



**MDCPS Policies and Procedures:  
The Interstate Compact on the Placement of  
Children (ICPC)**



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## **Section 1: ICPC Overview**

### **1.1 What is the ICPC?**

The Interstate Compact on the Placement of Children (ICPC) is a contractual agreement among all fifty states, the District of Columbia, and the U.S. Virgin Islands. It provides uniform rules and procedures for placing children in homes and facilities across state lines. The ICPC is composed of ten articles (see Appendix A). In addition to the articles, the Association of Administrators of the ICPC has promulgated twelve regulations (see Appendix B) that set forth procedures states must follow when making ICPC requests.

### **1.2 Mississippi and the ICPC.**

Mississippi joined the ICPC in 1976 when the legislature statutorily enacted the articles at Mississippi Code Section 43-18-1. The legislature further designated MDCPS as the agency responsible for ensuring children are placed in accordance with the ICPC.<sup>1</sup> Mississippi's ICPC procedures are governed by the current Guide to the Interstate Compact on the Placement of Children approved by the American Public Human Services Association.

### **1.3 Who must use the ICPC?**

Under Article II(b) the following sending agencies must use the ICPC when they “send, bring, or cause a child to be brought or sent” to another member state:

- A. A party state or any officer or employee of a party state;
- B. A subdivision of a party state or an officer or employee of the subdivision;
- C. A court of a party state; and
- D. Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

### **1.4 Safeguards provided by the ICPC.**

The ICPC provides the following safeguards for parties involved in a child's interstate placement:

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<sup>1</sup> Miss. Code Ann. §§ 43-18-3, -5.  
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- A. The sending agency is given an opportunity to obtain a home study and an evaluation of the proposed placement.
- B. The prospective receiving state may ensure the placement is not “contrary to the interests of the child” and its applicable laws and policies have been followed before it approves the placement.
- C. The child is guaranteed legal and financial protection by addressing these responsibilities with the sending agency or individual.
- D. The sending agency retains jurisdiction after the child is placed in the receiving state.
- E. The sending agency is given an opportunity to obtain supervision and regular reports on the child following placement in the receiving state.

### **1.5 Placements that must comply with the ICPC.**

The following types of interstate placements must comply with the ICPC:

- A. Placements preliminary to an adoption (public, private, and independent);
- B. Placements into foster care;
- C. Placements with parents and relatives when a parent or relative is not making the placement; and
- D. Placements in group homes or residential facilities, including children adjudicated delinquent.

### **1.6 Interstate placements/travel exempted from the ICPC.**

The following interstate placements/travel are exempt from compliance with the ICPC:

- A. Placement in a hospital or medical facility;
- B. Placement in a mental health facility, has an intellectual disability, or is epileptic;
- C. Placement in an institution that is primarily educational in character;
- D. The sending or bringing of a child by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian who has responsibility for the child and leaving the child with a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or the child's non-agency guardian in the receiving state.

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1. The exemption **only** applies if the sending agency and the placement recipient belong to the identified class of individuals.
- E. Placements resulting from the exclusive jurisdiction of a divorce, probate, custody, or paternity court;
- F. A court's placement with a parent from whom the child was not removed;
1. Exclusion applies if the court has no evidence the parent is unfit, and it seeks no evidence regarding the parent's fitness.
  2. The court must immediately relinquish its jurisdiction over the child upon placement with the parent.
- G. A court's placement with a parent from whom the child was not removed with a courtesy check; and
- H. Visits to a receiving state.
1. The purpose of a visit is to provide the child with a social or cultural experience of short duration.
  2. A visit must have the above purpose and it should last no longer than thirty (30) days unless it begins and ends within the child's school vacation.
    - a. A visit may not be extended or renewed in a manner which will cause it to exceed thirty (30) days or the child's school vacation period.
    - b. A child who remains in a "visit" for over thirty (30) days is in an unapproved placement in violation of Article III.
  3. Visits are not recognized as placements; therefore, the safeguards offered by the ICPC will not be fully enacted.

### **1.7 Conditions for Placement.**

- A. A sending agency may not send a child into a receiving state for placement in foster care, an adoptive home, a child-caring agency, or an institution without first providing notice to the appropriate public authorities in the receiving state. The appropriate public authorities in the receiving state must then provide written notification that the placement "does not appear to be contrary to the interests of the child."



1. **MDCPS workers and other Mississippi sending agencies are prohibited from placing children across state lines until the receiving state issues a written approval on ICPC-100A.**
  2. The MDCPS worker for the child must maintain him or her in an intrastate placement pending determination by the receiving state.
  3. If it appears a child in the custody of MDCPS has been placed out of state without proper clearance, the ASWS must immediately notify the MDCPS ICPC Unit.
- B. All ICPC requests must be submitted to the MDCPS ICPC Office.
1. The COR worker must get approval from his or her ASWS and the court with jurisdiction over the child before requesting an interstate placement.
  2. County workers are prohibited from making direct requests for a home study to an out-of-state county office.
  3. County workers are prohibited from accepting ICPC requests from other states.

### **1.8 Penalties for illegal interstate placements.**

Interstate placements made in violation of the ICPC constitute a violation of the laws of both the sending and receiving states. Violators are subject to punishment or penalties in both jurisdictions. **In addition to liability for any such punishment or penalty, a violation will constitute full and sufficient grounds for suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers it to place children.**

### **Section 2: Definitions**

**Age of Majority** – the chronological time when a child legally ceases to be considered a minor and assumes legal control over his/her person, actions and decisions, thereby terminating the legal authority, control and responsibility of his/her parents, custodian or guardian. The term generally applies to individuals from age 18 to 21.

**Approved Placement** – the receiving state Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”

**Assessment** – an evaluation of a prospective placement by a public child placing agency in the receiving state to determine if the placement meets the individualized needs of the child, including Final Effective 8.24.2018



but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is applicable only to a placement by a public child placing agency.

