

1585 ICPC WHEN NH IS THE SENDING STATE (NON-RESIDENTIAL)

Chapter: **Case Management Standards for CP and JJ Field Services**

Section: **Case Transfers and Interstate Compact**



New Hampshire Division for Children, Youth and Families Policy Manual

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Approved:


Joseph E. Ribsam, Jr., DCYF Director

Related Statute(s): [RSA 169-C](#), [RSA 170-A](#), [RSA 170-B](#), and [RSA 170-E](#)

Related Admin Rule(s): [He-C 6446](#), and [He-C 6448](#)

Related Federal Regulation(s): [SSA 471](#), and [45 CFR 1356.67](#)

Related Form(s): **ICPC FORM 100A, ICPC FORM 100B, FORM 1278, FORM 1550, FORM 1582, FORM 1583, FORM 1584, and FORM 1790**
Bridges' Screen(s) and Attachment(s):

DCYF's commitment to the safety, permanency, and well-being of children/youth extends to the Division's practice of partnering with other states in providing the opportunity for children/youth to be placed with family outside their home state when it is in their best interest.

Purpose

This policy is specific to Child Protective Services and outlines procedures relative to the Interstate Compact for the Placement of Children (ICPC) when NH is the sending state for a child who will not be placed in a residential treatment program.

Definitions

"CPSW" or **"Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.

"DCA" means Deputy Compact Administrator for the Interstate Compact on the Placement of Children (ICPC).

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"Expedited Placement Decision" or **"Regulation 7"** means that the Court has determined that priority should be given to placement of a child/youth who meet certain criteria of hardship and a home evaluation must be completed within 20 days.

"Home Study" for the purpose of this policy means an evaluation of a home environment conducted to by a receiving state at the request of NH to determine whether a proposed placement of a child/youth would meet the individual needs of the child/youth, including the child/youth's need for safety, permanency, health, and well-being, as well as provide the necessary supports for their mental, emotional and physical development.

"ICPC" or **"Interstate Compact on the Placement of Children"** means the federally recognized compact between all states, the District of Columbia, and the US Virgin Islands in which participants work together to ensure the safety and stability of placement of children and youth across state lines.

“Placement” for the purpose of this policy means the act by a public or private child-placing agency or individual intended to arrange for the care or custody of a child in another state.

“Receiving State” means the state to which the child/youth is to be sent, brought, or caused to be sent or brought.

“Relative” means an individual within the sixth degree of kinship either by blood or affinity, including a parent, grandparent, brother, sister, stepparent, stepsibling, aunt, uncle, niece, nephew, first cousin, or second cousin as identified in RSA 169-C:3 Definitions, XXVI.

“Sending State” means the state requesting the home study to initiate the placement of the child/youth.

“Timely Interstate Home Study” means the receiving state completes and provides a report of the results of the home study, the criminal records check, and the Central Registry check to the sending state within 60 days of receiving the interstate home study request.

“TPR” or “Termination of Parental Rights” means the judicial process to terminate a parent-child relationship through RSA 170-C.

Policy

- I. The Interstate Compact on the Placement of Children (ICPC) applies to placements between all states when an agency or a court in one state wishes to place a specific child/youth under its care or custody with a parent, relative, adoptive or foster home, or residential treatment program (see [policy 1590](#) for residential placements).
- II. The Deputy Compact Administrator (DCA) at State Office is responsible for overseeing all referrals for interstate placements of children/youth who are:
 - A. Involved with Child Protection Services and seeking placement with a parent, relative, adoptive, or foster home; or
 - B. Involved with Child Protective Services or Juvenile Justice Services when a residential program is being sought (see [policy 1590](#)).
- III. Each child/youth referred for placement in another state must be placed in a home with a parent (see practice guidance below), relative, licensed foster/adoptive parent, or in a residential treatment program pursuant to [policy 1590](#) which will meet the safety, permanency, and well-being needs of the child/youth in care.
- IV. An expedited placement decision, or Regulation No. 7 of the Interstate Compact, requires that priority be given for hardship cases in which one of the following apply:
 - A. The child is under four (4) years of age;
 - B. The child/youth is in an emergency shelter;
 - C. The Court finds that the child/youth has a substantial relationship with the proposed placement resource; or

