

**Child and Family Services Policy Manual: Substitute Care for Children  
Interstate Compact on the Placement of Children (ICPC)  
Placement of Children Into or Out of State**

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Purpose	The ICPC is the best means Montana has to ensure protection of and services to children who are placed across state lines. The Compact, a uniform law that has been enacted by all states of the United States, the Virgin Islands, and the District of Columbia, establishes orderly procedures for the interstate placement of children and fixes responsibilities for those involved in placing the child. Montana enacted ICPC in 1975.
<b>Policy</b>	All applicable cases of child placement into or out of the state shall be in compliance with ICPC. <b>This includes all applicable placements of children in the custody of DPHHS.</b>
Safeguards Offered by the Compact	<p>In order to safeguard both the child and the parties involved in the child's placement, the ICPC does the following:</p> <ul style="list-style-type: none"> <li>• provides the sending agency the opportunity to obtain a home study of the proposed placement <b>prior</b> to the placement;</li> <li>• allows the prospective receiving state to ensure that the placement is not "contrary to the interests of the child" and that its applicable laws and policies have been followed before it approves the placement;</li> <li>• guarantees the child legal and financial protection by fixing these responsibilities with the sending agency or individual;</li> <li>• ensures that the sending agency, court, or individual does not lose jurisdiction over the child once he moves to the receiving state; and</li> <li>• provides the sending agency the opportunity to obtain supervision and regular reports on the child.</li> </ul>
ICPC Administrator	Each state party to ICPC has an administrator appointed by the Governor of that state. The Montana ICPC Administrator is located in the DPHHS central office at (406) 841-2400.
Role of Administrator	The compact administrator's office serves as a central clearing point for all referrals for interstate placements. The compact administrator or deputy authorizes the requested investigation

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Type of Placements Covered by ICPC	<p>of the proposed placement and determines whether the placement is contrary to the interests of the child.</p> <p>The Compact applies to the following four situations in which children may be sent to other states:</p> <ul style="list-style-type: none"> <li>• placement prior to adoption, including private agency and independent adoptions;</li> <li>• placement into foster care, such as foster homes, group homes, residential treatment facilities, and institutions, including parental placements into such facilities;</li> <li>• placements with parents and relatives when a parent or relative is not making the placement; and</li> <li>• placement of adjudicated delinquent youth in institutions in other states.</li> </ul> <p>The ICPC must be used when considering pre-placement visits. Visits of 30 days or less (i.e., Christmas vacations, spring break) are exempt from ICPC compliance.</p>
Exclusion	<p>Not all placements of children into other states are subject to the Compact. The Compact does not include placements into medical or mental health facilities (non-residential treatment facilities) or into boarding schools. Article VIII (a) also specifically excludes from Compact coverage the placement of a child made by a parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or a child's non-agency guardian, when the placement is to another of the persons mentioned in this sentence.</p>
Who Must Use the ICPC	<p>Sending agents are required to use the Compact when they "send, bring, or cause a child to be brought or sent to another party state." These "sending agents" are the following:</p> <ul style="list-style-type: none"> <li>• a state which is party to the Compact, or any officer or employee of a party state;</li> </ul>

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- a subdivision, such as a county or city, or any officer or employee of the subdivision;
- a court of a party state; or
- any person (including parents and relatives), corporation, association, or charitable agency or organization of a party state.

Montana Tribes must use ICPC for placing and receiving children across state lines in accordance with Title IV-E contracts and agreements with the Department.

**Requests for home studies in contested divorce custody cases in which the state child protection agency is not involved do not go through ICPC.**

### **Other Compacts**

Several other compacts deal with children. The one most frequently encountered and confused with the ICPC is the Interstate Compact on Placement of Juveniles (ICJ), (Mont. Code. Ann. § 41-6-101 et seq.). This deals with the placement of juveniles who are adjudicated delinquents and need probation or parole supervision when placed with a parent or relative in another state and the return of runaways to their state of residency. ICPC is required for the placement of adjudicated delinquents in any type of out-of-state foster care placement, including residential treatment in another state.

