

TN

Department of
Children's Services



The Interstate Compact on the Placement of Children (ICPC) Procedural Guide

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INTRODUCTION

The Interstate Compact on the Placement of Children (ICPC) is a statutory agreement between all 50 states, the District of Columbia, and the US Virgin Islands. The purpose of the ICPC is to ensure that children placed out-of-state are placed with caregivers who are safe, suitable and able to meet their needs. The ICPC requires an assessment of these factors before a child is placed out-of-state. As a legally binding agreement, the ICPC ensures that children enjoy a uniform set of protections and benefits regardless of which state they are moving to or from.

The Tennessee ICPC office is responsible for the daily tasks associated with the administration of the compact. All incoming and outgoing interstate placement requests are processed through this office.

The law governing ICPC in Tennessee is TCA 37-4-201 through 207.

Type of Placements Governed By the ICPC

The ICPC applies in the following settings:

- The placement of a child in the care or custody of a state public child welfare agency with a relative family, a foster family or an adoptive family in another state.
- The placement of a child by a court of a party state with an open court case for dependency or neglect with a relative or parent in certain circumstances.
- The placement of a child by any individual or entity into another state if the placement is for the purpose of adoption.
- The placement of a child, including adjudicated delinquent, by any individual or entity into a licensed residential treatment center located in another state.
- Under certain circumstances, the placement of a child with the child's parent located in another state.

Type of Placements Exempt From the ICPC

The compact *does not apply* when placement is sought under any of the following circumstances:

- Interstate placement from birth parent to birth parent when there is no court jurisdiction.
- Interstate placement from birth parent to relative when there is no court jurisdiction.
- Interstate placement from legal guardian to birth parent or relative when there is no court jurisdiction.
- Interstate placement to a medical or psychiatric hospital.
- Interstate placement to an educational program (boarding school, Job Corp, college, etc.).
- Interstate placement of adjudicated delinquents unless placement is sought for residential treatment (see above).
- Divorce/custody assessments.
- International adoptions when the United States Citizenship and Immigration Services (USCIS) has issued an IR-3 visa (adopted in the child's country of origin).

- Placement of a child into/or out of Canada, Puerto Rico, Guam/American Samoa or any other foreign country.
- Children under court jurisdiction visiting a relative/parent for 30 days or less.

Resources for DCS Staff Completing Outgoing Requests

How to complete an ICPC Outgoing Public Agency Request

1. When an identified out of state placement resource (parent, relative, kin, foster or adoptive, or licensed residential treatment facility) is considered for placement of a child/youth who is in the custody/guardianship of TN DCS, the caseworker will discuss that option with the Child and Family Team.
2. The assigned caseworker is responsible to contact the proposed caretaker, to determine whether they are interested in providing for the child before making a formal ICPC request. The caseworker will use the [ICPC Statement of Confirmation - Regulation #2](#) or [ICPC Statement of Confirmation - Regulation #7 and Border Agreement](#) to document this contact.
 - a) If the proposed placement requests financial assistance, a foster home study should be requested regardless of the degree of relationship.
 - b) If the proposed out of state placement involves circumstances in which a higher level of supervision and support may be necessary due to the therapeutic/medical needs of the child refer to the [Protocol for ICPC Unique Care Agreements](#).
 - c) Notify the Child and Family Team of the outcome of the conversation. Schedule the Pre-Planning CFTM.
3. Specific documents must be included and uploaded for each ICPC request. Click on the ICPC type checklist needed to assist caseworkers in preparing ICPC packets:
 - a) [Interstate Compact on the Placement of Children \(ICPC\) Public Agency ICPC Home Study Request Checklist CS-0796-2](#) for Regulation 1 (relocation of an intact foster family out of state), 2 (most often used), and 7 (expedited requests for home studies – parent, foster, adopt, relative/kin).
 - b) [Interstate Compact on the Placement of Children \(ICPC\) Residential ICPC Request Checklist CS-0796-1](#) for Regulation 4 (residential treatment facility out of state).
 - c) [Interstate Compact on the Placement of Children \(ICPC\) Court Jurisdiction \(CJO\) ICPC Home Study Request Checklist CS-0796-3](#), as directed by the court if open non-custodial DCS case.
4. All ICPC requests are entered via the Electronic Record System [see storyboard for details](#).
5. Caseworker will ensure all documents are uploaded in the ICPC instance by combining them in one document under the specific child; with the 100A uploaded separately.
6. Assign the instance to the appropriate TN ICPC Administrator in the Electronic Record System. The ICPC Administrator list can be found here <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/contact.html>.
7. Submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail TNICPC.EI-DCS@tn.gov.

8. The TN ICPC Administrator will review the ICPC request within the home study timeframes listed in the chart found in the resources section.
9. If the ICPC packet is incomplete, the caseworker has ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete.
10. Once the packet is complete the ICPC Administrator will submit the request to the receiving state's ICPC office.
11. If the receiving state requests additional information, the caseworker has ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete. All DCS staff have access to the ICPC instance to review the actions taken in the case.
12. For all subsequent ICPC referrals, a new ICPC instance must be created.