**Compact Administrator**– the Director of a state ICPC office.

**Deputy Compact Administrator** – the Program Manager of a state ICPC office or his/her immediate supervisor.

**Child** – a person, who by reason of minority, is legally subject to parental guardianship or similar control.

**Contracted Child Placing Agency** – any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

**Emancipation** – the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child placing agency, by operation of law or court order

**Form ICPC-100A** – a form initiated by the sending agency to request approval to place a child in another state. It provides relevant information regarding the placement and serves as the actual contract between the sending and receiving states. **A placement cannot legally be made until the Compact Administrator (or designee) from both states have approved and signed the ICPC-100A.**

**Form ICPC-100B** – a form used to confirm the placement of a child in a receiving state with an approved ICPC resource. It serves the following additional purposes:

- A. As a report on the child's placement status, indicating the date of placement or a change in placement; and
- B. Is prepared for other status changes in cases, such as withdrawal of the proposed placement request; completion of child's treatment, custody of the child is transferred to a relative or parent, status change from foster care to adoption, child reaches the age of majority or is legally emancipated, sending state terminates jurisdiction with/without concurrence of the receiving state; child returns to sending state, child moves to another state, or the approved resource is not used for the placement.



**Foster Care** – If 24-hour-a-day care is provided by the child’s parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care. In addition to the federal definition (45 C.F.R. § 1355.20 “Definitions”) this includes 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

**Home Study** – an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child’s safety, permanency, health, well-being, and mental, emotional and physical development. (See Appendix B Regulation 3 definitions (30) for the different types of home studies.)

**Jurisdiction** – the established authority of a court to determine all matters in relation to the custody, supervision, care and disposition of a child.

**Legal Guardianship** – a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term legal guardian means the caretaker in such a relationship.

**Legal Risk Placement** – a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother’s state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.

**MDCPS/ICPC Unit/Administrator/Specialist** – Mississippi’s ICPC Unit is housed at the MDCPS State Office. **All ICPC requests (incoming and outgoing) must come through the MDCPS/ICPC Unit.**

**Member State** – a state that has enacted the ICPC. (See also, “Party State” below)

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**Party State** – also known as “Member State” or “receiving state” or “sending state” that have enacted the compact.

**Physical Custody** – physical possession of a child by any person.

**Placement** – the arrangement for the care of a child in a family home, in a boarding home or in a child-caring agency or institution. This does not include any institution caring for the mentally ill, mentally defective or epileptic, or any institution primarily educational in character, and any hospital or other medical facility.

**Priority Request** – a court order to expedite the placement of a child in another state that meets the legal requirements of ICPC Regulation VII for a priority placement.

**Provisional Placement** – a determination made in the receiving state that the proposed placement is safe and suitable and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

**Receiving Agency** - the agency in the state in which the child is to be placed.

**Receiving state** – the 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.

**Relative** – a birth or adoptive brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece, nephew, as well as relatives of half-blood or marriage and those denoted by the prefixes of grand and great, including grandparent or great grandparent, or as defined in state statute for the purpose of foster and or adoptive placements.

**Residential Facility** – a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition.

**Sending Agency/Agency** – the agent/agency from which the placement of a child is initiated.

Miss. Code Ann. § 43-18-1 specifically defines “the Sending Agency” as:

a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

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**Sending State** – the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits or enables the child to be sent to another state.

**State** – a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other territory of the United States.

**Supervision** – monitoring of the child and the child’s living situation by the receiving state after a child has been placed in a receiving state pursuant to a provisional approval or an approved placement under Article III(d) of the ICPC or pursuant to a child’s relocation to a receiving state in accordance with Regulation No. 1 of the ICPC.

**Supervision Reports** – reports provided by the supervising case worker in the receiving state; a written assessment of a child’s current placement, school performance, health, and medical status; a description of any unmet needs; and a recommendation regarding continuation of the placement.

**Title IV-E Eligibility Status** – determination of whether a child in need of an out-of-state placement will be eligible for Medicaid. This information may be obtained from the Eligibility Unit in the sending state.

### **Section 3: Requesting an Out-of-State Placement**

#### **3.1 Request to Place a Child with a Parent or Foster Family under Regulation Two.**

Regulation two applies to interstate placements where the child has not yet been placed through an approved home study.

A. A referral packet for these types of interstate placements must contain the following documents:

1. A completed ICPC-100A;
2. An ICPC referral checklist;
3. A cover letter on agency letterhead containing the type of request, the name of the child, and the reason for the placement;

a. The cover letter must contain all pertinent information about the child.

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4. A social summary on agency letterhead;
    - a. Must include background information and a current assessment of the child.
  5. A current case history
  6. A current custody order;
    - a. The custody order must be signed and dated within a year of the request packet's submission.
    - b. Any other court documents related to custody must be included in the packet.
  7. A financial/medical plan and any supporting documentation;
  8. A family service plan;
  9. An Individual Educational Plan (IEP), psychological and/or psychiatric assessment, or any document that specifies the child's needs.
  10. School records, birth records, immunization records, and a copy of the child's social security card, if available;
  11. Information on children previously placed with the family, if applicable;
  12. An explanation of the child's IV-E eligibility and IV-E documentation, if available;
  13. Verification of compliance with the Indian Child Welfare Act (ICWA); and
  14. MDCPS Pre-screening Form Reg-2.
- B. The original referral packet and one (1) copy may be mailed to the ICPC unit or a complete referral packet may be scanned and emailed to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).

### **3.2 Public Adoption Placement Request.**

- A. To initiate an out-of-state public adoptive placement request, the referring worker must include the following documents in the referral packet:
1. All documents listed in **Section 3.1(A)** and
  2. A court order showing termination of both parent's parental rights.



- B. The original referral packet and two (2) copies may be mailed to the ICPC unit or a complete referral packet may be scanned and emailed to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).

### **3.3 Private Adoption Placement Requests under Regulation Twelve.**

- A. A private adoption referral packet must contain the following documents:

1. A completed ICPC-100A;
2. A copy of the sending agency's license or certification;
3. A cover letter on agency letterhead containing the name of the child, the birth parent(s), and the prospective adoptive parent(s);
  - a. The letter must explain how the child was matched with the prospective adoptive parent(s) and identify the name and address of the person or entity providing post-placement supervision.
4. An order showing termination of parental rights or a voluntary relinquishment of rights that was accepted by the court for both the mother and the father;
5. A certification by a licensed attorney or authorized agent of the private adoption agency that the relinquishments of parental rights comply with the applicable laws of the sending state or, where applicable, the receiving state.
  - a. If the receiving state laws are applied, the packet must contain a waiver of the sending state's laws governing relinquishment of parental rights signed by the birth parent(s).
6. Verification of compliance with ICWA;
7. A current case history, if applicable;
8. A legal risk placement agreement signed by the prospective adoptive parent(s), if applicable;
9. Information about the child's history and current needs and abilities;
  - a. If the child is an infant, the packet must contain birth/medical records and a hospital discharge summary.



