

TN

Department of

Children's Services



The Interstate Compact on the Placement of Children (ICPC) Procedures Manual Judicial Guidebook

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Introduction

The Interstate Compact on the Placement of Children Procedures Manual- Judicial Guidebook was developed:

- ◆ **To promote uniformity in practice and procedure pursuant to the Interstate Compact on the Placement of Children, TCA 37-4-201 -207; and**
- ◆ **Provide guidance to judges, magistrates, attorneys, youth services and probation officers and other participating in the interstate process in the juvenile court.**

This Judicial Guidebook was developed in collaboration with representation from the TN Administrative Offices of the Court, the Davidson Co. Juvenile Court, the Tennessee Department of Children’s Services Legal Division and the Tennessee Department of Children’s Services, Office of the Interstate Compact on the Placement of Children.

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Interstate Compact on the Placement of Children

TCA 37-4-201-207

Judicial Guidebook

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Overview of the Interstate Compact on the Placement of Children (TCA sec. 37-4-201 thru 207)

The Interstate Compact on the Placement of Children is a uniformly applied law enacted by all 50 states, the District of Columbia and the US Virgin Islands. The Compact ensures protection and services to children who are placed across state lines for foster care or as a preliminary to an adoption or for temporary placement for services into Residential Treatment Facilities (RTF) or Institution between party states. Unless otherwise authorized, compliance with the Interstate Compact on the Placement of Children, herein after referred to as ICPC or Compact is required for those identified placements of a child or children across State lines into another party state or jurisdiction.

What the Compact Does:

The Compact establishes orderly procedures for the interstate placement of children between party states and fixes responsibility for those involved in placing the child, providing safeguards for both the child and the parties involved in the child's placement. The ICPC contains 10 Articles. Each Article defines a specific function of the law including identifying the "types" of placements; the "sending agency or agent" with the authority to place; the

procedures to be followed in making an interstate placement; the specific protections and services, and requirements brought by enactment of the law in the party states.

The Compact is enhanced by 12 Regulations which are promulgated by officers of the party states or jurisdictions to more effectively carry out the terms and provisions of this Compact.

Who Must Use the Compact?

Article II (b) of the ICPC defines “the sending agency or person” who has the authority to “send, bring or cause a child to be sent or brought” into another party state and the responsibility of seeking compliance with the Compact. . The “sending agency or person” is defined as:

- a) A state party to the Compact, or any officer or employee of a party state.
- b) A subdivision of a party state, such as a county or a city, or any officer or employee, of the subdivision.
- c) A court of a party state.**
- d) Any person (including parents and relatives in some instances), corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

Types of Placements Covered:

Articles II (d), III and VI of the ICPC identify the four types of placements of children between party states which are subject to Compact compliance:

- a) Placement preliminary to an adoption.
- b) Placements into foster care, including foster homes, group homes, and residential treatment facilities.
- c) Placements with parents and relatives when a parent or relative is not making the placement.
- d) Placements of adjudicated delinquents in institutions in other states.

When the court is the sending agency and either under its own order or in response to a petition seeks to secure a type of placement as defined above, the court is responsible to seek compliance under the Compact.

Exceptions/Limitations to Compact Compliance:

Not all placements of children into other party states are subject to compliance with the Compact.

- a) Placements: Compact compliance is not required for placements made into a medical hospital, psychiatric hospital or institutions for the mentally retarded or mentally ill or boarding schools, or "any institution primarily educational in character" in a party state. (Article II (d))

- b) Sending Agents: Article VIII (a) excludes from ICPC compliance the sending or bringing of a child by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian who has responsibility for the child, in one party state and leaving the child with a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or the child's non-agency guardian in the receiving party state. The wording of the provision is specific in that exclusion from ICPC occurs only when both the sending agent and the placement recipient belong to the enumerated classes of individuals. For example, the placement of a child made by a parent whose rights to plan for the child has not been diminished by a court action or through a petition for custodial action and the placement is with the designated enumerated class in another State is exempt from compliance with the ICPC under Article VIII (a).

- c) Force of Law: Article VIII (b) excludes from ICPC compliance the placing, 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.

- d) Court/Parent Placement: Regulation #2 excludes from ICPC compliance the placement of a non-custodial child under the jurisdiction of the sending state court with the parent from another state from whom the child was not removed, wherein 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. Under these circumstances, the receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

- e) Divorce or Custodial Change: Placements of children across state lines which result from the exclusive jurisdiction of a divorce court, or probate court or as a result of parentage proceedings are not subject to compliance with the ICPC. Specific examples include requests for a study or supervision of a parent in another state related to a change in custody between divorced parents, whether agreed upon or adversarial or a change in visitation schedule or supervision during a visitation schedule which is based on a divorce court action. Such requests should be directed to private entities licensed in the receiving state to conduct such studies; any fee affiliated is the responsibility of the contract agent.
- f) Child Protective Services Investigations: Child Protective Services investigations which require contacts in another state to document or report on the circumstances of a child or family or location of child or adult, identify or confirm enrollment in school, supervision or well-being check or other services does not constitute nor meet the definition as a placement under the Compact. A Child Protective Services investigation is not subject to compliance with the ICPC nor ICPC procedures. Contact the Child Protective Services Hotline in each State for assistance.
- g) Courtesy Studies/Supervision/Checks: A request by a court for a courtesy study or courtesy services or courtesy check on a parent from whom a child is not removed, the responsibility for credentials and quality of the "courtesy study or courtesy services or courtesy check" rests directly with the sending court/agency and the person or party in the receiving state who agree to conduct the "courtesy study or courtesy services or courtesy check" without invoking the protection of the ICPC process. Such requests should be directed to private entities licensed in the receiving state to conduct such courtesy studies/services/checks; any fee affiliated is the responsibility of the contract agent. This does not prohibit the sending state from requesting an ICPC. (ICPC Regulation #3 (3. b))

Safeguards Offered by the Compact:

Articles I and V of the ICPC outlines the safeguards provided for the child and placement resource and the parties involved in the child's placement:

- a) Provides the sending agency the opportunity to obtain home studies and an evaluation of the proposed placement to ascertain the suitability of the environment and the appropriateness and qualifications of the proposed placement resource or institution to care for the child.
- b) Allows the prospective receiving state to ensure that the placement is not "contrary to the interests of the child" and that its applicable laws and policies for the protection of the child have been followed before it approves the placement.
- c) Guarantees the child's legal and financial protection by fixing these responsibilities with

the sending agency or person.

