 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

I. STATEMENT OF POLICY

There are unique types of situations that are applicable to ICPC by statute and require clarification. This listing is not to be considered all inclusive; however, it shall serve as a guide and informational source for DCFS staff.

II. PROCEDURES

A. Child Moving Out-of-State with Foster Family

When making the determination that a child should accompany his foster parents who are relocating out of state, the local office shall initiate ICPC procedures and submit the ICPC-Form 100-A, *** * 100-B, along with the other ICPC required documents to the Louisiana ICPC Unit. The request shall be created and submitted through NEICE. ** Approval of the court having jurisdiction over the child is also required in this instance. [\[Appendix 11-E\]](#)

B. Temporary Relocation

If a child is brought into the receiving state by an approved placement resource for a period of ninety (90) days or less and remains with the approved placement resource, approval of the receiving state is not required.


Supervision by the receiving state is not required for a temporary relocation of ninety (90) days or fewer; however, pursuant to federal law supervision by the sending agency is required. Supervision may be requested and provided as a courtesy to the sending state. If supervision is requested, the sending state shall submit a referral packet along with the ICPC Form 100-B.

If a child is brought into the receiving state by an approved placement resource for a temporary placement in excess of ninety (90) days or if the temporary relocation will recur, full compliance with ICPC is required.

C. Placements Out-of-State in Residential Child Care Facilities

The local office shall follow ICPC requirements and, in addition, shall obtain prior approval for placement from the *** * Assistant Secretary of Child Welfare. **

It is the responsibility of DCFS staff to arrange supervision of children placed in residential facilities. The receiving state's local child welfare staff is not expected to provide any monitoring or supervision. The one exception are those children who may become involved in an incident or allegation occurring in the receiving state that may involve the receiving state law enforcement, probation, child protection or, ultimately, the receiving state court.

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

D. Incoming Residential and Foster Home Placements

Placements by other states in Louisiana foster homes, group homes or residential child care facilities require ICPC procedure compliance and prior permission for placement from the Louisiana ICPC office. Staff is required to report any such cases that were not processed through the Louisiana Compact office to the Deputy Compact Administrator in State Office. DCFS will not provide supervision for dependency children placed into residential facilities and group homes in Louisiana. With approval of ICPC and recommendation of the Home Development Unit, DCFS staff will supervise placement of dependency children placed in foster homes certified through DCFS. [\[Appendix 11-H\]](#)

E. Mandatory Licensure of Relatives

There is a trend in Child Welfare where more states are requiring relative care givers to become licensed/certified foster parents. The philosophy of licensing relatives is to ensure that the relatives receive training to better equip them to address the physical, mental, emotional and behavioral health needs of the children placed in their home.

Frequently, DCFS will submit relative home study requests to states that require relatives to become licensed or certified foster parents. In these situations, DCFS as the sending agency is under no obligation to provide board payments. Prior to requesting a home study, case managers should discuss with the proposed relative the child's case plan; and assess the relative's ability to meet the financial needs of the child. If the relative is in need of financial assistance, the case manager should submit a request for a foster home study.


Home Development staff should not initiate board payment if the ICPC Form 100-A is not included with the home study and the ICPC Form 100-A does not reflect a request for a foster home study.

F. Expedited Home Study Requests (Regulation 7)

The "expedited placement referral process" was adopted to improve the response time between states on specified types of relative placement referrals whose circumstances meet certain prescribed criteria. State courts are to share joint responsibility for this referral process. The expedited referral process should address the concerns of many of our courts about the delays for studies for placements out-of-state.

Regulation 7 allows for ICPC home study requests to be determined and referred by the court on a "proposed expedited placement" basis. Only those cases meeting the expedited referral criteria will be referred on an expedited basis.

Although all placements might seem like it should be expedited, not all placements are. "Expedited placements" must meet certain criteria. For example, a placement that has

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023


disrupted in-state and there is a possible placement resource out-of-state might be considered an emergency situation. However, the proposed placement might not meet the criteria for an expedited placement.

In understanding the guidelines, it is helpful to remember that Louisiana is the “sending state” if a Louisiana court is requesting an expedited placement referral in another state; and the “receiving state” if an out-of-state court is requesting an expedited placement in Louisiana.

When DCFS staff requests an expedited home study, include the expedited court order, ICPC Form 101 along with information found in the policy section [11-225](#).

The expedited referral process applies only to cases that meet the prescribed (circumstance) criteria for expedited referral; all other ICPC cases will continue to be handled according to existing policy.