10. Background information or a social/medical form on the birth parents;
  11. A statement indicating why the child is being placed for adoption;
  12. Affidavit regarding counseling of the birth parent(s);
    - a. Counseling must be conducted by a licensed social worker affiliated with a licensed child placing adoption agency.
  13. A current adoption home study completed by a licensed social worker affiliated with a licensed child placing adoption agency;
    - a. If the home study is more than a year old, the packet must contain an update.
    - b. Must contain a criminal and child abuse background check.
  14. An affidavit of expenses charged to the adoptive parent(s);
  15. A statement of fees/expenses paid to the birth parent(s);
  16. A written statement from the person/entity that will provide post-placement supervision;
    - a. This may be included in the home study.
  17. A statement giving the prospective adoptive parent(s) authority to provide medical care to the child;
  18. A statement explaining what will happen to the child if the adoptive placement disrupts; and
  19. A prepaid federal express envelope.
- B. An original referral packet and two (2) copies must be sent to the ICPC unit via Federal Express. The address is:

Mississippi Department of Child Protection Services

Attn: ICPC Office

750 North State Street

Jackson, Mississippi 39202

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### **3.4 Court Jurisdiction Referral.**

A court that has jurisdiction over a child may request an out-of-state placement. To initiate such a request, a court assigned liaison or MDCPS employee must submit the referral packet.

- A. A referral packet for a child that is not in the custody of MDCPS must contain the following documents:
  - 1. A completed ICPC-100A;
    - a. Must be signed by the judge or designated judicial officer.
  - 2. A cover letter on letterhead;
  - 3. A current social history of the child; and
    - a. The social history must contain:
      - i. The child's name,
      - ii. The child's date of birth, and
      - iii. Any other demographic information included in the court file.
  - 4. Pertinent court documents. Pertinent court documents include:
    - a. Petitions,
    - b. Adjudication of delinquency,
    - c. Orders stating the child is neglected or in need of supervision, and
    - d. Any other documentation from the court file indicating why the child is before the court.
- B. The original referral packet and two (2) copies may be mailed to the ICPC unit or a complete referral packet may be scanned and emailed to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).

### **3.5 Conversion of Intrastate Placements under Regulation One.**

An ICPC request must be initiated prior to an intrastate placement becoming interstate due to a child relocating with an approved foster family.

- A. A referring MDCPS worker must include the following documents in the referral packet:  
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1. A completed ICPC-100A;
  - a. Must contain the family's new address.
2. An ICPC referral checklist;
3. A cover letter on agency letterhead;
4. A family functional assessment or current social history of the child;
5. A family permanency plan;
6. A case history;
7. A current custody order and other pertinent court documents;
  - a. The custody order must be signed and dated within a year of the request packet's submission.
  - b. Other pertinent court documents include petitions and previous custody orders.
8. An ICPC medical/financial plan and supporting documents;
9. A copy of the child's IEP, if applicable;
10. A Copy of the child's social security card and birth certificate;
11. Copies of the family's most recent judicial review court report and court order;
12. Copies of any progress reports on the family for the past six (6) months;
13. A copy of the family's foster care license;
  - a. The license must be dated within two years of the referral packet's submission;
14. An explanation of the child's IV-E eligibility and IV-E documentation, if available;
15. MDCPS Pre-screening Form Reg-2;
16. A valid foster home study/reassessment; and
  - a. Must include the criminal history and fingerprinting results of all applicable family members.



17. An ICPC 100-B, if the child is already in the receiving state.

a. Must contain the family's new address and the date they relocated.

B. The original referral packet and two (2) copies may be mailed to the ICPC unit or a complete referral packet may be scanned and emailed to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).

C. Upon the filing of an ICPC referral packet described above, the child may move with the approved Mississippi foster family prior to the issuance of a placement decision by the receiving state ICPC office.

D. The Mississippi foster home must meet foster home approval and/or licensure requirements in the receiving state to maintain placement of the child.

#### **Section 4: Placement in a Residential Facility under Regulation Four**

##### **4.1 Requesting Approval.**

A. A referral packet for placement in a residential facility must contain the following documents:

1. A completed ICPC-100A;

2. A court order showing the child's legal status;

a. Must be signed and dated within a year of the packet's submission.

3. Documentation indicating the sending agency has authority to place the child;

4. A social summary of the child;

a. Must include background information, reason for the placement, and a current assessment of the child and family.

5. A current case history, if applicable;

6. A copy of the child's case plan and/or psychological evaluation, if applicable;

7. A letter of acceptance from the residential facility;

8. MDCPS Pre-screening Form Reg-2;

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9. A statement indicating all options within the sending state have been exhausted;

10. A financial and medical agreement;

a. Must describe who is responsible for the costs of the placement.

11. An explanation of the child's IV-E eligibility and IV-E documentation, if applicable;

12. A copy of the child's birth certificate;

13. A copy of the child's social security card; and

14. A placement disruption agreement.

B. The original referral packet and two (2) copies may be mailed to the ICPC unit or a complete referral packet may be scanned and emailed to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).

#### **4.2 Delinquent Children.**

In addition to prior approval, a child that has been adjudicated delinquent may not be placed in an interstate residential facility unless the following requirements are met:

A. The child must have been given a court hearing and an opportunity to be heard;

B. The child's parent(s) or guardian(s) must have been provided notice of the hearing; and

C. The court must have found the following:

a. Equivalent facilities are not available in the sending agency's jurisdiction and

b. Institutional care in another jurisdiction is in the best interest of the child and will not produce undue hardship.

#### **4.3 Verification of License.**

The receiving state ICPC office must verify the status of the residential treatment facility's license before approving the placement.

