



**State of Tennessee**  
**Department of Children's Services**



# The Interstate Compact on The Placement of Children Procedures Manual

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## **History and Overview of Inter-jurisdictional Placements: The Interstate Compact on the Placement of Children and the Safe and Timely Interstate Placement of Children in Foster Care**

The need for regulations governing the interstate movement of children was recognized in the 1950's by a group of east coast social service administrators and children's advocates who identified problems or barriers for children moved out of state for foster care and adoption. Those problems/barriers included:

- a) Failure of the current importation and exportation statutes enacted by individual states to provide protection for children;
- b) A state's jurisdiction regarding the child ends at its borders and that a state can only compel an out-of-state agency or individual to discharge its obligations toward a child through a compact, and;
- c) A state to which a child was sent was not compelled to provide supportive services or financial assistance.

The stakeholders concluded that children placed out of state are to be assured of the same protections and services that would be provided if they remained in their home states. They must also be assured of a return to their original jurisdictions should placements prove not to be in their best interests or should the need for out-of-state services cease.

Both the great variety of circumstances which makes interstate placement of children necessary and the types of protections needed offer compelling reasons for a mechanism which regulates those placements. An interstate compact – a contract among and between the states that enact it – is one such mechanism. Under a compact, the jurisdictional, administrative, and human rights obligations of all the parties involved in an interstate placement can be protected.

As a result of these deliberations, the Interstate Compact on the Placement of Children (ICPC) was drafted. The State of New York was the first state to enact the ICPC in 1960. The State of Tennessee enacted the ICPC in 1974 *Tennessee Code Annotated (TCA) 37-4-201 et seq.*. The State of New Jersey enacted the ICPC in 1989 as the 52<sup>nd</sup> jurisdiction. Currently, Puerto Rico and American Samoa are negotiating legislation for joinder.

The Interstate Compact on the Placement of Children (ICPC) is the best means we have to ensure protection and services to children who are placed across state lines for foster care or as a preliminary to an adoption. The Compact (ICPC) is a uniform law that has been enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands.

### **What the Compact Does:**

The Compact law establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child. The ICPC contains 10 Articles. Each Article defines a specific function of the law including identifying the types of placements and placers subject to the law; the procedures to be followed in making an interstate placement; and the specific protections, services, and requirements brought by enactment of the law.

## Types of Placements Covered:

Articles II (d), III and VI of the ICPC identify the four types of placements of children which are subject to compliance:

- a) Placement preliminary to an adoption.
- b) Placements into foster care, including foster homes, group homes, residential treatment facilities, and institutions.
- c) Placements with parents and relatives when a parent or relative is not making the placement.
- d) Placements of adjudicated delinquents in institutions in other states.

Not all placements of children into other states are subject to compliance with the Compact. Compact Compliance is not required for placements made into a medical hospital, psychiatric hospital or institution for the mentally retarded or mentally ill or in boarding schools, or "any institution primarily educational in character."

## Who Must Use the Compact?

Article II (b) of the ICPC defines who must use the Compact when they "send, bring, or cause a child to be brought or sent" to another party state. These agencies, courts, persons, and other entities called "the sending agent or sending agency" is defined as:

- a) A state party to the Compact, or any officer or employee of a party state.
- b) A subdivision, such as a county or a city, or any officer or employee, of the subdivision.
- c) A court of a party state.
- d) Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

## Exceptions/Limitations to Compact Compliance:

- a) Placements: Compact Compliance is not required for placements made into a medical hospital, psychiatric hospital or Institutions for the mentally retarded or mentally ill or boarding schools, or "any institution primarily educational in character."
- b) Sending Agents: Article VIII (a) excludes from ICPC compliance the sending or bringing of a child by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian who has responsibility for the child, and leaving the child with a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or the child's non-agency guardian in the receiving state. The wording of the provision is specific in that exclusion from ICPC occurs only when both the sending agent and the placement recipient belong to the enumerated classes of individuals (*i.e.*, a placement of a child made by a parent whose rights to plan for the child has not been diminished by a court action or through a custodial action and the placement is with an "adult uncle or aunt" of the child in another State is exempt from compliance with the ICPC,).
- c) Divorce or Custodial Change: Placements of children across state lines which result from the exclusive jurisdiction of a divorce court, or probate court or as a result of paternity proceedings are not subject to compliance with the ICPC. Specific examples include requests for a study or supervision of a parent in another state related to a change in custody between divorced parents, whether agreed upon or adversarial or a change in visitation schedule or supervision

during a visitation schedule which is based on a divorce court action. Such requests are directed to private licensed child placement agencies or private licensed LCSW in the receiving state.

- d) Child Protective Services Investigations: Child protective services investigations which require contacts in another state to document or report on the circumstances of a child or family or location of child or adult, identify or confirm enrollment in school, supervision or well-being check or other services does not constitute nor meet the definition as a placement. A child protective services investigation is not subject to compliance with the ICPC nor ICPC procedures. Contact the Child Protective Services Hotline in each State for assistance.
- e) Courtesy Studies: Request for courtesy study or services on behalf of a non-custodial child who is not under the jurisdiction of a court does not meet criteria for placement compliance under the Interstate Compact on the Placement of Children. Such requests will be directed to private entities licensed in the receiving state to conduct such custody or courtesy studies for a fee.

### **Safeguards Offered by the Compact:**

Articles I and V of the ICPC outlines the safeguards provided for the child and placement resource and the parties involved in the child's placement:

- a) Provides the sending agency the opportunity to obtain home studies and an evaluation of the proposed placement.
- b) Allows the prospective receiving state to ensure that the placement is not "contrary to the interests of the child" and that its applicable laws and policies have been followed before it approves the placement.
- c) Guarantees the child's legal and financial protection by fixing these responsibilities with the sending agency or individual.
- d) Ensures that the sending agency continues to have financial responsibility for support and maintenance of the child during the period of placement.
- e) Ensures that the sending agency retains jurisdiction over the child once the child moves to the receiving state sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child, which it would have had if the child had remained in the sending agency's state.
- f) Provides the sending agency the opportunity to obtain services, supervision and regular reports on the child's adjustment and progress in the placement until the child is adopted, reaches majority, becomes self-supporting or is discharged with concurrence of the appropriate authority in the receiving state.

These safeguards are routinely available when the child, the person, or responsible agency and the placement resource are all in a single state or jurisdiction. When the placement involves two states or jurisdictions, however, these safeguards are available through compliance with the Compact.

### **Procedures for Making Compact Placements:**

Articles I and III and V of the ICPC serve as the basis for the procedures for ICPC compliance including the referral process, study process, the basis for and the authority to issue a decision regarding the placement, the case-management process, and closure process, including permanency or disruption for each child. This manual details specific procedural application and best practice for compliance.

## **Penalties for Illegal ICPC Placements:**

Article IV of the ICPC identifies violations of the terms of the compact under Article III and V of the ICPC and the penalty provisions, which may be sought. Interstate placements made in violation of the law constitute a violation of the "laws respecting the placement of children of both the state in which the sending agency is located or, from which it sends or brings the child and of the receiving state" (Article IV). Violators are subject to punishment or penalties in both jurisdictions in accordance with their laws. In addition to liability for any such punishment or penalty, any violation shall constitute full and sufficient grounds for suspension or revocation of any license, permit or other legal authorization held by the sending agent which empowers or allows a child to be placed. *TCA sec. 37-5-405* cites violation of child placement laws constitutes a class "A" misdemeanor that carries a fine up to \$200 and/or imprisonment to 6 months.

## **Safe and Timely Interstate Placement of Children in Foster Care Act of 2006:**

Delays in the placement of children across state lines which occur due to inconsistent and non-uniform child welfare practices in placing dependent children through the ICPC continued to be of concern among national stakeholders including the National Council of Juvenile and Family Court Judges, the National Association of Public Child Welfare Administrators and the Association of Administrators of the Interstate Compact on the Placement of Children. ICPC Regulation #7 Priority Placement was originally adopted in 1996 and further amended in 1999, 2001 and 2011 to emphasize the joint support between the courts and public child welfare agencies to expedite interstate placements. These efforts to expedite placements under the ICPC Regulation #7 continue to impact a limited but specific population of children and resources.

The Safe and Timely Interstate Placement of Children in Foster Care Act of 2006" P.L. 109-239 was signed into law on July 3, 2006 with primary purpose to improve protections for children in the jurisdiction of a State and assigned to the custody/guardianship of the public child- welfare agency and to hold States accountable for safe and timely placements of those children across State lines.

The impact of the provisions in P.L. 109-239 is directly noted in the policy and practice provisions of public welfare agencies in the following areas:

- a) Interfacing the provisions of P.L.109-239 for inter state placement of children in the foster care system with the provisions of the Interstate Compact on the Placement of Children (*TCA 37-4-201-207*);
- b) Integrating current federal and state child welfare provisions including the Adoption and Safe Families Act, the Safe and Timely Interstate Placement of Children in Foster Care Act of 2006 ( P.L. 109-239), the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248), Health Care Act of 2006 ( P.L. 109-432), Child and Family Services Improvement Act of 2006 ( P.L. 109-288); and Fostering Connections to Success and Increasing Adoption Act of 2008 (P.L. 110-351)
- c) Incorporating federal and state requirements regarding inter-jurisdictional placements into comprehensive policy and practice manuals in each State in the nation.

## **Other Interstate Compacts - Web References:**

### **Additional Information:**

There are three other compacts that regulate certain types of interstate placements of children.

### **Interstate Compact on Adoption and Medical Assistance (ICAMA):**

The Interstate Compact on Adoption and Medical Assistance (ICAMA) ensures that adoptive parents of children with special needs receive the services and benefits provided for in their adoption assistance agreement, particularly medical assistance in interstate cases. ICAMA facilitates the delivery of benefits and services when families move during the continuance of the adoption assistance agreement or in cases when the child is initially placed for adoption across state lines. The ICAMA Compact was developed in response to the mandate of the Adoption Assistance and Child Welfare Act of 1980 that directs states to protect the interstate interests of adopted children with special needs. (Reference: *TCA 36-1-201 et seq.*) (<http://aaicama.org/cms/>)

### **Interstate Compact for Juveniles (ICJ):**

The Interstate Compact for Juveniles addresses numerous inter-jurisdictional services for eligible youth including: (a) interstate supervision of adjudicated delinquents on probation or parole; (b) placement of certain juvenile delinquents in out-of-state public institutions; (c) authorizes the return of juvenile escapees and absconders to their home state; and, (d) is used to arrange the return of non-delinquent runaways to their homes. A new interstate agreement adopted by 39 states in 2009, significantly updates the original Juvenile Compact (1955) for tracking and supervising juveniles that move across state borders. Providing enhanced accountability, enforcement, visibility and communication, the new compact seeks to update a crucial, yet outdated tool for ensuring public safety and preserving child welfare. Primary changes include:

- a) The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
- b) Gubernatorial appointments of representatives for all member states on a national governing commission. The commission would meet annually to elect the compact operating authority members, and to attend to general business and rule making procedures.
- c) Rule-making authority, provision for significant sanctions to support essential compact operations.
- d) Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.).
- e) Compel collection of standardized information.

(Reference: *TCA 37-4-101 et seq.*) (<http://www.juvenilecompact.org/>)

### **Interstate Compact on Mental Health (ICMH/MR):**

The Interstate Compact on Mental Health (ICMH/MR) permits the transfer of mentally ill and mentally retarded children and adults from a public institution in one state to a public institution in another state. It may also be used to secure publicly provided aftercare services in another state. A patient

transferred through this Compact becomes the responsibility of the receiving state. The Interstate Compact on Mental Health has been enacted by most states and jurisdictions. (Reference: TCA 33-9-201 et seq. Part 2).

### **Interstate Compact on the Placement of Children (ICPC):**

Text for the Interstate Compact on the Placement of Children, its' Regulations and Forms may be accessed from the following web site: (<http://icpc.aphsa.org/Home/resources.asp>)

Tennessee Code–Lexis Nexis cite for access to 37-4-201 to 207 etc. seq

The TN Department of Children's Services ***Interstate Compact on the Placement of Children Practice and Procedure Manual*** may be accessed from the following web site:

(<http://www.tn.gov/youth/dcsguide/manuals/ICPCProcedureandPracticeManual.doc>)

### **Interstate Compact on the Placement of Children - Contact Information:**

The following is a listing of contact persons for TN DCS ICPC State Office:

#### **Compact Administrator**

**Kathryn O'Day, Commissioner**  
TN Department of Children's Services.  
436 6<sup>th</sup> Avenue North  
7<sup>th</sup> Floor Cordell Hull Building  
Nashville, TN 37243-1290  
Telephone: (615) 741-9701

#### **Deputy Compact Administrator**

**Cheri Stewart**  
TN Department of Children's Services.  
ICPC Unit  
8th Floor, Cordell Hull Building  
436 6<sup>th</sup> Avenue, North  
Nashville, TN 37243-1290  
Telephone: (615) 532-5618  
Fax: (615) 253-5422  
[Cheri.Stewart@tn.gov](mailto:Cheri.Stewart@tn.gov)

The following is a listing of contact persons who administer the day-to-day operations of the TN Department of Children's Services Interstate Compact on the Placement of Children and manage ICPC cases, provide case and program technical assistance and address questions regarding TN ICPC related issues.

#### ***Administration:***

Cheri Stewart, Director, Centralized Permanency Services  
Deputy Compact Administrator  
Voice Mail: (615-532-5618)  
E-mail: [Cheri.Stewart@tn.gov](mailto:Cheri.Stewart@tn.gov)  
Technical Consultation and Support/Supervisor

#### ***Case Management/Assignments:***

***(Case Assignments/Records are listed by the last name of the oldest child)***

#### ***A-E:***

**Lea Hicks**, ICPC Alternate/ Program Specialist (615-532-5595) Voice Mail  
E-mail: [Leanore.Hicks@tn.gov](mailto:Leanore.Hicks@tn.gov)

#### ***F-N:***

**Linda McLeskey**, ICPC Alternate/ Program Coordinator (615-532-5593) Voice Mail  
E-mail: [Linda.Mcleskey@tn.gov](mailto:Linda.Mcleskey@tn.gov)

**O-Z:**

**Alice Ann Reid**, ICPC Alternate/ Program Coordinator (615-532-5617) Voice Mail

E-mail: [Alice.Ann.Reid@tn.gov](mailto:Alice.Ann.Reid@tn.gov)

Direct Telephone Calls and E-mails to the Appropriate Administrator or Alternate

ICPC Office Hours: Monday - Friday, 8:00 a.m. to 4:30 p.m., Central Time Zone.

**General Inquiries:** General inquiries regarding requirements for placements into Tennessee for children who come under the purview of this Compact will be directed to the Deputy Compact Administrator or Alternate, ICPC.

**Specific Inquiries:** All Interstate Compact on the Placement of Children referrals and other case management documents including case specific inquiries from and to the state of TN will be directed to the Tennessee Department of Children's Services ICPC State Office to the attention of the assigned ICPC Alternate/Program Coordinator or Program Specialist. Responses to case-specific inquiries are confidential; release and access to case-specific information is subject to compliance to applicable DCS Policy.

**Modes of transmission:**

Electronic Mailing address: [TNICPC.EI-DCS@tn.gov](mailto:TNICPC.EI-DCS@tn.gov).

Electronic Mailing of referrals, studies, supervisory reports and other ICPC documents is limited to TN DCS, TN Courts, TN Licensed Agencies and TN RTC. Other State ICPC offices who allow secure electronic exchange of ICPC referrals and other documents may also exchange those documents using the Electronic Mailing address. These parties using the electronic mailing address are not required to follow up with paper copy unless specifically requested by the TN DCS ICPC State Office Administrator or Alternate. The Subject Line must include name of the assigned ICPC Alternate/Program Coordinator or Program Specialist noted above.

**Exception to use of electronic mailing address: Two copies of all public agency, private agency, independent or private ICPC adoption referrals, one original with signed documents plus a duplicate copy, must be submitted by Mail/Overnight /Express Mail to the TN DCS ICPC State Office. Electronic scan/e-mail will be acceptable for additional documents which may be required to be submitted subsequent to the original referral.**

**Interstate Compact on the Placement of Children – Mailing Addresses:**

Mailing Address (includes Overnight/Express Mail):

Tennessee ICPC Unit  
Tennessee Department of Children's Services  
8<sup>th</sup> Floor, Cordell Hull Building  
436 6<sup>th</sup> Avenue, North  
Nashville, TN 37243-1290

**All other entities and Other ICPC State Offices or County Offices are required to use the above mailing address to file two complete copies of ICPC referrals, studies, supervisory reports and other ICPC documents with the Tennessee ICPC Unit, including all ICPC**

**adoption referrals for public agency, private agency, independent or privately arranged inter-jurisdictional adoptive placements.**

**FAX:** (615) 253-5422. Advance notice requested; over 10 pages must be scanned or Express Mail.

**General Information:**

ICPC Code Citation: (*TCA sec. 37-4-201 through 37-4-207*)

Statutory Penalties Under Article IV: Violation of child placement laws-class "A" misdemeanor-fine up to \$200 and/or imprisonment to 6 months. (Reference: *TCA sec. 37-5-405*)

Age of Majority: 18 years. (*TCA sec 1-3-105; 37-1-102(4) (A-G); 36-1-102(13)*) Children who are under court jurisdiction due to a delinquent adjudication prior to their 18th birthday remain under court jurisdiction until their 19th birthday if the court extends jurisdiction. (*TCA sec. 37-1-103*)

Court Jurisdiction: Juvenile Court: Jurisdiction under *TCA sec. 37-1-101 et seq.* over dependent and neglected, unruly, delinquent children, termination of parental rights, legitimizations, paternity, support, proceedings to commit mentally ill or mentally retarded children, appointment guardian of child, consent for marriage, over Interstate Compact cases codified at *TCA sec. 37-4-201 et seq.*

Circuit & Chancery Courts: Divorce and custody of children related thereto - *TCA sec. 36-1-101 et seq.; 16-10-108* adoptions - *TCA sec. 36-1-101 and 16-10-108*. Circuit Court hears appeals of juvenile cases - *TCA sec. 37-1-159*; termination's of parental rights - *TCA sec. 37-1-104 and 36 -1-110*; concurrent with Juvenile Court. Concurrent Jurisdiction: Termination of parental rights can be done in Juvenile, Circuit, or Chancery Courts. (*TCA sec.37-1-104*) Children can be legitimized in Circuit, Juvenile, or Probate Court.

