

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA: N/A</b> <b>CFOP: 175-54</b>
<b>Procedure Name:</b>	Interstate Compact on the Placement of Children (ICPC)	
<b>Procedure Number:</b>	OP-1054	
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<b>Applicable to:</b>	All BPF FOA Staff, Contract Providers and Children’s Legal Services (CLS) Attorneys	

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**PURPOSE:** To describe the functions and requirements for administration of the Interstate Compact on the Placement of Children (Compact). This operating procedure may temporarily conflict with information provided in the Department of Children and Families (DCF) ICPC operating procedure.

**PROCEDURE:**

**References**

Florida Statute: sections 409.401

See also BFP Operating Procedure OP-1055 regarding Priority Placement of Children; OP-1036 regarding reports involving an Indian child; OP-1043 Courtesy Supervision

**Definitions**

- a. The “Interstate Compact on the Placement of Children” (Compact) has been enacted verbatim into statutory law in all fifty states, the District of Columbia and the U.S. Virgin Islands. [Puerto Rico and Guam are the only United States jurisdictions that have not adopted the Compact.] It establishes a contract among the states and jurisdictions that enact it to ensure orderly procedures for the interstate placement and post-placement supervision of children and fixes responsibilities for those involved in placing the child. It requires, among other things, that the sending state have and maintain sufficient court jurisdiction over the child during placement in the receiving state to be able to have the child returned, if necessary, to the sending state, and to be financially responsible for the child if parents, relatives or other means of financial assistance are not available in the receiving state. Also, sending state court jurisdiction over the child shall not be terminated during the period of the placement without the concurrence of both states’ compact administrators, except under specific circumstances. The term “self-supporting” is not defined in the Compact law, so it is recommended that any use of this term for the purpose of terminating jurisdiction must include a specific judicial finding that the child is “self-supporting” in the court order.
  
- b. “Sending Agency” or “Sending Local Agency” shall be understood to mean:

1. A party state, including United States jurisdictions, party to the Compact, or any officer or employee of a party state;
  2. A subdivision, such as a county or a city, or any officer or employee of the Subdivision of a party state or a CBC lead agency contracted by a party state agency (BFP, in Brevard County);
  3. A court of a party state; or,
  4. Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state, which sends, brings, or causes to be sent or brought any child to another party state.
- c. “Receiving State” or “Receiving Local Agency” shall be understood to mean the party 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.
- d. “International Social Service/American Branch” is part of an international nonsectarian network with headquarters in Geneva, Switzerland, that works with social service agencies in most countries of the world. Foreign countries are not covered under the Compact. However, in an effort to provide a resource for home studies, diligent searches or post-placement supervision in foreign countries that are deemed necessary by a Florida court, Family Safety Program Office or CBC lead agency staff, Brevard Family Partnership will contract with the international provider for any international home study and supervision needs. Florida courts have no jurisdiction over dependent children placed into foreign countries.
- e. “Puerto Rico and Guam” are United States territories which have not adopted the Compact into statutory law. The Florida ICPC Central Office can offer suggestions on ways to obtain home studies, diligent searches or post-placement supervision in these locations when it is deemed necessary by a Florida court, Family Safety Program Office, or CBC lead agency staff. Florida courts have no jurisdiction under the Compact over children placed into these territories.
- f. “Uniform Child Custody Jurisdiction and Enforcement Act” [See [Section 61.501-61.542](#), Florida Statutes] The Uniform Child Custody Jurisdiction and Enforcement Act is primarily devoted to issues relating to ‘custody’. Under the Compact, ‘custody’ is never an issue since the dependent child(ren) is always under the jurisdiction of the sending state court. [For example, under a Florida protective supervision court order, physical custody is granted to a parent or relative in a ‘receiving state’, but the court still retains jurisdiction and the department or department private agency representative on behalf of the department retains ‘protective supervision’ over the child(ren).] Therefore, the Uniform Child Custody Jurisdiction and Enforcement Act must never be used to thwart, or otherwise interfere with, the jurisdiction of a ‘sending state court’ over a child placed into a ‘receiving state’ under the Compact.
- g. “Non-Removal Parent” for the purpose of this operating procedure, it shall be understood to mean a legal parent who does not have full rights to uninterrupted physical custody of his or her child or children. This situation usually develops when there has been a divorce or legal separation, and one parent is given primary custody by a court. Even in cases of ‘joint custody’ of a child, one parent is usually given primary custody, while the other, or ‘non-removal parent,

is given court ordered visitation rights, or limited/structured access privileges to his or her child(ren).

- h. "Regulation" means a regulation promulgated pursuant to Article VII of the Interstate Compact on the Placement of Children. There are currently seven Compact regulations. The forum for promulgation of Compact regulations is the annual meeting of the Association of Administrators of the Interstate Compact on the Placement of Children.
- i. "Indian Child Welfare Act" (Public Law 95-608, 25 USC 1901) (See BFP OP 1036, Reports Involving Indian Child). Each year, the Bureau of Indian Affairs is required to publish a list of the over 500 federally recognized Indian tribes in the United States (see 60 Federal Register 6250 dated February 16, 1995). Currently, there are two federally recognized tribes in Florida: the Miccosukee Tribe of Indians of Florida, and the Seminole Tribe of Florida with reservations at Dania, Big Cypress and Brighton. Each Indian tribe is a sovereign nation. They may enter into a written agreement with the state child welfare agency to coordinate child welfare services on Indian lands. Indian children cannot be adopted by non-Indians without the approval of the tribe from which they are descended. If a birth mother is enrolled or enrollable in an Indian tribe, then approval of that tribe to the adoption of that Indian child is required by the Indian Child Welfare Act. Also, child welfare services must not be provided to Indian children without first determining the jurisdiction of the Florida court over the Indian child, and whether the Indian tribe wants to make service decisions on behalf of that Indian child, even if that Indian tribe is in another state. The ICPC Central Office can assist CBC Lead Agencies in contacting Indian tribes in other states to resolve jurisdictional and service provision issues. In Brevard County, BFP or Case Management Agency (CMA) staff must contact the social services directors of the Miccosukee or Seminole Indian tribes if there are any questions as to Indian children in dependency care.