#### **4.4 Monitoring the Residential Facility.**

A. The receiving state ICPC office must maintain a record of all children placed in a residential facility through the ICPC process.



- B. The receiving state ICPC office must notify the sending state of any significant change to a residential facility's status that may put the child at risk.
- C. A social worker within the residential facility must provide supervision reports to the sending state for children that are in the state's custody.

## **Section 5: Priority Placement under Regulation Seven**

### **5.1 Overview.**

Regulation seven provides a method for requesting expedited placement decisions for certain types of interstate placements.

- A. Regulation seven applies if a child is being placed with a **biological parent** and one or more of the following circumstances exists:
  - 1. The child is unexpectedly dependent due to the sudden or recent incarceration, incapacitation, or death of a parent or guardian;
  - 2. The child is four years old or younger;
    - a. Older siblings that will be placed with the same proposed placement are included.
  - 3. The court finds any child in the sibling group sought to be placed has a substantial relationship<sup>2</sup> with the proposed placement; or
  - 4. The child is currently in an emergency placement.
- B. Regulation seven does not apply if:
  - 1. The child has been placed in the receiving state in violation of the ICPC or
  - 2. The child is being placed in a foster or adoptive home.

### **5.2 Request Packet.**

- A. A referral packet for these types of interstate placements must contain the following:

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<sup>2</sup> 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.



1. All documents listed in **Section 3.1(A)** except MDCPS Pre-screening Form Reg-2;
2. ICPC Form 101;
3. MDCPS Pre-screening Form Reg-7; and
4. An Order of Compliance.
  - a. The sending state court with jurisdiction over the case must enter the Order of Compliance.
  - b. The order must:
    - i. Specify which of the circumstances listed in **Section 5.1(A)** applies;
    - ii. Contain the name, mailing address, e-mail address, telephone number, and fax number of the clerk of court or a designated court administrator; and
    - iii. Require the sending agency to complete ICPC form 101.

### **5.3 Timeframes for Transmitting Documents and Processing the Request.**

The sending and receiving states **must** follow the following timeframes:

- A. The sending state court must send a copy of its order to the sending state agency within two (2) business days of considering the matter.
- B. The sending agency must send the request packet to the sending state ICPC office within three (3) business days of receipt of the court order.
- C. The sending state ICPC office must forward the completed request packet to the receiving state ICPC office within two business (2) days of receiving it.
- D. The receiving state ICPC office must send the request packet to the receiving local agency within two (2) business days of receipt of the packet.
- E. The local receiving agency has fifteen (15) business days from receipt of the packet to return a completed home study to the receiving state ICPC office.
- F. The receiving state ICPC Office must provide a written report and a completed ICPC-100A to the sending state ICPC office within three (3) business days of receipt of the home study.



## **Section 6: Responsibilities of the Mississippi ICPC Office**

### **6.1 Responsibilities when Mississippi is the Sending State.**

The ICPC Unit is responsible for the following:

- A. Reviewing all referral packets from Mississippi sending agencies for completeness;
  - 1. The ICPC specialist must do the following:
    - a. Sign the request packet.
    - b. Save one (1) copy of the transmittal and send one copy (1) to the referring worker.
    - c. Enter the date the packet is submitted in MACWIS.
- B. Submitting incomplete referral packets to receiving state ICPC offices;
  - 1. If the MDCPS ICPC specialist determines a referral packet is incomplete, the referring worker must be notified by phone or email.
    - a. The referring worker must provide the missing information and/or documentation within five (5) business days of notification.
      - i. If the information/documentation is not provided within five (5) business days, the ICPC specialist must return the referral packet with a transmittal sheet outlining the missing information. The ICPC specialist may also contact the worker's supervisor.
- C. Notifying sending agencies of requests for additional documentation by the receiving state ICPC office; and
  - 1. The sending agency must send the requested information to the ICPC office within five (5) business days of being notified.
  - 2. The sending agency may scan and email the information to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov), fax it to 601-359-4288, or mail the original and two copies to the ICPC office.
- D. Receiving state completed home studies and signed ICPC-100As from receiving state ICPC offices.
  - 1. If the request is approved, the following must occur:

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- a. The ICPC specialist must send the ICPC-100A and the completed home study or report to the referring worker/sending agency.
  - b. The ICPC specialist must enter the date a decision is received in MACWIS
2. If the request is denied, the following must occur:
- a. The ICPC specialist must send the ICPC-100A and the completed home study or report to the referring worker/sending agency.
  - b. The ICPC specialist must close the ICPC record in MACWIS as “placement denied.” The ICPC specialist must enter the date a decision is received in MACWIS.
  - c. The ICPC specialist will notify the referring worker to return the child, if necessary.

## **6.2 Responsibilities when Mississippi is the receiving state.**

The ICPC Unit is responsible for the following:

- A. Reviewing and processing all referral packets received from sending state ICPC offices;
- B. Notifying the sending state ICPC office if more information/documentation is required to process the request;
  1. The sending agency must provide all requested information by mail, fax, or email within five (5) business days of notification.
    - a. The sending agency must provide three (3) copies of the documentation, if it is mailed.
    - b. If the requested information—or a written notice stating the reason for delay and a proposed date when it will be available—is not provided within five (5) business days, the ICPC Office must return the referral packet to the sending state ICPC office. The referral must be voided and closed.
- C. Mailing a copy of the ICPC transmittal to the sending state ICPC office;
- D. Sending completed home studies and ICPC-100As to the sending state ICPC offices; and
- E. Managing a centralized ICPC database in MACWIS, as well as, a centralized paper file on each ICPC record.

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1. The ICPC specialist is responsible for entering information in MACWIS.

## **Section 7: ICPC Assessments, Home Studies, and Decisions.**

### **7.1 Overview.**

- A. All home studies and assessments are conducted according to Federal law and the receiving state's laws, policy, and licensing standards.
- B. Designated public/private authorities in the receiving state determine the appropriateness of the placement for the specific child or children based on the conclusions of the study or assessment.
- C. An appeal or administrative review of the decision or assessment process must be requested by the receiving state's ICPC office according to its applicable laws and policy.