Parental Rights - Relinquishment/Termination: All voluntary surrenders in Tennessee can be executed in Juvenile, Circuit or Chancery court; surrenders executed in accordance with the laws of other states will be accepted. (*TCA sec 36-1-114*). Revocation period is ten (10) days. (*TCA sec 46-1-112*). *TCA sec. 36-2-318* establishes a putative father registry and allows the court to exclude the natural father as a party to all adoption proceedings of a child born out of wedlock if he has failed to register, legitimate or actively participate as the child's father as set forth in *TCA sec. 36-1-111*. If termination is appropriate or necessary, such action can be taken in Juvenile, Circuit or Chancery Court. (*TCA sec. 37-1-104 and 37-1-147*).

**Special Information:**

Divorce Cases and Custody Investigations: Not subject to compliance with the ICPC. Divorce or custody studies are to be conducted by private providers for a fee. Private providers listed on TN DCS Internet <http://www.tn.gov/youth/>. Requests received in the TN ICPC STATE office will be forwarded to the TN party who will be advised to contact a private agency.

Courtesy Supervision/ Reports: Not subject to compliance with the ICPC. Responsible party may enter into a contractual agreement with an authorized public or private agency to secure this service. Responsibility of the TN DCS administration to determine utilization of staff to conduct courtesy services not mandated by Departmental policy or under the Compact or expressly directed by Court order.

## **Requirements:**

Referrals: At a minimum, an ICPC referral must contain a cover letter, with accompanying ICPC Placement Resource Statement of Confirmation- Reg. #2 or Reg. #7 and Border Agreement as appropriate, an ICPC 100A, social, medical, behavioral and educational assessment or functional assessment, documentation of sending agent's authority to plan for the child (court document), permanency plan (or equivalent) or treatment plan, documentation of financial responsibility for the child, educational passport and well being summary. Additional requirements associated with specific referral type such as ICPC Regulation #1 or #7 or negotiated Border Agreements which involve the ICPC are referenced herein. (*TCA sec 37-4-201 et seq.*)

Decision: Decisions issued pursuant to Article III (d) of the Compact are determined within the parameters of applicable federal and state laws and policy which promotes the inter-jurisdictional placement of a child in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care resulting in permanency for the child and family. As the decision for placement impacts the safety and well-being of the child within another jurisdiction, TN DCS ICPC reserves the right to determine use of and issuance of Provisional Decision as defined under ICPC Regulations on a case-by-case basis.

Monitoring/Supervision: Supervision services for children in an approved placement in TN will be conducted in accordance to Section 422 of the Federal Social Security Act, ICPC Regulation #11 *Responsibility of States to Supervise Children* and TN DCS Policy [16.38 Visitation, Protocol Attachment](#). Children in an approved placement outside of TN will be expected to be supervised at a minimum on a monthly basis in accordance to Section 422 of the Federal Social Security Act, ICPC Regulation #11 *Responsibility of States to Supervise Children* and policy and practice of the receiving state.

Reports: Written progress reports which address the safety, well-being and achievement of permanency of the child's placement and continued appropriateness of the resource are filed quarterly unless otherwise authorized or dictated by circumstances. Written reports will be documented on the form and in the electronic format as proposed in ICPC Regulation #11 and TN DCS policy and practice and/or policy and practice of the receiving state.

Permanency/Closure: Jurisdiction over the child is retained until the child is adopted, reaches majority, becomes self-supporting or is discharged with concurrence of the appropriate authority in the receiving state and appropriate documentation received which allows proper administrator to authorize the closure of the ICPC record. (*TCA 37-4-201 et seq.*)

## **Placements:**

Definition: Foster Care or preliminary to Adoption (*TCA sec 37-4-201 et seq.*) Defined as 24 hour a day arrangements for the care of a child in the home of a parent or relative or unrelated individual or a boarding home or child-caring agency or institution. Includes placements with parent, relative and non-parent, foster family care, licensed child-caring institution, licensed group home, licensed residential treatment facility, licensed institutional care for an adjudicated delinquent and preliminary to an adoption. (Reference: *TCA 37-5-501 et seq.*) Does not include any institution caring for the mentally ill, mentally challenged or epileptic or any institution primarily educational in character or any hospital or other medical facility. (*TCA sec 37-4-201 et seq.*)

## **Licensing Requirements:**

TN Department of Children's Services (DCS): Child-caring institutions (13 or more children), child placing agencies placing children for foster care or adoption, group care homes (7-12 children),

family boarding homes or foster homes (1 -6 children) must be licensed annually. (TCA sec. 71-3-501 through 71-3-531) Foster homes operated by state, or licensed child-placing agencies are not licensed but are approved biennially. These Foster homes must meet appropriate standards and are subject to inspection by TN DCS. Adoptive homes are not licensed but are approved biennially by TN DCS or annually by the applicable licensed child-placing agency. (TCA sec 71-3-501 through 71-3-531) The license of a child-placing agency includes any family boarding home or group care homes operated by the agency. (TCA sec. 71-3-504) (Reference: TCA 37-5-501 et seq.)

TN Department of Intellectual and Developmental Disabilities (DIDD): Authority to establish rules for licensure of services and facilities operated for the provision of mental health, developmental disability and personal support services (TCA sec. 33-2-401 et seq.) ; rules include provisions for denial, suspension or revocation of license and sanctions/civil penalty for non-compliance; licensee defined as a proprietorship, a partnership, an association, a governmental agency or corporation that operates a facility or a service; facility defined as a developmental center, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital , community mental health center, counseling center, clinic, halfway house or any other entity that provides a mental health or developmental disabilities service; service defined as any activity to prevent, treat or ameliorate mental illness, serious emotional disturbance or developmental disabilities and includes diagnosis, evaluation, residential assistance, training, habilitation, rehabilitation, counseling, case coordination or supervision of persons with mental illness, serious emotional disturbance or developmental disabilities. License is valid for up to one year from date of issuance on services identified; annual renewal. (TCA sec 33-2-406)

Independent Adoptive Placements: Unlicensed individuals and un-chartered or non-licensed child caring institutions, child placing agencies or maternity homes may not engage in activities placing children for temporary care or for adoption.( TCA sec. 36-1-108 (a); TCA sec. 37-5-507) Only licensed child-placing agency, clinical social worker, prospective adoptive parents or an attorney subject to TN Supreme Court Rules are authorized to advertise for the placement of children for adoption. (TCA sec. 36-1-108) Placement of a child or children for adoption means that a person, corporation, agency or other entity is employed, contracted or engaged in any manner for any remuneration, fee, contribution or thing of value, of any type by or on behalf of any person in the selection of prospective adoptive parent for a child through preparation of home studies, preliminary home studies, court reports or provision of supervision or advertising for such services, accepting clients for a fee or providing any placing services for a fee (TCA 36-1-108) A service fee, other than medical or legal expenses or reasonable living expenses, is prohibited. (TCA sec. 36-1-109) Subsequent surrenders executed in Tennessee generate a requirement that the court obtain the child's social and medical history and refer the natural parent(s) for counseling if desired. (TCA sec. 36-1-111). Investigation by TN DCS or a licensed child-placing agency is mandatory unless the child is related by blood to the petitioner as a grandchild, niece, nephew, or is the petitioner's stepchild, then the Tennessee Court may waive the investigation. (TCA sec.36-1-111)

Adoption Petition: Petitioner must have lived in Tennessee or in Federal enclave within Tennessee for 6 months prior to filing of petition. Requirement is not applicable to petitioner in military service, stationed out of state but who resided in Tennessee for at least one year prior to entering military service. Residence requirements waived if child is a relative or stepchild of petitioner. (TCA sec. 36-1-115). Final decree granted no later than 2 years and no sooner than 6 months after filing of petition. Probationary period waived for relatives. (TCA sec.36-1-119) Final decree may be granted as early as 6 months after filing of petition if child has resided with petitioner for at least 1 year. (TCA sec. 36-1-115) Petition may be filed at time of placement or thereafter.

Licensed Child-Caring Institution, Group Home, Residential Treatment, and Institutional Care Placement: ICPC referral for placement in a Licensed facility must contain a cover letter, ICPC 100A, documentation of sending agent's authority to plan for the child and be financially responsible for the child during the period of placement and a copy of the letter of acceptance from the licensed facility. (Reference: TCA 71-3-501 et seq.)

Approval for the placement into a licensed facility is based upon the licensure status of that facility remaining in good standing.

Licensure Authorities: Department of Children's Services, Mark Anderson, Director,  
Telephone: (615) 532-5640 (Office) [Mark.Anderson@tn.gov](mailto:Mark.Anderson@tn.gov)

Department of Intellectual and Developmental Disabilities Determination, James Jones,  
Telephone: (615) 532-2918 [James.Jones@tn.gov](mailto:James.Jones@tn.gov)

### **Payments/Fees/Rates:**

TNCARE/Medicaid Payments: Eligibility continues for foster care and subsidized guardianship and subsidized adoptive placement. Identification and enrollment of providers is required. COBRA requirements are in effect for all eligible Title IV-E/Adoption Assistance foster care and adoptive placements and for adopted children who are receiving state adoption assistance payments for medical and/or rehabilitation conditions into and out of Tennessee.

Foster Care Payments: Foster parents moving from Tennessee with a foster child are expected to continue to provide care at Tennessee rates. With approval of the Director, Adoptions and Foster Care, the rates of the receiving state may be paid for care in foster home or facility originating in the receiving state. Current TN DCS foster rates are located on TN DCS Intranet: <http://www.tn.gov/youth/> or call 1-877-327-5437 or on the APHSA/AAICPC Tennessee State Web Page access.

Rate Setting: Rates are established by the administrative body for each service.

### **Useful Telephone Numbers:**

Child Abuse and Neglect Reporting: (1-800-237-0004) Tennessee DCS has a 24-7 state- wide child abuse hotline. This number is used to report child abuse and neglect **only**. Direct all other calls to the appropriate county office.

Central Abuse Registry: Contact the TN DCS county/or Regional office directly. Directory located on TN DCS Internet: <http://www.tn.gov/youth/childsafety.htm>

Interstate Compact on Adoption and Medical Assistance: (615-532-5634) Vicki Davis E-mail: [Vicki.Davis@tn.gov](mailto:Vicki.Davis@tn.gov)

Department of Children's Services Licensing: (615 532-5640) Mark Anderson, Director  
E-mail: [Mark.Anderson@tn.gov](mailto:Mark.Anderson@tn.gov)

Department of Intellectual and Developmental Disabilities Licensing: (615) 532-2918 James Jones, E-mail: [James.Jones@tn.gov](mailto:James.Jones@tn.gov)

Department of Children's Services Interstate Compact for Juveniles: (615) 741-9856. Sherry Bolden Rivers, Deputy Compact Administrator. E-mail: [Sherry.Bolden.Rivers@tn.gov](mailto:Sherry.Bolden.Rivers@tn.gov)

Runaways (Travel Arrangements) TN DCS only: (615) 741-8489 or (615) 532-5619

Mental Health Compact Services: Telephone: (615) 741-3709

Mental Retardation Compact Services: Telephone: (615) 741-3806

## Appointment and Duties of Interstate Compact on the Placement of Children Compact Administrators

Per Article VII, each party state's governor appoints a Compact Administrator. The Commissioner of the Tennessee Department of Children's Services is the designated Administrator of the Interstate Compact on the Placement of Children (ICPC), and shall be responsible for coordinating activities under the ICPC and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of the ICPC. (Reference: *TCA 37-4-201-207*)

The Commissioner of the Department of Children's Services shall appoint a departmental ICPC Deputy Compact Administrator. The ICPC Deputy Compact Administrator shall be responsible for administering the day-to-day operations of the Compact; duties that may include but are not limited to:

1. Monitoring and enforcing compliance with law, policy and procedure;
2. Implementation of the case management process which includes assignment of referrals which initiates the assessment, forms processing, authorizing decisions regarding placement and implementing other services including closures;
3. Design and implementation of basic training and orientation on ICPC procedures for all parties involved in the process;
4. Provision of information, technical assistance, and consultation to all parties involved in the ICPC process;
5. Maintaining a data collection within the TFACTS, analyzing data and statistics to support the program, provision of reports both state and federal; and,
6. Advocating for the safe and timely inter-jurisdictional placement of children.

The ICPC Deputy Compact Administrator may be empowered to represent the Compact Administrator. The Office of the Interstate Compact is the designated central clearing house for all matters regarding inter-jurisdictional or interstate placements subject to compliance with *TCA 37-4-201 et seq.* and P.L. 109-239 Safe and Timely Placement of Children in Foster Care.

**NOTE:** Throughout this manual, the term "Compact Administrator" is used to designate both the person appointed pursuant to Article VII and those persons to whom the responsibility for day-to-day operation of the Compact has been administratively designated.

# Interstate Compact on the Placement of Children Procedures

## I. Tennessee Children Placed in Another State:

*Article III (a) and (b) and Article II (d): "Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or preliminary to a possible adoption, or in a child-caring agency or institution, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intent to send, bring or place the child in the receiving state."*

### A. Referral:

1. During the course of assessment, diligent search and/or permanency planning for a child and family or through contact from a parent, relative or significant kin, or filing of a petition or other document, TN Department of Children's Services Regional personnel identifies and documents potential placement resources for a child in accordance to appropriate law, designated policy, and best practice.
2. All placement considerations for children in the custody/ guardianship of the State of TN Department of Children's Services are initiated within the context of a Child and Family Team Meeting (CFTM), Judicial or Foster Care Review as outlined in TN DCS Policy and Provider Agency Policy. The CFTM will be appropriately documented by the assigned TN DCS Regional staff in the **Tennessee Family and Children's Tracking System** (TFACTS) as prescribed in those same policies.
3. When an identified out of state placement resource is considered for placement of a child in the custody/guardianship of the State of TN Department of Children's Services, the assigned TN DCS Regional staff is responsible to develop and initiate an ICPC Referral through the TN DCS State ICPC Office seeking compliance for the placement of the child with the identified resource.
4. The ICPC Referral will be entered into TFACTS by the assigned TN DCS Regional staff, who will electronically assign the Referral to the appropriate TN ICPC Administrator/Alternate in the TFACTS system.
5. Concurrent with the entry of the ICPC referral into TFACTS, the TN DCS Regional PSD/RPS staff will enter the proposed ICPC resource home into TFACTS as a pending inquiry with the resource home type "DCS Resource Home" and sub-type "ICPC". Subsequently, the TN DCS Regional PSD/RPS staff will follow the necessary steps to include the ICPC resource home in TFACTS.
6. The TN DCS Regional staff is responsible to properly organize and collate one copy of the ICPC referral per requirements identified for the type of ICPC Referral. The complete ICPC referral is submitted to the designated TN ICPC Administrator/Alternate via electronic scan/ e-mail or mail. The submission of the ICPC referral to the designated TN ICPC Administrator/Alternate in the TN DCS State ICPC office is secure and confidential. All electronic mail will be properly executed with attachments or ZIP files.
7. TN DCS Regional Staff utilizing electronic mail are not required to follow-up with a paper copy unless specifically requested by the TN DCS ICPC State Office Administrator/Alternate. TN DCS Regional Staff submitting an ICPC referral by mail or Express mail are required to submit one copy of a complete referral to the TN DCS State ICPC Office.
8. The TN DCS Regional staff will maintain ICPC documents in the Family Case File per TN DCS Policy [\*\*31.5 Organization of Family Case Files\*\*](#). The Regional Family Case file will

include any original documents or signatures and all supportive documents required under the ICPC, which upon closure, is an official record of ICPC activities to be maintained per TN DCS Records Disposition Authority (RDA) policies.