Home Study Approvals

1. Caseworkers shall not place the child across state lines under the ICPC until they receive the issuance of a written decision by the receiving State ICPC office regarding placement of the child with that out-of-state resource. Any placement without an approved home study will result in a violation which could cause the child to be returned to the sending state.
 - Exception to the above only for intact family moves outlined in ICPC Regulation #1 or under expedited placement provisions outlined in a Border Agreement (Refer to DCS Web Page <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/border-agreements.html>).
2. Per The Safe and Timely Act P.L. 109-239, the receiving state ICPC Administrator is to receive the completed child specific study with decision by timeframes outlined above. If the child specific study is not able to be completed by the timeframe, a preliminary home study report is due outlining the assessment of the walk-through of the home, incomplete tasks and barriers to completion. In addition, every 30 days a home study update is due until the home study is completed. This information is not considered as an approval or denial for placement. Placement cannot be made based on the information on a preliminary report.
3. Upon receipt of a child specific study with an ICPC 100A decision by the receiving state ICPC Administrator which approves the placement of the child with the designated resource, TN ICPC Administrator will:
 - Review the packet to ensure it is complete and includes appropriate signatures.
 - Ensure the home study decision is entered correctly in the ICPC instance in the Electronic Record System.
 - Notify the caseworker that the approval was received and share documents.
 - Document the receipt of the home study and that it was shared with the local caseworker in the ICPC instance timeline.
4. The approved home study expires after six (6) months.
5. Prior to sending a child out of state on ICPC, the region will ensure that the outgoing placement guidelines are followed:
 - Caseworker schedules a CFTM with the team to plan for the transition. The following are discussed and documented:
 - If this placement is in the child's best interest

- Visitation/connection plans
 - Education/day care
 - Medical/Dental/Vision/Behavioral Health/Medication
 - Upcoming appointments
 - Name and contact information for new providers in new state
 - Medication refill needs
 - Travel plans
6. After the CFTM is held, ensure that the ICPC Outgoing Predeparture Plan is followed.
 - Submit the ICPC Predeparture Plan CS-4284, CFTM summary, CS-1234, and Home Study with 100A approving placement to the Regional Director/designee.
 - Once approval is received from the Regional Director/designee, they will send the information to the Statewide Services Review Team (Director of ICPC, Director of Foster Case Support, and ICPC Medical Coordinator) for their consultation and review 7 days prior to the anticipated move.
 7. After approval is received, the caseworker will add the out of state address in the Electronic Record System as the forwarding address. For foster home approvals, the caseworker will forward a copy of the ICPC 100A approving the placement and the child specific study Safe and Timely Interstate Home Study report which documents the study process and approval to the TN DCS Foster Care Support staff who will complete entering pertinent data on the out-of-state resource home in the Electronic Record System in accordance to [Protocol for Resource Eligibility Team \(RET\)](#) ; properly noting the date of the approval for the resource home, which is the date of the signature of the Receiving State ICPC Administrator on the ICPC 100A. The documents will be kept in the foster home electronic record as required per DCS Policy [Foster Home Records](#). Any other documents regarding this out-of-state resource home, *i.e.*, monthly supervision conducted by the receiving state and periodic re-assessment to maintain approval or licensure as a foster home are to be shared and retained in the resource home file.
 8. If it is decided that Medicaid will be applied for in the receiving state; the caseworker will notify the regional maximization specialist unit once Medicaid has been applied for in the receiving state in order for them to close out their TennCare coverage. Once Medicaid has been approved, the caseworker should upload a copy of the Medicaid card and/or approval verification letter in the Electronic Record System.
 9. Caseworker submits the 100B to advise of the placement decision and to officially request monthly supervision and quarterly progress reports should placement occur.
 - TN ICPC Administrator will process the 100B to the receiving state and update the 100B ICPC instance with the placement information.
 10. If the Child and Family Team decided not to move forward with the approved home study:
 - The Caseworker will scan/email to the TN ICPC Administrator a completed ICPC 100B, Interstate ICPC Report on the Child's Placement Status (CS-0523) which specifies that the "approved placement will not be used". This form is needed to close the ICPC instance.

Home Study Denials

1. Upon receipt of a child specific study or licensure notice with an ICPC 100A decision by the Receiving State ICPC Administrator denying the placement of the child with the designated resource, TN ICPC Administrator will:
 - a) Ensure the placement decision is entered correctly in the Electronic Record System as "Denied" with the decision date.
 - b) E-mail the ICPC 100A denying the placement and the child specific study or licensure notice which documents the reasons for denial to the Caseworker.
 - c) The ICPC instance will be closed in the Electronic Record System. No placement is authorized.
2. The Caseworker has the option to accept the denial or to request a reconsideration of a denial. If the caseworker would like to request a reconsideration, this process is as follows:
 - a) Caseworker may request reconsideration of a denial within ninety (90) days from the date of the denial on the ICPC 100A. The request for re-consideration requires the region to issue a new updated referral packet as outlined below. The caseworker shall enter a new instance in the Electronic Record System.
 - b) The sending state may request a reconsideration with or without a new study. Upon completion of a CFTM, the team may request the receiving state to reconsider the denial of the placement of the child with the placement resource by submitting to the TN ICPC Office Administrator:
 - A cover letter which includes an explanation for the request for reconsideration, along with a new ICPC 100A;
 - Updated signatures and dates; and
 - Documentation of new evidence or corrected conditions to be reviewed or re-examined and considered by the Receiving State.
 - c) The Receiving State ICPC office has sixty (60) calendar days from the date the formal request for reconsideration of a denial has been received from the Sending State to issue a decision to uphold or reverse the denial previously issued. That decision will be documented by the Receiving State on a transmittal letter or issuance of a modified study and the ICPC 100A.
 - d) After ninety (90) days from the date of the denial on the initial ICPC 100A, no further reconsideration of that decision can be made. However, nothing precludes TN from requesting a new study.

Outgoing ICPC Supervision

When a home study is approved and the child and family team determine the child will be placed the following actions are completed:

- The Caseworker will scan/email to the TN ICPC Administrator a completed ICPC 100B, Interstate ICPC Report on the Child's Placement Status [CS-0523](#) which specifies that the placement will be used and date the child is placed.
- The TN ICPC Administrator will sign and process that form to the receiving state to notify them that the child is placed and to begin providing supervision services. TN ICPC Administrator will also update the 100B ICPC instance with the placement information.
- Children on an approved ICPC placement outside of TN will be expected to be contacted for

supervision at a minimum of every thirty (30) days by the receiving state. A quarterly supervision report will be provided from the supervising state's ICPC office. The TN ICPC Administrator is responsible to process all ICPC associated documents from the supervising state to the Caseworker. The TN ICPC Administrator will maintain records on ICPC transactions within the Electronic Record System ICPC Instance which serves as the official record. Caseworkers from both states are encouraged to contact each other for collateral contacts however, the ICPC Administrators maintain ICPC documents as the official record.