- d) Ensures that the sending agency or person continues to have financial responsibility for support and maintenance of the child during the period of placement.
- e) Ensures that the sending agency or person establishes and retains jurisdiction over the child once the child moves to the receiving state sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child, which it would have had if the child had remained in the sending agency's state.
- f) Provides the sending agency or person the opportunity to obtain services, supervision and regular reports on the child's adjustment and progress in the placement until the child is adopted, reaches majority, becomes self-supporting or is discharged with concurrence of the appropriate authority in the receiving state.

These safeguards are routinely available when the child, the person, or responsible agency and the placement resource are all in a single state or jurisdiction. When the placement involves two states or jurisdictions, however, these safeguards are available through compliance with the Compact.

Penalties for Illegal ICPC Placements:

Article IV of the ICPC states that "sending, bringing or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care, for children."

Violations involve:

- ◆ The placement of a child into a receiving state without filing of a notice of intent to place or prior to filing a notice of intent to placement by a sending agency or person (Article III (a) and (b)), or;
- ◆ The placement of a child into a receiving state without an appropriate report regarding the circumstances of the proposed placement, or without a written notice from the appropriate public authority in the receiving state that the proposed

placement does not appear to be contrary to the interest of the child (Article I (b) and Article III (a) and (d)), or:

- ◆ Dismissal of jurisdiction prior to the child being adopted, or reaching the age of majority, or becoming self-supporting or prior to being discharged with the concurrence of the appropriate authority in the receiving State. (Article V (a)).

TCA 37-5-405 cites violation of child placement laws constitutes a class "A" misdemeanor that carries a fine up to \$200 and/or imprisonment to 6 months.

Interstate Compact on the Placement of Children (ICPC) Web References:

American Public Human Services Association Web site:

Text for the Interstate Compact on the Placement of Children, its' Regulations and Forms may be accessed from the following web site: <https://aphsa.org/AAICPC/AAICPC/Resources.aspx>

Lexis Nexis Custom Solution Web site:

Text: Interstate Compact on the Placement of Children TCA 37-4-201 to 207
(<http://www.lexisnexis.com/hottopics/tncode/>)

The TN Department of Children's Services:

<https://files.dcs.tn.gov/policies/chap1/ICPCJudicialGuide.pdf>

TN Department of Children's Services (DCS) Licensing Requirements:

TCA 71-3-501 et seq. Violations TCA 37-5-507 and 36-1-108 thru 36-1-109

Text for TN DCS Child Care Agencies Licensing

(<http://www.lexisnexis.com/hottopics/tncode/>)

Interstate Compact on the Placement of Children (ICPC) TN Administration

Pursuant to Article VII and ICPC Regulation #5, the TN DCS State ICPC office is responsible to process all ICPC Compact referrals and other documents associated with the ICPC and serve as a resource for inquiries into requirements for placements under the purview of the ICPC.

TN DCS ICPC State Office Contact Information:

The following site lists contact persons who administer the TN Department of Children's Services Interstate Compact on the Placement of Children and manage the day-to-day operations of the ICPC cases, provide case and program technical assistance and address questions regarding TN ICPC related issues. The site also provides information on processing of ICPC materials to the TN Department of Children's Services, Interstate Compact on the Placement of Children including mailing address and electronic scanning.

<https://www.tn.gov/dcs/program-areas/interstate-compact/icp/contact.html>

I. Procedures for Making Compact Placements:

Articles I and III and V of the ICPC serve as the basis for the procedures for ICPC compliance including the referral process, study process, the basis and the authority to issue a decision regarding the placement, the case-management process, and closure process, including permanency or disruption for each child. This manual details specific procedural application and best practice for compliance for a court –jurisdiction ICPC case on non-custodial children.

A. Referral

Article III (a) and (b) and Article II (d): "Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or preliminary to a possible adoption, or in a child-caring agency or institution, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intent to send, bring or place the child in the receiving state."

1. ICPC Regulation #2 Court Jurisdiction Referral:

- a) Pursuant to the ICPC and ICPC Regulation #2, the Sending State Court, on its own motion may seek a home study and placement decision on an identified parent, relative, kin or other resource in another party state to ascertain whether the placement is safe and appropriate on behalf of a non-custodial child who is before the court, alleged to be abused, neglected or dependent and for whom the court has sole authority to determine custody, supervision, care and disposition.

Note: The Court is responsible to develop and initiate an ICPC Regulation #2 Court Jurisdiction Referral seeking compliance for the interstate placement prior to placement of the non-custodial child into another State's jurisdiction.

b) An ICPC Regulation #2 Court Jurisdiction Referral on a non-custodial child contains the following required documents:

- ◆ ICPC form **CS-0796, Interstate Compact on the Placement of Children (ICPC) Referral Checklist**
- ◆ ICPC form **CS-0525, Interstate Compact Placement Request (100A)** properly completed and signed/dated by the Judge or Magistrate or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's custody, supervision, care and disposition.
- ◆ Cover Letter which briefly addresses the reasons for the placement, the circumstances under which this resource was selected and a brief statement of understanding of the arrangement for the child's care and services. The arrangement must include confirmation that any fees associated with the child's care or services are the responsibility of the sending agent (court) and the parent /guardian. The cover letter, which is to be signed/dated by the preparer (Regional DCS, Guardian Ad Litem, or petitioner's attorney) and the court designee confirms the Court's compliance:
 - Article III (d) The Court shall not place the child into the receiving state until the appropriate public authority in the receiving state issues a written decision to the effect that the proposed placement does not appear to be contrary to the interests of the child; and,
- ◆ Article V. (a) The Court shall retain jurisdiction over the child during the period of placement sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in their state until the appropriate authority in the receiving state issues a written concurrence for discharge. Such jurisdiction shall include the power to effect or cause the return of the child to its jurisdiction should the placement disrupt.
- ◆ Attached to the cover letter is a completed form **CS-0958 Interstate Compact on the Placement of Children (ICPC) Placement Resource Statement of Confirmation-Regulation #2.**
- ◆ Current case history on child/family personal history which is to include at a minimum, the child's name, date of birth, and other demographic information as required and documented for the Court file. Current case history on child and family as documented on form **CS-0563, Interstate Compact on the Placement of Children (ICPC) 101 Sending State's ICPC Regulation #7**

Expedited Decision and Border Agreement Home Study Request which includes supporting information regarding the child and placement resource in lieu of functional assessment or social history, educational passport, well-being information as documented from the hearing and in the court file.

- ◆ Order of Reference and other pertinent court documents, including petitions, and orders of custody/guardianship, adjudication of dependency/neglect or court order of protective supervision and if appropriate, court documents regarding delinquency or unruly adjudications. Order of Reference should specify who is responsible for the cost of the study being requested —the court or the party being studied in the receiving state – if the public agency in the receiving state does not conduct the study gratis. The Order of Reference should include a statement regarding post-placement supervision/reports (number/frequency) which may be ordered by the court if placement is approved and notice of placement filed by the Court.