### **Types of Placements Covered by the Compact**

The Compact applies to three types of situations in which dependent children may be sent to other states, and one type of situation in which an adjudicated delinquent child may be sent to another state:

- a. Placement preliminary to an adoption or guardianship powers under Chapter 39, F.S.
- b. Placements into foster care, including foster homes, group homes, residential treatment facilities, and child caring institutions.
- c. Placements with parents or relatives where the child remains a dependent or under court ordered supervision of the sending state unless the placement is being made by a parent or relative with undiminished custodial control over the person of the child.
- d. Placement of an adjudicated delinquent child into an institution pursuant to Article VI of the Compact. [See Section 409.405, F.S.]

### **Administering the Compact**

- a. In Florida, the Compact is administered by the Interstate Compact (ICPC) Central Office and the CBC Lead Agencies contracted by DCF to administer the child welfare program in each

county in Florida (BFP, in Brevard County). It is a statewide, direct service, operational program which assists CBC Lead Agencies in their efforts to place children in another party state. It also approves all interstate adoptions and residential/group home placements. Requests to place children into Puerto Rico, and Guam must also be sent to the central office even though such requests would not come under the Compact.

- b. Although based on statutory law in each party state, the Compact is really a cooperative program whereby a local social worker in a receiving state local agency is legally authorized to conduct social work on behalf of a sending state local agency without charging a fee provided that the child is under court jurisdiction in the sending state. Therefore, a local Care Manager (CM) could, at different times, be either a 'sending' worker, or a 'receiving' worker. In order to reduce delays in obtaining interstate home studies and improve communication at the worker level, it is now a national Compact policy to encourage the local 'receiving' social worker to call the 'sending' social worker immediately upon having a Compact case assigned. It is generally felt that by encouraging direct contact between the two social workers and/or their respective supervisors early in the process, it will promote the free flow of updated or new information about the child or resource, and thereby assist in the successful completion of the home study in a timely manner. Likewise, local social workers are encouraged to send documents to one another directly by facsimile transmission as long as they also send copies of those same documents to their respective state Compact office. It should be noted that home studies are not approved at local levels; the Compact central office in each state has the final approval authority and children will not be sent to another state until the requestor receives a signed Form 100-A officially approving the placement. Every occasion ought to be utilized to remind judges, attorneys, social workers and the people being studied that the state compact administrators have the statutory responsibility to approve (or disapprove) all placement requests before they are legally authorized.
- c. All requests for child placement services in locations outside the state of Florida must first be sent to the ICPC Central Office through the respective CBC Lead Agency. If someone is not sure what to do, or has a question, they can always call their local CBC Lead Agency representative (in BFP, the ICPC Representative is currently the Intake Assessment Specialist).
- d. All incoming requests for services from other states and foreign countries must have been sent first to the Florida ICPC Central Office before being forwarded to the BFP ICPC Representative. If a request is received directly from another state or foreign country, the person who received the request must first contact the ICPC Central Office to determine if a Compact case exists before services can be legally authorized and provided under the Compact. Social workers attempting to provide services to children or families from other states, when the children or families would not otherwise be eligible for those services in Florida, may be liable for their actions since the other state has not legally authorized Florida to represent them under the Compact in providing those services directed toward the acts which had previously taken place in the other state(s). A one-time request that is received directly from another state social services agency or licensed provider for an interview, consent signature, and the like, which requires the voluntary cooperation of a Florida resident will be processed through the Florida ICPC central office who will send the assignment to the local CBC.

### **Processing Outgoing Requests for Interstate Placements (from Florida to another state):**

- a. A Family Allies CM considering an interstate placement for a child must submit a separate home study request for each resource (parent or relative) who resides at a separate physical address. If more than one family member lives at an address, the name of the family member who will have primary responsibility for the child must go on the Compact 100A Form. Other family members residing in the household will be identified in other sections of the ICPC home study packet.
- b. Frequently, multiple requests for home studies are made for the same child because there are two (2) or more relatives (residing at a different address) who want to be considered as a placement resource for the child(ren). These resources may all be in the same community or state, or, the resources may all be in different states. Multiple requests can be helpful for placement planning, especially when the proposed placement resource is an elderly person, such as a grandparent. Another resource in the same community, or the same state, might provide an alternate placement source should the initial placement disrupt, or the resource determines that they can no longer care for the child.
- c. The DCM will provide the Child Welfare Specialist with the Statement of Care Manager/Potential Placement/Party who will complete the ICPC packet as outlined below.
- d. The Family Allies Child Welfare Specialist will send each request to the BFP ICPC Representative within 3-5 business days of the date that the judge signs the Order of Compliance. The BFP ICPC Representative will review and upload the request into the Interstate Compact System (ICS) or The National Electronic Interstate Compact Enterprise (NEICE). The request will contain one copy of:
  1. The applicable ICPC Community Based Care Transmittal Form
  2. The “Interstate Compact Placement Request” (ICPC 100A Form)
  3. An overall cover letter that provides the resource’s relationship to the child and demographic information; resource’s name, date of birth, social security number, residence address (street address with zip code, county, city and state) and telephone number. The cover letter explains the ongoing needs of the child, any special requirements that the resource must meet, and a separate paragraph stating the ‘financial/medical plan’, as well as providing the sending DCM’s contact information. Because other state and local agencies are accustomed to interacting with the department, and to forestall any delay, the following sentence will be included in the opening paragraph: **“This request for child welfare services is being made pursuant to our contract with the Florida Department of Children and Families.”**
  4. A social assessment of the child that is less than six (6) months old. The social assessment may be any one of the following documents: A social assessment prepared by the DCM, the Judicial Review/Social Study Report (JR/SSR), the Pre-Disposition Study (PDS), the Family Functioning Assessment or the Comprehensive Behavioral Health Assessment (CBHA).