ICPC Case Closures (Terminations, Disruptions, Concurrence)

Jurisdiction over the child is retained by the Tennessee as the sending state until the child is adopted, reaches majority, becomes self-supporting or is discharged with concurrence of the appropriate authority in the receiving state and appropriate documentation received which allows proper administrator to authorize the closure of the ICPC record.

The caseworker is responsible to submit the 100B and any court orders to the TN ICPC Administrator for closure. The TN ICPC Administrator will process the closure.

- a) For incoming ICPC case closures, the TN ICPC Administrator will close the ICPC instance and the family case.
- b) For outgoing ICPC closures, after the ICPC instance is closed, the assigned caseworker will end their assignment and/or close the family case (as appropriate per case type need).

Concurrence

Concurrence to discharge is requested when the agency and family feel as though the case is ready to close. Typically this occurs at six (6) months however the timeframe can be adjusted to meet the needs of the family. Concurrence occurs when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.

The receiving state ICPC Administrator will base concurrence upon the recommendations contained in the written progress reports. All actions that require written concurrence from the Receiving State are subject to Court action on behalf of the child from TN. The TN ICPC Administrator will forward the concurrence and current progress report to the TN Caseworker requesting the region to take appropriate court action.

If concurrence and closure are granted, the Caseworker will inform the TN ICPC Administrator of the outcome of the court action and share the court order and 100B for closure. The TN ICPC Administrator will review the information, sign the 100B and submit to the receiving state for closure, and enter the appropriate dates/notice of concurrence in the Electronic Record System ICPC instance screens.

Closure for Denial

If the home study is denied, the receiving state ICPC Administrator will submit the signed 100A denying placement to the sending state ICPC office. The TN ICPC Administrator will notify the caseworker of the outcome of the study. If the child was placed in the receiving state under Regulation 1/intact family move or a border agreement, the caseworker shall submit the Child Placement Status Report, ICPC 100-B, to the ICPC Unit. Upon notification of the denial, the caseworker has five (5) working days to return the child to Tennessee.

Disruptions

As outlined in Policy [16.27 Notice of Removal from a Foster Home](#), any Department of Children's Services approved foster/kinship parent, or contract agency foster parent, which includes those parents providing placement and services to children subject to compliance with the Interstate Compact on the Placement of Children (ICPC), are entitled to a written notice of removal of children from their home when it has been determined that a child's placement requires a change.

If the receiving state determines that the placement no longer meets the individual needs of that child due to the following:

- Concerns related to safety, permanency, health, well-being and/or mental, emotional and physical development;
- The child disrupts from that placement prior to achievement of permanency;
- The placement resource in the other State fails to maintain licensure;
- Otherwise becomes inappropriate for the continued placement of the child.

The Receiving State will advise the TN ICPC Administrator. A Placement Stability CFTM may be held to ascertain the child's safety and well-being then determine if it is appropriate to continue the placement. If it is decided the child needs to be returned, the Caseworker will need to establish a placement for the child to return to and will make return travel arrangements. The receiving state ICPC Administrator will process the disruption and 5-business day return request to the TN ICPC Administrator. The Caseworker will send the ICPC 100-B to close out the ICPC case upon the child's return to TN. The TN ICPC Administrator will review the information, sign the 100B and submit to the receiving state for closure, and enter the appropriate dates/notice of concurrence in the Electronic Record System ICPC instance screens.

Financial and Medical Planning

Once a potential ICPC placement has been identified, it is important for the caseworker to include the Child and Family Team in the pre-planning CFTM. The caseworker will work closely with the regional nurse and medical ICPC coordinator to support children's well-being when placed out of state. If it is decided an ICPC-home study will be requested, then the ICPC packet is submitted. The child's title IV-E eligibility status must be reflected in the ICPC Financial/Medical Plan [CS-0795](#) when sending an ICPC request, and discussed with the placement provider to ensure the provider understands their responsibility in securing health care coverage (if applicable) and treatment for the child.

If the ICPC packet is submitted, the caseworker will submit the ICPC Behavioral/Medical Health Referral [CS-1234](#) form as early as possible to the Medical ICPC Coordinator to create a medical action plan.

Prior to youth being sent out of state a transitional planning CFTM is held to ensure a plan is in place to address all medical needs for these youth – including those placed at out of state Residential Treatment Centers (RTC) as our UCA contracts do not currently include any medical coverage. The caseworker must work closely with the placement to ensure health care providers are identified and the process for obtaining medical, dental, and mental health care is well understood. If the child is not eligible for title IV-E funding, the medical plan must include a memo that details the specific medical needs of the child(ren) and how those needs will be met once placed in the other state.

Based on the unique circumstances of each case, it is crucial to coordinate the coverage options with the key stakeholders in the case. The Medical ICPC Coordinator and the Regional Nurse take the following steps when assisting the regions in the medical pre-planning for youth going out of state:

- When a youth is IV-E eligible and being placed in a foster placement their Medicaid/Title IV-E eligibility

is shared through the ICPC process.

