



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

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Introduction

The Interstate Compact on the Placement of Children (ICPC) Judicial Guide was developed:

- ♦ To promote uniformity in practice and procedure pursuant to the Interstate Compact on the Placement of Children (ICPC), TCA 37-4-201 -207; and
- ♦ Provide guidance to judges, magistrates, attorneys, youth services and probation officers, and others participating in the interstate process in the juvenile court.

This Judicial Guidebook was developed in collaboration with representation from the Tennessee Administrative Office of the Courts (AOC), the Davidson County Juvenile Court, the Tennessee Department of Children's Services (DCS) Legal Division, and the Tennessee Department of Children's Services Office of the Interstate Compact on the Placement of Children (TN ICPC State Office).

A special thank you is extended to the following collaborators in publication of the first edition of this Guidebook:

Tim Adgent, former Court Administrator, Davidson County Juvenile Court

Hon. Sophia Crawford, former Judge, Davidson County Juvenile Court

Leslie Barrett Kinhead, Esq., former AOC CIP Coordinator

Matthew Muenzen, Esq., former DCS Regional General Counsel

Cheri Stewart, former DCS ICPC Deputy Compact Administrator

A continued special thank you to the following collaborators for providing updates to this Guidebook in 2024:

Amy McLaughlin, Senior Associate Counsel, DCS Office of General Counsel

Billie Brantley, DCS ICPC Program Coordinator

Anna Richmond, DCS ICPC Deputy Compact Administrator

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Seibel, Barbara (2001), *The Interstate Compact on the Placement of Children: A Manual and Instruction Guide for Juvenile and Family Court Judges*. A Collaboration of the National Council of Juvenile and Family Court Judges and the American Public Human Services Association.

Overview of the Interstate Compact on the Placement of Children (TCA §§ 37-4-201 to -207)

The Interstate Compact on the Placement of Children (ICPC or the Compact) is a uniformly applied law enacted by all fifty (50) states, the District of Columbia, and the U.S. Virgin Islands. The Compact ensures protection and services to children who are placed across state lines for foster care, preliminary to an adoption, or for temporary services in a Residential Treatment Facility (RTF) or Institution. Unless otherwise authorized, compliance with the ICPC is required for those identified placements of a child across state lines.

What the Compact Does

The Compact establishes orderly procedures for the interstate placement of children between party states and fixes responsibility for those involved in placing the child, providing safeguards for both the child and the parties involved in the child's placement. The Compact contains ten (10) Articles. Each Article defines a specific function of the law such as identifying the "types" of applicable placements; the "sending agency or agent" with authority to place the child; the procedures to be followed prior to and after making an interstate placement; and specific protections, services, and requirements under the Compact.

The Compact is enhanced by twelve (12) Regulations which are promulgated by officers of the party states or jurisdictions to carry out the terms and provisions of the Compact.

Who Must Use the Compact?

ICPC Article II(b) defines "the sending agency or person" who has authority to "send, bring or cause a child to be sent or brought" into another party state and the responsibility of seeking compliance with the Compact. The "sending agency or person" is defined as:

- ◆ A state party to the Compact, or any officer or employee of a party state.
- ◆ A subdivision of a party state, such as a county or a city, or any officer or employee, of the subdivision;
- ◆ A court of a party state; or
- ◆ Any person (including parents and relatives in some instances), corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state.

When the court is the sending agent and, either under its own order or in response to a petition, seeks to secure a type of placement as defined above, the court is responsible for

compliance under the Compact.

Types of Placements Covered

ICPC Articles II(d), III, and VI identify the four types of placements subject to Compact compliance:

- a) Placement preliminary to an adoption;
- b) Placements into foster care, including foster homes, group homes, and residential treatment facilities;
- c) Placements with parents and specific relatives when a parent or specific relative (with authority to place) is not making the placement; and
- d) Placements of adjudicated delinquents in institutions in other states.

Exceptions/Limitations to Compact Compliance

Not all placements of children into other party states are subject to compliance with the Compact.

- a) **Placements:** ICPC compliance is not required for placements made into a medical hospital, psychiatric hospital, institution for the mentally retarded or mentally ill, boarding school, or "any institution primarily educational in character." *T.C.A. § 37-4-201 (Article II(d))*.
- b) **Sending Agents:** Article VIII(a) excludes from ICPC compliance the sending or bringing of a child by a parent or specified relative (stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian) who has responsibility and placement authority for the child in one party state and leaving the child with a parent or specified relative (stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian) in the receiving party state. The exclusion from ICPC occurs only when both the sending agent and the placement recipient belong to the enumerated classes of individuals. For example, (a) placement of a child by a parent whose rights to plan for the child have been diminished by court action is not excepted, and (b) placement of a child with a relative of a different degree of relation is not excepted.
- c) **Force of Law:** Article VIII(b) excludes from ICPC compliance the placing, sending, or bringing of a child into a receiving state pursuant to any other interstate compact (or agreement with the force of law) to which both the state from which the child is sent or brought, and the receiving state are parties.
- d) **Court/Parent Placement:** Regulation #2 excludes from ICPC compliance the placement of a child under the jurisdiction of the sending state court with the parent from another state if

(a) the child was not removed from the receiving parent, (b) the court has no evidence that the receiving parent is unfit and does not seek any evidence from the receiving state that the receiving parent is either fit or unfit, and (c) the court relinquishes jurisdiction over the child immediately upon placement with the receiving parent. Under these circumstances, the receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

- e) **Divorce or Custodial Change:** Placements of children across state lines resulting from the exclusive jurisdiction of a divorce court, probate court, or parentage proceeding, are not subject to compliance with the ICPC. This includes actions involving a change in custody between divorced parents, whether agreed upon or adversarial, or a change in visitation schedule or supervision, which is based on a divorce court action. Requests for home studies in these matters should be directed to private entities licensed in the receiving state, and any fee associated with such a study is the responsibility of the contract agent.
- f) **Child Protective Services Investigations:** Requests associated with child protective services investigations which require contacts in another state to document or report on the circumstances of a child or family, confirm the location of child or adult, identify or confirm enrollment in school, or conduct supervision, well-being check, or other services do not constitute “placement” under the Compact and do not require compliance with ICPC procedures. Contact the child protective services agency or child abuse hotline in each state for assistance.
- g) **Courtesy Studies/Supervision/Checks:** A court request for a courtesy study, courtesy services, or courtesy check on a parent from whom the child was not removed does not require compliance with ICPC procedures. The responsibility for verifying credentials and quality of the courtesy service rests with (a) the requesting court/agency and (b) the person or party in the receiving state who agrees to conduct the courtesy service. These courtesy services are rendered without the protection of the formal ICPC process. Such requests should be directed to private entities licensed in the receiving state to conduct such courtesy services, and any fee associated with the service is the responsibility of the contract agent. This does not prohibit the sending court/state from requesting a formal ICPC study. *ICPC Regulation #3(3)(b).*

Safeguards Offered by the Compact

ICPC Articles I and V outline safeguards provided for the child, placement resource, and parties involved in the child's placement:

- a) The sending agency or person receives home studies and evaluations of proposed placements to ascertain suitability, appropriateness, and qualifications of the proposed placement resource or institution for each child.
- b) The prospective receiving state ensures that the proposed placement is not “contrary to

the interests of the child” and that the receiving state’s applicable laws and policies are followed when approving placement.

