



State of South Carolina

Department of Social Services

Policies and Guidelines: Child Welfare Services

Subject	Interstate Compact on the Placement of Children
Policy Number	1200
Authority	SC Code Sections 63-9-2200 through 63-9-2290 ; PL 109-239 Safe and Timely Interstate Placement of Foster Children Act of 2006 ; PL 110-351 Fostering Connections to Success and Increasing Adoptions Act of 2008 ; and Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) Regulations
Standards	Guiding Principles and Standards (GPS) Practice Model
Application	Department of Social Services and other Public or Private Child Agencies in Party States, Licensed Child-Caring and Child-Placing Agencies, Licensed Residential Treatment Facilities, Institutions, Courts, Tribes and Parents/Relatives/Guardians
Purpose	
The purpose of the Interstate Compact on the Placement of Children (ICPC) is to encourage the cooperation of party states to ensure protection and services to children who are placed across state lines for the purpose of foster care, a preliminary adoption placement, or temporary placement into a licensed residential treatment facility or institutional placement. These protections and services are the same as would be provided to the child or children if they remained in their home state or jurisdiction. All relevant federal and state child welfare laws and policies that apply to a child in South Carolina apply to that child if placed across state lines.	
Policy Statement	
The State of South Carolina is a party to the ICPC and as such cooperates with the other member states in accordance with the provisions of the Compact. South Carolina Department of Social Services (DSS) is assigned responsibility to administer the ICPC among and between party states/agencies and with community partners to promote protection and provision of services to children who are placed across state lines for the purpose of foster care, as a preliminary adoption placement, temporary placement into a licensed residential treatment facility or institutional placement.	
Policy Administration	
The Division of Child Welfare Services' Office of Permanency is the owner of this policy. The Permanency Director, or designee, shall review this policy annually from the date published in the Child Welfare Services Policy Manual, or as needed due to changes in law or practice.	
Policy Guidelines	
A. Authority of State ICPC Office	1. All matters relating to the ICPC are administered in accordance with the ICPC, promulgated ICPC regulations, South Carolina Code, and DSS Child Welfare Policies and Procedures.

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	2. The DSS Office of the Interstate Compact on the Placement of Children: a. Administers the ICPC; b. Is the principle point of contact for other State administrators of the ICPC; c. Is authorized to make decisions regarding the placement and permanency of a child(ren) pursuant ICPC; d. Establishes and promulgates policies and procedures to be used by the designated parties for compliance with the ICPC and in conjunction with other applicable child welfare laws; e. Monitors and enforces compliance with laws, policies and procedures applicable to the ICPC; f. Maintains data collection in the Child and Adult Protective Services System (CAPSS) and the National Electronic Interstate Compact Enterprise (NEICE); g. Extracts data from CAPSS AND NEICE for data reports; h. Provides information, technical assistance, and consultation to all parties involved in or with the ICPC; and i. Design and implements basic training/orientation on ICPC procedures. 3. The requirements of the ICPC must be met prior to the sending or bringing into any other State any child for placement in foster care or as a preliminary to a possible adoption. 4. The ICPC requires all relatives, except for parents, to be licensed to achieve permanency timely.
B. Placements not Governed by ICPC	The following placements are not governed by ICPC: 1. The sending or bringing of a child into a Receiving State by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his or her guardian and leaving the child with any such relative or non-agency guardian in the receiving state; 2. International Adoptions; 3. Requests thorough International Social Services for home studies or services; 4. Placement of a child into or out of Guam, Puerto Rico, and/or American Samoa; 5. Admitting a child to any institution that cares for the mentally ill; 6. Admitting a child to any hospital or other medical facility; 7. When a home study is needed for divorce/custody investigations; and 8. Visits which have a beginning and ending date and does not exceed 30 days (Refer to ICPC Regulation 9).

