

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA: N/A</b> <b>CFOP: 175-55; 175-54</b>
<b>Procedure Name:</b>	Priority Placement under the Interstate Compact on the Placement of Children (ICPC)	
<b>Procedure Number:</b>	OP-1055	
<b>Reviewed Date:</b>	N/A	
<b>Revision #/Date:</b>	(3) 02/23/2012, (4) 9/11/2016, (5) 4/14/2020	
<b>Effective Date:</b>	11/01/08	
<b>Applicable to:</b>	All Brevard Family Partnership Family Of Agencies (BFP FOA) Staff, Contract Providers, and Children's Legal Service (CLS) Attorneys	

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**PURPOSE:** To describe the requirements for priority placement under ICPC Regulation 7

**PROCEDURE:**

### References

BFP Operating Procedure OP-1054, the "Interstate Compact on the Placement of Children".

The Compact is enacted in Florida law at sections 409.401, et seq., Florida Statutes (F.S.). Regulation 7 was adopted pursuant to Article VII of the Compact by action of the Association of Administrators of the Interstate Compact on the Placement of Children.

### Definitions

Regulation 7- provides judges, attorneys, and child welfare practitioners an expedited interstate home study process whereby certain emergency situations can be handled in a safe, legal, and timely manner, and faster than was previously available. Regulation 7 was recently revised for the purposes of expanding the class of children to whom expedited placement could apply, including siblings of these children; allowing for emergency temporary placement similar to that following shelter if the receiving state agrees; allowing the court to relinquish jurisdiction if placement is with a non-removal parent and the receiving state concurs; and making provision for the sending state to ask for assistance of the court in the receiving state, if necessary, to complete the expedited ICPC process within established time frames.

### Exceptions

This operating procedure does not apply to interstate foster care or adoption placements [unless the placement resource is already licensed; however, the resource must still meet the priority placement degree of relationship requirement (see a. 1. below)]. This operating procedure is not applicable, and may not be used, if the child is: (a) already in the receiving state without the approval of, or (b) allowed to go to the receiving state prior to the approval of, the receiving state Compact administrator as validated by signed Compact Form 100A.

## **Compact Priority Placement Regulation 7, Outgoing Requests to Other States**

- a. ICPC Regulation 7 establishes procedures for priority placement of children and sets forth limited circumstances under which this procedure may be used.
  1. The first requirement is that the proposed placement resource in the receiving state must be a parent, step-parent, grandparent, adult uncle or aunt, or adult brother or sister (includes half siblings) (NOTE: Great aunts, great uncles, great grandparents, cousins, in-laws, and step relatives other than parents do not qualify under Regulation 7);
  2. The second requirement is that child must be:
    - (a) Either four (4) years of age or younger (includes older siblings sought to be placed with the same resource); or,
    - (b) In an emergency placement; or,
    - (c) Placed due to unexpected dependency caused by a sudden or recent incarceration, incapacitation or death of a parent or guardian; or,
    - (d) The court must find that the child (or one child in a sibling group) has a substantial relationship with the proposed placement recipient. 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.
  3. The third requirement is that a specific court order be issued which contains an expressed finding that one or more of the circumstances set forth above apply to this particular child and sets forth the facts upon which the court bases its finding.
    - (a) If “emergency placement” is selected, a signed copy of the emergency shelter court order must be attached to the request.
    - (b) If “substantial relationship” is selected, either the court order “finding” or the request cover letter should provide sufficient explanation to justify its use, although the choice is totally within the judicial discretion of the court to use, and there are no guidelines covering its use. However, there is no obligation on the receiving state Compact administrator to accept this finding, especially if their home study does not, in the opinion of their local office, corroborate or validate its use.
  4. The Fourth requirement is that the court order contain the typed name, address, telephone number and the facsimile transmission number of the judge issuing the court order. In addition, it is required that the court order be signed by the judge issuing the court order and dated with the same date as the date that the judge’s signature was affixed to the court order.