- If a youth is **IVE eligible and their placement will be receiving a board payment**, then the youth will be categorically eligible for the receiving state's Medicaid.
- If a youth is **IVE eligible and the placement will not be receiving a board payment**, follow up is needed with the receiving state to determine if the youth would be categorically eligible as this varies across different states.
- If a youth is state funded/non IV-E eligible, the Medical ICPC Coordinator works with the receiving state representatives to secure Medicaid for the youth.
 - The Medical ICPC Coordinator also make referrals to the TennSelect team utilizing the ICPC Behavioral/Medical Health Referral [CS-1234](#) for youth who are not eligible to receive Medicaid in the receiving state. These initiates obtaining a TennSelect Specialist assigned who contacts the out of state caregiver to get a list of their preferred providers, and then conducts outreach to those providers to see if they will be willing to come on board and get their TN Medicaid ID in order to bill the youth's TennCare insurance for any medical services needed.
 - If we are unsuccessful at locating any providers willing to come on board, DCS is responsible for paying out of pocket for the youth's medical expenses.
 - Children that are not IV-E eligible but are placed with a relative out of state may apply for the TANF Child Only Grant for states which have this type of funding for families.
 - Children that are not IV-E eligible and not placed with a relative may not be approved for the other state's Medicaid, depending on that state's criteria. The placement can apply through the Affordable Care website healthcare.gov for the youth as an option.
- If the youth is placed with a non-fostering relative, the Medical ICPC Coordinator works with the receiving state to arrange medical care.
 - Follow the same process as above.
 - Medical ICPC Coordinator tracks these referrals with the ICPC Behavioral/Medical Health Referral [CS-1234](#) form.
 - Holds standing monthly calls with the TennSelect team to monitor and track progress made to ensure youth we're involved with are having their medical needs met.
- If the youth is being placed with a parent, the parent is responsible for providing insurance for their child and when applicable the receiving state works with the parent to apply for Medicaid.

For children remaining on TennCare while placed out of state on ICPC, any non-emergency service needs will need to be approved prior to the completion of the services. The placement will notify the caseworker of the service needs of the child. The case worker will notify the Medical ICPC Program Coordinator of the identified service need. At which time, contact with the identified service provider will take place to see if they will obtain a TennCare ID number or will accept a negotiated self-pay rate which is paid by TN DCS. The approval by Assistant Commissioner of Finance and Budget will have to be obtained for the service to be completed. Local regional fiscal staff will pay for the service at the time of completion using an established form of payment. The caseworker will complete the Health Services Authorization for Non-TennCare Eligible [CS-0533](#) and provide a copy to the fiscal staff for their records. A copy of the receipt will also be obtained and provided to the fiscal staff. The caseworker will obtain medical records and provide to the regional nurse as needed.

If legal guardianship is awarded to the approved ICPC resource placement and the placement is stable for a minimum of six (6) months, then the child is eligible for Medicaid under the Interstate Compact on Adoption

and Medical Assistance (ICAMA) under the Fostering Connections and Increasing Adoptions Act of 2008 (Public Law 110-351). A Guardianship Subsidy Agreement will need to be negotiated with the resource placement in the other state and ICAMA procedures followed to initiate the Medicaid through ICAMA in the receiving state.

Visits

The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing childcare services. If a visit is discussed for a child with a potential ICPC placement resource in another state, the caseworker will follow Policy [16.43 Supervised and Unsupervised Visitation Between Child/Youth, Family and Siblings](#).

For best practice, the caseworker will notify the TN ICPC office of the visit information. That notice will include the start date and end date and will not extend past 30 days. The sending state ICPC office will provide a courtesy notification of the visit to the receiving state's ICPC office. If requested, the sending state may ask for any information from the home study process that may preclude a visit (walk-through information, background, etc.). The sending state is fully liable, and no supervision services are provided by the receiving state during this time.

Resources for DCS Staff Completing Incoming Requests

How to complete an ICPC Incoming Request

1. All states live on NEICE will process requests through NEICE. For states NOT live on NEICE, they may submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail TNICPC.EI-DCS@tn.gov.
2. The TN ICPC Administrator will review the ICPC request from appropriate sending agents within the home study timeframes listed in the chart found in the resources section.
 - a) The ICPC Administrator will ensure the packet contains the required documentation as outlined in the ICPC regulations based on the type of request.
 - b) The TN ICPC Administrator determines completeness of all required documents as well as determine appropriateness of the authorizing signatures.
 - c) If the ICPC packet is incomplete, the TN ICPC Administrator will notify the sending ICPC office what is missing and inform them they have ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete.
3. Once the packet is complete the TN ICPC Administrator will document assignment of the case in the Electronic Record System.
 - a) All initial home study requests will be assigned to the appropriate home study contract agency via email. The agency will confirm assignment by email. The home study will also be assigned to the Foster Care Support Program Coordinator for that county.
 - b) For therapeutic home studies completed through a service agreement with the sending state, the TN ICPC Administrator will submit to the appropriate agency. The agency will confirm receipt and

assignment.

- c) All home study update requests (ex. Move from relative to foster, foster to adopt) will be assigned to the Foster Care Support Program Coordinator. They will confirm receipt and assignment. The FCS Program Coordinator will assign the new home study request to a Specialist to complete the addendum. The addendum will include the following.
 - The family's willingness to meet the child's specific needs and why. Include any update to the child's needs.
 - The current family composition and assessment of the home. Outcomes of any updated assessments.
 - This addendum is completed under Policy 16.20 Custodial Relative/Kinship Foster Home Approval guidance.
4. For all subsequent ICPC referrals, a new ICPC instance must be created.

Home Study Process

1. The home study writer will initiate contact with the potential placement resource by phone to explain the process and schedule tasks. The home study writer will complete the home study as instructed by the ICPC Administrator and outlined in Policy [16.20 Custodial Relative/Kinship Foster Home Approvals](#) or Policy [16.4 Foster Home Selection and Approval](#).
 - For therapeutic home studies the therapeutic agency will complete the home study as outlined in the contract (and as outlined in the [Contract Provider Manual](#) and policy).
2. Per P.L. 109-239, the sending State ICPC Administrator is to receive the completed child specific study with decision by the timeframes outlined in additional resources. If the child specific study is not able to be completed by the timeframe, a preliminary home study report is due outlining the assessment of the walk-through of the home, incomplete tasks and barriers to completion to the TN ICPC office within forty-five (45) days of assignment (excluding parent and expedited requests). In addition, after the initial timeframe a home study status update is due every 30 days until the home study is completed. This information is not considered as an approval or denial for placement. Placement cannot be made based on the information on a preliminary report.
 - The TN ICPC Administrator will process the preliminary home study and/or home study status report through the ICPC instance timeline.
3. The home study agency will submit the complete home study to the TN DCS Foster Care Support Program Coordinator. The FCS Program Coordinator will complete steps for approval as outlined in policy 16.20 or 16.4. They will submit the completed home study with all documents to the ICPC Office via electronic scan/e-mail TNICPC.El-DCS@tn.gov. DO NOT send the information directly to the requesting state's worker or to the requesting state's ICPC office.

