

V. REQUESTS FOR SERVICES IN OTHER STATES

A. TYPES OF PLACEMENTS

1. Relocation of a Child placed in North Carolina who moves with the Family Unit.

When an agency is supervising the placement (foster parents, family or relatives) of a child who is placed in North Carolina and the child and family relocate to another state for a period in excess of 90 days or if the temporary relocation will reoccur, an application for ICPC approval must be submitted to the State Compact office. For a temporary relocation of 90 days or fewer, the agency has a choice of whether or not to do an ICPC request. Supervision requirements through the Social Security ACT 422 USC 622 (http://www.ssa.gov/OP_Home/ssact/title04/0422.htm) regarding safety remain in effect for NC children during visits to other states.

Upon the decision of the family unit to move, make a visit of more than 90 days or a recurring visit to another state, the appropriate documentation shall be submitted to the State Compact office. The State Compact office will process the paperwork within 5 business days and shall request a response from the receiving state within 5 days of the receipt of the request.

Provisional Decision Should the child and family unit already be in the state, the local agency must request a provisional decision within 5 business days of receipt of the ICPC100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>), ICPC100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) and complete ICPC packet. (See Section IV)

The completed Interstate Placement Packet is required to initiate an ICPC request. An initial home evaluation report assessing continued safety and well being of the placement for the child will be returned within 60 days of receiving the request. Final approval by the Receiving State shall be made as soon as practical, but no later than 180 days from receipt of the initial home evaluation request. Should an unfavorable decision be made, the local agency will arrange the return of the child or make an alternative placement.

2. Placements for Public Adoption or Licensed Foster Care in Family Settings and/or Parents or other Relatives Out of North Carolina.

- a. When children under the jurisdiction of the court for abuse, neglect, or dependency are considered for a placement in another state for the purposes of adoption, foster care, relative or parent, the agency must send a completed ICPC packet to the State compact office prior to the child going to the placement. This applies to the following situations:
 1. Children not yet placed with a potential placement resource.
 2. Change of status for children already placed with ICPC approval.
- b. Children already placed without ICPC approval: When a child has been placed without ICPC approval it is considered a violation of the ICPC and the Receiving State bears no obligation to supervise or proceed with a home evaluation.
- c. Exceptions to this requirement are as follows:
 1. A placement with a parent from whom the child was not removed when the court has no evidence the parent is unfit and seeks no evidence. For this exception to apply, the court must relinquish jurisdiction over the case immediately upon placement with the parent and therefore is no responsibility for supervision of the placement.
 2. The North Carolina Court makes a placement with a parent from whom the child was not removed and requests an independent courtesy check. The quality of this check will rest with both parties involved in the courtesy check.
- d. An expedited home evaluation request can be initiated when a child has not yet been placed in the home. See Expedited Placement Decision requirements (Section IX).
- e. A complete ICPC packet along with a Signed Statement of Interest (DSS-1840: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1840-ia.pdf>) from the assigned DSS case manager must be submitted to be considered.
- f. A final approval or denial must be provided as soon as practical, but no later than 180 days and must be in the form of a signed ICPC-100A. ICPC provides for a 6 month window to accommodate licensure or other receiving state requirements. Although the Receiving State has authority

to approve or deny the placement resource, North Carolina retains final authority to determine whether to use the approved placement resource. The approval expires 6 months from the date the ICPC-100A is signed.

- g. North Carolina may request in writing a reconsideration of a denial of the placement resource within 90 days of the date an ICPC-100A denying placement is signed by the Receiving State. This request may or may not include a new home evaluation. To request reconsideration without a new home evaluation, the local Department of Social Services must request a review of the evidence presented or offer new evidence addressing the reasons for denial. A new home study may be requested if there is reason to believe the reasons for denial have been remedied. Once a request for reconsideration is made, the Receiving State has 60 days from the formal request to make a decision. Should the decision be overturned, a new ICPC-100A must be signed reflecting the new decision and sent to North Carolina.
- h. Should a denial of the placement be made and a child already be residing in the Receiving State, DSS must arrange for the return of the child as soon as possible or propose an alternative placement in the Receiving State. The alternative placement resource must be approved by the Receiving State before placement is made. The return of the child shall occur within 5 working days from the date of the notice for removal unless otherwise agreed upon by the NC DSS and the Receiving State. A request to remove a child may be withdrawn by a state, if NC DSS can arrange services which resolve the reason for the request to remove.

3. Placements in Residential Facilities Out of North Carolina.

Pursuant to G.S. § 7B-3800 Article VI:

(http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html), when an agency, court or any person in North Carolina proposes to place a child into a group home, child caring institution, residential child care facility, foster care camp, maternity home or residential treatment facility in another state, the provisions of the Compact apply. The Compact also applies if an adjudicated delinquent is court ordered into out of state confinement.