5. The most recent court order signed by the Judge, showing dependency, and a legal status of either foster care or protective supervision
  6. Statement of Care Manager/Potential Placement/Party (must be signed/dated)  
NOTE: Not required for Regulation 1 home study requests, required for all other types of requests)
  7. An Order of Compliance
  8. The Financial/Medical Plan
  9. Proof of Title IV-Eligibility (Notice of Case Action Form CF-ES 2629) obtained from the BFP Revenue Maximization unit.) The BFP ICPC Representative will add this document to the home study request when the BFP ICPC Representative receives the package from the Family Allies DCM)
  10. Proof of paternity (if home study is on father or paternal relatives)
  11. Birth certificate
  12. Signed Case Plan
  13. Additional requirements of individual states as identified in individual state “Info-Bits.”
  14. Adoptions: Also see the below paragraph on Interstate Adoptions.
  15. Additional pertinent information as required to provide information on unique circumstances (such as a child’s social security card, school reports, psychological evaluation, medical records, etc.).
- e. The BFP ICPC Representative will review the request and upload the packet into the Interstate Compact System (ICS) or The National Electronic Interstate Compact Enterprise (NEICE). The Florida ICPC Central Office will validate the request, sign the Interstate Compact Placement Request-100A form, and forward the request to the receiving state Compact office.
- f. Pursuant to the Compact, the receiving state Compact office log in the sending state’s request for a home study of the proposed placement resource, verify completeness of the request packet, and send it to the local office in their state that covers the community where the resource lives. The local social worker in the receiving state to whom the case is assigned should contact the counterpart worker in the sending state as soon as he or she reviews the request package. This initial phone call provides an opportunity to provide new information and possibly provide an estimated completion date. Please note that although direct communication facilitates home study completion, each state’s central office retains final approval authority. For that reason, official home study results (as reflected on the signed Form 100-A) must be received through official channels (see next paragraph). ICS and The National Electronic Interstate Compact Enterprise (NEICE) access at the local level and Florida’s ability to relay ICPC information electronically has dramatically reduced the time required to relay information.





- g. After the receiving state local office has completed the home study, it prepares a report which includes a recommendation on whether or not the placement can be made. This report is transmitted to the receiving state Compact central office for review. If the receiving state's recommendation is favorable and it is determined that all requirements of the receiving state's laws have been met, the placement will be approved. If, however, the local receiving agency recommends against the placement or it is determined that the placement cannot lawfully be completed, the placement will be denied by the receiving state Compact central office unless the issues can be remedied.
- h. When the request to place a child has been approved by the receiving state Compact office, they will sign the 100A Form indicating that "placement may be made" and return the form and the approved home study to the sending state Compact office. The Florida ICPC Central Office will load the approved home study into ICS or The National Electronic Interstate Compact Enterprise (NEICE) and send the BFP ICPC Representative an e-mail advising that the home study is available in ICS or The National Electronic Interstate Compact Enterprise (NEICE).. Ideally, the sending and receiving local office social workers will work together to arrange the details and date of the actual placement. Final agreements are clarified or entered into regarding payment for the child's care, the type of monitoring of the placement, and the frequency of visits and post-placement supervisory reports to be provided to the sending agency.
- i. Under Florida law, a completed home study is confidential and therefore exempt from public records disclosure if it was requested for a child placement where the child is under a court's adoption or dependency jurisdiction. The subject of a Florida home study may be given a copy upon request. Other states' confidentiality laws may differ in this respect. If the home study was prepared in another state, and the subject of that home study requests a copy, it is recommended that the subject's request be referred to the other state's local office. If, however, the request is denied by the other state, or the subject insists that we provide the request should be honored and the copy provided. In instances such as this, the Florida ICPC Central Office is the final decision authority. This can be a difficult situation, especially when the other state does not provide a copy of the home study to the subject. Nevertheless, once the home study is placed into the Florida case file, it becomes subject to Florida law.
- j. After all plans and agreements have been completed, the child is moved to the receiving state and placed with the approved resource. The sending agency will notify the receiving state of the placement by using the "Interstate Compact Report on Child's Placement Status" 100B Form and the court order placing the child in the receiving state. The sending state case must remain open while the child is in the receiving state since the sending state must retain jurisdiction during the period of placement, pursuant to Article V of the Compact. The receiving state local agency will usually perform monthly visits and prepare a quarterly written report, which can be used to inform the Florida court and others of the child's progress. After six (6) months of supervision, the receiving state may recommend termination of supervision. The decision to terminate supervision, however, rests with the sending state.
- k. A few states will not accept a Compact request for home study under a Florida protective services court order where the parent or relative needs financial and/or medical assistance

payments to care for the Florida child. The majority of states allow the resource to apply for a TANF child only grant which also brings Medicaid coverage with it. (See Info-Bits to determine the policy of the state where the potential resource resides) Therefore, if the Case Management Agency (CMA) wants to place a child in the home of a parent or relative in a state that does not allow TANF child only grants, the CMA must obtain a Florida court order placing the child in Foster Care and agree to pay foster care board rates to the resource, and provide a copy of the Title IV-E Notice of Case Action on the child for Medicaid. If the child is not Title IV-E eligible, then some other means of medical support will have to be worked out at no cost to the receiving state. The only exception is if the resource certifies that they will not require financial or medical assistance from the receiving state to care for the child. In those cases, a Florida protective services court order along with the statement (notarized letter recommended) will be accepted.