- D. Unexpected dependency due to incarceration or incapacitation.
- V. A Regulation No. 7 Priority Request does not apply to a request for foster care or adoption, or if the child/youth is already placed in the receiving state in violation of the ICPC.
- VI. An expedited placement decision/Regulation No. 7 requires the home study process to be completed within 20 business days from the day the receiving state receives an order for a Regulation No. 7.
 - A. The Court has two (2) business days from the date the motion for a Regulation No. 7 if submitted to rule on the matter. Best practice calls for same day transmittal.
 - B. The CPSW then has three (3) business days from the date the Court orders the Regulation No. 7 be made, to complete the referral packet and provide it to the DCA.
 - C. The DCA has two (2) business days from the date received from the CPSW, to forward the Regulation No. 7 request to the receiving state's DCA.
 - D. The receiving state has 20 business days from the date of receipt to complete, approve or deny the home study, and send it back to the NH DCA.
 - E. The NH DCA must then forward the completed home study to the CPSW within two (2) business days.
- VII. If the placement is approved by the receiving state, the District Office Supervisor, or their designee, will receive notification from the DCA.
 - A. The CPSW should then proceed with working out details of the placement with the local agency of the receiving state; and
 - B. The CPSW completes a Report of Child's Placement Status, ICPC Form 100B in Bridges and forwards it to the DCA and the Fiscal Specialist assigned to the District Office with the placement date; or
 - C. If the placement will not be made, the ICPC Form 100B must be sent to the DCA to close a placement referral.
- VIII. If the placement is denied by the receiving state, the CPSW will receive notification from the DCA. The CPSW then files the denial in the case record.
- IX. DCYF shall retain jurisdiction over the child/youth sufficient to determine all matters in relation to the custody, supervision, care, and disposition of the child/youth which it would have had if the child/youth had remained in NH, until the child/youth is adopted, reaches majority, or the case is closed with the concurrence of the appropriate authority in the receiving state.
- X. A change in the placement status requires an ICPC Form 100B be sent to the DCA and the Fiscal Specialist assigned to the District Office so the receiving state can be notified.

Responsibilities

- I. The CPSW is responsible for:
 - A. Completing a referral packet through the IC/Referral in Bridges under "other workload:"
 1. The "information," "client," and "home study" tabs must all be completed;
 2. Complete the Interstate Compact Placement Request (ICPC Form 100A); and
 3. Transfer the referral packet to the State Office in-box;
 - B. Forwarding the following supporting documents to the DCA:
 1. Signed ICPC Form 100A;
 2. Cover letter detailing:
 - (a) The reason for the referral;
 - (b) A description of the child/youth;
 - (c) The relationship between the child/youth and the placement resource; and
 - (d) Any special needs the child/youth may have;
 3. Court Order showing DCYF jurisdiction (custody or guardianship) signed by the Judge;
 4. Case manager statement (Form 1583 Statement of Caseworker/Potential Placement/Party Under ICPC);
 5. Dispositional Social Study (Form 1278);
 6. Case Plan;
 7. Any relevant evaluations on the child/youth or family;
 8. ICPC – Verification to Receiving State of Title IV-E Eligibility and Medicaid Provision (Form 1584);
 9. ICPC – Financial/Medical Plan (Form 1582); and
 10. Educational plan for child/youth, including school district responsible for a child/youth with a special education coding;
 - C. Providing the following additional documents when an adoptive home study is being requested:
 1. TPR/Surrender order;
 2. A synopsis of the disclosure meeting that outlines what work DCYF has already done in identifying this match and what conversations have already been had with the family;

