

COMPACT VIOLATION
“Illegal Placement”

ICPC REGULATION #1
Conversion of an Intrastate Placement
into an Interstate Placement:
RELOCATION of Family Units

Speaker

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Compact Violation
"Illegal Placement"
Who's liable if a child is placed before the receiving state signs the 100A?

Compact Violation
"Illegal Placement"

- ARTICLE III: No sending agency ...
- "Sending Agency"—
- a) means a party state, officer or employee thereof;
- b) a subdivision of a party state, or officer or employee of;
- c) a court of the party state;
- d) a person;
- e) a corporation, association charitable, agency;
- f) or Other Entity
- which sends , brings or causes to be sent or brought any child into another party state.

Compact Violation
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ARTICLE III: No sending agency shall **send, bring, or cause to be sent or brought** into any other party state any child for placement in foster care or preliminary to possible adoption **UNLESS** the sending agency shall comply with **EACH and EVERY requirement** set forth in this article **and with applicable laws of the receiving state** governing the placement of children therein.

Compact Violation
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- ☞ For EVERY "best interest of the child argument" given, there are several reasons why an unapproved placement should not be made.
- ☞ 1) Receiving state can deny placement.
- ☞ 2) No supervision services by receiving state.
- ☞ 3) Child may not be eligible for school enrollment.
- ☞ 4) Child not eligible for receiving state Medicaid. Health providers not enrolled in Sending states Medicaid.
- ☞ 5) No financial supports for family. Financial strains.
- ☞ 6) **NO PROOF placement is safe a appropriate for child.**
- ☞ 7) What else.....?

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- ☞ Sending a child on a "VISIT," during an open ICPC placement request, isn't going to fool anyone.
- ☞ It is recommended that the sending agency provide "evidence" that the **VISIT**, is time limited and has a specific purpose. Otherwise, it looks like an illegal placement.

Compact Violation
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☞ Legal Consequences:

ARTICLE V: ...Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to **LIABILITY** for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers or allows it to place, or care, for children.

Compact Violation

"Illegal Placement"

Do you know your state's penalty for a compact violation.

AK : Sec. 47.70.070. Violations of the Compact-

A person who sends, brings, or causes to be sent or brought into this state from any party state, or from this state into any party state, a person under the age of 19, in violation of the Interstate Compact on the Placement of Children, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$200.

ICPC Regulation #1

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ICPC Regulation #1

- ◆ Families are more mobile.
- ◆ Children remaining with their foster parents when relocating.
- ◆ Children moving with pre-adoptive parents.
- ◆ Parents and children moving to start a new life and to be near supportive relatives.

ICPC Regulation #1

◆ARTICLE III, (d)

The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state **shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.**

ICPC Regulation #1

◆ What does the sending state need to do?

- 1) Give Notice BEFORE the family moves.
(30 – 45 days n advance)
- 2) PROVIDE a complete ICPC placement request.
- 3) IF foster or adoptive placement, INCLUDE, copies of license, training classes, and previous home studies.

ICPC Regulation #1

◆ (PROVIDED THAT THE SENDING STATE HAS COMPLIED WITH REG. #1 REQUIREMENTS)

◆ What does the receiving state do?

- (d) In an instance where a custodian (s) hold a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other custodian, the receiving state **shall give effect to such license, certificate or approval as sufficient** to support a determination of qualification pursuant to ARTICLE II (d) of ICPC, **unless** the receiving state compact administrator has **substantial evidence to the contrary**.

ICPC Regulation #1

◆ However...

- (e) The receiving state may decline to provide a favorable determination pursuant to Article III (d) of ICPC if its compact finds that the child's needs cannot be met under the circumstances of the proposed relocation, or until it has the documentation identified...(b. licenses, certificate or in-state approval documentation from sending state.)

ICPC Regulation #1

◆ What about the custodian?

The custodian **MUST** comply with the laws of the receiving state upon arrival.

PLACEMENT:

Sending State: **MUST** send placement notice.

Receiving State: Within 30 days of being notified by the sending state or by the family, that the family has arrived, the receiving state shall make contact with the family to "ascertain conditions and progress towards compliance with applicable laws and requirements of the sending state." (#8)

ICPC Regulation #1

◆ LIABILITY....

Receiving state is covered by compliance with Reg.# 1. (...if supervision is assigned immediately, and if... the family is visited as soon as possible, then the placement can be assessed to be safe or unsafe as soon as possible.)

Sending state maintains liability for decision to allow child to move with the family.

ICPC Regulation #1

◆ DISRUPTIONS....

If the receiving state finds evidence after family's arrival, that the placement is contrary to the safety and interests of a child....the receiving state can take steps to remedy the situation and / or require that the child be returned to the sending state.

ICPC Regulation #1

◆ Consequences to Sending State:

IF the sending state doesn't provide all required documents, the receiving state may deny placement.

IF the receiving state does not provide a decision for placement, the placement is illegal...why?

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ICPC Regulation #1

So, how do we comply
keep kids safe.....
and Allow for relocations?

THANKS to all the states that agree to
assign for supervision upon placement
notice !!!!!!!