Note: Unless other requested, supervision of placement is every thirty (30) calendar days with two (2) quarterly progress reports filed for a maximum period of six (6) months.

- ◆ Form **CS-0795 Interstate Compact on the Placement of Children (ICPC) Financial-Medical Plan** which confirms for the parties who is responsible for the medical and financial support of the child once placement has been made.
 - ◆ Copies of child's birth certificate, social security number, documentation of paternity on legal and/or birthfather to include putative father registration or clearance, court order of paternity/ parentage or order of child support.
 - ◆ Any additional supporting documents in the court file to substantiate the reason the child is before the court including medical, behavioral or other documents and the intent of further court action if not specified in other documents above. Address any discussion with the petitioners regarding responsibility to support the child, financially and medically, if approved for placement in the other State and expectations regarding supervision if so ordered if not documented above.
- c) The ICPC Regulation #2 Court Jurisdiction Referral packet is to be submitted on behalf of the Court by the court designee, Regional DCS, Guardian Ad Litem, or petitioner's attorney to the TN ICPC State Office utilizing the TN ICPC Electronic Mailing address: TNICPC.EI-DCS@tn.gov or by courier or hand-delivery or mail or overnight mail per instructions contained herein. If the referral is submitted via Electronic Mailing address, no follow-up with a paper copy is necessary unless specifically requested by the TN DCS ICPC State Office Administrator. If the referral is submitted by courier or hand-delivery or mail or overnight night mail, the court must submit two complete copies of the referral. In both cases, the referral should be directed to the designated ICPC Administrator.

2. ICPC Regulation #4 Court Jurisdiction Residential Treatment Facility Referral

- a) Per ICPC Article II (a)-(d) supported by Regulation No.4, 1(a-c), 2 (b) (c) (d), the court has the authority to order the placement of a non-custodial child into a licensed residential treatment facility (RTF) in another party jurisdiction pursuant to the Interstate Compact on the Placement of Children.
- b) The ICPC Regulation #4 Court Jurisdiction Residential Treatment Facility Referral on a non-custodial child contains the following required documents:
- ◆ ICPC form **CS-0796, Interstate Compact on the Placement of Children (ICPC) Referral Checklist**
 - ◆ ICPC form **CS-0525, Interstate Compact Placement Request (100A)** properly completed and signed/dated by the Judge or Magistrate or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's custody, supervision, care and disposition.
 - ◆ Cover Letter which briefly addresses the reasons for the placement, the circumstances under which this resource was selected and a brief statement of understanding that the arrangement for the child's care and services .The arrangement for any fees associated with the child's care and services are the responsibility of the sending agent (court) and the parent /guardian and the RTF management. The cover letter, which is to be signed/dated by the preparer (Regional DCS, Guardian Ad Litem, or petitioner's attorney) and the court designee confirms the Court's compliance:
 - Article III (d) The Court shall not place the child into the receiving state until the appropriate public authority in the receiving state issues a written decision to the effect that the proposed placement does not appear to be contrary to the interests of the child; and,
 - Article V. (a) The Court shall retain jurisdiction over the child during the period of placement sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in their state until the appropriate authority in the receiving state issues a written concurrence for discharge. Such jurisdiction shall include the power to effect or cause the return of the child to its jurisdiction should the placement disrupt.
 - ◆ Order of Reference and other pertinent court documents, including petitions, and orders of custody/guardianship, adjudication of dependency/neglect or court order of protective supervision and if appropriate, court documents regarding delinquency or unruly adjudications. Order of Reference should specify who is responsible for fees associated with the child's care and treatment services.

- ◆ Current child/family personal history which is to include at a minimum, the child's name, date of birth, and other demographic information as required and documented for the Court file. Current case history on child and family as documented on Form **CS-0563, Interstate Compact on the Placement of Children (ICPC) 101 Sending State's ICPC Regulation #7 Expedited Decision and Border Agreement Home Study Request** which includes supporting information regarding the child and placement resource in lieu of functional assessment or social history, educational passport, well-being information, social security card and birth certificate as documented from the hearing and in the court file.
 - ◆ Note: ICPC Regulation #4 adopted by the AAICPC in 2012 allows the receiving state to determine documents needed in an RTF which addresses the characteristics of the child including current medical, psychological or behavioral status of the child. This documentation may include a requirement for the court or other sending agent to attach a copy of the application for services submitted to the RTF by the parent or custodian prior to determination of the child's eligibility to enter the RT.
 - ◆ Form **CS-0795 Interstate Compact on the Placement of Children (ICPC) Financial-Medical Plan** which confirms for the parties who is responsible for support of the child once placement has been made.
 - ◆ Documentation of the RTF current/valid licensure in the Receiving State.
 - ◆ Acceptance letter from the RTF in the Receiving State which confirms receipt of application documentation on the child, determines the acceptance of the child into their program and confirms the arrangement for the child's care and services and the fees associated with the child's care once placed is the responsibility of and is to be arranged between the sending agent (court) and the parent /guardian and the RTF management. In addition, the acceptance letter needs to include a statement of understanding with all parties which confirms that upon completion of the treatment/program or in the event of disruption, the child would be returned to the parent/guardian in the State of Jurisdiction.
- c) The ICPC Reg. #4 Court Jurisdiction Residential Treatment Facility Referral packet is to be submitted on behalf of the Court by the court designee, Regional DCS, Guardian Ad Litem, or petitioner's attorney to the TN ICPC State Office utilizing the TN ICPC Electronic Mailing address: TNICPC.Ei-DCS@tn.gov or by courier or hand-delivery or mail or overnight mail and instructions contained herein. If the referral is submitted via Electronic Mailing address, no follow-up with a paper copy is necessary unless specifically requested by the TN DCS ICPC State Office Administrator or Alternate. If the referral is submitted by courier or hand-delivery or mail or overnight night mail,

the court must submit two complete copies of the referral. In both cases, the referral should be directed to the designated ICPC Administrator.

3. ICPC Regulation #7 Expedited Placement Decision Referral:

- a) In order to address delays in the placement of a child who is before the court as an unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian; or who is 4 years of age or younger who along with other older siblings is anticipated to be placed with the same proposed resource; or is part of a sibling group who are documented as having spent substantial amount of time in the home of a specific class of placement resources: or, is currently in an emergency placement, the sending state court, on its own motion, may submit an ICPC referral under ICPC Regulation #7 Expedited Placement Decision.

