

Big Bend Community Based Care Policy & Procedure

Series:	400: Child Welfare Services	
Policy Name:	Interstate Compact on Adoption and Medical Assistance (ICAMA)	
Policy Number:	422	
Origination Date:	03/09/2009	Revised: Board Meeting of 12/13/2018
Regulation:	Ch. 39, F.S. 409.406, F.S.	

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to mandate their Adoption Provider support the Interstate Compact on the Placement of Children and Medical Assistance (ICAMA) and the priority placement under ICPC.

Procedure

A. General Information.

1. This operating procedure is applicable to:
 - a. CMO DCMs;
 - b. Children's Legal Services attorneys; and
 - c. Providers of child welfare services under contract to BBCBC, who are involved in the interstate placement of children under juvenile dependency court jurisdiction.

B. Types of Placement Covered by the Compact.

1. The ICPC applies to three (3) types of situations in which dependent children may be sent to other states, and one (1) type of situation in which an adjudicated delinquent child may be sent to another state.
 - a. **Dependent Children.**
 - i. Placement preliminary to an adoption or guardianship powers under Chapter 39, F.S.
 - ii. Placement into foster care, including foster homes, group homes, and residential treatment facilities, non-relative placements, and child caring institutions;

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- iii. Placements with parents or relatives where the child remains a dependent or under court-ordered supervision of the sending state unless the placement is being made by a parent or relative with undiminished custodial control over the child.
- b. **Adjudicated Delinquent Children.** Placement of an adjudicated delinquent child into an institution.

C. Processing Outgoing Requests.

1. BBCBC DCMs considering an interstate placement for a child must submit a separate home study request for each resource (parent or relative) with a separate physical address location.
2. If more than one (1) family member lives at an address, then the name of the family member that will have primary (or court ordered) responsibility for the child must go on the Compact 100A Form.
3. Frequently, multiple requests for home studies are made on the same child because there are two (2) or more relatives (each with a separate address) who want to be considered as a placement resource for the child(ren).
4. These resources may all be in the same community or state, but at other times, the resources may all be in different states.
5. Multiple requests can be helpful for placement planning.
6. Another resource in the same community, or even the same state, might provide an alternate placement source should the initial placement disrupt, or the resource finds out that they cannot handle the child.
7. The caseworker shall send each request to BBCBC's ICPC-OTI Specialist. The request package shall contain, not limited to, but at a minimum:
 - a. A District Compact Transmittal Form;
 - b. The "Interstate Compact Placement Request" (ICPC 100A Form). After signing the form, the local district office keeps a copy for their case file along with a complete copy of the request package;
 - c. An overall cover letter identifying the resource and explaining any ongoing needs of the child, any special requirements that the resource must meet, and a separate paragraph stating the financial/medical plan as well as the sending [district] worker's telephone number;
 - d. Because other state and local agencies are accustomed to interacting with the Department, and to forestall any delay, providers of child welfare services under contract to the Department who use their own letterhead stationery must include the following sentence in

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- their opening paragraph: “*This request for child welfare services is being made pursuant to our contract with the Florida Department of Children and Families*”;
- e. A social assessment of the child, or PDS;
 - f. The most recent court order showing dependency, and a legal status of foster care or protective supervision;
 - g. An Order of Compliance must also accompany a Protective Supervision Court Order;
 - h. If the request is for an adoption home study:
 - i. A TPR order signed by Judge on both parents, or a an order from the court setting a termination hearing; and
 - ii. A completed copy of the Department’s Adoptive Home Application signed by the prospective adoptive parents.
 - i. Title IV-E Notice of Case Action form;
 - j. A copy of the birth certificate;
 - k. Financial/Medical Plan Form;
 - l. Additional items that would be helpful to the receiving state social worker include, if available: current predisposition study, psychological study, medical report, social security card or number, previous home study or foster care licensing report, etc.
8. BBCBC’s ICPC-OTI Specialist will review the package for completeness and log in the request before forwarding it to the Central Zone Specialist.
9. The Central Zone Specialist will forward to the State in Tallahassee and the State Office will validate the request, sign off on the Interstate Compact Placement Request 100A Form, enter the request into the Interstate Compact System and forward the request to the receiving State Compact Office within three (3) business days of receipt.
10. A copy of the State Office transmittal memorandum confirming that the request was processed will be sent to the sending district local worker via BBCBC ICPC-OTI Specialist.
11. When the request to place a child has been approved by the receiving State Compact Office, they will sign the 100A Form indicating that “placement may be made”, and return the form (now a legal document) and the approved home study to the sending State Office, which will, in turn, send the documents to the central zone sending office, which will, in turn, send the documents to BBCBC’s ICPC-OTI Specialist.

