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## **SECTION 5 - INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

### **501 Scope and Purpose**

The Interstate Compact on the Placement of Children (ICPC) provides a legal procedure that guarantees that children placed on an interstate basis will receive appropriate care and protection. Specifically, the ICPC:

- (1) provides for Adoption/Foster Family Preparation Summary prior to placement;
- (2) allows the prospective receiving state to ensure that all its applicable child placement laws and policies are followed before it approves an interstate placement;
- (3) gives the prospective receiving state the opportunity to consent to or deny a placement before it is made;
- (4) provides for continual supervision and regular reports on each interstate placement;
- (5) guarantees the child legal protection by fixing responsibilities for appropriate care and protection of the child with the sending agency;
- (6) ensures that the sending agency retains legal jurisdiction of the child once the child is moved to the receiving state and provides for the child's return, if necessary; and
- (7) provides for reunification services.

All states, as well as the District of Columbia and the Virgin Islands have adopted the ICPC and comply with uniform rules and procedures.

### **502 Legal Base**

The following statutes govern the Interstate Compact on the Placement of Children (ICPC) in the State of Indiana:

- (1) Interstate Compact on the Placement of Children (ICPC) (IC 12-17-8);
- (2) Adoption Code (IC 31-19);
- (3) Indiana Juvenile Code (IC 31-30 through IC 31-40);
- (4) Federal Interethnic Adoption Provisions (IEAP) (42 USC 1996b);
- (5) Indiana Administrative Code (IAC) rules made pursuant to IC 4-22-2 that define:
  - (a) placements which require Division of Family and Children (DFC) approval; and
  - (b) the basis on which DFC approval of interstate and intercountry placements are made (470 IAC 3-5.1);
- (6) Indian Child Welfare Code (21 USC 1903 and 24 USC 1602c);

- (7) Federal Orphan Adoption Provisions (45 CFR 204.3);
- (8) Federal Children of Citizen Parents (8 CFR 322).

**503**    **Exclusions and Exceptions**

There are several situations in which an ICPC referral does not have to be completed.

503.1    **Exclusions from the ICPC**

A placement may be excluded from the ICPC if the placement of a child is made voluntarily between the following persons who are related to the child, as long as no court or other competent authority has custody of the child:

- (1) Parent(s)
- (2) Stepparent
- (3) Grandparent(s)
- (4) Adult brother or sister
- (5) Adult aunt or uncle
- (6) Non-agency legal guardian (non-adoption referrals only)

Placement of a child for educational purposes into another state is not a part of the ICPC.

503.2    **Exceptions**

The following shall be sent directly to the local out-of-state agency:

- (1) Interstate protective service alerts.
- (2) Divorce/custody referrals: These are private studies, usually from a court. (NOTE: Some states will not honor such a request.)
- (3) Supervisory or progress reports, to be distributed as follows:
  - (a) One (1) copy is to be sent to the local agency in the other state.
  - (b) Three (3) copies are to be sent to the Indiana ICPC Office.

**504**    **Violations of ICPC Procedures**

Violation of the terms of the ICPC law and procedures shall constitute a violation of the child placement laws of either state. A violation is punishable in either state in accordance with its laws. Any such violation may be sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending or receiving agency which allows it to place or care for children. There also may be other consequences if the other state perceives that a particular office or staff person has a pattern of frequent violations of the ICPC.

If a county office (COFC) is aware of a violation of the ICPC, a letter detailing the circumstances is to be sent to the Interstate Office, Deputy Compact Administrator. This letter is to consist of a request for retroactive compliance by another state with the terms of the ICPC or an explanation of the reason why the COFC has violated ICPC rules.

The DFC is the authorized governmental agency legally authorized to administer the State of Indiana's child protection/child welfare program. The COFCs are the agents of the DFC that provide these services.

#### **505 Processing Interstate Referrals for Interstate Placements**

When an interstate placement is being considered, the sending agency is required to submit a referral packet to the Interstate Office. ICPC staff will ensure that all necessary documentation is included before forwarding it to the receiving state. **All foster care conversions to adoption require new referrals.** See subsection 506.1 for referral packet instructions.

The receiving state then will forward the packet to the appropriate agency in that state for action. The agency will be a local public or private child welfare agency or residential facility that is being asked to accept the child. The "action needed" on any particular request will vary depending upon the referral type. Such "action" may be a study of a prospective relative, parent, foster, or adoptive home, or a review of the child's appropriateness for placement in the proposed residential facility.

The receiving state's local agency is to complete the requested documentation, including a specific placement recommendation. This information is then returned to the Interstate Office in the receiving state for review. The receiving state's Interstate Office then sends the decision to the Indiana Interstate Office, from which it will be forwarded to the agency that originated the referral request.

Thirty (30) business days is the recommended time for completion of the necessary work. The 30 days begin when the receiving state receives the referral packet, and it ends when the receiving state sends the documentation, including the placement decision, to the sending state.

NOTE: There is an option for priority placement that is described in detail in Appendix A.

#### **506 Procedures for Out-of-State Foster Care, Relative, Parent, and Child Caring Institution Placements**

All COFCs, licensed child placing agencies (LCPAs) and courts wishing to place the children under their supervision out of state must complete an ICPC referral.

##### **506.1 Referral Components**

An ICPC referral packet for these types of placement must contain the following elements:

- (1) State Form 106 / FPP 0100A Interstate Compact on the Placement of Children Request signed by the sending agency.

- (a) The referring COFC, LCPA, or court retains the goldenrod copy and forwards the remaining five (5) copies to the ICPC Office.
- (b) See Appendix C for detailed instructions about form completion.
- (c) A complete / FPP 0100A must be completed for each child being referred.

**THE FOLLOWING ITEMS MUST BE SUBMITTED IN TRIPPLICATE:  
(i. e., THREE IDENTICAL PACKETS)**

- (2) Cover letter detailing the reason for the referral including any specific issues that need to be addressed.
- (3) Child's social history. (See Appendix VV in Section 7.)
- (4) Child's medical history. (See Appendix KK in Section 7.)
- (5) Psychological and any other reports current within the past year.
- (6) Documentation of the child's legal status, including wardship/custody order or other applicable court order defining legal status of the child. This includes juveniles subject to probation for delinquent acts. If the wardship is over 18 months old, the most recent order must be included, as well as the order granting wardship. **NOTE: All court orders must be signed and dated by the presiding judge.**
- (7) State Form 2956(R2 / 1-03) / FPP 0046 Case Plan.
- (8) State Form 49597 / FPP 0100E Indiana Interstate Compact on the Placement of Children Financial/Medical Plan – If Child Is Placed Out-of-State. This form is to be completed after all available options have been thoroughly discussed and agreed to by the prospective caregiver(s). See Appendix E in this section.
- (9) Other pertinent records, such as school records, birth certificate, and Social Security card.

The referral packet to be submitted to the ICPC Office is to contain three (3) identical copies of the packet and one completed State Form 106 / FPP 0100A (**five of the six copies**). See (1) above for details regarding form completion. Upon receipt, the ICPC Office will review the referral packet for accuracy and completeness, sign it, and forward it to the receiving state for referral to their local agency. If the sending agency (COFC or designee) does not send a complete referral packet, **placement delays** will occur if the ICPC Office has to return an incomplete packet.

Upon receipt of a report from that local agency, the receiving state's ICPC Office will forward the report and the State Form 106 / FPP 0100A to the Indiana ICPC Office, indicating whether the placement is approved or denied. The Indiana ICPC Office will then send a copy of the report and the State Form 106 / FPP 0100A to the Indiana COFC or LCPA making the referral. The approval is valid for six months.

506.2 Preliminary Contact

Nothing in this procedure prohibits an Indiana agency's direct preliminary contact with an appropriate local placement resource in another state to explore the feasibility of a plan to place the child in that setting. **No formal linkage with another office may be established without ICPC approval.**

506.3 Interstate Placements from Another State

All other states wishing to place their wards in Indiana must complete an ICPC referral.

506.31 ICWIS Procedure for Parent and Foster Parent Referrals from Another-State

The ICPC Section in Central Office is responsible for entering all incoming referrals for parent and/or relative placement into the ICPC Module on ICWIS. The referrals are then transferred to the COFC that will be completing the assessment process. Following the placement decision, the ICPC Section in Central Office will enter the placement date, and, finally the date the case is closed off of the ICPC Module of ICWIS.

506.32 Requests for Adoption/Foster Family Preparation Summary

Out-of-state requests for an Adoption/Foster Family Preparation Summary of an Indiana family must come directly through the ICPC Office. COFCs are not obligated to respond to requests which come directly from another state. If a COFC receives a request that does not come from the Indiana ICPC Office, the COFC must send the referral to the Indiana ICPC Office which will return it to the sending state and request a full interstate referral packet.