- b. Under the provisions of Regulation 7, the court has two (2) business days from the date of the court hearing to enter a priority order; the Dependency Care Manager (DCM) and BFP ICPC Representative (currently the Intake Assessment Specialist) have three (3) business days from receipt of the order (the day of receipt is the day the judge signed the court order) to prepare, review and upload the priority home study request into the Interstate Compact System (ICS) or The National Electronic Interstate Compact Enterprise (NEICE). All documents must be signed and dated. All documents submitted with the home study request must have a signature date less than six (6) months. The priority home study package will consist of one (1) copy of each of the following:
1. ICPC Community Based Care Expedited Transmittal
  2. Completed Form 100-A for each child
  3. Completed Form 101 (Sending State Priority Home Study Request) for each child
  4. Expedited Order of Compliance with expressed findings (see paragraph a3 above).The court may request provisional approval to place the child prior to completion of the expedited home study. If so, the request will be included in the Order of Compliance.
  5. 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 letter also explains substantial amount of time if not explained in the priority court order. Because other state and local agencies are accustomed to interacting with the Department of Children and Families, and to forestall any delay, include the following sentence 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."** Ask for monthly supervision by specifically requesting that the child(ren) be seen in the home not later than the 20<sup>th</sup> day of each month, and ask for minimum quarterly written reports; must include the Dependency Case Manager (DCM) contact information- name, full address, desk and cellular telephone number.
  6. Current Social Summary on the child(ren) (Pre-Disposition Study, Family Functioning Assessment, Judicial Review/ Social Study Report, Comprehensive Behavioral Health Assessment), or, if none of these documents are less than six (6) months old, a Social Summary of the child developed by the DCM.
  7. Current signed underlying court order that is less than six months old and shows legal status and placement of the child. (NOTE: If the court order is signed by the General Master, packet must include the Judge's order approving the findings of the General Master).
  8. Statement of Care Manager/Potential Placement/Party under Regulation 7 (must be signed/dated). This includes:
    - i. A signed statement of interest from the potential placement resource or a written statement from the assigned care manager in the sending state that following a conversation with the potential placement resource, the

potential placement resource confirms the appropriateness for the ICPC expedited placement decision process; and

- ii. A statement that is based upon current information known to the agency, that it is unaware of any fact that would prohibit the child being placed with the placement resources and that it has completed and is prepared to send all required paperwork to the sending state ICPC office, including the ICPC-100A and ICPC Form 101.

9. Financial/Medical Plan(s)

10. Proof(s) of Title IV-E eligibility. Attach the Notice(s) of Case Action obtained from the BFP Revenue Maximization Unit. Once received the BFP ICPC Representative will add the Notice(s) of Case Action to the packet.

11. Proof(s) of Paternity (if home study is on the father or paternal relatives)

12. Child(ren)'s Birth Certificate(s). If not available, it must be requested and an explanation must be provided on the cover letter.

13. Case plan (signed and dated)

- c. The Florida ICPC Central Office has two (2) business days to validate the priority placement request package and forward it to the receiving state Compact office.
- d. The receiving state Compact Administrator has twenty (20) business days from the date of receipt of the priority placement request package to obtain sufficient information from the local receiving agency to make a determination as to whether the requested priority placement may be made, or will not be made. This decision will be reflected in Section IV of the Compact Form 100A along with a signature and the date signed, and then transmitted to the Florida ICPC Central Office.
- e. If requested, the receiving state Compact Administrator will determine provisional approval or denial as detailed below and will provide the determination in writing to the Florida ICPC Central Office within seven (7) calendar days of receipt of the request.
- f. The receiving state local has fifteen (15) business days to complete the home study and return the completed home study to receiving state ICPC office.
- g. The Florida ICPC Central Office will upload the completed home study, including the Compact 100A Form, into the ICS or NEICE ICPC computer program and will generate a notification e-mail to the BFP ICPC Representative, who, in-turn, will generate a notification e-mail to the DCMS and DCM within one (1) business day.
- h. Compact Regulation 7 also provides for certain contingencies, such as noncompliance by the receiving state Compact Administrator, receipt of substantially insufficient documentation from the sending court or the sending local agency, procedures for obtaining additional documentation or information, and mutually agreed upon modifications to the time period deadlines.

