

PURPOSE

To provide an overview of the Interstate Compact on the Placement of Children (ICPC). The ICPC is a federal compact implemented in state law for the interstate placement of children in foster care, adoption, and residential placements. ICPC membership includes all U.S. states and the US Virgin Islands. Daily ICPC operations including referrals, placements and supervision are governed by ICPC Regulations and state policy.

Michigan Department of Health and Human Services (MDHHS) ICPC policy includes this policy and:

- [ICM 120, Interstate Adoption Procedures.](#)
- [ICM 130, Interstate Foster Care Procedures.](#)
- [ICM 140, Interstate Residential Care Procedures.](#)

DEFINITIONS**Indian Child Welfare Act (ICWA)**

A federal statute governing requirements for an Indian child involved in child welfare proceedings.

Michigan Local Agency

An MDHHS county office, Family Division of the Circuit Court, public or private child caring institution, or a private child placing agency.

Other Local Agency

The local agency in the other state. This may be a juvenile court, department of corrections, social service agency, or a private adoption agency.

Receiving State

The state that receives the ICPC referral. In adoption cases, the receiving state is the state where the prospective adoptive family is living.

Runaway

A child under the jurisdictional age limit established by the state of residence, who has run away from their home state, without the consent of the parent, guardian, or the person or agency entitled to

legal custody or supervision. This includes non-wards and wards who are not delinquent. A child who has left their out-of-state placement without permission shall be returned to their state of residence via the Interstate Compact for Juveniles; see [ICM 160, Interstate Runaway, Escapee and Absconder Procedures](#).

Sending State

The state that has legal jurisdiction and sends an ICPC referral requesting a home study, supervision, or service. In adoption cases, the sending state is the state where the child normally becomes first eligible to be considered for adoption.

ICPC Regulation 1

This regulation allows for the relocation of any previously approved intrastate placement resource from one state to another state pending ICPC office referral approval.

ICPC Regulation 2

This regulation sets requirements for prescreening prospective placement resources; see [ICM 130, Interstate Foster Care Procedures](#).

ICPC Regulation 4

This regulation governs and sets requirements for youth being considered for residential placement; see [ICM 140, Interstate Residential Care Procedures](#).

ICPC Regulation 7

This regulation sets requirements to expedite an ICPC referral under certain limited circumstances as directed by a specific court order with certain special content.

ICPC Regulation 9

This regulation governs visitation by a child. The child may visit a relative or friend in another state for up to 30-calendar-days without being subject to ICPC requirements. Visits are separate from ICPC placement in that they have a start date, an end date and there is a clear intent to return to the home state at the end of the visit.

If school is not in session, visits during the period may extend beyond 30 days until the child's school is back in session.

ICPC Regulation 11

This regulation provides responsibilities and expected actions for case planning by the sending state and supervision of the child in the receiving state.

Fictive kin

A person other than a relative who has experience with the child. If placement with fictive kin is considered, the coding for the referral should be for a foster care placement.

Finalization

A legal process where adoption is made final. The state where the adoption is finalized is documented on the ICPC 100A. State laws of that state govern finalization and may require the child to live in the prospective adoption placement for a specific period prior to finalization occurring; see [ICM 120, Interstate Adoption Procedures](#).

ICPC FORMS

[DHS-4332, ICPC 100A](#), Interstate Compact on the Placement of Children Request. This form is used to initiate an ICPC referral.

[DHS-4333, ICPC 100B](#), Interstate Compact Report on Child's Placement Status. This form is used to report the child's placement start and identify the beginning of ongoing supervision and required progress reports. This form is also used to report changes in placement location/type, changes in per diem rate, and close the placement.

[DHS 4334, ICPC Financial-Medical Plan](#). This form is used to document how the placement is funded and how the child's medical needs will be met in the receiving state.

[DHHS-4335, Interstate Compact on the Placement of Children \(ICPC\) Checklist](#). A list and sequence order for required documentation for submitting an ICPC referral.

[DHS-4336, Interstate Compact on the Placement of Children Placement Prescreening](#). This form is used to conduct prescreening of the placement in accordance with ICPC Regulation 2.

[DHS-3750, Expedited Home Study Request](#). This form is used when making an expedited referral under ICPC Regulation 7.

**POLICY AND
PROCEDURE****Placement
Considerations**

A child may be placed in an out-of-state placement after approval by the receiving state's ICPC office.