### **7.2 Assigning the case.**

- A. After receipt of a referral packet, the receiving state ICPC office will assign it to the appropriate local agency, private licensed agency as designated on a purchase of service agreement, or the designated private licensed child placing agency to conduct an assessment or home study.
- B. When Mississippi is the receiving state, the MDCPS ICPC Deputy Administrator must forward one (1) copy of the request packet to the Regional Licensure ASWS.
  1. The Regional Licensure ASWS must assign a worker to complete a home study/assessment.
  2. The assigned worker must complete a timely home study/assessment, a criminal history background check, and a central registry check on all individuals living in the home.

### **7.3 Report of Assessment or Home Study.**

The receiving state must complete a home study or assessment of the proposed placement and provide the sending state with a report addressing the extent the placement meets the child's needs.

- A. The home study must be conducted and the report must be provided to the sending state within the following timeframes:



1. Requests under regulations one and two: sixty (60) calendar days from receipt of referral packet.<sup>3</sup>
    - a. If the potential placement has not completed required education and training by the time the home study is conducted, the report must include an anticipated date of completion.
  2. Expedited requests under regulation seven: twenty (20) calendar days from receipt of referral packet.
  3. Preliminary report of a placement status: thirty (30) calendar days from receipt of referral packet.
    - a. Preliminary reports must be on agency letterhead.
- B. When Mississippi is the receiving state, the worker who conducts the home study must provide a written recommendation to the ICPC office within the timeframes above.
- C. The receiving state Compact Administrator is responsible for forwarding the study and/or report to the sending state ICPC office within the appropriate timeframe.

#### **7.4 Reports Received without a Decision.**

A home study report may include the receiving state's final approval or denial of the placement on ICPC-100A. A report issued without a decision is considered a notice of the circumstances of the placement in the receiving state.

- A. Placement of a child in the custody/guardianship of MDCPS with an out-of-state home based on such a study does not meet departmental policy as an approved placement.
1. If a sending agency makes such a placement, it will be considered a violation of Article III of the ICPC and places the child "at-risk." **The receiving state is under no obligation to provide services to the child.**
    - a. **Made without Approval:** If the placement is made without approval, the sending agency must submit a signed written notice to the ICPC office. The notice must contain the following:
      - i. The name, date of birth, and **Placement** current location of the child;

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<sup>3</sup> 42 U.S.C. § 671.

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- ii. The name of the placement in the receiving state;
  - iii. The date the placement was made;
  - iv. The circumstances surrounding the placement; and
  - v. A statement acknowledging the child was placed in violation of Article III and is now in “at risk” status. This statement must also acknowledge the sending agency is responsible for the child.
    - A. The sending agency may scan and email the written notice to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov) or mail the original and two copies to the ICPC office.
    - B. The ICPC administrator must forward the written notice to the receiving state within two (2) business days of receipt and document the information in MACWIS. The case must be closed as a violation.
- B. When Mississippi is the sending state, the MDCPS ICPC Deputy Administrator must notify the sending agency in writing of receipt of such a report.
- 1. Within thirty (30) calendar days of receipt of the report, the sending agency must provide the MDCPS ICPC unit with a written notice stating whether the request is being withdrawn, deferred pending approval, or whether the placement was made without approval.
    - b. **Referral Withdrawn:** The sending agency must submit a completed ICPC-100B to the ICPC office.
      - i. The sending agency may scan and email the form to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov) or mail the original and two copies to the ICPC office.
      - ii. The ICPC Administrator must forward ICPC-100B to the receiving state and document the withdrawal in MACWIS. The case must be closed as “Referral Withdrawn.”
    - c. **Defer placement pending approval:** The sending agency must submit a statement indicating the placement will not be made until approval on ICPC-100A is received.
      - i. The sending agency may scan and email the form to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov) or mail the original and two copies to the ICPC office.



- ii. The ICPC administrator must forward the statement to the receiving state ICPC office.

### **7.5 Timeframe for Final Decision by Receiving State.**

The receiving state must provide a final approval or denial of the placement in the form of a signed ICPC-100A within the following timeframes:

- A. A final decision for requests under regulations one and two must be provided within 180 calendar days of the ICPC office's receipt of the referral packet.
  1. If a Regulation Two request is denied, the sending agency may request reconsideration with or without a new home study within ninety (90) days of the date ICPC-100A was signed.
- B. A final decision for expedited requests under regulation seven must be provided within twenty (20) calendar days of the ICPC office's receipt of the completed referral packet.<sup>4</sup>
- C. A final decision for residential facility requests under regulation four must be provided within five (5) business days of the ICPC office's receipt of a completed referral packet.
- D. A final decision for private adoption requests under regulation twelve must be provided within five (5) business days of the ICPC office's receipt of a completed referral packet.

### **7.6 Sending Agency Authority under Regulations Two and Four.**

If a request under regulations two or four is approved, the sending agency has the authority to determine whether the placement will be used.

- A. The receiving state's approval of a regulation two placement expires six (6) months from the date ICPC-100A is signed by the receiving state.
- B. The receiving state's approval of a regulation four placement expires thirty (30) days from the date ICPC-100A is signed by the receiving state.

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<sup>4</sup> This applies to parent requests only. Regulation 7 does not apply to foster and adoption requests.  
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## **Section 8: Case Management**

### **8.1 The Sending Agency's Jurisdiction and Responsibilities during the Placement.**

- A. During an interstate placement, the sending agency retains jurisdiction to determine all matters related to a child's custody, supervision, care, and disposition.
  - 1. Included in its jurisdiction is the power to transfer the child to another placement/location or have the child returned to the sending state.
  - 2. The sending agency's jurisdiction continues until one of the following events occurs:
    - a. The child is adopted;
    - b. The child reaches the age of majority;
    - c. The child becomes self-supporting; or
    - d. The child is discharged. The receiving state must agree with a decision to discharge the child.
- B. The sending agency remains financially responsible for the support and maintenance of the child during an out-of-state placement.
- C. The sending agency remains responsible for the child's ongoing safety, well-being, and case planning throughout the duration of the out-of-state placement.

