

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

STATUTORY AUTHORITY

ACA 9-29-201 through 208.

ICPC applies to placement of children across state lines when the child is in the custody of DHHS or when the court has an open case on the child

No child shall be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state notify the sending state, in writing, that the proposed placement does not appear to be contrary to the interests of the child. Article III.

After DHHS removes a juvenile or the court grants custody of a juvenile to DHHS, the juvenile shall be placed in a licensed or approved foster home, shelter or facility. For juveniles placed out of state, the placement shall be approved pursuant to ICPC. ACA 9-27-355(b)(1).

Definitions

- Sending agency means DHHS, the court, or it can be a parent, guardian or custodian.
- Placement means arranging for the care of the child in the home of his parent, other relative, guardian or other person or agency.
- Foster Care means care of a child on a 24 hour a day basis away from the home of the child's parent(s). Said care may be by a relative, non-relative individual, group home, residential facility or other entity. Foster care also includes care provided by the child's parents if the court orders the child into the custody of the parent or placement with the parent.
- Priority Placement (Reg. 7) means any of the following:
 - When a child is under the age of 2;
 - The child is in an emergency shelter; or
 - The court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.

Prior to Placement

- DHHS must complete a 100-A form and submit all required documentation to the Arkansas ICPC office to properly initiate a home study

request through ICPC.

- The documentation to initiate a home study request must include a statement on how the child's needs will be met while the child is in the out of state placement, such as paying for counseling or medication for the child. If the plan is for DHHS to be financially responsible for the child while in the out of state placement then the child must remain in DHHS custody for the child to retain Medicaid. Receiving states get upset and can reject home study requests when the financial plan is for the relative in the receiving state to apply for the equivalent of ARKids or Medicaid to meet the child's needs in the receiving state.
- DHHS must specify the type of home study requested on the 100-A form:
 - Relative
 - Foster Care
 - Adoption
- A home study on a parent is a "parent" home study.
- A relative home study can be requested only before parental rights are terminated. After termination of parental rights, all home study requests must be either foster care or adoption even if the child is being placed with a biological family member.
- Foster care and adoption home studies require the requested placement to meet all of the foster care or adoption requirements in the receiving state, such as foster parent/adoptive parent training.
- A court order is NOT needed to initiate a home study request through ICPC.
- A court order is needed if the request is for a priority placement based on the child spending a substantial amount of time in the home of the proposed placement recipient.
- No child can be placed in the receiving state pending receipt of the requested home study.
- A child can visit in a receiving state less than 30 days, however if a receiving state learns that a child is in the receiving state any priority placement request will automatically be rejected and converted to a regular ICPC

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request.

- If the receiving state denies the home study, the sending state juvenile division judge shall review the home study and make specific written findings of fact regarding the concerns outlined in the home study. If the court finds that the health and safety concerns cannot be addressed or cured by services, the court will not make the placement.

Placement

- Upon receipt of the approved home study, DHHS must determine whether or not the placement will be made. If the placement will be made, DHHS must complete a 100-B form and submit it to the Arkansas ICPC office. The 100-B form alerts the receiving state that the child has been placed and that quarterly reports are requested.
- An approved home study from the receiving state is good for six months. After six months if placement is not made, a new home study request must be submitted.
- If the home study was approved on a parent, the court order can reflect either custody to the parent or custody can remain with DHHS with a trial placement with the parent.
- If the child is not placed with a parent, then DHHS should retain custody of the child while the child is placed out of state, otherwise DHHS has no payment mechanism for medical care for the child in the receiving state. The court order will state that the child remains in DHHS custody but it can also reflect the name of person(s) with whom the child is placed for purposes of enrolling the child in school, etc.
- If DHHS requested a foster care home study, DHHS must retain custody of the child. If the court places custody with the placement person the receiving state will reject the request for quarterly reports and deny the sending state request for placement in the receiving state.
- Once placement is made, quarterly reports should be submitted from the receiving state to the sending state. If reports are not timely received, DHHS can request assistance via email from the Arkansas ICPC office.

- Arkansas must retain jurisdiction of the case until the receiving state gives permission to close the case.

Helpful ICPC Hints

- Don't wait until the day before court to ask for an update on an ICPC case from the Arkansas ICPC office.
- Don't blame the Arkansas ICPC office for delays. They keep really good records and when they are subpoenaed to court to explain delays, almost always the delay is attributable to the local DHHS staff's failure to timely submit documentation to the Arkansas ICPC office or failure to submit all required documentation to the Arkansas ICPC office.
- Adoptions can occur in Arkansas even when the child is placed out of state through ICPC. The Arkansas judge retains jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed out of state via ICPC. ACA 9-9-205(a)(3).
- Obtaining an approved home study directly from the other state without going through the Arkansas ICPC office doesn't count as an approved home study. The home study must go through the receiving state's ICPC office and then Arkansas' ICPC office before it comes to the local Arkansas office as approved.
- ICPC doesn't apply when a parent, stepparent, grandparent, adult sibling, adult uncle or aunt or guardian leave a child with any such relative or non-agency guardian in the receiving state UNLESS the court in Arkansas has jurisdiction of the case
- If a juvenile in a dependency-neglect or FINS case also has been adjudicated a delinquent, then the Interstate Compact on Juveniles (ICJ) may also apply. If the juvenile remains under the court's jurisdiction on the delinquency case or if the juvenile is on probation, then ICJ does apply and requests may need to be made through both ICPC and ICJ.