3. Adoptive History (Form 1790);
 4. A list of any medications the child/youth is taking, including a description of any related diagnoses;
 5. Hospitalization records (discharge summaries); and
 6. Child/youth's birth certificate;
- D. Requesting a Regulation 7 Priority home study when it is appropriate to do so:
1. The CPSW must obtain an order from the Court that specifically orders the priority home study and states how the proposed placement meets the guidelines of a priority request;
 2. The CPSW must forward the ICPC Form 100A, court order, and all supporting documents to the DCA at State Office via overnight delivery. The referral must also be entered and sent via Bridges;
- E. Communicating with the assigned worker in the other state around face-to-face contact with the child/youth, as well as any safety, permanency, or well-being needs that need to be addressed. This shall include advising the worker of any pending hearings or other significant milestones in the case;
- F. Working with both the receiving state and the Fiscal Specialist to ensure any needed services are in place;
- G. Ensuring that monthly worker visits are documented in Bridges;
- H. Participating in any educational or treatment meetings for the child/youth either in person or by phone whenever possible;
- I. Ensuring that all parties to the case are kept apprised of the child/youth's well-being and any pertinent information relative to the placement stability and/or barriers to permanency; and
- J. Including information from the receiving state in all Court reports.
- II. The DCA is responsible for:
- A. Reviewing the ICPC referral for completeness and accuracy and consulting with the CPSW to ensure a complete packet is presented to the receiving state;
 - B. Forwarding four (4) copies of the ICPC Form 100A and two (2) copies of all other documentation to the DCA in the receiving state;
 - C. Acting as a conduit between the CPSW and the receiving state if additional information is requested;
 - D. Notifying the District Office of the recommendation from the receiving state by forwarding the approved or denied ICPC Form 100A along with the completed home study;

- E. Forwarding the ICPC Form 100B to the District Office if placement is made;
 - F. Acting as a consultant if difficulties arise with a placement;
 - G. Providing interpretation relative to the ICPC regulations;
 - H. Reviewing quarterly reports and forwarding them the CPSW;
 - I. Forwarding the ICPC Form 100B and possible supporting documents to the receiving state upon case closure; and
 - J. Closing the Bridges case at State Office.
- III. The receiving state is responsible for:
- A. Completing the home study and approving or denying the placement resource;
 - B. Completing the necessary paperwork and forwarding to the DCA in NH;
 - C. Supervising an approved placement in their state and providing NH with quarterly reports regarding the placement; and
 - D. Providing the placement family with information and support in accessing available resources within the community.

Practice Guidance

Does ICPC apply to youth on probation or parole?

- ICPC does apply to youth involved in Juvenile Justice Services who are recommended for placement in a residential treatment program outside of New Hampshire. See policy 1590 for more information.
- Requests to transfer supervision of a JJS involved youth to another state that does not involve a residential treatment program must be made through the Interstate Commission for Juveniles (ICJ) as outlined in policies 1593 ICJ Supervision Transfer from New Hampshire and 1594 ICJ Supervision Transfer to New Hampshire.

Does ICPC apply to placement for a child/youth across state lines who is a member of a federally recognized tribe?

- No, such placements fall under ICWA (Indian Child Welfare Act) and must be handled according to policy 1510 Identifying and Collaborating with Tribal Agencies.

How do I complete the ICPC Forms 100A and 100B?

- You can contact your DCA who will provide you with a tip sheet for opening another workload and completing the ICPC Form 100A. The same process can be used for the ICPC Form 100B, although the DCA often completes this.

At what point should I request an adoptive home study?

- An adoptive home study cannot be requested until an order is received that the parents' rights have been terminated or surrendered.
- Once an order is received, a referral packet should be completed and submitted as soon as possible so as to not delay permanency.

Who is responsible for payment of services on ICPC cases?

- The sending state is responsible for payment of services, although the receiving state assists the family in connecting with appropriate resources within the community.

Do I request an ICPC to reunify a child/youth with their parent in another state?

- Per Alex O. you cannot ask for an ICPC for a parent in another state when there is no finding against that parent. As there is no finding against them, every effort must be made to make reunification happen without delay when it is the appropriate plan for the child/youth.
- If there is a finding against the parent in the other state, consult with your Supervisor and Staff Attorney as to how best to proceed.