- c) Responsibility for the child’s legal protection and financial support is clearly assigned to and remains with the sending agency or person during the period of placement.
- d) The sending state retains jurisdiction over the child during the period of placement and continues to determine all matters of custody, supervision, care, and disposition as if the child had remained in the sending state.
- e) The sending agency or person may obtain services, supervision, and regular reports on the child’s adjustment and progress in the placement until the child is adopted, reaches majority, becomes self-supporting, or is discharged from supervision with concurrence of the appropriate authority in the receiving state.

These safeguards are routinely available when the child, the responsible person or agency, and the placement resource are all in a single state or jurisdiction; and compliance with the Compact extends these safeguards to placements across state lines.

Penalties for Illegal ICPC Placements

ICPC Article IV states that placement made in violation of the Compact “shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state.” An ICPC violation may be “punished or subjected to penalty in either jurisdiction in accordance with its laws.” Any such violation also constitutes “full and sufficient grounds for the 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.”

Violations include:

- ◆ Placement of a child into a receiving state without filing of a notice of intent to place or prior to filing a notice of intent to place (*T.C.A. § 37-4-201 (Article III(a) and (b))*);
- ◆ Placement of a child into a receiving state without (a) an appropriate report regarding the circumstances of the proposed placement, or (b) a written notice from the appropriate public authority in the receiving state that the proposed placement does not appear to be contrary to the interest of the child (*T.C.A. § 37-4-201 (Article I(b) and Article III(a) and (d))*); or
- ◆ Dismissal of sending state jurisdiction prior to the child being adopted, reaching the age of majority, becoming self-supporting, or being discharged from supervision with the concurrence of the appropriate authority in the receiving State (*T.C.A. § 37-4-201 (Article V(a))*).

In Tennessee, violation of child placement laws constitutes a Class A misdemeanor that carries a fine up to \$200 and/or imprisonment for up to 6 months. *TCA § 37-5-405.*

Making Placements

Referral, Home Study, and Decision Procedures

ICPC Articles I, III, and V address the basic procedures for ICPC compliance including the referral, home study, authority to issue a decision regarding the placement, post-placement case management, permanency, disruption, and closure. This Guide describes best practices for compliance in court-jurisdiction ICPC cases regarding non-custodial **(not in state custody)** children.

Referral

ICPC Article III(a) and (b) and Article II(d) direct that **prior to placement** the sending agency or person “shall furnish the appropriate public authorities in the receiving state written notice of the intent to send, bring or place the child in the receiving state.” This is accomplished by submission of a written request to the state ICPC office as outlined below.

Regulation #2 Court Jurisdiction Referral

- a) The sending state court, on its own motion or motion of a party, may seek a home study and placement decision on an identified parent, relative, kin, or other resource in another state to ascertain whether the placement is safe and appropriate on behalf of a non-custodial child who is before the court on allegations of abuse, neglect, or dependency and for whom the court has sole authority to determine custody, supervision, care, and disposition. *ICPC Regulation #2.*

Note: The Court is responsible for development and initiation of an ICPC Regulation #2 Court Jurisdiction Referral seeking placement approval **prior to actual placement** of the non-custodial child in the other state.

- b) The court is responsible to contact the proposed caretaker, to determine whether they are interested in providing for the child before making a formal ICPC request. They will use the [CS-0958, Interstate Compact on the Placement of Children \(ICPC\) Sending Agency's Case Worker Signed Statement- Regulation #2](#) to document this contact.

1. Specific documents must be included and uploaded for each ICPC request. Click on the ICPC type checklist to assist you in preparing ICPC packets:

➤ **[Court Jurisdiction \(CJO\) ICPC Request Checklist](#)**

- ◆ **Form [CS-0525, Interstate Compact Placement Request \(100A\)](#)** – must be properly completed and signed/dated by the Judge, Magistrate, or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child’s custody, supervision, care, and disposition;
- ◆ **Cover Letter** – briefly address the reasons for the placement, the circumstances under which this resource was selected, and the understanding of the arrangement for the child’s care and services, including confirmation that any fees associated with the child’s care or services are the responsibility of the sending agent (court) and the parent/guardian.
 - **The cover letter should be signed/dated by the preparer and confirm the court’s compliance with 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.
 - **and Article V(a):**

The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.
- ◆ **Form [CS-0958 Interstate Compact on the Placement of Children \(ICPC\) Placement Resource Statement of Confirmation-Regulation #2](#)** – attach to cover letter.
- ◆ **Order of Reference and Pertinent Court Documents** - including petitions, orders of custody/guardianship, orders of protective supervision or adjudicating dependency/neglect, orders restricting contact, and, if appropriate, court documents regarding delinquency or unruly adjudications;

- ◆ **Orders of reference should specify who is responsible for the cost, if any, of the study being requested-the court or the party being studied in the receiving state.** The order of reference should also include any special directions for post-placement supervision and reports (e.g., number, frequency) if placement is approved by the receiving state and notice of placement is submitted by the court. Unless otherwise requested, supervision of placement is every thirty (30) calendar days with two (2) quarterly progress reports filed for a maximum period of six (6) months.
 - ◆ **Form [CS-0795 Interstate Compact on the Placement of Children \(ICPC\) Financial-Medical Plan](#)** – confirms responsibility for the medical and financial support of the child once placement has been made;
 - ◆ **Identity and Paternity Records** – copies of child's birth certificate, social security card, verification of paternity (e.g., voluntary acknowledgement of paternity, court order, putative father registry report), and any order of child support; and
 - ◆ Any available supporting documents regarding the reason the child is before the court or special circumstances to be considered for placement (e.g., medical needs, behavioral concerns, service plan, reasonable efforts).
2. Submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail TNICPC.El-DCS@tn.gov, courier, hand-delivery, or U.S. mail. If the referral is submitted via e-mail, follow-up with a paper copy is not necessary unless specifically requested by the TN ICPC State Office. If the referral is submitted by hard copy, one complete copies of the referral must be included. In both cases, the referral should be directed to the designated ICPC Program Administrator.
 3. The TN ICPC Administrator will review the ICPC request within the home study timeframes listed below.
 - 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.
 4. Once the packet is complete the ICPC Administrator will submit the request to the receiving state's ICPC office.
 5. 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.
 6. For all subsequent ICPC referrals, a new ICPC instance must be created.

Regulation #7 Expedited Placement Decision Referral

- a) Expedited review may be requested for cases involving the child that is being considered for placement in another state with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, and must meet at least one of the following criteria in order to be considered a Regulation No. 7 case:
- ◆ Unexpected dependency due to sudden or recent incarceration, incapacitation, or death of a parent or guardian.
 - ◆ A child four (4) years of age or younger (includes sibling group if placed together).
 - ◆ A child (includes sibling group if placed together) that has a substantial relationship with the proposed resource; or
 - ◆ A child currently in an emergency placement.
- b) The sending state court, on its own motion or a party's motion, may submit an ICPC referral under Regulation #7 to request an expedited placement decision from the receiving state.
- c) Expedited review is not available if the child has already been placed in the receiving state in violation of the ICPC.