1. Regulation 7 shall **not** apply if:
 - a) The child has already been placed in violation of the ICPC in the receiving state, unless a visit has been approved in writing by the receiving state Compact Administrator and a subsequent order entered by the sending state court authorizing the visit with a fixed return date.
 - b) The request for placement of the child is for licensed or approved foster care or adoption; unless the proposed placement [parent, stepparent, grandparent, adult aunt or uncle, adult brother or sister, or guardian] is already licensed or approved in the receiving state at the time the request is received.
 - c) The court places the child with a parent from whom the child was not removed, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.
2. Regulation 7 **shall** apply to a child:
 - a) Being considered for placement with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian; ***
 - b) Under the jurisdiction of a court as a result of action taken by a child welfare agency; ***
 - c) The court has the authority to determine custody and placement of the child or has delegated authority to the child welfare agency; ***

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

- d) The child is no longer in the home of parent from whom the child was removed; ***
- e) Child meet at least one of the following criteria:
 - Unexpected dependency due to a sudden or recent incarceration, incapacitation or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental or physical condition of a parent or guardian. ***
 - The child sought to be placed is four years of age or younger, including older siblings sought to be placed with the same proposed placement resource. ***
 - The court finds that any child in the sibling group sought to be placed has a substantial relationship with the proposed placement resource. Substantial relationship means the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child. ***
 - The child is currently in an emergency placement.


3. Expedited Placement Referral Process

a) Responsibility of Court

Whenever a Louisiana court upon request, or on its own motion, or where court approval is required, determines that a proposed expedited placement of a child from Louisiana into another state is necessary, the court shall sign an order with that finding. The court shall send its order to the local or regional office within two (2) working days of the hearing. Should a judge make a request or order for expedited placement verbally to the local office, staff is to courteously advise the judge that a written order is needed in order for it to carry weight in the receiving state. The order shall include the name, address, email, telephone number, and fax number of the judge and the court.

b) Responsibility of Sending Local Agency

Within three (3) working days, the local office shall upload into NEICE the signed court order, a completed Form 100-A (Request for Placement), signed statement of interest from the potential placement resource or DCFS case manager, [[Appendix 11- K](#) (7a-b)] and supporting

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

documentation in accordance with [11-225], and * electronically submit through NEICE. ** *** to the DCFS Compact Administrator. Staff are to mark PRIORITY *** on the cover transmittal memo to State Office.

A provisional determination can be made upon request of the sending agency and agreement of the receiving agency. Provisional approval allows the child to be placed based on the initial assessment that the home is safe and suitable pending receipt of required additional information. A provisional approval or denial shall be communicated to the sending state Compact Administrator by the receiving state Compact Administrator in writing * (as noted within NEICE). This communication shall not include the signed ICPC Form 100A until the final decision is made. The receiving state is not obligated to provide provisional approval or denial.

c) Responsibility of Sending State Compact Office

Within two (2) working days after receipt of the ICPC expedited placement request, the DCFS Compact office shall transmit the **complete** Regulation 7 request and its accompanying documentation to the receiving state Compact Administrator, together with a notice that the request for placement is entitled to expedited processing.


The expedited request will be sent to the receiving state Compact Administrator by email or electronically, ** together with a cover notice calling attention to the expedited status of the request for placement.

d) Responsibility of Receiving State

The receiving state Compact Administrator shall make his/her determination pursuant to Children's Code Article 1610(D) of ICPC as soon as practicable but no later than twenty (20) working days from the date the **complete** expedited request was received.

If the receiving state Compact Administrator fails to make his/her determination within the prescribed twenty (20) day time limit, the receiving state shall be deemed out of compliance with ICPC. If there appears to be a lack of compliance, the court, which made the expedited order, may inform an appropriate court in the receiving state, provide that court with copies of relevant documentation in the case and request assistance.

The receiving state local courts may contact the receiving local office for information if they are contacted by an out-of-state court. Instances where

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

Louisiana is at risk of being in contempt of the Compact for failure to meet the twenty (20) day time limit should be few, as this reflects unfavorably on Louisiana. When a home study cannot be completed in time to allow the Compact Administrator to meet the prescribed twenty (20) day time limit, the local office shall advise their ICPC by email or fax * an electronic message within NEICE. **

If a receiving state Compact Administrator finds that extraordinary circumstances make it impossible for it and its local agencies to comply with the Regulation time requirements, the receiving state Compact Administrator shall notify the sending state Compact Administrator as soon as practical. The receiving state Compact Administrator should indicate their intention to complete the request and provide an estimated time for completion.

The Regulation 7 expedited placement referral process and the Regulation 7 expedited court order form are located in [Appendix 11-K](#).

G. Unaccompanied Refugee Minors


Families sometimes become separated and minor children have entered the U.S. unaccompanied by their parents or immediate family who are in a caretaker role. Their parents may have entered and settled in another state. While these families are of foreign origin, the process of reuniting them is handled under the ICPC in order to assure cooperative planning between their respective states of residence.