### **Incoming Regulation 7 Priority Placement Requests from Other States**

- a. The Florida ICPC Central Office has 20 business days total to make a placement decision. If the request includes provisional placement, the ICPC Central Office has seven (7) calendar days to communicate a written approval or denial for provisional placement to the requesting state. Upon receipt of a priority placement request, the ICPC Central Office will upload the incoming request into ICS or NEICE ICPC computer program and send a notification e-mail to the BFP ICPC Representative, who will forward the request to the applicable Program Manager. The Program Manager will assign the request to a Dependency Care Manager Supervisor (DCMS) and the DCMS will assign to a DCM immediately.
- b. BFP and the Case Management Agency (CMA) Staff have 15 business days to conduct the home study, complete background checks, and make a placement decision, providing that the resource is cooperative and that all necessary information and documentation was properly provided and/or is available. The DCMS will immediately notify the BFP ICPC Representative, who in turn will notify the ICPC Central Office if any difficulties are encountered which might delay timely completion. In those situations, the ICPC Central Office will contact the sending state Compact office to advise them of any delay.
- c. If the priority placement request includes a request for provisional placement of the child, the DCM will complete the following actions within five (5) calendar days:
  1. Perform a physical “walk through” of the prospective placement’s home to assess the residence for risks and appropriateness for placement of the child.
  2. Conduct a FSFN check, searching for prior reports/investigations on the prospective placement family members.
  3. Perform local criminal background checks on the prospective placement family members.
  4. Complete other actions, if any, that were agreed upon by the sending and receiving state compact administrators.
  5. Provide a provisional written report and ICPC transmittal form to the BFP ICPC Representative, who will upload into ICS or NEICE ICPC computer program and e-mail the Florida ICPC Central Office.
- d. As soon as the final local placement decision is reached by approving or disapproving the request, the DCMS will submit the completed home study, background checks, and transmittal form to the BFP ICPC Representative, who in turn will upload into ICS and e-mail the ICPC Central Office. Again, the home study will be completed as soon as possible (not to exceed the 15-business day timeframe).
- e. It should be noted that the sending state has judicial recourse in Florida if time frames are not met.
  1. The sending state court can inform the Brevard County Dependency Court.

2. The Brevard County Dependency Court can hold hearings, take evidence and enter orders for the purpose of obtaining compliance with ICPC.
  - f. The priority placement concept makes an assumption that the home study and background checks will be “routine.” If any abnormal findings are made, or if there are any “red flags” or other concerns, then it may be necessary to complete a more in-depth investigation of the resource, in which case, the ICPC Central Office will so inform the sending state, and modifications to the deadline can be negotiated.
  - g. In those situations where placement cannot be recommended, the DCM will still complete the written home study within the 15-business day timeframe and indicate the reasons for disapproval. In addition, the DCM may be asked to join a conference call with the DCMS, the BFP ICPC Representative, the Florida ICPC Central Office and the sending state judge or sending state local social worker in order to give those parties a chance to ask clarifying questions concerning the denial of placement. As with all ICPC home studies, the Florida ICPC Central Office is the final approval authority; the final decision will be annotated on the ICPC Form 100A and forwarded to the requesting state.

### 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, refer to the web sites (see below) 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.

Florida’s Center for the Advancement of Child Welfare Practice maintains a well-organized ICPC site: <http://centerforchildwelfare.fmhi.usf.edu/ICPC/ICPCFormsandResources.shtml>

There is significant amount of ICPC information, including the names, addresses and contact information of individual state ICPC offices and county ICPC offices in decentralized states of California and Colorado located at ICPC web site: <http://icpc.aphsa.org> . For Information about the National Electronic Interstate Compact Enterprise (NEICE) go to [www.aphsa.org/content/AAICPC/en/action/NEICE.html](http://www.aphsa.org/content/AAICPC/en/action/NEICE.html)

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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PHILIP J. SCARPELLI  
Chief Executive Officer  
Brevard Family Partnership Family of Agencies

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