### **Procedures for Making Compact Placement**

Sending Agent for Parent, Relative, Foster Care, and Adoption Requests

The sending agent in Montana for parent, relative, foster care, and adoption requests:

1. provides written notice of intent to place to Montana's Compact Administrator by requesting an evaluation of the placement resource on a **signed** ICPC 100-A form (DPHHS-DFS 19C- Interstate Compact Application Request to Place Child or Evaluation of Facility), and
2. sends **three copies** of the following, along with five copies of the ICPC 100-A, to the Montana Compact Administrator:

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- a. a **signed** cover letter or memo outlining what services are being requested in the receiving state and including the following information:
  - (1) confirmation that the proposed placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process;
  - (2) the name and physical and mailing addresses and all available telephone numbers and other contact information for the proposed placement resource;
  - (3) the number and types of bedrooms in the home of the proposed placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home;
  - (4) an acknowledgement that the proposed placement resource has sufficient financial resources or will access resources (such as TANF or foster care payments) to feed, clothe, and care for the child, including child care, if needed; and
  - (5) an acknowledgement that a criminal record and child abuse check will be completed on any person residing in the home who is required to be screened under the law of the receiving state.
  
- b. social information on the child and family which provides a chronology of court involvement, a description of social dynamics of the family, and a description of any special needs of the child, including a DPHHS-DFS 107 form, affidavit or report to the court, 427 case plan, and recent evaluations and assessments;
  
- c. court documents, if custody is held by someone other than the parent, or, in the case of a parent(s) making an adoptive placement, a document giving parental authority to the receiving agent (i.e., a relinquishment); and

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- d. a DPHHS-DFS 19E- Financial/Medical Plan, which shows Title IV-E eligibility and the proposed financial and medical arrangements for the child; and
- e. a copy of the child's Social Security card or official document verifying the correct Social Security number, if available, and a copy of the child's birth certificate, if available.

Sending Agent for Group Home and Residential Treatment Requests

For group home and residential treatment requests:

1. provides written notice of intent to place to Montana's Compact Administrator on a **signed** ICPC 100-A form (DPHHS-DFS 19C- Interstate Compact Application Request to Place Child or Evaluation of Facility), and
2. sends **three copies** of the following, along with five copies of the ICPC 100-A, to the Montana Compact Administrator:
  - a. social information on the child and family which provides a chronology of court involvement, a description of social dynamics of the family, and a description of any special needs of the child, including a DPHHS-DFS 107 form, affidavit or report to the court, 427 case plan, and recent evaluations and assessments;
  - b. court documents showing authority to place the child, if custody is held by someone other than the parent;
  - c. a DPHHS-DFS 19E- Financial/Medical Plan, which shows Title IV-E eligibility and the proposed financial and medical arrangements for the child; and
  - d. a letter of acceptance from the residential facility.

**CAPS**

When the placing worker has access to CAPS, the DPHHS-DFS 19C (100A) and DPHHS-DFS 19E forms should be produced through the completion of the Interstate Compact Placement Detail (ICPD) screen on CAPS and the generation of the appropriate document by the worker. The 19C form is

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produced from DocGen 350 and the 19E form is produced from DocGen 352. These forms should be signed by the worker and submitted with the other required materials to Montana's Compact Administrator.

**Sending State**

The compact administrator in the sending state:

- reviews the documents for completeness and may return incomplete documents or those with an insufficient number of copies;
- signs the ICPC 100-A; and
- forwards the ICPC 100-A and two copies of the documents to the receiving state compact administrator.

**Receiving State**

The compact administrator in the receiving state:

1. reviews the material for completeness and compliance with receiving state law;
2. if the application is incomplete or not in compliance, may:
  - a. deny the placement;
  - b. negotiate a solution to the problem;
  - c. return the request to the sending state for completion; or
  - d. hold the request and advise the sending state that additional information is needed.
3. if the application is complete, forwards one copy to appropriate party for local action.

**CAPS**

The Montana Compact Office enters all ICPD screens for new requests when the sending agent does not have access to CAPS. All individuals entered by the Compact Office are entered in CAPS as people and the worker should make the individual a client, when applicable.