Home Study Approvals

1. For foster and adoptive home studies, foster care support is responsible for establishing the foster home in the Electronic Record System.
2. Upon receipt of a child specific study with a recommendation approving the placement of the child(ren) with the designated resource, TN ICPC Administrator will:

- a) Ensure the placement decision is entered correctly in the ICPC instance as “Approved” with the decision date.
 - b) Sign and upload the ICPC 100A approving the placement and the child specific study or licensure notice which documents the reasons for approval to documents in the ICPC instance.
 - c) Transmit the home study response through the ICPC instance or email (Non-NEICE states) to the sending state.
 - d) The home study approval will expire in six (6) months.
3. The sending state is not authorized to place the child across state lines under the ICPC pending the issuance of a written decision by the receiving State ICPC office regarding placement of the child with that out-of-state resource.
- Exception to a placement prior to issuance of a written decision by the Receiving State ICPC Administrator regarding an inter-jurisdictional placement may be made under specific provisions outlined in ICPC Regulation #1 Relocation of Family Unit or under the explicit and limited ICPC Reg. #7 Expedited placement provisions outlined in [ICPC Border Agreements](#) into which the TN DCS has entered.
- Note:** Requests for walkthroughs are outside the scope of the ICPC. If another state requests a walkthrough that is processed through the Hotline. The hotline number or online report can be found [here](#).

Home Study Denials

1. Upon receipt of a child specific study with a recommendation denying the placement of the child(ren) with the designated resource, TN ICPC Administrator will:
 - a) Ensure the placement decision is entered correctly in the ICPC instance as “Denied” with the decision date.
 - b) Sign and upload the ICPC 100A denying the placement and the child specific study or licensure notice which documents the reasons for denial to documents in the ICPC instance.
 - c) Transmit the home study response through the ICPC instance to the sending state. If the sending state is not on NEICE submit via email.
 - d) The ICPC instance will be closed in the Electronic Record System. No placement is authorized.
2. The sending state has the option to accept the denial or to request a reconsideration of a denial. This process is as follows:
 - a) The sending state ICPC office may request reconsideration of a denial within ninety (90) days from the date of the denial on the ICPC 100A. The request for re-consideration requires the sending state to issue a new referral packet and enter a new instance through NEICE (if a NEICE state) or through email to TNICPC.EI-DCS@tn.gov.
 - b) Request reconsideration with or without a new study: Upon completion of a CFTM, the sending state may request the receiving state to reconsider the denial of the placement of the child with the placement resource by submitting to the TN ICPC Office Administrator a cover letter which includes an explanation for the request for reconsideration, along with a new ICPC 100A and documentation of new evidence or corrected conditions to be reviewed or re-examined and considered by the sending state.
 - c) The receiving state ICPC office has sixty (60) calendar days from the date the formal request for

reconsideration of a denial has been received from the sending State to issue a decision to uphold or reverse the denial previously issued. That decision will be documented by the receiving state on a transmittal letter or issuance of a modified study and the ICPC 100A.

- d) After ninety (90) days from the date of the denial on the initial ICPC 100A, no further reconsideration of that decision can be made. However, nothing precludes the sending state from requesting a new study.

Supervision Services

The sending state will notify the TN ICPC office that a child has been placed in TN through the submission of the 100B. The TN ICPC office will then notify the region. The region will assign a caseworker to supervise the case.

Within five (5) business days of assignment the caseworker should make contact with the family to share contact information and schedule the first visit. The first visit shall occur within 30 days of placement.

Prior to the first visit, the worker who has been assigned to supervise the placement will review the completed home study and initial ICPC referral.

The caseworker will provide face-to-face visits with the children in the home at minimum one (1) time per month. More frequent contacts may be arranged in advance or if significant issues arise.

The caseworker will prepare written quarterly progress reports and submit to the TN ICPC Office via email and upload to the ICPC instance. The report will be written and submitted on ICPC Progress Report [CS-1200](#). Any additional collateral documents shall be attached to the report.

If significant issues arise, the TN caseworker will notify TN ICPC office to relay the information to the sending state. A CFTM may be held to support the placement.

The sending state remains the financially responsible party for the child/ren and is responsible for all case management decisions. The receiving state assists in locating services to meet the needs of the child/ren and the placement resource. The sending state worker should be notified prior to any financial decision being made on behalf of the child (i.e.: residential treatment etc.). Written verification must be received from the sending state that they agree to and will be financially responsible for payment of the identified service prior to the initiation of the service. If it is determined that ICPC services are not appropriate, the TN ICPC Administrator should be informed immediately.

If the local supervising caseworker is made aware that the child returned to the sending state, notify the ICPC Administrator as soon as possible if the child is returned.

Caseworkers may communicate directly with their counterparts in other states to complete collateral contacts. However, formal communication with the other state through the Tennessee ICPC office is recommended. State practices vary and some state local offices may refuse communication. All documents **must** be sent to the Tennessee ICPC office for routing to the other state ICPC office.

If an allegation of abuse or neglect is made the receiving state will respond in the same manner as it would to a report of abuse or neglect of any other child residing in the receiving state. If TN SIU determines that the child/youth must be removed from the TN DCS placement resource in order to be safe, and it is not possible for the child-placing agency in the sending state to move the child at the time the determination was made, TN DCS Regional office will place the child in a safe and appropriate setting in the receiving state, promptly notifying the proper authorities in the sending state of the location of the child in the neutral setting. TN SIU shall notify the TN ICPC office of any report of child abuse or neglect of a child placed in TN regardless of whether or not the report is substantiated. The TN ICPC office will notify the sending state ICPC office as soon as possible of the allegations.