- l. In the unlikely event that Family Allies desires to purchase a home study or other child welfare services from another state, it is recommended that the Family Allies DCM contact the receiving state local office directly to inquire as to local policy or private provider availability and cost for services. If services are available for purchase, then proceed with local procedures for purchasing the required service, and also immediately notify the Florida ICPC Central Office in writing of the proposal, including names and phone numbers of those involved in the receiving state. The Florida ICPC Central Office will confirm the office proposal with the receiving state Compact office to ensure that it is in compliance with the receiving state policy and that it will be acceptable. This approach will save time for all concerned, especially in large states where the receiving state Compact office may not be aware of approved alternative home study options with private providers in local offices or counties. If, however, the Family Allies DCM cannot determine if private provider services are available in a receiving state, the Family Allies DCM will submit a brief memorandum to the Florida ICPC Central Office detailing the proposal, including ICPC 100A information on the child and resource. A written response back to the local Family Allies DCM will be made within two (2) business days of receipt of the initial memorandum.
- m. The financial/medical plan identifies how the perspective resource is going to provide day-to-day financial and medical support for the child(ren). A parent will be responsible for providing for the child's financial and medical needs without assistance from the receiving state. A relative may not require financial and/or medical assistance to care for the child. For qualifying relatives, most states allow the resource to apply for a 'TANF child only grant', which provides both financial assistance and Medicaid coverage. The requestor may also pay Foster Care payments to the resource provided they can be licensed or qualified as foster parent(s) by the receiving state. For all ICPC request regardless of the medical plan the Notice of Case Action Title IV-E determination must be submitted. . **Each request must address the 'financial/medical plan' aspects of the child placement with each proposed resource in a separate paragraph in the cover letter.**

### The Sending Local Agency's Responsibilities

- a. While the child remains in the out-of-state placement, the sending state local office must retain legal and financial responsibility for the child. This means that the sending state local office has both the authority and the responsibility to determine all matters relating to the custody, supervision, care, treatment, and disposition of the child just as the sending state local office would have if the child had remained in the home state. Retention of court jurisdiction over the



child while the child is in the receiving state ensures legal authority by the local office to make financial expenditures on behalf of the child, and the return of the child for reunification when so determined by the court. [The term 'financial responsibility' seems to give social workers the greatest concern, especially on the ICPC 100A Form. It simply means that the sending state has the legal authority and duty to expend state resources on this child, even while the child is in the receiving state.] For example, this is necessary in order to be able to pay for the return of the child should there be a disruption in the placement, or if an unanticipated emergency medical expense became necessary, and the child was not Medicaid eligible.

- b. The legal authority of the sending agency to make expenditures on behalf of the child while the child is in the receiving state is exactly the same legal authority it has as if the child had remained in the sending county.
- c. The sending state's responsibilities for the child continue until it legally terminates the interstate placement. It may terminate the placement by court ordering the return of the child to the sending state, which would occur if the court decides that reunification of the child with the parent from whom the child was originally removed is now possible, or if the placement resource in the receiving state indicates that they can no longer care for the child. A Florida court should not terminate jurisdiction of a child placed in a receiving state under the provisions of the Compact unless the child is adopted, reaches the age of majority or becomes self-sufficient, the sending court grants legal custody of the child to a caregiver or a parent and terminates jurisdiction, the child no longer resides at the home approved for placement, legal guardianship of the child is granted to the child's caregiver in the receiving state, or the sending state requests in writing that supervision be discontinued and the receiving state concurs.
- d. The sending agency must also be responsive to the receiving state's request to return the child if the placement disrupts, or if the receiving state withdraws its previous approval for placement. The decision that the placement has disrupted, or that prior placement approval is to be withdrawn, is the sole prerogative and professional responsibility of the receiving state. A timely response by the sending state is expected whether the child is in imminent danger or not. In most cases, the child will need to be escorted back to the sending state local office. This means that approval for travel must be obtained, travel must be scheduled, and arrival and departure times coordinated with the receiving state local workers. BFP will keep the Florida court apprised of any change in the physical placement of the child.
- e. Additional options for the child to remain in the receiving state if the placement disrupts:
  1. To avoid returning the child(ren) to Florida, additional placement options in the same community or state could be utilized if more than one resource was requested to be studied for this child. If another resource was approved, then it may be possible to relocate the child within the receiving state. If there are no family members in Florida, and all family members in the receiving state either do not want the child(ren), or are not suitable, then a request may be made to the receiving state local office to determine if there are foster care placements available, or if there are any residential facilities, institutions or group homes available in whose placement the child would remain geographically closer to the family.
  2. Any proposed placement of a child in a residential facility, institution or group home in another state will require a Compact 100A Form with the name and address of the facility

or home shown in Section II-Placement Information, along with a copy of the letter of acceptance or agreement to admit the child, and other supporting documents. It is the responsibility of the CM to locate such a placement in the other state, and the local office will be responsible for making arrangements to contract and pay for this placement option. If a Florida child is placed in a residential facility, institution or group home in another state, it will be the responsibility of the sending CBC Lead Agency to make the necessary arrangements to obtain reports of supervision/progress on the child directly from the professional staff of the facility or home, as most states, like Florida, do not supervise child placements in licensed facilities.

- f. Any 'placement' of a child into a receiving state without the approval of the receiving state is an illegal placement and violates the Compact. A "visit" of a child to a receiving state has been defined by the Association of Administrators of the Interstate Compact on the Placement of Children as a visit of thirty days or less, unless during the summer, when it can last from the traditional end of school until the traditional beginning of school. The Association has also determined that a "visit" is not a placement, per se, and therefore is not covered by the Compact. Accordingly, a home study cannot be requested through the Compact for a visit. If a visit is desired, then the Family Allies CM must take responsibility to satisfy any concerns about the visit resource and the safety of the child, and recognize that the child is still under the jurisdiction of a Florida court and that Family Allies will be responsible for the child while the child is on a visit. The Association is well aware of the use, or misuse, of the "visit" to get around the delays associated with use of the Compact and waiting for an approved home study from the receiving state before an approved placement can be made. Calling it a 'visit', even in a court order, does not make it a visit if it does not qualify as a visit under the compact administrator's definition. That means that the protections afforded to the child by the Compact do not exist. The social workers in the receiving state do not have legal authority to represent the sending state worker in providing services to the child, and the Florida court has no jurisdiction over the child under the Compact.
- g. The sending agency must notify the receiving state's Compact administrator of any change in the child's situation, family or court status, again using the 100B Form. Changes of status may include a termination of the interstate placement or such things as a new placement of the child in the receiving state or a transfer of legal custody.

