnight mail, facsimile transmission, or any other recognized method for expedited communication, including electronic transmission, if acceptable. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation provided it is legible and appears to be a complete representation of the original. However, the receiving state may

request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws. Any state Compact Administrator may waive any requirement for the form of transmission of original documents in the event he or she is confident in the authenticity of the forms and documents provided.

(b) Sending state court orders to the sending state agency: The sending state court shall send a copy of its signed order of compliance to the sending state agency within two (2) business days of the hearing or consideration of the request. The order shall include the name, mailing address, e-mail address, telephone number and FAX number of the clerk of court or a designated court administrator of the sending state court exercising jurisdiction over the child.

(c) Sending agency sends ICPC request to sending state ICPC office: The sending state court shall direct the sending agency to transmit to the sending state Compact Administrator within three (3) business days of receipt of the signed Order of Compliance, a completed ICPC-100A and Form 101.

(d) Sending State ICPC office sends ICPC Request to Receiving State ICPC office: Within two (2) business days after receipt of a complete Regulation 7 request, the sending state Compact Administrator shall transmit the complete request for the assessment and for any provisional placement to the receiving state Compact Administrator. The request shall include a copy of the Order of Compliance rendered in the sending state.

(e) Timeframe for receiving state ICPC office to send request packet to receiving local agency: The receiving state Compact Administrator shall send the request packet to the local agency in the receiving state for completion within two (2) business days of receipt of the completed packet from the sending state Compact Administrator.

(f) Timeframe for receiving state local agency to return completed home study to central office: The local agency in the receiving state shall return the completed home study to the receiving state Compact Administrator within fifteen (15) business days (including date of receipt) of receipt of the packet from the receiving state Compact Administrator.

(g) Timeframe for receiving state ICPC office to render expedited placement decision: no later than twenty (20) business days from the date that the forms and materials are received by the receiving state Compact Administrator, the receiving state Compact Administrator shall make his or her determination pursuant to Article III(d) of the ICPC and shall send the completed 100-A to the sending state Compact Administrator by expedited transmission.

(h) Timeframe for receiving state ICPC Compact Administrator to return completed home study to sending state: Upon completion of the decision process under the timeframes in this regulation, the receiving state

Compact Administrator shall provide a written report, a 100A approving or denying the placement, and a transmittal of that determination to the sending state Compact Administrator as soon as possible, but no later than three (3) business days after receipt of the packet from the receiving state local agency and no more than twenty (20) business days from the initial date that the complete documentation and forms were received by the receiving state Compact Administrator from the sending state Compact Administrator.

9. Removal of a child: Following any approval and placement of the child, if the receiving state Compact Administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, mental, emotional, and physical development, then the receiving state Compact Administrator may request the sending state Compact Administrator arrange for the immediate return of the child or make alternative placement as provided in Article V (a) of the ICPC. The receiving state request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the receiving and sending state Compact Administrators mutually agree to the plan. If no agreement is reached, the sending state shall expedite return of the child to the sending state within five (5) business days unless otherwise agreed in writing between the sending and receiving state Compact Administrators.

10. This regulation shall not apply if:

(a) the child has already been placed in violation of the ICPC in the receiving state, unless a visit has been approved in writing by the receiving state Compact Administrator and a subsequent order entered by the sending state court authorizing the visit with a fixed return date in accordance with Regulation No. 9.

(b) the intention of the sending state is for licensed or approved foster care or adoption. In the event the intended placement [must be parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian as per Article VIII(a)] is already licensed or approved in the receiving state at the time of the request, such licensing or approval would not preclude application of this regulation.

(c) the court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, does not seek any evidence from the receiving state the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.

#### B. Regulation 9 Definition of A Visit

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the

basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.

2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.

3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.

4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.

5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.

6. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.

7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.

#### C. Regulation 11 Responsibility of States To Supervise Children

1. A receiving state must supervise a child placed pursuant to an approved placement under Article III(d) of the Interstate Compact on the Placement of Children (ICPC) if supervision is requested by the sending state, and;

(a) the sending agency is a public child placing agency, and

(b) the agency that completed the home study for the placement of the child in the receiving state is a public child placing agency, and

(c) the child's placement is not in a residential treatment center or a group home.

2. Supervision must begin when the child is placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and the receiving state has received a form 100B from the sending state indicating the date of the child's placement.

3. (a) Supervision must continue until:

(1) the child reaches the age of majority or is legally emancipated; or

(2) the child's adoption is finalized; or

(3) legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state; or

(4) the child no longer resides at the home approved for placement of the child pursuant to Article III(d) of the ICPC; or

(5) jurisdiction over the child is terminated by the sending state; or

(6) legal guardianship of the child is granted to the child's caregiver in the receiving state; or

(7) the sending state requests in writing that supervision be discontinued, and the receiving state concurs.

(b) Supervision of a child in a receiving state may continue, notwithstanding the occurrence of one of the events listed above in 5(a)(1–7), by mutual agreement of the sending and receiving state's central compact offices.

4. Supervision must include face-to-face visits with the child at least once each month and beginning no later than 30 days from the date on which the child is placed, or 30 days from the date on which the receiving state is notified of the child's placement, if notification occurs after placement. A majority of visits must occur in the child's home. Face-to-face visits must be performed by a Child Welfare Caseworker in the receiving state. The purpose of face-to-face visits is to help ensure the on-going safety and well-being of the child and to gather relevant information to include in written reports back to the Public Child Placing Agency in the sending state. If significant issues of concern are identified during a face-to-face visit or at any time during a child's placement, the receiving state shall promptly notify the central compact office in the sending state in writing.

5. The Child Welfare Caseworker assigned to supervise a child placed in the receiving state shall complete a written supervision report at least once every ninety (90) days following the date of the receipt of the form 100B by the receiving state's central compact office notifying the receiving state of the child's placement in the receiving state. Completed reports shall be sent to the central compact office in the sending state from the central compact office in the receiving state. At a minimum such reports shall include the following:

- (a) Date and location of each face-to-face contact with the child since the last supervision report was completed.
  - (b) A summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child.
  - (c) If the child is attending school, a summary of the child's academic performance along with copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents.
  - (d) A summary of the child's current health status, including mental health, the dates of any health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations, reports or other pertinent records.
  - (e) An assessment of the current placement and caretakers (e.g., physical condition of the home, caretaker's commitment to child, current status of caretaker and family, any changes in family composition, health, financial situation, work, legal involvement, social relationships; child care arrangements).
  - (f) A description of any unmet needs and any recommendations for meeting identified needs.
  - (g) If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the sending state's jurisdiction, finalization of adoption by the child's current caretakers or the granting of legal guardianship to the child's current caretakers.
6. (a) The receiving state shall respond to any report of abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC and will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state.
- (b) If the receiving state determines that a child must be removed from his or her home in order to be safe, and it is not possible for the child placing agency in the sending state to move the child at the time that the receiving state makes this determination, the receiving state shall place the child in a safe and appropriate setting in the receiving state. The receiving state shall promptly notify the sending state if a child is moved to another home or other substitute care facility.
- (c) The receiving state shall notify the central compact office in the sending state of any report of child abuse or neglect of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC, regardless of whether or not the report is substantiated.

Notification of the central compact office in the sending state will occur as soon as possible after such a report is received.

(d) It is the responsibility of the public child placing agency in the sending state to take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved placement under Article III(d) of the ICPC, including return of the child to the sending state as soon as possible when return is requested by the receiving state.

(e) Pursuant to Article V of the ICPC, it is the responsibility of the public child placing agency in the sending state to take timely action to relieve the receiving state of any financial burden the receiving state has incurred as a result of placing a child into substitute care after removing the child from an unsafe home in which the child was previously placed by the public child placing agency in the sending state pursuant to Article III(d) of the ICPC.

7. (a) The child placing agency in the sending state is responsible for case planning for any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC.

(b) The child placing agency in the sending state is responsible for the ongoing safety and well-being of any child placed in a receiving state by the child placing agency in the sending state pursuant to an approved placement under Article III(d) of the ICPC and is responsible for meeting any identified needs of the child that are not being met by other available means.

(c) The receiving state shall be responsible to assist the sending state in locating appropriate resources for the child and/or the placement resource.

(d) The receiving state shall notify the central compact office in the sending state in writing of any unmet needs of a child placed in the receiving state pursuant to an approved placement under Article III(d) of the ICPC.

(e) If the child's needs continue to be unmet after the notification described in above has occurred, the receiving state may require the child placing agency in the sending state to return the child to the sending state. Before requiring the return of the child to the sending state, the receiving state shall take into consideration the negative impact on the child that may result from being removed from his or her home in the receiving state and shall weigh the potential for such negative impact against the potential benefits to the child of being returned to the sending state. Notwithstanding the requirement to consider the potential for such negative impact, the receiving state has sole discretion in determining whether or not to require return of a child to the sending state.

## VII. Regulation No. 2 PROCEDURE FOR PLACEMENT OF CHILDREN FROM ALABAMA

### A. Request For Relative Placement

**Code of Alabama, § 38-7-2 (13) defines a relative, for placement purposes, as any of the following relationships by blood, marriage or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, half brother, half sister, uncle or aunt, and their spouses. A foster home study is required if relatives do not fall within these degrees of relationship.**

A child should never be placed into another state without the prior written approval of the ICPC Office in that state. If, for some reason beyond the control of the County Department, a child is placed in another state without the prior knowledge and approval of that state, the County Department shall contact the Family Services Division, ICPC Office, immediately so that the ICPC Office in the receiving state can be notified of the circumstances and plans can be made accordingly. The ICPC referral shall follow within fourteen (14) working days.