### **8.2 ICPC-100B.**

The sending or receiving agency must complete an ICPC-100B and submit it to the state ICPC office when any of the following events occur:

- A. A child is placed in the receiving state;
  - 1. If the child is being placed in a residential facility, ICPC-100B must be provided to the sending state ICPC office within five (5) business days of the child's placement.
  - 2. If the child is being placed for adoption under regulation twelve, ICPC-100B must be provided to the sending state ICPC office within five (5) business days of the child's placement.
- B. There is a change in purpose in an existing placement;

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- C. An ICPC request is withdrawn, cancelled, or an approved placement will not be used;
- D. A placement is terminated; and
- E. An ICPC case is closed.

When the ICPC-100B is being sent from Mississippi, the sending/receiving agency may scan and email it to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov) or mail the original and two copies to the MDCPS ICPC office.

### **8.3 Supervision following Placement.**

- A. The receiving state must begin supervising a placement once the ICPC-100B is received or the state ICPC office is otherwise notified that the child has been placed in the state. Supervision must meet the following requirements:
  - 1. It must begin no later than thirty (30) calendar days from the date the child is placed or thirty (30) calendar days from the date the receiving state is notified of the placement.
  - 2. It must include monthly face-to-face visits with the child.
    - a. A majority of the visits must occur in the child's home.
  - 3. When Mississippi is the receiving state, the ICPC office must forward ICPC-100B to the assigned county worker who must then open a supervision case in MACWIS.
- B. The receiving state must notify the sending state compact office in writing of any unmet needs of the child.

### **8.4 Supervision Reports.**

The supervising caseworker must provide a supervision report at least once every ninety (90) calendar days following receipt of ICPC-100B by the state ICPC office.

- A. The sending agency may set a different timeframe for supervision reports on ICPC-100A.
- B. The supervision report must contain the following:
  - 1. The date and location of all visits with the child since the last report;
  - 2. A summary of the child's circumstances, including a statement on the child's safety and well-being;

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3. A summary of the child's academic performance, if applicable;
    - a. A copy of the child's report card, IEP, or other educational evaluation must be attached.
  4. A summary of the child's health and medical status;
    - a. This must include the dates of any health-related appointments, the names of any providers, and copies of any health-related evaluations or reports.
  5. An assessment of the placement and caretakers;
  6. A description of any unmet needs; and
  7. The supervising worker's recommendation on continuation of the placement, if applicable.
- C. The supervision reports must be sent to the receiving state ICPC office for transmittal to the sending state ICPC office.
1. When Mississippi is the receiving state, the supervising caseworker may scan and email the report to [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov) or mail the original and two copies to the ICPC office.

### **8.5 Termination of Supervision.**

Supervision must continue until one of the following events occurs:

- A. The child reaches the age of majority;
- B. The child becomes legally emancipated;
- C. The child's adoption is finalized;
- D. Legal custody is granted to a caregiver or a parent and the sending state terminates its jurisdiction;
- E. The child no longer resides at the home approved for placement;
- F. The sending state relinquishes jurisdiction over the child;
- G. Legal guardianship is granted to the child's caregiver in the receiving state; or



- H. The sending state requests in writing that supervision be discontinued, and the receiving state agrees.

Supervision may continue, despite the occurrence of one of these events, if the ICPC offices of both states agree to continue it.

### **8.6 Placement Disruption**

If a placement involving a Mississippi child disrupts, the receiving state must immediately notify the MDCPS ICPC unit.

### **8.7 Return of a Child to the Sending State**

- A. The receiving state may request the return of a child who is in the state when a placement is denied.
  - 1. If return is requested, the sending state has five (5) business days to remove the child unless another timeframe is agreed upon by both state's ICPC offices.
  - 2. The sending state may propose an alternate placement if return is requested.
    - a. The receiving state must approve the potential placement before the child can be placed in the home.
- B. The receiving state may withdraw its approval of a placement and request return of the child.
  - 1. If return is requested, the sending state has five (5) business days to remove the child unless another timeframe is agreed upon by both state's ICPC offices.
  - 2. The sending state may also propose an alternate placement when return is requested.
    - a. The receiving state must approve the proposed placement before the child is placed in the home.
  - 3. The receiving state may withdraw its request for removal if the sending state arranges services which solve the problem.
- C. The sending agency is responsible for returning the child.



## **8.8 Closure of an ICPC Case.**

When Mississippi is the sending state and the ICPC case is closed due to a court action, the sending agency must submit ICPC-100B and a copy of the court order to the ICPC office within thirty (30) calendar days of the court action.

- A. The court order must be signed and dated.
- B. The receiving state must agree to close the case.

## **Section 9: MACWIS Procedures**

### **9.1 Overview.**

All incoming and outgoing ICPC requests must be entered in MACWIS.

### **9.2 Incoming Requests for Parent Home Studies**

- A. The ICPC Unit must enter the request into MACWIS with the oldest child as **Head of Household**.
- B. The following information must be entered on the New Intake tab:
  - 1. The type of request;
  - 2. The state making the request;
  - 3. The county; (to)
  - 4. The date entered;
  - 5. The name, date of birth, and race of the child(ren); and
  - 6. The name, age, race, and address of the potential placement.
- C. The request will be **screened in** MACWIS.
- D. MACWIS will assign the request to the county Intake Supervisor.
- E. The Intake Supervisor must assign the home study request to a county worker for completion.

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### **9.3 Incoming Requests for Foster/Adoptive Home Studies.**

The procedures in **9.2** must be followed by the ICPC unit. The following exceptions apply to the county assigned to the request.

- A. The request will be screened in MACWIS to the county where the prospective placement resides.
- B. MACWIS will assign the request to the Licensure Supervisor.
- C. The Licensure Supervisor must assign the home study request to a Resource or Adoption Specialist for completion.

### **9.4 Outgoing ICPC Requests.**

A. The COR Worker must enter the following information on the **ICPC Outgoing Screen**:

- 1. Name of the child(ren);
- 2. Receiving State;
- 3. Date the ICPC request was sent to the ICPC unit;
- 4. Priority status;
- 5. Number of children in the family;
- 6. County of Responsibility;
- 7. Name of COR worker;
- 8. Service type (ICPC Outgoing);
- 9. Type of care;
- 10. Requested start date;
- 11. Name, address, and phone number of prospective placement; and
- 12. ICPC checklist.