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## Home Evaluation

When requested, the worker in the receiving state completes a written home study of the proposed placement resource, which contains a child protective services check, a criminal records check, an evaluation of the extent to which placement in the home would meet the needs of the child, and a recommendation on the placement of the child, and sends three copies of the home study to the receiving state compact administrator. The SAFE home study format will be used for all foster and adoptive studies completed by DPHHS staff in Montana. The administrator then decides whether the placement request will be approved and forwards the completed application (ICPC 100-A), along with two copies of the home study, to the sending state compact administrator.

The home study should be completed within 60 days of receipt of the request from the sending state by the receiving state ICPC administrator.

Foster and adoptive parent training does not have to be completed within the 60 day window, only the home study.

When appropriate the receiving state may contract with a private agency to conduct the requested home study.

## Sending State

When the completed home study and ICPC 100-A are received from the receiving state, the sending compact administrator notifies the sending agent in writing. The sending state shall treat any home study from another state or Indian tribe (or from a private agency under contract with another state) as meeting the state's home study requirements, unless, within 14 days after receipt of the study, the sending state determines, based on grounds that are specific to the contents of the study, that additional information is needed to make a decision about the placement not being contrary to the welfare of the child. If additional information is needed, the sending state shall request an addendum to the home study.

**CAPS**

The Montana Compact Administrator enters the approval or denial of the 100A form on the Interstate Compact Action Detail (ICAD) screen in CAPS. This is done when the approved or denied 100A form of a Montana child is received from another

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state or when the Montana Compact Administrator approves or denies a placement into this state.

**NOTE:** Placement may not occur until the 100-A is signed by the receiving state compact administrator. The local worker only makes a recommendation about the placement; he cannot legally approve or deny the placement.

The receiving state can refuse to provide services to children placed without ICPC approval and may request that the children be returned to the sending state. Adoptions have been overturned because of failure to comply with ICPC.

**Expedited  
Placement  
Requests**

Under Article VII of the ICPC law the ICPC Administrators have the authority to promulgate rules to carry out the terms and provisions of the Compact. Regulation Seven, which became effective October 1, 1996, and was incorporated into Montana rule on January 21, 1997, provides provisions for obtaining expedited home studies for certain parent and relative placements. Regulation Seven was amended at the 2001 and 2011 meetings of the ICPC Administrators.

Types of Placements

Regulation Seven applies to the following circumstances:

- the proposed placement resource is a parent, step-parent, grandparent, adult brother or sister, or adult uncle or aunt of the child; **and**
- (1) any child in the sibling group sought to be placed with the proposed placement resource is under four (4) years of age;  
(2) the child is in an emergency shelter;  
(3) any child in the sibling group proposed to be placed has a substantial relationship with the proposed placement resource; **or**  
(4) there has been an unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian.



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Procedures for Expedited  
Placement Requests

The Expedited Placement Request procedure is as follows:

- The Child Protection Specialist will submit to the sending state court either a signed statement of interest from the proposed placement resource or a written statement that s/he had a conversation with the proposed placement resource and confirmed his/her appropriateness for the ICPC expedited placement decision process. The statement shall include the following information regarding the proposed placement resource:
  - (1) his/her interest in being a placement resource for the child and willingness to cooperate with the ICPC process;
  - (2) that s/he fits the definition of parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or his or her guardian;
  - (3) the name and address of the proposed placement resource, all available telephone numbers and other contact information for the proposed placement resource, and the dates of birth and Social Security numbers of all adults in the home;
  - (4) a detail of the number and types of rooms in the residence of the proposed placement resource to accommodate the child under consideration and the number of people, including children, who will be residing in the home;
  - (5) that s/he has financial resources or will access financial resources to feed, clothe, and care for the child;
  - (6) if required due to age and/or needs of the child, the plan for child care and how it will be funded;
  - (7) an acknowledgement that a criminal record and child abuse history check will be completed on any persons residing in the home who are required to be screened under the law of the receiving state, and that, to the best knowledge of the proposed placement resource, no one residing in the home has a criminal history or child abuse history that would prohibit the placement; and
  - (8) whether a request is being made for concurrence to relinquish jurisdiction if placement is sought with a parent from whom the child was not removed;