### **Processing Incoming Requests for Interstate Placements (from another state to Florida)**

- a. All incoming Compact requests for child welfare services from another party state must go through the Florida ICPC Central Office, and will be sent to the BFP ICPC Representative for assignment through Family Allies to the Child Welfare Director for subsequent assignment to a Child Welfare Specialist
- b. If the incoming request was properly processed and is complete, the recommended first thing for the Family Allies Child Welfare Specialist to do after reading the request package is to contact the sending state social worker to ascertain if there have been any changes in the child(ren) or case status. It is mandatory for the Family Allies Child Welfare Specialist to contact the resource within two (2) business days of receipt of the home study packet to initiate the background check process, schedule the family for fingerprint scanning and schedule the initial home visit. If the child is already in the home, the Family Allies CM will

conduct a home visit and make face-to face contact with the child within two (2) business days.

- c. Federal Statute guidelines require the home study to be completed within 60 days from the date that the request is received by BFP. The recommended completion time is 30 days. In meeting or exceeding this standard, there are certain underlying assumptions, such as the resource being available, cooperative and still interested in receiving the child, and the receiving Family Allies Child Welfare Specialist CM being healthy and available as well. Having established contact with the sending social worker already, the receiving Family Allies Child Welfare Specialist can keep him or her informed of progress or non-cooperation on the part of the resource.
- d. Child placement:
  1. A child may be legally placed in Florida under the Compact by a sending state when all of the following have occurred:
    - a. The receiving Family Allies Child Welfare Specialist and Child Welfare Director have approved the home study of the resource; and,
    - b. The Florida ICPC Central Office has approved the child placement by signing the ICPC 100A form; and,
    - c. A copy of the signed and approved ICPC 100A form and a copy of the home study have been sent to the sending state compact office by the Florida ICPC Central Office; and
    - d. The sending state compact office has forwarded the approved ICPC 100A form and home study to their local office; and,
    - e. The sending state local office and their local court decide to place the child with the approved Florida resource.
  2. The receiving Family Allies CM will be notified that a child has been placed in Florida by receipt of a signed ICPC 100B form from the sending state compact office via the Florida ICPC Central Office. The ICPC 100B form will show the date of placement and the name and address of the approved resource used for that purpose. (This will be especially important when more than one resource was studied and approved by the local, since only one approved resource can be used at a time). It is also good social work practice for the sending state social worker to telephone the receiving state DCM and provide information on the final placement plans and any other details.
  3. Receipt of the 100B form means that the receiving Family Allies CM must start post-placement supervision of the child(ren) with an initial home visit within two business days from the date the 100B was received by the CBC, ongoing monthly visits and ongoing quarterly written reports. The receiving Family Allies CM may include a recommendation in the quarterly written report to the sending worker to stop post-placement supervision at any time, if he or she determines that supervision is no longer needed. The sending state, however, must concur before post-placement supervision is stopped. Maintaining contact

with the sending worker will improve communication and may lead to early termination of supervision. In instances where post-placement supervision is no longer deemed necessary, the sending state court must retain its jurisdiction over the child while the child remains in the receiving state unless the child is adopted, reaches the age of majority or becomes self-sufficient, legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state, the child no longer resides at the home approved for placement, jurisdiction over the child is terminated by the sending state, legal guardianship of the child is granted to the child's caregiver in the receiving state, or the sending state requests in writing that supervision be discontinued and the receiving state concurs.

4. If an ICPC 100B form has not been received and the child is determined to be residing in the home of the approved home study, the Family Allies CM will immediately notify the BFP ICPC Representative, who will notify the Florida ICPC Central Office. Protective supervision will be provided with or without an ICPC 100B form.
  5. If a dependent child from another state is determined to be residing in an unstudied or unapproved home, or in the home of a previously proposed disapproved resource, the Family Allies Child Welfare Specialist or CM Supervisor will notify the BFP ICPC Representative, who will notify the Florida ICPC Central Office. If the name and phone number of sending state local office supervisor is known, the Family Allies staff discovering the violation will call and advise that person that no home visits or supervision will be provided because compact law is being violated, and furthermore, Family Allies has no jurisdiction or legal authority under the compact law to represent the sending state in supervising this illegal child placement. If this child is considered to be in danger, the Florida Child Abuse Hotline will be informed immediately. If the child is subsequently removed from that home and placed in emergency shelter, the Florida ICPC Central Office will request that the child be returned to the sending state. The Family Allies staff discovering the violation will fully document FSFN with each action taken.
- e. Maintaining contact with the sending state local worker will also assist the Family Allies CM in the timely resolution of problems that arise during supervision of an approved placement, up to and including a disruption of the placement. The Family Allies CM and CM Supervisor have the responsibility of reviewing monthly supervision visit reports and deciding the following:
1. Whether an approved placement is proceeding smoothly, or has disrupted; or,
  2. If a previous placement approval of the resource must be withdrawn; or,
  3. If the child is in danger and must be removed from the resource and placed in emergency shelter pending the return of the child to the sending state. This last option assumes that, in the opinion of the Family Allies CM and the Florida ICPC Central Office, there are no other approved resources or other suitable alternatives available in Florida. The Florida ICPC Central Office will always be notified if a previously approved child placement disrupts.