Note: Provisional approval may be requested at the time of referral, but the receiving state is not required to provide provisional approval. In practice, provisional approval is rarely received.

Note: Upon written approval by the receiving state and entry of an order by the sending state, the child may "visit" the proposed resource during the expedited assessment period (prior to placement approval). The sending state court's order must authorize the visit and specify a fixed return date. Visits must comply with Regulation #9, must be for 30 days or less or during a school vacation period, and must have a terminal date. If the child is enrolled in school, visits during the assessment period but does not have pre-approval from the receiving state's ICPC office, or stays longer than 30 days, it is presumed to be a placement in violation of ICPC.

- ◆ Specific documents must be included and uploaded for each ICPC request. Click on the ICPC type checklist to assist you in preparing ICPC packets:
 - [**Court Jurisdiction \(CJO\) ICPC Request Checklist**](#)
 - **Form [CS-0525, Interstate Compact Placement Request \(100A\)](#)** – must be properly completed and signed/dated by the Judge, Magistrate, or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's custody, supervision, care, and disposition.
 - **Cover Letter** – briefly address the reasons for the placement, the circumstances under which this resource was selected, and the understanding of the arrangement for the child's care and services, including confirmation that any fees associated with the child's care or services are the responsibility of the sending agent (court) and the parent/guardian.

- **The cover letter should be signed/dated by the preparer and confirm the court's compliance with 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.

- **and Article V(a):**

The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

- **Form [ICPC Statement of Confirmation - Regulation #7 and Border Agreement](#)** – attach to cover letter.
- **Expedited Referral Order** – court order finding the circumstance(s) that qualify the case for expedited review and specifying whether a provisional placement decision is requested.
- **Order of Reference and Pertinent Court Documents** - including petitions, orders of custody/guardianship, orders of protective supervision or adjudicating dependency/neglect, orders restricting contact, and, if appropriate, court documents regarding delinquency or unruly adjudications;

Note: Orders of reference should specify who is responsible for the cost, if any, of the study being requested —the court or the party being studied in the receiving state. The order of reference should also include any special directions for post-placement supervision and reports (e.g., number, frequency) if placement is approved by the receiving state and notice of placement is submitted by the court. Unless otherwise requested, supervision of placement is every thirty (30) calendar days with two (2) quarterly progress reports filed for a maximum period of six (6) months.

- **Form [CS-0795 Interstate Compact on the Placement of Children \(ICPC\) Financial-Medical Plan](#)** – confirms responsibility for the medical and financial support of the child once placement has been made;
- **Identity and Paternity Records** – copies of child's birth certificate, social security card, verification of paternity (e.g., voluntary acknowledgement of paternity, court order, putative father registry report), and any order of child support; and

- Any available supporting documents regarding the reason the child is before the court or special circumstances to be considered for placement (e.g., medical needs, behavioral concerns, service plan, reasonable efforts).
 - ◆ Submit a copy of the complete ICPC referral to the TN ICPC office via electronic scan/e-mail TNICPC.EI-DCS@tn.gov, courier, hand-delivery, or U.S. mail. If the referral is submitted via e-mail, follow-up with a paper copy is not necessary unless specifically requested by the TN ICPC State Office. If the referral is submitted by hard copy, one complete copies of the referral must be included. In both cases, the referral should be directed to the designated ICPC Program Administrator.
 - ◆ The TN ICPC Administrator will review the ICPC request within the home study timeframes listed below.
 - 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.
 - ◆ Once the packet is complete the ICPC Administrator will submit the request to the receiving state's ICPC office.
 - ◆ 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.
 - ◆ For all subsequent ICPC referrals, a new ICPC instance must be created.
- d) Submit the Regulation #7 referral packet to the TN ICPC State Office by e-mail (TNICPC.EI-DCS@tn.gov), courier, hand-delivery, or overnight mail. If the referral is submitted via e-mail, follow-up with a paper copy is not necessary unless specifically requested by the TN ICPC State Office. If the referral is submitted by hard copy, two complete copies of the referral must be included. In both cases, the referral should be directed to the designated ICPC Program Administrator.

Regulation #4 Court Jurisdiction Residential Treatment Facility Referral

Per T.C.A. § 37-4-201 (Article II(a)-(d)) and ICPC Article II (a)-(d) supported by Regulation No.4, 1(a-c), 2 (b) (c) (d), the court has the authority to order the placement of a non-custodial child into a licensed residential treatment facility (RTF) in another party jurisdiction pursuant to the Interstate Compact on the Placement of Children.

1. When an identified out of state licensed residential treatment facility, is considered for placement of a child/youth who is in the under the purview of the court the referral packet is to be submitted on behalf of the Court by the court designee, DCS court liaison, Guardian Ad Litem, or petitioner's attorney to the TN ICPC State Office utilizing the TN ICPC Electronic Mailing address: TNICPC.EI-DCS@tn.gov, courier, hand-delivery, or mail. If the referral is submitted via e-mail, follow-up with a paper copy is not necessary unless specifically requested by the TN ICPC State Office. If the referral is submitted by hard copy, two

complete copies of the referral must be included. In both cases, the referral should be directed to the designated ICPC Program Administrator.

2. ICPC Article VI Institutional Referrals which involves a TN DCS child/youth adjudicated delinquent outline specific documents which must be included and uploaded in each ICPC request. Click on the ICPC checklist to assist the court in preparing ICPC packets:

➤ Interstate Compact on the Placement of Children (ICPC) Residential ICPC Request Checklist [CS-0796-1](#)

- ◆ **Form [CS-0525, Interstate Compact Placement Request \(100A\)](#)** – must be properly completed and signed/dated by the Judge, Magistrate, or designated judicial officer who is identified as the sending agent with jurisdiction over all matters related to the child's custody, supervision, care, and disposition;
- ◆ **Cover Letter** – briefly address the reasons for the placement, the circumstances under which this resource was selected, and the understanding of the arrangement for the child's care and services, including confirmation that any fees associated with the child's care or services are the responsibility of the sending agent (court) and the parent /guardian.
- ◆ **The cover letter should be signed/dated by the preparer and confirm the court's compliance with 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.

- ◆ **and Article V(a):**

The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

- ◆ **Order of Reference and Pertinent Court Documents** - including petitions, orders of custody/guardianship, orders of protective supervision or adjudicating dependency/neglect, orders restricting contact, and, if appropriate, court documents regarding delinquency or unruly adjudications.
- ◆ **Orders of reference should specify who is responsible for the cost, if any, of the study being requested —the court or the party being studied in the receiving state.** The order of reference should also include any special directions for post-placement supervision and reports (e.g., number, frequency) if placement

is approved by the receiving state and notice of placement is submitted by the court. Unless otherwise requested, supervision of placement is every thirty (30) calendar days with two (2) quarterly progress reports filed for a maximum period of six (6) months.