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- The Child Protective Specialist will also submit to the sending state court a statement that, based upon current information known to the sending agent, s/he is unaware of any fact that would prohibit the child being placed with the proposed placement resource and has completed and is prepared to send all required ICPC paperwork to the sending state ICPC office;
- The court shall make a finding that an expedited placement is necessary and, within two (2) business days of the finding, forward the order to the sending agent. The order should include the finding and the name, address, telephone number, and, the fax number of the clerk of court or designated court administrator;
- Within three (3) business days of receiving the court order, the sending agent will transmit the order, a completed ICPC 101 form (located in OURS), and, if not already submitted, a completed ICPC 100-A form (DPHHS-DFS 19C) and supporting documentation to the sending state compact administrator;
- Within two (2) business days after receiving a complete priority home study request, the sending state compact administrator will transmit the request by overnight mail to the receiving state compact administrator. If the sending state compact administrator determines the request to be incomplete, s/he has two (2) business days to request the additional information. At this point the time line does not apply until the additional information is received;
- The receiving state compact administrator shall send the expedited home study request to the local office within two (2) business days of receipt of a complete packet. If the receiving state compact administrator or the local office determines the request to be incomplete, the receiving state compact administrator has two (2) business days, upon making this determination, to contact the sending state compact administrator and request the needed information.

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At this point the time line does not apply until the additional information is received. The local office shall return the completed home study to the receiving state compact administrator within fifteen (15) business days of receipt of the packet from the receiving state compact administrator. The receiving state compact administrator shall provide a written report, a 100A approving or denying the placement, and a transmittal of that determination to the sending state compact administrator no later than three (3) business days after receipt of the packet from the local office. The receiving state has a total of twenty (20) business days upon receipt of a complete expedited home study request to finish the home study and return it to the sending state.

- The home study in the receiving state can be completed on the ICPC 102 form (located in OURS), if this is deemed appropriate by the local supervisor;
- If the receiving state compact administrator does not make a decision on the request within the twenty (20) business days, the sending state court may request assistance from the receiving state court in obtaining the home study;
- When DPHHS is the sending agent, the local office is responsible for keeping the court informed of the status of the expedited request; and
- If a receiving state determines that it is unable to complete the home study and make a decision within the time frame, the receiving state compact administrator shall notify the sending state compact administrator of this inability, the date on or before a decision will be reached, and a full explanation of the circumstances which are delaying compliance.

**After Placement**

After placement occurs, the following procedure is followed:

- the sending agent signs and sends the ICPC 100-B form (DPHHS-DFS 19D - Interstate Compact Report on Date or Placement Status) to the sending state compact

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administrator;

- the sending state compact administrator signs the ICPC 100-B form and sends it to the receiving state compact administrator; and
- the receiving state compact administrator arranges for any requested supervision or services to be carried out by the local agency or office.

Supervision

When a state custody child is placed through ICPC into a parent, relative, foster, or adoptive home in another state or in Montana, the child should be seen in the home no later than 30 days after the 100B form is received. Supervision can and should begin prior to receipt of the 100B form if the receiving state has been informed by other means that the child has been placed in an approved placement. After the initial visit, the child should be seen every calendar month, with a majority of the visits occurring in the child's home. Visits should be well-planned and focus on the child's case plan and the delivery of services to ensure the safety, permanency, and well-being of the child. In addition to the visits, the supervising worker shall assist the child's care giver in accessing services and supports for the child, such as health care, mental health services, public assistance, and educational services.

Supervision must continue until one of the following events occurs:

- the child reaches the age of majority or is legally emancipated;
- the child's adoption is finalized;
- legal custody of the child is granted to a caregiver or a parent and jurisdiction is terminated by the sending state;
- the child no longer lives in the approved home;
- jurisdiction over the child is terminated by the sending state;

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- legal guardianship is granted to the child's caregiver in the receiving state; or
- the sending state requests in writing that the supervision be discontinued, and the receiving states concurs.

Supervision may continue if one of the above events occurs but the sending and receiving states agree to continue the supervision, such as when a youth turns 18 but agrees to remain in the approved home until graduation.