ICPC Regulation #7 Expedited Placement Decision process does not apply if the request for placement is for a child who is already in placement in the receiving state in violation of the ICPC.

- b) The ICPC Reg. #7 Expedited Placement Decision Referral on a non-custodial child includes the following required documentation:
- ◆ ICPC **CS-0796, Interstate Compact on the Placement of Children (ICPC) Referral Checklist**
 - ◆ ICPC **CS-0525, Interstate Compact Placement Request (100A)** properly completed and signed/dated by the Judge or Magistrate or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's placement and custody.
 - ◆ Cover Letter which briefly states the circumstances of this request and specifies the intent of the court as to whether supervision/contact is ordered if the placement is approved. The letter briefly addresses the understanding of the non-custodial care-takers of the circumstances of financial and medical support for the child if placement is made including whether the court or the non-custodial care takers are responsible for the cost to return the child to the jurisdiction of the court if the placement disrupts and child returned. The cover letter, which is to be signed/dated by the preparer (Regional DCS, Guardian Ad Litem, or petitioner's attorney) and the court designee confirms the Court's compliance:

- Article III (d) The Court shall not place the child into the receiving state until the appropriate public authority in the receiving state issues a written decision to the effect that the proposed placement does not appear to be contrary to the interests of the child; and,
 - Article V. (a) The Court shall retain jurisdiction over the child during the period of placement sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in their state until the appropriate authority in the receiving state issues a written concurrence for discharge. Such jurisdiction shall include the power to effect or cause the return of the child to its jurisdiction should the placement disrupt.
 - ◆ Attached to the letter is a completed form **CS-0957, Interstate Compact on the Placement of Children Placement Resource Statement of Confirmation- Regulation #7 and Border Agreement** which has been completed by the Court or its designee.
 - ◆ Current child/family personal history which is to include at a minimum, the child's name, date of birth, and other demographic information as required and documented for the Court file. Current case history on child and family as documented on form **CS-0563, Interstate Compact on the Placement of Children (ICPC) 101 Sending State's ICPC Regulation #7 Expedited Decision and Border Agreement Home Study Request**, which includes supporting information regarding the child and placement resource in lieu of functional assessment or social history, educational passport, well-being information, social security card and birth certificate as documented from the hearing and in the court file.
 - ◆ *ICPC Regulation #7 Expedited Placement Decision Order* which specifies the court's request for a provisional decision or routine assessment.
 - ◆ Current custody order and other pertinent court documents (signed and dated) including previous petitions, custodial orders, the required annual court review for family permanency plan (or equivalent) which reaffirms "reasonable efforts" and if appropriate, court documents regarding delinquency adjudications, visitation limitations and any "no contact orders".
 - ◆ Form **CS-0795 Interstate Compact on the Placement of Children (ICPC) Financial-Medical Plan** for the placement of a non-custodial child under Court jurisdiction is the responsibility of the placement resource that may provide such support independently or may seek assistance available to them or the child upon application in the receiving state. This support should be acknowledged in the court order.
- c) The ICPC Regulation #7 Expedited Placement Decision Referral packet is to be submitted by the Court to the TN ICPC State Office within three (3) business days

of signature on the ICPC Regulation #7 Expedited Placement Decision Order. The Referral is to be submitted utilizing the TN ICPC Electronic Mailing address: TNICPC.EI-DCS@tn.gov or by courier or hand-delivery or mail or overnight mail per instructions contained herein. If the referral is submitted via Electronic Mailing address, no follow-up with a paper copy is necessary unless specifically requested by the TN DCS ICPC State Office Administrator. If the referral is submitted by courier or hand-delivery or mail or overnight night mail, the court must submit two complete copies of the referral. In both cases, the referral should be directed to the ICPC State Office Administrator.

B. TN DCS ICPC State Office Processing/Tracking: *Article VII and Regulation #5 delegates the responsibility to process all ICPC Compact referrals and other documents associated with the ICPC and serve as a resource for inquiries into requirements for placements to the TN DCS ICPC State Office.*

1. The TN ICPC Administrator reviews the referral packet for required documents and information within 2-4 business days of receipt of the referral packets unless otherwise specified.
2. If referral is incomplete and/or additional information is needed before an ICPC Referral or other ICPC documents can be processed to a receiving state, the TN ICPC Administrator will notify the sending agent (Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee) in writing by email, mail or fax.
3. The additional information requested is scanned/e-mailed or mailed to the TN DCS State ICPC office to the designated TN ICPC Administrator within ten (10) business days or less by the Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee.
4. If the requested information is not provided within ten (10) business days by the Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee, or a written notice documenting the reasons that the information or documents are not available and a proposed date as to when they may be available, the TN ICPC Administrator is authorized to close the referral to further action. The TN ICPC Administrator may return the referral packet or other information or destroy the documents with notice.

5. All ICPC Referrals must meet minimum requirements (determined to be complete) in order to be processed to the Receiving State ICPC office. No limitations exist on the number of ICPC Referrals per child or youth which may be submitted nor a timeframe when those referrals may be submitted to the TN ICPC State Office by Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee.
6. The TN ICPC State Office processes a complete ICPC referral packet to the Receiving State ICPC Office within 2-4 business day period of receipt by the most expeditious means agreed to between the States.
7. The TN ICPC Administrator enters the referral as an intake/case in the Tennessee Family and Children Tracking System (TFACTS).
8. The TN ICPC Administrator maintains a duplicate paper file with copies of all ICPC documents per each child involved in an active ICPC transaction as well as documents the record on an Excel spreadsheet.

C. Study: *Article 1(b) "The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for protection of the child"*

1. The Receiving State ICPC Administrator assigns the TN ICPC Referral to the appropriate local public agency/contract agency in their State to conduct an assessment or study on the placement resource. An ICPC referral for placement into a Residential Treatment Facility or Institution under Article VI (Adjudicated Delinquent) the "assignment" involves verification of the current RTF or-Institutions' licensure.
2. All assessments or studies on the resource home and licensing requirements in another State are conducted in accordance to applicable Federal and State laws and policy and licensing standards of the Receiving State.
3. Pending the issuance of a written decision by the Receiving State ICPC office regarding the placement of the child with the specific out-of-state resource or facility or institution, the child is expected to remain in an intra-state placement within the jurisdiction of the TN Court.

4. Pursuant to Article III (d), the TN Court as a sending agent is not authorized to order physical placement of the non-custodial child into the Receiving state including Trial Home Visit (THV) until issuance of a written decision by the Receiving State ICPC office regarding placement of the child.

