

II. LEGAL BASIS

North Carolina is a member of the Interstate Compact on Placement of Children (G.S. § 7B-3800: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html) which provides a framework within which member states can plan cooperatively for interstate placements to ensure that children will receive appropriate care and supervision. The Interstate Placement Statute that requires the consent of the Department of Health and Human Services prior to placement of children into or out of North Carolina also governs the interstate placement of children. North Carolina's [Administrative Procedure Act Rules Regarding Interstate Services can be found here: http://ncrules.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20c/subchapter%20c%20rules.html](#).

Pursuant to G.S. § 7B-3806 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3806.html), the governor has designated the Director, Division of Social Services as Administrator of the Interstate Compact on Placement of Children. The Director, Division of Social Services has designated the supervisor of the Interstate and Regulatory Administration Team as Deputy Administrator to carry out the provisions of this law.

The Interstate Compact on the Placement of Children (ICPC) applies to the sending from or bringing into NC of any child under any type of legal jurisdiction relating to:

- Placement of a child as preliminary to possible adoption, including relative adoption.
- Placement of a child into foster care.
- Placement of a child with parents after removal by the court or a voluntary placement.
- Placement of a child in agency custody with relatives.
- [All Group Homes/residential placements, including adjudicated delinquents in institutions.](#)

When there is a conflict, the ICPC takes precedence over statutory law in individual states.

The ICPC does not apply to:

The sending from or bringing into North Carolina of a child not under any type of legal jurisdiction by one of the relatives listed below [and leaving the child with a parent, relative or non-agency guardian as long as they have full legal right to](#)

plan for the child prior to the placement and this right has not been voluntarily terminated or diminished by an order of the court.

- Parent
- Step-parent
- Grandparent
- Adult brother or sister
- Adult aunt or uncle
- Non-agency Guardian

Any child placed in a facility for the sole purpose of education.

Any child placed in a medical facility for the sole purpose of acute medical care.

Any child placed pursuant to any other interstate compact (i.e. Interstate Compact on Juveniles, Interstate Compact on Mental Health).

Any child placed in the legal custody of a parent as a result of a court order in a divorce, paternity or probate proceeding.

Any child placed with a non-offending parent when both of the following are true:

- the court has no evidence that the parent is unfit and seeks no evidence they are unfit
- the court relinquishes jurisdiction over the child immediately upon placement.

An ICPC home evaluation can be requested, but is not required, when the court makes a parent placement and requests an independent courtesy check.