Reports After Placement

Reports should be provided by the supervising worker at least every 90 days, unless requested more frequently on the child's 100A form. Reports should include the following:

- dates and locations of face-to-face contacts with the child during the supervisory period;
- a summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child;
- if the child is attending school, a summary of the child's academic performance along with report cards and education-related evaluations;
- a summary of the child's current health status, including mental health, and the dates of health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations or reports;
- an assessment of the current placement and caretakers, including physical condition of the home, the caretaker's commitment to the child, and any changes in family composition, health, and financial situation;

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- a description of any unmet needs; and
- a recommendation on the permanency plan for the child (i.e., continuing state custody, returning custody to a parent, or finalizing a guardianship or adoption).

Optional formats for the progress report (Forms ICPC-CFS-003 and ICPC-CFS-004) can be located in OURS. Three copies of the progress report should be sent to the receiving state compact administrator. The receiving state compact administrator will send all reports to the sending state compact administrator, and the sending state compact administrator will then forward the reports to the sending agent.

**Return of Child to Sending State**

Following approval and placement of a child, if the receiving state compact administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, then s/he may request that the sending state make arrangements to return the child as soon as possible or propose an alternative placement resource in the receiving state. Return of the child shall occur within five (5) working days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

The receiving state's request for removal may be withdrawn if the sending state arranges services to resolve the reason for the requested removal and the sending and receiving state compact administrators mutually agree to the plan.

**Child Protection Referrals**

The supervising workers and other child protection authorities will act on reports of child abuse and neglect involving children placed from out-of-state in the same manner as they would for receiving state children. The receiving and sending state compact administrators and the worker in the sending state should be notified of the report and any subsequent decisions about the placement.

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Upon notification of a concern about safety by the receiving state, the public child placing agency in the sending state should take action to ensure the ongoing safety of a child placed in a receiving state pursuant to an approved ICPC placement, including return of the child to the sending state as soon as possible when return is requested by the receiving state. If a child must be removed from his home in the receiving state and it is not possible for the sending state to immediately return the child, then the receiving state shall place the child in a safe and appropriate setting. The sending state is responsible for the costs incurred by the placement of the child in substitute care.

**CAPS**

When the placing worker has access to CAPS, the DPHHS-DFS 19D (100B) form should be produced by the worker by entering the placement date or compact closure reason and date on the Interstate Compact Action Detail (ICAD) screen and generating DocGen 351. When a progress report is received in the sending state, the date of the progress report should be entered in the "Progress Report Received Date" field on the ICAD screen.

**Sending Party  
Responsibility**

Financial Responsibility

When a compact has been signed by a sending state compact administrator and receiving state compact administrator and a placement occurs, the sending party is then obligated by law (Mont. Code Ann. § 41-4-102) for the costs of sending the child to the receiving state, the costs of returning the child to the sending state, and other costs incurred if the child needs foster care and/or medical care.

## Foster Care Payments

When the placement resource is licensed or otherwise approved for foster care by the receiving state, the sending state may make foster care payments to the resource. For a child in the custody of the State of Montana, the current Montana foster care rate based on the child's age and needs will be paid to the resource in the receiving state.

## Changes After Placement

When a child moves from one out-of-state placement to another, a new ICPC request is required. When a placement is terminated, the sending agent is responsible for notifying the

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sending state compact administrator of the change on a signed ICPC 100-B form.

Correspondence Between Sending Party and Receiving Party All correspondence should be sent in **triplicate** through the compact office in the state originating the correspondence. If, for reasons of urgency, it is necessary that correspondence be sent directly to the sending or receiving agent, **two** copies should be sent to the compact administrator in the originator's state, with a note that a copy has already been sent to the sending or receiving agent.

Confidentiality Any information provided to the Montana ICPC Administrator will be handled according to the Department's confidentiality policy.

**References** Mont. Code Ann. § 41-4-101, et. seq.  
Mont. Admin. R. 37.50.901  
Public Law 109-239

Rev. 10/03  
Rev. 10/06  
Rev. 10/07  
Rev. 07/08  
Rev. 10/09  
Rev. 10/10  
Rev. 10/11  
Rev. 10/12