

**South Carolina Department of Social Services
Human Services Policy and Procedure Manual**

550.5 The Interstate Compact on the Placement of Children: The Sending State

CHAPTER 5, Foster Care & Permanency Planning

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PURPOSE STATEMENT:

The agency is committed to promoting the timely and appropriate permanency for children in foster care when a permanent family is available outside of the borders of the state in which their case originates. To this end, this section lays out the policies and procedures to be adhered to when placing South Carolina children out-of-state in accordance with the Interstate Compact on the Placement of Children (ICPC).

POLICY:

1. The agency shall not deny or delay placement of in-state or out-of-state children due solely to the state residency of the child or a prospective caregiver.
2. The agency shall emphasize safety, wellbeing, and permanency for out-of- state children to the same extent and according to the same policies as in- state children.
3. The agency shall abide by the terms of the Safe and Timely Interstate Placement of Foster Children Act and the ICPC Regulations. Accordingly, the agency shall not place a child in another state without proper approval by the receiving state. This policy applies to both family homes and residential facilities. If a child is to move from an out-of-state family home to an out-of- state residential facility, a new request and a new informational packet shall be sent to the receiving state.
4. The agency shall not impose any restriction on the ability of the receiving state agency to contract with a private agency for the completion of an ICPC home study.
5. Regulation 1 of the Interstate Compact allows a receiving state to conditionally pre-approve a placement when a foster child moves to another state with the foster parents. If a licensed family is moving outside of South Carolina, the State Office Interstate Compact (ICPC) Office shall send this information to the receiving state prior to the family arriving in the receiving state.

PROCEDURES:

Placement of a Child in Another State

1. If a person has been identified as a possible out-of-state placement resource, the Foster Care/IFCCS Worker shall contact the person and complete the [ICPC Statement of Interest form](#).
2. If, after the signing of an [ICPC Statement of Interest form](#), the Foster Care/IFCCS Worker and Foster Care/IFCCS Supervisor agree that the proposed resource should be assessed, the Foster Care/IFCCS Worker shall prepare a Regulation 2 ICPC Request Packet. The packet shall include:
 - a. [DSS Form 3049 \(ICPC 100A\)](#), completed in CAPSS and printed/signed by the Foster Care/IFCCS Worker and/or the worker's supervisor;
 - b. a cover sheet, including the name of the child, the county holding case management, the name/relationship/address of the placement resource, the reason for the out-of-state placement, a statement indicating that DSS has legal custody and/or that the SC Family Court has jurisdiction over the case, the child's permanent plan and expected date of achievement, and a request for both monthly face-to-face contacts with the child in the placement and quarterly progress reports;
 - c. a detailed Child Social Summary (or the child's treatment plan if it clearly contains all of the information in the social summary outline) that includes the specific needs of the child, the reason for foster care placement, the child's permanent plan, an explanation of why the child is in custody, what parental behaviors must be changed, and specific behaviors the child may have;
 - d. a court order verifying that the agency has legal custody and the authority to place the child out of state (or an Order of Compliance designating DSS as a sending agency if the court has jurisdiction);
 - e. a statement indicating whether the child is IV-E eligible and whether the child receives Medicaid or other medical coverage;

- f. a Plan for Financial Support;
 - g. copies of the child's birth certificate and social security card;
 - h. If applicable, other documents that provide information necessary for the agency completing an evaluation to determine if the placement resource will meet the child's specific needs (this includes but is not limited to medical reports, psychological evaluations, etc.).
- 3. The Foster Care/IFCCS Worker shall forward the packet to the Foster Care/IFCCS Supervisor, who shall review the packet and forward it to the State Office ICPC unit via NEICE.
- 4. The State Office ICPC Consultant shall promptly review the request packet for the completeness. After completing [DSS Form 3049 \(ICPC 100A\)](#) with his or her approval signature, the ICPC Consultant shall send the request to the proper authorities in the receiving state.
- 5. Upon receipt of the home assessment/study and the signed [DSS Form 3049 \(ICPC 100A\)](#) from the receiving state, the State Office ICPC Consultant shall forward the receiving state decision to the county office.
- 6. Within five calendar days of receipt of the home assessment/study, the Foster Care/IFCCS Worker and Supervisor shall review the completed home study. If an approved home study identifies circumstances or potential risk factors that suggest that placing the child in the home would not be in the child's best interests, the Foster Care/IFCCS Worker shall contact the State Office ICPC Unit within the five days allowed for review. The State Office ICPC Unit shall notify the receiving state of the agency's decision not to place the child within 14 days of receiving the home assessment/study using [DSS Form 30126 \(ICPC 100B\)](#).
- 7. If the request is denied by the receiving state, the Foster Care/IFCCS Worker and Supervisor shall make other placement arrangements for the child and shall revise the current case plan, if necessary. The Worker and Supervisor shall determine what outcomes must be achieved by the out- of-state placement in order for the receiving state to reconsider its denial (see Special Considerations below for reconsideration procedures).
- 8. If the assessment/study is approved and placement is planned, the Foster Care/IFCCS Worker shall:

- a. Have up to six months from the date of the Receiving State's signature to place the child without sending a new request. An extension can be requested if it is sent before this time period expires;
 - b. schedule a permanency planning hearing if court approval has not already been attained;
 - c. notify Medicaid and State Office IV-E Unit prior to child's placement out of state;
 - d. arrange air transportation, if necessary (see Special Considerations);
 - e. Gather necessary information that needs to accompany the child (e.g., medical records, school information, etc.) and ensure that the child has at least a 20-day supply of any medications.
9. When placement is made, the Foster Care/IFCCS Worker shall notify the receiving state of placement and shall request that the state begin supervision by completing [DSS Form 30126 \(ICPC 100B\)](#) and forwarding it to the State Office ICPC Unit. The Foster Care/IFCCS Worker must request monthly face to face contact with the child and caregivers, and the request must include a subsequent request to forward dictation of the visits to the Foster Care/IFCCS Worker.
10. While the child is placed out of state, the Foster Care/IFCCS Worker shall:
 1. provide case management (including permanency planning);
 2. schedule FCRB and permanency planning hearings with the same frequency as in-state placements;
 3. monitor and follow up on progress reports to determine if (1) monthly face to face contacts are being made and (2) additional or different services are needed;
 4. if applicable, arrange for child to receive ILP services in the receiving state;
 5. continually assess whether the placement is appropriate and safe;
 6. Dictate in CAPSS the receipt of face-to-face dictation by the supervising worker and place a copy of the dictation in the child's file. If timely or thorough progress reports are not received, the Foster Care/IFCCS Worker shall submit a request

for reports through the State Office ICPC Unit. The ICPC Coordinator shall then contact the supervising state's ICPC Unit to request further assistance.

11. After a minimum of 6 months of out-of-state supervision and with agreement from his or her Supervisor, the Foster Care/IFCCS Worker shall seek concurrence from the receiving state regarding the need for continuing agency custody and the possibility of pursuing permanency through the out-of-state placement. All parties (including the receiving state) must agree custody is transferred to the parent, relative, or non- relative. If permanency is not pursued, the Foster Care/IFCCS Worker shall consider whether an alternative or concurrent permanent plan should be implemented.
12. If permanency is achieved through the out-of-state placement, the Foster Care/IFCCS Worker shall notify the State Office ICPC Unit of the intent to close the case by submitting [DSS Form 30126 \(ICPC 100B\)](#) and the relevant court order granting adoption, custody, or guardianship to the placement. The State Office ICPC Unit shall forward the form to the receiving state and shall give written notification via copied transmittals to the Foster Care/IFCCS Worker that the case has been closed and all actions documented in CAPSS.

Disruption of ICPC Placements

1. If an ICPC placement disrupts, the local worker in the receiving state shall notify the Foster Care/IFCCS Worker to make arrangements for the child's return and shall submit a written summary of the disruption to the sending state's ICPC Office. Return of the child must occur within five working days of the notice of removal unless alternative arrangements have been agreed upon by the two states.
2. The Foster Care/IFCCS Worker shall document all actions in CAPSS dictation and shall indicate the child's placement change(s).