## Interstate Adoptions

- a. All interstate adoptions will be processed through the ICPC Central Office in the same manner as other ICPC actions. Traditionally, the department has limited itself to processing only those adoptions relating to special needs children or to an adoption incident to a dependency case when reunification is no longer an option.
- b. Licensed child placing agencies can legally process interstate adoptions as both a sending local agency, where the child is born in Florida, as well as a receiving local agency, where the child is born in another state. All inquiries from licensed child placing agencies or intermediaries (private attorneys and physicians) concerning interstate adoption policies and procedures must be referred to the ICPC Central Office.
- c. When the child to be adopted was born in Florida and BFP will be the sending CBC Lead Agency, the adoption request “package” will contain the following information and documents (the request will be submitted via ICS or NEICE to the Florida Central Office):
  1. The Family Allies CM will include the following in addition to information previously identified for other ICPC home study requests:
    - a. Termination of Parental Rights (TPR) order. Some states may accept the package if TPR court actions are not yet final. Most states, however, will not. Consult Individual State Info-Bits.
    - b. Form CF-FSP 5071, Adoptive Home Application, signed by the prospective adoptive parent(s) will be attached to the cover letter, or,
    - c. Completed home study, if applicable. The completed home study will also include a completed form CF-FSP 5071, Adoptive Home Application, signed by the prospective adoptive parent(s).
  2. The 100A Form will indicate in Section II whether the child is Title IV-E eligible and whether the adoption will be subsidized and will indicate where the sending worker expects to finalize the adoption. The Legal Status box will reflect either “Parental Rights Terminated-Right to Place for Adoption” or “Sending Agency Custody/Guardianship”.
- d. When the child to be adopted is born in another state and is committed to a public agency or department in that state, the request for an adoptive home study will be received in Florida by the ICPC Central Office, and forwarded to BFP ICPC Representative via ICS or The National Electronic Interstate Compact Enterprise (NEICE) for completion of an adoptive home study. The request should be treated the same as if the prospective adoptive parent(s) were planning to adopt a Florida Special Needs child and will be handled by the local office without charge to the other state. In some instances, the other state public agency or department may prefer to purchase recruitment, home study and/or post-placement services from a Florida licensed child placing agency not affiliated with BFP, just as Florida does in contracts with agencies in Florida and other states. This practice is also acceptable and would not normally involve BFP Staff.



- e. The form and format for an adoptive home study being provided for another state public agency or department should be the same as used in routine adoptive home studies, and must include a completed Form 5071, Adoptive Home Application, signed by the prospective adoptive parent(s). The ICPC Central Office cannot approve the interstate adoptive home study request without this completed form. Adoption Coordinators should be sensitive to additional requirements for forms or documents that might be needed in the other state according to the law and/or court practice in that state. This is particularly true when the prospective adoptive parent(s) intend to finalize their adoption in the sending state. There may be some routine local requirements, such as a current physical exam, psychological exam, etc., that are not required by the sending state. The prospective adoptive parent(s) may prefer not to purchase those items since their adoption may be finalized in the sending state. The local office will make the decision on what will or will not be required for an adoptive home study where they have discretion and/or latitude to eliminate an otherwise required item that would be necessary if the adoption were to be finalized in Florida.
- f. Prospective adoptive parent(s) originally studied and approved by a local agency for a Florida child may become aware of an adoptive opportunity in another state through the Internet, advertisements and/or friends. If BFP already has a current approved adoptive home study on these prospective adoptive parent(s), we can provide them with a copy of the approved study so that they can pursue other adoptive placement alternatives. If they are successful in finding a child committed to a public agency or department in another state, then that state will initiate a compact request before placement in Florida can be approved. After compact approval and placement, the local CMA may be asked to provide post-placement supervision. However, if the prospective adoptive parent(s) discover and pursue an adoptive opportunity of a child that is not committed to a public agency or department in another state, they may use the copy of the current adoptive home study completed by the local office, but the local CMA will not provide post-placement supervision. After compact approval and placement in Florida, they will have to purchase post-placement supervision services from a Florida licensed child placing agency not affiliated with BFP or a licensed individual qualified under Florida law to perform such tasks. They will also be responsible for finalizing their adoption in a Florida court.
- g. When the child to be adopted is born in another state and the request for an adoptive home study comes from a non-dependency licensed child placing agency, an attorney or an individual in another state, the adoptive home study request will be received in the ICPC Central Office. Such request will then be forwarded to the Florida licensed child placing agency [identified on the ICPC 100A form], for handling. There will be no Family Allies Staff involvement.

### **The Courts and the Children's Legal Services (CLS) Attorneys**

- a. The primary requirement for invoking the Interstate Compact on the Placement of Children on any case is the existence of sufficient court jurisdiction in the sending state. Article V of the Compact recognizes the continuing jurisdiction of the sending state court over the child while that child is in the receiving state, and that continuing jurisdiction gives the sending state court and agency the authority to determine all matters relating to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending state. Continuing court jurisdiction over the child is also

necessary to affect the return and reunification of the child with the parent from whom the child was originally removed.