Forms and Related Documents	DSS Form 3049: ICPC Request (100A) DSS Form 30126: ICPC Report on Child's Placement Status (100B)
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	DSS Form 101: ICPC Sending State Priority Home Study Request DSS Form 37546: Medical Financial Revision DSS Form 3000: ICPC Regulation 2 Checklist DSS Form 3002: ICPC Regulation 7 Checklist DSS Form 37545: Statement of Interest Revision Forms for DSS attorneys ONLY (located in the LCMS): ICPC Regulation 7 Expedited Placement Decision Order (DSS) ICPC Regulation 7 Expedited Placement Decision Order (Non-DSS) ICPC Article VI Motion to Review Institutional Placement Order ICPC Article VI Motion to Review Institutional Placement Notice of Placement Pursuant to ICPC (DSS) Order to Place Pursuant to ICPC (Non-DSS)
Related Management Reports	DSS ADR Open ICPC Cases Receiving State DSS ADR Open ICPC Cases Sending State

Glossary

Note: The glossary terms listed below reflect language commonly used when carrying out Interstate Compact Placements for Children. While not all terms appear within this document, they are included in other frequently referenced resources such as work aids, federal regulations, and the South Carolina ICPC State Page, available at <https://icpcstatepages.org/southcarolina/info/>.

100A Packet: the entire set of documents necessary to make an ICPC request complete; this includes the federally required [DSS Form 37545: Statement of Interest Revision](#), [DSS Form 37546: Medical Financial Revision](#), and Cover Letter. Refer to [ICPC Regulation 3](#). DSS may also require additional documents.

Adoption: The judicial act of creating the relationship of parent and child where it did not exist previously.

Adoption Categories:

- Independent adoption:** adoptions arranged by a birth parent, attorney, other intermediary, adoption facilitator, or other person or entity as defined by state law.
- Private agency adoption:** an 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.
- Public adoption:** Adoptions for public court jurisdiction cases.

Adoption Home Study: a home study conducted for the purpose of placing a child for adoption with a placement resource; The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult.

Age of Majority: the legally defined age at which a person is considered an adult with all the attendant rights and responsibilities of adulthood. The age of majority is defined by state laws, which vary by state and is used in [ICPC Article V](#), "...reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate

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authority in the receiving state" (Refer to definition of "child" as it appears in [ICPC Article II](#)). The age of majority in South Carolina is 18.

Approved Placement: the Receiving State Compact Administrator has determined that "the proposed placement does not appear to be contrary to the interests of the child." The Sending State must make a decision within 180 days to use the placement and, if so, submit a [DSS Form 30126: ICPC Report on Child's Placement Status \(100B\)](#) to the receiving state with the date the child enters the state. If, within 180 days, it is decided that the placement will not be used, a [DSS Form 30126: ICPC Report on a Child's Placement Status \(100B\)](#) must be submitted to the Receiving State with the status.

Border Agreement: A mechanism by which two states, upon mutual agreement, may facilitate placement of a foster child in one state with a relative or kin who resides in the other state, before submission of a [DSS Form 3049: ICPC Request \(100A\)](#) request for home study.

Case History: an organized record concerning an individual, their family and environment that includes social, medical, psychological, and educational history and any other additional information that may be useful in determining appropriate placement.

Case Plan/Service Plan (ICPC): Refer to [ICPC Regulation 3](#). The documented plan that describes the reasons for the agency's involvement and the actions and services required to change behaviors, conditions or circumstances that led to the child being unsafe. A Case Plan provides a framework for case decision making and answers the following question: what are the family outcomes that when attained will indicate the safety threat has been addressed, the risk reduced, and the effect of maltreatment mitigated?

Child (ICPC): A person under the age of eighteen years in the care, custody, or guardianship of DSS.

Child Welfare Case Manager (ICPC): a person assigned to manage the cases of dependency children who are in the custody of a public child welfare agency and may include private contract providers of the responsible state agency.

Compact: A formal agreement (contract) between two or more parties or states.

Concurrence: is when the receiving and sending Compact Administrator agree to a specific action pursuant to ICPC, i.e., decision as to providers.