In rare instances, the court may order the County Department to assist with placing the child with a caregiver in another state. If this occurs, consult the Family Services Division, ICPC Office.

All correspondence relating to interstate placement, (prior to, during, after, and at termination of placement) must be sent in triplicate (original and two copies) to the Family Services Division, ICPC Office, for forwarding to other states. 100As (DHR-1238), Interstate Compact Placement Request, and 100Bs (DHR-1239), Interstate Compact Report on Child's Placement Status, submitted from county departments to SDHR, Family Services Division, ICPC Office are not to be separated. Correspondence shall also be collated. Referral packets must include all items described below and preferably in this order.

A referral packet for children from Alabama going to another state shall include the following:

1. A cover letter including a statement as to why the proposed placement in the other state is believed to be in the best interest of the child.
2. The ICPC – 100A (DHR-1238) is the official notice of the Intention and Request to place a child out-of-state and to conduct an investigation (Refer to Forms and Instructions). This form **must** accompany the initial request in order to avoid a delay in the receiving state initiating the home evaluation. **The 100A must be typed and the original signature copy and six (6) other copies must be submitted. The county is to retain a copy in the county file.**
3. A current court order indicating the child's present legal status must accompany the referral. (Bench notes are unacceptable). This should prevent questions raised by the receiving state and

delays in the receiving state making a decision about placement. Three copies of the most recent court documents affecting the custody of the child must be included.

4. A social history on child that provides sufficient information to assist the receiving agency in assessing the ability of the proposed home to meet the needs of the child. Information that needs to be included in the social history is:
  - a. Current Family Situation – Circumstances precipitating out-of-state placement; placement history; location of child and length of time at current location; situation and location of parents; situation and location of any siblings; child's attitude toward placement; parents' attitude toward placement; visitation plans.
  - b. Current Assessment Of Child – Physical appearance: height, weight, hair color, eye color, skin color, distinctive marks; current adjustment; behavioral, emotional, social skills; relationship/interaction with parents, caregivers, siblings, peers; health: diagnosis, treatment, prognosis, special needs (if any); education: grade, achievement, classroom behavior, relationship to teachers and classmates, extra-curricular activities; significant others in child's life.
  - c. Assessment Of Parent(s) And Family – Physical description of parent(s); current functioning: education, employment, parental and social; relationship/interactions with spouse, children and other significant family members; health: physical and mental, diagnosis, treatment and prognosis; current and anticipated involvement with child.
  - d. Permanency Goal – Permanent plan for child: other options available for child; anticipated duration of proposed placement; most recent Individualized Service Plan (ISP).
  - e. Child Specific Information – Include with the social history the following items as appropriate: medical records, psychological evaluations/reports; school records/reports, previous social summary/progress reports (dated), social security card, and birth certificate. **If there is no legal father, verification of paternity must be submitted.**
5. A statement of financial/medical responsibility for each child, DHR-ICPC-2113, (Refer to Forms and Instructions for financial/medical form). The sending agency is responsible for assuring the support and maintenance of the child during the period of placement.

- a. In some states, payment of educational costs will need to be addressed.
  - b. When children have private income (e.g., social security, VA, child support), this money must be dispersed according to foster care policy. Private income must be used to reimburse travel expenses for children placed out-of-state.
  - c. In the event a placement disrupts, the sending agency is financially responsible for making an alternate plan.
6. County child welfare staff shall contact the potential placement resource to determine interest. Information concerning the family with whom the child is placed is needed. A request shall include the home address, telephone number, and place of employment.
7. Documentation of IV-E eligibility status must be submitted with the referral. This information can be located on the most recent determination made by the Office of Child Welfare Eligibility, Family Services Division.
8. A signed Statement of Case Manager/Potential Placement Party under Regulation 2 Form must be submitted with the referral. Refer to Forms and Instructions (DHR-ICPC-2250). This form is to address the following in reference to the proposed placement resource:
  - (1) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
  - (2) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.
  - (3) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.

#### B. Request For Foster Care Placement

A foster home study is mandatory if the degree of relationship of the child does not meet the definition of relative as defined in Code of Alabama, § 38-7-2 (13), the child is unrelated, or termination of parental rights (TPR) has been identified as the case plan.

All correspondence relating to interstate placement (prior to, during, after, and at termination of placement) must be sent in triplicate (the original and two copies) to Family Services Division, ICPC Office, for forwarding to other states. 100As (DHR-1238) and 100Bs (DHR-1239) from County Departments must not be separated. Correspondence shall also be collated.

A child should never be placed into another state without the prior written approval of the ICPC Office in that state. If for some reason beyond the control of the County Department, a child is placed in another state without the prior knowledge and approval of that state, the County Department shall contact the Family Services Division, ICPC Office, immediately so that the ICPC Office in the receiving state can be notified of the circumstances and plans can be made accordingly. The ICPC referral shall follow within fourteen (14) working days.

In rare instances, the court may order the County Department to assist with placing the child with a caretaker in another state. If this occurs, consult the Family Services Division, ICPC Office.

The request for the foster home study must include the following:

1. A cover letter including a statement as to why the proposed placement in the other state is believed to be in the best interest of the child.
2. The ICPC - 100A (DHR-1238) is the official notice of the Intention and Request to place a child out-of-state and to conduct an investigation (Refer to Forms and Instructions.) This form **must** accompany the initial request in order to avoid delay in the receiving state initiating the home evaluation. **The 100A must be typed and the original signature copy and six (6) other copies must be submitted. The county is to retain a copy in the county file.**
3. A current court order indicating the child's present legal status must accompany the referral. (Bench notes are unacceptable). This should prevent questions raised by the receiving state and delays in the receiving state making a decision about placement. Three copies of the most recent court documents affecting the custody of the child must be included.
4. A social history on child that provides sufficient information to assist the receiving agency in assessing the ability of the proposed home to meet the needs of the child. Information that needs to be included in the social history is as follows:
  - a. Current Family Situation - Circumstances precipitating out-of-state placement; placement history, location of child and length of time at current location; situation and location of parents; situation and location of any siblings, child's attitude toward placement; parents' attitude toward placement; visitation plans.
  - b. Current Assessment Of Child – Physical appearance:

height, weight, hair color, eye color, skin color, distinctive marks; current adjustment; behavioral, emotional, social skills; relationship/interaction with parents, caregivers, siblings, peers; health: diagnosis, treatment, prognosis, special needs (if any); education: grade, achievement, classroom behavior, relationship to teachers and classmates, extra curricular activities; significant others in child's life.

- c. Assessment Of Parent(s) And Family – Physical description of parent(s); current functioning: education, employment, parental and social; relationship/interactions with spouse, children and other significant family members; health: physical and mental, diagnosis, treatment and prognosis; current and anticipated involvement with child.
  - d. Permanency Plan - Permanent plan for child: other options available for child; anticipated duration of proposed placement; most recent Individualized Service Plan (ISP).
  - e. Child Specific Information – Include with the social history three copies of the following items as appropriate: medical records, psychological evaluations/reports; school record/reports, previous social summary/progress reports (dated), social security card, and birth certificate. **If there is no legal father, verification of paternity must be submitted.**
5. A statement of financial/medical responsibility for the child, DHR-ICPC-2113, (Refer to Forms and Instruction for financial/medical form). The sending agency is responsible for assuring the support and maintenance of the child during the period of placement.
- a. Foster care maintenance payments in a related or unrelated home can be made if the home meets the receiving state's foster home standards. In most cases, a home must be approved, licensed or meet the receiving state's criteria for a foster home before a foster care board payment can be made. Payments will be authorized according to Alabama's rates. The receiving state shall be notified of the foster care rate prior to placement.  
  
If a child is being placed out-of-state in a foster care situation and a foster board payment is authorized, Medicaid coverage may be provided by the sending or receiving state. Whether Medicaid is provided by the sending state or the receiving state depends on the Title IV-E eligibility of the child.  
  
If children are determined ACFC (Aid To Children In Foster Care) eligible, Alabama Medicaid coverage could continue for the children when placed in another state. The children must reside in an approved/licensed foster home. The County Department is responsible for notifying the

Alabama Medicaid Agency when the child is actually placed in the receiving state. **Note:** Some out-of-state providers will not accept Alabama Medicaid because they are not registered AMA (Alabama Medicaid Agency) providers and cannot file on AMA.

The Consolidation Omnibus Budget Reconciliation Act (COBRA) of 1985 (P.L.99-272) provides that children who are eligible to receive Title IV-E foster care maintenance payments are eligible for Medicaid in their state of residence. Children eligible for these payments who are placed in another state will be eligible for the Medicaid in the receiving state. Contact the Office of Adoption regarding Title IV-E adoption subsidy payments and Medicaid.