506.33 Adoption/Foster Family Preparation Summary Process

Adoption/Foster Family Preparation Summary for proposed foster care, relative, or parent placements of children from out-of-state must be completed in the same manner as those completed for an Indiana agency. See Section 7 - Adoption.

The completed Adoption/Foster Family Preparation Summary must be on agency letterhead and contain a specific placement recommendation. It must be signed and dated by the person who completed it and then sent in triplicate to the ICPC Office for forwarding to the other state.

506.4 State Form 26174 / FPP 0100B Interstate Compact on the Placement of Children Report on Child's Placement Status

State Form 26174 / FPP 0100B is to be forwarded to the ICPC Office whenever a placement change occurs. This form is used to advise the ICPC Office and the receiving state of initial placement dates, and/or closures of interstate referrals. A separate FPP 0100B must be submitted for each change. Three (3) copies of this form must be forwarded to the ICPC Office, while one (1) copy remains with the

sending agency in Indiana. See Appendix D for detailed instructions regarding form completion.

#### 506.5 Supervisory Reports

When State Form 106 / FPP 0100A is submitted, the sending agency must indicate specific services needed and the frequency with which supervisory reports must be submitted; such as monthly, or quarterly. For Indiana wards placed out of state, quarterly reports must be requested from the receiving state by sending State Form 26147/FPP 0100B.

Upon receipt of State Form 26147/FPP 0100B notifying the receiving state of the placement, the receiving agency is to begin to provide these reports and any other services agreed to by the sending and receiving agencies.

If the placement becomes the permanent plan for the child, a recommendation for dismissal of wardship cannot be made without six (6) months of supervision, at a minimum. **Dismissal cannot be made without the concurrence of both ICPC Offices.**

Three (3) copies of the supervisory reports must be sent to the ICPC Office. The ICPC Office must be notified if a copy has been sent directly to the local agency in the receiving state. If the supervisory report is a closure report recommending dismissal of jurisdiction by Indiana, three (3) copies must be directed to the ICPC Office.

#### 506.6 Termination of Jurisdiction and Assignment of Legal Custody of the Child

Upon the recommendation of the receiving agency and the receiving ICPC Office, COFCs may dismiss their wardship of children who are placed out-of-state only if the Indiana ICPC Office concurs in this dismissal. **In so dismissing, the COCF must take necessary action to ensure that legal custody is given to the appropriate caregiver.**

Under the terms of the ICPC, the court of original jurisdiction (Indiana court) retains jurisdiction. The receiving state has no legal authority over the child(ren), except through the ICPC. The process is reversed if Indiana is the receiving state.

### 507 Procedures for Agency Interstate Adoptive Placements

All COFCs, or their designated licensed child placing agencies (LCPAs), and courts wishing to place their wards for out-of-state adoption must complete an ICPC referral.

#### 507.1 Referral Components

An ICPC referral packet for agency adoptive placement must contain the following elements:

- (1) State Form 106 / FPP 0100A Interstate Compact on the Placement of Children Request, five (5) copies, signed by the sending agency.
  - (a) The COFC, LCPA, or the courts retain the goldenrod copy.



(b) See Appendix C for detailed instructions for form completion.

**ALL REFERRAL MATERIAL MUST BE SUBMITTED  
IN TRIPLICATE: (i.e., THREE IDENTICAL PACKETS.)**

- (2) Cover letter detailing reason for the referral.
- (3) Child's social history. (See Section 7.)
- (4) Child's medical history. (See Section 7.)
- (5) Psychological and any other reports current within the past year.
- (6) Documentation of the child's legal status, including wardship /custody order.  
**NOTE: All court orders must be signed and dated by the presiding judge.**
- (7) Court order of termination of parental rights (TPR), or signed consents to adoption by birth parents, or notice of publication on a missing parent regarding the adoption proceedings.
- (8) Native American statement included in the TPR order or the surrender attested to by both natural parents as stated below:  
  
**I am not an enrolled member of an Indian Tribe or an Alaskan Village; and, to the best of my knowledge, I am not eligible for membership in an Indian tribe nor an Alaskan Village.**
- (9) Proof of publication or registration with the Indiana Putative Father Registry if there is a putative father whose rights have not been terminated or no birth father is named.
- (10) A legal risk agreement signed by the adoptive parents if the biological parents of the child(ren) are not married.
- (11) A statement by the COFC or its designated LCPA describing counseling that has been provided to the birth parents concerning their rights and the services available to them if they chose to parent.
- (12) State Form 2956 (R2 / 1/03) / FPP 0046 Case Plan
- (13) State Form 49597 / FPP 0100E Indiana Interstate Compact on the Placement of Children Financial/Medical Plan – If Child Is Placed Out-of-State. This form is to be completed after all available options have been thoroughly discussed with and agreed to by the prospective adoptive parents.

The referral packet is then to be submitted to the ICPC Office with three (3) identical copies of the packet and one completed State Form 106 / FPP 0100A (**five of the six copies**). See (1) above for details regarding form completion. Upon receipt, the ICPC Office will review the referral packet for accuracy and completeness, sign it, and forward it to the receiving state for referral to their local

agency. If the sending agency (COFC or designee) does not send a complete referral packet, the referral will be denied.

Upon receipt of a decision from that local agency in the receiving state, that state's ICPC Office will forward the report and the State Form 106 / FPP 0100A to the Indiana ICPC Office, indicating whether the placement is approved or denied. The Indiana ICPC Office will then send a copy of the report and the State Form 106 / FPP 0100A to the Indiana COFC or LCPA making the referral.

## 507.2 Agency Adoption Procedures

All COFCs, LCPAs, and courts wishing to place the agency wards under their supervision for adoption out-of-state must complete an ICPC referral.

### 507.21 Specific References in Section 5 That Pertain to Agency Adoptions:

- (1) Preliminary Contact (subsection 506.2);
- (2) Interstate Placements from Another State (Subsection 506.3);
- (3) Requests for Adoption/Foster Family Preparation Summary (subsection 506.31);
- (4) Adoption/Foster Family Preparation Summary Process (subsection 506.32);
- (5) State Form 26174 / FPP 0100B Interstate Compact on the Placement of Children Report on Child's Placement Status (subsection 506.4);
- (6) Supervisory [Post-Placement] Reports (subsection 506.5).

## 507.3 Post-Placement (Supervisory) Reports

When State Form 106 / FPP 0100A is submitted, the sending agency must indicate specific services needed and the frequency with which post-placement supervisory reports must be submitted, such as monthly, or quarterly. The sending agency also must specify a projection of the length of the supervisory oversight prior to finalization of the adoption.

## 507.4 Termination of Jurisdiction and Assignment of Legal Custody of the Child

After a period of supervision, a recommendation will be made by the supervising agency regarding finalization of the adoption. If the adoption is to proceed on the Indiana child placed out-of-state, the supervising agency in the other state is to send State Form 26174 / FPP 0100B, which includes the date of finalization, and a copy of the adoption decree to its Interstate Office. That Interstate Office will then forward it to Indiana's Interstate Office. The COFC will receive a copy of this State Form 26174 / FPP 0100B and can then terminate its custody. The Interstate case is then closed. If the child(ren) has been adopted, a valid adoption decree will validate custody.

507.5 Procedures for COFCs or Their Designated LCPAs in Interstate Adoptive Placements from Another State

The procedures are the same for the child placed into Indiana for adoption. Indiana now becomes the receiving state and assumes the receiving state responsibilities as written above.

The referral packet is then submitted in accordance with the final paragraphs of subsection 505.

**508** **Independent Interstate Adoptive Placements**

Procedures for independent interstate adoptive placements differ from those for adoptive placements made through authorized child welfare agencies.

508.1 Placements into Indiana

Non-agency adoptive placements into Indiana require the approval of the Indiana ICPC Office. This type of adoptive placement occurs when no state-mandated child welfare agency in either the sending or receiving state is involved in the adoption.

508.11 Interstate Independent Adoptions Between LCPAs in Both the Sending and the Receiving State

- (1) If the child is to be adopted in Indiana, legal information must include verification that the child is legally free for adoption.
- (2) See subsection 508.2 Referral Components for instructions for referral packet compliance.

508.12 Interstate Independent Adoptions Which Require the Appointment of a Guardian

- (1) A guardian for the child must be appointed in the sending state in those referrals in which no COFC or private LCPA is involved.
- (2) A person who may not act as guardian in this situation includes:
  - (a) either birth parent;
  - (b) either adoptive parent.
- (3) A person who may act as guardian includes any competent adult other than those listed in subsection 508.12 (2).