The TN DCS Foster Care Support team is responsible to maintain the foster home as valid, including determination of all requirements. The TN DCS Foster Care Support team is responsible to initiate the biennial re-assessment of the home as required by TN DCS Policy [16.8, Responsibilities of Approved Foster Homes](#). Relative or parent home studies do not fall under foster home requirements.

Incoming ICPC Case Closures (Terminations, Disruptions, Concurrence)

Jurisdiction over the child is retained by the sending state until the child is adopted, reaches majority, becomes self-supporting or is discharged with concurrence of the appropriate authority in the receiving state and appropriate documentation received which allows proper administrator to authorize the closure of the ICPC record.

The sending state is responsible to submit the 100B and any court orders to the TN ICPC Administrator for closure. The TN ICPC Administrator will process the closure.

- a) For an incoming ICPC case closures, the TN ICPC Administrator will close the ICPC instance AND the family case.
- b) For outgoing ICPC closures, after the ICPC instance is the closed, the assigned caseworker will end their assignment and/or close the family case (as appropriate per case type need).

Concurrence

Concurrence to discharge is requested when the agency and family feel as though the case is ready to close. Typically, this occurs at six (6) months however the timeframe can be adjusted to meet the needs of the family. Concurrence occurs when the receiving state ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision and care of the child with the placement resource.

The receiving state ICPC Administrator will base concurrence upon the recommendations contained in the written progress reports. All actions that require written concurrence from the receiving state are subject to Court action on behalf of the child from the sending state. The TN ICPC Administrator will forward the concurrence information and current progress report to the sending state requesting the region to take appropriate court action.

If concurrence and closure are granted, the sending state will inform the TN ICPC Administrator of the outcome of the court action, share the court order and signed 100B for closure, and enter the appropriate dates/notice of concurrence in the Electronic Record System ICPC instance screens.

Closure for Denial

If the home study is denied, the receiving state ICPC Administrator will submit the signed 100A denying placement to the sending state ICPC office. The sending state ICPC Administrator will notify the caseworker of the outcome of the study. If the child was placed in Tennessee under Regulation 1/intact family move or a border agreement, the sending state shall submit the Child Placement Status Report, ICPC 100-B, to the ICPC Unit. Upon notification of the denial, the sending state has five (5) working days to return the child to their state.

Disruptions

If the receiving state determines that the placement no longer meets the individual needs of that child due to the following:

- Concerns related to safety, permanency, health, well-being and/or mental, emotional and physical development;
- The child disrupts from that placement prior to achievement of permanency;
- The placement resource in the other State fails to maintain licensure;
- Otherwise becomes inappropriate for the continued placement of the child, the receiving state will advise the sending state ICPC Administrator.

A Placement Stability CFTM may be held to ascertain the child's safety and well-being then determine if it is appropriate to continue the placement. If it is decided the child needs to be returned, the caseworker will need to establish a placement for the child to return to and will make return travel arrangements. The receiving state ICPC Administrator will process the disruption and 5-business day return request to the sending state ICPC Administrator. The sending state ICPC Administrator will send the ICPC 100-B to close out the ICPC case upon the child's return. They will enter the appropriate dates/notice of concurrence in the ICPC instance.

Resources for DCS Staff Completing Outgoing Residential Treatment Requests

How to complete an ICPC Outgoing Residential Treatment Request

1. When an identified out of state licensed residential treatment facility, is considered for placement of a child/youth who is in the custody/guardianship of TN DCS, the assigned caseworker is responsible to contact TN DCS Network Development staff. They may complete an application and provide necessary documents directly to the institution. This helps the facility assess the child's eligibility for their program before placement, confirmed by an acceptance letter from the institution.
2. Specific documents must be included and uploaded for each ICPC request. Click on the ICPC type checklist needed to assist caseworkers in preparing ICPC packets:
 - Interstate Compact on the Placement of Children (ICPC) Residential ICPC Request Checklist [CS-0796-1](#)
3. All ICPC requests are entered via the Electronic Record System; [see storyboard for details](#).
 - Caseworker will ensure all documents are uploaded in the ICPC instance by combining them in one document under the specific child. Make sure the 100A is uploaded separately.
4. Assign the instance to the appropriate TN ICPC Administrator in the Electronic Record System. The ICPC Administrator list can be found [here](#).
5. Submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail TNICPC.EI-DCS@tn.gov.
6. The TN ICPC Administrator will review the ICPC request within the home study timeframes listed/seventy-two (72) business hours.

- If the ICPC packet is incomplete, the caseworker has ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete.
7. Once the packet is complete the ICPC Administrator will submit the request to the receiving state's ICPC office.
 8. If the receiving state requests additional information, the caseworker has ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete. All DCS staff have access to the ICPC instance to review the actions taken in the case.
 9. For all subsequent ICPC referrals, a new ICPC instance must be created.

Residential Home Study Decision and Placement

For ICPC referrals to residential facilities, group homes, residential treatment facilities (RTF), child-caring agencies or institutions, the assignment involves verification of the licensure of that facility in their state and acceptance of that child into that facility.

The receiving state ICPC office assesses if the placement aligns with the child's best interests based on available reports. For RTFs licensed in Tennessee, the Tennessee ICPC Office decides on placement based on current licensure and reports from relevant authorities. The Receiving State ICPC office communicates the placement decision in writing within seventy-two (72) business hours using the ICPC Form 100A. Copies of this form are sent to all parties involved, including the RTC/Institution and the Sending State ICPC office, promptly as agreed upon by both states.

Approvals for RTC/Article VI, Group Home or Child-Caring facilities are valid for thirty (30) days commencing from the date of signature of the receiving state ICPC Administrator. This timeframe can be extended by mutual agreement between the sending and receiving state ICPC offices. If placement cannot be made within the thirty (30) day timeframe, an ICPC approval extension can be requested. It must be requested by the sending agency prior to the thirty (30) day approval expiration.