- ♦ **Form [CS-0795 Interstate Compact on the Placement of Children \(ICPC\) Financial-Medical Plan](#)** – confirms responsibility for the medical and financial support of the child once placement has been made;
- ♦ **Identity and Paternity Records** – copies of child's birth certificate, social security card, verification of paternity (e.g., voluntary acknowledgement of paternity, court order, putative father registry report), and any order of child support;
- ♦ Any available supporting documents regarding the reason the child is before the court or special circumstances to be considered for placement (e.g., medical needs, behavioral concerns, service plan, reasonable efforts);

Note: Regulation #4 allows the receiving state to determine documents needed for RTF placement to adequately address the characteristics and needs of the child. This may include medical, psychological, or behavioral status documentation as well as a copy of the application for services submitted to the RTF.

- ♦ **Form [CS-0795 Interstate Compact on the Placement of Children \(ICPC\) Financial-Medical Plan](#)** which confirms for the parties who is responsible for support of the child once placement has been made;
- ♦ **RTF Licensure Documentation** – Proof of current, valid licensure in the receiving state; and
- ♦ **RTF Acceptance Letter** – Confirming (1) receipt of application and acceptance of the child into their program; (2) that responsibility for arrangement of the child's care, services, and fees shall rest with the sending agent/court, parent(s)/guardian(s), and RTF management; and that upon completion of the treatment program or in the event of disruption, the child will be returned to the parent/guardian in the sending state.

3. The ICPC request will be assigned to the appropriate TN ICPC Administrator in the CCWIS system. The most current listing of the TN ICPC team can be found here <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/contact.html>
4. The ICPC Administrator will review the ICPC request within seventy-two (72) business hours.
 - If the ICPC packet is incomplete, the Judge's office has 10 business days to provide the missing information or the ICPC referral will be closed as incomplete.
5. Once the packet is complete the ICPC Administrator will submit the request to the receiving state's ICPC office.
6. If the receiving state requests additional information, the Judge's office has 10 business days to provide the missing information or the ICPC referral will be closed as incomplete.
7. For all subsequent ICPC referrals, a new ICPC request must be initiated.

Note: ICPC Regulation #4, established by the AAICPC in 2012, lets the receiving state decide

which documents are necessary for a Residential Treatment Facility (RTF). These documents cover the child's traits, such as their medical, psychological, or behavioral status. The receiving state may require the court or sending agent to include a copy of the service application submitted by the parent or custodian before determining the child's eligibility for the RTF.

8. Article III (d) The Court shall not place the child into the receiving state until the appropriate public authority in the receiving state issues a written decision to the effect that the proposed placement does not appear to be contrary to the interests of the child; and,
9. Article V. (a) The Court shall retain jurisdiction over the child during the period of placement sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in their state until the appropriate authority in the receiving state issues a written concurrence for discharge.

Such jurisdiction shall include the power to effect or cause the return of the child to its jurisdiction should the placement disrupt.

Processing, Tracking, and Decision

The TN ICPC State Office is responsible for processing all ICPC referrals and documentation for the State of Tennessee and serves as a resource for inquiries regarding the ICPC. *T.C.A. §§ 37-4-201 (Article VII) and -203, ICPC Regulation #5.*

Referral Receipt and Processing

1. The TN ICPC Program Administrator reviews each referral packet for required documents and information within 2-3 business days of receipt unless otherwise specified.
2. If the referral is incomplete and/or additional information is needed, the Program Administrator notifies the sending agent in writing by e-mail, mail, or fax. The additional information, or a written notice of reasons the information is unavailable and anticipated date it will be available, must be scanned/e-mailed or mailed to the Program Administrator within ten (10) business days. If response is not provided within ten (10) business days, the referral may be closed to further action, and the packet may be returned or destroyed.
3. All ICPC referrals must meet minimum completion requirements to be processed through to the receiving state's ICPC office.
4. The TN ICPC State Office processes a complete ICPC referral packet to the receiving state's ICPC office within five (5) business days of receipt. Referrals are transmitted by the most expeditious means available.
5. The TN ICPC Administrator enters the referral as an ICPC intake/case in the Electronic Record System.

ICPC Home Study

ICPC Article 1(b) directs that the receiving state shall have the opportunity to ascertain the circumstances of the proposed placement to promote full compliance with the state's applicable child protection requirements.

1. The receiving state's ICPC Administrator assigns the TN ICPC referral to the appropriate local public agency/contract agency in the receiving state to conduct an assessment (home study) of the placement resource. Referrals for placement into a residential treatment facility or institution under Article VI (for children adjudicated delinquent) require verification of current licensure.
2. All assessments are conducted in accordance with the receiving state's applicable federal and state laws, policies, and licensing standards.
3. Pending issuance of a written decision by the receiving state's ICPC office regarding approval of the proposed resource, the child should remain in the sending state.

Note: Placement into a receiving state prior to ICPC approval is considered a violation of ICPC, and the sending state bears full liability and responsibility for the safety of the child. The receiving state may request **immediate removal** of the child pending a study decision. Alternatively, the receiving state is permitted, but is not required, to proceed with the home study/ICPC decision process and may choose to open the case for ICPC courtesy supervision. *ICPC Regulation #2(2)(c).*

4. Tennessee courts are not authorized to order physical placement of the child into a receiving state, including for trial home visit (THV), until issuance of written approval of the placement resource by the receiving state's ICPC office. *T.C.A. § 37-4-201 (Article III(d)).*
5. Timelines for Completion of Home Study and Issuance of Placement Decision

The ICPC Regulations set out expected timeframes for completion of home studies and issuance of placement approval decisions. Timelines in the following chart are calculated from the date of receipt from the receiving state of the completed referral packet:

Study Type	DCS Policy	ICPC Administrator Timeframe	Agency Timeframe
ICPC Reg. #1 Intact Family Move	<u>16.20</u>	5 business days	60 calendar days or less
ICPC Reg. #2 Relative/Kin/Parent Study	<u>16.20</u>	5 business days	60 calendar days or less
ICPC Reg. #2 Foster Study	<u>16.20</u>	5 business days	60 calendar days
ICPC Reg. #2 Adoptive Study	<u>16.4</u>	5 business days	60-180 calendar days
ICPC Reg. #2 Status Change	<u>16.20</u>	5 business days	60 calendar days
ICPC Reg. #7 Priority Study (Parent)	<u>16.20</u>	48 business hours	20 working days or less
ICPC Reg. #7 Priority (Relative)	<u>16.20</u>	48 business hours	20 working days or less

ICPC Reg. #7 Provisional Decision (w- agreement)	<u>16.20</u>	72 business hours	7 calendar days or less
Border Agreements	<u>16.20</u>	As outlined in BA	As outlined in BA
Group Home/Child Caring/Residential Treatment/Institutional Care under Article VI	<u>Licensure</u>	72 business hours	72 business hours or less
Private/Independent Adoptions	N/A	72 business hours	N/A

Decision

Pursuant to ICPC Article III(d), authority to approve or deny a proposed placement resource rests solely with the receiving state.

