

XI. Placements in Residential Facilities in North Carolina

Requirements:

Approval for the placement of a child into a North Carolina facility is required prior to placement, for the protection and safety of children. Pursuant to G.S. § 7B-3800 Article VII

(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. Children served under the Interstate Compact for Juveniles also have a responsibility to comply with the Compact for the Placement of Children when seeking placement in a residential setting.

The Compact applies to all children who are being placed in a residential facility, regardless of whether they are under the jurisdiction of the court for dependency, delinquency, abuse or neglect.

Once a placement has been made by a Sending State into a residential facility in the Receiving State, the sending agency remains obligated under Article V of the Compact to retain jurisdiction until the child becomes independent, self-supporting, or the case is closed in concurrence with both the Receiving and Sending State ICPC offices.

A facility will fall under the compact when it provides 24 hour supervised care that is beyond what is needed for assessment or treatment of an acute condition. A facility that is primarily educational in nature, hospitals or other medical facilities providing acute care do not fall under the Compact. Facilities falling under the Compact can be called by other names such as Group Homes, Residential Treatment Centers, or Child Caring Institutions. The type of license a facility holds does not determine the need for compliance with ICPC, nor does the funding source. Instead it is the services the facility provides which determine compliance. For further information see Section III Regulation 4.

When making a decision about the applicability of Interstate to a placement, the following guidelines apply:

- A. An Educational institution is one that operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and the educational institution does not (1) accept responsibility for children during the entire year; (2) provide substitute parental supervision and control or foster care; and (3) provide any other services to children, except for those customarily regarded as extracurricular or co-

curricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a 24-hour residential basis in the aforementioned school program or programs.

- B. A Hospital or other medical facility is one for the acutely ill that discharges its patients when they are no longer acutely ill and which does not provide a substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem, whether for health or mental health related issues.
- C. Institution for the mentally ill or “mentally defective” minors means a facility that is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase “mentally defective.”
- D. Outpatient Services: If the treatment and care and other services are entirely out-patient in character, an institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC.

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

Procedures

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.
 - 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

a complete Interstate Placement Packet to the Interstate Services unit that includes the following information/materials related to a child in the custody of a public agency:

- 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/dss-1837-ia.pdf>)
 - c. [ICPC-100B \(DSS-1838: http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf\)](http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf) is required if the child has already been placed in a residential facility.
 - 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 and that equivalent facilities are not available in the Sending Agency's jurisdiction.
 - e. Psychological Evaluation/documentation showing the appropriateness of the placement.
 - f. Letter of Acceptance from the facility.
 - g. [Financial/Medical Plan \(DSS-5251: http://info.dhhs.state.nc.us/olm/forms/dss/dss-5251.pdf\)](http://info.dhhs.state.nc.us/olm/forms/dss/dss-5251.pdf) which includes a written description of the responsibility for payment of the cost of placement of the child in the facility, including the name and address of the person or entity that will be making the payment and the person or entity who will otherwise financially responsible for the child. If IV-E documentation of eligibility is available, it should be included.
- B For private placements (children not in the custody or placement responsibility of a county Department of Social Services), the Sending Agency is the parent, guardian or court.
1. Determine that the facility is licensed.

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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/dss-1837-ia.pdf>) signed by the parent, guardian or judge ordering the placement.
 - c. [ICPC-100B \(DSS-1838: http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf\)](http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf) is required if the child has already been placed in a residential facility.
 - d. Letter of Acceptance from the facility.
 - e. Psychological Evaluation or documentation of appropriateness of the facility.
 - f. Financial/Medical Plan (DSS-5251: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5251.pdf>) which includes a written description of the responsibility for payment of the cost of placement of the child in the facility, including the name and address of the person or entity that will be making the payment and the person or entity who will otherwise financially responsible for the child.

The procedure for placement of a child from another state into a North Carolina facility is the same as the procedure for placement of a North Carolina child into a residential facility in another state. It is important that approval has been granted through Interstate Compact with either a verbal approval or a signed ICPC 100A.

Decision by the Receiving State to approve or deny placement resources:

The Receiving State ICPC office reviews the child specific information and the current status of the residential facility. The ICPC office either approves or denies the request based on a determination that the proposed placement is not contrary to the best interests of the child. (Article III (d) of the Compact). Additionally the office may review for a correct match of the category of treatment program.

Emergency residential placement requests may occasionally be necessary. In these limited cases, the Sending and Receiving States may, with mutual agreement, authorize emergency placement approval within one business day or another mutually agreed upon time frame. Emergency approvals may be done with the signed ICPC-100A and acceptance letter, however are not final until there has been a complete packet submitted and the Receiving State signs the ICPC-100A.

A final decision on the placement request shall be provided to the Sending State ICPC office with a signed ICPC-100A no later than 3 business days from the date the request was received by the Receiving State ICPC. If a child's status necessitates an expedited determination, the decision can be communicated through FAX or electronic transmission.

Monitoring Requirements:

The Receiving State is not expected to monitor children placed in a residential facility. The residential facility is viewed as the agency responsible for the 24 hour care of the child away from the child's parental home. In that capacity, it is the residential facility that is responsible for the supervision, safety, protection and well being of the child. It is the expectation that the Sending agency will enter into an agreement with the facility about the expected level of supervision, treatment, frequency and nature of all progress or treatment reports. The one exception to this, are those children who may become involved in an incident in the Receiving State involving law enforcement, probation or child protection.

The frequency and nature of the monitoring visits by the Sending State are determined by the Sending Agency.

The residential facility is required to send any progress reports to the Interstate Services office. When the child is discharged from placement, the residential facility or sending agency is required to notify the Interstate Services office of the discharge date and circumstances of the discharge by sending an ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>).

In the case of disruptions, the NC Interstate Services staff assists in prompt planning. This may include notifying the Sending State of the need for the immediate return of the child to the Sending State or placement of the child in an appropriate alternative placement.

Sending State Responsibilities:

Once the Sending State has made the residential placement, they remain obligated under Article V of the Compact to retain jurisdiction and responsibility for the child while the child is in the Receiving State. Jurisdiction and responsibility can only be terminated upon the child becoming independent, self supporting or with concurrence of both the Sending and Receiving State ICPC offices.

The Sending State has the final authority to determine whether to use an approved placement. The approval by the Receiving State expires 30 calendar days from the date the ICPC-100 A was signed unless a mutually agreed upon alternative date is decided.

If a child is already placed in a residential setting at the time of the decision and the placement is denied by the Receiving State, the Receiving State Compact Administrator may request the return of the child as soon as possible or propose an alternative placement. The alternative resource must be approved by the Receiving State prior to placement. Return of the child shall occur within 5 Business days from the date the Sending State is notified unless otherwise agreed upon.

The Receiving State's request for removal can be withdrawn if the sending agency resolves the issues precipitating the request for removal and both the sending and receiving agency agree on the plan.

The Sending State is required to keep a list of children placed in any facility in the Receiving State. Notification by the Receiving State of any significant change of status in a facility that may be potentially contrary to the child's best interest will be made to the Sending State. Therefore accurate information about who is in the facility and who is not is vital to the protection of children.