The Compact does not apply if the facility is primarily an educational institution, a hospital or institution for a child with a mental illness or mental retardation. A residential institution may

be exempt with respect to some children and not exempt with respect to others. The primary factor is the purpose of the placement. If the placement constitutes foster care (with or without fee), the Compact applies.

It is recommended that social workers request consultation from the Interstate Services Consultants in determining whether the Compact applies in such cases.

When an agency, court or any person proposes to place a child in a residential child-care facility outside North Carolina, the following procedures need to be undertaken by the social worker:

- a. For children in the custody or placement responsibility of a county department of social services:
 1. Determine that the facility is 1) licensed and 2) in compliance with the Civil Rights Act of 1964, Rehabilitation Act of 1973, and the American Disabilities Act of 1990, when the child is in the custody or placement responsibility of a county department of social services.
 2. Make an application for services and preadmission determination that the facility can meet the needs of the child.
 3. When the application process is completed and an admission decision has been made, complete and submit an **Interstate Placement Packet** to the Interstate Services unit that includes the following information/materials:
 - a. **Cover letter** giving the reason the out-of-state placement is in the best interest of the child.
 - b. **Social Assessment** on the child and biological family. The social summary should be current –(within 6 months).
 - c. **ICPC-100A (DSS-1837:**
<http://info.dhhs.state.nc.us/olm/forms/dss/ds-1837-ia.pdf>)
 - d. Legal Documents Copy of current court order verifying that the child is in the legal

- custody of a department of social services or is under the jurisdiction of the court.
- e. Psychological Evaluation (if available)
 - f. Letter of Acceptance
- b. For private placements (children not in the custody or placement responsibility of a county department of social services) and a court or person is the sending agency:
- 1. Determine that the facility is licensed.
 - 2. Make an application for services and preadmission determination that the facility can meet the needs of the child.
 - 3. When the application process is completed and an admission decision has been made, complete and submit an *Interstate Placement Packet* to the Interstate Services unit that includes the following information/materials:
 - a. **Cover letter** giving the reason the out-of-state placement is in the best interest of the child.
 - b. **ICPC-100A (DSS-1837:**
<http://info.dhhs.state.nc.us/olm/forms/dss/ds-s-1837-ia.pdf>)
 - c. Letter of Acceptance
 - d. Psychological Evaluation or Mental Health Treatment Plan
 - e. Legal Documents
 - 1. Custody order **or** notarized letter of parentage
 - 2. Court order for juveniles that have been adjudicated delinquent to comply with G.S. § 7B-3800 Article VI:
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySession/Chapter_7B/GS_7B-3800.html).

4. Placements For Adoption Out Of North Carolina

When consideration is being given to placing a child with a family in another state for the purpose of adoption, an interstate request for a preplacement assessment must be submitted to the Interstate Services unit. When adoptive parents transfer to another state before the completion of the Decree of Adoption, supervisory services must be requested using the ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>). A Complete interstate request packet as listed on the ICPC Checklist (DSS-5255: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5255-ia.pdf>) must be sent to the State Compact office. In addition to the general packet, the following must be included:

- (a) **Legal clearance documents.**
- (b) **Adoption Profile (Or other information relevant to adoptive placement).**
- (c) **Adoption assistance eligibility.**

Refer to Chapter VI, Section 1303 (http://info.dhhs.state.nc.us/olm/manuals/dss/csm-50/man/CSs1303.htm#P18_224) of the Children's Services manual for additional information on adoption laws, policies, practice and procedures.

Provisional Placement Decisions

- a. In any instance where a child is intended to relocate (more than 90 days) to another state with an existing placement resource or has already relocated, the agency must request Provisional Approval from the Receiving State.
- b. Provisional Approval may be requested when an Expedited Request has been properly submitted.
- c. Immediately upon making a decision to obtain a Provisional Approval, an ICPC-100A and complete application packet must be processed by NC Interstate Services and transmitted to the Receiving State. A request for a response with in 5 business days will be made of the Receiving State.
- d. If the request relates to an existing placement, the following must be included with the ICPC packet:

1. An ICPC-100 B if the child is already in the Receiving State.
 2. A copy of the most recent licensure or approval (if available).
 3. A copy of the most recent home evaluation of the placement resource and any updates, copies of progress reports on the family unit for the last 6 months and the most recent judicial review court report.
- e. Should the request be for an expedited placement decision, the Order of Compliance (DSS-1839: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1839-ia.pdf>) must request a provisional decision.