Chart: Timelines for Completion of Study/Issuance of Placement Decision where “Start Date” is from the “receipt of the completed request packet”

ICPC Study	ICPC/Safe & Timely PL 109-239	DCS Policy	Time
ICPC Reg. #1 Intact Family Move	60 -180 calendar days	<u>16.4</u>	60 calendar days or less
ICPC Reg. #2 Expedited Custodial Assessment Parent/Reunification Study	60-180 calendar days	<u>16.20</u>	30 calendar days or less
ICPC Reg. #2 Relative/Kin Study	60-180 calendar days	<u>16.20</u>	60 calendar days or less
ICPC Reg. #2 Foster Resource (Licensed or Approved)	60-180 calendar days	<u>16.4</u>	60-180 calendar days
ICPC Reg. #2 Adoptive Resource (Licensed or Approved)	60-180 calendar days	<u>16.4</u>	60-180 calendar days
ICPC Reg. #2 Status Change	60-180 calendar days	<u>16.4</u>	60-180 calendar days
ICPC Reg. #7 Priority Study (Parent)	20 working days or less	<u>16.20</u>	20 working days or less
ICPC Reg. #7 Priority (Relative)	20 working days or less	<u>16.20</u>	20 working days or less
ICPC Reg. #7 Provisional Decision (w- agreement)	7 calendar days or less	<u>16.20</u>	7 calendar days or less
Border Agreements	As prescribed in BA	<u>16.20</u>	As prescribed in BA
Group Home/Child Caring/Residential	Licensure 3 working days or less	Licensure	3 working days or less

Treatment/Institutional Care under Article VI			
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D: Decision: Article III (d) ***“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 contrary to the interest of the child.”***

1. The Receiving State ICPC Administrator is the designated responsible public authority to issue a decision regarding placement in writing as documented on the ICPC form **CS-0525, Interstate Compact Placement Request (100A)**, Section IV.
2. The Receiving State ICPC Administrator scans/e-mails or faxes or mails the ICPC 100A and the study document or licensure verification and attachments to the Sending State ICPC Administrator.

Denial

- a) If the decision for the placement of the child or children with the designated resource or facility or institution is denied, no placement of the child is authorized and the ICPC record is closed to further services.
- b) The ICPC 100A and the study or licensure verification with attachments is forwarded to the appropriate court office to the attention of the Regional DCS, Guardian Ad Litem, petitioner’s attorney or the court/designee by the TN ICPC State Administrator for the record. Nothing is to prohibit the issuance of another referral or request for re-consideration.

Approval

- a) If the decision for the placement of the child or children with the designated resource or facility or institution is approved, the ICPC 100A and the study or licensure verifications with attachments is forwarded to the appropriate court office to the attention of the Regional DCS, Guardian Ad Litem, petitioner’s attorney or the court/designee by the TN ICPC State Administrator.
- b) Approval for resource home placement unless otherwise noted expires 6 months from the date of signature of the Receiving State ICPC Administrator on the ICPC 100A. Note: RTF and Institution placement approvals expire in 30 business days unless negotiated and agreed upon between both States.

E. Placement: Article V (a) *The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state.*

1. If the Sending agent (TN court) determines to use the approved placement, the court through the Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee submits to the TN State ICPC Office an ICPC form, **CS-0523, Interstate Compact Report on the Child's Placement Status (100B)**, which identifies the date that the child physically left the jurisdiction of the State of TN.
2. The ICPC Form 100B should be accompanied by a court order regarding placement (Order for Placement Pursuant to ICPC (Non-DCS). The Order should address post-placement supervision and state the length of time post-placement supervision is expected; the frequency of written progress reports to be presented to the court and the next scheduled court hearing.

F. Supervision:

1. The Receiving State must receive an ICPC form **CS-0523, Interstate Compact Report on the Child's Placement Status (100B)** in order to assign the responsibility to supervise the placement to the designated or appropriate agency in their state.
2. In accordance to ICPC Regulation #11, supervision of the child in placement is defined as monthly contact (defined as every thirty (30) days) with quarterly written reports (defined as every ninety (90) days).
3. All quarterly written supervisory reports are to address the safety, well-being and permanency of the child and the continued suitability of the placement resource.
4. All quarterly written supervisory reports regarding the placement are to be submitted to the TN ICPC State Office by the Receiving State ICPC Administrator. The TN ICPC Administrator processes those reports along with a written concurrence to the appropriate TN Court to the attention of the Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee

G. Closure:

1. The Receiving State ICPC office is responsible to issue a written “concurrency” to the Sending State ICPC Office within the context of a Progress Report which contains a recommendation to cease supervision and dismiss jurisdiction or grant custody and dismiss jurisdiction.
2. Upon receipt of the written “concurrency” from the Receiving State ICPC Administrator, the TN ICPC Administrator submits that document to the TN Court through the Regional DCS, Guardian Ad Litem, petitioner’s attorney or the court/designee requesting a review and disposition at the next court hearing.
3. The TN State ICPC office requests a copy of the closing court order which establishes custody/disposition for the child, and ceases supervision and dismisses jurisdiction if appropriate under the law.
4. The TN Court Order along with the ICPC form ***CS-0523, Interstate Compact Report on the Child’s Placement Status (100B)***, is forwarded to the TN ICPC Administrator by the Regional DCS, Guardian Ad Litem, petitioner’s attorney or the court/designee.
5. Upon receipt of that Order and Form, the ICPC case is to be closed by the TN ICPC State Administrator to further services in both States and in the TFACTS data system.

III. Disruption of a Tennessee Child Placed in Another State by the TN Court: Upon notice of the disruption of a Tennessee non-custodial child’s placement into another State by the Receiving State ICPC office, TN State ICPC office immediately advises the Regional DCS, Guardian Ad Litem, petitioner’s attorney or the court/designee of the circumstances of the disruption and assists in communicating the designated course of action between the parties noted above and the Receiving State ICPC office.

Per ICPC Article V (a) and ICPC Regulations #3 (2 (c)) and #2 (10 (b)), the TN court has 5 days to negotiate a return of the child to the jurisdiction of the court unless an alternate plan is agreed to or established between the TN court and the placement party in the Receiving State. As noted, in non-custody cases, the TN court, as sending agent, is responsible to maintain jurisdiction over the child pending issuance of a concurrency to close and for the cost to return the child to the jurisdiction of its court if placement disrupts prior to dismissal of jurisdiction. In order to offset the Court’s responsibility to be financially responsible to return the child to its jurisdiction, routinely, the TN court issues an order

directing the placement party to return the child at their own expense or issues a temporary order of custody to the TN Department of Children's Services who then becomes responsible to pick up the child and establish the child in an alternate placement in TN. Additionally, the Court may invoke the Uniform Child Custody Jurisdictional Enforcement Act and the child remains in the Receiving State.