## **Section 10: Cooperative/Reciprocal Services**

### **10.1 Overview.**

Upon referral, MDCPS provides cooperative/reciprocal services to other states' social services agencies, private agencies, and courts when there is reported abuse, neglect, or dependency of minor children. International Social Service agencies and national agencies serving children and/or families may also make referrals for cooperative/reciprocal services.

- A. All requests must be made through the MDCPS ICPC office.
- B. All requests must include a court order.

### **10.2 Types of Services Provided.**

MDCPS provides the following types of cooperative services.

- A. Home studies for the following purposes:
  - 1. To evaluate a proposed home for placement of a child that may or may not result in an out-of-state placement. Such requests include placement with parents, relatives<sup>5</sup>, foster homes or adoptive homes.
    - a. Home studies may be completed according to either the receiving or sending states' policy.
  - 2. Divorce and other custody proceedings.
    - a. This is a Non-Compact request.<sup>6</sup> The ICPC office will forward to the proper county, and the county must respond directly to the sender.
    - b. The home study fee must be paid before the study is initiated. Payment in the form of cashier's check or money order must be made out to the Treasurer of Mississippi.
- B. Supervision of a child who is placed with foster or adoptive parents.
- C. Evaluations for the following purposes:

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<sup>5</sup> MDCPS requires relatives who care for foster children to be licensed.

<sup>6</sup> Home studies for divorce and custody proceedings are Non-Compact requests. As such, the ICPC office will not keep a case file.



1. Evaluations of Family situations for Family and Juvenile Courts, regarding custody of Children when neglect or abuse is involved.
  2. Evaluations of a proposed plan for adoption and supervision of a child in cases where adoptive parents have had to move to another state.
  3. Evaluations of a proposed plan for adoption and supervision of a child, pending legal consummation of the adoption, assisting in the completion of the legal proceedings in cases where adoptive parents have had to move to another state.
- D. Transfer of an adoptive home to a child placing agency in another state when the applicants move while the study is in process, or an adoption is pending.

## **Section 11: Placements in Non-Member Territories and Countries**

### **11.1 Overview**

The ICPC does not apply to placements in non-member territories or countries. Placements in non-member territories and countries must be arranged by the county offices.

## **Section 12: MDCPS' Border Agreement with Alabama**

### **12.1 Overview.**

- A. MDCPS' border agreement with the Alabama Department of Human Resources (ADHR) allows a child deemed at risk of imminent harm or in present danger to be temporarily placed with a relative,<sup>7</sup> or person with whom he or she has a significant relationship, without entering either state's foster care system.<sup>8</sup>
- B. The following Mississippi counties are participating in the border agreement:
  1. Jackson;

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<sup>7</sup> For the purposes of the Border Agreement, relative means the proposed placement recipient is a relative belonging to a class of persons who, under Article VIII(a) of the ICPC, could receive a child from another person belonging to such class, without complying with ICPC, specifically a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or non-agency guardian.

<sup>8</sup> These types of placements are called Non-Custodial Kinship Safety Placements.



2. Greene; and
  3. George.
- C. The following Alabama counties are participating in the border agreement:
1. Mobile; and
  2. Washington.
- D. Relatives/fictive kin living in the respective counties may be considered for a temporary placement not to exceed forty-five (45) calendar days without the child being placed in the legal custody of the state.

## **12.2 Initial Requirements.**

The following requirements must be met for the border agreement to apply:

- A. The child must be the subject of a child protective services investigation, a family assessment, or family preservation services;
- B. A MDCPS or ADHR case manager<sup>9</sup> must find the child is at risk of imminent harm and/or in present danger;
- C. The child's parent(s) or guardian(s) must voluntarily enter into a Border Agreement Safety Plan that temporarily places the child in the receiving state with a relative or person with whom the child has a significant relationship (kin).
  1. The Border Agreement Safety Plan allows the parent(s) or guardian(s) to retain legal custody of the child.
  2. When Mississippi is the sending state, the Safety Plan must be approved in accordance with MDCPS' policies and procedures.
  3. The sending state must complete the Safety Plan prior to the child being placed in the receiving state. It must:
    - a. Document pertinent information about the child and actions necessary to promote his or her safety and well-being;

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<sup>9</sup> A case manager is an employee of a state party to the agreement that is responsible for a child's case.  
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- b. Contain the name of the relative or person with whom the child has a significant relationship;
  - c. Be signed by the child's parent(s) or guardian(s) and the relative or family caregiver taking physical custody of the child.
  - d. Address consent for providing medical treatment and educational services to the child.
4. The case manager must clarify all terms, conditions, and timelines to the parent(s) or guardian(s), the relative or person with whom the child has a significant relationship, and any other pertinent party to the Safety Plan

### **12.3 Safety Study Request.**

A Border Agreement Safety Study must be conducted before a child is placed in the receiving state. The following procedures must be followed when requesting a safety study:

#### **A. The sending state's responsibilities:**

1. The sending state case manager must call the appropriate intake phone number in the receiving state and verbally request a safety study. (See Appendix C for contact information).
2. The sending state case manager must send a written request via fax or email within one (1) business day of calling the receiving state. The following documents must be included with the written request:
  - a. A copy of the family's Border Agreement Safety Plan;
  - b. A description of the allegations against the parent(s) or guardian(s);
  - c. A comprehensive family assessment;
  - d. A copy of the family's plan;
  - e. Court orders; and
  - f. Any other documents that will assist with the safety study.

#### **B. The receiving state's responsibilities:**

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1. The receiving state case manager must contact the sending state case manager by telephone within one (1) hour of the intake responder notifying him or her of a request.
  - a. The receiving state case manager must confirm receipt of the request and specify an estimated time of completion.

