 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 - Interstate Compact on the Placement of Children (ICPC)
	Part No./Name	1 - Introduction
	Section No./Name	Introduction
	Document No./Name	11-100 The Compact and Its Statutory Basis
	Effective Date	February 19, 2024

I. STATEMENT OF POLICY

The Interstate Compact on the Placement of Children (ICPC) establishes uniform legal and administrative procedures governing the interstate placement of children and is statutory law in Louisiana. When Louisiana enacted the Compact it statutorily committed the Department of Children and Family Services to follow uniform procedures when involved in the interstate movement of children.

A. STATUTORY BASIS

An interstate compact is a legally enforceable agreement between two or more states entered into for the purpose of dealing with a problem that goes beyond state lines. Interstate compacts come into effect when two or more states enact identical statutes that establish and define a compact and what it will do.


Louisiana R.S.46:1700-1709, the enabling statutes that allowed Louisiana to become a party to this Compact, were enacted in 1968. Louisiana became signatory to this Compact on July 19, 1968. The text of these statutes is located in [Chapter 11, Appendix A](#).

An interstate compact differs from other statutes in that it is also a contract among the member states. As contracts, interstate compacts are binding on the party states in the same manner and with the same limits as any other contract entered into by an individual or a corporation. The Supreme Court has ruled that interstate compacts are contracts among the member states and that they are covered by the "contract impairment clause" of the U.S. Constitution. No state shall pass any law impairing the obligation of contracts. The effect of these rulings is that, once entered into, compacts cannot be unilaterally amended or repealed.

B. PURPOSE OF THE COMPACT

The purpose of the ICPC is to ensure that if a child is moved across state lines, that child's rights are protected as if they were in their home state and all legal requirements are observed.

- Ensure protection and services to children who are placed across state lines for the purpose of foster care, adoption, group homes or residential placement.
- Provide each child requiring placement across state lines with the maximum opportunity for securing care and protection in the most suitable setting;
- Ensure that both the sending and receiving state authorities have sufficient background information to make informed decisions concerning the appropriateness of a proposed placement;

	Division/Section	Child Welfare
	Chapter No./Name	11 - Interstate Compact on the Placement of Children (ICPC)
	Part No./Name	1 - Introduction
	Section No./Name	Introduction
	Document No./Name	11-100 The Compact and Its Statutory Basis
	Effective Date	February 19, 2024

- Arrange for the provision of services for the child as needed; and
- Designate where planning, financial and jurisdictional responsibility for the child lies.

The "best interest" of the child is the focus of placement planning under the Compact. A child in need of placement is believed entitled to a favorable evaluation of the prospective placement prior to being placed there. Subsequent to placement, the child is to be provided supervisory services within the placement setting but, should placement fail, ; the child may be returned to the original state of jurisdiction.

The overall purpose of the Interstate Compact on the Placement of Children lies in Louisiana Children's Code Article 1610 (d) which states, "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 interest of the child".

The Interstate Compact on the Placement of Children (ICPC) is driven by and based upon uniform legislation which has been enacted into law by 50 states, the District of Columbia, and the Virgin Islands. Under its terms, the states agree to follow specific procedures and requirements designated in the Compact and to respect the applicable laws of all party states in relation to the placement of children across state lines. For the first time, children in need of placement across state lines were assured better protection due to the jurisdiction of the sending state being extended beyond its immediate state borders into all the states which were members of the Compact.


The interstate compact is the only legal mechanism states have to ensure protection and service for children who are placed across state lines for the purpose of foster care, adoption, residential and group home care.

1. The Compact contains ten articles that:

- Define the types of placement and placers subject to law;
- The procedures to be followed in making an interstate placement; and
- The specific protections, services, and requirements brought by enactment of the law.

2. Safeguards established by the Compact include the following:

- Provides the sending agency the opportunity to obtain home studies and an evaluation of the proposed placement;
- Allows the prospective receiving state to ensure the placement is not "contrary to the interests of the child"; and that its laws and policies have been followed before it

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 - Interstate Compact on the Placement of Children (ICPC)
	Part No./Name	1 - Introduction
	Section No./Name	Introduction
	Document No./Name	11-100 The Compact and Its Statutory Basis
	Effective Date	February 19, 2024

approves the placement;

- Guarantees the child legal and financial protection by *** addressing **** these responsibilities with the sending agency or individual;
- Ensures that the sending agency does not lose jurisdiction over the child once the child moves to the receiving state; and
- Provides the sending agency the opportunity to obtain supervision and regular reports on the child's adjustment and progress in the placement.

These safeguards are routinely available when the child, individual or placing agency and the proposed placement resource are all in the same state or jurisdiction. However, when the placement involves two states, these safeguards are only available through compliance with the Compact.

C. REASON FOR THE FORMATION OF THE COMPACT


The need for a Compact to regulate the interstate movement of children was recognized as early as the 1950's. Inconsistent approaches and sometimes questionable attitudes of states prompted the state of New York to formulate a committee of East Coast social service administrators to explore methods to extend protective services to children across state lines in a structured and legally enforceable fashion.

This committee identified several barriers to placement of children in other states which includes the following:

- States lacked importation and exportation statutes that gave them authority to ensure that children were protected as state laws could not be enforced beyond it's border;
- Sending states had no legal way to monitor a child's placement and no way to ensure the delivery of support services to the caregiver;
- The receiving state had no legal means to enforce support or payment from the sending state. (No way to ensure payments for child's educational and other services)
- Since jurisdiction ended at a state's border, the sending state had no legal means to remove a child from a bad placement or compel their return to their state of origin.

In response to these and other problems, the Interstate Compact on the Placement of Children was drafted, and in 1960 New York was the first state to enact it.

The enactment of the Interstate Compact prohibits a state from making placement of dependent children out of state without a home study first having been made through an

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 - Interstate Compact on the Placement of Children (ICPC)
	Part No./Name	1 - Introduction
	Section No./Name	Introduction
	Document No./Name	11-100 The Compact and Its Statutory Basis
	Effective Date	February 19, 2024

authorized child placement agency in the receiving state and the proposed placement having the prior approval of the receiving state's ICPC Administrator.

II. PROCEDURES

There are no procedures associated with this policy.

III. FORMS AND INSTRUCTIONS

There are no forms and instructions associated with this policy.

IV. REFERENCES

Louisiana Children's Code Articles 1608-1617