



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

<b>Chapter 9:</b> Interstate Compact on the Placement of Children (ICPC)	<b>Effective Date:</b> November 1, 2020
<b>Section 12:</b> Violations of ICPC Procedures	<b>Version:</b> 3

### STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will adhere to the laws that govern the Interstate Compact on the Placement of Children (ICPC). Failure on the part of DCS staff to follow the ICPC policies and procedures may result in disciplinary action, up to and including termination.

DCS staff will report any known or suspected ICPC violations, including illegal ICPC placements by another state, to the DCS ICPC Office. The DCS ICPC Office will then report the known or suspected violation to the other state's ICPC Office. DCS reserves the right to contact the [Administration for Children and Families](#) (ACF) regarding ICPC violations.

If an Indiana court orders a child to be placed out-of-state without a completed ICPC, DCS will file an objection on the record with the court based on the rules of the ICPC and notify the DCS ICPC Office of said placement.

If a DCS local office is aware they have violated the ICPC, the DCS ICPC Office should be notified so that efforts may be taken to correct the circumstances that caused the violation.

### Code References

[IC 31-28-4-1: Article IV: Penalty for Illegal Placement](#)

### PROCEDURE

#### ICPC Illegal Placements

If a DCS local office becomes aware of a child who is illegally placed in Indiana, the Family Case Manager (FCM) or staff who becomes aware of the placement will:

1. Notify his or her supervisor and/or Local Office Director (LOD) of the violation within 24 hours;
2. Ensure the safety of the child.

The FCM will schedule a meeting with his or her supervisor and LOD to discuss placement options for the child, while ensuring the child's safety.

The FCM Supervisor or LOD will notify the Regional Manager (RM) immediately of the illegal placement.

The RM will:

1. Notify the DCS ICPC Office of the illegal placement; and
2. Notify the DCS Compact Administrator or his or her designee.

The DCS ICPC Office will contact the ICPC Office in the sending state to notify them of the illegal placement and request that the state correct the placement decision or come to Indiana to pick up the child.

The DCS Compact Administrator or his or her designee will request assistance with compliance with the ICPC.

### **Other ICPC Violations**

Indiana DCS staff suspecting or knowing of ICPC violations will:

1. Write a letter that indicates how the other state has violated the ICPC and request compliance by the state; and
2. Submit the letter to the DCS Compact Administrator or Deputy Compact Administrator at the DCS ICPC Office.

If it is determined that a violation occurred, the DCS Compact Administrator or Deputy Compact Administrator will:

1. Forward the letter to the other state's ICPC Office within five (5) business days of receipt of the letter;
2. Request a response regarding the violation from the other state's ICPC Office within 10 business days; and
3. Notify the DCS local office of the action that will be taken to rectify the situation upon receipt of a response from the other state's ICPC Office.

If a DCS local office is found to be in violation of the ICPC, the staff person responsible for the violation will:

1. Submit a letter to the DCS Compact Administrator or his or her designee, explaining the noncompliance with the ICPC; and
2. Work with the DCS Compact Administrator or designee to ensure future compliance.

### **PRACTICE GUIDANCE**

When a DCS local office becomes aware of an ICPC illegal placement, steps should be taken to ensure the safety of the child involved. However, an illegal placement should not be the sole reason a child is removed from the home while waiting for the sending state to retrieve him or her. When DCS is notified of an illegal placement, the home should be assessed to determine if there is an immediate threat to the safety of the child. If there is no immediate threat to the child's safety, and the child can remain in the home until the sending state arrives, DCS should work with the child and family by making appropriate referrals to voluntary community resources and other services the child and/or family may need during that time. Such referrals may include Temporary Assistance for Needy Families (TANF), Medicaid, or Workforce Development, subject to the rules and policies of program eligibility.

### **FORMS AND TOOLS**

- [Indiana ICPC Interactive Guide](#)
- Interstate Compact on the Placement of Children Report on Child's Placement Status (100B) – Available in the case management system

## 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, 100B form, and questions may be sent to this mailbox.

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