NOTE: This guardian shall be a full guardian of the person (child), willing and able to assume full financial responsibility for the child should the child not be legally adopted in either Indiana or the other state. This responsibility includes the return of the child to the sending state.

## 508.2 Referral Components

An ICPC referral for these types of placement must contain the same elements as a referral from the COFC, as specified in 507.1 Referral Components, with the exception of Numbers (6), (12), and (13).

### 508.21 Elements Unique to Independent Adoption Referrals

The following items must be included for independent adoption referrals only:

- (1) Legal documentation of the child's availability for adoption in the form of either:
  - (a) a court order terminating parental rights and the appointment of a guardian for the child; or
  - (b) a notarized surrender of parental rights to an LCPA.
- (2) Background information on the birth parents.
- (3) An Adoption/Foster Family Preparation Summary (Appendix PP of Section 7), which must include the following checks on both adoptive parents:
  - (a) Limited State Police
  - (b) Sex Offender Registry
  - (c) Child Abuse Registry

The referral packet is to be submitted to the ICPC Office with three (3) identical copies of the packet and a completed State Form 106 / FPP 0100A, (five of the six copies) to the Indiana ICPC Office. Upon receipt, the ICPC Office will review the referral for accuracy and completeness, sign it, and forward it to the other (receiving) state for referral to their local agency.

Upon receipt of a decision from that local agency, the receiving state is to forward the report and the State Form 106 / FPP 0100A to the Indiana ICPC Office, indicating whether placement is approved or denied. The ICPC Office is to forward that form to the LCPA or attorney who originally made the referral.

### 508.3 Complete ICPC Process for Independent Adoptions

See Section 5, subsections 507.3, 507.4, and 507.5.

## **509 International Adoptive Placement (Foreign Orphan Adoptions)**

### 509.1 Adoptions Finalized in the Foreign Country

Children whose adoption is finalized by an adoption decree in the country of origin are considered to be adopted, as provided in the Adoption Code (IC-31-19-28).

Furthermore, these children enter the United States immediately eligible to become United States citizens.

509.2 Adoptions Finalized in the United States

Children who are residents of a foreign country must meet certain pre-adoptive requirements in order to be placed and subsequently adopted in the United States by Indiana families.

509.21 Referral Components for Indiana Families / Indiana LCPAs

- (1) An Adoption/Foster Family Summary of the adoptive parents, current within one year, updated annually thereafter. The Summary must include responses by all adults in the home to the following questions:
  - (a) Were you ever arrested?
  - (b) Do you have a history of substance abuse?
  - (c) Do you have a history of sexual or child abuse?
  - (d) Do you have a history of domestic violence?
  - (e) Have you ever been rejected as a prospective adoptive parent or been the subject of an unfavorable adoptive family assessment?
  
- (2) Additional Special Requirements for the Adoption/Foster Family Summary:
  - (a) United States-based agency's name, or contact person or agency in the foreign country.
  - (b) State in which adoption will be finalized.
  - (c) Assessment of the parents' motivation for adopting a foreign-born child.
  - (d) Assessment of the attitude of the family, extended family, and the community toward the parents' adoption of a child from a different race and culture.
  - (e) Assessment of the appropriateness of the parents' plans for preserving the child's cultural heritage and assisting the child in understanding and appreciating the child's own racial and cultural background.
  - (f) Assessment of how the parents plan to cope with any unanticipated behavioral and medical problems.
  - (g) Assessment of the parents' financial stability, including specific income figures, total assets and liabilities.
  - (h) Listing of parents' types and amounts of insurance policies.
  - (i) Assessment of whether the parents have health insurance which will cover the child.
  
- (3) Social History of the child which includes:
  - (a) pertinent history regarding birth parents;
  - (b) developmental information;
  - (c) documentation of availability for adoption.

- (4) Medical History of the child which includes:
  - (a) physical examination within the past six months;
  - (b) physical/emotional problems which might have an impact on the child's ability to accept adoption.
- (5) Legal Documents including:
  - (a) attestation of the legal availability of the child for adoption;
  - (b) court order of guardianship or other legal status.
- (6) Surety Bond of \$10,000 or letter of agency responsibility in the event of a placement disruption.

All documents must be in the native language of the country, accompanied by certified English translations.

509.22 Referral Components for Indiana Families / Agency in Sending State

- (1) State Form 106 / FPP 0100A, Interstate Compact on the Placement of Children Request from the sending state, five (5) copies.
- (2) Referral packet as stated in 509.21, in triplicate.

509.23 Approval of the Referral

When the referral is approved, by either the Indiana ICPC Office, or the receiving state's ICPC Office, a letter is sent by fax to the Immigration and Naturalization Service, advising that the pre-adoptive requirements for the adoptive placement of the specific child have been met.

**510 Definition of a Visit**

Please refer to Regulation No. 9 in Section 5, Appendix A of this Manual for the definition of a visit.

**511 Responsibility Under the ICPC – Retention of Jurisdiction**

Article V (a) of the ICPC specifically states that the sending agency shall retain the same jurisdiction over the child that it would have had if the child had remained in the sending agency's state. This jurisdiction shall include the legal and financial responsibility to return the child to the sending state and shall remain in effect until the child:

- (1) is adopted;
- (2) reaches majority;
- (3) becomes self-supporting; or
- (4) is discharged with the concurrence of the appropriate authority in the receiving state.

The sending agency shall continue to have financial responsibility for the support and maintenance of the child during the period of placement.

**512 Interstate Child Protection Service Alerts**

Please refer to Section 2 of this Manual regarding child protection service alerts.

**513 Other Compacts**

There are two (2) other Interstate Compact Offices that deal with children who are either adjudicated delinquents or mentally challenged.

513.1 Interstate Compact on Juveniles

Indiana is a member of the Interstate Compact on Juveniles, which is administered by the Indiana Judicial Center. The Compact pertains to children who have been adjudicated delinquent and are on probation. Referrals to the Interstate Compact on Juveniles must be submitted by the probation officer for all parent, relative, and foster care placements being planned in other states. This allows for probation services to be provided in the other state. All 50 states are members of this Compact. Referrals for planning and service are to be directed to:

Indiana Judicial Center  
115 West Washington Street, Room W1075  
Indianapolis, IN 46204-3417

513.2 Interstate Compact on Mental Health

Indiana is a member of the Interstate Compact on Mental Health, which is administered by the Division of Mental Health. The Compact pertains to persons who have been declared mentally ill, mentally retarded, or developmentally disabled. Placements of children under this Compact are made only from one state institution, state hospital, or other medical facility caring for this population to a similar state facility in another state.

Referrals for planning and service should be directed to:

Mental Health Compact Administrator  
402 West Washington Street, Room W451  
Indianapolis, IN 46204-2739

**514 Interstate Court-Ordered Custody Studies**

If another state sends a request for a custody study to the ICPC Office, it will be forwarded to the COFC for action. See Section 10 of this Manual.

## **APPENDIX – SECTION 5**

- A. Interstate Regulations Numbers 0.01 Through 10
  - (1) Regulation No. 0.01, Forms
  - (2) Regulation No. 1, Conversion of Intrastate Placement into Interstate Placement
  - (3) Regulation No. 2, Repealed
  - (4) Regulation No. 3, Under Revision
  - (5) Regulation No. 4, Residential Placement
  - (6) Regulation No. 5, Central State Compact Office
  - (7) Regulation No. 6, Permission to Place is Valid for Six Months
  - (8) Regulation No. 7, Priority Placement
  - (9) Regulation No. 8, Change of Placement Purpose
  - (10) Regulation No. 9, Definition of a Visit
  - (11) Regulation No. 10, Guardians
- B. Definitions
- C. State Form 106 / FPP 0100A Interstate Compact on the Placement of Children Request with Related Instructions
- D. State Form 26174 / FPP 0100B Interstate Compact on the Placement of Children Report on Child's Placement Status with Related Instructions
- E. State Form 49597 / FPP 0100E Indiana Interstate Compact on the Placement of Children Financial/Medical Plan – If Child Is Placed Out-of-State with Related Instructions



**Regulation No. 0.01.**

**Forms**

1. To promote efficiency in processing placements pursuant to the Interstate Compact on the Placement of Children (ICPC) and to facilitate communication among sending agencies, states and other concerned persons, the forms promulgated by the compact administrators, acting jointly, shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.
2. ICPC forms shall be uniform as to format and substance, and each state shall make available a reference to where its forms may be obtained by the public.
3. The mandatory forms currently in effect are described below. These forms shall be reproduced in sufficient supply by each of the states to meet its needs and the needs of persons and agencies required to use them. Forms referenced in the preceding sentence, above, currently in effect are the following:
  - ICPC-100A “Interstate Compact Placement Request”;
  - ICPC 100B “Interstate Compact Report on Child’s Placement Status”;
  - ICPC-100C “Quarterly Statistical Report: Placements Into An ICPC State”;
  - ICPC 100D “Quarterly Statistical Report: Placements Out of An ICPC State”;
  - and
  - ICPC 101 “Sending State’s Priority Home Study Request”.
4. Form ICPC-102 “Receiving State’s Priority Home Study Request” is an optional form that is available for use.
5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved May 2, 2001 and is effective as of July 2, 2001.