- b. In some states, payment of educational costs will need to be addressed.
  - c. If children have private income such as social security, VA, child support, etc., this money shall be dispersed according to foster care policy. Private income shall also be used to reimburse travel expenses for children placed out-of-state.
  - d. In the event a placement fails, the sending agency is financially responsible for making an alternate plan.
6. County child welfare staff shall contact the potential placement resource to determine interest. Information concerning the family with whom the child is to be placed is needed. A request shall include the home address, telephone number, and place of employment.
  7. Documentation of IV-E status must be submitted with the referral. This information can be located on the most recent determination made by the Office of Child Welfare Eligibility, Family Services Division.
  8. A Statement of Case Manager/Potential Placement Party under Regulation 2 Form must be submitted with the referral (refer to Forms and Instructions [DHR-ICPC-2250]. **The form must be signed by the caseworker and not the potential resource.** This form is to address the following in reference to the proposed placement resource:
    - (1) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
    - (2) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.

- (3) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.

#### C. Request For Court Jurisdiction

Where there is court jurisdiction with an open court case for dependency, abandonment, abuse and/or neglect, the case is considered a public court jurisdiction case. In most public court jurisdiction cases the court has taken guardianship or legal custody away from the “offending” caregiver.

(a) **Court jurisdiction only:** The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise, remove and/or place the child. Although the child is not in the guardianship/custody of an agency or the court at the time of completing ICPC-100A, the agency or the court may choose to exert legal authority to supervise and/or remove and place the child and therefore is the sending agency. As the sending agency/court it would have specified legal responsibilities per ICPC Article V, including the possible removal of the child if placement in the receiving state disrupts or the receiving state requests removal of the child.

(1) Contingency/concurrent request in cases where removal may become necessary: The child may be in the custody of the offending parent or relative while the public agency tries to bring the family into compliance with court orders and or agency service (case) plan. Some states call this an order of “protective supervision” or “show cause.

(2) Parent/relative relocated to receiving state: If the sending court selects to invoke ICPC Article V and to retain court jurisdiction even though the family/relative has legal guardianship/custody and has moved to the receiving state, then the sending court may request a home study on the parent/relative who has moved with the child to the receiving state. By invoking ICPC the sending court is bound under Article V. If the receiving state determines the placement to be contrary to the interests of the child, the sending court must order removal of the child and their return to the sending state or utilize an alternative approved placement resource in the receiving state. The ICPC-100A must be signed by the sending judge or authorized agent of the public agency on behalf of the sending court in keeping with ICPC Article V.

The request for a Court Jurisdiction Only home study must include the following:

1. A cover letter including a statement as to why the proposed placement in the other state is believed to be in the best interest of the child.

2. The 100A (DHR-1238) is the official notice of the Intention and Request to place a child out-of-state and to conduct an investigation (Refer to Forms and Instructions.) This form **must** accompany the initial request in order to avoid delay in the receiving state initiating the home evaluation. **The 100A must be typed and the original signature copy and six other copies must be submitted. The county is to retain a copy in the county file. The sending court needs to be listed on this form as the person responsible for planning for the child. The person who currently holds custody needs to be listed on this form as the person financially responsible for the child. The Judge representing the sending court must sign the 100A form under the Signature of Sending Agency or Person.**
3. 100B (DHR-1239) if the child/children are already residing in the receiving state with the petitioner.
4. A copy of the current court order pursuant to which the sending agency has authority to place the child. The court order must reflect that the child and/or children in question are dependent. It must include the address, phone number and name of the proposed placement resource. It also must include the degree of relationship between the child/children and the proposed placement resource. (Bench notes are unacceptable). Three copies of the most recent court documents affecting the custody of the child must be included.
5. A copy of a current petition for custody of the child/children in question from the proposed placement resource.
6. A statement of financial/medical responsibility for the child, DHR-ICPC-2113, (Refer to Forms and Instruction for financial/medical form). The sending agency is responsible for assuring the support and maintenance of the child during the period of placement.
7. A Statement of Case Manager/Potential Placement Party under Regulation 2 Form, or Statement of Case Manager/Potential Placement Party under Regulation 7 (Expedited) must be submitted with the referral (refer to Forms and Instructions [DHR-ICPC-2250 or DHR-ICPC-2251]). **The form must be signed by the caseworker and not the potential resource.** This form is to address the following in reference to the proposed placement resource:
  - (1) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
  - (2) the name and correct address of the placement resource, all available telephone numbers and other contact

information for the potential placement resource, and the date of birth and social security number of all adults in the home.

- (3) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.

**Note:** If the Court Jurisdiction Only request is a Regulation 7, the proposed placement resource must fit the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian, under Article VIII(a) of the ICPC. Refer to forms and instructions. (DHR-ICPC-2251)

8. Social summary for the child/children if applicable.
9. A current Case Plan (ISP) if applicable.
10. A current CFA if applicable.
11. A copy of the child's Social Security Card and Birth Certificate, if applicable.

D. Procedures For Placement

1. When a home evaluation has been completed and the approval has been obtained from the Compact Administrator of both the sending and receiving states, the County Department makes the final arrangements for placement in coordination with the local agency in the receiving state. The concurrence of the court of jurisdiction must be obtained before placing the child. Also the court may need to issue an order authorizing the receiving family to obtain medical treatment, if necessary.

**For any worker taking children out-of-state, whether the Department is responsible for payment or not, out-of-state travel authorization must be arranged by the county department.**

After placement occurs, 100Bs (DHR-1239), Interstate Compact Report on Child's Placement Status (Refer to Forms and Instructions) must be completed and forwarded to the Family Services Division, ICPC Office, indicating date of placement. 100Bs must be submitted within 7 days of the date of placement. The ICPC Office will forward the 100Bs (DHR-1239) to the receiving state upon receipt.

2. **The County Department is required to retain legal custody during the time of placement. If the County Department does**

**not have custody, but the court has jurisdiction, this must be retained by the court during the placement. (Refer to Article V of Interstate Compact Law).**

3. After the child is placed in the receiving state and the supervising agency properly notified, reports on adjustment will be requested from the supervising agency in accordance with the previously agreed upon plan (see ICPC-100As). **It is the responsibility of the County Department to maintain a control system whereby if a needed report is not received from the supervisory agency, the County Department shall send a letter through the Family Services Division, ICPC Office requesting the report.** Child welfare staff shall use FACTS to show the next action needed. Written progress reports are to be sent through the respective Compact offices.

The County Department may have direct contact with the supervising agency in the other state regarding the placement. All contacts with the child or family must go through the supervising agency unless otherwise agreed upon. If there are problems with the placement or specific issues, which may need the input of the Compact Office, correspondence is to be sent to the Family Services Division, ICPC Office. In emergency situations, information can be shared verbally with the Family Services Division, ICPC Office with written follow-up. **Examples of such concerns include but are not limited to, placement disruption, financial matters (e.g., medical bills, counseling bills, dental bills, Medicaid problems) proposed changes in the placement, and problems with terminating a case.**

**Note: When children from Alabama are placed in other states, the county department must request that the receiving state's worker see these children at least once a month.**

4. If the placement becomes unsatisfactory, the County Department of Human Resources will be notified either by the agency providing supervision or the Family Services Division, ICPC Office. The County Department is then responsible for making an alternate plan for the child. Should the County Department need assistance in making placement arrangements, Family Services Division, ICPC Office may be contacted.

Should it become necessary to return the child to Alabama, the County and State Department or other Alabama agency is responsible for the cost of transportation unless the receiving agency indicates the family will pay. When the County Department is notified that a child needs to be picked up and detained before returning to Alabama, the Department of Human Resources is responsible for the cost of care if the child is in the Department's legal custody. Contact the Family Services Division, ICPC Office for instructions as to how to handle these bills.

If a placement in a receiving state disrupts, the plan may be to place the child in foster care in the receiving state and work toward reunification. If this plan is approved by the receiving state, another set of ICPC-100As (DHR-1238) and ICPC-100Bs (DHR-1239) shall be sent to Family Services Division, ICPC Office to indicate a placement change. The receiving state must be informed of Alabama's foster care rates and how medical bills are handled. Alabama foster care rates can only be paid.

5. If a child is being placed out-of-state in a foster care situation and a board payment is authorized, Medicaid coverage may be provided by the sending or receiving state. Whether Medicaid is provided by the sending state or the receiving state depends on the Title IV-E eligibility status of the child.

If ICPC children are determined to be ACFC (Aid To Children In Foster Care) Medicaid eligible, Alabama Medicaid coverage could continue for the children when placed in another state. The County Department is responsible for notifying the Alabama Medicaid Agency (AMA) when the child is actually placed in the receiving state.

**NOTE: Most out-of-state providers will not accept Alabama Medicaid because they are not registered AMA providers and cannot file for Alabama Medicaid. In this case, the county department will be responsible for all medical expenses.**

The Consolidation Omnibus Budget Reconciliation Act (COBRA) of 1985 (P. L. 99-272) provides that children who are eligible to receive Title IV-E foster care maintenance payments and Medicaid will be eligible to receive Title IV-E foster care maintenance payments and Medicaid in the receiving state.

Foster care children placed in Alabama by another state; who are (1) placed in relative placements; (2) receiving a board payment; and, (3) are IV-E eligible in the sending state may receive IV-E Medicaid in Alabama. The sending state must furnish documentation of the IV-E eligibility through the usual ICPC process.

Foster care children placed in Alabama by another state, who are (1) placed with an approved/licensed provider; (2) receiving a foster care board payment from the sending state; and (3) eligible for IV-E in the sending state are eligible for IV-E Medicaid in Alabama. The sending state must furnish documentation of the IV-E eligibility through the usual ICPC process.

The sending state remains financially responsible for medical and other bills incurred by the child until the ICPC case is terminated.