1. The receiving state's ICPC Administrator is the designated public authority responsible for issuing a decision regarding approval or denial of the proposed resource. The decision is documented in Section IV of Form [CS-0525, Interstate Compact Placement Request \(100A\)](#).
2. The receiving state's ICPC Administrator transmits the decision report (Form [CS-0525, Interstate Compact Placement Request \(100A\)](#)) and a copy of the home study report or licensure verification (with relevant attachments) to the sending state's ICPC Administrator.
3. If the proposed resource is DENIED, no placement of the child is authorized, and the ICPC record is closed to further services.
4. If the proposed resource is APPROVED, the child may be placed with the proposed resource.

Note: Resource home approval is valid for six (6) months. If no placement is made within six (6) months, approval expires, and a new ICPC referral must be submitted for subsequent placement approval.

Note: RTF and institution placement approvals are valid for thirty (30) business days unless otherwise negotiated and agreed upon by both states.

5. Upon receipt, the decision report (Form [CS-0525, Interstate Compact Placement Request \(100A\)](#)) and home study report or licensure verification (with relevant attachments) are forwarded by the TN ICPC State Office to the appropriate sending agent/court.
6. The sending agent/court may request reconsideration of a denial within ninety (90) days of the date the 100A denial is signed by the receiving state. After ninety (90) days, the denial is final, but nothing precludes the sending agent/court from submitting a subsequent referral for the same proposed resource.
7. The receiving state has sixty (60) days from the date of request for reconsideration to render a reconsideration decision.

Placement, Supervision and Jurisdiction

ICPC Article V(a) directs that the sending agency shall retain jurisdiction over the child sufficient to determine all matters regarding the custody, supervision, care, and disposition of the child as if the child had remained in the sending state, until the child is adopted, reaches majority, becomes self-supporting, or is discharged from supervision with concurrence of the appropriate authority in the receiving state.

Use of Approved Placement

If the sending agent/court decides to place a non-custodial child with the approved placement resource, ICPC Form [CS-0523, Interstate Compact Report on the Child's Placement Status \(100B\)](#), identifying the date that the child physically left (or will leave) the state, must be submitted to the TN ICPC State Office.

- Attach a copy of the court order for non-custodial placement which addresses expected duration of post-placement supervision, any request for increased frequency of written progress reports by the receiving state, and the date of next court hearing.

Supervision

Upon receipt of ICPC Form [CS-0523, Interstate Compact Report on the Child's Placement Status \(100B\)](#), the receiving state's ICPC Office will assign responsibility for supervision of the placement to the designated or appropriate agency in the receiving state. ICPC Regulation #11 sets required guidelines for supervision by the receiving state:

1. **Supervision:** "Supervision" means "monitoring of the child and the child's living situation by the receiving state after a child has been placed in a receiving state pursuant to an approved placement..."
2. **Monthly Contact:** The receiving state's case manager must have at least monthly (every thirty (30) days) face-to-face contact with the child, with a majority of visits occurring in the child's placement home.
3. **Quarterly Reports:** The receiving state's case manager must submit quarterly (every ninety (90) days) written reports to the sending state's ICPC Office regarding the child's safety and well-being, permanency, and continued suitability of the placement resource. The TN ICPC State Office forwards all quarterly reports to the sending agent/court. Reports should contain, at a minimum, the following information:
 - a) Date and location of each face-to-face contact with the child;
 - b) A summary of the child's current circumstances, safety, and well-being.
 - c) If applicable, a summary of the child's academic performance along with copies of any available report cards, education-related evaluations, or Individual Education Program (IEP) documents.

- d) A summary of the child's current physical and mental health status, the dates of any health-related appointments that have occurred, the identities of any health providers seen, and copies of any available health-related evaluations, reports, or other pertinent records.
- e) An assessment of the current placement and caretakers.
- f) A description of any unmet needs and any recommendations for meeting identified needs; and
- g) If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent with whom the child is residing, finalization of adoption by the child's current caretakers, or the granting of legal guardianship to the child's current caretakers.
 - **Notice of Concerns:** If significant concerns are identified by the receiving state's case manager at any time during a child's placement, written notice must be promptly provided to the sending state's ICPC State Office.
 - **Termination of Supervision:** Supervision must continue until:
 - 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 resides at the home approved for placement.
 - Jurisdiction over the child is terminated by the sending state.
 - Legal guardianship of the child is granted to the child's caregiver in the receiving state; or
 - The sending state requests in writing that supervision be discontinued, and the receiving state concurs.

ICPC Termination, Disruption, and Case Closure

Concurrence Closure

If the receiving state determines that the child's placement is safe, stable, and appropriate and no longer warrants supervision, the receiving state's ICPC Office issues a written notice of "concurrence" to the sending state's ICPC Office with a recommendation to cease supervision, grant custody to the placement caregiver (if applicable), and release sending state jurisdiction.

1. Upon receipt, the TN ICPC State Office submits the "concurrence" notice to the sending agent/court and requests a copy of any subsequent closure order.
2. After receiving notice of "concurrence", the sending state court may enter a closure order clearly setting out custody, visitation provisions (if applicable), termination of ICPC supervision, and release of jurisdiction, if appropriate under the law.

3. The sending agent/court must promptly submit the closure order and ICPC Form [CS-0523, Interstate Compact Report on the Child's Placement Status \(100B\)](#) to the TN ICPC State Office for ICPC case closure and forwarding to the receiving state.

Disruption of a Non-Custodial Tennessee Child Placed in Another State

In addition to concerns arising during ICPC supervision, the receiving state's ICPC Office must notify the sending state's ICPC Office of any report of child abuse or neglect in the receiving state regarding the child or placement resource. An ICPC placement may be disrupted by the sending state or the receiving state. *T.C.A. § 37-4-201 (Article V), ICPC Regulations #2(10)(b) and #3(2)(c).*

1. If the receiving state determines that the placement no longer meets the individual needs of the child (e.g., safety, permanency, health, well-being, development), then the receiving state may request that the sending state arrange for the child's return or propose an alternative placement for approval by the receiving state.
2. If the receiving state determines that the child must be immediately removed from his or her placement home due to immediate safety concerns, the receiving state may move the child to a safe and appropriate setting and promptly notify the sending state.
3. The sending court has five (5) business days to negotiate return of the child to the jurisdiction of the court unless an alternative plan is agreed to by the receiving state's ICPC Office.

Note: In non-custodial cases, the Tennessee court, as sending agent, is responsible for the cost to return the child to the jurisdiction of its court if placement disrupts prior to concurrence and dismissal of jurisdiction. To offset or avoid expense, Tennessee courts routinely issue orders either directing the placement resource to return the child or temporarily granting custody to the Tennessee Department of Children's Services. Additionally, the court may invoke the Uniform Child Custody Jurisdictional Enforcement Act (UCCJEA), if applicable and appropriate, for the child to remain in the receiving state.

4. The Tennessee court notifies the TN ICPC State Office of the response to and outcome of disruption notice by submitting ICPC Form [CS-0523, Interstate Compact Report on the Child's Placement Status \(100B\)](#) and a copy of any related order.