Special Considerations:

Regulation 7 Priority Requests

1. ICPC Regulation 7 provides for a priority request process. The provision provides that home studies be completed within 30 business days provided that the request meets the following criteria and that criteria is stipulated in the Regulation 7 court order:
 - a. 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, or
 - b. 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; or
 - c. 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; or
 - d. the child is currently in an emergency placement; AND
 - e. The degree of relationship to the child is parent, step-parent; grandparent; adult brother/sister or adult aunt/uncle (documentation must include the individual's name, address and telephone number).
2. In order to petition the court for one of the above findings, the Foster Care/IFCCS Worker must present the following documents to the family court:
 - a. [Statement of Interest](#); and
 - b. Statement of Readiness (in the form of a sworn affidavit) from the caseworker that states that, based upon current information known to the sending county agency, he or she is unaware of any fact that would prohibit the child being placed with the placement resource and that he or she has completed and is prepared to send all required paperwork to the State Office ICPC Unit.
 - c. The Foster Care/IFCCS Worker shall request that the court submit a Regulation 7 Order of Compliance to the DSS Attorney within two business days of the hearing.
 - d. Within two business days of receiving the court order, the Foster Care/IFCCS Worker shall send the request to the State Office ICPC Unit via NEICE.

- e. Within two business days of receiving a complete request packet, the ICPC Consultant shall forward the request to the receiving state.

Reconsiderations of ICPC home study denials

1. DSS may request a new home study with a new [Form 3049 \(ICPC 100A\)](#) if the reason for the denial has been corrected. The receiving state may agree to reconsider the denial and provide a determination via home study or an addendum, if it believes the reasons for the denial have been corrected. The receiving ICPC office is not obligated to agree to a redetermination.
2. Within 90 days of a denial on a [DSS Form 3049 \(ICPC 100A\)](#), the sending state can request a reconsideration. If the receiving state ICPC determines that it is appropriate to review the denial, the receiving state ICPC office can either:
 - a. Send the request to the appropriate county office for a new study or updated addendum that addresses the reasons for denial and if they have been corrected. The receiving local agency will have 50 days to re-examine the situation; or
 - b. Make a redetermination based on the evidence provided by the sending state.
 - c. The receiving state will convey the determination to SCDSS with a new [DSS Form 3049 \(ICPC 100A\)](#).

Out-of-State Residential Facilities

1. A "residential facility" or "residential treatment center or group home" is defined as a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. Residential facilities do not include institutions primarily educational in character, hospitals, or other medical facilities. Residential facilities may also be called by other names in the receiving state, such as those listed under "Type of Care Requested on the ICPC 100A: Group Home Care, Residential Treatment Center, Child Caring Institution, and Institutional Care (Article VI), Adjudicated Delinquent." The type of license, if any, held by an institution or the type of funding source used to defray the costs of treatment does not determine whether the Interstate Compact on the Placement of Children applies.
2. If placement in an out of state residential facility is pursued, the Foster Care/IFCCS Worker shall prepare an ICPC Request Packet with the following information and/or documentation:

- a. [DSS Form 3049 \(ICPC 100A\)](#), completed in CAPSS and printed/signed by the worker and/or the worker's supervisor;
- b. if the child is already placed without prior approval, [DSS Form 30126 \(ICPC 100B\)](#), completed in CAPSS and printed/signed by the worker and/or the worker's supervisor;
- c. a cover letter indicating the name and address of the facility and the reason for out-of-state placement;
- d. a court order granting authority to place the child, to include one of the following:
 - i. for children in DSS custody, a copy of a court order stating DSS has legal custody and the authority to place the child out of state (or an Order of Compliance stating that the court has jurisdiction and has designating DSS as the sending agency);
 - ii. for delinquent children, an order indicating that the child (1) has been adjudicated delinquent, (2) that equivalent facilities are not available in the sending agency's jurisdiction, and (3) that institutional care in the receiving state is in the best interest of the child and will not produce undue hardship;
 - iii. for children in the custody of a relative or legal guardian, a current court order or legal document indicating the sending agency has authority to place the child;
 - iv. For children placed by parents without court involvement, a signed [DSS Form 3049 \(DSS 100A\)](#) with the box checked under legal status indicating that the parent has custody.
 - v. a letter of acceptance from the residential facility, if required by the receiving state;
 - vi. a current case history for the child, including custodial and social history, a chronology of court involvement, social dynamics, and any specific needs of the child;
 - vii. a service or case plan;
 - viii. A financial and medical plan, including a written description of the responsibility for payment of the cost of placement and the name/address of the person or entity that will be making payments. It is expected that medical coverage will be arranged between the sending agency and the residential facility;
 - ix. Title IV-E eligibility verification and supporting documentation;
 - x. If required by the receiving state, a placement disruption agreement describing who will be responsible for the return of the child if the placement is disrupted.