9. The TN ICPC Administrator/Alternate maintains a duplicate paper “working” file with copies of all ICPC documents per each child involved in an active ICPC transaction, which upon closure of the ICPC instance is destroyed as outlined in TN DCS RDA policies.
10. Pending initiation of the Referral and the issuance of a written decision by the Receiving State ICPC Administrator regarding placement of the child with that out-of-state resource, the TN DCS Regional staff is not authorized to place the child across state lines under the ICPC. The TN DCS Regional staff is responsible to maintain the child in an intra-state placement pending determination of appropriateness of the out-of-state resource per the ICPC. Exception to a placement prior to issuance of a written decision by the Receiving State ICPC Administrator regarding an inter-jurisdictional placement may be made under specific provisions outlined in ICPC Regulation #1, Conversion of Intrastate Placement (TN) into Interstate Placement; Relocation of Family Unit (*Refer to Section 1, B: Unique Referrals*) or under the explicit and limited provisions outlined in a Border Agreement into which the TN DCS has entered (*Refer to Appendix: B - Border Agreements*).
11. Unless otherwise specified in *Section I, B. Unique Referrals* or *Appendix B, Border Agreements*. ICPC Referral packets which involve a child in the custody/guardianship of the Tennessee Department of Children’s Services must contain the following documents as a minimum to be considered complete:
  - a) An [ICPC Referral Checklist \(CS-0796\)](#)
  - b) An 100A form [Interstate Compact Placement Request \(CS-0525\)](#) accurately completed and signed/dated.
  - c) Cover Letter (Per Sample in Appendix B and forms [CS-0958 Placement Resource Statement of Confirmation ICPC Reg. #2](#) or [CS-0957 Placement Resource Statement of Confirmation Reg. #7 and Border Agreement](#))
  - d) Current [Family Functional Assessment \(CS-0777\)](#) as appropriate.
  - e) *Permanency Plan* in TFACTS or form [CS-0577 Permanency Plan-Spanish version](#). Either handwritten signed/dated copy or court ratified copy; including any revisions and/or supplemental or supporting plans, such as Independent Living Plan or Planned Permanent Living Arrangements ([CS-0681-Request for Permanency Goal of Planned Permanent Living Arrangement](#)) or Treatment Plan as appropriate.
  - f) Current Custody/Guardianship Order and other pertinent court documents (signed and dated) plus previous petitions, custodial order, the required annual Court review for permanency plan (or equivalent) which reaffirms “reasonable efforts” and if appropriate, court documents regarding delinquency adjudications, visitation limitations, termination proceeding and any “no contact orders”.
  - g) [ICPC Medical-Financial Plan \(CS-0795\)](#) and appropriate supporting documents. Primary supporting documents to be attached include the [Notice of Child Welfare Benefits Summary for Custodial Child \(CS-0508\)](#) or signed and dated written agreement from placement resource to meet the financial and/ or medical needs of the child. Other attachments as applicable may be required including but not limited to [Child Welfare Benefits Re-determination \(CS-0477\)](#), [Subsidized Permanent Guardianship Agreement \(CS-0721\)](#) and [Adoption Assistance Agreement \(CS-0513\)](#).

- h) Current [\*\*Educational Passport and School Enrollment Letter \(CS-0657\)\*\*](#) with all supporting school documents including Individual Education Plan, Social Security Card and Birth Certificates or equivalency.
  - i) TFACTS Health Summary, with supporting documents.
12. Other documents, which provide pertinent information about the child and family and are not included in the required attachments listed in #11 above also may be submitted by TN DCS Regional staff electronically by scan/e-mail, mail or fax, directed to the designated TN ICPC Administrator/Alternate.
13. In some instances, the Receiving State Administrator will “require” some of these secondary documents to be included as part of the Referral or may request some of the secondary documents prior to issuing a decision regarding placement. If requested, TN DCS Regional staff will submit the requested information prior to placement electronically by scan/e-mail, mail or fax to the designated TN ICPC Administrator/ Alternate. Such documents may include but not limited to:
- a) Current specific or specialty medical assessment;
  - b) Immunization records if not previously submitted;
  - c) Current Medication/Prescription records including dosages;
  - d) Copy of Social Security Card if not previously submitted;
  - e) Birth Certificate if not previously submitted;
  - f) Current psychological assessment and treatment plan/regimen;
  - g) Current psychiatric assessment and treatment plan/regimen;
  - h) Current behavioral assessment and treatment plan/regimen;
  - i) Current counseling reports/ pertinent history including discharge summaries;
  - j) History and discharge Summaries on Residential Treatment placements;
  - k) Judicial and administrative reviews for children in care; and
  - l) If negotiated, a signed purchase of services agreement between TN DCS and a private licensed child-placing agency in the receiving state.

**Note:** *Placement decisions and placements may be delayed based upon when the receiving state gets this information and can accommodate any adjustments or support planning which may need to be modified.*

Requirements for ICPC Referral packets which involve a child who is under the jurisdiction of a Tennessee court or in the custody/guardianship of a TN private licensed agency or any person including parents and relatives are listed in 2 separate manuals entitled ICPC Practice and Procedure Manual: Judicial Bench book and ICPC Practice and Procedure Manual: Private Agency/Parent Guardian proposed to be accessible on the TN DCS Web Page by March, 2012.

## B. Unique Referrals:

### TN DCS Custodial Placement: Regulation # 1 Conversion of Intrastate (TN) Placement into Interstate Placement: Relocation of Family Unit Referral:

*During the course of an in-state placement, circumstances occur wherein the TN DCS resource moves to another state. Per the permanency plan, the TN DCS custodial child who is currently in a placement with the approved TN DCS resource is to remain in placement with the TN resource as they relocate pending permanency. With the filing of an ICPC Regulation #1 Referral as prescribed below, the child may move with the approved TN resource prior to the issuance of a placement decision by the receiving state ICPC office. The TN resource home will be required to meet the resource home approval and/or licensure in the receiving state for the continued placement of the child, however, supervision/contact with the child and family is implemented within thirty (30) days of receipt of the referral packet/notice of placement Form [ICPC 100B, Interstate Compact Report on Child's Placement Status \(CS-0523\)](#).*

1. The TN DCS Regional staff will convene the appropriate CFTM prior to the re-location to address the change in placement and document conclusions of the CFTM in TFACTS. The TN DCS Regional PSD/RPS staff, appropriate private agency staff, health unit staff and the child's GAL will be involved in this CFTM; this meeting may also include education specialists, independent living specialists or other parties as needed.
2. The TN DCS Regional staff will initiate the ICPC Reg. #1 Referral up to 45 days prior to the date of the re-location. The ICPC Reg. #1 Referral is entered into TFACTS by the TN DCS Regional staff who will assign the ICPC Reg. #1 Referral to the appropriate TN ICPC Administrator/Alternate in the TFACTS system.
3. One complete copy of the ICPC Reg. # 1 Referral is scanned/e-mailed or mailed to the designated TN ICPC Administrator/Alternate. In limited situations, the TN DCS ICPC Administrator/Alternate may specifically request information to be mailed by "next day mail" to expedite the referral.
4. The TN DCS Regional staff will maintain a copy of ICPC documents including original documents in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#).
5. Concurrently, the TN DCS Regional PSD/RPS staff will document changes in the address and location of the resource home in the TFACTS.
6. The ICPC Reg. #1 Referral will include the following required documentation:
  - a) [ICPC Referral Checklist \(CS-0796\)](#);
  - b) An [ICPC 100A - Interstate Compact Placement Request \(CS-0525\)](#) accurately completed and signed/dated. This form should contain the new address;
  - c) Cover Letter (Per Sample in Appendix B);
  - d) Current [Family Functional Assessment \(CS-0777\)](#);
  - e) Permanency Plan in TFACTS or form [CS-0577 Permanency Plan-Spanish Version](#). Either handwritten signed/dated copy or court ratified copy, including any revisions and/or supplemental or supporting plans, such as Interdependent Living Plan or Planned Permanent Living Arrangements ([CS-0681-Request for Permanency Goal of Planned Permanent Living Arrangement](#));
  - f) Current custody/guardianship order and other pertinent court documents (signed and dated) including previous petitions, custodial orders, the required annual court review

for family permanency plan which reaffirms “reasonable efforts” and if appropriate, court documents regarding delinquency adjudications, visitation limitations and any “no contact orders”. Include any order that authorizes the child to be placed outside the jurisdiction of the court.

- g) [ICPC Medical-Financial Plan \(CS-0795\)](#) and appropriate supporting documents. Primary supporting documents to be attached include the [Notice of Child Welfare Benefit Summary for Custodial Child \(CS-0508\)](#) or signed and dated written agreement from placement resource to meet the financial and/ or medical needs of the child. However, other attachments as applicable may be required including but not limited to [Child Welfare Benefits Re-determination \(CS-0477\)](#), [Subsidized Permanent Guardianship Agreement \(CS-0721\)](#) and [Adoption Assistance Agreement \(CS-0513\)](#).
- h) Current [Educational Passport and School Enrollment Letter \(CS-0657\)](#) and supporting documents including Individual Education Plan, Social Security Card and Birth Certificates.
- i) TFACTS Health Summary and supporting documents.
- j) Current approved or valid resource home study/re-assessments including all documents such as Criminal history/ fingerprint results documented for no less the period of 5 years prior.
- k) Form [ICPC 100B, Interstate Compact Report on Child’s Placement Status \(CS-0523\)](#) which specifies the date that the child/resource family relocated and the address to which the family and child relocated.
- l) Purchase of Services Agreement, signed and dated if negotiated.

### **C. TN DCS Custodial Placement: ICPC Regulation #7 Expedited Placement Decision Referral:**

*In order to address delays in the placement of children who are under the age of 4 years or in an emergency intra-state placement due to unexpected dependency or are part of a sibling group who are documented as having spent substantial amount of time in the home of the specific class of placement resources, the sending state agency and the sending state court will partner to submit an ICPC referral under Regulation #7 Expedited Placement Decision. ICPC Regulation #7 Expedited Placement Decision process does not apply if the request for placement of the child is for licensed or approved foster family care as a preliminary to an adoption or adoption or the child is already in placement in the receiving state in violation of the ICPC.*

1. Whenever TN DCS Regional staff determines through an appropriate CFTM that an out-of-state placement of TN DCS custodial child or children who meet the criteria cited above with a placement resource defined under Article VIII (a) as relative , specifically parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian as defined under the ICPC Regulation #10 is necessary, the TN DCS Regional staff will coordinate with the Tennessee court of jurisdiction to execute, sign and date an ICPC Regulation #7 Expedited Placement Decision order finding entitlement to an expedited placement. The Tennessee court of jurisdiction will submit the ICPC Regulation #7 Expedited Placement Decision order to the TN DCS Regional staff within two (2) business days as prescribed in the Regulation.

2. Within three (3) business days of the Tennessee Court's signature/date on the ICPC Regulation #7 Expedited Placement Decision Order, the TN DCS Regional staff will enter an ICPC Regulation #7 Expedited Placement Decision Referral into TFACTS and assign the referral to the designated TN DCS ICPC Administrator/Alternate.
3. Upon receipt of the ICPC Regulation #7 Expedited Placement Decision Referral, the designated TN DCS ICPC Administrator/Alternate will submit the complete request for the assessment and for any provisional placement decision to the receiving State ICPC Compact Administrator and request a provisional placement decision be issued within seven (7) business days and/or an expedited decision be issued no later than twenty (20) business days from the date the referral is received.
4. Concurrent with the entry of the ICPC Regulation #7 Expedited Placement Decision Referral into TFACTS, the TN DCS Regional staff will scan/e-mail the ICPC Regulation #7 Expedited Placement Decision Referral to the designated TN ICPC Administrator/Alternate.
5. The TN DCS Regional staff is responsible to maintain a copy of ICPC documents including those with original signatures in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#).
6. Concurrent with the submission of the ICPC Regulation #7 Expedited Placement Decision Referral by the TN DCS Regional PSD/RPS staff will enter the proposed ICPC resource home into the TFACTS as a pending inquiry with the resource home type "DCS Resource Home" and sub-type "ICPC". Subsequently, the TN DCS Regional PSD/RPS staff will follow the necessary steps for approving the ICPC resource home in the TFACTS.
7. The ICPC Reg. #7 Expedited Placement Decision Referral will include the following required documentation:
  - a) [ICPC Referral Checklist \(CS-0796\)](#);
  - b) [ICPC 100A - Interstate Compact Placement Request \(CS-0525\)](#) accurately completed and signed/dated;
  - c) Cover Letter (Per Sample in Appendix B) and [Placement Resource State of Confirmation ICPC Reg. #7 and Border Agreement \(CS-0957\)](#);
  - d) Form [ICPC 101: Sending State ICPC Regulation #7 Expedited Decision Home Study Request \(CS-0563\)](#) in lieu of Functional Assessment/Family Permanency Plan Educational Passport/ TFACTS Health Summary; if not available (\* - see h, and I below);
  - e) ICPC Regulation #7 Expedited Placement Decision Order;
  - f) Current custody/guardianship order and other pertinent court documents (signed and dated) including previous petitions, custodial orders, the required annual court review for family permanency plan which reaffirms "reasonable efforts" and if appropriate, court documents regarding delinquency adjudications, visitation limitations, termination proceedings and any "no contact orders";
  - g) [ICPC Medical-Financial Plan \(CS-0795\)](#) and appropriate supporting documents. Primary supporting documents to be attached include the [Notice of Child Welfare Benefit Summary for Custodial Child \(CS-0508\)](#) or signed and dated written agreement from placement resource to meet the financial and/ or medical needs of the child. Other documents may include [Child Welfare Benefits Re-determination \(CS-0477\)](#).

- h) Current [\*\*Educational Passport and School Enrollment Letter \(CS-0657\)\*\*](#) including Individual Education Plan, Social Security Card and Birth Certificates and other supporting documents. (\* See d above)
- i) TFACTS Health Summary including supporting documentation (\* See d above).

**D. DCS Custodial Placement: ICPC Residential Treatment Facility Referral:**

*Per ICPC Article II(a)-(d) supported by Regulation No.4, 1(d), 2 (b)(c)(d), the placement of a custodial child for treatment of that child's chronic mental or behavioral condition into a licensed residential treatment facility having treatment programs for acute and chronic conditions must be made pursuant to the Interstate Compact on the Placement of Children.*

1. During the course of assessments and planning for services to address the needs of the child in the custody/ guardianship of DCS, the TN DCS Regional PSD/RPS staff in partnership with Provider agency staff identifies potential licensed residential treatment facilities (RTC) available to provide treatment for the child's chronic mental or behavioral conditions.
2. All placement considerations for children in the custody/ guardianship of the State of TN Department of Children's Services including temporary placements into licensed Residential Treatment Centers are initiated within the context of a CFTM, Judicial or Foster Care Review wherein the TN DCS Regional staff, along with other key Dept. stakeholders including medical/ psychological resources determine a suitable RTC placement both in-state and/or out-of-state which has potential to meet the needs of the child. Results of the CFTM will be appropriately documented in TFACTS, per policy.
3. The TN DCS Regional PSD/RPS staff is responsible to provide directly to the RTC the documents needed for that RTC application prior to placement in order for the RTC to determine the child's eligibility to enter the RTC program, either in-state or out-of-state. Family and Child specific documents such as Current Family Functional Assessment, TFACTS Permanency Plan, child specific medical/behavioral/psychological assessments, prescription. Medical and psychotropic regimens if appropriate are to be filed with the RTC in advance for determination of acceptance as documented by the RTC acceptance letter.
4. The TN DCS Regional staff, is responsible to develop and initiate an ICPC Residential Treatment Facility Referral seeking compliance for the RTC placement of the child with an identified RTC resource that is out of State. Compliance with the ICPC is required when the out-of-state RTC resource is subject to licensure under a regulatory authority other than the State of TN.
5. The ICPC Residential Treatment Facility Referral is entered into TFACTS by the TN DCS Regional staff and assigned to the appropriate TN ICPC Administrator/Alternate. The TN DCS Regional PSD/RPS staff will enter the RTC in the TFACTS as a Resource.
6. The designated TN DCS Regional staff will maintain a copy of ICPC documents including those with original signatures in the Family Case File per TN DCS Policy [\*\*31.5 Organization of Family Case Files\*\*](#).
7. The TN DCS Regional staff will scan/e-mail or mail the ICPC Residential Treatment Facility Referral to the designated TN ICPC Administrator/Alternate.
8. The ICPC Residential Treatment Facility Referral for children in the custody/guardianship of TN DCS will include the following required documents:

- a) [ICPC Referral Checklist \(CS-0796\)](#);
- b) [ICPC 100A - Interstate Compact Placement Request \(CS-0525\)](#) accurately completed and signed/dated;
- c) Cover Letter (Per Sample in Appendix B);
- d) Current custody/guardianship order and other pertinent court documents (signed and dated) including previous petitions, custodial orders, the required annual court review for family permanency plan (or equivalent) which reaffirms “reasonable efforts” and if appropriate, court documents regarding delinquency adjudications, visitation limitations, terminations and any “no contact orders”.
- e) [ICPC Medical-Financial Plan \(CS-0795\)](#) and appropriate supporting documents. Primary supporting documents for placement of a custodial child into an RTC for treatment is documentation of approved fee payment negotiated by the TN DCS Office of Child Placement and Private Providers pursuant to the Unique Care Agreement. In addition, supporting documentation regarding the child’s eligibility under IV-e or SSI - the [Notice of Child Welfare Benefit Summary for Custodial Child \(CS-0508\)](#) or [Child Welfare Benefits Re-determination \(CS-0477\)](#).
- f) Letter of Acceptance of the child into the RTC on RTC letterhead.