Concurrence to Discharge: when the receiving ICPC office gives the sending agency written permission to terminate supervision and relinquish jurisdiction of its case pursuant to [ICPC Article V](#) leaving the custody, supervision, and care of the child with the placement resource.

Courtesy Check: Process that does not involve the ICPC, used by a sending court to check the home of a parent from whom the child was not removed, typically arranged between sending state local office and receiving state local office.

Court Jurisdiction Only Cases: The sending court has an open abuse, neglect, or dependency case that establishes court jurisdiction with the authority to supervise and/or remove and place the child for whom the court has not taken guardianship or legal custody.

Custody:

- a. **Legal custody:** court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.
- b. **Physical custody:** Person or entity with whom the child is placed on a day-to-day basis.

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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.

Foster Care: In addition to the federal definition, ([45 C.F.R. § 1355.20 Definitions](#)), this includes substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made. If 24 hour-a-day care is provided by the child's parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care, thus necessitating the ICPC.

Foster Home Study: a home 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.

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 the approval of the government or a social service agency.

Guardian (ICPC): Refer to [ICPC Regulation 10.1.a.](#); a public or private agency, organization or institution that 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 a child for which a parent would have authority and responsibility for doing so by virtue of an unrestricted parent-child relationship. An appointment is permanent for the purposes of this paragraph if the appointment would allow the guardianship to endure until the child's age of majority without any court review, subsequent to the appointment, of the care that the guardian provides or the status of other permanency planning that the guardian has a professional obligation to carry out.

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. Refer to the [Safe and Timely Interstate Placement of Foster Children Act of 2006](#).

- a. **Adoption home study:** a home study conducted for the purpose of placing a child for adoption with a placement resource. The adoption home study is the assessment and evaluation of a prospective adoptive parent(s).
- b. **Foster home study:** a home 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. **Interstate home study:** a home study conducted by a state at the request of another state, to facilitate an adoptive or foster care placement in the state of a child in foster care under the responsibility of the state refer to the definition of Foster Care shown above. Refer to the [Safe and Timely Interstate Placement of Foster Children Act of 2006](#).

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- d. **Parent home study:** applies to the home study conducted by the Receiving State to determine whether a parent placement meets the standards as set forth by the requirements of the Receiving State.
- e. **Relative home study:** a home study conducted for the purpose of placing a child with a relative; Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the Receiving State.
- f. **Non-relative home study:** a home study conducted for the purpose of placing a child with a non-relative of the child; Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law and/or requirements of the Receiving State.
- g. **Safe and Timely Interstate Home Study Report:** an interstate home study report completed by a state if the state provides to the state that requested the study, within 60 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the state to have completed, within the 60-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

ICPC: The Interstate Compact on the Placement of Children is a contract between states and parties pursuant to law, to ensure protection and services to children who are placed across state lines.

ICPC Legal Custody: court-ordered or statutory right and responsibility to care for a child either temporarily or permanently.

Visit (ICPC): a time-limited period during which a child may stay with out-of-state relatives or kin that is not regulated by the ICPC and must have a beginning date and an ending date.

Placement (ICPC): the arrangement for the care of a child in a family free, in a boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic, or any institution primarily educational in character, and any hospital or other medical facility.

Incapacitation: when a parent or guardian, due to their medical, mental, or physical condition is unable to care for a child. Refer to [ICPC Regulation 7](#).

Intrastate: existing or occurring within a state.

Interstate: involving, connecting, or existing between two or more states.

Jurisdiction: the established authority of a court to determine all matters in relation to the custody, supervision, care, and disposition of a child; Also, a state or territory enacting the ICPC.

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. The term legal guardian means the caretaker in such a relationship. Refer to [45 C.F.R. § 1355.20 "Definitions"](#). Refer to [South Carolina § 63-7-20\(13\)](#).

Legal Risk Placement: (legal risk adoption): a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the Sending State or 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.

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Non-agency Guardian: an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in [ICPC Regulation 10.1.a.](#)

Non-custodial Parent: a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or physical custody of a child.