ICPC Web References

1. American Public Human Services Association (APHSA) and Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC)

Articles: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Faphsa.org%2Fwp-content%2Fuploads%2F2024%2F09%2FText-of-Interstate-Compact-on-the-Placement-of-Children.docx&wdOrigin=BROWSELINK>

Regulations: https://aphsa.org/wp-content/uploads/2024/10/ICPC-Regulations_TOC.pdf

Documents, Forms, and Resources: <https://aphsa.org/icpc-resources/>

2. Tennessee ICPC Codification: <http://www.lexisnexis.com/hottopics/tncode/> (see TCA §§ 37-4-201 to -207)
3. Tennessee Department of Children's Services Licensing Requirements (includes non-clinical residential programs for children and youth and private foster care programs):
<https://www.tn.gov/dcs/program-areas/licensing.html>
4. Tennessee Department of Children's Services *Licensing Codification*:
<http://www.lexisnexis.com/hottopics/tncode/> (see TCA §§ 71-3-501 *et seq.*, 37-5-507, and 36-1-108 to -109)

TN ICPC State Office Contact Information and Resources

The TN ICPC State Office administers and manages the day-to-day operations for ICPC cases, provides case and program technical assistance, and addresses questions regarding ICPC related issues. This office processes all ICPC requests for the sending and receiving of children across state lines.

Email Address: TNICPC.EI-DCS@tn.gov

Phone: (615) 532-5593 – Administration

*See website below for direct contact numbers and case and state assignment areas for each Program Coordinator and Program Specialist.

Fax: (615) 532-6495

Mailing Address: Tennessee Department of Children's Services
Attn: ICPC Unit
9th Floor, UBS Tower
315 Deaderick Street
Nashville, TN 37243-1290

Information: <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/info.html>

Contacts: <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/contact.html>

Guides: <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/reference.html>

Forms: <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/forms.html>

Border Agreements: <https://www.tn.gov/dcs/program-areas/interstate-compact/icp/border-agreements.html>

Appendix A: Interstate Compact on the Placement of Children

Tenn. Code Ann. § 37-4-201

TENNESSEE CODE ANNOTATED

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*** Current through the 2024 Regular Session ***

Title 37 Juveniles

Chapter 4 Interstate Compacts

Part 2 Interstate Compact on the Placement of Children

Appendix B: ICPC Regulations

<https://aphsa.org/icpc-resources/>

Appendix C: ICPC Forms

[ICPC-CS-0525, Interstate Compact Placement Request \(100A\)](#)

[ICPC-CS-0523, Interstate Compact Report on the Child's Placement Status \(100B\)](#)

[ICPC-CS-0563, Interstate Compact on the Placement of Children \(ICPC\) 101 Sending State's ICPC Regulation #7 Expedited Placement Decision Home Study Request and Border Agreement](#)

[ICPC-CS-0795 Interstate Compact on the Placement of Children \(ICPC\) Financial-Medical Plan](#)

[ICPC-CS-0796, Interstate Compact on the Placement of Children \(ICPC\) Private or Independent Adoption Checklist](#)

[ICPC-CS-0796-1 Interstate Compact on the Placement of Children \(ICPC\) Residential ICPC Request Checklist](#)

[ICPC-CS-0796-2 Interstate Compact on the Placement of Children \(ICPC\) Public Agency ICPC Home Study Request Checklist](#)

[ICPC-CS-0796-3 Interstate Compact on the Placement of Children \(ICPC\) Court Jurisdiction \(CJO\) ICPC Home Study Request Checklist](#)

[ICPC-CS-0958, Interstate Compact on the Placement of Children \(ICPC\) Sending Agency Case Worker Signed Statement Regulation #2](#)

[CS-1200, Interstate Compact on the Placement of Children \(ICPC\) Progress Report](#)

[CS-1211, Interstate Compact on the Placement of Children \(ICPC\) Foster/Adoptive Case Service Agreement](#)

[CS-1234, Interstate Compact on the Placement of Children \(ICPC\) Behavioral/Medical Health Referral](#)

[Interstate Compact on the Placement of Children \(ICPC\) #7 Expedited Placement Decision Order DCS](#)

[Interstate Compact on the Placement of Children \(ICPC\) #7 Expedited Placement Decision Order Non-DCS](#)

[Notice of Placement Pursuant to ICPC \(DCS\)](#)

[Order to Place Pursuant to ICPC \(Non-DCS\)](#)

Appendix D: ICPC Court Orders

[Review of Institutional Placement Order Pursuant to Article VI](#)

[Motion to Review Institutional Placement Pursuant to Article VI](#)

[Interstate Compact on the Placement of Children \(ICPC\) #7 Expedited Placement Decision Order DCS](#)

[Interstate Compact on the Placement of Children \(ICPC\) #7 Expedited Placement Decision Order Non-DCS](#)

[Notice of Placement Pursuant to ICPC \(DCS\)](#)

[Order to Place Pursuant to ICPC \(Non-DCS\)](#)

Appendix E: ICPC Glossary

1. **Adoption**: the social and legal process of establishing by court order, other than by paternity or legitimization proceedings or by voluntary acknowledgement of paternity, the legal relationship of parent and child (*T.C.A. § 36-1-102*); completion of the legal process provided by state law that establishes the legal relationship of a parent and child between persons who are not so related by birth or some other legal determination, with the same mutual rights and obligations that exist between children and their birth parents (*ICPC Regulation #3*).
2. **Adoption Categories**:
 - (a) **Independent Adoption**: adoption arranged by a birthparent, attorney, other intermediary, adoption facilitator, or other person or entity as defined by state law;
 - (b) **Private Agency Adoption**: adoption arranged by a licensed agency, whether domestic or international, that has been given legal custody or responsibility for the child including the right to place the child for adoption; and
 - (c) **Public adoption**: adoption for public court jurisdiction cases. *ICPC Regulation #3*.
3. **Adoption Home Study**: See "Home Study".
4. **Adjudicated Delinquent**: a person found to have committed an offense as a juvenile that, if committed by an adult, would be a criminal offense. *ICPC Regulation #3*.
5. **Adjudicated Status Offender**: a person found to have committed an offense as a juvenile that would not be a criminal offense if committed by an adult (*ICPC Regulation #3*); a juvenile who has been adjudged guilty of a status offense (unruly); a term used to designate a child adjudicated by the juvenile court and placed under court supervision, but legally remaining non-delinquent [aka Child in Need of Supervision (CINS or CHINS), Person in Need of Supervision (PINS), Deprived Child, or Undisciplined Child].
6. **Age of Majority**: the legally defined age (eighteen (18) years unless otherwise defined by the local jurisdiction) at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. *ICPC Regulation #3*. (*Note: The age of majority is defined by state laws, which vary by state.*) (*Note: In the Juvenile Justice system, a juvenile may remain in the custody of TN DCS until age nineteen (19).*)
7. **Approved Placement**: placement identified in writing by the appropriate public authorities in the receiving state as not appearing to be contrary to the interests of the child. *ICPC Regulation #3*.