Flex funds may be used for the Department's children who are placed out of state through the ICPC process and are not covered by Medicaid or if a provider cannot be located who will accept Alabama Medicaid. The county worker shall explore with the receiving state any local, state and federal programs that might be available to assist with payment of bills.

E. Termination Of Placement

Custody of a child or court jurisdiction must be retained by the sending agency for a minimum of six months in order for the receiving agency to supervise the placement and determine if it is satisfactory. The placement agreement may be terminated only after a written report recommending termination is received from the receiving agency and written concurrence is obtained from the receiving state's Compact office. **The County Department must take no action on a report received directly from the supervising agency, as it is necessary for the Compact office in the receiving state to concur and make an official recommendation for termination.** A copy of the report shall be sent to the Family Services Division, ICPC Office, so that the concurrence of the receiving state Compact Administrator may be obtained.

Terminations of placements require court action to relieve the agency of custody of the child and/or to terminate court jurisdiction. Some states require that relatives petition the receiving state's court to obtain legal custody or guardianship before the Department terminates their case. The court order should reflect the child's legal status after the County Department is relieved of custody or jurisdiction terminated. The procedure to be followed when a recommendation is made that custody be awarded to a relative or agency in another state will vary depending on the rules set forth by the juvenile court. If jurisdiction is to be transferred to a court of like jurisdiction and custody placed with the supervising agency, the sending state must have a written statement verifying that the court and agency are willing to accept the case before any action is taken. The Family Services Division, ICPC Office must be notified before such action is considered. Three copies of the Court order transferring the custody of each child and ICPC-100Bs (DHR-1239) shall be sent to Family Services Division, ICPC Office, for forwarding to the appropriate out-of-state agency.

F. Placements Made Without ICPC Protection:

(1) A placement with a parent from whom the child was not removed:

When the court places the child with a parent from whom the child was not removed, and the court has no evidence that the parent is unfit, does not seek any evidence from the receiving state that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent. Receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

(2) Sending court makes parent placement with courtesy check:

When a sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the “courtesy check” rests directly with the sending court/agency and the person or party in the receiving state who agree to conduct the “courtesy” check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.

(3) Placements made by private individuals with legal rights to place:

Pursuant to Article VIII (a), this Compact does not apply to the sending or bringing of a child into a receiving state by the child’s parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child’s non-agency guardian and leaving the child with any such parent, relative or non-agency guardian in the receiving state, provided that such person who brings, sends, or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, or diminished or severed by the action or order of any court.

(4) Placements handled in divorce, paternity or probate courts:

The compact does not apply in court cases of paternity, divorce, custody, and probate pursuant to which or in situations where children are being placed with parents or relatives or non-relatives.

(5) Placement of children pursuant to any other Compact:

Pursuant to Article VIII (b), the Compact does not apply to any placement, sending, or bringing of a child into a receiving state pursuant to any other interstate Compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

## **VIII. CHILDREN FROM OTHER STATES PLACED IN ALABAMA**

**ICPC children placed in Alabama from other states shall be seen in the home by county DHR staff at least once per month. Monthly contact is necessary in order to assess safety, well being and whether a placement continues to be in the child’s best interest.**

***Individualized Service Plans* policy requires ISPs be completed for all children and families for whom a case is opened for on-going child welfare services and the Department is involved in the planning and or delivery of those services. ICPC cases are not exempted from this requirement.**

#### A. Request For Relative Placement

Any sending agency wishing to place a child in Alabama must submit the request for placement to Family Services Division, ICPC Office. That office will forward the request to the appropriate County Department for an evaluation of the proposed plan. If a County Department receives a request, which appears to be an ICPC matter, directly from an agency in another state, a copy of all correspondence received must be forwarded to Family Services Division, ICPC Office immediately. **In order to be considered as a relative placement, the resource must be any of the following relationships by blood, marriage or adoption; parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, half brother, half sister, uncle or aunt, and their spouses, per Code of Alabama, § 38-7-2 (13). If relatives do not fall within this degree of relationship, a foster home study must be requested.**

The request from the other state should include sufficient information to enable the County Department to make an appropriate evaluation (see Section VII A Request for Relative Placement). If the information provided by the other state is inadequate, the County Department shall request additional information in writing before proceeding with the home study. Such requests shall be routed through the Family Services Division, ICPC Office.

Foster care children placed in Alabama by another state who are (1) placed in relative placements; (2) receive a board payment; and, (3) are IV-E eligible in the sending state may receive IV-E Medicaid in Alabama. The sending state must furnish documentation of the IV-E eligibility through the usual ICPC process. The Family Services Division, ICPC Office will request that the Alabama Medicaid Agency certify these children for Medicaid.

The County Department must provide to the sending state in writing the name of the worker assigned to the case. If there will be an unusually long delay (longer than **60** days) in completing the home evaluation, the sending state shall be notified. The County Department must also notify the Family Services Division, ICPC Office.

#### B. Request For Foster Care Placement

A foster home study is mandatory if the degree of relationship of the child does not meet the definition of relative as defined in Code of Alabama, § 38-7-2 (13), the child is unrelated; or termination of parental rights (TPR) has been identified as the case plan.

Any sending agency wishing to place a child in Alabama must submit the request for placement to Family Services Division, ICPC Office, which will forward the request to the appropriate County Department for an evaluation of the proposed plan. If a County Department receives a request, which appears to be an ICPC matter, directly from an agency in another state, a copy of all correspondence received must be forwarded to Family Services Division, ICPC Office immediately.

The request from the other state should include sufficient information to enable

the County Department to make an appropriate evaluation (see Section IV B, Request for Foster Care Placement for a detailed discussion of what information the sending state should have submitted). If the information provided by the other state is inadequate, the County Department shall request additional information in writing before proceeding with the home study. Such requests shall be routed through the Family Services Division, ICPC Office.

The prospective resource shall be approved according to the "Minimum Standards For Foster Family Homes." **Provisionally approved foster family homes are not accepted in the ICPC program.** The completed home study shall be submitted before a decision regarding placement is made.

C. Requirements and Guide for Home Studies And Placement Evaluations

1. Requirements For Interstate Home Studies

Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239) places home study requirements on states to implement the following:

- States must conduct, complete and **return** a report on a home study to the requesting state **within 60 days of the receipt of request** ("receipt of request" is the date that the request is received and date stamped in the Division of Family Services). The **60 day** timeframe includes the receipt of the report by the requesting state. **In order to meet this stringent time frame, counties are given a 50-day time frame to conduct, complete and return the home study to the Office of Interstate Compact for the Placement of Children.** This provides time for the State ICPC Office to review and return the report to the requesting state.
- States are required to treat completed home study reports received from another state, Indian tribe or private agency under contract with another state as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child;
- The determination and decision not to place in the home study state is a joint decision between the SDHR ICPC Office and the county department. If such a determination is made, the home study state will be notified by the ICPC Office.
- Parts of the home study involving education and training of prospective foster and adoptive parents do not have to be completed within the 60-(or 75-) day timeframe.

Public Law 109-239 provides some relief for home studies begun prior to

September 30, 2008. States have an additional 15 days (total of 75 days) to complete home studies begun before September 30, 2008 if the home study was delayed due to circumstances beyond state control (e.g. failure by federal agency to provide results of background check, failure of any entity to provide completed medical forms). The state must have made a request for the documents within 15 days of receipt of request for a home study. Further, the state must document the circumstances involved and certify that completing the home study is in the best interest of the child.

Public Law 109-239 establishes three types of home studies.

- (1) Home Study: The term “home study” used alone is 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.
- (2) Interstate Home Study: This is a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State conducting the home study of a child in foster care under the responsibility of the State requesting the home study.
- (3) Timely Interstate Home Study: Public Law 109-239 establishes “timely interstate home studies” as those studies described in the definition of “Interstate Home Study” and completed within 30 days after receipt of the request and a report on the results of the study is provided to the requesting state within 30 days. The 30 days for completion does not involve education and training requirements.

Public Law 109-239 provides for incentive payments to states for the completion of Timely Interstate Home Studies. The incentive payment for each timely interstate home study completed is \$1500. The State will multiply the number of timely interstate home studies completed during a fiscal year to arrive at a total incentive payment.

## 2. Guide For Completion of Home Study/Evaluation

A home study for the proposed placement of a child shall be as comprehensive as possible and completed within 30-60 days of receipt of the request. The following information must be included in the study.

- (1) Summary of Agency Experience – Indicated number of visits and interviews and prior contacts of family with agency.
- (2) Identifying Data – Give names, ages, sex, religion and occupation of family members.