Once written approval is obtained, the sending agency must decide whether to proceed with the placement or withdraw the request.

The child cannot be placed physically into a RTC/Institution until the receiving state ICPC Administrator gives written approval. Doing so without approval violates Article III of the ICPC statute and carries penalties, including potential license suspension or revocation for the agencies involved.

Residential Supervision Expectations

The sending agency making the placement is expected to enter into an agreement with the residential facility as to the program plan or expected level of supervision and treatment and the frequency and nature of any written progress or treatment reports. The residential facility is viewed as the agency responsible for the twenty-four (24)-hour care of the child. In that capacity the residential facility is responsible for the supervision, protection, safety, and well-being of the child.

Receiving state caseworkers are not expected to provide any monitoring or supervision of children placed in residential facility programs.

Return of child to sending state at the request of receiving state:

- a) Request to return child to sending state at time of ICPC denial of placement: If the child is already placed in the receiving state residential facility at the time of the decision, and the receiving state Compact Administrator has denied the placement, then the receiving state Compact Administrator

may request the sending state ICPC office to facilitate with the sending agency for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. The alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) business days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

- b) Request to return child to sending state after receiving state ICPC had previously approved placement: Following approval and placement of the child in the residential facility, if the receiving state Compact Administrator determines that the placement "appears to be contrary to the interests of the child," then the receiving state Compact Administrator may request that the sending state ICPC office facilitate with the sending agency for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within five (5) business days from the date of notice for removal, unless otherwise agreed upon between the sending and receiving state ICPC offices.

The receiving state ICPC office's request for removal may be withdrawn if the sending agency arranges services to resolve the reason for the requested removal and the receiving and the sending state Compact Administrators mutually agree to the plan.

Residential Case Closures

If the sending agency decides not to use the approved placement within 30 days, they must submit Form ICPC 100B to confirm that the placement will not be used and to close the ICPC case. If the Tennessee RTC/Institution knows the child was not or will not be placed, they can also request the ICPC case to be closed.

If the sending agency chooses to use the approved placement within 30 days, they must submit Form ICPC 100B to confirm the date of actual placement with the Sending State ICPC office. The Tennessee RTC/Institution can also inform the Tennessee ICPC of the placement date within this timeframe.

The TN ICPC State Office requires a "notice of placement" from either the sending state or the RTC/Institution within 30 days. If no notice is received, the ICPC request will be closed, and all parties, including licensing authorities, will be informed that no placement was authorized.

Independent or Private Adoptions Guidelines

Compliance with the Interstate Compact on the Placement of Children (ICPC), TCA 37-4-201 et seq. including ICPC Regulations is required for placements of a child or children across State lines for the purpose of foster care or preliminary to an adoption. This includes all independent or private agency adoptive placements initiated by a birthparent or birthparents or legal guardians with right of consent; all private licensed child-placing agency placements of a child or children who are in the partial or full guardianship of the agency; and adoptive placements authorized by the Tennessee Court between relatives other than those described in the ICPC Article VIII. Guidelines for compliance with the ICPC for the adoptive placement of a child or children across State lines wherein the public agency has guardianship over the child are different and are addressed under separate procedures defined in this Guide.

Procedures for Compliance

Articles I, III and V of the ICPC and Regulation #12 serve as the basis for the procedures for ICPC compliance for the independent or private adoptive placement of a child(ren) into another State. These procedures include a referral process, study process, the basis for and the authority to issue a decision regard the placement, the case-management process and closure process including permanency or disruption for each child.

Per Article III of the ICPC statute, a referral (“notice of intention to place”) must be filed with the ICPC authority in the sending state prior to any “placement” (the physical removal of a child or children from the sending state) into a receiving state and the “placement” cannot be made until and unless the receiving State ICPC authority has issued a written notice on the Form ICPC 100A that the “placement is not contrary to the interests of the child.”

The Typical ICPC Private/Independent Adoption Process

- **Step 1:** The adoptive family travels to the prospective birth mother’s state, either while she is in labor or after the baby is born.
- **Step 2:** After the required waiting period, the birth parents give their consent for the adoption.
- **Step 3:** The baby is discharged into the adoptive parents’ custody.
- **Step 4:** The adoption entity or the attorney will gather the appropriate paperwork to complete the packet and submit it to the sending state (the birth mother’s state) ICPC office.
- **Step 5:** The sending state will review the paperwork. They may request additional information.
- **Step 6:** The ICPC paperwork is then sent to the adoptive parent’s state of residence (the receiving state).
- **Step 7:** The ICPC office there reviews the paperwork, asking for any additional information if necessary.
- **Step 8:** The receiving state notifies the sending state of its approval.
- **Step 9:** The sending state contacts the adoption entity or the attorney who submitted the paperwork.
- **Step 10:** Adoptive parents are then notified that the ICPC process is complete and they can return home with their new addition!

How to complete an ICPC Private/Independent Adoption Request

1. The sending agent (birthparent(s), non-agency guardian) with right to consent, or private licensed child-placing agency who is vested with partial or complete guardianship of the child or a court with jurisdiction of a child and sole authority to place the child for adoption with relatives other than those described in the ICPC Article VIII is responsible to develop and initiate an ICPC Independent or Private Agency Adoptive Placement Referral seeking compliance for the placement of the child with the identified resource.
2. All states live on NEICE will process requests through NEICE. For states NOT live on NEICE, they may submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail [TNICPC.El](mailto:TNICPC.El@neice.org)

