	Division/Section	Child Welfare
	Chapter No./Name	11 - Interstate Compact on the Placement of Children (ICPC)
	Part No./Name	II - Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-210 Statutory Requirements of the Sending State
	Effective Date	February 19, 2024

I. STATEMENT OF POLICY

It is the policy of the DCFS staff to comply with the provisions of the ICPC law when initiating requests for out of state placements; and to retain jurisdiction over the child sufficient to determine all matters in relations to the custody, supervision, care, treatment and disposition until the receiving state compact office concur with a recommendation for dismissal.

II. PROCEDURES

The local DCFS office or licensed child placement agency holding legal custody and considering placement of a dependent child out of state shall *** complete the following ICPC procedures.**

A. PRIOR WRITTEN NOTICE

Provide prior written notice and supporting documents to the **sending state Compact Office.** **The provided documents will be submitted by the sending state Compact office, via NIECE, to the receiving state Compact Office ** ***** (The standard document for notice is the ICPC-100 A which serves as the formal contract between the sending agency and the receiving state). [\[Appendix 11- A, 1610\]](#)


B. PRIOR APPROVAL

The sending agency shall not allow a child to be placed across state line without the "prior approval" of the receiving state ICPC administrator and concurrence of the sending state ICPC administrator.

C. FINANCIAL RESPONSIBILITY

Continue to maintain financial responsibility for the support and maintenance of the child during the out of state placement unless placement is with a parent or a care provider who assumes financial responsibility for the child). [\[Appendix 11- A, 1612\(a\)\]](#) The child's means of support is to be determined prior to his being sent to the receiving state. (Resources available to the child such as FITAP, Foster Care Payments, Social Security, Trust Funds, etc. are to be specified). Foster care payments to relatives can be paid only when the family is certified as a foster home.

1. Unless the child is in placement with a parent, the sending state is responsible for his financial and medical needs unless these are assumed by the placement resource.
 - a. The sending state is not financially responsible for a child placed out of state with a parent as parents are legally responsible for the support of their own children.


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However, if a placement is made with a parent and subsequently disrupts, the sending agency holding legal custody is financially responsible for the contingency expenses that might arise in the receiving state involving such matters as shelter care costs or transportation expenses related to the protection or stabilization of the child and/or the return of the child to the sending state.

- b. The sending state holding legal custody is financially responsible for the return of the child if the placement disrupts, the determination is made to return the child, and the placement resource is not willing to bear this expense.
2. The sending state is responsible for the transportation costs of any staff members or other approved adult who accompanies the child out of state for protective purposes.

D. ICPC AND JURISDICTION

- The court should not give the receiving family full legal custody at the time of placement as it cannot mandate supervision by the receiving state.
- The court should not divest the Department of legal custody or itself of jurisdiction over the child until the receiving state has issued formal concurrence with that decision. The same holds true of a transfer of jurisdiction to a court in the receiving state, an action which requires the agreement of the receiving state's court even when all other parties agree.
- Whenever the Department has legal responsibility for a child at the time of placement, DCFS staff shall not request or agree to a court order designating "split" custody between DCFS and the parent, relative, or others (i.e. legal custody with DCFS and physical custody with the caretaker).
- Whenever the department decides to place a child who is in the Department's custody out of state, (after obtaining the receiving state's approval), staff should utilize a trial placement without initiating any court action to change custody. After placement, progress reports should be received giving an assessment of the placement. Progress reports should be received quarterly for a minimum of six (6) months. After six months, if both states concur a recommendation for transfer of custody is made.
- If the court disposes of both custody and jurisdiction without the concurrence of the receiving state's Compact Administrator, the DCFS Regional Attorneys shall be notified and requested to file an appeal of the decision.

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- Another jurisdictional matter involves emergency care of children who have come to Louisiana from other states and need to be returned as soon as possible; e.g., runaways, children made dependent by the arrest of their caretakers, and children in the custody of another state whose parents absconded with them. If the Department is ordered to take temporary custody of these children, it should be clear in the order that the court's decision holds only until plans are finalized to return the children to their home state and that our court is not accepting full jurisdiction over children who are the responsibility of that state.

E. RETAIN JURISDICTION

The welfare of children is jeopardized when jurisdiction is prematurely dismissed. The sending state must retain legal custody and not agree to dismiss the petition or terminate the local court jurisdiction without one of the following conditions being met:

1. Child has been adopted; or
2. Child has become self-supporting; or
3. Child has become 18; or
4. The receiving state ICPC Administrator has granted permission for dismissal of the petition or termination of court jurisdiction. [\[Appendix 11- A,1612\]](#)

III. FORMS AND INSTRUCTIONS

ICPC [form 100A](#)

IV. REFERENCES

[Louisiana Children's Code Article 1610](#)

[Louisiana Children's Code Article 1612](#)