- (3) Physical and Personality Description – Include height, weight, coloring and any special aspects of physical appearance and manner. Discuss adjustment to their present life situation including information that reflects personality traits.
- (4) Quality of Marriage – Describe roles of husband and wife in their marriage and relationship with each other. Verify marriage and any previous marriages and divorces and give evaluation of previous marriages. Verification of marriages, divorces, and deaths must be provided by the resource and submitted as supporting documents with the home study.
- (5) Background and Inter-personal Relationships – Describe relationship with own parents and siblings in childhood and early adult years. Describe present relationship to extended family, friends, reference/standing in community, general reputation, court and police records, if any. Describe couple's education and employment histories, special interests, abilities, religion, social and cultural identity. Discuss their capacity to fulfill role of parents – strengths that show ability to meet physical and emotional needs of children. Discuss attitudes toward child to be placed and attitude toward this child's parents and possible visits by the parents.
- (6) Children In The Home, If Any – Describe development and personality of each child, quality of parent/child relationship and relationship of children to each other, and attitudes toward child to be placed.
- (7) Health – Discuss health of all household members. If a household member has a chronic or significant medical condition the Department must request a written statement from the health care provider regarding their ability to care for children.
- (8) Description Of Physical Environment – Give description of home and plans for accommodating child to be placed. Describe neighborhood (e.g., proximity to school, stores, urban, suburban, rural).
- (9) Financial Situation – Describe economic situation of family –employment income and stability of employment, other assets and obligations, money management. Verification of all household income must be provided by the resource and submitted as supporting documents with the final home study.
- (10) **ABI (state) and FBI (national) criminal history checks must be completed on all requests for home studies. The prospective resource will be responsible for any cost incurred for this service.**

- (11) **Central Registry clearances must be completed on all household members age fourteen (14) years and older. If the county worker determines that other individuals are in the home on a regular basis, clearances shall be completed on these individuals as well. Follow the Minimum Standards For Foster Family Homes in clearing the Central Registry. Child welfare staff must follow local procedures when clearing the Central Registry.**
- (12) References – Contact and carefully evaluate a minimum of three (3) references – persons who know the entire family. No more than one reference should be related by blood or marriage.
- (13) Recommendation Regarding Placement – This shall be a joint decision between worker and supervisor. The recommendation to place must be carefully considered as any placement that disrupts can be emotionally damaging to child. **The home evaluation must include a recommendation regarding placement.**

#### D. Finalization Of Placement

The home study must be sent to the Family Services Division, ICPC Office, for final review, recommendation, and disposition of ICPC-100As (DHR-1238) and forwarding to the sending state. If a foster home study is being completed, also send the Foster Family Approval (DHR-DFC-614). **The County Department must not send the study directly to the sending agency.**

If placement is recommended, ICPC-100As (DHR-1238) will be signed by the Family Services Division, ICPC Office, and forwarded to the sending state. A copy will be returned to the County Department. A child must not be brought into the state prior to the Family Services Division, ICPC Office's, approval of placement. After approval for placement by Family Services Division, ICPC Office, the local office in the sending state may make final arrangements for placement directly with the County Department.

The sending state must submit ICPC-100Bs (DHR-1239) to confirm placement date. After the child is placed in Alabama, the county department or private agency provides supervision. Reports on the children's adjustment are made in accordance with the previously agreed upon plan or more frequently when indicated. The county department is responsible for maintaining adequate controls to assure that reports are submitted on a timely basis. Progress reports are to be submitted in triplicate to Family Services Division, ICPC Office, for forwarding to the sending state.

If the placement proves to be unsatisfactory, the County Department must notify the local agency in the sending state. The Family Services Division, ICPC Office, must also be notified and especially if there are problems in returning the child(ren) to the sending state.

If the child has to be removed from the home and placed in out-of-home care (e.g., shelter) prior to the return to the sending state, the sending state is responsible for payment of that care. The sending state must be notified that the child has been placed in out-of-home care and apprised of the daily cost.

E. Case Closure

A report in triplicate summarizing the adjustment of the child and recommending case closure must be sent to the Family Services Division, ICPC Office. **The report must not be sent directly to the sending state.** The concurrence of the Family Services Division, ICPC Office, is necessary before the sending state can terminate their case. When termination is recommended, the sending state should send copies of the court order terminating the case and ICPC-100Bs (DHR-1239) to the receiving state.

**IX. REGULATION NO. 1 CHILDREN MOVING WITH FOSTER PARENTS BETWEEN STATES**

A. Procedures When Foster Children From Alabama Relocate To Another State With Their Foster Family

Should it be determined through the ISP process that it is in the best interest of a foster child to move with the foster parents to another state, this placement is subject to the Interstate Compact on the Placement of Children. The concurrence of the court of jurisdiction must be obtained for the child to leave the state with their foster parents. The ICPC-100As (DHR-1238), the ICPC-100Bs and the information accompanying the referral shall make it clear that relocation of a foster family is involved. **Children who are in care on an Agreement for Foster Care (DHR-DFC-731) cannot be placed out-of-state with foster parents until the County Department obtains legal custody of the children.**

The documentation provided with the ICPC referral for foster children relocating to another state with their foster parent(s) in thirty (30) days or less must include the following:

1. Fully completed ICPC-100As (DHR-1238) on all ICPC children in the foster home;
2. 100-B to initiate supervision on all ICPC children in the home.
3. A copy of the court order providing the county department with authority to place the child;
4. A case history for the child(ren);
5. A copy of the most recent foster home approval;
6. A copy of the foster home resource record;
7. A copy of each child's most recent ISP which stipulates the permanency plan and any supplements to the permanency plan;
8. A statement of the child's current Title IV-E eligibility status;
9. Financial/Medical Plan (DHR-ICPC-2113);

10. Statement of Case Manager (DHR-ICPC-2250 or DHR-ICPC-2251);
11. Copy of child's academic records, if applicable;
12. Copy of child's medical records, if applicable;
13. Copy of child's Birth Certificate; and
14. Copy of child's Social Security Card.

**The County Department can continue to award foster care board payments during the transition period. Alabama board rates will be paid for foster children residing in other states. It is the County Department's responsibility to request periodic reports on the child's progress and adjustments for foster children placed in another state. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interest of the child, plans to return the child or for an alternative placement are to be made immediately.**

**B. Procedures When Foster Children Move To Alabama With Their Foster Family**

The foster family home study received from the sending state must be reviewed. The family's home must be evaluated in accordance with Minimum Standards for Foster Family Homes and meet foster family approval in Alabama. Group Preparation Selection (GPS) will be provided in accordance with agency policy and practice. **Deciding Together can be used to avoid excessive delays in processing foster care referrals when the GPS group process is not available or appropriate for the applicant.** **Note:** A receiving state shall recognize required training from the sending state for foster parents or other parent training if the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state and the evidence submitted is in the form of an official certificate or other document identifying the training.

The home must be reapproved annually. **It is the responsibility of the County Department to keep adequate controls whereby reapprovals can be submitted as required. A copy of the Foster Family Approval (DHR-DFC 614) or Related Foster Family Home Approval (DHR-DFC 615) should be sent to the sending state.**

**Within thirty (30) days of being notified by the sending state or by the foster parents that the foster family and children have arrived in the state, the appropriate county worker shall make an initial contact with the foster parents and children to begin the process of foster family home approval in the State of Alabama. Foster parents must comply with the requirements of Alabama promptly after arrival into the state. The placement shall be**

**supervised and reports on the placement furnished to the sending state quarterly.**

## **X. INTERCOUNTRY PLACEMENT OF CHILDREN**

When a County Department has reason to contact another country with a request for service or the possible placement of a child, the County Department must contact International Social Services for assistance.

## **XI. INTERNATIONAL ADOPTIONS**

Family Services, ICPC Office will only review and approve international adoption home study requests for adoptions that will be finalized in Alabama. This does not include re-adoptions through the Probate Court. Additionally, the State Department of Human Resources will review international adoption requests when only one parent travels or the adoption is finalized before the child is seen by the prospective adoptive couple. The ICPC Office must be contacted when children enter State custody due to the disruption or dissolution of an international adoption.

## **XII. CHILDREN PLACED FOR ADOPTION BETWEEN STATES**

Adoptive home study requests regarding placement of children who are in the permanent custody of another child welfare agency must be conducted by the Department of Human Resources. Group Preparation Selection (GPS) is required.

### **A. Children Brought Into The State For The Purpose Of Adoption (Permanent Custody With Another State)**

There are certain requirements to follow when a child is to be brought into the State of Alabama for the purpose of adoption. These are as follows:

1. The sending state must prepare Form ICPC-100As (DHR-1238), Request to Place Child, in quadruplicate and send it to the Family Services Division, ICPC Office.
2. The sending agency must send, in triplicate, case material on the child to be placed to the Alabama Compact Administrator. Information shall include social and medical information about the child and birth family. The birth or legal parents of the child shall be interviewed by the other state social service agency. Birth verification and medical reports shall be included for the child.
3. Court documents must be included. The sending state shall send court termination orders or copies of relinquishments in instances where termination of parental rights was not required. The adoptive home study request will not be processed by the ICPC Office if the termination of parental rights is under appeal because the child is not free for adoption.

4. When the above information is received in the Family Services Division, ICPC Office, the County Department will be requested to complete a home study of the prospective adoptive parents. A complete home study will include GPS or Deciding Together, ABI and FBI letters of suitability, Central Registry clearances (on all household members age 14 and older) and adoption forms. Adoption forms include the Application to Adopt, Financial Statement, Physical Examination for Prospective Adoptive Parents and Information Regarding Immediate Relatives (Refer to *Adoption Policies and Procedures*).
5. If the child coming into Alabama receives Title IV-E adoption subsidy, the Family Services Division, Office of Adoption will certify eligibility for Alabama Medicaid to the Alabama Medicaid Agency upon receipt of the necessary documentation from the sending state. If a child coming into Alabama receives a state adoption subsidy with Medicaid, the Office of Adoption will certify eligibility for Alabama Medicaid with the Alabama Medicaid Agency upon receipt of the necessary documentation from the sending state if that state has signed a reciprocity agreement through Interstate Compact on Adoptions and Medical Assistance.  
  