Upon determination of action regarding the child by the TN court, TN ICPC needs confirmation of that action in order to maintain the ICPC record open or to close the ICPC case to further placement. Routinely, the TN court through the Regional DCS, Guardian Ad Litem, petitioner's attorney or the court/designee files an ICPC form **CS-0523, Interstate Compact Report on the Child's Placement Status (100B)** and a copy of the TN Court order to the TN ICPC office.

Appendix A: Interstate Compact on the Placement of Children

Tenn. Code Ann. § 37-4-201

TENNESSEE CODE ANNOTATED
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*** Current through the 2012 Regular Session ***

Title 37 Juveniles
Chapter 4 Interstate Compacts
Part 2 Interstate Compact on the Placement of Children

Appendix B ICPC Regulations 0.01-12

<https://aphsa.org/AAICPC/AAICPC/Resources.aspx>

Appendix C ICPC Forms

ICPC-**CS-0525, Interstate Compact Placement Request (100A)**

ICPC-**CS-0523, Interstate Compact Report on the Child's Placement Status (100B)**

ICPC-**CS-0563, Interstate Compact on the Placement of Children (ICPC) 101 Sending State's ICPC Regulation #7 Expedited Decision and Border Agreement Home Study Request**

ICPC-**CS-0795 Interstate Compact on the Placement of Children (ICPC) Financial-Medical Plan**

ICPC-**CS-0796, Interstate Compact on the Placement of Children (ICPC) Referral Checklist**

ICPC-**CS-0957, Interstate Compact on the Placement of Children (ICPC) Statement of Confirmation-Regulation #7 and Border Agreement**

ICPC-CS-0958, Interstate Compact on the Placement of Children (ICPC) Statement of Confirmation-Regulation #2

Appendix D: ICPC Court Orders:

[ICPC Reg. #7 Expedited Placement Decision Order \(DCS\)](#)

[ICPC Reg. #7 Expedited Placement Decision Order \(Non-DCS\)](#)

[ICPC Article VI Motion to Review Institutional Placement Order](#)

[ICPC Article VI Order to Review Institutional Placement](#)

[Notice of Placement Pursuant to ICPC \(DCS\)](#)

[Order to Place Pursuant to ICPC \(Non-DCS\)](#)

Appendix E ICPC Glossary

1. **Adoption:** The social and legal process of establishing by Court order, other than by paternity or legitimization proceedings or by voluntary acknowledgement of paternity, the legal relationship of parent and child. TCA 36-1-102. ICPC Regulation #3: The method provided by State law that establishes the legal relationship of a parent and child between persons who are not so related by birth or some other legal determination, with the same mutual right and obligations that exist between children and the birth parents. This relationship can only be termed adoption after the legal process is complete.
2. **Adoption Categories:** As defined under ICPC Regulation #3, (a) **Independent Adoption:** adoptions arranged by a birthparent, attorney, other intermediary, adoption facilitator or other person or entity as defined by state law; (b) **Private agency adoption:** an adoption arranged by a licensed 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 and (c) **Public adoption:** Adoptions for public court jurisdiction cases.
3. **Adoption Home Studies:** Reference "Home studies."
4. **Adjudicated Delinquent:** ICPC Regulation #3: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
5. **Adjudicated Status Offender:** (a) One who has been adjudged guilty of a status offense (unruly). (b) A term used to designate a child adjudicated by the juvenile court and placed under court supervision, but legally remaining non-delinquent. {(AKA) Child in Need of Supervision (CINS), (CHINS); Person in Need of Supervision (PINS); Deprived Child, Undisciplined Child. ICPC Regulation #3: a person found to have committed an offense that would not be a criminal offense if committed by an adult.
6. **Age of Majority:** aka Juvenile: A young person under the age of 18, or as defined in the local jurisdiction as under the age of majority. (Note: In the Juvenile Justice system, a juvenile may remain in the custody of DCS until age 19.) ICPC Regulation #3: 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."
7. **Approved Placement:** (ICPC Article III [d]) 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." ICPC

Regulation #3: The receiving state Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”

8. **Boarding Home:** ICPC Article II (ICPC Regulation #3) as used in Article II (d) 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 (See meaning as “family free”).
9. **Case History:** (ICPC Regulation #3) An organized record concerning an individual, their family and environment that included social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement. TN DCS/ ICPC case history includes specifically include but are not limited to: Current CANS Summary plus Initial and Current CFTM Summary per **Well-Being Information and History (CS-0543)**, and **Education Passport (CS-0657)**.
10. **Case Plan or Services Plan:** (ICPC Regulation #3) Defined as a comprehensive individualized program of action for a child and his/her family establishing specific goals and objective and deadlines for meeting these goals and objectives. TN DCS/ICPC case plan or services plan includes specifically a Permanency Plan as developed through DCS Policy **31.1, Family Permanency Plans; 16.31, Permanency Planning for Children and Youth in DCS Custody.**
11. **Central State Compact Office or Central Compact Office:** (As described in ICPC Regulation #5 and Regulation #3) The designated ICPC office in each State or designated county or regional office in a State who is charged with the responsibility to establish a procedures by which all Compact referrals from and to the state shall be made. The Central State Compact Office or Central Compact Office shall serve as a resource for inquiries into requirements for placement into the state for children who come under the purview of this Compact. The Compact Administrator and deputies appointed by the executive head of each state under Article VII shall be located in this central state Compact office. As specified in ICPC Regulation #3, In states in which ICPC placement referrals are sent directly to receiving state and received directly from sending state by more than one county or other regional area within the state, the “central Compact office” is the designated office within each separate county or other region that sends and received ICPC placement referrals. Currently limited to States of Colorado, California and Ohio.
12. **Certification:** (ICPC Regulations #3) to attest declare or swear to before a judge or notary public.
13. **Child:** A person, who by reason of minority, is legally subject to parental guardianship or similar control.
14. **Child Welfare Caseworker:** (DCS Glossary) A DCS employee responsible for providing case management services for children under the State’s supervision, in State custody, or at risk of State custody and their families. Also see **Family Service Worker.**

(ICPC Regulation #3) A person assigned to manage cases of dependency child who are in the custody or under the supervision of a public child welfare agency.