The reunification of an unaccompanied refugee minor with his parents in another state differs significantly from other interstate placements of children with their parents. Under normal circumstances, placements made under the Compact are for children who have been separated by law from their parents because of findings of abuse and neglect. Studies of the parent's home and continued supervision for a time are necessary to ensure the soundness of the family reunification prior to termination of court jurisdiction and the interstate placement itself.

The unaccompanied refugee minors and their parents were separated for reasons having nothing to do with parental neglect or abuse. Court intervention occurs after the separation is necessary only to provide for a person legally responsible for the minor until family reunification can occur. Because of these differences, the evaluation and termination of these family reunifications should be handled using procedures somewhat different from the typical ICPC placement of a child with his/her parents.

1. Initiating a Placement Request

When family reunification is the desired plan for the child, the following actions should be initiated.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

a. Completion of the ICPC Form 100-A

This form should be completed by the sending agency. Any available information about the child should be included and the referral package forwarded through both Compact offices as with other ICPC requests.

b. Evaluation of the Proposed Placement

Since the child is being reunified with his/her parents and there has been no prior question of the adequacy of the parents' care, the evaluation shall consist of two verifications:

i. That the parents are indeed the child's parents.

A simple affidavit of relationship, such as that used by the voluntary resettlement agencies for sponsorship, will serve this purpose if no other documents are available.

ii. That the parents have a place for the child to reside.


With respect to the parent's residence, any inadequacies should be considered in light of the importance of family units to the family's culture; physical deprivation is clearly less of a hardship than would be continued separation of parent and child. The caseworker should visit the parents' home, not only to obtain the two verifications but to ascertain what, if any, help the parents may need prior to or after their child's arrival. A report should be forwarded to the receiving state's Compact office through established channels.

c. Action Taken on the ICPC Form 100-A

Once the two necessary verifications have been made, the receiving state Compact Administrator should approve the placement and notify the sending agency through the sending state's Compact office.

2. Approved Placement

Following approval of the placement by the receiving state, plans should be developed for the return of the child. At the point that the child is physically returned to his/her parents in the receiving state, the following actions should be initiated.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

a. Completion of the ICPC Form 100-B for Unaccompanied Refugee Minors

This form should be completed by the sending agency.

b. Termination of Court Jurisdiction

Because the child is being reunited with his/her parents and there was no prior question of abuse or neglect, there is no further need or legal basis for the involvement of the Court. Therefore, upon receipt of notification that the child has been reunited with his/her parents, the appropriate person in the sending state should immediately initiate action to terminate the court's jurisdiction with respect to the child.

c. Payment

Once the child has been reunited with his/her family, he is no longer an “unaccompanied refugee minor” and thus the child is no longer eligible to receive payment for care under this program. Therefore, steps should be taken to determine if the parents will need other forms of financial support. [\[6-1600\]](#)

d. Timing

It is likely that the unaccompanied refugee minor and his parents will be eager to complete their long awaited reunification. The processing of the ICPC forms and the arrangements for the child's return should be completed as quickly as possible.


H. Runaways

1. Minors in the Legal Custody of Department of Children and Family Services

If the child has run away from a Louisiana foster home or residential facility, attempts to locate him should be carried out directly with whatever resource is appropriate. If the child has been located in another state, the Field Operations Unit should be contacted to access the services of the Interstate Compact on Juveniles (ICJ) to coordinate the return of the child to Louisiana. Travel arrangements shall be made through the Field Operations Unit.

2. Minors in the Custody of the Counterpart Agency in Another State

If an out of state runaway comes to the agency's attention and it is confirmed that the counterpart agency is his legal custodian, contact that agency directly to coordinate the child's return at that agency's expense.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

3. Minors Under the Jurisdiction of a State Department of Public Safety and Corrections (DPSC), the Office of Juvenile Justice (OJJ).

a. Louisiana Children

If a runaway from Louisiana has been adjudicated delinquent and placed either in the custody of OJJ or on probation, seeking the child and facilitating his/her return should be handled under the Interstate Compact on Juveniles (ICJ) via OJJ. If the worker is contacted and asked to assist, refer the inquiring person to the local Corrections Counselor.

b. Out-of-State Children

If a referral is received on an out-of-state runaway and comparable adjudication can be confirmed, advise the referring person to contact the area Corrections Counselor. That staff person should, then, contact their OJJ State Office to coordinate planning through its counterpart for the child's return. The ICJ should facilitate the return of the child without necessitating services from this agency.