A list of states providing reciprocity for state adoption assistance Medicaid is maintained in the Office of Adoption. Any questions should be addressed to Office of Adoption Intake.
6. The Family Services Division, ICPC Office, will review the recommendation of the County Department and if planning concurrence can be given, the Family Services Division, ICPC Office, will inform the Compact Administrator in the sending state whether the placement is approved or disapproved. The details of actual placement will be worked out between the sending agency and the County Department.
7. Once placement is confirmed with the 100B (DHR-1239) from the sending state, supervision and quarterly reports shall be provided by the County Department in triplicate to the Family Services Division, ICPC Office until finalization. Supervisory reports will be forwarded to the sending state through the Family Services Division, ICPC Office. **County Departments should not send correspondence directly to the sending state.**
8. If the adoption is finalized in Alabama, the County Department will send a copy of the Final Decree of Adoption in triplicate, to the Family Services Division, ICPC Office. The Family Services Division, ICPC Office, will forward copies of the Final Decree of Adoption to the sending state and request 100Bs (DHR-1239) to terminate service.

In the event the County Department receives information that the placement is contrary to the child's best interests, the County Department shall notify the Family Services Division, ICPC Office, immediately. It may be necessary for the County Department to seek removal of the child from the home and place the child in a foster home until arrangements can be made for the sending state to plan for the child. The County Department shall clear this with the Family Services Division, ICPC Office, before making any plans as to removal of the child from the adoptive home unless there is imminent danger.

If it comes to the attention of the County Department that a placement has occurred without the prior approval of the ICPC office, the Family Services Division, ICPC Office must be contacted.

**B. Children Placed Out Of State For The Purpose Of Adoption (State DHR Has Permanent Custody).**

When a child in the permanent custody of the State of Alabama is to be placed out of the state for the purpose of adoption, the following requirements must be met:

1. The Interstate Compact Request must contain the following information in triplicate (original and two copies):
  - a. a cover letter directed to the Alabama Interstate Compact Administrator;
  - b. a cover letter directed to the local receiving agency in the other state;
  - c. ICPC transmittal cover letter (DHR-DFC 1766);
  - d. the ICPC 100A (DHR-1238), Request to Place the Child in quadruplicate (original and three copies), and
  - e. the following case material, in triplicate,
    - (1) social and medical information on the child and birth family;
    - (2) birth certificates;
    - (3) medical reports/psychological evaluations/reports as appropriate,
    - (4) court termination of parental rights orders,
    - (5) Financial/Medical Plan (DHR-ICPC-2113), and
    - (6) A signed Statement of Case Manager/Potential Placement Party under Regulation 2 Form must be submitted with the referral. Refer to Forms and Instructions (DHR-ICPC-2250). This form is to address the following in reference to the proposed placement resource:

(a) s/he is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.

(b) the name and correct address of the placement resource, all available telephone numbers and other contact information for the potential placement resource, and the date of birth and social security number of all adults in the home.

(c) a detail of the number and type of rooms in the residence of the placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home.

2. When the above information is received in the Family Services Division, ICPC Office, the request will be processed to the Interstate Compact Administrator in the receiving state who will then forward the request to their local agency for completion.
3. Once the adoptive home study has been completed, the Compact Administrator in the receiving state will advise the Compact Administrator in Alabama of the approval or disapproval of the placement request by signing the 100A (DHR-1238). The Office of Adoption (non-foster parent adoptions) or County Department (foster parent adoptions) will be notified by the Family Services Division, ICPC Office. If approved the details of the actual placement will be worked out between the Office of Adoption or County Department and the local agency in the receiving state including the completion of the Adoptive Home Placement Agreement and Subsidy Agreements (if applicable).
4. The Office of Adoption or County Department must confirm the placement by providing 100Bs (DHR-1239) in triplicate to the Family Services Division, ICPC Office. Supervision and quarterly reports will be provided by the local agency in the receiving state to their ICPC Administrator. Reports will be sent to the Family Services Division, ICPC Office and then forwarded to the Office of Adoption. No correspondence shall be sent by the local agency in the other state directly to the County Department or Office of Adoption. All correspondence is to be routed through the Interstate Compact Office.
5. When a recommendation for finalization of the adoption is made by the local agency in the receiving state, the Office of Adoption or County Department must forward the Consent to Adopt if the adoption is to be finalized in the other state. When finalized, the other state must send a copy of the Final Decree through its

Interstate Compact Office for forwarding to Alabama ICPC. It will be routed to the County Department or the Office of Adoption. 100Bs (DHR-1239) are to be completed by the County Department or Office of Adoption.

6. If the adoption is finalized in Alabama, the Office of Adoption or County Department will send copies of the final decree along with 100Bs (DHR-1239) showing adoption finalization, in triplicate to the Family Services Division, ICPC Office. The Family Services Division, ICPC Office will forward copies of the final decree and 100Bs (DHR-1239) to the receiving state.

In the event, the receiving state provides information that the placement is contrary to the child's best interests prior to finalization, the Family Services Division, ICPC Office will notify the Office of Adoption or County Department immediately. The County Department must return the child to Alabama and make alternate plans for the child.

C. Regulation No. 12 Children Placed For Adoption Coming Into Alabama (Private/Independent Adoptions)

**1. Intent of Regulation No. 12:** The intent of this regulation is to provide guidance and ICPC requirements for the processing of private agency or independent adoptions. The ICPC process exists to ensure protection and services to children and families involved in executing adoptions across state lines and to ensure that the placement is in compliance with all applicable requirements. It is further the intent of Regulation No. 12 for the sending agency to comply with each and every requirement set forth in Article III of the ICPC that governs the placement of children therein.

**2. Application of Regulation No. 12:** This regulation applies to children being placed for private adoption or independent adoption whether being placed by a private agency or by an Independent Adoption Entity, as defined herein, or with the assistance of an Intermediary, as defined herein, and as in compliance with the other articles and regulations.

**3. Conditions for placement as stated in ICPC Article III:** Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(a) The name, date, and place of birth of the child.

(b) The identity and address or addresses of the parents or legal guardian. If the identity or address of a birth parent and/or legal parent is not provided, an explanation as to why it has not been provided shall be included to the extent that it is consistent with the laws of the applicable state.

(c) The name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child.

(d) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made. Compliance with this requirement may be met by submission of the documentation required under Section 6 below.

**4. Legal and financial responsibility during placement:** For placement of a child by a private agency for independent adoption, the private agency shall be:

(a) Legally responsible for the child, including return of the child to the sending state if the adoption does not occur during the period of placement.

(b) Financially responsible for the child absent a contractual agreement to the contrary or a statement by the prospective adoptive parent or parents that they will assume financial responsibility.

**5. Sending agency or party case documentation required with ICPC-100A private agency/independent adoption request:**

(a) For placement by a private agency or independent entity, the required content to accompany a request packet for approval shall include all of the following:

(1) ICPC-100A: Form requesting ICPC approval to make placement;

(2) Cover letter: A request for approval signed by the person requesting approval identifying the child, birth parent(s), the prospective adoptive parent(s), a statement as to how the match was made, name of the intermediary, if any, and the name of the supervising agency and address;

(3) Consent or relinquishment: signed by the parents in accordance with the law of the sending state, and, if requested by the receiving state, in accordance with the laws of the receiving state. If a parent is permitted and elects to follow the laws of a state other than his or her state of residence, then he or she should specifically waive, in writing, the laws of his or her state of residence and acknowledge that he or she has a right to sign a consent under the law of his or her state of residence. The packet shall contain a statement detailing how the rights of all parents shall be legally addressed;

(4) Certification by a licensed attorney or authorized agent of a private adoption agency or independent entity that the consent or relinquishment is in compliance with the applicable laws of the sending state, or where requested, the laws of the receiving state;

(5) Verification of compliance with Indian Child Welfare Act (25 U.S.C. 1901, et. seq.);

- (6) Legal risk acknowledgement signed by the prospective adoptive parents, if applicable in either the sending or receiving state;
- (7) Statement of authority: A copy of the current court order pursuant to which the sending agency has authority to place the child or, if the authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child and documentation that supervision is on-going;
- (8) Current case history for the child, including custodial and social history, chronology of court involvement, social dynamics, education information (if applicable), and a description of any special needs of the child. If an infant, at a minimum, a copy of the medical records of the birth and hospital discharge summary for the child, if the child has been discharged;
- (9) Foster home license: If the receiving state placement resource previously lived in the sending state and that state has required licensure, certification, or approval, a copy of the most recent license, certificate, or approval of the qualification of the placement resource(s) and/or their home showing the status of the placement resource as a qualified placement resource, if available. If the receiving state placement resource was previously licensed, certified, or approved as a foster or adoptive parent in the sending state and such license, certificate, or approval was involuntarily revoked, a statement of when such revocation occurred and the reasons for such revocation;
- (10) Adoptive home study or approval: A copy of the most recent adoption home study or approval of the prospective adoptive family must be provided, including, in accordance with the law of the receiving state, verification of compliance with federal and state background clearances, including FBI fingerprint and Child Abuse/Neglect clearances and Sex Offender Registry clearance, a copy of any court order approving the adoptive home (if entered), and a statement by the person or entity that the home is approved or a revised current home study update if the home study is more than 12 months old;
- (11) A copy of the Order of Appointment of Legal Guardian, if applicable;
- (12) Affidavit of Expenses, if applicable;
- (13) Copy of sending agency's license or certification, if applicable;
- (14) Biological parents' information—social history, medical history, ethnic background, reasons for adoption plan, and circumstances of proposed placement. If the child was previously adopted, the adoptive parents shall provide the information set forth in this section for the biological parents, if available;

(15) A written statement from the person or entity that will be providing post-placement supervision (may be included in adoption home study) acknowledging the obligation to provide post-placement supervision; and

(16) Authority for the prospective adoptive parents to provide medical care, if applicable.