DCS@tn.gov

- a) The documentation will be submitted as outlined in Interstate Compact on the Placement of Children (ICPC) Private or Independent Adoption Checklist [CS-0796](#)
 - b) If the referral packet is not submitted via NEICE, the ICPC Independent or Private Agency Adoptive Placement Referral is entered in the Electronic Record System by the appropriate Tennessee ICPC Administrator upon receipt in the Tennessee DCS State ICPC office.
3. The TN ICPC Administrator will review the ICPC request from appropriate sending agents within the home study timeframes listed below.
- a) The ICPC Administrator will ensure the packet contains the required documentation as outlined in the ICPC Regulations based on the type of request.
 - b) The TN ICPC Administrator determines completeness of all required documents as well as determine appropriateness of the authorizing signatures.
 - c) If the ICPC packet is incomplete, the TN ICPC Administrator will notify the sending ICPC office what is missing and inform them they have ten (10) business days to provide the missing information or the ICPC referral will be closed as incomplete.
4. Upon confirmation of written approval on the Interstate Compact Placement Request [CS-0525](#) by the appropriate ICPC authority in the Receiving State, the Tennessee ICPC office notifies all Tennessee parties; the "sending agency or agent" may initiate arrangements for the child to be physically placed into the receiving State.
5. Placement of a child into a Receiving State prior to submission of an ICPC referral or prior to issuance of the written approval of the Receiving State ICPC authority constitutes a violation of Article III of the ICPC statute and of the laws respecting the placement of children in the state wherein the sending agency or agent is located or from which it sends or brings the child and of the receiving state. As the "sending agency or agent" is responsible to retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child, a penalty would be assessed to the "sending agency or agent" with a violation of Article III as the child would be considered in the Receiving state at risk and without proper guardianship. In addition to suspension or revocation of licensure, the sending agency or agent may be responsible to return the child to the jurisdiction of the sending state.
6. Compliance with the ICPC requires filing of an ICPC Interstate Compact Report on Child's Placement Status [CS-0523](#) to denote the date the child was physically removed from the sending state as well as to identify the designated resource and location of the child in the receiving State. An ICPC Interstate Compact Report on Child's Placement Status [CS-0523](#) is filed during the interim if the placement status or location status of the child changes.
7. During the interim between placement and permanency (finalization of adoption), ICPC placements are subject to post-placement supervision by the agency designated on Interstate Compact Placement Request [CS-0525](#) in the receiving state. Written progress reports are exchanged between ICPC Offices in the party States. Throughout the period of placement, an agency or agent in the Receiving state is to be maintained to provide oversight on the child's safety and well-being pending finalization of the adoption.
8. The ICPC form Compact Report on Child's Placement Status [CS-0523](#) is filed with the appropriate legal document which denotes the achievement of permanency for the child or children through adoption. Upon receipt of such documents, the ICPC record is closed. The ICPC Administrator shall follow the guidelines in [Policy 15.8](#) Preparing Adoption Records for Archives for DCS Child Programs Post Adoption Records Unit to prepare and seal all adoption records.

Resources for Judges and Courts Completing Outgoing ICPC Requests

The TN ICPC State Office compiled an ICPC Judicial Guidebook to support our judicial partners in the ICPC process. You can find a link to that guidebook [here](#).

A Collaboration of the National Council of Juvenile and Family Court Judges and the American Public Human Services Association compiled THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN: A Manual and Instructional Guide for Juvenile and Family Court Judges. You can find a link to that instructional guide [here](#).

Tennessee Code Annotated 37-4-201 through 207 can be accessed [here](#).

Additional Resources

Home Study Timeframes

Study Type	DCS Policy	ICPC Administrator Timeframe	Agency Timeframe
ICPC Reg. #1 Intact Family Move	16.20	5 business days	60 calendar days or less
ICPC Reg. #2 Relative/Kin/Parent Study	16.20	5 business days	60 calendar days or less
ICPC Reg. #2 Foster Study	16.20	5 business days	60 calendar days
ICPC Reg. #2 Adoptive Study	16.4	5 business days	60-180 calendar days
ICPC Reg. #2 Status Change	16.20	5 business days	60 calendar days
ICPC Reg. #7 Priority Study (Parent)	16.20	48 business hours	20 working days or less
ICPC Reg. #7 Priority (Relative)	16.20	48 business hours	20 working days or less
ICPC Reg. #7 Provisional Decision (w- agreement)	16.20	72 business hours	7 calendar days or less
Border Agreements	16.20	As outlined in BA	As outlined in BA
Group Home/Child Caring/Residential Treatment/Institutional Care under Article VI	Licensure	72 business hours	72 business hours or less
Private/Independent Adoptions	N/A	72 business hours	N/A

Note: All child specific studies or Safe and Timely Interstate Home Study reports on the proposed placement in another state are conducted in accordance with applicable Federal and State laws and policy and licensing standards of the receiving state.

Links to Additional ICPC Related Information

- [*Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L.109-239*](#)
- [*AAICPC Articles*](#)
- [*AAICPC Regulations*](#)
- [*ICPC State Pages*](#) — This site provides state-specific ICPC information. Each state is responsible for updating its own pages; some information may not be current.
- TN DCS ICPC [*Forms*](#)
- TN DCS ICPC [*Website*](#)
- ICPC [*Storyboard*](#)
- ICPC [*Border Agreements*](#)
- Child Protective Services History Check [*Website*](#)
- Association of Administrators of the Interstate Compact on Adoption and Medical Assistance [*ICAMA*](#)
- Interstate Commission for Juvenile [*ICJ Website*](#)
- TN DCS ICJ [*Website*](#)
- Indian Child Welfare Act [*ICWA*](#)
- Report Abuse or Neglect [*Website*](#)
- TN DCS Contract Provider Manual [*Website*](#)
- [*The Interstate Compact on the Placement of Children: A Manual and Instruction Guide for Juvenile and Family Court Judges*](#)
- Tennessee Code Annotated ICPC [*37-4-201 to 207*](#)
- National Council for Adoption [*Understanding the Interstate Compact on the Placement of Children*](#)

Contact Tennessee ICPC

The TN DCS ICPC team is listed on the Interstate Compact Information [*website*](#). Each TN ICPC Administrator has specific case assignments. Click on the link for the most current list.