- b. Pursuant to Article V, the sending state court may terminate jurisdiction over a child while the child is in the receiving state for the following reasons: The child is adopted, reaches the age of majority or becomes self-sufficient, legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state, the child no longer resides at the home approved for placement, jurisdiction over the child is terminated by the sending state, legal guardianship of the child is granted to the child's caregiver in the receiving state, or the sending state requests in writing that supervision be discontinued and the receiving state concurs. An action for termination of jurisdiction over a child while that child is in the receiving state, for any reason other than the above reasons, will address, as a minimum, the safety and protection of the child, which person shall be given full uninterrupted legal custody of the child, the issue of reunification of the child with the parent from whom the child was originally removed, and the concurrence of the receiving state compact administrator. When Florida, as the sending state, desires termination of jurisdiction, the department shall, prior to seeking termination of jurisdiction, first ensure that a permanency plan is in place for the child(ren). This plan must be reflected in an order entered by the Florida court addressing termination of parental rights, adoption, or custody to a parent, relative or non-relative which shall include the powers ordinarily granted to a guardian of the person of a minor.
- c. Termination of supervision of the child while the child is in the receiving state simply means that the receiving state local agency has recommended to the sending state local agency that supervision of the child and the resource is no longer deemed necessary, and the sending state local agency and its court has concurred. However, sending state court jurisdiction will usually be retained for as long as the child remains in the receiving state. When Florida, as the receiving state, seeks concurrence of the sending state for termination of supervision, the department will first ensure that the sending state has a permanency plan in place for the child(ren). This goal should be reflected in an order entered by the court in the sending state which addresses termination of parental rights, adoption, or an alternate permanency option such as placement with a non-removal parent, long-term foster care, permanent guardianship of a relative or non-relative which includes the powers ordinarily granted to a guardian of the person of a minor. When Florida, as the sending state, is requested by the receiving state to agree to a termination of supervision, Family Allies shall likewise ensure that a permanency plan is in place as reflected in an order of the Florida court addressing one of those permanency options. The act of concurrence of the sending state to the termination of supervision in Florida may or may not need the approval of the Florida court. This will be determined locally on a case by case basis by the CLS Staff.
- d. 'Sufficient' court jurisdiction of a Compact case, as required by Article V of the compact, is evidenced by the existence of a court order showing that the child, if from Florida, is adjudicated dependent and in a foster care status with custody to Family Allies, or adjudicated dependent and placed in a protective supervision status with custody to a parent or relative. Some states do not recognize this type of Florida court order as providing 'sufficient' jurisdiction as required by Article V for a sending state. Therefore, the Order of Compliance with the Interstate Compact on the Placement of Children was created to assure other states that not only did Florida have 'sufficient' jurisdiction over the child, but also that it fully intended to abide by the terms and conditions of the Compact. An emergency shelter

order, when accompanied by an Order of Compliance, has also been accepted under the belief that by the time the home study is completed in the receiving state, that an order of dependency adjudication will have been issued. In these types of cases, the Family Allies DCM and the CLS attorney need to insure that an adjudication of dependency has occurred before actual placement is made in the receiving state, and that a copy of that court order has been furnished to the ICPC Central Office.

- e. A dependent child on a visit to a resource in a receiving state is still the responsibility of Family Allies and the Florida court. A “visit” of a child to a receiving state has been defined by the Association of Administrators of the Interstate Compact on the Placement of Children as a visit of thirty days or less, unless during the summer, when it can last from the traditional end of school until the traditional beginning of school. The Association has also determined that a “visit” is not a placement, per se, and therefore is not covered by the Compact. The Association is well aware of the use, or misuse, of the “visit” to get around the delays associated with use of the Compact and the long wait for an approved home study so that an approved placement into a receiving state can be made legally. The courts, CLS attorneys and local agencies need to understand that a placement into a receiving state, without the express approval of the receiving state compact administrator, is an illegal placement and voids the protections afforded to the child by the Compact. Specifically, the court no longer has jurisdiction over the child in the receiving state under the Compact, and the receiving state local social workers have no legal authority to represent the sending state agency in providing services to the child. It is the responsibility of the CLS attorney, Family Allies Staff to point these facts out to the court, and if the court persists in issuing an illegal placement order, then the court will be challenged and a decision made as to whether to appeal. If the court has previously signed an Order of Compliance on this child, it may be appropriate for the CLS attorney to point out to the court that the court has previously issued an order indicating that it intends to abide by the Compact, and that the court’s most recent order of placement is contrary to compact law.
- f. A 100A Form, properly completed, dated and signed by the receiving state compact administrator or alternate, is a legal document and can serve as evidence that a child either can be legally placed into a receiving state with the named resource, or is legally there with the named resource provided that the placement occurred on or subsequent to the date of approval. Copies of the approved Compact 100A Form are routinely provided to the local social worker along with a copy of the approved home study upon their receipt in the ICPC Central Office.
  - 1) The compact cannot be used if there is no court jurisdiction over the child.
  - 2) If, however, the court awards custody to a non-removal, non-resident parent and requests Family Allies to obtain a home study of that parent from that parent’s home state, then the compact does apply, since the compact law is the only legal means whereby BFP can request and obtain such a home study. Also, since Article V of the compact law requires retention of court jurisdiction by the sending state, the court would have had to retain jurisdiction in this situation, and issue a court order to that effect, or issue an Order of Compliance. Otherwise, Family Allies could not make a request for a home study from the receiving state through the compact.

- 3) As suggested with incoming requests, the receiving state shall, if appropriate, be advised that a preliminary home study and full background check will be acceptable to Florida. The receiving state will also be requested to determine, assuming the study is positive, whether jurisdiction could be terminated if continuing supervision is not necessary or recommended. If the Florida court is advised that the home is adequate and that no supervision is required by the receiving state, then the Florida court can order outright custody to the non-removal parent, with visitation to the parent from whom the child was removed. The court may then terminate jurisdiction without any continuing involvement of the Compact or the department, provided that the receiving state compact administrator also approves of this option.
- 4) Any services, such as a home study, requested by the court from another [receiving] state require the department to use the compact to obtain those services. Once the compact is invoked, agreement of the receiving state should usually be obtained before the sending [Florida] state court can terminate its jurisdiction.
- 5) Neither CLS attorneys nor Family Allies staff are authorized to request the court to simply dismiss the petition for dependency at a shelter hearing and hand the child over to the non-removal nonresident parent. Such action would not only leave the non-removal parent and child in a legal limbo, it could result in criminal charges of kidnapping against the non-removal parent. Also, such action provides no legal protection for the non-removal parent, or relative, to whom custody has been granted, against a demand by the offending parent for return of the child. Similarly, were the offending parent merely to forcibly take back custody of the child, as, for example, to pick the child up from school, there would be no legal action in place to rapidly overturn the unlawful re-taking of custody by the offending parent and to assure future compliance with custody decisions. The rare exception to this rule would occur in “special conditions” cases, such as an automobile accident, child getting lost at Disney World, etc., where neglect, abuse or abandonment is not present, or where there is a valid ‘custody’ court order in effect.
- g. Under the compact law, there is no such thing as a legal unilateral transfer of jurisdiction by a Florida court of a dependent child to another state. Any interest in attempting to transfer jurisdiction of a dependent child to another state must be coordinated with, and approved by, both state compact administrators. It will also be important to address, at a minimum, parental rights, legal custody, and reunification issues. The CLS attorney and Family Allies Staff must use the compact law to challenge any court order which transfers the jurisdiction of a dependent child from Florida to another state without the documented concurrence of the receiving state compact administrator.