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12. The sending and receiving local office workers must now work together to arrange the details and date of the actual placement.
13. Final agreements are clarified or entered into regarding payment for the child's care, the type of monitoring of the placement, and the frequency of visits and post-placement supervisory reports to be provided to the sending agency.
14. If, however, the local receiving agency recommends against the placement or it is determined that the placement cannot lawfully be completed, the placement will be denied by the receiving State Compact Office unless the problems can be remedied.
15. After the child is actually moved to the receiving state and placed with the approved resource.
16. The sending agency must notify the receiving state of the placement by using the "Interstate Compact Report on Child's Placement Status" 100B Form.
17. The sending state case must remain open while the child is in the receiving state since the sending state must retain jurisdiction during the period of placement.
18. The receiving state local agency will usually perform monthly visits and prepare a quarterly written report, which can be used to keep the Florida court and others informed as to the progress of the child.
19. After six (6) months of supervision, the receiving state may recommend termination of supervision.
20. However, the decision to terminate supervision rests with the sending state (Florida).
21. If supervision is terminated, the sending state court must still retain court jurisdiction for as long as the child remains in the other state, unless the receiving state consents in writing to termination of jurisdiction, or the child is adopted, reaches the age of majority or becomes self-supporting.

D. The Sending Local (district) Agency's Responsibilities.

1. While the child remains in the out-of-state placement, the sending state [district] must retain legal and financial responsibility for the child.
 - a. This means that the sending state [district] has both the authority and the responsibility to determine all matters relating to the custody, supervision, care, treatment, and disposition of the child, just as the sending state [district] would have if the child had remained in the home state. Retention of court jurisdiction over the child while the child is in the receiving state ensures legal authority by the district to make financial expenditures on behalf of the child, and the return of the child for reunification when so determined by the court.

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2. The sending state's responsibilities for the child continue until it legally terminates the interstate placement.
3. It may terminate the placement by court ordering the return of the child to the sending state district, which would occur if the court decides that reunification of the child with the parent from whom the child was originally removed is now possible, or if the placement resource in the receiving state indicates that they can no longer care for the child.
4. The sending agency must also be responsive to the receiving state's request to return the child if the placement disrupts, or if the receiving state withdraws its previous approval for placement.
5. The decision that the placement has disrupted, or that prior placement approval is to be withdrawn, is the sole prerogative and professional responsibility of the receiving state.
6. Any 'placement' of a child into a receiving state without the approval of the receiving state is an illegal placement and violates the Compact. A "visit" of a child to a receiving state has been defined by the Association of Administrators of the Interstate Compact on the Placement of Children as a visit of thirty (30) days or less, unless during the summer, when it can last from the traditional end of school until the traditional beginning of school.
7. The Association has also determined that a "visit" is not a placement, per se, and therefore is not covered by the Compact.
8. Accordingly, a home study cannot be requested through the Compact for a visit. If a visit is desired, then the worker must take responsibility to satisfy any concerns about the visit resource and the safety of the child, and recognize that the child is still under the jurisdiction of a Florida court and that the Department will be responsible for the child while the child is on a visit.
9. The Association is well aware of the use, or misuse, of the "visit" to get around the delays associated with use of the Compact and waiting for an approved home study from the receiving state before an approved placement can be made.
10. Calling it a 'visit', even in a court order, does not make it a visit if it does not qualify as a visit under the compact administrator's definition.
11. The sending agency must notify the receiving state's Compact administrator of any change in the child's situation, family or court status, again using the 100B Form.
12. Changes of status may include a termination of the interstate placement or such things as a new placement of the child in the receiving state or a transfer of legal custody.

E. Processing Incoming Requests for Interstate Placements (from Another State to Florida).

1. All incoming Compact requests for child welfare services from another state must be sent to the central compact office (Tallahassee), who will then forward to the Central Zone Specialist, who will then forward to BBCBC's ICPC-OTI Specialist for assignment to the CMA.

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2. The DCM will then contact the sending state worker, by telephone ascertain if there have been any changes in the case.
3. The DCM will then completed the Home Study and recommend or not recommend the placement, by sending the completed Home Study to BBCBC's ICPC-OTI Specialist, who will forward to The Central Zone Specialist, who will forward to Tallahassee to sign the 100A stating the placement is recommended or not.
4. Tallahassee will then forward the 100A and completed Home Study to the sending state.
5. If placement is recommended and child has been placed in Florida, a signed 100B form must be sent through the ICPC chains to local agency of where the child is placed.
6. After receipt of the 100B the Florida worker must start post placement supervision of that child with a monthly visit and a quarterly written report.
7. The Florida worker may include a recommendation in the quarterly written report to the sending worker to stop post-placement supervision at any time, if the receiving circuit worker feels supervision is no longer needed.
8. However, the sending state must concur before post-placement supervision is stopped.

F. The Courts and the Children's Legal Service Attorneys.

1. The BBCBC staff will work closely with CLS to ensure that all legal and court-related procedures are followed, including, but not limited to:
 - a. Ensuring sufficient court jurisdiction in the sending state;
 - b. Determination of termination of jurisdiction;
 - c. Determination of when and how the supervision of the case can be terminated;
 - d. Ensuring that "visitation" to or from another state complies with the ICPC agreement;
 - e. Recognition of the rights of non-custodial parents in ICPC cases; and
 - f. Ensuring that BBCBC, Inc. actions are not in violation of ICPC in any manner.