Receipt of an approved ICPC home study does not obligate the sending state to place the child at that time. Caseworkers must consider how the distance from the removal address may impact permanency planning, provision of services, visitation plans, and post-placement planning. The final decision to place a child in an approved ICPC placement must be made the by local agency with responsibility for the child.

Home study content may vary between states. Staff must ensure the home study provides adequate information to assess the safety and appropriateness of the proposed placement for the specific child being considered and that the home meets the requirements of the custodial state prior to making a placement.

**Placement
Violations**

When a child is placed, or a court orders placement out of state prior to ICPC approval by the receiving state, the caseworker, in conjunction with the county director, Business Service Center, the Michigan ICPC office and MDHHS Children's Services Legal, must decide to either return the child immediately and/or appeal the court order; see [FOM 722-10, Foster Care - Court Review, Problem Court Orders](#). See *Situations not Covered under the ICPC* item in this policy for cases where the ICPC does not apply regarding releases to parents and guardianships.

**EXPEDITED
REFERRALS**

To help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process, ICPC Regulation 7, Expedited Placement Decision, allows for expedited approval or denial by a receiving state if the child will be placed with one of the following:

- Parent.
- Stepparent.
- Grandparent.
- Adult sibling.
- Adult uncle or aunt.
- Legal guardian.

Note: Licensing is not applicable under ICPC Regulation 7.

Unless otherwise required or allowed by Regulation 7, all transmittals of document or written materials must be by facsimile, mail, overnight mail, or electronic transmission.

Referrals FROM Michigan

The caseworker must determine that the child, or at least one child in the sibling group being placed together, meets one of the following criteria:

- The child has unexpectedly become dependent due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian. Incapacitation is defined as a parent or guardian's inability to care for a child due to their medical, mental, or physical condition.
- The child is four years of age or younger.

Note: Siblings to a child under age 4 may be included in the expedited referral if the request is seeking to place the siblings in the same proposed placement.

- The child is in an emergency placement.
- The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child.
- A child in the sibling group is an "Indian child" and the proposed ICPC placement is an ICWA compliant placement.

The caseworker must petition the court for an order that is consistent with Regulation 7 requirements and the court order must contain the following:

- The proposed placement is a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and at least one of the following criteria is met:
 - The child is under four years of age.
 - The child is in an emergency placement.
 - The court finds the child has a substantial relationship with the proposed placement recipient.
- The receiving state has a completed ICPC-100A, Request for Placement, with supporting documentation for over 30-business-days, but the sending agency has not received notice determining whether the child may be placed.

If approved, the court will then issue an order making the legal findings required by the regulation. The order will be sent to the sending agency within two-business-days, and the ICPC request including that order must reach the ICPC office within five-business-days. The order must include the name, mailing address, email address, telephone number, and if available, the fax number of the court clerk or a designated court administrator of the sending state court exercising jurisdiction over the child.

The referral must include all documents noted on the [DHS-4335, ICPC Checklist](#), including the Regulation 7 court order.

The Michigan ICPC office must forward the expedited referral to the receiving state ICPC office within two-business-days and provide notice that the referral is entitled to priority processing.

The Michigan ICPC office must monitor the receiving state for a referral response including recommendation regarding the placement within 20-business-days.

If the receiving state ICPC office fails to respond within the 20-business-day limit, the Michigan court that issued the order for an expedited placement decision may inform the appropriate court in the receiving state, provide that court with copies of relevant documentation, and request assistance. Within its jurisdiction and authority, the requested court may make appropriate orders for the purpose of obtaining compliance with the regulation and the ICPC.

The provisions above do not apply if:

- Within two-business-days of receipt of the expedited referral, the Michigan ICPC office determines that the ICPC request

documentation is substantially insufficient, specifies that additional information is required, and requests the additional documentation from the Michigan caseworker. The request may be made by fax, or by telephone if fax is not available.

- Within two-business-days of receipt of the ICPC expedited referral, the receiving state ICPC office notifies the Michigan ICPC office that further information is necessary. Such notice must specifically detail the information needed.

If either of the two provisions apply, the 20-business-day period for the receiving state ICPC office to complete action must be calculated from the date the receiving state ICPC office receives the additional documentation requested.

Time periods with Regulation 7 may be modified with a written agreement between the court which made the expedited order, the Michigan caseworker, the receiving state ICPC office, and the Michigan ICPC office. Any modification applies only to the individual case to which it is addressed.

Unless otherwise required or allowed by Regulation 7, all transmittals of documents or written materials must be by overnight express mail carrier service.