#### **E. Processing:**

*Per ICPC Regulation #5: all Interstate referrals and resultant ICPC documents and other matters to and from the State of Tennessee shall be made through the TN DCS State ICPC office. Accordingly, the TN ICPC Administrator/Alternate is responsible to process all interstate referrals and resultant documents to the designated central office of each of the party states or the identified county office of the states of California and Colorado and Ohio as well as with “sending agents” in the State of TN. The TN ICPC Administrator/Alternate will maintain records on all ICPC transactions within the TFACTS.*

1. TN ICPC Administrator/Alternate will review all referrals and resultant ICPC documents received from appropriate “sending agents” and determine completeness of all required documents as well as determine appropriateness of the authorizing signatures.
2. TN ICPC Administrator/Alternate will enter and/or manage a centralized ICPC database in the TFACTS, supplanted by a database in ACCESS as well as maintain a centralized working paper file on each child involved in an ICPC record while active.
3. If additional information is needed before a Referral or other documents can be processed to a receiving state, the TN ICPC Administrator/Alternate will notify the TN DCS Regional staff, utilizing the ICPC transmittals/scan/email/mail and/or TFACTS.
4. Additional information requested is scanned/e-mailed or mailed to the TN DCS State ICPC office to the designated TN ICPC Administrator/Alternate within ten (10) business days or less by the TN DCS Regional staff.
5. If the sending agent does not have access to the TFACTS, the information will be entered in the TFACTS by the appropriate TN ICPC Administrator/Alternate upon receipt in the TN DCS State ICPC office.
6. If the requested information is not provided within ten (10) working days by the TN DCS Regional staff, or a written notice documenting the reason the information or documents are not available and a proposed date as to when they may be available, the TN ICPC Administrator/Alternate will return the referral packet to the TN DCS Regional staff; the Referral will be void; closed and documented as such in the TFACTS. The ICPC

Administrator/Alternate will pursue other documents not provided after an initial request for an additional thirty (30) days at which time a decision will be made to close the ICPC instance.

7. All ICPC Referrals must meet minimum requirements to be processed to the Receiving State. No limitations exist on the number of ICPC Referrals that may be submitted by TN DCS Regional staff. No limitations exist pertaining to a timeframe within which an ICPC Referral may be submitted except as documented in Section I, B. Unique Referrals and Appendix B, Border Agreements, which involve TN DCS placements only.
8. The TN ICPC Administrator/Alternate will process all complete ICPC Referrals to the Receiving State ICPC office either by scan/e-mail or in paper form by mail within three (3) business days unless otherwise specified. Please note that some ICPC Party States are not equipped with personnel and equipment to accept ICPC Referrals or other documents in any electronic medium or their policy limits use of electronic medium to emergency only. A copy of the ICPC transmittals and other supporting documents will be scanned/e-mailed to the TN DCS Regional staff, or appropriate TN party for their record; an electronic notation including the date of the transaction will be entered in the TFACTS by the TN ICPC Administrator/Alternate. A copy of the ICPC transmittals and other supporting documents will be scanned/e-mailed or mailed or faxed the other TN parties depending upon their ability to accept electronic transmittals or paper.
9. Pending the issuance of a written decision by the receiving State ICPC office regarding placement of the child with that out-of-state resource, the TN DCS Regional staff is not authorized to place the child across state lines under the ICPC. The TN DCS Regional staff, responsible for planning for the child is responsible to maintain the child in an intra-state placement pending determination of appropriateness of the out-of-state resource per the ICPC.

#### **F. Study:**

Article I (b) *“The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.”*

- a) The Receiving State ICPC Administrator will assign the TN ICPC Referral to the appropriate local public agency/contract agency in their State or the private licensed agency as designated on the purchase of service agreement to conduct an assessment or study on the placement resource. In ICPC referrals to Residential Treatment Centers, the “assignment” involves verification of the RTC licensure.
- b) Upon assignment, the Receiving State Administrator may request additional or supporting information as it may deem necessary to conduct a valid assessment or study of the proposed resource.
- c) Requests for additional or supporting information from a Receiving State will be scanned/e-mailed through the TN ICPC Administrator/Alternate to the TN Regional DCS staff. Additional information requested is submitted by scan/e-mail to the TN ICPC office within ten (10) business days or less.
- d) All studies or assessment reports on the resource home in another State are conducted in accordance to applicable Federal and State laws and policy and licensing standards of the Receiving State. Designated public/private authorities in the receiving State determine the appropriateness of the placement resource for the specific child or children designated in the ICPC Referral based on the conclusions of their study or report or the licensing/regulatory authorities. An appeal or administrative review of the study decision or

the study process is filed with the Receiving State authorities and subject to their applicable laws and policy and licensing standards.

- e) P.L. 109-239: TN DCS Custodial Children Only: Per P.L. 109-239, the Receiving State ICPC Administrator has responsibility to forward the study or assessment report to the TN ICPC office within sixty (60) calendar days with or without issuing a decision for placement under the ICPC.
  - a) A study or assessment report issued under P.L. 109-239 by a Receiving State ICPC Administrator without a decision on the ICPC 100A is considered a notice of circumstances of the resource in the Receiving State.
  - b) Placement of a child in the custody/guardianship of TN DCS with the out-of-state resource based on such a study or assessment report without a decision on the ICPC 100A does not meet Departmental policy as an approved resource placement nor provides full legal or financial protections for the child as designated under the ICPC.
  - c) If the TN DCS Regional staff determines to make a placement, it will be considered in violation of Article III of the Compact and places the child “at-risk”. The receiving state is under no obligation to provide services or supervision on behalf of the child placed or resource family pursuant to ICPC.
  - d) The TN ICPC Administrator/Alternate is responsible to notify the TN DCS Regional staff of the receipt of such a study or assessment report without a decision on the ICPC 100A from the Receiving State regarding the placement of the specific child or children with the out-of-state resource. Notification is by scan/e-mail and electronically entered into TFACTS.
  - e) TN DCS Regional staff will have fourteen (14) days after receipt of a study or assessment report issued without a decision on the ICPC 100A to notify the TN ICPC Administrator/Alternate whether placement will be made or whether the ICPC Referral is being withdrawn or of their continued interest in pursuing the placement upon completion of the study and after approval on the ICPC 100A.
    - i. **Placement Made (Violation of Article III):** An [ICPC 100B, Interstate Compact Report on the Child's Placement Status \(CS-0523\)](#) is completed and scanned, e-mailed or mailed accompanied with a written notice to the TN State ICPC office, to the appropriate TN ICPC Administrator/Alternate. The written notice will specifically document the name of the child and date of birth, current location of the child, and name of the placement resource in the receiving state, date child was allowed to be placed, circumstances of the child's placement, recognition statement of ICPC Violation III and “at risk” status and responsibility for the child and to the placement resource if placement disrupts. Notice is signed and dated by TN DCS Regional staff and supervisor. The TN DCS Regional staff will enter information into the TFACTS. The TN DCS ICPC Administrator/Alternate will authorize closure of the ICPC instance in TFACTS as a Violation of Article III. No further services available under the ICPC.
    - ii. **ICPC Referral Withdrawn:** An [ICPC 100B, Interstate Compact Report on the Child's Placement Status \(CS-0523\)](#) will be completed and scanned/e-mailed or mailed to the designated TN ICPC Administrator/Alternate in the TN DCS State ICPC Office. The TN DCS Regional staff will enter information into the TFACTS. Upon receipt, the TN ICPC Administrator/Alternate will document the Withdrawal in the TFACTS and authorize the closure of the ICPC instance as “Referral Withdrawn.” The TN ICPC Administrator/Alternate will notify the Receiving State that the ICPC Referral has been withdrawn. No further services authorized under the ICPC.

- iii. **Defer Placement pending Approval:** Written notice may be scanned/e-mailed or mailed by the TN DCS Regional staff to the TN DCS ICPC Administrator/Alternate in the TN DCS State ICPC office within that fourteen (14) day period. The notice identifies the child, DOB, name/address of the placement resource in the Receiving State along with a statement of intent to defer the placement of the child with the proposed placement until additional information has been secured on the resource and a decision issued under the ICPC. No ICPC 100B is required for a notice of intent to defer placement.
- f) The designated TN DCS Regional staff will maintain a copy of ICPC documents in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#).

## **G. Decision:**

*Article III (d) "The appropriate public authorities in the receiving state shall notify the sending agency, in writing to the effect that the proposed placement does not appear contrary to the interest of the child. "*

1. If the decision for the placement of the child with the designated resource is denied by the Receiving State ICPC Administrator on the ICPC 100A, TN ICPC Administrator/Alternate will:
  - a) enter the denial/denial date in TFACTS and authorize the closure of the ICPC instance as "placement denied".
  - b) Scan/e-mail the ICPC 100A denying the placement and the study or report which documents the reasons for denial to the appropriate TN DCS Regional staff.
  - c) The TN DCS Regional staff will retain a copy of that ICPC 100A and study or report in the ICPC portion of the Family Case file in accordance to TN DCS Policy [31.5 Organization of Family Case Files](#).
  - d) The TN DCS Regional PSD/RPS staff will take required steps per D-RHET or RHET to close the "pending" resource home.
  - e) The TN State ICPC record will be closed "Placement denied" and destroyed pursuant to TN DCS RDA.
2. Reconsideration of an ICPC denial by Sending State: TN DCS Regional staff may request reconsideration of a denial within ninety (90) days from the date of the denial on the ICPC 100A. The request can be with or without a new home study.
  - a) Request reconsideration without a new study: Upon completion of a CFTM, TN DCS Regional staff may request the receiving state to reconsider the denial of the placement of the child with the placement resource by submitting to the TN ICPC Office Administrator/Alternate by scan/e-mail , a cover letter which includes an explanation for the request for reconsideration, along with a new ICPC 100A and documentation of new evidence or corrected conditions to be reviewed or re-examined and considered by the Receiving State. Subsequent to the submission of the request to the TN ICPC Office Administrator/Alternate, the TN DCS Regional staff will enter a new ICPC instance into TFACTS. Additionally, the TN DCS Regional PSD/RPS staff will re-open or enter the proposed ICPC resource home into TFACTS as a pending inquiry with the resource home type "DCS Resource Home" and sub-type "ICPC".
  - b) The Receiving State ICPC office has sixty (60) calendar days from the date the formal request for reconsideration of a denial has been received from the sending State to issue a decision to uphold or reverse the denial previously issued. That decision will be documented by the Receiving state on via a transmittal letter and the ICPC 100A.

- c) An approval is managed through the TN ICPC Administer/Alternate as defined in G, 1 above; a denial is managed as defined in G, 3 below.
  - d) After ninety (90) days from the date of the denial on the initial ICPC 100A, no further reconsideration of that decision can be made. However, nothing precludes the TN DCS Regional staff from requesting a new study.
3. If the decision for the placement of the child with the designated resource is approved by the Receiving State ICPC Administrator on the ICPC 100A, TN ICPC Administrator/Alternate will:
- a) Enter the approval/approval date in TFACTS;
  - b) Scan/e-mail the ICPC 100A approving the placement and the study or report which documents the study process and approval to the TN DCS Regional staff.
  - c) The TN DCS Regional staff will maintain the ICPC 100A approving the placement and the study or report in the case record. Approvals for placements under the ICPC are valid for a period of six (6) months commencing from the date of the signature of the Receiving State ICPC Administrator;
  - d) The TN DCS Regional staff will determine whether or not to use the approved placement, pursuant to the family permanency plan.
4. If the placement resource is approved and the TN DCS Regional staff has determined that the placement will not be used or can not be utilized within the 6 month time frame:
- a) The TN DCS Regional staff will scan/email to the TN ICPC Administrator/Alternate a completed [ICPC 100B, Interstate Compact Report on the Child's Placement Status \(CS-0523\)](#) which specifies that the "approved placement will not be used".
  - b) The TN DCS Regional staff will retain a copy of the ICPC 100B in the ICPC Portion of the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#).
  - c) The TN DCS Regional PSD/RPS staff will take required steps per [DRHET](#) or [RHET](#) to close the "pending" resource home.
  - d) TN ICPC Administrator/Alternate will authorize the closure of the ICPC instance in the TFACTS and will notify the Receiving State ICPC Administrator in writing that the "Approved Placement will not be Used." No placement or further services are authorized under the ICPC.
5. If the placement resource is approved and the TN DCS Regional staff has determined to utilize that specific placement within the six (6) month time frame:
- a) The TN DCS Regional staff will convene the appropriate CFTM prior to placement.
  - b) The CFTM is to include pertinent in-state and out-of-state parties, including Regional PSD/RPS staff, GAL, CWBC, the out-of state placement resource and the receiving state assigned case manager/supervisor.

- c) The CFTM will address responsibilities for the placement of the child that includes, but not limited to:
- ◆ Notifying appropriate parties;
  - ◆ Securing records necessary to enroll the child in school in the receiving state, or secure temporary financial/medical assistance including supply of climate appropriate clothing and/or prescription medications pending securing a vendor in the receiving state;
  - ◆ Confirming transfer of TennCare benefits to the Medicaid program in the Receiving State;
  - ◆ Clarifying any board payments or other assistance to be provided by the Department; and
  - ◆ Confirming the date of entry of request for payment and arranging/providing notice for transportation including child's belongings.
- d) The CFTM will also address pertinent requirements and responsibilities for the proposed placement resource to include responsibility to establish and identify vendors in the receiving state who will provide counseling or medical services for the child in accordance to the family permanency plan, responsibility to secure financial assistance on behalf of the child through TANEF or confirmation of Foster Board or other payment to be made by TN DCS as agreed upon, responsibility to cooperate with the receiving state for supervision and responsibility for the maintenance of their approval of licensure as a resource parent, pursuant to the policy of the receiving state. The CFTM will be documented in the TFACTS.
- e) Upon completion of the CFTM and prior to placement of a child into the approved resource home in the receiving state, the TN DCS Regional staff will forward a copy of the ICPC 100A approving the placement and the study or report which documents the study process and approval to the TN DCS Regional PSD/RPS staff who will complete entering pertinent data on the out-of-state Resource Home in the TFACTS in accordance to RHET and D-RHET Protocol; properly noting the date of the approval for the resource home, which is the date of the signature of the Receiving State ICPC Administrator on the ICPC 100A. The documents will be kept in the Resource Home file as required. Any other documents regarding this out-of-state resource home, *i.e.* monthly supervision conducted by the receiving state and periodic re-assessment to maintain approval or licensure as a resource home are to be shared and retained in the Resource Home File
- f) The TN DCS Regional staff will scan/e-mail to the designated TN ICPC Administrator a completed [\*\*ICPC Form 100B, Interstate Compact Report on the Child's Placement Status \(CS-0523\)\*\*](#) which identifies the date that the child physically left the jurisdiction of the State of TN.
- g) The TN DCS Regional PSD/RPS staff will document the placement of this child into the specific resource home in the TFACTS.
- h) TN DCS Regional staff will maintain a copy of ICPC documents identified in this section in the Family Case File per TN DCS Policy [\*\*31.5 Organization of Family Case Files\*\*](#).

## H. Case Management:

*Article V (a): . . . The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of placement. . . (b) When the sending agency is a public agency, it may enter into an agreement with an authorized public agency or private agency in the receiving state providing for performance of one or more services in respect of such case by the latter as an agent for the sending agency. . .” ICPC Regulation #11 2(d): Supervision means 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 an approved placement under Article III (d) of the ICPC or pursuant to a child’s relocation to a receiving state in accordance with Regulation #1 of the ICPC.”*

1. The [ICPC 100B, Interstate Compact Report on the Child’s Placement Status form CS-0523](#) form is a required form which provides notice of placement of a child into a Receiving State. That notice authorizes the Receiving State to initiate contact with the child in the approved placement resource within thirty (30) days and establish a schedule of monthly contact and supervision.
2. Quarterly written progress reports are to address the child’s safety, well-being, adjustment and services as specified on the family permanency plan in order for the child to achieve permanency. Nothing prohibits progress reports from being submitted on a more frequent basis, generally monthly, if agreed upon between the two locals.
3. The ICPC Form 100B, Interstate Compact Report on the Child’s Placement Status also serves as the notice to the receiving state to initiate their responsibility to monitor the continued licensure or approval status of the resource home in their state for compliance with Federal IV-B and IV-E.
4. The TN ICPC Administrator/Alternate will forward the ICPC Form 100B, Interstate Compact Report on the Child’s Placement Status to the Receiving State ICPC Administrator requesting at a minimum monthly supervisory contacts and quarterly written progress reports and services and/or service assistance to the child and resource in accordance to the family permanency plan.
5. The TN ICPC Administrator/Alternate will enter the date that the child was placed into the TFACTS.
6. Upon receipt of the quarterly written progress reports, the TN ICPC Administrator/Alternate will enter the date of such reports in to the TFACTS.
7. Copies of the quarterly written progress reports submitted by the Receiving State ICPC Administrator are forwarded to the TN DCS Regional staff by the TN ICPC Administrator/Alternate. These reports are to be maintained in the ICPC documents section in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#). The TN DCS Regional staff who receives the quarterly written progress report is responsible coordinate as necessary with the TN DCS Regional PSD/RPS staff if appropriate.
8. The TN DCS Regional staff is to utilize the information contained in the Quarterly Progress Report at pertinent planning intervals including at Foster Care Review Boards, Permanency Hearings and other court reviews.

The TN DCS Regional PSD/RPS staff is to maintain documentation regarding the resource home in the TFACTS per TN DCS policy/RHET AND D-RHET protocols.