3. The Foster Care/IFCCS Worker shall send the ICPC packet to the state office ICPC Consultant via NEICE.
4. The State Office ICPC Consultant shall promptly review the request packet for the completeness. After completing [DSS Form 3049 \(ICPC 100A\)](#) with his or her approval signature, the ICPC Consultant shall send the request to the proper authorities in the receiving state.
5. Upon receipt of the signed [DSS Form 3049 \(ICPC 100A\)](#) from the receiving state, the State Office ICPC Consultant shall forward the receiving state decision to the county office.
6. When the request for placement is approved, the Foster Care/IFCCS Worker shall:
 - a. Determine whether to use the approved placement within 30 calendar days from the date the form was signed by the receiving state. If an extension is needed, the Foster Care/IFCCS Worker shall notify the State ICPC Consultant, who will then attempt to procure an extension via mutual agreement with the receiving state;
 - b. complete arrangements and notify the child, parent, and other relevant parties;
 - c. Notify the receiving state of placement and request that the state begin supervision of the child by completion of [DSS Form 30126 \(ICPC 100B\)](#). The Foster Care/IFCCS Worker shall complete the form in CAPSS, print/sign the form, and send it to the State Office ICPC Unit via NEICE.
 - d. provide case management (including permanency planning);
 - e. schedule FCRB and permanency planning hearings with the same frequency as in-state placements;
 - f. monitor and follow up on progress reports to determine if (1) monthly face to face contacts are being made and (2) additional or different services are needed;
 - g. if applicable, arrange for child to receive ILP services in the receiving state;
 - h. continually assess whether the placement is appropriate and safe;
 - i. Dictate in CAPSS the receipt of face-to-face dictation by the supervising worker and place a copy of the dictation in the

child's file. If timely or thorough progress reports are not received, the Foster Care/IFCCS Worker shall submit a request for reports through the State Office ICPC Unit. The ICPC Coordinator shall then contact the supervising state's ICPC Unit to request further assistance.

- j. When the request for placement is denied or if approval is rescinded:
 - i. If the child is not currently in the facility, the Foster Care/IFCCS Worker and Supervisor shall make other placement arrangements for the child and shall revise the current case plan, if necessary. The Worker and Supervisor shall determine what outcomes must be achieved by the out-of-state placement in order for the receiving state to reconsider its denial (see Special Considerations below for reconsideration procedures);
 - ii. If the child is already in the facility, the receiving state may request that DSS (1) facilitate return of the child to South Carolina within five business dates unless otherwise agreed upon by the two states or (2) propose an alternative placement. The alternative placement must be approved by the receiving state before placement is made.
- k. In the event that a child is placed in an out-of-state facility:
 - i. The residential facility is viewed as the agency responsible for the 24-hour care of a child away from the child's parental home. In that capacity, the residential facility is responsible for the supervision, protection, safety, and well-being of the child. The sending agency making the placement is expected to enter into an agreement with the residential facility regarding the program plan or expected level of supervision and treatment and the frequency and nature of any written progress or treatment reports.
 - ii. Receiving state local child welfare workers and probation staff are not expected to provide any monitoring or supervision of children placed in residential facility programs. The one exception is 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.

Out-of-State Visitation

1. If a child's stay for visitation purposes lasts no longer than 30 days, it is considered a visit and does not require ICPC approval. However, a visit may be longer than 30 days if it takes place during the child's vacation from school.
2. A visit should not occur when an ICPC request has been submitted to the receiving state unless (1) the Foster Care/IFCCS Worker notifies the receiving state through their respective ICPC Offices and (2) the receiving state grants permission for the visit.
3. A visit or pre-placement visit cannot be, in reality, an ad hoc placement. In other words, a visit cannot be used to circumvent the system in order to place a child in the home sooner than would be possible through proper procedures.