15. **Concurrence:** (ICPC Article V [a]) is a written notice of agreement or a recommendation to cease the involvement of the ICPC by achievement of permanency for the child or agreement to cease services. Concurrence is issued by the appropriate authority in the receiving state where designated as appropriate. (ICPC Regulation #3)
16. **Conditions for Placement:** ICPC Article III establishes conditions for placement which 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.
17. **Courtesy:** (ICPC Regulation #3) Consent or agreement between State ICPC offices to provide a service that is not required by ICPC.
18. **Courtesy Check:** (ICPC Regulation #3) 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. DCS Policy [14.20, Orders of Reference](#), applies regarding courtesy checks as defined.
19. **Court Jurisdiction Only:** (ICPC Regulation #3) A sending state court which has an open abuse, neglect or dependency case that establishes the court's express jurisdiction with the authority to supervise, remove and/or place the child. The child has not been ordered into the custody or guardianship of a public or private agency; or custody of an individual.
20. **Custody:** The control of actual physical care of the child and includes the right and responsibility to provide for the physical, mental and morale well-being of the child TCA 37-1-102 (b) (8).
21. **Emancipation:** Emancipated minor: A person under the age of 18 years of age who is totally self-supporting. Or Emancipation to Adulthood: When a youth adjudicated dependent/neglect or unruly reaches the age of 18 or when a delinquent youth reaches the age of 19 and services or custody with DCS are discontinued, the youth is said to have "Emancipated to Adulthood". ICPC Regulation #3: 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.
22. **Emergency Placement:** Any event in which a child/youth placed in an out-of-home care setting poses an imminent or immediate risk of harm to the physical safety of himself/herself or other individuals. Emergency Confinement: The confinement of a youth (without due process) in a secure setting as ICPC Regulation #3 a temporary placement of 30 days or less in duration.

23. **Family Free or Boarding Home:** The home of a parent, relative or unrelated individual whether or not the placement recipient received compensation for care or maintenance of the child, foster care payment or any other payments or reimbursements on account of the child's being in the home of the placement recipient. (See Boarding Home) (Article II d.)
24. **Family Service Worker (FSW):** A DCS term used to identify the position previously known as the DCS case manager or home county case manager. The person is principally responsible for the case and has the primary responsibility of building, preparing, supporting, and maintaining the Child and Family Team as the child and family move to permanence. Note: those working with delinquent youth are referred to Juvenile Probation Officer or Juvenile Service Worker.
25. **Family Unit:** A group of individuals living in one household.
26. **Foster Care:** Care of a child on a twenty-four (24) a day basis away from the home of the child's parents. Such care may be by a non-custodial parent, relative of the child, by a non-related individual, by a group home or by a licensed residential treatment facility or any other entity. In addition, if twenty-four (24) hour a day care is provided by the child's parents by reason of a court ordered placement (and not by virtue of the parent-child relationship), the care is foster care.
27. **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 approval of the government or a social service agency.
28. **Guardian:** A public or private agency, organization or institution which 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 the child which a parent would have the authority and responsibility for doing by virtue of an unrestricted parent-child relationship. Guardian also means an individual who is a non-agency guardian who holds a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility as defined above. (ICPC Regulation #10 and Regulation #3)
29. **Guardianship Appointment-Permanent:** An appointment is permanent for purposes of the ICPC 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 which the guardian has a professional obligation to carry out. (See Legal Guardianship)
30. **Home Study:** For purposes of PL 109-239, "home study" means 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. As

defined under the Safe and Timely Interstate Placement of Children in Foster Care Act, the conclusion of a “home study” conducted under this provision is to address the safety and appropriateness of this resource and to address the appropriateness of the placement of the specific child involved in the ICPC transaction.

31. **Hospital or Other Medical Facility:** An institution for the acutely ill which discharges in patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care and in which a child is placed for the primary purpose of treatment of an acute medical problem.
32. **Incapacitation:** The inability of a parent or guardian to care for a child due to an unexpected medical, mental, or physical condition of a parent or guardian (See ICPC Regulation #7)
33. **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 birthparents.
34. **Institution for the Mentally Ill or Mentally Defective:** A facility which is responsible for the 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.” (Article II d)
35. **Inter-jurisdictional Placement Under the ICPC:** The arrangement for the care of a non-delinquent child in the home of his parent, other relative or non-agency guardian or a family free or boarding home or in a child-caring agency or institution or a licensed residential treatment facility across State lines which is subject to compliance with the Interstate Compact on the Placement of Children and P.L. 109-239 [*“Safe & Timely Interstate Placement of Foster Children Act of 2006”*](#). Placement may be temporary or long-term resulting in permanency for the child. ICPC placement compliance is not required for inter-jurisdictional placements of a child with any institution licensed or certified to care exclusively for the clinically mentally ill, or clinically mentally defective or epileptic or any institution licensed or certified as primarily educational in character, and any hospital, or other medical facility.
36. **Interstate:** Involving, connecting or existing between two or more states.
37. **Intrastate:** Existing or occurring within a state
38. **Interstate Compact Administrator:** (or ICPC Administrator) Refers to the Officer designated to coordinate activities under the Compact in their jurisdiction (state) and who, jointly with like officers of other party jurisdictions, is designated the power to promulgate rules and regulations to carry out more effectively the terms and provisions of the Compact .

39. **Interstate Compact on the Placement of Children (ICPC)**: A uniform law enacted by all fifty states, the District of Columbia, and the Virgin Islands that establishes orderly procedures for the placement of children across state lines into other party states for the purpose of foster care or preliminary to an adoption and fixes responsibility for those involved in placing the child.
40. **Interstate Home Study**: A home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement of a child in custody or guardianship of the Sending State. A parent, relative or kin or foster or adoptive resource home study conducted by the Tennessee Department of Children’s Services personnel or DCS contracted provider based on receipt of a complete ICPC request/referral submitted through the Tennessee Department of Children’s Services Office of the Interstate Compact on the Placement of Children in compliance with P.L. 109-239 and TCA 37.4.201 et seq. An Interstate Home Study may be conducted on a parent, relative or kin or foster or adoptive resource who resides in Tennessee and shall be conducted in accordance to appropriate federal and state laws and meet the requirements of TN DCS policy and standards including TN DCS Policies [16.4](#), [16.8](#), [16.11](#), [16.16](#), [16.20](#). The Interstate Home Study on parent or relative or kin or resource home or a report on the progress toward completion of that study is to be completed within sixty (60) calendar days.
- The conclusion of an Interstate Home Study is child-specific recommendation regarding the appropriateness of placement of the child with the identified resource. The Interstate Home Study serves as the basis for a decision regarding placement under the ICPC.
41. **Jurisdiction**: (1) The power and authority of a court to hear and decide matters; (2) Fixes responsibility for those involved in placing children.
42. **Legal Custody**: court-ordered or statutory right and responsibility to care for a child either temporarily or permanency.
43. **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.
44. **Legal Risk Placement**: a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing at 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.
45. **Member State or Party State**: U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
46. **Non-Agency Guardian**: Refer to Regulation #10: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in ICPC Regulation #10, Section 1(a).