### **Violations of the Interstate Compact on the Placement of Children**

- a. Placement of a dependent child under court jurisdiction from one state into another state without the approval of the receiving state Compact Administrator constitutes an illegal child placement and is a violation of the Compact. Those responsible may be subject to Article IV penalties (see Section 409.401, Article IV, F.S.).
- b. Article V of the Compact recognizes the jurisdiction of the sending state court over the child while the child is legally placed in the receiving state. It follows that a child illegally placed into a receiving state (without the approval of the receiving state Compact Administrator) is no longer afforded the protections of the Compact, and specifically, the jurisdiction of the



sending state court is not recognized in the receiving state. Likewise, the social service workers in the receiving state have no legal authority to represent the sending state local agency in contacting or providing services to the child, and may be subject to liability if they attempt to provide services without the approval of the people with whom the child is residing in the receiving state.

- c. If, at a shelter hearing in Florida, a child is found to be under the jurisdiction of another state court, and further found to be in Florida without the approval of the Florida Compact Administrator, it is the recommendation of the ICPC Central Office that strong consideration be given to requesting the Florida court to order DCF or Family Allies to return the child to the state where jurisdiction is held in lieu of proceeding with continued shelter or a dependency action in this state, provided that safety and the best interests of the child are not compromised.
- d. If a Florida court orders the placement of a dependent child into another state prior to the approval of that child placement by the receiving state Compact Administrator, or allows the custodian of a dependent child to go to a state with the dependent child prior to the approval of the receiving state Compact Administrator, then the CLS attorney and Family Allies staff must advise the court that those actions constitute a violation of the Compact, and further advise the court that the department may file a motion for a rehearing or an appropriate appellate remedy.
- e. CLS attorneys and Family Allies staff must become familiar with Article VIII of the Compact, entitled "Limitations", and understand that as long as no court has jurisdiction over a child, that child may be sent or brought into a state by certain identified relatives, and the Compact will not apply to such actions.

### **Requests for Social Services Involving Puerto Rico, Guam and Foreign Countries**

- a. Puerto Rico and Guam are United States Territories, but their respective governments have not adopted the Interstate Compact on the Placement of Children. Therefore, Florida courts have no jurisdiction under the Compact to place children into Puerto Rico and Guam, and social service workers in those two territories have no legal authority to represent Florida in providing social services on behalf of Florida's dependent children. Since the Compact does not apply to placements into these two territories, there does not appear to be any legal prohibition against a child being placed there, except as noted above. If a placement of a Florida dependent child with a parent or relative in Puerto Rico or Guam is desired, the ICPC Central Office can assist Family Allies Staff in obtaining home studies or post-placement supervision. It is important, however, to inform the court that if a child placement is made into one of these territories, the parent or relative with whom the child is placed has no legal obligation to cooperate with the court or Family Allies, and that the court has no legal jurisdiction in these territories under the Compact.
- b. Questions concerning requests for home studies or post-placement supervision involving Puerto Rico and Guam will be directed to the Florida ICPC Central Office, who will provide the name of a private licensed vendor who is experienced in performing home studies and supervision. The requesting agency will have to negotiate a fee for these services.
- c. Foreign countries are not part of the Compact. Therefore, Florida courts have no



jurisdiction under the Compact to place children into foreign countries, and social service workers in foreign countries have no legal authority to represent Florida in providing social services on behalf of Florida's dependent children. Since the Compact does not apply to placements into foreign countries, there does not appear to be any legal prohibition against a child being placed into a foreign country, except as noted above. Family Allies DCMs will identify resources for home studies, diligent searches or post-placement supervision in foreign countries that are deemed necessary by a Florida court. The BFP ICPC Representative will assist Family Allies DCMs in making contact with International Social Service/American Branch, Inc.

- d. For all requests for home studies and/or post-placement supervision in a foreign country Brevard Family Partnership will contract with the international provider. A detailed cover letter, which explains what services are being requested, and provides the name, address and phone number of the resource and the local worker, is required. While a 100A Form is **not** needed, the information on the form is needed and should be incorporated into the cover letter. Copies of a birth certificate, passport, 'green card', medical report and any other form of documentation about the child and the resource is needed, along with a social assessment or Predisposition Study of the child and a copy of a court order. **A complete packet, including the ISS-USA referral form, cover letter, correspondence and supporting documents, is needed for each resource (person to be studied).**

## ICPC Forms

ICPC Forms are continuously being revised to meet ever-changing requirements. Rather than providing attachments to this operating procedure that will inevitably become obsolete, reference below web sites that maintain current ICPC Forms and valuable guidance for completing the forms and preparing ICPC packages:

- a. The Department of Children and Families web site: <http://www.myflfamilies.com/> Select services; Select Interstate Compact for the Placement of Children.
- b. Florida's Center for the Advancement of Child Welfare Practice maintains a well-organized ICPC site:
- c. <http://centerforchildwelfare.fmhi.usf.edu/CPCFormsandResources.shtml>

There is a wealth of ICPC information, including the names, addresses and contact information of individual state ICPC offices and county ICPC offices in decentralized states of California, Colorado and Ohio located at ICPC web site: <http://icpc.aphsa.org>; For Information about the National Electronic Interstate Compact Enterprise (NEICE) go to: <https://aphsa.org/AAICPC/AAICPC/NEICE.aspx>



BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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