Referrals TO Michigan

The Michigan ICPC office must forward the referral to the applicable county office within two-business-days of receipt from the sending state. Placement Agency Foster Care (PAFC) providers may complete home studies if requested by MDHHS, however the Michigan ICPC office will initially route the home study request to the applicable MDHHS county office first.

The local office must return the completed home study to the Michigan ICPC office within 15-business-days of receipt of the packet from the Michigan ICPC office.

The Michigan ICPC office must ensure the completed home study is sent to the sending state ICPC office within 20-business-days of receipt from the local office.

The Michigan ICPC office must provide the written report, a DHS-4332, approving or denying the placement, and a transmittal of that determination to the sending state ICPC office no later than three-business-days after receipt of the packet from the local office, not to

exceed 20-business-days from the initial date that the completed documentation and forms were received by the Michigan ICPC office.

If the Michigan ICPC office fails to respond within 20-business-days, the sending state's court that issued the order for an expedited placement decision may inform the appropriate Michigan court, provide that court with copies of relevant documentation, and request assistance. Within its jurisdiction and authority, the Michigan court may make appropriate orders for the purpose of obtaining compliance with the regulation and the ICPC.

Timeframe Exceptions

The timeframes above apply to all expedited placement decision requests, unless:

- Within two-business-days of receipt of the ICPC expedited placement decision request, the receiving state's ICPC office determines that the ICPC request documentation is substantially insufficient.
 - The receiving state ICPC office must request specific additional information from the sending state ICPC office.
 - The request must be made by express mail or any other recognized method for expedited communication, including FAX and/or electronic transmission.
- Within two-business-days of receipt of the ICPC expedited placement decision request, the receiving state's ICPC office notifies the sending state ICPC office that the request documentation is sufficient, but further information is necessary.

If either of the two provisions above apply, the receiving state's ICPC office must request the specific information needed from the sending state ICPC office within two-business-days. The 20-business-day timeframe is calculated from the date the receiving state's ICPC office receives the additional information requested.

Timeframes under Regulation 7 may be modified for a specific case with a written agreement between the court that made the expedited placement request order, the receiving state's caseworker, and the ICPC offices for the sending and receiving states.

RELOCATION REFERRALS

If there is a previously approved placement in Michigan and the placement provider plans a move to another state, the situation may qualify for a Relocation Referral under ICPC Regulation 1. The following criteria must apply:

- There must be a current approved placement in Michigan.
- The placement must have been functioning appropriately within Michigan for at least the previous six months.

The referral must include all documents noted on the [DHS-4335, ICPC Checklist](#). In addition to the documents required for all ICPC referrals, relocation referrals must also contain:

- The most recent approved home study.
- [DHHS-4333, Interstate Compact Report on Child's Placement Status](#).
- Supervisory reports completed during the six months prior to the request.

HOME STUDIES

Home studies for ICPC referrals to Michigan must:

- Be completed within 45-calendar-days of receipt of the request by the ICPC office.
- Include an assessment of the safety and suitability of the home and address the extent to which placement in the home would meet the needs of the child.

A receiving state is not required to complete the parts of the home study involving the training and education of prospective foster and adoptive parents within the applicable time period.

While the foster care/adoptive home study must be completed within the 45-calendar-days, the actual placement cannot be made until approval is given by the Michigan ICPC office.

A state must accept home studies from another state, a private agency contracting with another state, or an Indian tribe as meeting any requirements imposed by the state for completion of a home

study before placing the child in the home. States cannot impose restrictions on usage of private agencies to conduct the home studies.

See [FOM 722-03B, Relative Engagement and Placements](#) for Home Study requirements for incoming youth.

WORKER TO WORKER COMMUNICATION

Caseworkers may communicate directly with their counterparts in other states, if they keep the Michigan ICPC office informed including notice of potential problems. All documents must be sent to the Michigan ICPC office for routing to the other state ICPC office.

Communication with the other state through the Michigan ICPC office is recommended.

State practices vary and some state local offices may refuse communication.

Supervision

Under Regulation 11 of the ICPC, the sending state retains jurisdiction and the responsibility for case planning for the child. The receiving state must supervise by supporting the case planning of the sending state. If the Michigan caseworker finds that case plan is not complete, not workable or services cannot be arranged, the caseworker must provide written notice to the Michigan ICPC office with details of the issue.

If the sending state cannot resolve the issue, the youth's placement may disrupt requiring return to the sending state.