**Regulation No. 1**

**Conversion of Intrastate Placement into Interstate Placement:**

**Relocation of Family Units**

1. Regulation No. 1 as first effective May 1, 1973, is repealed and is replaced by the following:
2. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state.
3. If the child is to be sent or brought to the receiving state more than forty-five (45) days in the future, the normal procedures of ICPC for an interstate placement shall be initiated. However, the ICPC-100A and the information accompanying it shall make it specific and clear that the relocation of a family unit is involved and that the family home is not yet in the receiving state. As much information as reasonably possible shall be given to the receiving state concerning the location and character of the intended family home in the receiving state.
4. (a) In any instance where the decision to relocate into another state is not made until forty-five (45) days or less before the date on which it is intended to send or bring the child to the receiving state, an ICPC-100A and its supporting documentation shall be prepared immediately upon the making of the decision, processed promptly by the sending agency's state compact administrator and transmitted to the receiving state compact administrator. The sending agency's state compact administrator shall request that the receiving state provide prompt handling of the case with due regard for the desired time for the child to be sent or brought to the receiving state.  
  
(b) The documentation provided with a request for prompt handling shall include:
  - (1) A form ICPC-100A fully completed.
  - (2) A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child.
  - (3) A case history for the child.
  - (4) In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the custodian(s) and/or their home showing the status of the custodian(s), as qualified custodian(s).
  - (5) A copy of the most recent Adoption/Foster Family Preparation Summary of the custodian(s) and any updates thereof.
  - (6) A copy of the child's permanency plan and any supplements to that plan.

**APPENDIX A (continued)**

- (7) An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.
  - (c) Requests for prompt handling shall be as provided in paragraph 4 (a) hereof. Some or all documents may be communicated by express mail or any other recognized method for expedited communication. The receiving state shall recognize and give effect to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.
  - (d) In an instance where a custodian(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other custodian, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III (d) of ICPC, unless the receiving state compact administrator has substantial evidence to the contrary. This provision applies to a case which meets the description set forth in paragraph 4 (b) of this regulation.
  - (e) The receiving state may decline to provide a favorable determination pursuant to Article III (d) of ICPC if its compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation, or until it has the documentation identified in subparagraph (b) hereof.
  - (f) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III (d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC-100A. The written notice (the completed ICPC-100A) shall be mailed or otherwise sent promptly to meet Article III (d) written notice requirements.
5. If the referral is submitted by a custodian(s), a receiving state shall recognize and give effect to evidence that the custodian(s) have satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
- (a) the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state; and
  - (b) the evidence submitted is in the form of an official certificate or other document identifying the training.
6. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the custodian(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.

**APPENDIX A (continued)**

7. A favorable determination made by a receiving state pursuant to Article III (d) of the ICPC and this regulation means that the receiving state is making such determination on the basis of the best regulation and does not relieve any custodian or other entity of the obligation to comply with the laws of the receiving state as promptly after arrival in the receiving state of the child as possible. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interest of the child, the sending agency shall arrange to return the child or make an alternative placement as provided in Article V (a) of the ICPC.
8. Within thirty (30) days of being notified by the sending state or by the custodian(s) that the custodian(s) and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall make an initial contact with the custodian(s) to ascertain conditions and progress toward compliance with applicable laws and requirements of the receiving state.
9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

**Regulation No. 2. Repealed**

This regulation, adopted May 25, 1977, relating to certain programs in which children could be placed in family homes to permit their attendance at local public schools was repealed by action taken at the annual meeting of the Association of Administrators of the Interstate Compact on the Placement of Children, April, 1999.

**Regulation 3**

**Placements with Parents, Relatives, Non-agency Guardians, and Non-family Settings.**

The following regulation, adopted by the Association of Administrators of the Interstate Compact on the Placement of Children, is declared to be in effect on and after July 2, 2001.

1. "Placement" as defined in Article II (d) includes the arrangement for the care of a child in the home of his parent, other relative, or non-agency guardian in a receiving state when the sending agency is any entity other than a parent, relative, guardian or non-agency guardian making the arrangement for care as a plan exempt under Article VIII (a) of the Compact.
2. "Conditions for Placement" as established by Article III apply to any placement as defined in Article II (d) and Regulations adopted by action of the Association of Administrators on the Interstate Compact on the Placement of Children.
3. The terms "guardian" and "non-agency guardian" have the same meanings as set forth in Regulation No. 10 of the Regulations for the Interstate Compact of the Placement of Children (ICPC).
4. The term "family free or boarding home" as used in Article II (d) of ICPC 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.
5. The term "foster care" as used in Article III of ICPC, except as modified in this paragraph, means care of a child on a 24-hour a day basis away from the home of the child's parent(s). Such care may be by a relative of the child, by a non-related individual, by a group home, or by a residential facility or any other entity. In addition, if 24-hour a day care is provided by the child's parent(s) by reason of a court ordered placement (and not by virtue of the parent-child relationship), the care is foster care.
  - (a) Pursuant to Article VIII (a), this Compact does not apply to the sending or bringing of a child into a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with any such relative or non-agency guardian in the receiving state, provided that such person who brings, sends or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, or diminished or severed by the action or order of any court.
  - (b) The Compact does not apply whenever a court transfers the child to a non-custodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after the court transfers the child.
6. Placement of a child requires compliance with the Compact if such placement is with either of the following:

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- (a) any relative, person, or entity not identified in Article VIII of the Compact; or
  - (b) any entity not included in the definition of placement as specified in Article II (d) of the Compact.
7. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction ) of the Compact
  8. Words and phrases used in the regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
  9. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved on May 2, 2001 and is effective as of July 2, 2001.

**Regulation No. 4**

**Residential Placement**

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children on April 20, 1983, was readopted in 1999, was amended in 2001, and is declared to be effective, as amended, as of July 2, 2001.

1. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of the exemption for various classes of institutions in Article II (d), the following concepts and terms shall have the following meanings:
  - (a) “Primarily educational institution” means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which does not do one or more of the following:
    - (1) accept responsibility for children during the entire year;
    - (2) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
    - (3) provide any other services to children, except for those customarily regarded as extracurricular or cocurricular 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 programs.
  - (b) “Hospital or other medical facility” means an institution for the acutely ill which discharges its 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 treating an acute medical problem.
  - (c) “Institution for the mentally ill or mentally defective” means a facility which is responsible for treatment and acute conditions, both psychiatric and medical, as well as such custodial care is necessary for the treatment of such acute conditions of the minors who are either voluntarily or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase “mentally defective.”
  - (d) Treatment for a chronic mental or behavioral condition, as described in this regulation, that is 24-hour care away from the child’s parental home is foster care as such term is used in Article III of ICPC.
2. (a) Admission for treatment of an acute condition includes the treatment and care of minors who are mentally ill or developmentally disabled and who require stabilization of such condition for short-term treatment. Such short-term treatment is exempt from the Interstate Compact on the Placement of Children.



## APPENDIX A (continued)

- (b) Placement for treatment of a chronic condition includes the treatment and care of minors who may be mentally ill, emotionally ill, or developmentally disabled and require treatment beyond what was required by stabilization of the underlying acute condition. Treatment modalities for chronic conditions may include psychotherapy and psychopharmacology.
  - (c) Any placement of a minor for treatment of that minor's chronic mental or behavioral condition into a facility having treatment programs for acute and chronic conditions must be made pursuant to the Interstate Compact on the Placement of Children. The Interstate Compact on the Placement of Children becomes applicable once the minor is placed for treatment of a chronic condition regardless of whether that child was originally placed in the same facility for treatment of an acute condition.
  - (d) A minor may be accepted into a residential treatment center without first having been in that facility for the treatment of an acute condition. An interstate placement of a minor into such a facility must be made pursuant to the Interstate Compact on the Placement of Children.
3. An institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC, if the treatment and care and other services are entirely outpatient in character.
  4. The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the Interstate Compact on the Placement of Children applies. Such determination is made on a case-by-case basis.
  5. The type of license, if any, held by an institution is evidence of its character, but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide. In making any such determinations, the criteria set forth in this regulation shall be applied.
  6. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly another meaning.
  7. This regulation was amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; such amendment was approved on May 2, 2001 and is effective as of July 2, 2001.