8. **Boarding Home:** the home of a relative or unrelated individual, whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient. (See also "Family Free".)
9. **Case History:** an organized record concerning an individual, his/her family, and environment, including social, medical, psychological, and educational history and any other information that may be useful in determining appropriate placement. *(Note: TN DCS ICPC case history specifically includes but is not limited to the child's current CANS Summary, the Initial CFTM Summary, the most recent CFTM Summary, [CS-0727, Initial Intake, Placement and Well-Being Information and History](#) and [CS-0657, Education Passport](#).*
10. **Case Plan or Services Plan:** a comprehensive individualized program of action for a child and his/her family establishing specific goals, objectives, and deadlines. *(TN DCS ICPC case plan or services plan specifically includes a Permanency Plan as developed through DCS Policy [31.1, Family Permanency Plans](#); [16.31, Permanency Planning for Children and Youth in DCS Custody](#)).*
11. **Central State Compact Office or Central Compact Office:** the designated ICPC office in each state, or designated county or regional office in a state, charged with the responsibility to establish procedures by which all ICPC referrals from and to the state shall be made and serving as a resource for inquiries into requirements for placement into the state for children subject to ICPC compliance. *(Note: The ICPC Administrator and Deputies appointed by the executive head of each state are to be located in this central state office. For states in which ICPC placement referrals are sent directly to the receiving state and received directly from the sending state by more than one county or other regional area within the state, the "Central Compact Office" is the designated office within each separate county or other region that sends and receives ICPC placement referrals (currently limited to Colorado, California, and Ohio).)*
12. **Certification:** to attest, declare, or swear to before a judge or notary public.
13. **Child:** a person who by reason of minority is legally subject to parental guardianship or similar control.
14. **Child Welfare Caseworker:** the person assigned to manage cases for children who are in the custody or under the supervision of a public child welfare agency.
15. **Concurrence:** a written notice by the receiving state in agreement to or recommending cessation of ICPC supervision and/or services to achieve permanency for the child.
16. **Conditions for Placement:** as established by Article III apply to any placement as defined in Article II(d) and regulations adopted by action of the Association of Administrators of the Interstate Compact on the Placement of Children.

17. **Courtesy:** consent or agreement between state ICPC offices to provide a service that is not required by ICPC.
18. **Courtesy Check:** a process that does not involve ICPC compliance and is used by a sending court/agent to check the suitability of the home of a parent from whom the child was not removed. *(Note: DCS Policy [14.20, Orders of Reference](#) applies.)*
19. **Court Jurisdiction Only:** an ICPC matter involving the sending state court which has an open abuse, neglect, or dependency case that establishes that court's jurisdiction and authority to supervise, remove, and/or place the child. *(Note: For these cases, the child has not been ordered into the custody or guardianship of a public or private agency or other individual.)*
20. **Custody:** the control of actual physical care of the child, including the right and responsibility to provide for the physical, mental, and moral well-being of the child.
21. **Emancipated Minor:** a person under the age of eighteen (18) years (or age of majority as otherwise defined by the local jurisdiction) who is totally self-supporting.
22. **Emancipation:** the point at which a minor becomes self-supporting, assumes adult responsibility for his or her welfare, and is no longer under the care of his or her parents or child-placing agency by operation of law or court order.
23. **Emergency Confinement:** the confinement of a youth (without due process) in a secure setting for temporary placement of thirty (30) days or less in duration.
24. **Emergency Placement:** any event in which a child is placed in out-of-home care due to an imminent or immediate risk of harm to the physical safety of the child or other individuals.
25. **Family Free Home:** the home of a parent, relative, or unrelated individual, whether or not the placement recipient received compensation for care or maintenance of the child, foster care payment, or any other payments or reimbursements on account of the child's being in the home of the placement recipient. (See also "Boarding Home".)
26. **Family Service Worker (FSW):** a DCS term used to identify the position of the case manager principally responsible for a custodial child's case, for managing the Child and Family Team, and for working towards permanency.
27. **Family Unit:** a group of individuals living in one household.
28. **Foster Care:** care of a child on a twenty-four (24) hour basis away from the home of the child's parents. *(Note: Such care may be by a non-custodial parent, relative of the child, by a non-related individual, by a group home, by a licensed residential treatment facility, or by any other entity, including when care is provided by the child's parents by reason of a court ordered placement and not by virtue of the parent-child relationship.)*

29. **Foster Parent:** a person, including a relative or non-relative, licensed to provide a home for orphaned, abused, neglected, delinquent, or disabled children, usually with approval of the government or a social service agency.
30. **Guardian:** a public or private agency, organization, or institution which holds a valid and effective permanent appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all other things for or on behalf of the child which a parent would have the authority and responsibility for doing by virtue of an unrestricted parent-child relationship; also an individual who is a non-agency guardian who holds a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility as defined above.
31. **Guardianship:** for ICPC analysis, a permanent appointment enduring until the child's age of majority without any court review of the care that the guardian provides or the status of other permanency planning which the guardian has a professional obligation to carry out.
32. **Home Study:** an evaluation of a home environment, conducted in accordance with applicable requirements of the state in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development.
33. **Hospital or Other Medical Facility:** an institution for the acutely ill which discharges patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care.
34. **Incapacitation:** the inability of a parent or guardian to care for a child due to an unexpected medical, mental, or physical condition of the parent or guardian.
35. **Independent Adoption Entity:** any individual authorized in the sending state to place children for adoption other than a state, county, or licensed private agency. (Note: This could include courts, private attorneys, and birthparents.)
36. **Institution for the Mentally Ill or Mentally Defective:** a facility which is responsible for the treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside there. (Note: Developmentally disabled has the same meaning as "Mentally Defective".
37. **Inter-jurisdictional ICPC Placement:** the arrangement for the care of a non-delinquent child in the home of the child's parent, other relative, or non-agency guardian or in a family free or boarding home, child-caring agency or institution, or licensed residential treatment facility across state lines which is subject to ICPC compliance; applies to temporary or long-term placement resulting in permanency for the child. (Note: *ICPC compliance is not required for inter-jurisdictional placements of a child with any institution licensed or certified to*

care exclusively for the clinically mentally ill, clinically mentally defective, or epileptic; any institution licensed or certified as primarily educational in character; or any hospital or other medical facility.)