Air Transportation for Child

1. An escort is required to accompany all children/youth travelling by air transportation, regardless of the child's age. The Foster Care/IFCCS Worker, the foster parent, or another appropriate person who is involved in the case and is known to the child may be asked to serve as the child's escort. In the event that no other person is available, the worker shall serve as the child's escort.
2. Upon approval of the placement resource and the receipt of the [DSS Form 3049 \(ICPC 100A\)](#) from the receiving state, the Foster Care/IFCCS Worker or Supervisor shall:
 - a. contact the ICPC Administrative Assistant with notification that the request is being submitted and indicate the planned departure date for flight;
 - b. fax the following to the attention of the ICPC Unit at least 7 working days prior to the planned departure date (unless there is an emergency):
 - i. a signed statement from the County Director/MTS Regional Director or Adoption Administrator approving the travel;
 - ii. a copy of [DSS 1103: Travel Request/ Authorization](#) with the county cost center and County Director's approval;
 - iii. an explanation of why placement out of state is in the child's best interests, including how the placement will facilitate implementation of the permanent plan; if siblings are

- separated, how contact will be maintained; if reunification is the plan, the impact on implementation if child is placed out of state; any special circumstances, such as an explanation of circumstances if emergency travel is being requested;
- iv. a copy of the most recent court order confirming agency custody and the court's approval for placement out of state and, if appropriate, reunification of child with parent with whom the child is being placed;
 - v. a copy of [DSS Form 3049 \(ICPC 100A\)](#) indicating that the receiving state has approved the placement;
 - vi. A statement identifying who is to escort the child.
3. The State Office ICPC Administrative Assistant shall:
- a. contact the travel agency to obtain ticket prices and flight schedules for the specific date(s) of travel;
 - b. prepare the cover memo for the request to be submitted to State Director;
 - c. complete [DSS Form 1103: Travel Request/Authorization](#) for the child;
 - d. forward the request for review by the Human Services Director and Deputy Director of County Operations;
 - e. if travel is denied, immediately notify the worker making the request;
 - f. upon receipt of signed approval from State Director or designee, complete arrangements with the travel agent and notify the Foster Care/IFCCS Worker of the flight arrangements;
 - g. Inform the worker by telephone of arrangements to pick up the tickets.
4. The Foster Care/IFCCS Worker shall complete [DSS Form 30126 \(ICPC 100B\)](#) to officially notify the receiving state to begin supervision or close the ICPC services if the child returning was in a placement made through the Compact.

DOCUMENTATION:

- All correspondence with DSS staff
- All communication with receiving/sending state staff
- All contacts with family and/or child
- Copies of all ICPC forms, reports, and documentation
- Dictation or copies of out-of-state dictation

COLLABORATION:

- Foster Care/IFCCS Worker
- Foster Care/IFCCS Supervisor
- State Office ICPC Unit
- ICPC Consultant
- ICPC Administrative Assistant
- Sending/Receiving State Staff
- DSS Attorney
- SC Family Court

REFERENCES:**Legal Citations:**

42 U.S.C.A. § 671(a) (23): denying/delaying out-of-state placement, fair hearing

42 U.S.C.A. § 671(a) (25) & (26): ICPC

S.C. Code Ann. § 63-9-2200 thru 2290: ICPC

S.C. Code Ann. § 63-15-300 thru 394: UCCJEA

ICPC Regulations, available at www.aphsa.org/content/AAICPC/en/ICPCRegulations.html

Tools:

National Electronic Interstate Compact Enterprise (NEICE)

Forms:

[DSS Form 37545: ICPC Statement of Interest](#)

[DSS Form 3049 \(ICPC 100A\): ICPC Request](#)

[DSS Form 30126 \(ICPC 100B\): ICPC Report on Child's Placement Status](#)

[DSS Form 1103: Travel Request/Authorization](#)

Practice Guidance:**REVISION COMMENTS:**