Non-offending Parent: the parent who is not the subject of allegations or findings of child abuse or neglect.

Non-relative (ICPC): a person not connected to the child by blood, marriage or adoption, or otherwise defined by the Sending State or Receiving State.

Parent (ICPC): a biological, adoptive parent or legal guardian as determined by applicable state law and is responsible for the care, custody, and control of a child or upon whom there is legal duty for such care.

Parent Home Study: applies to the home study conducted by the receiving state to determine whether a parent placement meets the standards as set forth by the requirements of the Receiving State

Physical Custody (ICPC): Person or entity with whom the child is placed on a day-to-day basis but does not include any institution caring for the mentally ill, mentally defective or epileptic, or any institution primarily educational in character, and any hospital or other medical facility.

Placement Resource: the person(s) or facility with whom the child has been or may be placed by a parent or legal custodian; or, placed by the court of competent jurisdiction in the Sending State; or, for whom placement is sought in the Receiving State.

Progress Report: provided by the supervising case worker in the Receiving State; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.

Provisional Approval: an initial decision by the Receiving State that the placement is approved subject to receipt of required additional information before final approval is granted. Refer to [ICPC Regulations 1 and 7](#) and the [DSS Work Aid 12.5: ICPC Georgia/South Carolina Border Agreement](#).

Provisional Denial: the Receiving State cannot approve a provisional placement pending a more comprehensive home study or assessment process due to issues that need to be resolved. Refer to [ICPC Regulations 1 and 7](#) and the [DSS Work Aid 12.5: ICPC Georgia/South Carolina Border Agreement](#).

Provisional Determination: a determination made in the Receiving State that the proposed placement is safe and suitable and, to the extent allowable, the Receiving State has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement; Completion of the Receiving State requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement. Refer to [ICPC Regulations 1 and 7](#) and the [DSS Work Aid 12.5: ICPC Georgia/South Carolina Border Agreement](#).

Public Child-placing Agency: any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act 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.

Receiving State: the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for

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placement with state or local public authorities or for placement with private agencies or persons.

Relative: a birth or adoptive brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece, nephew, as well as relatives of half-blood or marriage and those denoted by the prefixes of grand and great, including grandparent or great grandparent, or as defined in state statute for the purpose of foster and or adoptive placements. In South Carolina, this includes fictive kin, e.g., persons not related to the child by blood, marriage, or adoption, but who have a pre-existing relationship with the child or the child's parents or extended family.

Relative Home Study: a home study conducted for the purpose of placing a child with a relative. Such a home study may or may not require the same level of screening as required for a foster home study or an adoptive home study depending upon the applicable law or requirements of the Receiving State.

Relocation: the movement of a child or family from one state to another.

Residential Facility or Residential Treatment Center or Group Home: a facility providing a level of 24-hour, supervised care that is beyond what is needed for assessment or treatment of an acute condition. For purposes of the Compact, residential facilities do not include institutions primarily educational in character, hospitals or other medical facilities (as used in [ICPC Regulation 4](#), they are defined by the Receiving State).

Return: the bringing or sending back of a child to the state from which they came.

Sending Agency: 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 having legal authority over a child who sends, brings, or causes to be sent or brought any child to another party state.

Sending State: the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits or enables the child to be sent to another state.

State Court: a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status offenses of individuals who have not attained the age of eighteen (18) or as otherwise defined by state law.

Stepparent: a man or woman married to a parent of a child at the time of the intended placement or as otherwise defined by the Sending State and/or Receiving State laws, rules and/or regulations.

Substantial Relationship: As cited in [ICPC Regulation 7](#), 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.

Supervision: 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 a provisional approval or an approved placement under [ICPC Article III\(d\)](#) of the ICPC or pursuant to a child's relocation to a Receiving State in accordance with [ICPC Regulation 1](#).

Supervision Report: provided by the supervising case worker in the Receiving State; a written assessment of a child's current placement, school performance and health and medical status, a description of any unmet needs and a recommendation regarding continuation of the placement.