**Regulation No. 5**

**Central State Compact Office**

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after April 20, 1982.

Regulation Number 5 as first effective April 1982 is amended to read as follows:

1. It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central state compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact.
2. The Association of Administrators of the Interstate Compact on the Placement of Children deems certain appointments of officers who are general coordinators of activities under the Compact in the party states to have been made by the executive heads of states in each instance wherein such an appointment is made by a state official who has authority delegated by the executive head of the state to make such an appointment. Delegated authority to make the appointments described above in this paragraph will be sufficient if it is either: specifically described in the applicable state's documents that establish or control the appointment or employment of the state's officers or employees; a responsibility of the official who has the delegated authority that is customary and accepted in the applicable state; or consistent with the personnel policies or practices of the applicable state. Any general coordinator of activities under the Compact who is or was appointed in compliance with this paragraph is deemed to be appointed by the executive head of the applicable jurisdiction regardless of whether the appointment preceded or followed the adoption of this paragraph.
3. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
4. This regulation was first effective on April 20, 1982; was amended as of April 1999; and is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective after June 27, 2002.

**Regulation No. 6**

**Permission to Place Child: Time Limitations, Reapplication**

The following regulation, originally adopted in 1991 by the Association of Administrators of the Interstate Compact on the Placement of Children, is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001.

1. Permission to place a child given pursuant to Article III(d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document ICPC-100A, by which the permission is given for a period of six (6) months commencing on the date when the receiving state compact administrator or his duly authorized representative signs the aforesaid ICPC-100A.
2. If the placement authorized to be made as described in Paragraph 1. of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the receiving state may require the updating of documents submitted on the previous application, but shall not require a new Adoption/Foster Family Preparation Summary unless the laws of the receiving state provide that the previously submitted Adoption/Foster Family Preparation Summary is too old to be currently valid.
3. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the receiving state shall not require that a new license, permit or certificate be obtained in order to qualify the proposed placement recipient to receive the child in placement.
4. Upon a reapplication by the sending agency, the receiving state shall determine whether the needs or condition of the child have changed since it initially authorized the placement to be made. The receiving state may deny the placement if it finds that the proposed placement is contrary to the interests of the child.
5. Words or phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation was readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999; it is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001, was approved May 2, 2001, and is effective in such amended form as of July 2, 2001.

**Regulation No. 7**

**Priority Placement**

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after July 2, 2001.

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the Interstate Compact on the Placement of Children (ICPC). A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.
2. This regulation shall not apply to any case in the sending state wherein:
  - (a) the request for placement of the child is for licensed or approved foster family care or adoption; or
  - (b) the child is already in the receiving state in violation of ICPC.
3. Whenever a court, upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary, the court shall make and sign an order embodying that finding. The court shall send its order to the Sending Agency within two (2) business days. The order shall include the name, address, telephone number, and if available, the FAX number, of the judge and the court. The court shall have the sending agency transmit, within three (3) business days, the signed court order, a completed Form 100A ("Request for Placement") and supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator. Within a time not to exceed two (2) business days after receipt of the ICPC priority placement request, the sending state Compact Administrator shall transmit the priority request and its accompanying documentation to the receiving state Compact Administrator together with a notice that the request for placement is entitled to priority processing.
4. The court order, ICPC-100A, and supporting documentation referred to in Paragraph Three (3) hereof shall be transmitted to the receiving state Compact Administrator by overnight mail together with a cover notice calling attention to the priority status of the request for placement. The receiving state Compact Administrator shall make his or her determination pursuant to Article III (d) of ICPC as soon as practicable but no later than twenty (20) business days from the date the overnight mailing was received and forthwith shall send the completed 100-A by FAX to the sending state Compact Administrator.
5. (a) If the receiving state Compact Administrator fails to complete action as the receiving state prescribed in Paragraph Four (4) hereof within the time period allowed, the receiving state shall be deemed to be out of compliance with ICPC. If there appears to be a lack of compliance, the court, which made the priority order, may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the making of appropriate orders, for the purpose of obtaining compliance with this Regulation and ICPC.

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- (b) The foregoing shall not apply if:
    - (i) within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially insufficient, specifies that additional information is needed, and requests the additional documentation from the sending agency. The request shall be made by FAX, or by telephone if FAX is not available, or
    - (ii) within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact Administrator that further information is necessary. Such notice shall specifically detail the information needed. For a case in which this subparagraph applies, the twenty (20) business day period for the receiving state Compact Administrator to complete action shall be calculated from the date of the receipt by the receiving state Compact Administrator of the information requested.
  - (c) Where the sending state court is not itself the sending agency, it is the responsibility of the sending agency to keep the court, which issued the priority order, informed of the status of the priority request.
6. A court order finding entitlement to a priority placement shall not be valid unless it contains an express finding that one or more of the following circumstances applies to the particular case and sets forth the facts on which the court bases its finding:
- (a) the proposed placement recipient is a relative belonging to a class of persons who, under Article VIII(a) of ICPC could receive a child from another person belonging to such a class, without complying with ICPC and; (1) the child is under two (2) years of age; or (2) the child is in an emergency shelter; or (3) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.
  - (b) the receiving state Compact Administrator has a properly completed ICPC-100A and supporting documentation for over thirty (30) business days, but the sending agency has not received a notice pursuant to Article III (d) of ICPC determining whether the child may or may not be placed.
7. Time periods in this regulation may be modified with a written agreement between the court which made the priority order, the sending agency, the receiving state Compact Administrator, and the sending state Compact Administrator. Any such modification shall apply only to the single case to which it is addressed.
8. To fulfill its obligations under ICPC, a state and its local agencies must process interstate cases no less quickly than intrastate cases and give no less attention to interstate hardship cases than to intrastate hardship cases. If in doing so, a receiving state Compact Administrator finds that extraordinary circumstances make it impossible for it and its local agencies to comply with the time requirements set forth in this regulation, it may be excused from strict compliance therewith. However, the receiving state Compact Administrator shall, within two (2) business days of ascertaining inability to comply, notify the sending

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state Compact Administrator via FAX of the inability to comply and shall set forth the date on or before which it will complete action. The notice shall contain a full identification and explanation of the extraordinary circumstances that are delaying compliance.

9. Unless otherwise required or allowed by this regulation, all transmittals of documents or other written materials shall be by overnight express mail carrier service.
10. This regulation as first effective October 1, 1996, is re-adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999, is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation, as amended, was approved on May 2, 2001 and is effective as July 2, 2001.

**Regulation No. 8**

**Change of Placement Purpose**

1. An ICPC-100B should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to pre-adoption even though the placement recipient remains the same. However, when a receiving state requests a new ICPC 100A in such a case, it should be provided by the sending agency and transmitted in accordance with usual procedures for processing of ICPC-100As.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is effective on and after April 30, 2000, pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 30-May 3, 2000.

**Regulation No. 9**

**Definition of a Visit**

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
6. A request for a Adoption/Foster Family Preparation Summary or supervision made by the person or agency which sends or proposes to send a child on a visit and is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.
7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.
8. Words or phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
9. This regulation was first adopted as a resolution effective April 26, 1983; was promulgated as a regulation as of April 1999; and is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective after June 27, 2002.



**Regulation No. 10**

**Guardians**

1. Guardian Defined

As used in the Interstate Compact on the Placement of Children (ICPC) and in this Regulation:

- (a) “Guardian” means a public or private agency, organization or institution which holds a valid and effective 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 a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph 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. Guardian also means an individual who is a non-agency guardian as defined in subparagraph (b) hereof.
- (b) “Non-agency guardian” means 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 subparagraph (a) hereof.

2. Prospective Adoptive Parents Not Guardians

An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of the child, for the purpose of determining applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.

3. Effect of guardianship on ICPC Placements

- (a) An interstate placement of a child with a non-agency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child’s parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt.
- (b) An appropriate court of the sending agency’s state must continue its jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.

4. Permanency Status of Guardianship

- (a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In the case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is

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grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.

- (b) If, subsequent to the making of an interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the sending agency and an appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.

### 5. Guardian Appointed by Parent

If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A non-agency guardian so appointed shall be deemed a non-agency guardian as that term is used in Article VIII (a) of ICPC, provided that such non-agency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a non-agency guardian as described in this paragraph shall be effective for the purposes of ICPC without court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by the statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointing court.

### 6. Other Definitions of Guardianship Unaffected

The definitions of “guardian” and “non-agency guardian” contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of “guardian” or “non-agency guardian” when employed for purposes or to circumstances not having a bearing on placements proposed to be made or made pursuant to ICPC.