- 38. **Interstate**: involving, connecting, or existing between two or more states.
- 39. **Intrastate**: existing or occurring within a state.
- 40. **Interstate Compact Administrator (or ICPC Administrator)**: the officer designated to coordinate ICPC activities in that jurisdiction (state) and who, jointly with like officers of other party jurisdictions, is designated the power to promulgate rules and regulations to carry out the terms and provisions more effectively of the Compact.
- 41. **Interstate Compact on the Placement of Children (ICPC)**: a uniform law enacted by all fifty (50) states, the District of Columbia, and the Virgin Islands that establishes orderly procedures for the placement of children across state lines into other party states for the purpose of foster care or preliminary to an adoption and fixes responsibility for those involved in placing the child.
- 42. **Interstate Home Study**: a home study conducted by a state, at the request of another state, to facilitate an adoptive or foster placement of a child in the custody or guardianship of the sending state. *(Note: An interstate home study may be conducted on a parent, relative, kin, foster, or adoptive resource and shall be conducted in accordance to appropriate federal and state laws for the receiving state. Interstate home studies in Tennessee must meet the requirements of TN DCS policies and standards, including TN DCS Policies [16.4](#), [16.8](#), [16.11](#), [16.16](#), and [16.20](#), and be completed within sixty (60) calendar days. The conclusion of an interstate home study includes child-specific recommendations regarding the appropriateness of placement of the child with the identified resource and serves as the basis for a decision regarding placement under the ICPC.)*
- 43. **Jurisdiction**: the power and authority of a court to hear and decide matters and fixing responsibility for those involved in placing children.
- 44. **Juvenile Service Worker (or Juvenile Probation Officer)**: a DCS term used to identify the position of the case manager principally responsible for a delinquent youth's case, for managing the Child and Family Team, and for working towards permanency.
- 45. **Legal Custody**: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.
- 46. **Legal Guardianship**: a judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. *(Note: The term legal guardian means the caretaker in such a relationship.)*

47. **Legal Risk Placement:** a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that the child can be ordered returned to the sending state or to the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents or termination of parental rights are obtained or are dispensed with in accordance with applicable law.
48. **Member State (or Party State):** U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
49. **Non-Agency Guardian:** an individual holding a currently valid appointment from a court of competent jurisdiction to have all the authority and responsibility of a guardian as defined in ICPC Regulation #10, Section 1(a).
50. **Non-Custodial Parent:** a person who at the time of the commencement of court proceedings in the sending state does not have legal custody of the child or physical custody of the child.
51. **Non-Offending Parent:** a parent who is not the subject of allegations or findings of child abuse or neglect.
52. **Non-Relative:** a person not connected to the child by blood, marriage, or adoption or as otherwise defined by the sending or receiving state.
53. **Parent/Guardian:** a biological or adoptive parent or legal guardian as determined by applicable state law and responsible for the care, custody, and control of a child or upon whom there is legal duty for such care.
54. **Parent Study:** See "Home Study". (Note: DCS Policy [16.20, Expedited Custodial Placements](#) is used to conduct a study on a parent or stepparent in Tennessee pursuant to the ICPC. This assessment is completed in twenty (20) calendar days.)
55. **Permanency:** adoption, reaching the age of majority, becoming self-supporting, or discharged with concurrence for return of legal custody to parents, granting legal custody to relatives, granting permanent guardianship, and terminating the sending state's jurisdiction. (Note: Once permanency for a child has been achieved, the ICPC incident is closed to further services. Transfer of jurisdiction to another state is not a permanency goal of the ICPC. Transfer of jurisdiction is a legal transaction subject to the terms of the UCCJEA.)
56. **Party State (or Member State):** U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
57. **Placement:** the arrangement for the care of a child in a family free or boarding home (with parent, other relative, or non-agency guardian) or institution such as a licensed residential treatment facility or licensed group home.
58. **Placement Categories:**
- a) Adoptions (placement preliminary to an adoption, whether independent, private, or by public agency).
 - b) Licensed or Approved Foster Homes (placement with related or unrelated caregivers);
 - c) Placements with Parents and Relatives (when a parent or relative is not making

placement as defined in Article VIII); and

- d) Group Homes/Residential Treatment Placements (including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation #4).
- 59. **Primarily Educational Institution:** an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose for accepting children is to meet their educational needs and which does not do one or more of the following: (a) accept responsibility for children during the entire year; (b) provide or hold itself out to provide child care constituting nurture sufficient to substitute for parental supervision and control or foster care; (c) provide any other services to children, except for those customarily regarded as extracurricular or co-curricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or program.
- 60. **Prospective Adoptive Parent:** individual(s) with whom a child is placed preliminary to a possible adoption. *(Note: Prospective adoptive parents cannot be considered a non-agency guardian of the child for the purpose of determining applicability of the ICPC unless the individual would otherwise qualify as a lawful recipient of a placement of a child without having to comply with the ICPC as provided for in Article VIII (a).)*
- 61. **Public Child Placing Agency:** any government child welfare or child protection agency or a private entity under contract with such an agency, regardless of whether acting on behalf of a state, county, municipality, or other governmental unit, and which facilitates, causes, or is involved in the placement of a child from one state to another.
- 62. **Receiving State:** the party state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities, courts, or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- 63. **Safe and Timely Interstate Study Report:** See "Home Study". *(Note: Per P.L. 109-239, a state is required to complete and report on parent, relative, kin, foster, and adoptive home studies requested by another state within sixty (60) calendar days of receipt of the request. If the requirements for the study requested cannot be completed within the allotted period, the report is still necessary to document the progress toward completion of the study, identify the barriers to completion of that study, and project a timeframe for anticipated completion and issuance of decision. Subsequent update reports are due every thirty (30) days until the study is complete and a decision is issued regarding placement. The maximum time frame to complete a study per ICPC Regulation #2 is one hundred eighty (180) calendar days.)*
- 64. **Sending State:** a party state, officer, or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- 65. **Substantial Relationship:** the proposed placement resource has spent more than cursory time with the child, is known to the child, and has established more than a minimal bond with the child.

66. **Supervision:** monitoring of a child and the child's living situation by the receiving state after the child has been placed pursuant to an approved placement under Article III(d) or pursuant to a child's relocation to a receiving state in accordance with Regulation #11.
67. **Timely Interstate Home Study:** See "Home Study". *(Note: Per P.L. 109-239, an interstate home study should be completed by a receiving state within thirty (30) working days after receipt of an ICPC request.)*
68. **Trial Home Visit:** the return of physical custody of the child to a parent, relative, or other appropriate individual to determine whether full custody should be granted to that parent, relative, or other appropriate individual. *(Note: Legal custody is not transferred during the trial home visit period. Pursuant to the ICPC, a trial home visit is considered a placement and must be compliant with the ICPC prior to physical custody being granted.)*
69. **Types of "Home Study" as defined in ICPC Regulation #3:**
- a) **Adoption Study:** a study conducted for the purpose of placing a child for adoption with a placement resource.
 - b) **Foster Study:** a study conducted for the purpose of placing a child with a placement resource who is required to be licensed or approved in accordance with federal and/or receiving state law.
 - c) **Parent Study:** a study conducted to determine whether a parent placement meets the standards for reunification of a child with a parent.
 - d) **Relative Study:** a study conducted for the purpose of placing a child with a relative. *(Note: Such study may or may not require the same level of screening as required for a foster study or an adoption study depending upon applicable law and/or requirements.)*
 - e) **Non-Relative Study:** a study conducted for the purpose of placing a child with a non-relative. *(Note: Such a study may or may not require the same level of screening as required for a foster study or an adoptive study depending upon the applicability law and/or requirements.)*
70. **Other Definitions:** see ICPC Regulations, DCS Work Aids, and instructions associated with required forms