Progress reports are required to be completed at least every 90-calendar-days and sent to the ICPC office. The report may be in the form of a letter or memorandum and must include identifying information regarding the child and current placement, legal status, and dates and location of contact with the child. The report must also include progress or problems regarding school, employment, health, home and family life, community adjustment, legal problems, and any other special concerns that need to be brought to the attention of the sending state; see [ICM 130, Interstate Foster Care Procedures](#).

Reporting alleged abuse and/or neglect of a child.

Under Michigan Child Protection Law, Michigan caseworkers are mandated to report suspected abuse or neglect of a child. This includes Michigan children placed in other states, as well as children from other states who have been placed in Michigan; see [FOM 722-13, Referrals to Children's Protective Services \(CPS\)](#).

For Michigan youth placed out of state the Michigan caseworker must make a report via the CPS protocol in the state in which the abuse/neglect is occurring and promptly notify both ICPC offices in the sending and receiving state.

Staff must also notify the Michigan ICPC office regarding suspected abuse or neglect of any child placed in Michigan or another state through ICPC.

**RELATIVE
LICENSING**

For foster care placements to Michigan with a relative, licensing is encouraged, but not mandatory.

Note: Some receiving states may require foster home licensure prior to placement of youth.

**MEDICAL PLANS
AND TITLE IV-E
ELIGIBILITY**

Most children who are eligible for title IV-E funding are eligible for Medicaid in the receiving state. Eligibility documentation must include the child's DHS-352, Initial Determination of Title IV-E Eligibility; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#). The child's title IV-E eligibility status must be reflected in the [DHS-4334, ICPC Financial/Medical Plan](#) and prior to sending an ICPC request, discussed with the placement provider to ensure the provider understands their responsibility in securing health care coverage and treatment for the child. The caseworker must work closely with the provider to ensure health care providers are identified and the process for obtaining medical, dental, and mental health care is well understood.

If the child is not eligible for title IV-E funding, the medical plan must include a memo that details:

- The intent to apply for Medicaid for the child in the receiving state.
- The understanding that Medicaid in the receiving state may provide no medical support or only limited medical support for the child.
- Written contact instructions (normal and off-hours) that describe how to obtain advance approval for routine and emergency medical services (including mental health, medications and dental).

POLICY APPLICATION FOR YOUTH PLACED OUT-OF-STATE

When Michigan children are placed in other states through the ICPC, receiving state supervision and case planning is based upon the requirements listed in Regulation 11, which may not meet Michigan's requirements. Caseworkers must ensure that the case plan is meeting the child's needs and work with the receiving state to address inconsistencies between the policy requirements for Michigan and supervision requirements under Regulation 11.

INTERSTATE TRAVEL

The Michigan ICPC office provides travel funding for travel to the placement and from the placement to Michigan if the placement disrupts. Travel funding includes supporting travel for MDHHS caseworkers or contracted private agency staff acting as escorts. Funding must be requested in advance of travel and must use SIGMA for payment; see [APA 230, Travel and Employee Expense Reimbursement](#).

Travel funding by the Michigan ICPC office does not extend to family travel, child visits, or caseworker visits to the placement. For more information about travel funding, see *interstate travel* section within [ICM 130, Interstate Foster Care Procedures](#).

SITUATIONS NOT COVERED UNDER THE ICPC

The ICPC does not apply to the following situations:

- Placement with a parent from whom the child was not removed and the court ends jurisdiction. This applies when the court placed the child with a parent from whom the child was not removed, the court has no evidence that the parent is unfit, and the court does not seek any evidence from the receiving state that the parent is either fit or unfit.
- Placement with a parent following a courtesy check and the court ends jurisdiction. This applies when the sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed.
- Children placed across state lines in guardianships under the Estates and Protected Individuals Code (EPIC) or a juvenile guardianship after the underlying foster care case is closed. Children who are eligible for juvenile guardianship are included under the foster care procedures.

If the court releases the child to the parent and does not terminate jurisdiction, the caseworker must consider the situation is contrary to ICPC Regulation 3 and take the following immediate actions:

- Treat the situation as a problematic court order; see [FOM 722-10, Court Review](#) for problem court order process.
- Notify the Michigan ICPC office and MDHHS Children's Service Legal Division of the event and provide them with the court order when obtained.
- Begin assembling an ICPC referral; see [ICM 130, Interstate Foster Care Procedures](#) for referral requirements.

LEGAL BASE

Interstate Compact on the Placement of Children, 1984 PA 114, as amended, MCL 3.711 et seq.

CONTACT

Questions, comments or requests for training relating to the ICPC or this policy may be referred to MDHHS-MI-ICPC@michigan.gov.