9. The Receiving State is responsible to continue monthly supervisory contacts and quarterly written progress reports addressing the status of the child's placement and their safety, well-being and permanency until the child has achieved permanency through adoption; reaches the age of majority, becomes self-supporting or is discharged with the written concurrence of the Receiving State ICPC office.
10. The Receiving State ICPC Administrator is responsible to provide written concurrence to discharge further services to a child under the ICPC if the permanency goal is legal custody returned to parent or legal custody given to relatives or guardianship granted to relatives or others, or the Sending State's jurisdiction over the child may be terminated. The Receiving State ICPC Administrator will base concurrence upon the recommendations contained in the written progress reports.
11. All actions that require written concurrence from the Receiving State are subject to Court action on behalf of the child in TN before the TN ICPC Administrator/Alternate can authorize closure of an ICPC instance.
12. The TN ICPC Administrator/Alternate will forward the concurrence and current Progress Report to the TN DCS Regional staff directing a request for court action.
13. The TN ICPC Administrator/Alternate will enter the appropriate dates / notice of concurrence in the TFACTS.

#### **I. Closure:**

*Article V. (a) "The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in the sending agency's state until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law."*

1. The TN DCS Regional staff will initiate proper action to secure a TN Court order for the return of or transfer of custody; or finalization of an adoption or secure guardianship per TN DCS policy and to dismiss jurisdiction as appropriate.
2. Copies of all documents are to be retained in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#). Proper Case disposition will follow the TN DCS RDA or other designated procedures. Closure is documented appropriately in TFACTS. The TN DCS Regional staff will be responsible to enter the child as part of the household in the TFACTS as appropriate.
3. The TN DCS Regional staff will scan/e-mail or mail to the TN ICPC Administrator the [ICPC 100B, Interstate Compact Report on the Child's Placement Status form CS-0523](#) form appropriately documenting court action and pertinent court order, which has been signed and dated to the TN DCS State ICPC office within thirty (30) days of the TN court action.
4. The TN ICPC Administrator/Alternate will forward the documents to the Receiving State authorizing the closure of the ICPC record. No further services are available under the Compact.
5. The TN ICPC office will document the date and reason for the closure in the TFACTS; effectively authorizing the closure of the ICPC instance. No further services are available under the Compact.

6. The TN DCS Regional staff will maintain a secure record and/or dispose of an ICPC record in accordance to appropriate RDA that governs both paper and electronic records.
7. The TN DCS Regional PSD/RPS staff will secure the resource home record per TN DCS Policy and [RHET](#) and [D-RHET](#) Protocols.
8. The TN State ICPC Office records will be disposed of in accordance to the appropriate TN DCS RDA. The TN ICPC Office record is not considered the permanent record on the child, but a working file. The documents maintained in the TN DCS ICPC Office record are copies and not originals.
9. The TN State ICPC Office e-records will be disposed of in accordance to Departmental rules regarding maintenance of and access to electronic records per TFACTS.

#### **J. Disruption of a Tennessee Child Placed in another State Through ICPC:**

When a child, who is in TN DCS custody/guardianship placed into another State under an approved ICPC, disrupts from that placement prior to achievement of permanency, or if the placement resource in the other State fails to retain licensure or becomes inappropriate for the continued placement of the child, the Receiving State will immediately advise the TN DCS Regional staff and the respective ICPC offices. TN DCS as the Sending State party with custodial responsibility for the child maintains responsibility to plan for the child including the responsibility to remove the child from a placement and return the child to TN within five (5) working days unless an alternative timeframes have been established for the return of the child or alternate plans have been established to the agreement of all parties to support the child remaining in the placement with additional services or alternate plans have been established for re-placement in an approved resource in the receiving state.

1. Jointly, the TN ICPC Administrator and the TN DCS Regional staff will secure from the Receiving State case manager as specific information as possible as to the circumstances of the disruption, where the child is presently located and with whom, and what the Receiving State anticipates their recommendation will be both verbally and in writing.
2. TN ICPC Administrator will request that the locals from both states work details out together regarding whether additional services are needed to salvage the placement and/or whether the child needs to be returned to the jurisdiction of the State of TN.
3. Upon notice of a potential disruption, the child's assigned TN DCS Regional staff will request a disruption CFTM to discuss the safety and viability of continuing the placement and determine if it is appropriate to continue the placement. The disruption CFTM will include pertinent parties including case manager/supervisor of the Receiving State agency, the placement resource and child as needed, the child's GAL and others in the Sending State. Copies of the written results of the CFTM which will include specific action steps and timetables agreed upon among parties will be forwarded to the TN ICPC Administrator within twenty-four (24) hours of the CFTM.
4. If the child needs to be returned, the TN DCS Regional staff will need to establish a placement for the child to return to and will contact the appropriate TN State Office Personnel to secure flight arrangements, providing dates and airports needed to be addressed. Responsible contact is listed in the front of this Manual.
5. The TN DCS Regional staff is responsible to notify pertinent parties in the Receiving State of the flight arrangements, dates, *etc.*, and is responsible to identify how the child will be transported to the airport and who will be responsible to assure that the child is

monitored/secure until the child is placed on the flight home and who will meet the child upon arrival and take responsibility for the child.

6. If the child needs escort, it is the responsibility of the TN DCS Regional staff to secure arrangements for escort.
7. Once the crisis has been resolved, the TN DCS Regional staff needs to file or scan a written report to the TN ICPC Administrator as to whether the child remained in the placement in the Receiving State and services expected in order to stabilize the placement /permanency or that the child has returned to the State of TN temporarily and TN DCS anticipates a return of the child to the same resource within thirty (30) days or TN DCS is requesting the ICPC record to be closed effective the date the child physically returned to the jurisdiction of the State of TN as the resource will not be used nor further services required under the ICPC.

## II. Children from Another State Placed in Tennessee:

*Article III (a) & (b) and Article II (d): "Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or preliminary to a possible adoption, or in a child-caring agency or institution, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intent to send, bring or place the child into the receiving state."*

### A. Referral

1. All ICPC Referrals received from another state pursuant to compliance with the Interstate Compact on the Placement of Children are required to contain the same minimal documents as specified under *Section I, A., 11* or as referenced in *Section I, B. Unique Referrals* or *Appendix B, Border Agreements*, of this Manual.
2. The TN ICPC Administrator/Alternate has the authority to request and receive additional or supporting information from the Sending State prior to processing the ICPC Referral to the appropriate TN DCS Regional Office for services and/or prior to issuing a decision regarding placement.

### B. Processing:

*Per ICPC Regulation #5: all Interstate referrals and resultant ICPC documents and other matters to and from the State of Tennessee shall be processed through the TN DCS State ICPC office. Accordingly, the TN DCS State ICPC office is responsible to process all interstate referrals and resultant documents from the designated central office of each of the party states or the identified county office of the states of California and Colorado and Ohio to appropriate parties in the State of TN. The TN DCS State ICPC office will maintain records on all ICPC transactions through the TFACTS.*

1. All documents received in the TN DCS State ICPC office will be addressed, reviewed, and registered as an ICPC intake in the TFACTS by the designated TN ICPC Administrator/Alternate within three (3) working days.
2. The TN ICPC Administrator/Alternate will establish and maintain an ICPC paper record on each child involved in an active ICPC transaction.

3. The TN ICPC Administrator/Alternate will notify the Sending State ICPC Administrator in writing, of additional information needed to complete an ICPC Referral requesting the additional information to be submitted to the TN DCS State ICPC office within ten (10) working days or less.
4. If the requested information is not provided within 10 working days or a written notice provided by the Sending State ICPC Administrator as to the reason the information or documents are not available and when they will be available, the TN ICPC Administrator/Alternate is authorized to close the ICPC Referral Intake and return the ICPC Referral to the Sending State ICPC Administrator. The ICPC Referral Intake will be void; documented as such in the TFACTS. No services will be available under the ICPC.
5. All complete ICPC Referrals received from other States will be established as a case in the TFACTS by the TN ICPC Administrator/Alternate.
6. The TN ICPC Administrator/Alternate will assign the case for study, supervision and services to the appropriate TN DCS Regional office through the TFACTS.
7. The TN ICPC Administrator/Alternate will mail or scan/e-mail a copy of the ICPC Referral to the designated TN DCS Regional staff for the county of residence of the placement resource or to the designated private or contracted agent or agency identified on the ICPC 100A form or as documented by supporting documents such as purchase of services contract in the ICPC Referral.
8. With increased technology and user security, the use of scanning all or limited portions of an ICPC Record including an ICPC Referral is being addressed within TN and among and between party states. Currently, the TN DCS State ICPC office is authorized to scan documents through the Tennessee secure network to parties in TN and among other party states.
9. All ICPC documents are maintained by TN DCS Regional staff in the Family Case File per TNDCS Policy [31.5 Organization of Family Case Files](#). The Family Case File will include any original documents or signatures.

### **C. Study:**

*“The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirement for the protection of the child.”*

1. All studies or assessment reports or licensing credentials on potential placement resources in TN pursuant to placement of a child under the ICPC including parents, relatives, foster and adoptive resources, licensed child-caring agencies or residential treatment facilities, will be conducted by TN DCS Regional staff in accordance to applicable federal and Tennessee statute, policy and licensing standards, meeting timelines and contacts as prescribed.
2. TN DCS Regional staff assigned responsibility to conduct studies or assessments on TN resources (parent or step-parent, relatives or non-relatives) for custodial children are will follow TN DCS policies and procedures and protocols as listed below:
  - ◆ [16.4 Resource Home Approval](#);
  - ◆ [16.8 Responsibilities of Resource Homes](#);
  - ◆ [16.11 Shared Resource Homes](#);

- ◆ [16.20 Expedited Custodial Placements](#);
- ◆ [Resource Home Eligibility Team \(RHET\)](#) and
- ◆ [Departmental Resource Home Eligibility Team \(DRHET\)](#) Protocols.

3. All studies or assessment reports on potential placement resources in TN pursuant to the ICPC which are assigned to TN DCS Regional staff or their contract agencies or an authorized public or private agency pursuant to Article V (b) or a Purchase of Services agreement issued by the Sending State are to be completed within the following timelines which are projected from TFACTS Intake Services Start Date:

- |   |                              |
|---|------------------------------|
| a) ICPC Expedited Custodial Assessment<br>Parent/Reunification Study        | 20 working days or less      |
| b) ICPC Reg. #7 Priority Study (Parent)                                     | 20 working days or less      |
| c) ICPC Reg. #7 Priority (Relative)   | 20 working days or less      |
| d) Relative Study per TN DCS policy 16.20                                   | 30 calendar days or less     |
| e) Relative to F/A Compliance per TN DCS policy 16.20                       | 30-180 calendar days or less |
| f) Foster/Adoptive Study per TN DCS policy 16.4                             | 60-180 calendar days or less |
| g) Foster/Adoptive Study Re-assessment (Biennial) per<br>TN DCS policy 16.8 | 90 calendar days             |
| h) Up-date  | 30 calendar days or less     |
| i) Border Agreements  | As prescribed                |

4. Within seven (7) working days of the assignment date as documented in the TFACTS, the assigned TN DCS Regional PSD/RPS staff or designated study preparer will contact the identified placement resource. The TN DCS Regional PSD/RPS staff or designated study preparer will identify the purpose for the contact, provide an overview of resource parenting, the home study process and approval requirements and assess their interest. The assigned TN DCS Regional PSD/RPS staff or designated study preparer will initiate the home study process as prescribed in relevant TN DCS Policy, Licensing Standards and as directed on the TN ICPC transmittal.
5. If the study or assessment report requested is not able to be completed within the projected timeline, the TN DCS Regional PSD/RPS staff is to document the barriers to completion and as appropriate, project an alternate date as to when study or report will be completed. Such documentation is entered into TFACTS by the TN DCS Regional PSD/RPS staff and the Regional Resource Home file. Concurrently, the TN DCS Regional PSD/RPS staff will file by scan/e-mail a written status report which includes documentation of the barriers to completion, details actions steps to be taken and projects an alternate completion date with the TN ICPC Administrator/Alternate every thirty (30) days until the study is completed and/or a decision regarding the placement resource is issued.
6. If the requested study includes the requirement to complete PATH training, the assigned TN DCS Regional PSD/RPS staff or designated study preparer will provide the placement resource with specific information regarding the next available PATH class upon initial contact. In addition, the assigned TN DCS Regional PSD/RPS staff or designated study

preparer will address specific information regarding availability of modified PATH training format and assignment to the Regional Training Contract.

7. Pertinent to the type of study requested/conducted, the TN DCS Regional PSD/RPS staff or designated study preparer will document contacts of the study process, identifying progress and status of the study process either in the record and/or in the TFACTS.
8. Per P.L.109-239, any study or assessment status report issued in relationship to a Relative study per TN DCS policy [16.20 Expedited Custodial Placements](#), or a Relative (16.20) to Foster/Adoptive Compliance under TN DCS policy [16.4 Resource Home Approval](#) or a Foster/Adoptive Study (16.4), or a Foster/Adoptive Study per TN DCS policy [16.8 Responsibilities of Resource Homes](#). Re-assessment or up-date constitutes a notice of circumstances of the resource in the Receiving State.
9. Per P.L.109-239, the TN ICPC Administrator/Alternate will submit the status report to the sending state, without a decision on the ICPC 100A as the study or assessment does not meet Departmental policy as an approved resource placement nor provides full legal or financial protections for the child as designated under the ICPC. No provisional approval will be granted until and unless the TN resource meets study requirements under TN DCS Policies [16.4 Resource Home Approval](#), [16.8 Responsibilities of Resource Homes](#), [16.20 Expedited Custodial Placements](#) as evidenced in the study document.
10. Per P.L.109-239, the Sending State will have fourteen (14) days after receipt of a notice or status report issued without a decision on the ICPC 100A to notify the TN ICPC Administrator/Alternate by written notice whether placement will be made or whether the ICPC Referral is being withdrawn or of their continued interest in pursuing the placement after approval on the ICPC 100A.
11. Per P. L. 109-239, the Sending State may take the following action:
  - a) **Placement Made (Violation of Article III):** Placement made without a decision on the ICPC 100A is in violation of Article III of the ICPC, places the child “at risk”. The responsibility for the child and to the resource is vested with the Sending State. Upon notice of this action, the TN ICPC Administrator/Alternate will document the Violation of Article III in TFACTS and authorize the closure of the ICPC instance. No further services are available under the Compact.
  - b) **ICPC Referral Withdrawn:** The Sending State may determine to withdraw the request for a study on the TN resource based on the information in the status report. The Sending State will execute an [ICPC 100B, Interstate Compact Report on the Child's Placement Status \(CS-0523\)](#) advising that the “Referral Withdrawn” prior to completion of the study. Upon receipt, the TN ICPC Administrator/Alternate will document the Withdrawal in TFACTS and authorize the closure of the ICPC instance as “Referral Withdrawn.” No further services authorized under the ICPC.
  - c) **Defer Placement pending Approval:** The Sending State may determine to defer the placement pending approval and will provide written notice of their intent to defer the placement of the child with the proposed placement until additional information has been secured on the resource and a decision issued under the ICPC 100B is required for a notice of intent to defer placement.
12. A decision (approval/denial) as a result of home study/evaluation conducted on a TN placement resource (parent, relative, kin, foster/adoptive resource) pursuant to an ICPC referral is both generic and child-specific. The report or study documents the reasons for the decision regarding the resource home including addressing any exceptions or waivers noted, identify the general characteristics of the home, specify financial/medical and other service supports which may be needed to support a placement, and document the reasons

for the decision regarding the specific child and their placement into the TN resource. The study is signed and dated by appropriate TN DCS Regional PSD/RPS staff or study preparer and supervisor(s) as designated in policy or standards.

13. All relative resources including those TN resources identified pursuant to an ICPC Referral from another state on a custodial child must meet all initial and continuing requirement/qualifications as any TN DCS resource per TN DCS policies [16.3 Desired Characteristics of Resource Parents](#) and [16.4 Resource Home Approval](#) and [16.20 Expedited Custodial Placements](#). The ICPC Resource Home is considered as a TN DCS Regional resource home and properly entered as a Resource Home Listing in the TFACTS by the TN DCS Regional PSD/RPS staff. The ICPC Resource Home may be considered as a placement resource under the provisions of the Department's Unified Placement Plan and is subject to review and monitor under [D-RHET](#) and [RHET](#) protocols.
14. All relative resources including TN resources identified pursuant to an ICPC Referral from another state on a custodial child who do not meet qualifications as a TN DCS Regional Resource home and/ or are denied as a TN DCS Regional Resource Home resource are to be listed in the Resource Home Listing in the TFACTS by the TN DCS Regional PSD/RPS staff. The ICPC Resource Home is not to be considered for placement of children in the custody/guardianship under the Department's Unified Placement Plan. A denial of the ICPC relative resource under this section will automatically constitute a denial of the specific child or children for placement pursuant to the ICPC. The TN DCS Regional PSD/RPS Staff or study preparer is responsible to notify the proposed resource home in writing of the reasons for the denial, and to include information regarding pertinent appeal processes as specified in TN DCS Policies [16.7 Resource Family Recruitment and Retention](#), [16.20 Expedited Custodial Placements](#), and [Protocol for Resolution of Disagreements and/or Conflicts between Resource Parents and DCS](#) as appropriate.
15. If the study or report does not recommend placement of the specific custodial child identified in the ICPC, the reasons for that denial of that specific child must be included in the study or report narrative, which is produced on TN DCS letterhead or form or other designated form. The TN DCS Regional PSD/RPS Staff or study preparer is responsible to provide the reasons for their determination to deny the placement of the specific child with the resource and to inform the resource of pertinent appeal processes as specified in TN DCS Policy [16.7 Resource Family Recruitment and Retention](#), [16.16 Denial or Closure of Resource Homes](#), and [Protocol for Resolution of Disagreements and/or Conflicts between Resource Parents and DCS](#) as appropriate.