- 7. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
- 8. This regulation was first promulgated in April 1999; it is amended by the Compact Administrators, acting jointly and pursuant to Article VII of the Interstate Compact on the Placement of Children, at their annual meeting of April 2002, with such amendments effective June 27, 2002.

## DEFINITIONS

## Sec. 1. (a) Definitions as used in 470 IAC 3-5.1:

- (1) “Child” means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
  - (2) “Sending agency” means a party state, or 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.
  - (3) “Receiving state” means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
  - (4) “Placement” means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.
- (b) Placements requiring Indiana ICPC approval. The following interstate placements must be approved by the ICPC:
- (1) Child in the custody of an out-of-state court or agency placed in Indiana in an adoptive home, a foster home licensed by the DFC, a parent or relative home or a child caring facility, licensed by the DFC.
  - (2) Child in the custody of an out-of-state court or agency moving to Indiana with an adoptive family prior to legal finalization of the adoption.
  - (3) Child in the custody of an out-of-state court or agency moving to Indiana with a parent, guardian or relative, or foster family.
  - (4) Child not in the custody of an out-of-state court or agency placed in an adoptive home in Indiana.
- (c) ICPC office prior approval. The ICPC office must give prior approval before placement of such a child from another state is made. This approval is based on:
- (1) Review by the ICPC office of a current Adoption/Foster Family Preparation Summary of the proposed foster, adoptive or relative home by an Indiana county office of family and children (COFC) or licensed, child placing agency (LCPA).
  - (2) Review by the ICPC office and COFC or LCPA of social, medical and legal information on the child(ren) to be placed provided by an out-of-state child placing agency licensed, approved or authorized by the sending state.
    - (i) If the child is to be adopted in Indiana, legal information must include verification the child is legally free for adoption.

**APPENDIX B (continued)**

- (ii) In the case of non-agency sponsored adoptive placements, the social, medical and legal information shall be provided by the child's legal guardian.
  
- (3) ICPC 100As (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending court or agency and signed by the sending state interstate compact on placement of children (ICPC) administrator.

In the case of non-agency sponsored adoptive placements, there shall be a guardian for the child appointed by a court in the sending state. This guardian may be any competent adult other than either birth parent or either adoptive parent. This guardian shall be a full guardian of the person willing and able to assume full financial responsibility for the child should the child not be legally adopted in Indiana, including returning the child to the sending state.



INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN REQUEST

State Form 106 (R4/4-02) FPP 0100A

If this record pertains to an adoptive placement, it is CONFIDENTIAL in accordance with IC 31-19-19.

One form per child
Please type

APPENDIX C

TO:

FROM:

SECTION I - IDENTIFYING DATA
Notice is given of intent to place - Name of child:
Social Security Number:
Sex:
Date of birth:
Name of mother:
Name of agency or person responsible for planning for child:
Address (number and street, city, state and ZIP code):
Name of agency or person financially responsible for child:
Address (number and street, city, state and ZIP code):
SECTION II - PLACEMENT INFORMATION
Name of person(s) or facility child is to be placed with:
Address (number and street, city, state and ZIP code):
Type of care requested:
Current legal status of child:
SECTION III - SERVICES REQUESTED
Initial report requested (if applicable):
Supervisory services requested:
Supervisory report requested:
Name and address of supervising agency in receiving state:
Enclosed:
Signature of sending Agency or Person:
Signature of sending State Compact Administrator, Deputy or Alternate:
SECTION IV - ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III(d) OF ICPC
Placement may be made
Placement shall not be made
Remarks:
Signature of receiving State Compact Administrator, Deputy or Alternate:
Date (month, day, year):

DISTRIBUTION (Complete six (6) copies)

- Sending Agency retains a (1) copy and forwards completed original plus four (4) copies to:
Sending Compact administrator, DCA, or Alternate retains a (1) copy and forwards completed original and three (3) copies to:
Receiving Agency Compact administrator, DCA, or Alternate who indicates action (Section IV) and forwards (1) copy to receiving agency and the completed original and one (1) copy to sending Compact Administrator, DCA, or alternate within 30 days
Sending Compact Administrator, DCA or alternate retains a completed copy and forwards the completed original to the sending agency.

**INSTRUCTIONS**  
**STATE FORM 106 /FPP 0100A**  
**Interstate Compact on the Placement of Children Request**

Form ICPC-100A is the sending agency's formal written notice to the receiving state of its intention to make an interstate placement and a request for a finding as to whether the placement would or would not be contrary to the interests of the child. With most placements, it is also a formal request for a home study. Following review by the receiving state, it is the official notification that the proposed placement may or may not be made. A favorable finding means that the placement can be made in conformity with the Compact. An unfavorable finding means that the placement would be unlawful. The actual making of the placement brings into operation a number of rights and obligations set forth in the Compact, primarily those contained in Article V, Retention of Jurisdiction.

Form ICPC-100A must accompany all requests for placement to which the Compact is applicable, and it should be favorably acted upon by the receiving state before any Compact placement is made.

**SPECIFIC INSTRUCTIONS**

In the first two blocks, enter the name and state of the ICPC Administrator (or Deputy) whose state is submitting the request (FROM) and the name and state of the ICPC Administrator (or Deputy) to whom the request is being forwarded (TO).

**Section I: IDENTIFYING DATA**

Fill out one form per child to be placed. Enter the full legal name, Social Security Number, ICWA (Indian Child Welfare Act) eligibility\*, sex, date of birth, IV-E eligibility determination, and ethnic group of the child for whom this placement is proposed. If the child is known by a nickname, place it in parenthesis beside the legal name.

Enter the names of the legal mother and the legal father. In most instances the legal mother and legal father will be the birth parents. In cases where an adoption has been finalized, the adoptive parents will be the legal parents. If the parent(s) is deceased, enter "deceased" after the parent's name. If parental rights have been voluntarily relinquished or terminated by the court, indicate in parenthesis beside the name; if you prefer in that instance to withhold the name, simply enter the status of the parent's rights.

Enter the complete name, address, and telephone number of the agency or person who is responsible for planning for the child and who is financially responsible for the child. In most instances, these two items will be the same (the sending agency).

\*An "Indian Child" means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

**Section II: PLACEMENT INFORMATION**

Enter the full name, address, and telephone number of the person(s) or facility with whom the sending agency proposes to place the child. The social security number is optional. If the resource, e.g., Foster Family Care, is yet to be determined, leave these items blank.

Place an X in the box, which designated one of the following **Types of Care Requested:**

**Foster Family Home:** a foster family home is a facility providing care and guidance for a child or children not related to the caretaker for regular 24 hour care, or a certified kinship care home. A family foster home may not operate without a license or a certificate as required by the laws of the receiving State.

**Group Home Care:** a resource which is licensed or approved as a group home and which provides substitute care for a fee; usually a modified family-type setting which serves more children than a foster home but fewer than an institution.

**Child-caring Institution:** a group care facility which is licensed or approved to provide custodial care to a larger number of children than a foster home or group home.

**Residential Treatment Center:** a group care facility which provides a specific treatment program outside the realm of a medical hospital, psychiatric hospital or institution for the mentally retarded or mentally ill; e. g., a residential program for the treatment of alcohol/drug abuse. The receiving state is not obligated to supervise this type of placement made by the sending state.

**Institutional Care (Article VI), Adjudicated Delinquent:** a group care facility for adjudicated delinquents whose proposed placement is according to Article VI of the ICPC. These facilities may include group home and residential treatment centers and may serve non-delinquents as well.

**Parent(s):** legal parent(s).

**Relative (not parent):** specify relationship, such as maternal aunt, paternal grandparents, brother, etc.

**Other:** specify a type of care not already listed.

**Adoption:** refers to both agency and private/independent adoptive placement prior to finalization; this may refer to an initial placement with a family where adoption is the intention, or it may refer to the movement of an adoptive family from State A to State B following placement. Indicate if a federally funded adoption subsidy (Title IV-E) or a state funded subsidy (non IV-E subsidy) is applicable; mark in which state the adoption is to be finalized.

Place an X in the box that designates one of the following kinds of **Legal Status:**

**Sending Agency Custody/Guardianship:** child is in the full legal custody or guardianship (depending on the terminology of the state) of a public agency. For example: a public agency may be social services, youth corrections, probation/parole, or a tribe. The sending

## APPENDIX C (continued)

agency may also be a licensed private child placement agency, an adoption agency, or a birthmother if allowed by state law.

**Parent/Relative Custody/Guardianship:** child is not under the jurisdiction of either an agency or the court but is the full legal responsibility of parent or relative; most likely to be marked when a parent/relative/or guardian wishes to place a child in one of the types of care listed on the previous page.