47. **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 the child.
48. **Non-Offending Parent**: the parent who is not the subject of allegations or findings of child abuse or neglect.
49. **Non-Relative**: A person not connected to the child by blood, marriage or adoption or otherwise defined by the sending or receiving state.
50. **Parent/Guardian**: 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.
51. **Parent Study**: [16.20, Expedited Custodial Placements](#) is used to conduct a study on a parent or stepparent pursuant to the ICPC. This assessment is completed in twenty (20) calendar days.
52. **Permanency**: Permanency for children involved in an inter-jurisdictional placement under the Interstate Compact on the Placement of Children is defined as adoption, reaching the age of majority, becoming self-supporting or is discharged with concurrence in the following: legal custody returned to parents; legal custody granted to relatives; permanent guardianship ordered with or without subsidy; and sending State's jurisdiction terminated. Once permanency for a child has been achieved, the ICPC incident is closed to further services. Transfer of jurisdiction of a child to another State is not a permanency goal of the ICPC. Transfer of Jurisdiction is a legal transaction subject to the terms of the UCCJEA.
53. **Party State or Member State**: U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
54. **Placement**: The arrangement for the care of a child in a family free or boarding home (with parents, other relative or non-agency guardians) or institution such as licensed Residential Treatment Facility or licensed Group Homes.
55. **Placement Categories**: ICPC Regulation #3 identified four (4) types of placement categories: (1) Adoptions: Placement preliminary to an adoption (Independent, private or public agency adoptions); (2) Licensed or approved foster homes: Placement with related or un related caregivers; (3) Placements with parents and relatives: when a parent or relative is not making placement as defined in Article Viii (a) "Limitations" and (4) Group Homes/Residential treatment placements of all children: including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.
56. **Placement Services Division (PSD)**: A DCS term is used to identify a combined division which includes staff previously known as Foster Parent Support Unit or Residential Case Management Staff, Resource Managers, and Recruiters. This newly formed division is responsible for recruitment of DCS Resources Families, support to

DCS Resource Families, and Placement of all children in DCS custody including referrals to private provider agencies.

57. **Primarily Educational Institution**: An institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose in accepting children is to meet their educational needs and which does not do one or more of the following: (a) accept responsibility for children during the entire year; (b) provide or hold itself out to provide child care constituting nurture sufficient to substitute for parental supervision and control or foster care; (c) 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 residential basis in the aforementioned school program or program.
58. **Prospective Adoptive Parents**: Individual or Individuals with whom a child is placed as a preliminary to a possible adoption. Prospective Adoptive Parents cannot be considered a non-agency guardian of the child for the purpose of determining applicability of the ICPC to the placement unless the individual would qualify as a lawful recipient of a placement of a child within having to comply with the ICPC as provided in Article VIII (a).
59. **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.
60. **Receiving State**: The party state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities, courts or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
61. **Resource Parent Support (RPS)**: A DCS term is used to identify regional staff previously known as Resource or Foster Parent Support or Residential Case Management or Resource Managers and Recruiters who are currently combined into the Resource Parent Support division.
62. **Safe and Timely Interstate Study Report**: Per P.L. 109-239, a State is required to complete and report on parent, relative, kin, foster and adoptive home studies requested by another State within 60 calendar days of receipt of the request. If the requirements for the parent, relative, kin, foster or adoptive study requested cannot be completed within the 60 calendar day period, the "report" is necessary to document the progress toward completion of the study, identifies the barriers to completion of that study and projects a timeframe in which it is anticipated that the foster or adoptive study is completed and a decision issued. Such a report is due at the 60 calendar day juncture and every 30 days thereafter until the study is complete

and a decision is issued regarding placement. Maximum time frame to complete a parent, relative, kin, foster or adoptive study per ICPC Regulation #2 is 180 calendar days. (DCS [16.20](#) and [16.4](#))

63. **Sending State**: 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 which sends, brings or causes to be sent or brought any child to another party state.
64. **Substantial Relationship**: The proposed placement resource has spent more than cursory time with the child, is known to the child and has established more than a minimal bond with the child. (See ICPC Regulation #7)
65. **Supervision**: Monitoring of a child and the child's living situation by the receiving state after the child has been placed pursuant to 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 # 11 of the ICPC.
66. **Timely Interstate Home Study**: Per P.L. 109-239, the term ' timely interstate home study' means an Interstate Home Study completed by a receiving State within 30 working days after receipt of an ICPC request which meets all statutory requirements of the applicable Interstate Compact statute from a sending State. A Timely Interstate Home Study meets all requirements under TN DCS Policy [16.20](#), and includes a child-specific recommendation for the placement of the child and identifies further requirements per TN DCS policy that must be met. (DCS Policy [16.20](#))
67. **TN DCS Regional Staff**: References to TN DCS Regional Staff throughout this document may be specific, such as TN DCS Regional FWS or PSD or generic example, home study preparer or educational support staff. However, the term designates where primary responsibility for the action on behalf of the child or family resides.
68. **Trial Home Visit** is defined as the return of physical custody of the child to a parent, relative or other appropriate individual to determine whether full custody should be granted to that parent, relative or other appropriate individual; however, the State retains legal custody during the trial home visit period. Pursuant to the ICPC, trial home visit is considered a placement and must be compliant with the ICPC prior to physical custody being granted.
69. **Types of "Home Study" as defined in ICPC Regulation #3:**
 - a) **Adoption Study**: A study conducted for the purpose of placing a child for adoption with a placement resource. The adoption study is the assessment and evaluation of a prospective adoptive parent(s) (DCS Policy [16.4](#)) ;
 - b) **Foster Study**: A 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 (DCS Policy [16.4](#));

- c) **Parent Study:** Applies to the study conducted - to determine whether a parent placement meets the standards for reunification of a child with a parent (DCS Policy [16.20, Expedited Custodial Placements](#));
 - d) **Relative Study:** A study conducted for the purpose of placing a child with a relative. Such study may or may not require the same level of screening as required for a foster study or an adoption study depending upon applicable law and/or requirement (DCS Policy [16.20](#) or [16.4](#));
 - e) **Non Relative Study:** A study conducted for the purpose of placing a child with a non-relative. Such a study may or may not require the same level of screening as required for a foster study or an adoptive study depending upon the applicability law and/or requirements (DCS Policy [16.20](#) or [16.4](#)).
70. **Other Definitions:** Other Definitions that are unique to the ICPC or affect processing under inter-jurisdictional placements are contained in the Regulations, Work Aids and instructions associated with required forms.