**Note:** A study which results in the denial of placement of the specific child due to the characteristics of that child in the relative resource home does not automatically designate that the placement resource is not approvable as a TN DCS Regional Resource Home and does not automatically close the TN DCS Regional Resource Home for consideration for placement under the Region's Unified Placement Plan in TFACTS.

16. If the study or report concludes that the parent or relative resource has met all of the requirements under TN DCS Policy [16.20 Expedited Custodial Placements](#) as an expedited resource only pending further training/ fingerprint checks etc. and supports the placement of the specific identified child in the ICPC referral, the narrative must conclude with:
  - ◆ Confirmation that the resource is appropriate for the specific child or children as an expedited placement only;
  - ◆ Any placement is considered "at-risk" as the resource has not met full policy requirement as a TN DCS foster/adoptive resource; and

- ◆ As such, does not meet requirements for IV-E federal financial reimbursement until those qualifications are met. The study narrative must also contain action steps and projected time frames needed to complete all requirements under TN DCS policy [16.4 Resource Home Approval](#).
17. If the study or report concludes that the relative resource has met all requirements under TN DCS Policy **16.4** and supports the placement of the specific child identified in the ICPC referral, the narrative must conclude with confirmation:
    - ◆ The resource is an approved foster/adoptive resource for the State of TN;
    - ◆ The resource is approvable for “x” number of children, ages (range) with certain characteristics;
    - ◆ Currently is certified as meeting the requirements for IV-E Federal Financial reimbursement, and
    - ◆ A statement of recommendation for the placement of the specific child identified in the ICPC referral.
  18. All recommendations/ conclusions which result from a study or report are to be addressed with the placement resource by the TN DCS Regional PSD/RPS staff including whether the resource home is approvable as a TN DCS Foster/Adoptive resource and the decision regarding placement of the specific child. In addition, the resource will be notified as to whether they are IV-E certified and also, their right to a supervisory review or appeal pursuant to TN DCS Policy [16.16 Denial or Closure of Resource Homes](#) or equivalent licensing standards.
  19. The TN DCS Regional PSD/RPS staff is responsible to establish the TN DCS Regional Resource Home into the TFACTS.
  20. The TN DCS PSD/RPS staff or authorizing TN DCS Regional personnel will mail or scan/ e-mail one completed study including all signatures and required documents and with verifications of entry in the current children welfare system to the TN DCS State ICPC office to the TN ICPC Administrator/Alternate
  21. The TN ICPC Administrator/Alternate is the authorizing agent for the State of Tennessee to issue the written notice of the decision regarding the placement of a child into TN on the ICPC Form 100A, Interstate Compact Placement Request, Section IV. Once the TN DCS Regional PSD/RPS staff has filed the completed study and properly established the Resource Home in TFACTS, the TN ICPC Administrator/Alternate will issue the decision. No study or report alone is valid for an interstate placement under the ICPC without a properly signed ICPC 100A, Interstate Compact Placement Request. No study or report will be submitted directly to the Sending State ICPC Administrator or to local sending state agent by any means or mode without express permission of the TN ICPC Administrator/Alternate.
  22. The TN DCS Resource Home approved as the result of an ICPC referral will remain active on the Regional level in the TFACTS and available under the Region’s Unified Placement Plan. The TN DCS Regional PSD/RPS staff is responsible to provide periodic monitoring of the resource home as required by TN DCS policy, *i.e.*, quarterly if no child is in placement or monthly if a child is placed; file and maintain reports on the resource home in the appropriate file, *etc.*
  23. The ICPC instance in the TFACTS will be assigned by the Regional TC or TL to the TN State ICPC Administrator/Alternate who will maintain the ICPC instance active until issuance of a decision by the Sending State as to whether the approved placement will be used or closure is authorized.

#### **D. Decision:**

*Article III (d): “The appropriate public authorities in the receiving state shall notify the sending agency, in writing to the effect that the proposed placement does not appear contrary to the interest of the child. “*

1. TN ICPC Administrator/Alternate will issue a decision on the ICPC Form 100A, Interstate Compact Placement Request and submit notice of the decision to the Sending State ICPC Administrator. TN ICPC Administrator/Alternate will notify the TN DCS Regional PSD/RPS staff or appropriate party by scanning/e-mailing a copy of the TN ICPC transmittal and the ICPC Form 100A Interstate Compact Placement Request. TN ICPC Administrator will enter the decision into the TFACTS.
2. If placement is denied, TN ICPC Administrator/Alternate will deny the ICPC Form 100A and notify both the Receiving State and the TN DCS Regional PSD/RPS, or appropriate party. TN ICPC will authorize the closure of the ICPC instance in the TFACTS as “placement denied.” No further services are available under the ICPC for this child. The TN DCS Regional PSD/RPS staff or appropriate party is to retain a copy of the ICPC Form 100A and the study/report results in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#).
3. If the placement of the child is denied under the ICPC, the TN DCS Resource Home can remain open and available in the TFACTS pursuant to the Region’s Unified Recruitment and Retention Plan. The utilization of and disposition of the Resource Home and the Resource Home Case File will be in accordance to TN DCS policy and the responsibility of the Region.
4. If placement is approved, TN ICPC Administrator/Alternate will approve the ICPC Form 100A and notify both the Sending State ICPC office and the TN DCS Regional PSD/RPS staff that the placement is authorized. Copies of the ICPC Form 100A and the study or report will be forwarded by mail or scan/e-mail to the Sending State ICPC administrator and the TN DCS Regional PSD/RPS staff who will maintain a copy of the ICPC 100A and the study or report in Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#). TN ICPC Administrator/Alternate will also enter the decision into the TFACTS.
5. A placement, which is approved under the ICPC, is valid for a period of six (6) months commencing with the date when TN ICPC Administrator/Alternate signed and dated the document. The ICPC Case remains open in the TFACTS in the caseload of the TN ICPC Administrator/Alternate for that period unless otherwise directed.
6. The Resource Home can remain open pursuant to the TN DCS Unified Recruitment and Retention Plan. The disposition of the Resource Home Case File will be in accordance to TN DCS policy [16.23 Resource Home Case Files](#).
7. Pursuant to ICPC Regulation #2, the Sending State may request reconsideration of an ICPC placement denial issued by TN DCS Region. The Sending State may request reconsideration of a denial within ninety (90) days from the date of the denial on the ICPC 100A. The request can be with or without a new home study.
  - a) Request reconsideration without a new study: The Sending State ICPC may request TN DCS ICPC to reconsider the denial of the placement of the child with the TN placement resource by submitting to the TN ICPC Office Administrator/Alternate by scan/e-mail, a cover letter which includes an explanation for the request for reconsideration, along with a new ICPC 100A and documentation of new evidence or corrected conditions to be reviewed or re-examined and considered by the Receiving

- State. The TN ICPC Administrator/Alternate will execute a new request into TFACTS and assign the request/review to the appropriate TN DCS Regional personnel.
- b) The TN DCS Regional personnel assigned has sixty (60) calendar days from the date the formal request for reconsideration of a denial to issue a report/decision to uphold or reverse the denial previously issued.
  - c) The TN ICPC Administer/Alternate will document the approval/denial to all parties as specified.
  - d) After ninety (90) days from the date of the denial on the initial ICPC 100A, no further reconsideration of that decision can be made. However, nothing precludes the Sending State from requesting a new study.

#### **E. Case Management:**

*Article V (a): . . . The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of placement. . . (b) When the sending agency is a public agency, it may enter into an agreement with an authorized public agency or private agency in the receiving state providing for performance of one or more services in respect of such case by the latter as an agent for the sending agency” “*

1. The Sending State is required to file an ICPC Form 100B within the six (6) month period to notify TN DCS ICPC State Office whether the placement will be used.
2. Upon receipt of the ICPC Form 100B, wherein the Sending State has advised that the approved placement will not be used, the TN ICPC Administrator/Alternate will enter the date the Sending State has determined that the “approved placement will not be used” into TFACTS. TN ICPC Administrator/Alternate will authorize the closure of the ICPC instance as “approved placement will not be used”. No placement is authorized nor further services under the ICPC. Per TN DCS policy [31.5 Organization of Family Case Files](#), the TN ICPC transmittal and the ICPC 100B are retained in the ICPC portion of the Family Case File subject to disposition of the record will be in accordance to the TN DCS RDA.
3. Upon receipt of the ICPC Form 100B, wherein the Sending State has advised that placement has been made, the TN DCS Administrator/Alternate will enter the placement date into the TFACTS. The TN ICPC Administrator/Alternate will scan and e-mail the ICPC Form 100B to the TN DCS Regional PSD/RPS staff or home study preparer and the designated ICPC supervisor in the Region currently assigned to the case in TFACTS requesting if necessary that the ICPC case be re-assigned to a more appropriate TN DCS Regional staff for supervision and case management.
4. Case management services to be provided to an ICPC placement include at a minimum:
  - a) Contact with the child and resource home as prescribed in TN DCS policy [16.38 Visitation Protocol](#), ICPC Regulation #11 Responsibility of States to Supervise Children and Section 422 of the Federal Social Security Act; and TN DCS policies [16.8 Responsibilities of Resource Homes](#), [16.11 Shared Resource Homes](#) and [16.23 Resource Home Case Files](#).
  - b) Assistance in identifying vendors and services available to the child and family in the community to address needs outlined on the family permanency plan and enhance stability of the placement and enhance permanency and making referrals as appropriate; and securing other services on behalf of the child and family which would be available to them as a TN resident.

- c) Quarterly progress reports provided on designated TN DCS forms that address the child's safety, well-being and progress toward permanency.
  - d) Quarterly reports provided on designated TN DCS forms which address the resource home and its continued appropriateness for the placement.
5. The assigned TN DCS Regional PSD/RPS staff will initiate contact with the child and the placement resource within seven (7) working days of receipt of the ICPC 100B Notice of Placement. The assigned TN DCS Regional PSD/RPS staff will establish a supervisory schedule and will provide case management services on behalf of the child and the placement resource and document these services in the TFACTS.
  6. The assigned TN DCS Regional PSD/RPS staff is responsible to assist in implementing the child/youth's family permanency plan as outlined by the sending state. The TN DCS Regional PSD/RPS staff will document reunification services, and or identify vendors/services in the Region to assist in the services outlined on the family permanency plan with contacts will be documented in the TFACTS.
  7. The TN DCS Regional PSD/RPS staff is responsible to provide services to the TN placement resource in accordance to TN DCS Policies [16.8 Responsibilities of Resource Homes](#), [16.11 Shared Resource Homes](#), [16.23 Resource Home Case Files](#), and [D-RHET](#) and [RHET](#) Protocols; maintaining appropriate periodic contacts; filing and maintaining reports monthly or quarterly as required as the resource home meets and is to maintain all responsibilities and requirements as an approved TN DCS resource home. Contacts and services is documented in the TFACTS.
  8. The assigned TN DCS Regional PSD/RPS staff will be responsible to monitor the child and the resource home monthly and document the progress of the child and the progress of the Resource Home in TFACTS. The reports serve as the departmental documentation of the activities and progress of the child in meeting the objectives of the family permanency plan and the continued appropriateness of the placement resource in meeting the needs of the child and pursuing permanency.
  9. Quarterly, a written summary or compilation of the monthly progress reports on the child and the placement resource is scanned/e-mail to the TN ICPC State Office, TN ICPC Administrator/Alternate. One copy of the written summary or compilation or the monthly progress report(s) are to be retained in the Family Case File per TN DCS Policies [16.23 Resource Home Case Files](#) and [31.5 Organization of Family Case Files](#). The written progress report serves as the official departmental record which identifies actions taken on behalf of this child and resource and identifies areas of stability and/or in-stability or incompleteness or need for improvement for the child and the approved resource to achieve the desired permanency.
  10. The TN DCS Regional PSD/RPS staff is responsible to maintain the resource home as valid, including determination of all requirements. The TN DCS Regional PSD/RPS staff is responsible to initiate the biennial re-assessment of the home as required by TN DCS Policy [16.8 Responsibilities of Resource Homes](#) (Protocols: [RHET](#) or [D-RHET](#)), notify Resource home of the required training topics and hours etc to maintain their approval as a TN DCS resource Home and their status as eligible under Title IV-E.
  11. The TN DCS Regional PSD/RPS staff may initiate a Child and Family Team Meeting (CFTM) or equivalent to include the sending State custodial representatives as a case management tool during the course of supervision of the placement to sustain activities involved in the placement and to assist in achieving stability and permanency for the child or as prescribed in TN DCS Policy [31.7 Building, Preparing and Maintaining Child and Family Teams](#).

12. When the progress of a child in a placement supports the permanency goals, the assigned TN DCS Regional staff will initiate a discharge Child and Family Team Meeting (CFTM) and the sending state custodial representative must be invited to participate via telephone.
13. The TN DCS Regional staff will scan/e-mail documentation of the discharge CFTM as a progress report the TN ICPC Administrator/Alternate. The Progress report will conclude with a recommendation regarding permanency and a request for closure of the ICPC instance.

**F. Closure:**

*Article V. (a) "The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care and disposition of the child which it would have had if the child had remained in the sending agency's state until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law."*

1. The TN ICPC Administrator/Alternate will submit the documentation and concurrence as appropriate to notify the Sending State ICPC office and request proper legal documents and an ICPC Form 100B Interstate Compact Placement Status Report to close the ICPC Case. Processing of this documentation will be entered into the TFACTS by the TN ICPC Administrator.
2. Upon receipt, the TN ICPC Administrator will mail and scan and e-mail the documents to the assigned TN DCS Regional staff authorizing closure of the ICPC instance in the TFACTS.
3. Copies of all documents are to be retained in the Family Case File per TN DCS Policy [31.5 Organization of Family Case Files](#) and will follow the TN DCS RDA for the proper case disposition. Closure will be documented appropriately per the TFACTS.
4. The TN ICPC State Office records will be disposed of in accordance to the TN DCS RDA. The TN ICPC office record is not considered the permanent record on the child. The documents maintained in the TN ICPC Office record are copies and not originals. The TN ICPC office e-records will be disposed of in accordance to Departmental rules regarding maintenance of and access to electronic records in the current child-welfare information system. .
5. As noted previously, the closure of an ICPC instance through permanency impacts the child; closure of the child's ICPC instance does not automatically close the Resource Home. The TN DCS Regional PSD/RPS staff will determine whether the approved TN DCS Resource Home remains active or is closed.

**G. Disruption of a Child from another State Placed in Tennessee Through ICPC:**

1. The TN DCS Regional staff are responsible to utilize TN DCS policy to support the placement of a child with a TN resource pursuant to an ICPC request. Through supervisory contacts and periodic re-assessment and engagement, the TN DCS Regional staff is responsible to identify areas of stability and/or instability or incompleteness or need for improvement for the child and the approved resource to achieve the desire permanency and report accordingly with the Sending State.

2. The TN DCS Regional FSW will be responsible to propose a recommendation for resolution of any instability etc., in the progress report, which would allow the child to remain in the placement.
3. The TN DCS Regional PSD/RPS staff will be responsible to propose recommendation for resolution of any instability, concerns regarding the TN DCS Resource home in the Resource Home Record.
4. The TN DCS Regional staff will collaborate with each other when issues may arise which impact the child's safety or well-being to remain in the placement and which may impact the status of approval of the Resource Home.
5. If a disruption appears to be imminent, the TN DCS Regional FSW has primary responsibility to notify the Sending State case manager and the TN ICPC Administrator directly that a disruption may occur. The TN DCS Regional FSW must initiate a disruption CFTM to include the sending state and custodial representative and child as appropriate via the telephone. A written statement of the circumstances which lead to the disruption meeting along with the team's proposed resolution will be directed to the TN ICPC Administrator within twenty-four (24) hours of the CFTM. This report must advise whether the child will be removed from the approved placement, identify where the child is located if removed, and identify the action that TN DCS would recommend the Sending State to take to secure the child's safety and well-being and to reduce any further trauma.
6. Upon notice of a disruption, the TN ICPC Administrator will forward the notice and any other information by scan/e-mail to the Sending State ICPC office and request coordination between their office and the local office.
7. If the placement becomes contrary to the interest of the child based on action of the placement resource, the TN DCS Regional PSD/RPS staff and FSW have dual responsibility to notify the Sending State case manager and the TN ICPC Administrator directly. A disruption of the placement of a child, whether placement was initiated through ICPC or not, due to closure of the TN DCS Resource Home must be in collaboration between TN and the Sending State. The TN DCS Regional PSD/RPS staff and the FSW must initiate a disruption CFTM to include the sending state and custodial representatives, the placement resource and the child as appropriate. TN DCS Policy regarding closure of a TN DCS Resource Home must be taken into account including any due process available to the Resource parents. A written statement of the circumstances which lead to the disruption along with the teams proposed resolution will be directed to the TN ICPC Administrator within twenty-four (24) hours of the CFTM. The most critical course of action will be for the child to return to the jurisdiction of the Sending State and the ICPC record closed. Again, every effort must address the safety and well being of the child and reduction of trauma.
8. The Sending State retains jurisdiction over the child and maintain responsibility to plan for the child including the responsibility to remove the child from a placement. The Sending State is responsible for all arrangements for the child during the disruption period while the child remains in TN including an emergency placement pending return, payment for emergency placement and services provided; hospitalization or medical services and transportation arrangements. The Sending State maintains responsibility to remove the child from a placement and return the child to the sending state within five (5) working days unless alternative timeframes have been established for the return of the child or alternate plans have been established to the agreement of all parties to support the child remaining in the placement with additional services or alternate plans have been established for re-placement in an approved resource in TN.