**Court Jurisdiction Only:** child is not the legal responsibility of an agency; the court has full responsibility for weighing the requested information and making the placement decision and is, therefore, the sending agency; most likely to be marked when two or more relatives have taken a dispute over custody into court and at least one of the disputing relatives is not a parent.

**Protective Supervision:** a legal status created by court order under which the child is permitted to remain in the child's home or is placed with a relative or other suitable person and the court, the department of human services or another agency designated by the court provides supervision and assistance.

**Parental Rights Terminated – Right to Place for Adoption:** the sending agency has accepted a voluntary relinquishment of parent rights and/or has completed court action terminating parental rights and now holds complete jurisdiction over the child with the right to place for adoption.

**Unaccompanied Refugee Minor:** this form is not used to report the initial placement into the United States but to request placement and services in a second state after a U. S. agency or court has been granted full legal responsibility (custody/guardianship). Mark this block only if that is the case; also mark the Sending Agency Custody/Guardianship block. If this is an Unaccompanied Refugee Minor whose status warrants the ICPC-100A's specific to those children (not the legal responsibility of a U. S. agency or court), do not use this form.

**Other:** legal status is not otherwise listed; e. g., legal action, such as a petition for custody/guardianship or to terminate parental rights, is pending; e. g., the child is the responsibility of the sending agency under a Voluntary Agreement with the parent or legally responsible relative and no court action has been taken or is pending to alter that family member's legal rights over the child.

### **Section III: SERVICES REQUESTED**

**Initial Report Requested:** if the proposed placement is not for a group care placement and a current home study has not yet been received, mark the box for the appropriate type of home study needed based on the type of care indicated in Section II.

**Supervisory Services Requested:** place an X in one of the following boxes to indicate how Supervisory Services are to be conducted:

**Request Receiving State to Arrange Supervision:** mark this box if the sending agency cannot supervise and does not have a contractual or other agreement with a pre-determined agency to provide these services; it is usually the public social service agency which will be asked to provide supervision following an approved home study and subsequent placement.



## APPENDIX C (continued)

Another Agency Agreed to Supervise: mark this box if the sending agency already has received the formal agreement of a pre-determined supervisory agency; most likely to be marked in agency adoptive placements where an agency in the receiving state already has provided an adoptive home study and will be providing ongoing services to the adoptive family. Do not mark this item simply because you know which county office of the public agency will receive this referral and might even have discussed the case over the telephone; that does not constitute an agreement to supervise.

Sending Agency to Supervise: mark this box if it is logistically feasible, it is the best case plan, and the receiving state has granted the sending agency permission (which may or may not include licensure) to provide services in its state.

**Supervisory Reports Requested:** to be completed even though placement may not be a certainty at this time. Indicate how frequently you wish to receive progress reports; most common is **Quarterly**. Be very discriminating in your use of **Upon Request** because that leaves the provision of supervision open-ended with no commitment to provide that service until you request it; use **Other** when you wish to receive reports in a less usual time frame, such as monthly or annually (specify the time frame).

### **Name and address of Supervising Agency in Receiving State:**

If you know the name and address of the supervising agency, type that information onto the line so indicated. If not known by the sending agency, that information should be completed by the receiving state's Compact Office following receipt of a recommendation indicating that placement may be made.

### **Enclosed:**

Indicate which items are enclosed:

Child's Social History: should accompany the majority of referrals; includes the pre-placement summary on adoption referrals and can be written with non-identifying information, if appropriate and preferred.

Home Study of Placement Resource: attach a current home study if one is not being requested; most likely to be marked if you already have an approved home study or the child is re-locating with foster parents and the foster home study is enclosed.

Court Order: all applicable court documents should be enclosed; e. g., custody/guardianship orders, surrenders, orders terminating parental rights, and orders requesting a home study for the court.

ICWA Enclosure: obtain a letter from the child's tribe showing the child is a member or is eligible for membership.

Financial/Medical Plan: attach the plan of how the proposed placement will be funded and how the child/children's medical needs will be covered.

IV-E Eligibility Documentation: attach a copy of the determination of IV-E eligibility.

**APPENDIX C (continued)**

Other Enclosures: indicates other pertinent materials, such as psychological evaluations, permanency plan, medical reports and school reports; it is not necessary to itemize them on the form.

**Signature of Sending Agency or Person:**

The form should be signed and dated by anyone outside of the Compact Office who is completing the form; includes a person with this authority in the county social services agency, private agency or court and any private individual or family member who is legally responsible for the child (as indicated in Section I and Section II, Legal Status, above).

The ICPC-100A must be signed and dated by the Compact Administrator, Deputy or alternate in the sending state, if the regulations of the sending state provide for transmittal of the ICPC-100A through the sending State's Compact Office. This is almost always the case.

**Section IV: ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III (d) of ICPC**

This section is completed by the Compact Administrator, Deputy, or alternate in the receiving state. The designated person reviews the proposed placement and all required information and indicates whether the placement can or cannot lawfully be made. Remarks might include conditions or reservations to be noted or that an affirmative notice under Article III (d) is being given retroactively. The Compact Administrator, Deputy, or alternate then signs and dates the form.

**DISTRIBUTION:**

Self-explanatory.



**INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN  
REPORT ON CHILD'S PLACEMENT STATUS**

State Form 26174 (R2/4-02) FPP 0100B

**APPENDIX D**

One form per  
child  
Please Type

If this record pertains to an adoptive placement, it is **CONFIDENTIAL** in accordance with IC 31-19-19.

**TO:**

**FROM:**

SECTION I – IDENTIFYING INFORMATION	
Name of child:	Birth date (month, day, year):
Name of mother:	Name of Father:
SECTION II – PLACEMENT STATUS	
<input type="checkbox"/> Initial Placement of Child in Receiving State	Date child placed in receiving state:
Name of Resource:	
Address (number and street, city, state, ZIP code)	
Type of Care:	
<input type="checkbox"/> Placement Change	Effective date of change:
Name of Resource:	
Address (number and street, city, state, ZIP code)	
Type of Care:	
SECTION III – COMPACT PLACEMENT TERMINATION	
<input type="checkbox"/> Adoption Finalized <input type="checkbox"/> In Sending State <input type="checkbox"/> In Receiving State <input type="checkbox"/> Court Order Attached <input type="checkbox"/> Child Reached Majority/Legally Emancipated <input type="checkbox"/> Legal Custody Returned to Parent(s) <input type="checkbox"/> Court Order Attached <input type="checkbox"/> Legal Custody Given to Relative <input type="checkbox"/> Court Order Attached	
Name:	Relationship:
<input type="checkbox"/> Treatment Completed <input type="checkbox"/> Sending State's Jurisdiction Terminated with the Concurrence of the Receiving State <input type="checkbox"/> Unilateral Termination <input type="checkbox"/> Child Returned to Sending State <input type="checkbox"/> Child Has moved to Another State <input type="checkbox"/> Proposed Placement Request Withdrawn	
Name of Placement Resource:	
<input type="checkbox"/> Approved Resource Will Not Be Used for Placement	
Name of Approved Placement:	
<input type="checkbox"/> Other (Specify):	
Date of Termination:	
SECTION IV – SIGNATURES	
Signature of person/agency supplying information:	Date (month, day, year):
Signature of Compact Administrator, Deputy or Alternate:	Date (month, day, year):

DISTRIBUTION (Complete six (6) copies)

- Sending Agency retains a (1) copy and forwards completed original plus four (4) copies to:
- Sending Compact administrator, DCA, or Alternate retains a (1) copy and forwards completed original and three (3) copies to:
- Receiving Agency Compact administrator, DCA, or Alternate who indicates action (Section IV) and forwards (1) copy to receiving agency and the completed original and one (1) copy to sending Compact Administrator, DCA, or alternate within 30 days

**INSTRUCTIONS**  
**STATE FORM 26174 /FPP 0100B**  
**Interstate Compact on the Placement of Children Report on Child's Placement Status**

Form ICPC-100B is used to (1) confirm that an approved placement in accordance with the Compact has been made, (2) withdraw a request prior to the home study, (3) indicate that an approved resource will not be used, (4) report a change in the placement resource and/or type of care, (5) report a change of address, and (6) close an ICPC case.

It is an extremely useful tool for both the Compact offices and local agency staff in maintaining a current knowledge of the child's movement into, out of and, if pertinent, within the receiving state. It is also a very important mechanism for notifying another state when a placement under the Compact has been terminated and, thus, providing formal confirmation of case closure.