#### **12.4 Border Agreement Safety Study.**

- A. The receiving state case manager must complete a safety study in accordance with the receiving state's policies and procedures. The safety study must include:
  1. A physical walk through of the home;
  2. A search of the receiving state's protective services database for prior reports/investigations of the prospective placement;
  3. A local criminal background check on the prospective kin;
  4. Verification of the kin's agreement to care for the child; and
  5. An explanation of what each party state will do to support the placement.
- B. The Safety Study must contain the following information:
  1. A narrative report that documents information regarding the relative or family caregiver(s), all household members, and their home environment;
  2. A determination regarding the appropriateness of the placement and the impact on the child's safety and well-being;
  3. The reason(s) for approval or denial and any terms or conditions for the decision;
  4. Appropriate authorizing signatures; and
  5. Local background checks/verification of all adults in the home, clearance of central child abuse records, and Adam Walsh clearances, if applicable under state law.
- C. A verbal report of the safety study must be provided to the sending state within four (4) hours of receipt of the request.
- D. A written report and all supporting documentation must be sent to the sending state via fax or email within one (1) business day of receipt of the request.



## **12.5 Approval or Denial of the Placement Request.**

### **A. Approval.**

1. The receiving state agency must approve the safety study request in accordance with its policies and procedures.
2. The receiving state case manager must send the sending state case manager a written notification of approval within one (1) business day.
3. Approval for the temporary placement of a non-custodial child with the relative or family caregiver is valid for a maximum of forty-five (45) calendar days measured from the date the child is placed in the home.

### **B. Denial.**

1. If the placement request is denied, the receiving state case manager must inform the sending state case manager via telephone within thirty (30) minutes of the determination.
  - a. The receiving state case manager must provide the name and phone number of an accessible supervisor.
2. The receiving state case manager must fax or email a copy of the Safety Study and attachments to the sending state case manager within one (1) business day of the decision to deny the request.

## **12.6 Placing the Child.**

- A. The sending state case manager must arrange for the transportation of the child to the approved home with consultation from the relative or family caregiver.
  1. Transportation information must be included in the Safety Plan.
- B. A Family Team Meeting/Individualized Service Plan meeting must be held within three (3) business days, if required by the policies and procedures of the states.
  1. The sending state case manager must schedule, identify and provide notice to all pertinent parties, and document the Family Team Meeting/Individualized Service Plan meeting with cooperation from the receiving state before the expiration of the Safety Plan.



2. If required by state law/policy, attendees of the Family Team Meeting/Individualized Service Plan Meeting must determine and document actions needed to promote the child's safety and well-being in the placement
  - a. The actions must be mutually agreed upon by both the sending and receiving state agencies and other parties involved in the Family Team Meeting/Individualized Service Plan Meeting.
- C. The following must occur the first business day following the child's placement:
  1. The receiving state case manager must fax or email a copy of the Safety Study and attachments to the sending state case manager, and
  2. The sending state case manager must call the receiving state case manager to discuss the need for any immediate services and schedule a Family Team Meeting/Individualized Service Plan meeting.
- D. A copy of the Safety Plan must be given to all parties at the time of the placement.

#### **12.7 Contacts with the Child following Placement.**

- A. The child's receiving state caseworker must conduct an in-home visit with the child within seven (7) calendar days of the child being placed in the home.
  1. The receiving state caseworker must provide a written report to the sending state caseworker within seventy-two (72) hours of the initial visit.
- B. The receiving state casework must make follow-up contacts once every fourteen (14) calendar days for the duration of the placement.
  1. Reports must be sent to the sending caseworker within seventy-two (72) hours of the follow-up visits.

#### **12.8 Return of the Child and Termination of the Non-Custodial Safety Placement.**

- A. The sending state case manager may request return of the child anytime during the placement if new circumstances arise or it is determined the parent(s) or guardian(s) can resume care of the child.
  1. If the sending state requests return of the child, the receiving state must provide lawful assistance to effectuate the return.



- B. The child's parent(s) or guardian(s) may terminate the Border Agreement Safety Plan.
  - 1. Removal of a child from a placement established under the Border Agreement is voluntary until the child is placed in the custody of the sending or receiving state.
- C. After forty-five (45) calendar days the Non-Custodial Kinship Safety Placement ends, and the child must be returned to the sending state.

### **12.9 Custodial Placements with Kin.**

If the sending state obtains a valid court order placing a child in the legal custody of the sending state during or after a Non-Custodial Kinship Safety Placement, the child may remain in the out-of-state placement pending a Border Agreement ICPC home study request and final approval.

- A. The following initial requirements must be met for the child to remain in the placement:
  - 1. The child must be placed in one of the counties listed in **Section 10.1**.
  - 2. The local sending agency must submit a Border Agreement Placement with Kin request packet to the sending state ICPC office within seven (7) business days of the court order being signed by the judge.
    - a. When MDCPS is the sending agency, the request packet must be scanned and emailed to the ICPC office at [icpc.dfcs@mdcps.ms.gov](mailto:icpc.dfcs@mdcps.ms.gov).
- B. The ICPC request packet must contain the following documents:
  - 1. A signed court order for a placement decision pursuant to the border agreement;
    - a. The court order must include a finding that an expedited placement is necessary.
    - b. It must include the name, address, telephone number, fax number, and email address of the judge and/or the court designee.
  - 2. A completed ICPC-100A;
  - 3. ICPC-100B;
    - a. The placement date is the date and time the child was placed in the custody of the sending state agency.
  - 4. A social history summary;



5. A medical and financial plan;
  6. A copy of the Border Agreement Safety Study and attachments; and
  7. A cover letter on agency letterhead.
- C. The sending state case manager must supply supporting documentation to the sending state ICPC office and the receiving state case manager. Supporting documentation includes the following, if available:
1. All assessments of the child and the family;
  2. A copy of the permanency plan;
  3. Title IV-E financial and medical determinations;
  4. A description of the child's medical needs; and
  5. Any other supporting documentation.
- D. The sending state remains responsible for protecting the child, supervising the placement, and providing services to the family until the home study is completed and a decision is issued.
- E. The custodial placement home study process must be completed or provisionally completed within thirty (30) calendar days of the receiving state ICPC office's receipt of the packet.
1. If the child must be returned to the sending state because a decision cannot be made within thirty (30) calendar days, the receiving state must assist in the child's return.
  2. If the placement is approved, the receiving state must assign a case manager to visit the child according to contact standards established by the compact.
- F. If either state takes the case to court, the receiving state case manager must make him or herself available to participate in the legal process by telephone.