

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 9:</b> Interstate Compact on the Placement of Children (ICPC)	<b>Effective Date:</b> November 1, 2020
	<b>Section 5:</b> Expedited Placement for Out-of-State ICPC Placements	<b>Version:</b> 3

<b>STATEMENTS OF PURPOSE</b>
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The Indiana Department of Child Services (DCS) will comply with all court orders to treat an Interstate Compact on the Placement of Children (ICPC) placement as an [expedited placement](#), in accordance with [ICPC Regulation No. 7](#). The [ICPC Regulation No. 7 \(Expedited Placement\)](#) allows a rapid placement of children with relatives outside of Indiana.

DCS will obtain a court order finding the child is entitled to an [expedited placement](#). The order will not be accepted unless it contains a specific finding that the proposed resource placement is a relative (defined as step-parent; grandparent; adult brother or sister; adult aunt, uncle, or cousin; or guardian of the child) and one (1) or more of the following circumstances applies to the particular case, and sets forth the facts on which the court based its finding:

1. Unexpected dependency due to a sudden or recent incarceration, [incapacitation](#), or death of a parent or guardian;
2. The child sought to be placed is four (4) years of age or younger, including older siblings sought to be placed with the same proposed placement resource;
3. The court finds that any child in the sibling group sought to be placed has a [substantial relationship](#) with the proposed placement resource; or
4. The child is currently in an emergency placement.

[ICPC Regulation No. 7](#) does not apply to any case in the sending state where:

1. The child is already in the receiving state in violation of ICPC;
2. The request for placement of the child is for a licensed or approved resource parent or adoption; or
3. The court places the child with a parent from whom the child was not removed, the court has no evidence the parent is unfit, does not seek any evidence from the receiving state the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.

**Note:** ICPC is not required when placing a child with a parent (see policy [9.01 Request to Place an Indiana Child in Another State](#)).

Code References

1. [IC 31-28-4: Interstate Compact on the Placement of Children](#)
2. [ICPC Regulation No. 2](#)
2. [ICPC Regulation No. 7](#)

<b>PROCEDURE</b>
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The Family Case Manager (FCM) will:

1. Meet with his or her supervisor to determine if the child meets the criteria for [expedited placement](#);

2. Ask the DCS Staff Attorney to submit an Affidavit to the court to request a court order for expedited placement immediately if it is determined the child meets the criteria for [expedited placement](#); and
3. Send a copy of the court order, completed [Interstate Compact on the Placement of Children Statement of Family Case Manager/Potential Placement Resource \(SF 55736\)](#), [Interstate Compact on the Placement of Children Request \(SF 106\)](#), and a completed referral packet to the DCS ICPC Office within three (3) business days of receiving the signed court order (see policy [9.01 Request to Place an Indiana Child in Another State](#)).

The FCM Supervisor will meet with the FCM to determine if the child meets the criteria for [expedited placement](#).

The DCS Staff Attorney will submit an Affidavit to the court requesting a court order for expedited placement as appropriate. The court order should state how the child meets the criteria for [expedited placement](#).

The DCS Compact Administrator, Deputy Compact Administrator, or designee will:

1. Notify the FCM of receipt of the packet and accompanying documentation via email;
2. Review the packet for accuracy and ensure that all necessary documentation is included upon receipt of the packet;
3. Notify the FCM and the FCM Supervisor immediately in writing if there is missing information;
4. Indicate on the [Interstate Compact on the Placement of Children Request \(SF 106\)](#) that an expedited placement is being requested;
5. Approve and sign the [Interstate Compact on the Placement of Children Request \(SF 106\)](#), and mail a signed copy to the FCM; and
6. Forward the packet and accompanying documentation to the receiving ICPC Office within two (2) business days of receipt.

### **Requesting Expedited Placement**

When Indiana requests an expedited placement, the receiving state's ICPC Office will notify the receiving child welfare local office and request an expedited placement home study be conducted.

The receiving state's child welfare local office will:

1. Conduct an expedited placement home study no later than 20 business days from the date the expedited request was received; and
2. Send the completed home study to the receiving ICPC Office by the 20<sup>th</sup> business day.

The receiving state's ICPC Office will:

1. Review and approve the home study; and
2. Notify the DCS ICPC Office that the home study has been approved by email or through the [National Electronic Interstate Compact Enterprise \(NEICE\)](#).

The sending state ICPC office will:

1. Review and approve the home study; and
2. Notify the other state ICPC office that the home study has been approved through [NEICE](#) or through email.