**IF YOU OPEN A CASE, YOU MUST CLOSE A CASE.**

While it is the responsibility of the sending state to complete the ICPC-100Bs, the receiving state may complete the ICPC-100B if they become aware of a placement change or reason for termination.

**SPECIFIC INSTRUCTIONS**

Complete one form per child or per sibling if the action applies to siblings at the same time. In the first two blocks, enter the name and state of the ICPC Administrator whose state is submitting the reported information (FROM) and the name and state of the ICPC Administrator to whom the form is being forwarded (TO).

**Section I: IDENTIFYING INFORMATION**

Enter the full legal name and birth date of the child concerning whom this placement information is being reported.

Enter the names of the legal mother and the legal father as on the ICPC-100A.

**Section II: PLACEMENT STATUS**

To confirm the Initial Placement, indicate the resource's name and address and the exact date the child was placed in the receiving state. For Type of Care, enter the same information that is marked for that item on form ICPC-100A: Foster Family Care, Adoption, etc.; with relative placements, specify the relationship.

If some aspect of the placement changes while the child remains in the receiving state, mark the Placement Change box and indicate the exact effective date of the change.

**Section III: COMPACT TERMINATION**

**Adoption Finalized:** If an ICPC adoptive placement has been finalized (consummated), mark that box and the appropriate box for the state in which finalization occurred, Sending or Receiving. Attach the final adoption decree to the 100B.

## APPENDIX D (continued)

**Child Reached Majority/Legally Emancipated:** Mark this box if the child has reached majority age and has simultaneously ceased to be the responsibility of the sending agency, or if the child has become emancipated through such legal action as marriage or court decision.

**Legal Custody Returned to Parent(s):** This box should be marked when the child's legal custody/guardianship is returned to the parent with the concurrence of the receiving state. Attach the court order transferring custody to the parent(s) to the 100B.

**Legal Custody Given to Relative:** This box should be marked when the child's legal custody and/or guardianship is awarded to relatives (other than parents) with the concurrence of the receiving state. Attach the court order transferring custody to the relative to the 100B.

**Treatment Completed:** Mark this item when the placement resource has been providing a specific treatment oriented service, that service has been completed and the child is, therefore, being discharged from the facility, e.g., Residential Treatment Center. This box may also be checked if the child/youth was placed through Article VI of the Compact.

**Sending State's Jurisdiction Terminated with the Concurrence of the Receiving State:** This item is marked when the jurisdiction of the sending state has ended for some reason other than the transfer of custody to parents or relatives with the concurrence of the receiving state's supervising agency and/or court. For example, if formal legal custody/guardianship is not going to be addressed but both states agree that supervision is no longer required or if both states agree to transfer jurisdiction to the receiving state. If the sending state's jurisdiction is terminated without the concurrence of the receiving state (including custody/guardianship transfer), the decision was made unilaterally and box should be marked.

**Unilateral Termination:** This box is marked when the interstate agreement has been terminated unilaterally, whether by the sending or receiving state. A unilateral termination is one in which one state terminates the interstate placement agreement without the concurrence of the receiving state.

**Child Returned to Sending State:** Mark this box when the child returns to the state from which the child was placed. This may be due to a disruption in placement.

**Child Moved to Another State:** Mark this box when the child moves to a state other than the sending state.

**Proposed Placement Request Withdrawn:** If you have submitted form ICPC-100A to request placement approval and have decided not to explore that resource further, mark this box, list the Name of the Proposed Placement Resource, and date of your decision to terminate the Compact. This box should be marked only when no action has yet been taken on Form ICPC-100a. If you are withdrawing more than one request, submit separate ICPC-100B forms on each and list each respective Placement Resource.

**Approved Resource Will Not Be Used For Placement:** This box should be marked when you have received an approved ICPC-100A but have decided not to place the child with that resource. List the name of the Approved Placement and date of your decision to terminate the Compact.

**Other Reason:** Please mark and specify if the reason for Compact Termination is not listed above; for example, the entire family moved to another state (new address should be indicated under Placement Change), the death of a child, the child ran away and his/her whereabouts are unknown.

**Appendix D (continued)**

**Date of Termination:** Indicate the exact date of the activity which terminated the Compact Agreement.

**Section IV: SIGNATURES**

If a private individual or local agency is completing the form, please have a designated person sign, under Person/Agency/Supplying Information, identify his/her agency, and date the signature.

The second block should be signed and dated by the Compact Administrator, Deputy, or Alternate.

**DISTRIBUTION**

Self-explanatory.



**INDIANA INTERSTATE COMPACT  
FINANCIAL / MEDICAL PLAN ON  
THE PLACEMENT OF CHILDREN –  
If Child Is Placed Out-of-State  
State Form 45597 (R / 4-01) / FPP 0100E**

ICWIS ID Number

**APPENDIX E**

Receiving State

Placement Date (if known)

Name of Child	
The child listed is Title IVE-FC eligible: <input type="checkbox"/> Yes <input type="checkbox"/> No	Last Redetermination Date
The child listed is Title IVE-AAP eligible: <input type="checkbox"/> Yes <input type="checkbox"/> No	Effective Date
The child listed below is SSI eligible: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entitlement Date
The child listed above is RSDI eligible: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entitlement Date
<b>Financial Plan</b> (Complete either section 1 or section 2)	
<p>1. The child will be placed with ___ licensed substitute caretaker(s), or ___ relatives outside the state of Indiana. This resource is: (check all that apply)</p> <p><input type="checkbox"/> a. Financially able and willing to support this child.</p> <p><input type="checkbox"/> b. Entitled to receive / is receiving foster care payments from Indiana. Indiana will pay for foster care at the receiving states current per diem rate.</p> <p><input type="checkbox"/> c. Planning to apply for a relative caretaker TANF grant for the child in the receiving state.</p> <p>2. The child will be placed with ___ parent(s), ___ adoptive parent(s), or ___ guardian outside of the state of Indiana. This resource is: (check all that apply)</p> <p><input type="checkbox"/> a. Expected to support this child.</p> <p><input type="checkbox"/> b. Expected to apply for a TANF grant in the receiving state if they are unable to support the child.</p> <p><input type="checkbox"/> c. May be entitled to receive adoption assistance from Indiana for the child.</p> <p><input type="checkbox"/> d. Eligible to receive an Indiana County Adoption Subsidy, if the adoption is finalized in Indiana.</p> <p>If the placement resource is ineligible to receive a TANF grant for the child in the receiving state, or becomes unable to financially provide for this child's needs, the placement plan will be revised. The Indiana local sending agency is ultimately financially responsible for the child, and will assume financial responsibility for the return of the child to Indiana in the event of disruption. Indiana will be financially responsible for the child until both states agree to dismiss the wardship.</p>	
<b>Medical Plan</b> (check all that apply)	
<p><input type="checkbox"/> 1. The child is Title IV-E eligible and under C.O.B.R.A., eligible to receive Medicaid or it's equivalent from the receiving state. (See section 8 of the Child Welfare Manual for the legal basis for these programs.)</p> <p><input type="checkbox"/> 2. The child is not Title IV-E eligible and will reside in substitute care or with a relative. Indiana will issue a medical card if the resource is unable to receive medical coverage for the child in the receiving state.</p> <p><input type="checkbox"/> 3. The placement resource in the receiving state is willing to provide medical coverage for the child.</p> <p><input type="checkbox"/> 4. The placement resource is expected to apply for medical coverage for the child in the receiving state.</p>	
<b>I HERBY VERIFY THAT THIS PLAN AND ALL AVAILABLE OPTIONS HAVE BEEN THOROUGHLY DISCUSSED WITH AND AGREED TO BY THE PROSPECTIVE CARETAKER(S)</b>	
<b>Comments:</b>	
Signature of County Office Director of Designee:	Date:
County Office:	Telephone Number:

**INSTRUCTIONS**  
**STATE FORM 49597 / FPP 0100E**  
**Indiana Interstate Compact Financial / Medical Plan**

**PURPOSE:**

To inform the receiving state of benefits available to the child being referred for placement in another state. There is special emphasis on IVE-FC and IVE-AAP eligibility. The form also provides the sending state with the financial/medical plan that the Indiana COFC has made for the child's placement.

**INSTRUCTIONS FOR COMPLETION:**

The form will be completed by the Indiana public agency (DFC) or a Licensed Child Placing Agency (LCPA) at the time the referral for placement is made as follows:

- A. Entitlement Section - All blocks must be completed with yes or no. All redetermination date blocks must be completed.
- B. Financial Plan - Complete either Item 1 or Item 2.
- C. Medical Plan - Check all items that apply. No assumptions about medical coverage in Item 4 by the receiving state should be checked without verification by the receiving state.
- D. Attach one copy to each of the three referral packets. Retain one in the COFC as a record.