9. The responsibility to file the notice of closure in both of these circumstances is that of the Sending State.

### III. Visits of a Child into Another State:

1. Under ICPC Regulation #9, a “placement” of a child and a “visit” for the child are two (2) distinct events distinguished on the basis of purpose, duration and intention of the person or agency responsible for the child’s placement.
2. A “visit” is defined as a social or cultural experience of short duration, which has an express beginning and ending date which are thirty (30) days or less or falls within the period of a child’s vacation from school based on the child’s academic calendar.
3. A “visit” may not be extended or renewed by the Department or a court in a manner which causes or will cause it to exceed the thirty (30) days or the school vacation period.
4. The “visit” is with a parent or relative or significant kin who is known to the child and who is not and will not assume legal or physical responsibility for the child to the extent that a claim for financial assistance may be filed or enrollment in school or responsibility for medical service except in an emergency is authorized during the “visit”.
5. No study, background checks or supervision of the “visit” resource is necessary nor will be authorized.
6. A “visit” which does not from the outset have a documented express beginning and ending (terminal) date or if its duration is not clear from the circumstances, shall be considered a placement or a proposed placement and not a “visit”. Such constitutes a violation of Article III and I of the ICPC and places the child “at-risk”.
7. A request for a home study or supervision filed by TN DCS Regional staff while a child is on a “visit” or that is pending at the time that the “visit” is proposed will establish a rebuttal presumption that the intent of the stay or proposed stay is a placement not a “visit”.
8. A Trial Home Visit ordered by a TN court on a TN DCS custodial child is identified as a placement not a “visit” as the terms and conditions of such an order issued by the Tennessee court typically does not establish the temporary nature of the “visit” nor anticipates that the child will return to the State of TN DCS.
9. The TN DCS Regional staff is responsible to arrange for a visit of a child in TN with a parent, relative or significant kin in another State or as a visit of a sibling with a child who is in an out-of-state placement will need to document the child’s case record in accordance with TN DCS Policy [16.43 Supervised and Unsupervised Visitation Between Child-Youth, Family and Siblings](#). The authority and responsibility for child during the visit remains with the TN DCS Region.
10. Documentation entered into the child’s record in the TFACTS will specify the requirements noted in the ICPC Regulation #9 definition. These requirements must be clearly enunciated and agreed to with the parent, relative or significant kin with whom the child is to “visit”.
11. A child who remains in a “visit” for over thirty (30) days with a resource which has not been assessed under provision of the ICPC or in accordance to TN DCS policy is considered to be in an un-approved placement in violation of ICPC Article III and “without proper guardianship”.

12. The child is considered "at risk" and subject to a protective services referral. Protections and services including supervision allowable under the ICPC are not available to the child in the receiving state.

#### **IV. Purchase of Services Pursuant to *TCA 37-4-201*:**

1. Pursuant to *TCA 37-4-201* ET. seq., Article V (b) "When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency."
2. TN DCS/ICPC has not established agreements with an authorized public or private agency in the receiving state to provide for the performance of services except in a case by case basis.
3. TN DCS has established an agreement with Youth Villages through the TN continuum of service to provide for RTC services for TN DCS children that is subject to approval under the Compact.

#### **V. Purchase of Services Pursuant to *ICPC/P.L. 109-239*:**

1. Pursuant to compliance with the new P.L. 109-239 Safe and Timely Interstate Placement of Foster Children Act of 2006 Section 4: Home Studies: "States should use private agencies for home studies if necessary to meet the sixty (60) day requirement."
2. To meet the provisions above, each Region of the Department has entered into a contractual relationship with a designated licensed child-caring agency to provide permanency services including kinship, Resource and Interstate Family Home Studies and Parents as Tender Healers (PATH) Training for resource families. The scope of services provides financial and program supports for the completion of a valid study within the sixty (60) calendar day turn-around, and includes training and education of the resource consistent with the requirements of TN DCS and the receiving State, which include results of criminal history background checks (5 years back) FBI fingerprint results etc. The contract provisions will require the contractor to conduct the home study/verification portion simultaneously/concurrently with Path Training and fingerprint clearance.
3. Monitoring of the contracts has provided a mix results especially in light of ICPC studies. The Department is re-evaluating the use of contracted services for studies especially in light of progress in the area of SAFE study documentation.

## **Appendix A**

### **ICPC Forms and Work Aids**

**[CS-0796 ICPC Referral Checklist-Instructions](#)**

**ICPC Sample Cover Letter** (Per Sample in Appendix B)

**[CS-0957 ICPC Placement Resource Statement of Confirmation-Reg. #7 and Border Agreement- Instructions](#)**

**[CS-0958 ICPC Placement Resource State of Confirmation – Reg. #2-Instructions](#)**

**[CS-0525 ICPC 100A Interstate Compact Placement Request-Instructions](#)**

**[CS-0523 ICPC 100B Report on Child’s Placement Request-Instructions](#)**

**[CS-0795 ICPC Financial – Medical Plan- Instructions](#)**

**[CS-0563 ICPC 101 Sending State Regulation #7 Expedited Placement Decision Home Study Request - Instructions](#)**

**[CS-0682 Expedited Placement Assessment Summary - Instructions](#)**

**[CS-0927 Border Agreement Kinship Home Placement Checklist and Consent for Medical Treatment](#)**

**[CS-0928 Border Agreement Non-Custodial Immediate Safety Plan](#)**

**[CS-0929 Border Agreement Non-Custodial Consent for Transportation](#)**

**Interstate Compact on the Placement of Children- Articles I-X:**

**<http://icpc.aphsa.org/Home/resources.asp>**

**Interstate Compact on the Placement of Children-Regulations .01-12:**

**<http://icpc.aphsa.org/Home/resources.asp>**

**\*16.20 ICPC Parent/Guardian Placement Study Procedure (Attached)**

**DCS Policy Reference List**

**Glossary**

***Note: All documents and Web links in blue can be accessed from the TN DCS Intranet or Internet.***

## Appendix B

### SAMPLE ICPC REQUEST LETTER



STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES  
American County  
P.O. box 444  
Scenic, Tennessee 30000  
615-555-1111  
(Date)

TN DCS ICPC Office Attn: (TN ICPC DCA/Alternate)  
436 6<sup>th</sup> Avenue North  
8<sup>th</sup> Floor Cordell Hull Building  
Nashville, Tennessee 37243-1290

RE: Children: Joel Smithson (DOB and TFACTS Personal ID #) \*  
Randy Smithson (DOB and TFACTS Personal ID #)\*  
Georgianna Brown (DOB and TFACTS Personal ID #)\*  
Parents: Daniel and Barbara Smithson (TFACT Case ID #) \*  
Placement Resource: John and Beverly Rice (Maternal aunt & uncle)  
250 Main Street  
Dayton, OH 40000  
Telephone: 123-123-1234

**(This paragraph is an introduction statement) EXAMPLE:** American County TN DCS is requesting an ICPC Regulation #2 parent or relative or kin or foster or adoptive study or ICPC Regulation #7 Expedited parent or relative study on John and Beverly Rice, 250 Main Street, Dayton OH 40000 who are the maternal aunt and uncle of the above named children.

**(This paragraph is used to identify the "sending agent", legal status of the child or children involved in the ICPC, brief statement as to how and when child or children came into care, current placement date of current placement, whether the child/children had previously been placed with placement resource in sending state etc.) EXAMPLE:**

American County TN DCS obtained temporary legal custody of the children October 25, 2011 after a neighbor reported that they had been left alone over an entire weekend and their parents could not be located for planning. Further investigation indicated that Mr. Smithson had abandoned his family several months prior to this incidence and Ms. Smithson, who is an alcoholic, had gone off on a weekend drunk. The Smithson's are still legally married. After being located, Ms. Smithson identified her sister and brother-in-law in Dayton, Ohio, John and Beverly Rice might be willing to keep the children until she could receive alcoholism treatment and make a stable home for the children. In addition, Ms. Smithson identified a member of her church family as a possible in-state placement resource which will be pursued concurrent with the ICPC.

**(This paragraph speaks specifically to the child or children) EXAMPLE:**

Randy and Kim are average, healthy children but Joel has been diagnosed with ADHD and attends a Special Education class as well as takes prescription medication. Currently all three children are in the same foster home; placed on Oct. 26, 2011. Tennessee DCS anticipates a placement wherein the siblings may remain together and with a relative if possible. The children have been determined IV-E eligible and currently receiving medical assistance through TennCare/Early Periodic Screening Diagnosis and Treatment (EPSD&T) program.

**(This paragraph outlines Departmental requests for study and services/ action pursuant to the ICPC) EXAMPLE:**

American Co. TN DCS is requesting the Ohio agency to conduct an ICPC relative study on the home of the maternal aunt and uncle and provide a report/decision within sixty (60) working days. Tennessee DCS anticipates if possible a placement wherein the siblings may remain together and with a relative. In addition, please address with the resource their viewpoint regarding the sister's alcohol and marital issues and their stated interest in being a placement for this child/children and their interest in permanency for these children.

The placement is being viewed as temporary as the Department has determined two concurrent permanency goals for these children: (1) reunification with the mother, Ms. Smithson and (2) custody/guardianship to relative.

If the Rice's are approved and the placement utilized, our agency would retain custody and provide the Rice's with authorization to enroll the children in school, consent to necessary medical or surgical care, etc. Attached is a financial medical plan developed with the resource family which addresses responsibility for medical and financial support for the children, including day care and school tuition during placement up to permanency. Upon notice of placement, TN DCS would expect a minimum of monthly supervisory contact/ supervision of the children and the resource home documented on quarterly written progress reports. During the period of placement, our Department would involve the approved resource, the children as appropriate and the Ohio agency in periodic Child and Family Team meetings to address any issues/progress, including exploration of permanency for the children, or if the placement disrupts, identify a strategy to sustain placement in the current setting or to replace the children in an alternate setting or to return the children to TN jurisdiction.

The following documents are included: *Interstate Compact Placement Request (CS- 0525); TN ICPC Placement Resource Statement of Confirmation, Family Functional Assessment (CS-0777)* on each child; *Permanency Plan (CS-0577)*, Custody/Guardianship Order and other pertinent court documents, *ICPC Medical-Financial Plan (CS-0795)* and *Educational Passport and School Enrollment Letter (CS-0657)* and *Well-Being Information and History (CS-0543)*.

If you need additional information, please contact our office.

Sincerely,

Case Manager\*

Supervisor\*

## Appendix C

### **16.20\* ICPC Parent/Guardian Expedited Placement Assessment Procedure for Parent/Guardian Placement Pursuant to the ICPC**

The TN Department of Children's Services Interstate Compact Office will accept a referral/request to conduct an expedited placement assessment on an identified TN resident who is a biological parent, or step-parent of a child in the custody of another state child welfare agency or under the jurisdiction of another state court pursuant to compliance with the Interstate Compact on the Placement of Children and ICPC Regulation #2 and #7 and Border Agreements.

All ICPC Expedited Placement Assessments conducted by TN DCS Regional staff on a TN biological parent or step-parent of a child who is in the custody of another state child welfare agency or under the jurisdiction of another state court will be conducted in accordance to TN DCS Policy 16.20 Expedited Custodial Placements which has been minimally modified to respect the rights of a parent or step-parent for re-unification.

TN DCS Policy [16.20 Expedited Custodial Placements](#) has been modified to provide a uniform state-wide procedure for TN DCS Regional PSD/RPS staff to evaluate the TN resource, specifically a biological parent(s) or step-parent (s) and make a recommendation for placement and as appropriate, continued supervision or transfer/return of custody. In addition, the procedure identifies TN DCS Regional PSD/RPS staff responsibility to assist the TN parent or step-parent or guardian resource to identify and access re-unification services available in their community and to provide limited supervision to facilitate permanency on behalf of the child and family.

All policy/procedure and practice prescribed in TN DCS Policy **16.20** is followed except as noted in the following modifications:

- ◆ **Timeframes:** ICPC Regulation #2 or Regulation #7 and Border Agreements Expedited Assessments conducted on the TN resource who is a parent(s), or step-parents will be completed within twenty (20) working days or less or pursuant to the terms of the Border Agreement as prescribed in the TN DCS ICPC Practice and Procedure Manual *Section II, C, 4* or Appendix B.
- ◆ **Training/Education:** ICPC Regulation #2 or Regulation #7 and Border Agreements Expedited Assessments conducted on the TN resource who is a parent(s) or stepparent(s) will not require the parent or stepparent resource to complete PATH or Educational Components, *i.e.* CPR/First Aid or Medical Administration, *etc.*
- ◆ **Training/Education:** Completion of PATH training and/or Educational Components, *i.e.* CPR/First Aid or Medical Administration within one hundred twenty (120) days for a non-parent/caregiver in the home of the parent or stepparent may be recommended by TN DCS Region to the Sending State as part of the Expedited Summary.
- ◆ **Safety Risks:** Form [CS-0544, Resource Home Placement Checklist](#) must be reviewed and addressed.
- ◆ **Forms:** TN DCS forms which are included in the **16.20** process and required to be completed which used terminology to identify the placement as a *resource parent or relative resource* are to be translated to mean parent or step-parent. All responses recorded on that form are to reflect the parent or stepparent.

- ◆ **Financial Support:** Parents or stepparent placements are to be responsible for support of their children if placement is approved.
- ◆ **Results:** Results of the Expedited Assessment process is documented and recorded on TN DCS Form [CS-0682 Expedited Placement Assessment Summary](#).
- ◆ **Decisions:** All decisions regarding the placement as stated on TN DCS Form [CS-0682 Expedited Assessment Summary](#) must conclude with a definitive recommendation if this parental resource is safe and appropriate for the placement of the specific child/ren that are identified in the ICPC referral and the reasons for that recommendation. In addition, a recommendation as to a time period for continued supervision if placement is approved or a recommendation that custody can be returned or transferred to the parent/guardian with no further supervision and ICPC services closed.
- ◆ **TFACTS:** The TN Resource Home of the parent or stepparent is documented in TFACTS as ICPC, Expedited and with modifications being proposed to TFACTS, further identified as “Parent/Stepparent”.
- ◆ **Resource Home File:** The Expedited Placement Assessment documentation is maintained in the Resource Home File per TN DCS Policy [16.23 Resource Home File](#).

Documentation for all Expedited Placements Assessments on a TN parent or stepparent must be completed and documented and submitted to the TN DCS ICPC office to execute a decision regarding placement.

The identified parental/guardian resource must meet the minimum criteria as outlined in this procedure and have their legal options as defined in the referral explained to them. Due to the nature of placement, waivers of requirements outlined in this procedure are not permitted. Tennessee DCS Contract Providers may not be assigned to conduct studies on TN parental resources under this procedure.

All decisions regarding the placement as stated at the end of the study must conclude with a definitive statement/recommendation as to whether this parental resource is safe and appropriate for the placement of the specific child/ren that are identified in the ICPC referral and the reasons for the approval or denial. Furthermore, the conclusion must also include a recommendation as to a time period for continued supervision if placement is approved or if placement is approved, a recommendation that custody can be returned or transferred to the parent /guardian with no further supervision and ICPC services closed.

### **Procedures:**

*“The appropriate authorities in a state where a child is placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for protection of the child.”*

1. The Tennessee ICPC State Office is the clearinghouse for all referrals and other documents regarding children subject to compliance with the Interstate Compact on the Placement of Children.
2. All ICPC referrals received from another state which request a study on a parent or guardian are to contain the same minimal documents as outlined in *Section 1, A, 11* of this document.
3. The TN ICPC State Office reserves the right to request additional or supporting information from the Sending State prior to processing to the appropriate TN DCS Regional Staff.