B. STATE AND COUNTY RESPONSIBILITIES REGARDING REQUESTS FOR OUT-OF-STATE PLACEMENTS

1. Upon receipt of a request for an out-of-state placement, Interstate Services staff review, evaluate and assess the interstate packet for thoroughness, completeness and compliance with Interstate laws. Based on the Interstate Services staff's review, additional information may be requested.
2. The interstate packet is then forwarded to the Compact Administrator in the Receiving State.
3. The Interstate Services staff in the Receiving State reviews, evaluates, and assesses the request for thoroughness, completeness and compliance and forwards the request to the local agency.
4. The receiving agency completes the home evaluation, foster home study or adoptive study and sends the study in triplicate with a recommendation regarding placement to the Receiving State's Interstate Services office.
5. The Receiving State's Interstate Services staff receives and reviews the evaluation and recommendation, decides whether to approve or deny the placement and signs the ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>).
6. The home evaluation and ICPC-100A (DSS-1837) are sent to the North Carolina Interstate Services Unit.

Change # 11-2012 Interstate/Intercountry Services to Children February 1, 2013

7. The North Carolina Interstate Services staff reviews the evaluation and forwards it to the county Department of Social Services or person who originated the request.
8. If a placement has been approved by the Receiving State and the placing agency decides to proceed with the placement, it may be necessary for the agency to file a motion for review, requesting the approval of the court if a prior order does not give authority to proceed with placement of the child under the provisions of the ICPC.
9. The county Department of Social Services completes the planning process for placement of the child out of state by notifying and consulting with the placement resource and the receiving agency.
10. Following the placement of the child, the county Department of Social Services completes ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) indicating the date of placement and sends it to the Interstate Services unit for forwarding to the Receiving State. The ICPC-100B (DSS-1838) notifies the Receiving State that the child has been placed and that supervision needs to begin as soon as possible.
11. If the decision is made that a child will not be placed in the other state, the county Department of Social Services must send an ICPC-100B to the Interstate Services office indicating that the resource will not be used and requesting case closure.
12. If the placement is denied, an ICPC-100B is not required. The denied ICPC-100A is sufficient documentation to close the case. The Receiving State has the authority to approve or deny the placement. The Sending agency has the authority to determine whether or not to utilize the placement. The approval expires 6 months from the date the ICPC-100A is signed by the Receiving State.
13. A reconsideration of a denial from a Receiving State may be requested within 90 days from the date that the 100A denying placement is signed by the Receiving State. This request may be with or without a new home evaluation.
14. Requests for reconsideration without a new home evaluation should present new information with the request.
15. Requests for reconsideration with a new home evaluation should be utilized when an agency is asking the Receiving

State to re-examine the original reasons for denial due to a change in the circumstances which led to the denial.

C. NORTH CAROLINA'S RESPONSIBILITIES FOLLOWING AN OUT-OF-STATE PLACEMENT

1. North Carolina As Sending State

Throughout the child's placement in another state, the county Department of Social Services or sending agency or person and the North Carolina Interstate Services staff collaborate to keep the receiving state informed of the child's permanent plan and legal status. The following information must be submitted in triplicate to the Interstate Services office when there is a change in a child's circumstances or legal status:

- a. **Case plans.**
- b. **Court Orders** from court reviews, legal custody/jurisdiction must be retained until the Receiving State sends written concurrence for termination. Refer to G.S. § 7B-3800 Article V:
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3800.html
- c. **ICPC-100B** (DSS-1838):
<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>
when child is originally placed in another state and when there is a change in placement.
- d. **Requests for Licensing Information** from the Receiving State when the home is originally licensed and each time the home is relicensed.

Additionally, caseworker visits are made every 6 months, as required by P.L. 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006
(http://www.childwelfare.gov/systemwide/laws_policies/federal/index.cfm?event=federalLegislation.viewLegis&id=82).

2. **Disruptions**

If an out-of-state placement disrupts and the Receiving State asks that a child be returned to North Carolina, the county Department of Social Services or sending agency or person must make arrangements to have the child returned within five (5) business days unless otherwise agreed to by both the Sending and Receiving Interstate Services offices.

If the Receiving State and the North Carolina agency or person agree that it is in the child's best interest to remain in the

Receiving State, this may be possible if an alternative placement can be arranged. Appropriate alternative placements include, but are not limited to an emergency shelter for children, or a residential treatment facility for acute episodes for brief treatment. The alternative placement resource must be approved by the Receiving State before placement is made. North Carolina's sending agency or person continues to have legal custody/jurisdiction after a placement is made in another state. Therefore case planning, ongoing safety and well being of the child and financial responsibilities for the child remain with the North Carolina sending agency or person.

Occasionally, a local agency and the Interstate Office in the Receiving State will send a written agreement to accept legal custody/jurisdiction of a child. The termination of jurisdiction in North Carolina and the acceptance of jurisdiction by the other state must be closely coordinated with the two courts involved.