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Interstate Compact on the Placement of Children

By Kimball DeLaMare

*(This article is reprinted from the Summer 2002 National Association of Therapeutic Schools and Programs, Inc Newsletter with permission of author **Kimball DeLaMare**. Other articles on ICPC can be found in the **Woodbury Reports'** archives at www.strugglingteens.com/archives/ including: [The ICPC and You](#), by **Dave Pitkin**, # 31. 12/94, [What Happened at Skyland Ranch](#), by Dave Pitkin #38, 2/96 [A Statement on how it relates to wilderness programs](#), #42 10/96 and [Interstate Compact Tightened in Utah](#), #57 4/99.)*

Over the past three years, NATSAP has conducted two surveys pursuant to clarifying how the **Interstate Compact on the Placement of Children (ICPC)**, applies to our schools and programs. The returns from our two surveys have indicated that a slight majority of our programs are familiar with ICPC and that approximately 1/3 of our programs are routinely subject to the Compact. Partially, due to dialog between a consortium of **Utah** providers and the inconsistencies noted by various compact administrators, there has been a significant revision of compact regulation definitions, which have been adopted as of 2001 and are in force in all 50 states.

What is the Compact?

The ICPC applies to any government agency, court or person (including parents and relatives) corporation, association or charitable agency that desires to place a child in another state for the purposes of long term care adoption, treatment of chronic conditions and for the provision of care that would otherwise be provided by a parent. The compact ensures that children are guaranteed legal and financial protection; allows receiving states to ensure that placements are not contrary to the interest of the child and that both the sending and receiving states ensure that their applicable laws and policies have been followed before approving placement. The compact was originally conceived in the 1950's and has been adopted by all 50 states as well as the **District of Columbia** and the **U.S.**

Virgin Islands.

The Compact May Now Apply to You

With recent revisions and clarification as ratified by the ICPC compact administrators in April of 2001, there is now more specific language detailing when the Interstate Compact is in force. Such notable exemptions to the Compact in the past have included boarding schools, hospitals and other medical facilities, as well as institutions for the mentally ill or mentally impaired. Residential institutions have not been deemed as exempt in the past and continue with the same designation. Educational institutions may now be subject to ICPC if they provide any of the following:

- 1) If the school or program provides or holds itself out as providing childcare, constituting nurture, sufficient to substitute for parental supervision and control, or provides foster care.
- 2) The school or program provides any other services to children, except those customarily regarded as extracurricular or co-extracurricular school activities, pupil support services, and those services necessary to make it possible for children to be maintained on a residential basis in the aforementioned school program or programs.
- 3) The school or program accepts responsibility for children during the entire year.

How the Compact Works

ICPC administrators have devised two forms related to the Interstate Compact. Form 100A is to be filled out by "sending parties." Sending parties include parents, guardians, government agencies and courts. This form with an accompanying social history or other rationale for placement is submitted to a potential "receiving state." The receiving state has up to 30 working days to approve or disapprove the placement. In unusual circumstances, a placement can be approved in as little as two days if certain requirements are met.

When a receiving state approves placement, the child can then be transported to that State. Upon completion of a program or other circumstances where the child can then return to his/her home state, the ICPC form 100E is completed which informs the original state that the child is returning. Transfer to other states is subject to the use of the 100A form.

Implications

The revisions to the ICPC have several implications for our member programs. Perhaps most importantly there may be

many of our members who could be deemed out of compliance with the State or Federal law. These revisions could significantly impede our ability as helping professionals to serve children who are in immediate need of our services but may not be deemed as needing stabilization in an acute care environment. The ICPC is seen by several of the families who have children in our programs as intrusive. Many of these families feel that their privacy is being violated by state oversight of their decisions to provide services for a needy child. In some circumstances, there have been discussions that placements in another state may have to be confined to institutions that agree to follow all of that specific state's regulatory expectations. Referring professionals such as educational consultants may also be impeded in their role to provide timely assistance to clients who may then further deteriorate necessitating temporary placement in highly expensive local institutions.

What's Next?

In the coming months, the NATSAP Board of Directors will meet to look more closely at the ICPC and will help to devise a strategy, which could include an Ad Hoc Committee, lobbying efforts or other action by which to deal with these important concerns. Hopefully, our organization will be able to provide significant direction and education regarding the Interstate Compact. There is a detailed guide, which includes all revisions available through each state's compact administrator.

Booklets are also available through the [American Public Human Services Association](#) (APSHA, 810 First Street, NE Suite 500, **Washington, DC** 20002-4267, 202-682-0100, fax: 202- 289-6555).

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