4. Minors in the Legal Custody of Parents or Relatives

While the ICJ technically covers all interstate runaways, not all states provide a mechanism for effecting the child's return if he has not been placed under/into the jurisdiction of that State's Department of Corrections. Planning for such children, therefore, may be coordinated through the respective Departments of Corrections, but the full cooperation of the Department in the other state cannot be guaranteed.

a. Louisiana Children

If asked to assist in returning a runaway, advise the parent or other legal custodian to file a missing child report with local law enforcement if that has not already been done. Law enforcement will enter the child's information into the National Crime Information Center (NCIC) database. In addition, the family should be advised to contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST. Also inform the relatives that funds to transport the child back to Louisiana should be provided by the family.

b. Out-of-State Children

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

If a referral is received on an out-of-state runaway in this category, accept the request for services only if the Juvenile Court assumes temporary jurisdiction and orders this Department to accept responsibility for planning and/or payment for the child's return to his home state. The parish office shall contact the Field Operations Unit in State Office for travel approval. In most situations, the referral should be made to ICJ for planning with the other state.

5. Legal Emancipation

The age of majority varies among states. Considering that most runaways are above age 12, this issue can affect the prospects of obtaining another state's cooperation in returning a runaway who is legally emancipated in that state. This can be true for a Louisiana minor who is above the legal age in the state to which he has run and for a legally emancipated teenager from another state who is considered a minor/runaway in Louisiana.

The above procedures should be followed as far as possible, and where unsuccessful our attempts should be documented and appropriate case plans made based on the results of these attempts.


I. Specific Areas of Adoption Planning that are Non-Compact

Certain aspects of adoption planning may necessitate interstate correspondence but not interstate placement or supervision. In these instances, correspondence may bypass DCFS State Office and the other State Offices and be handled directly with the other local agency.

1. Step-parent adoptions.
2. Interviews/information related to voluntary relinquishment or court ordered termination of parental rights.
3. Requests for background information on adoptive or birth families who are former Louisiana residents.

J. Direct Contacts

There are instances in which it is acceptable for DCFS local offices to make direct contacts with the other state's local agency. When important case-planning decisions need to be coordinated, after approval for placement is received, direct telephone contacts are encouraged; at an appropriate point. Confirmation in writing * and or documentation within the electronic case record ** should follow through the regular channels.

	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

When significant correspondence faces a deadline and has time only to go directly to the other local agency but not to travel through routine channels, telephone the Deputy Compact Administrator for clearance unless instructions to that effect have already been received.

K. Penalties and Problems of Non-Compliance

1. Penalties

The Compact states choose to function and negotiate with one another in a spirit of cooperation and helpfulness, each state having the expectation of the other that it is acting in good faith to direct, observe, and enforce all requirements of the Compact. Instances where penalty imposition of any kind would become a consideration by one state onto another hopefully would be few.


Violators of the compact are subject to punishment or penalties in both jurisdictions, in accordance with the law. Imposition of penalties has been rare, but since 1980 there have been several cases in which children placed illegally were ordered returned to the sending state. [[Appendix 11-A](#), Article 1611]

2. Problems

The bypassing or violating of Compact's provisions generally creates delays, complications and problems for both states and the involved families.

The following are examples that can create delays, complications and problems:

- a. Direct requests made to other states for home studies may be delayed or receive no response due to an increasing number of states declining to provide service for those types of studies previously labeled as "courtesy visits". Most direct requests are returned unanswered by the receiving state to the sending state with the request that ICPC procedures be initiated.
- b. The cooperative relationship between a sending and receiving state may be jeopardized through repeated or deliberate violations of Compact requirements by the sending state.
- c. The receiving state may deny or discontinue services and supervision to the family.
- d. Children placed into another state out of compliance with ICPC procedures might be returned to the sending state by the receiving state at the sending state's expense.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	11 – Interstate Compact on the Placement of Children
	Part No./Name	2 – Procedures and Process
	Section No./Name	Procedures and Process
	Document No./Name	11-260 Special Case Situations in ICPC
	Effective Date	January 17, 2023

- e. Premature placements (those made without benefit of ICPC approval) may cause the loss or failure of a potential placement resource due to insufficient planning and supervision having been arranged in advance of the placement.
- f. The receiving state may refuse to honor future requests for home studies from a particular local office identified as having knowingly violated the compact on past occasions.
- g. In matters of jurisdictional, procedural, or financial consequence regarded by the receiving state as a serious ICPC violation, the receiving state may solicit its Attorney General's Office to seek redress of the matter through legal action.
- h. A parent or relative whose request has been denied for placement of a child into his home might initiate a lawsuit against the placement agency which placed the child into another state without benefit of ICPC.
- i. The adoption of a child might be subject of nullification if ICPC procedures have not been observed as applicable.

III. FORMS AND INSTRUCTIONS

[ICPC Form 100A](#) Interstate Compact Placement Request
[ICPC Form 100B](#) Interstate Compact Report on Child's Placement Status
[ICPC Form 101](#) / [Instructions](#) Expedited Placement

IV. REFERENCES

Refugee Act of 1980
Louisiana Children's Code Article [1611](#)