## PRACTICE GUIDANCE

### **Expedited Placement**

During the assessment phase of the case, the assessment FCM should collaborate with the family to determine whether there are any relatives interested in having the child placed with them. First consideration should always be given to a parent, even if the parent lives out-of-state. If a parent is considered an option, an ICPC is not required.

A pre-screening of the prospective placement resource prior to the submission of an ICPC referral is required under [ICPC Regulation No. 2](#) and [ICPC Regulation No. 7](#). This information will be documented on the [Interstate Compact on the Placement of Children Statement of Family Case Manager/Potential Placement Resource \(SF 55736\)](#) and gathered by the FCM in the sending state. The FCM will be responsible for contacting the prospective placement resource in the receiving state to complete the [Interstate Compact on the Placement of Children Statement of Family Case Manager/Potential Placement Resource \(SF 55736\)](#). The intent of this pre-screening is to prevent sending an ICPC referral for a placement resource who is not interested, lacks qualifications (based on home space or financial resources), or who has a criminal history which would preclude placement. The FCM must include this form with the [Interstate Compact on the Placement of Children Request \(SF 106\)](#) when submitting an ICPC referral.

If the relative is located out-of-state, and the case meets the criteria for an ICPC expedited placement, the assessment worker should begin the process of requesting an expedited placement by completing the needed information on the [Regulation 7 Form Order for Expedited Placement Decision Pursuant to the ICPC](#).

The Affidavit submitted to the court requesting an expedited placement must contain the following language: “Based on [ICPC Regulation No. 7](#), this case meets the criteria for an expedited placement based on the following:”, then list the specific criteria that apply to the child.

The cover letter included with the referral packet must also note that the case is entitled to expedited placement and then list the specific criteria that apply to the child.

### **Out-of-State Parent Rapid Response**

Upon learning of a potential out-of-state placement with a parent with whom there are concerns, rather than sending an ICPC request, a rapid response team will meet to review the concerns.

The rapid response team is composed of the following:

1. FCM;
2. FCM Supervisor;
3. Local Office Director (LOD) or Division Manager (DM);
4. DCS Staff Attorney;
5. Regional Manager (RM); and
6. Chief Counsel.

The rapid response team will meet as soon as possible and consider the following:

1. The concerns regarding the out-of-state parent and whether those concerns are significant enough to not immediately place the child with his or her parent;
2. Whether the concerns about the out-of-state parent have been well documented in DCS’ petition and/or if DCS needs to amend the petition or dispositional order;

3. Whether DCS has enough information to use a “best interests” argument for not wanting to place the child with the out-of-state parent. If so, DCS should cite [IC 31-10-2-2](#) in its objection for the placement and need for additional information. Reasons for this may include, but are not limited to: lack of a parent-child relationship, the parent having a criminal or child welfare history, parents instability or lack of resources, and unresolved mental health issues; and
4. Methods DCS may use to determine if the out-of-state parent is appropriate for placement without using the ICPC process.

If the rapid response team needs additional assistance following the meeting, Assistant Deputy Directors (ADD), the Assistant General Counsel, and/or other members of management may assist in planning for these cases.

## FORMS AND TOOLS

1. [Interstate Compact on the Placement of Children Request \(SF 106\)](#)
2. [Interstate Compact on the Placement of Children Statement of Family Case Manager/Potential Placement Resource \(SF 55736\)](#)
3. [Regulation 7 Form Order for Expedited Placement Decision Pursuant to the ICPC](#)
4. [Indiana ICPC Interactive Guide](#)

## RELATED INFORMATION

### **DCS ICPC Unit Electronic Mailbox**

The DCS ICPC Unit Mailbox [ICPCUnit.dcs@dcs.in.gov](mailto:ICPCUnit.dcs@dcs.in.gov) may be accessed in Outlook. Progress reports, [Interstate Compact on the Placement of Children Report on Child's Placement Status \(SF 26174\)](#), and questions may be sent to this mailbox.

**Note:** For more information about Indiana DCS' ICPC process, please review the [Indiana ICPC Interactive Guide](#).

### **Incapacitation**

Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental, or physical condition of a parent or guardian,

### **Substantial Relationship**

Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child.

### **National Electronic Interstate Compact Enterprise (NEICE)**

NEICE is a national electronic system for quickly and securely exchanging all the data and documents required by the ICPC to place children across state lines.