(b) If a home study is completed by a licensed private agency in the receiving state, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state unless the adoption is finalized in the sending state.

**6. Authorization to travel:** Additional documents may be requested

(a) Except as set forth herein, the child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child. Art. III(d).

(b) The sending and receiving state ICPC office may request additional information or documents prior to finalization of an approved placement. Travel by the prospective adoptive parents into the receiving state with the child shall not occur until the required content of the request packet for approval has been submitted, received and reviewed by the sending and receiving ICPC offices and approval to travel has been given, provided, however, a receiving state may, at its sole discretion, approve travel while awaiting provision of additional documentation requested.

**7. Approval by the receiving state ICPC office:** A provisional or final approval for placement must be obtained in writing from the receiving state ICPC office in accordance with the Interstate Compact on the Placement of Children. A signed Form 100A must be provided by the receiving state if the writing was in any other form. In any event, approval or denial must be given within three (3) business days of the receipt of the completed packet by the receiving state Compact Administrator.

8. Upon placement of a child by the sending agency following approval by the receiving state Compact Administrator, the sending agency shall, within five (5) business days of placement of the child, submit a completed 100B form confirming placement to the sending state Compact Administrator. Upon finalization of the adoption, if the sending agency is a private adoption agency, the private adoption agency shall provide to the sending state Compact Administrator a copy of the final judgment of adoption together with a 100B form for closure, which shall then be sent to the receiving state Compact Administrator within thirty (30) business days of entry of judgment. Upon finalization of an independent adoption, the sending agency or entity shall provide a copy of the final judgment of adoption together with a 100B form for closure within thirty (30)

business days of entry of judgment to the sending state Compact Administrator who shall then send it to the receiving state Compact Administrator.

**9. Notification if child placed in violation of Article III:** A child placed into the receiving state prior to a decision for placement constitutes a violation of Article III and the laws respecting the placement of children of both states; subject to liability cited in Article IV. Penalty for Illegal Placement. All parties to the placement arrangements, including prospective resource parents, the sending agency, private licensed child-placing agency or legal counsel are responsible for notifying the appropriate ICPC authorities in both states of the circumstances and to coordinate action to provide for the safety and well-being of the child pending further action. If a child has been placed in the receiving state in violation of Article III, a Form 100B indicating the date the child was placed in the prospective adoptive home, together with items listed in Section 6 above, shall then be filed with the sending state Compact Administrator who shall forward them to the receiving state's Compact Administrator. If all required documents are provided, the sending state and the receiving state shall give due and appropriate consideration to placement as permitted under the sending and receiving state laws.

D. Children Brought Into The State of Alabama For The Purpose of Adoption (Private/Independent Adoptions)

When a child is to be brought into the state of Alabama for the purpose of adoption, the following basic requirements must be met:

1. The sending state must prepare ICPC Form – 100A (DHR-1238), Request to Place Child in quadruplicate and send it to the Family Services Division, ICPC Office.
2. The sending agency shall send in triplicate, case material on the child to be placed to the Alabama Compact Administrator. Information must include social and medical information about the birth family. A representative of a licensed child-placing agency or Private Independent Practitioner (PIP), licensed by the Alabama Board of Social Work Examiners, shall interview the birth parents of the child. Birth verification, hospital records (admission, labor, delivery, discharge,) if newborn and a current medical report (if applicable) shall be included for the child. An adoptive home study completed by a licensed child placing agency or Private Independent Practitioner (PIP) is also required.
3. Court documents must be included. The sending state shall send termination of parental rights court orders or copies of consents to the adoption in instances where there was no termination of parental rights.
4. A complete home study will include ABI and FBI letters of suitability, Central Registry clearances (on all household members age 14 and older), medicals, adoption application and financial forms. The Central Registry clearances and medicals must be updated annually until the adoption is final. ABI and FBI letters of suitability must be updated annually until the adoption is final. Additional information may be required. This information may include but is not limited to, Legal Risk Affidavits and Native American Indian Affidavits.

Sometimes the County Department receives inquiries from birth parents or their attorney requesting assistance in placing their child in an independent adoption with a couple in another state. The County Department should refer the birth parents to a licensed child placing agency or an attorney.

**If the County Department is ordered by the court to complete an independent adoptive home study, the adoption home study shall be completed according to agency guidelines (refer to *Adoption Policies and Procedures*).**

5. The Family Services Division, ICPC Office, will review the request for approval of the placement, and the ICPC Office will inform the Compact Administrator in the sending state whether the placement is approved or disapproved.

**Note: The Department will be unable to process a request when the child has been placed outside of Interstate Compact law for a year or more.**

6. Reports of post placement supervisory visits will be forwarded to Family Services Division, Office of Adoption, in accordance with the previously agreed upon plan.
7. When the adoption is finalized in Alabama, the supervising agency will send a copy of the Final Decree of Adoption in triplicate to Family Services Division, ICPC Office. The ICPC Office will forward copies of the Final Decree of Adoption to the sending state and request a 100B (DHR-1239) to terminate service. If the adoption disrupts prior to the issuance of the Final Decree of Adoption, the child shall be returned to the sending state.

In working with adoptive couples and their attorneys where an independent adoption has occurred, child welfare staff must refer the attorneys and adoptive couples to the Code of Alabama 1975, § 38-7-15, which provides that no person or agency shall bring or send any child into the State of Alabama for the purpose of placing him or procuring his adoption without first obtaining the consent of the Department.

E. Children Sent Out Of The State Of Alabama For The Purpose Of Adoption  
(Private/Independent Adoptions)

The sending agency or person is responsible for submitting the packet requesting placement of the child in another state, to the Family Services Division, ICPC Office. When the birth parent relinquishes a child to a licensed child-placing agency, the agency then assumes planning responsibility. The following requirements must be met.

1. The Interstate Compact Request must be sent to the Family Services Division, ICPC Office and must contain the following information:
  - a. a cover letter in triplicate (original and two copies) directed to The Alabama Interstate Compact Administrator;

- b. ICPC Form 100A (DHR-1238), Request to Place Child in quadruplicate (original and three copies), and
  - c. the following case material, in triplicate,
    - (1) social and medical information on the child and birth family;
    - (2) birth certificates or hospital records (admission, labor, delivery, discharge) if the child is a newborn;
    - (3) medical reports/psychological evaluations/reports as appropriate, and
    - (4) consents to adoption or relinquishments.
2. Three (3) copies of an adoption home study on the prospective adoptive parent(s) shall be included in the packet. The home study must meet the legal requirements of the State where the adoption will be finalized. Due to variations in State laws, in some instances contact will need to be made with the Compact Administrator to determine where the adoption can be legally finalized.
  3. When the above information is received in the Family Services Division, ICPC Office, the request will be processed and sent to the Interstate Compact Administrator in the receiving State, who will make a determination regarding the approval or disapproval of the placement.
  4. If approval for placement is received, placement shall be confirmed by the sending agency or person. The ICPC Form 100B (DHR-1239) must be forwarded in triplicate.
  5. Supervisory reports will be provided by the receiving State through ICPC as specified on the 100A (DHR-1238) or until the adoption is finalized.
  6. When the adoption is finalized, the sending agency or person will send copies of the Final Decree along with ICPC Form 100Bs (DHR-1239), in triplicate to the Family Services Division, ICPC Office. The Family Services Division, ICPC Office will forward copies of the Final Decree and 100Bs (DHR-1239) to the receiving state.

If the placement disrupts before finalization the sending agency or person is responsible for returning the child to the sending State (Alabama).

#### F. Children Moving With Adoptive Parents Between States

1. After the placement of a child in an adoptive home in Alabama, and before the adoption is finalized, the adoptive parents may move to another state. As soon as the Office of Adoption or County Department learns of an anticipated move, a Request to Place Child, ICPC Form 100A (DHR-1238), must be completed and forwarded to the Family Services Division, ICPC Office. Summary information shall be prepared on the child and the family and must be submitted in quadruplicate.

Information shall include the address, telephone number, and other identifying information so that the receiving agency can contact the family and determine if the placement can be approved. The complete ICPC packet including the approved adoptive home study must be forwarded to the receiving state through ICPC prior to the family's moving from Alabama.

2. If a child receiving state adoption subsidy or Federal Adoption Assistance from the Department moves to another state, the child will continue to receive the subsidy payments from Alabama as long as he or she is eligible. If a needed service(s) specified in the agreement is not available in the new state of residence, the state making the original adoption assistance payment remains financially responsible for providing the specified service(s).
3. For Medicaid accompanying Federal Adoption Assistance or state Adoption subsidy, the agency or County Department must contact Family Services Division, Adoption Intake for assistance to assure that the child receives Medicaid in the new state of residence as well as any services specified in the adoption subsidy agreement.

The Family Services Division, Office of Adoption is responsible for initiating and processing all forms required by the Interstate Compact on Adoption and Medical Assistance (ICAMA) to authorize Medicaid in the state of residence. To prevent a disruption of coverage, the county worker shall notify the Family Services Division, Office of Adoption, with the following information prior to the move:

- a. Name(s) of the adoptive parent(s);
  - b. The current address of the family;
  - c. Name(s), DOB(s), SSN(s), race, and gender of the children involved;
  - d. Source of other medical coverage (SSI, SSA, Champus, or Private Insurance);
  - e. Type of subsidy (State with Medicaid or Medicaid IV-E);
  - f. Whether or not the child has other third party medical coverage through any program, organization or person;  
and
  - g. When the move will occur.
4. For adopted children from other states who are IV-E eligible and for those adopted children receiving state subsidies from ICAMA member states moving into Alabama, the adoption assistance state must furnish documentation on the child's eligibility and the information listed above to Family Services Division, Office of Adoption. SDHR'S Office of Adoption will request the Alabama Medicaid Agency certify the children for Alabama Medicaid.

### **XIII. Glossary**

Definitions: The purpose of this section is to provide clarification of commonly used terms in ICPC. Some of these words and definitions can also be found in the Interstate Compact on the Placement of Children, ICPC Regulations, Interstate Compact on Juveniles, and federal statutes and regulations.

- (1) Adjudicated delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
- (2) Adjudicated status offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult.
- (3) Adoption: is the method provided by state law that establishes the legal relationship of parent and child between persons who are not so related by birth or some other legal determination, with the same mutual rights and obligations that exist between children and their birth parents. This relationship can only be termed —adoption after the legal process for adoption finalization is complete.
- (4) Adoption Facilitator: is an individual that is not licensed or approved by a state as an adoption agency, child-placing agency, or attorney, and who is engaged in the matching of birth parents with adoptive parents.
- (5) Adoption Home Study: is a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a potential adoptive parent.
- (6) Independent Adoption: is an adoption arranged by a birth parent or other person or entity as designated, defined, and authorized by the laws of the applicable state or states, to take custody of and to place children for adoption.
- (7) Independent Adoption Entity: is any individual or entity authorized by the law of the applicable state or states to take custody of and to place children for adoption and to place children for adoption other than a state, county, or licensed private agency.
- (8) Intermediary: is any person or entity who is not an Independent Adoption Entity as defined above, but who acts for or between any parent and any prospective parent, or acts on behalf of either, in connection with the placement of the parent's child born in one state, for adoption by a prospective parent in a different state.
- (9) Legal Risk Medical Statement: is an acknowledgment by the prospective adoptive parents that known physical, emotional, or other relevant history of the child has been disclosed.
- (10) Legal Risk Placement: means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the

sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

(11) Private Agency: is a licensed or state approved agency whether domestic or international that has been given legal authority to place a child for adoption.

(12) Private Agency Adoption: is an adoption arranged by a licensed or approved agency whether domestic or international that has been given legal custody or responsibility for the child including the right to place the child for adoption.

(13) Age of majority: the legally defined age at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. The age of majority is defined by state laws, which vary by state and is used in Article V, "...reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state" (see definition below of "child" as it appears in Article II).

(14) Approved placement: the receiving state Compact Administrator has determined that "the proposed placement does not appear to be contrary to the interests of the child."

(15) Boarding home: as used in Article II (d) of the ICPC, means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient (has same meaning as family free).

(16) Case history: an organized record concerning an individual, their family and environment that includes social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement.

(17) Central Compact office: the office that receives ICPC placement referrals from sending states and sends ICPC placement referrals to receiving states. In states that have one central Compact office that services the entire state, the term "central Compact office" has the same meaning as "central state Compact office" as described in Regulation No. 5 of the ICPC. In states in which ICPC placement referrals are sent directly to receiving states and received directly from sending states by more than one county or other regional area within the state, the "central Compact office" is the office within each separate county or other region that sends and receives ICPC placement referrals.

(18) Certification: to attest, declare or swear to before a judge or notary public.

(19) Child: a person, who by reason of minority, is legally subject to parental guardianship or similar control.

(20) Child welfare caseworker: a person assigned to manage the cases of dependency children who are in the custody of a public child welfare agency and may include private contract providers of the responsible state agency.

(21) Concurrence to discharge: is when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.

(22) Concurrence: is when the receiving and sending Compact Administrator agree to a specific action pursuant to ICPC, i.e., decision as to providers.

(23) Conditions for placement: as established by Article III apply to any placement as defined in Article II(d) and regulations adopted by action of the Association of Administrators of the Interstate Compact on the Placement of Children.

(24) Courtesy: consent or agreement between states to provide a service that is not required by ICPC.

(25) Courtesy check: Process that does not involve the ICPC, used by a sending court to check the home of a parent from whom the child was not removed.

(26) Court jurisdiction only cases: The sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise and/or remove and place the child for whom the court has not taken guardianship or legal custody.

(27) Emancipation: the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child placing agency, by operation of law or court order.

(28) Emergency placement: a temporary placement of 30 days or less in duration.

(29) Family free: as used in Article II (d) of the ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient (has same meaning as boarding home).

(30) Family unit: a group of individuals living in one household.

(31) Foster care: 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.

(32) Foster parent: a person, including a relative or non-relative, licensed to provide a home for orphaned, abused, neglected, delinquent or disabled children, usually with the approval of the government or a social service agency.

(33) Guardian: a public or private agency, organization or institution that holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of a child for which a parent would have authority and responsibility for doing so by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning that the guardian has a professional obligation to carry out.

(34) 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.

(a) Adoption home study: a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).

(b) Foster home study: a home study conducted for the purpose of placing a child with a placement resource who is required to be licensed or approved in accordance with federal and/or receiving state law.

(c) Interstate home study (see Federal Safe and Timely Act): 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 [see foster care definition(s)].

(d) Parent home study: applies to the home study conducted by the receiving state to determine whether a parent placement meets the standards as set forth by the requirements of the receiving state.

(e) Relative home study: a home study conducted for the purpose of placing a child with a relative. Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the receiving state.

(f) Non-relative home study: a home study conducted for the purpose of placing a child with a non-relative of the child will require a foster home study.

(g) Safe and Timely Interstate Home Study Report: an interstate home study report completed by a state if the state provides to the 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.

(35) ICPC: The Interstate Compact on the Placement of Children is a Compact between states and parties pursuant to law, to ensure protection and services to children who are placed across state lines.

(36) Independent adoption entity: any individual authorized in the sending state to place children for adoption other than a state, county or licensed private agency. This could include courts, private attorneys and birth parents.

(37) Intrastate: existing or occurring within a state

(38) Interstate: involving, connecting or existing between two or more states.

(39) Interstate home study: (see definition under Home studies).

(40) Jurisdiction: the established authority of a court to determine all matters in relation to the custody, supervision, care and disposition of a child.

(41) Legal custody: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.

(42) Legal guardianship): a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term legal guardian means the caretaker in such a relationship.

(43) Legal risk placement (legal risk adoption): a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

(44) Member state: a state that has enacted this Compact.

(45) Non-agency guardian: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian.

(46) Non-custodial parent: a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or physical custody of a child.

(47) Non-offending parent: the parent who is not the subject of allegations or findings of child abuse or neglect.

(48) Non-relative: a person not connected to the child by blood, marriage or adoption, or otherwise defined by the sending or receiving state.

(49) Parent: a biological, adoptive parent or legal guardian as determined by applicable state law and is responsible for the care, custody and control of a child or upon whom there is legal duty for such care.

(50) Physical custody: Person or entity with whom the child is placed on a day-to-day basis.

(51) Placement (see ICPC Article II (d) "Definitions"): the arrangement for the care of a child in a family free, in a 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.

(52) Placement resource: the person(s) or facility with whom the child has been or may be placed by a parent or legal custodian; or, placed by the court of jurisdiction in the sending state; or, for whom placement is sought in the receiving state.

(53) Public child-placing agency: any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes or is involved in the placement of a child from one state to another.

(54) Receiving state (see ICPC Article II (c) "Definitions"): 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 state or local public authorities or for placement with private agencies or persons.

(55) Relative: ICPC compact defines a relative as: a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian.

(56) Relocation: the movement of a child or family from one state to another.

(57) Residential facility or residential treatment center or group home: a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. For purposes of the Compact, residential facilities do not include institutions primarily educational in character, hospitals or other medical facilities (as used in Regulation 4, they are defined by the receiving state).

(58) Return: the bringing or sending back of a child to the state from which they came.

(59) Sending agency: (see ICPC Article II (b) "Definitions"): a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party 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 party state.

(60) Sending state: the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits or enables the child to be sent to another state.

(61) Service (case) plan: a comprehensive individualized program of action for a child and his/her family establishing specific goals and objectives and deadlines for meeting these goals and objectives.

(62) State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

(63) State court: a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18) or as otherwise defined by state law.

(64) Stepparent: a man or woman married to a parent of a child at the time of the intended placement or as otherwise defined by the sending and/or receiving state laws, rules and/or regulations.

(65) Supervision: monitoring of the child and the child's living situation by the receiving state after a child has been placed in a receiving state pursuant to a provisional approval or an approved placement under Article III(d) of the ICPC or pursuant to a child's relocation to a receiving state in accordance with Regulation No. 1 of the ICPC.

(66) Supervision report: provided by the supervising case worker in the receiving state; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.