4. The TN ICPC Administrator/Alternate will establish the ICPC referral in TFACTS as an Intake and establish a Case in TFACTS.
5. TN ICPC Administrator/Alternate will assign the ICPC referral to the Regional designee electronically by scan/e-mail.
6. The assigned TN DCS Regional staff will contact the parent resource within seven (7) working days of the TFACTS ICPC Intake date. The contact and subsequent contacts for this assessment is documented in TFACTS.
7. The assigned TN DCS Regional staff will initiate an ICPC Parental Expedited Assessment in accordance to this procedure that must be completed within twenty (20) working days. No child/children may be placed until the study is completed and a recommendation issued by the TN DCS staff.
8. Form **CS-0682, Expedited Placement Assessment Summary** along with appropriate signatures and attachments is submitted by TN DCS staff to the TN ICPC State Office electronically directed to the appropriate TN ICPC Administrator/Alternate within twenty (20) working days.
9. The parent/stepparent resource home is entered in TFACTS.
10. The Assessment must include at a minimum:
  - a) An *Authorization for Release of Information*, (form CS-0668) from the parent/guardian placement resource and all adult household members.
  - b) Face-to-face interviews with the parent/guardian placement resource, individual and joint, using [CS-0682 Expedited Assessment Summary](#) as a guide. The interviews will address the characteristics of the child to be placed, the reason for the request as specified in the referral, the permanency to be achieved as well as the financial/medical supports anticipated to be provided by the parent/guardian as specified in the referral. In addition, the interview will address any re-unification services requested by the sending state and how the TN DCS will be assisting in arranging or providing those services as well as TN DCS's role in supervision and provision of progress reports. Responses to the interview(s) is recorded on [CS-0682 Expedited Assessment Summary](#) and separate sheet if necessary.
  - c) Face-to-face interviews, individual and joint, with each household member, adults and children, using [CS-0682 Expedited Assessment Summary](#) as a guide. These interviews will address the same topics with each household member, adults and children as described above. The Expedited Placement Assessment preparer must identify children who live in the household with delinquent behavior/charges and complete the waiver process with the TN DCS Regional Administrator if a review of the circumstances determines that the parent/guardian could work productively and constructively with all children in the home. Responses to the interview(s) is recorded on [CS-0682 Expedited Assessment Summary](#) and separate sheets if necessary.
  - d) Secure understanding and signature on Form [CS-0553 DCS Discipline Policy](#) from the parent/guardian placement resource and any other adult caretaker in the household.
  - e) Secure Criminal records checks on the parent/guardian placement resource and all adult household members including the following:
    - ◆ A Criminal history records check to include local criminal records check from local law enforcement records for all residences of the parent/guardian and adult household members within the immediate six (6) months preceding the ICPC request. All criminal charges listed in the local criminal history check for which there is no final disposition identified in the local criminal history check must be clarified by obtaining additional,

official documentation from the local court with jurisdiction prior to completion of the Expedited Assessment.

- ◆ No parent or guardian may be approved, if they or an adult member of the household has a felony conviction for the following:
  - i Child Abuse and Neglect;
  - ii Spousal Abuse;
  - iii A crime against a child or children (including child pornography); and
  - iv A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

**NOTE:** In situations where there are pending charges of this type with no disposition, approval or disapproval may be withheld until the charges have been resolved.

- ◆ Form [CS-0750, Background Criminal History-Expedited/Emergency Purpose Code X](#) on parent/guardian.
- ◆ Form [CS-0741 DCS Database Search Results](#) must be completed for all household members age eighteen (18) or older. If the parent/guardian placement resource has not been in residence in the county for a period of five (5) years, the local criminal records check must be made for previous placement of residence five (5) years back. TN DCS Regional staff will be responsible for these checks.
- ◆ All Findings identified must be documented on TN DCS Form [CS-0687 Background Check History and IV-E Eligibility Checklist](#) with results attached. This documentation must be reported in the Expedited Placement Assessment.
- ◆ The Internet Records Clearance must be completed for all household members age eighteen (18) years or older. This search must be conducted taking into account current, maiden and any other previous legal names. This documentation must include the following:
  - i The National Sexual Offender Registry Clearance must be conducted for the prospective parent/guardian placement resource and all adult household members using the Internet. The Internet Web Address for a national search is <http://www.nsopr.gov/>
  - ii A Tennessee Department of Health Abuse Registry Clearance- The Internet Website address is <http://www.health.state.tn.us/AbuseRegistry/default.aspx>
- ◆ The parent /guardian placement resource and all adult members of the household must agree to be scheduled for and complete their fingerprinting within fifteen (15) days. Failure to comply with this requirement may result in a delay of a decision regarding placement and/or a decision to deny placement pending full results of the fingerprinting.
- ◆ The parent/guardian placement resource and all members of the household must agree to be scheduled for a medical examination prior to completion of the Expedited Placement Assessment Summary. Unless the placement resource and all members of the household can provide a copy of a current medical examination/report from a licensed physician, nurse practitioner or equivalent health care professional or the placement resource and all members of the household must agree to secure an examination/report from a licensed physician, nurse practitioner or equivalent health care professional and provide documentation of their health status prior to placement of the child. Current medical status of the parental resource and other household members may be recorded on Form [CS-0678 Resource Parent Medical Report](#), or

Form [CS-0427 Child's Medical Record](#). Failure to comply with this requirement may result in a delay of a decision regarding placement and/or a decision which identifies the placement as an "at risk" or a decision to deny placement. The cost of the medical examination/report is the responsibility of the resource/household members.

- f) Two (2) persons, who do not reside in the same home as the placement resource, must be identified and contacted for a personal reference check prior to completion of the study. Reference checks may be written or verbal; results of reference checks must be documented and maintained in the case file.
  - g) Assigned TN DCS Regional staff will conduct a home visit to verify that the residence meets the standards outlined in *Sections E & F* of the TN DCS Policy [16.4 Resource Home Approval](#) and documented on Form [CS-0676 Home Safety Checklist](#).
  - h) Assigned TN DCS Regional staff will secure an emergency response plan documented on Form [CS-0871 Emergency Response Plan Resource Family Disaster Plan](#) from the proposed caregiver as part of the study.
2. All information gathered during the assessment on a parent resource is documented on Form [CS-0682, Expedited Placement Assessment Summary](#) to which is attached documentation from the interview, home visit, reference and records check including fingerprint results if available.
  3. Utilizing the Summary and documentation, the assigned Regional Staff will document their determination as to whether the parental resource is safe and appropriate for the placement of the specific child/ren identified in the ICPC referral, utilizing strength-based approach, promoting the health, stability and well-being of the child in the family environment. The Assigned Regional staff will document any safety issues or risks or barriers to the placement of the child as well as provide recommendations for services in our State if available. Assigned Regional staff will provide a recommendation as to a time period for continued supervision if placement is approved or if the placement is approved, can custody be returned or transferred to the parent/guardian and ICPC services closed.
  4. The summary and determination/decision will be authorized and dated by the appropriate FSW/Permanency Specialist and supervisor; reviewed/authorized and dated by the RA or RA designee within twenty (20) working days of the intake.
  5. Within twenty (20) working days of assignment, the assigned regional staff will submit one copy of either the completed study with a determination/decision (approval or denial with reasons for that decision) or a status report signed and dated as designated in item 10 above by scan/e-mail to the TN State ICPC Office attn: ICPC Administrator/ Alternate.
  6. A status report must document the barriers in completing the study requested in a timely manner and specify a date when the study will be completed/ a decision issued or a request to close the study as incomplete and the efforts made/reasons for such, EX. a parent cannot be located by phone, certified mail and/or a home visit, the report is submitted by scan/email to the TN ICPC office would outline all efforts/dates made to contact/locate the parent and the conclusion.
  7. The TN DCS Regional staff will notify the parental resource in writing of the decision issued regarding the study including the reasons for the decision.
  8. The TN DCS Regional staff will include in the decision regarding placement whether supervision of the placement will be required, the proposed length of such supervision and if appropriate, a recommendation as to whether custody will be transferred.

9. The TN DCS Regional staff will document the activities of this parental assessment including dates, contact and decision in the TFACTS if appropriate. .
10. The TN ICPC office is the authorizing agent for the Department to issue a decision regarding placement of a child into TN under the ICPC. The parental assessment serves as a basis for that decision. The written notice of the decision regarding the placement is the ICPC Form 100A, Interstate Compact Placement Request, section IV. No assessment or report is valid without the ICPC 100A, Interstate Compact Placement Request. Neither the assessment nor report is submitted directly to the Receiving State ICPC Administrator or to the local sending state agent by any means or mode without express permission of the TN ICPC office.

Processing for a Parental study under the ICPC will be in accordance to *Section II A-G "Children Who are From another State Placed Into TN."*

## **Appendix D**

### **TN DCS Policy Reference List**

- [1.30 Interstate Compact on the Placement of Children](#)
  - [9.4 Confidential Child-Specific Information](#)
  - [9.5 Access and Release of Confidential Child-Specific Information](#)
  - [11.1 Assessment Process and Tools](#)
  - [14.9 Child Protective Services Immediate Protection Agreements](#)
  - [14.12 Removal, Safety and Permanency Considerations](#)
  - [14.23 Orders of Reference](#)
  - [14.27 Family Crisis Intervention Services](#)
  - [16.3 Desired Characteristics of Resource Parents](#)
  - [16.4 Resource Home Approval](#)
  - [16.8 Responsibilities of Approved Resource Homes](#)
  - [Resource Home Eligibility Team \(RHET\) Protocol](#)
  - [Departmental Resource Home Eligibility \(D-RHET\) Protocol](#)
  - [16.11 Shared Resource Homes](#)
  - [16.16 Denial or Closure of Resource Homes](#)
  - [16.20 Expedited Custodial Placements](#)
  - [16.23 Resource Home Case Files](#)
  - [16.27 Resource Parent Fourteen-Day Removal Notice and Right to Appeal](#)
  - [16.31 Permanency Planning for Children/Youth in DCS Custody](#)
  - [16.33 Permanency Hearings](#)
  - [16.36 Title IV-E Foster Care Funds](#)
  - [16.46 Child Youth Referral and Placement](#)
  - [16.48 Conducting Diligent Search](#)
  - [16.59 Disclosure of Legal Options and Available Services](#)
  - [21.14 Serving the Education Needs of the Child-Youth](#)
  - [31.5 Regional Family Case Files](#)
  - [31.7 Building, Preparing and Maintaining Child and Family Teams](#)
  - [32.1 General Privacy Requirements](#)
  - [32.2 Client Privacy Rights](#)
  - [32.3 Use and Disclosure of PHI](#)
- ICPC ICJ Story Board in TFACTS:**  
[http://www.mywebetools.com/dcs/users/kb.php?id=10092&category\\_id=61](http://www.mywebetools.com/dcs/users/kb.php?id=10092&category_id=61)

## **Appendix E**

**VIRGINIA/TENNESSEE NON-CUSTODY BORDER AGREEMENT  
BETWEEN  
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES (TN DCS) NORTHEAST REGION  
AND  
VIRGINIA LOCAL DEPARTMENT OF SOCIAL SERVICES (LDSS)  
IN VA JUDICIAL DISTRICTS 28, 29 AND 30**

**PURPOSE:** If during the conduct of a child protective services investigation or family assessment, a TN DCS or VA LDSS case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to ensure the safety of the child. The case manager will consider the feasibility and practicality of a temporary family-based placement of the non-custodial child with a relative or person whom the child has a significant relationship with ("kin") who resides in the other State. For purpose of this agreement, individuals residing out-of-state in TN DCS Northeast Region and VA Judicial Districts 28, 29 and 30 may be considered for temporary placement, without the child being placed in the state foster care system in Tennessee or Virginia.

### **I. Initial Requirements**

#### **A. Border Agreement Immediate Safety Plan (BA Immediate Safety Plan)**

1. TN DCS or VA LDSS case manager will document pertinent information regarding the child and actions necessary to secure for the safety and well-being of the child on the BA Immediate Safety Plan. Each agency will follow their respective policies and procedures regarding approval of Immediate Protection Plans or Safety Plans for the BA Immediate Safety Plan.
2. The TN DCS or VA LDSS case manager will clarify all terms, conditions and timelines to parent(s)/guardian(s) and kin identified on the BA Immediate Safety Plan and other pertinent parties to the BA Immediate Safety Plan.
3. The BA Immediate Safety Plan will specifically allow the parent(s) or caretaker(s) to retain legal custody of the child, while securing their agreement to the course of action to guarantee the child's safety during a child protective services investigation or family assessment.
4. In order to minimize the trauma to children and families, TN DCS and VA LDSS case manager will facilitate placing the child with a relative or "kin" who reside in the other state which is documented on the BA Immediate Safety Plan.
5. For purpose of this agreement, individuals residing out-of-state in TN DCS Northeast Region (Counties of Washington, Sullivan, Unicoi, Johnson, Carter, Greene, Hawkins or Hancock) or VA Judicial Districts 28, 29 or 30 (Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton) may be considered for temporary placement, without the child being placed in the state foster care system in Tennessee or Virginia.

#### **B. Border Agreement Kinship Safety Study**

1. TN DCS or VA LDSS agency case manager will initiate a request for the receiving state agency to conduct a Border Agreement Kinship Safety Study (BA Kinship Safety Study) on identified kin who reside in TN DCS Northeast Region (Counties of Washington, Sullivan,

Unicoi, Johnson, Carter, Greene, Hawkins or Hancock) or VA Judicial Districts 28, 29 or 30 (Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton).

2. The Sending State agency case manager will call the appropriate child abuse hotline in the Receiving State to request a BA Kinship Safety Study.
3. **TN Central Intake 1-877-542-2873 or VA Hotline 1-800-552-7096**
4. The Hotline Responder will contact the appropriate local office/on call case manager in the receiving state *within 45 minutes* to relay information needed to initiate the BA Kinship Safety Study.

## II. Response Requirements

### A. Responding to BA Kinship Safety Study Request

1. Within **30 minutes** of notice by the Hotline Responder of the BA Kinship Safety Study request, the receiving state agency case manager will contact the appropriate sending state agency case manager by telephone and confirm receipt of the request and specify an estimated time for completion of the BA Kinship Safety Study.
2. The sending state agency case manager will fax or electronically scan to the receiving state agency case manager pertinent documents which may be available and assistive to the BA Kinship Safety Study request including the BA Immediate Safety Plan.
3. Unless circumstances specify otherwise, the BA Kinship Safety Study is expected to be completed ***within three (3) hours*** of receipt of the request.
4. The receiving state case manager will conduct the BA Kinship Safety Study of the identified “kin” caregiver(s) and the home environment using the receiving state’s applicable policy and procedures for such a placement.
5. The BA Kinship Safety Study will consist of at a minimum, a narrative report which:
  - a. Documents information regarding the kin caregiver(s) and their home environment;
  - b. Concludes with a determination regarding the appropriateness of the placement and impact on the safety, well being of the child;
  - c. States reasons for approval or denial which includes any terms or conditions for the decision;
  - d. Includes appropriate authorizing signatures, and
  - e. Attachments which include local background checks/verifications.

### B. Approval of BA Kinship Safety Study

1. Approval of the BA Kinship Safety Study is the responsibility of the receiving state agency and must meet the receiving state agencies current policies and procedures.
2. Upon completion and approval of the BA Kinship Safety Study, the receiving state agency case manager will communicate the decision to the sending state agency case manager by telephone.
3. **Approvals for the temporary placement of the non-custodial child with the kin caregiver are valid for a maximum of 72 hours or 3 days; however, if the ending date falls on a holiday or weekend, the approval may be extended to the next business day or maximum of 96 hours or 4 calendar days.**
4. Upon notice of approval of the BA Kinship Safety Study, the sending state agency case manager is responsible to secure agreement and signature of the parent(s) or legal guardian(s) on the Border Agreement Non-Custodial Consent for Transportation In

consultation with the kin caregiver, the sending state agency case manager will arrange for transportation of the child to placement in the approved home.

5. The sending state case manager will complete the Border Agreement Kinship Safety Placement Checklist and Consent for Medical Treatment/Educational Services securing all signatures of parent(s)/guardian and kin caregiver prior to the placement. A copy will be given to all parties concurrent with the physical placement of the child.
6. The next business day after placement is made, the following must be completed:
  - a. The receiving state agency case manager will fax or electronically scan a copy of the BA Kinship Safety Study, including attachments to the sending state agency case manager;
  - b. The sending state agency case manager will initiate a call to the receiving state agency case manager to discuss the need for any immediate services and schedule a Family Team Meeting. *(If TN DCS is the sending state agency, contact is the Child Protective Services Supervisor at the VLDSS noted on the collateral attachment; if Virginia LDSS is the sending state agency, contact the Kinship Coordinator for TN DCS Northeast at 423-979-5273)*
  - c. The sending state agency case manager will make arrangements for the scheduling, and identification and notice to pertinent parties and document the Family Team Meeting in cooperation with the receiving state case manager prior to the expiration of the BA Immediate Safety Plan. **See II. B. 3.**
7. The Family Team Meeting will determine and document action needed to ensure the child's safety and well-being in the placement. The actions will be mutually agreed upon by both the sending state and receiving state agency and other parties involved in the Family Team Meeting.

### **C. Denial of BA Kinship Safety Study**

1. The receiving state agency case manager will communicate a decision to deny placement pursuant to the BA Kinship Safety Study to the sending state agency case manager by telephone *within 30 minutes* of the determination.
2. The receiving state agency case manager will fax or electronically scan a copy of the BA Kinship Safety Study, including attachments to the sending state agency case manager on the next business day.

### **III. Termination of Border Agreement Kinship Safety Study Placement**

#### **A. VA LDSS (Sending State)**

1. VA LDSS case manager may request the child return to Virginia at any time during the Border Agreement Kinship Safety Study placement based upon their assessment of the parent(s)/guardian(s) ability to resume care of the child or in the event new circumstances have occurred. TN DCS Northeast Region will assist in returning the child to VA LDSS if needed. The BA Kinship Safety Placement will be closed as "child returned to sending state."
2. VA LDSS case manager may petition the court for a Protective Order requesting the custodial caregiver cooperate with services upon return of the child before the Border Agreement Kinship Safety study placement expires (**R: II.B.3**). The BA Kinship Safety Placement will be closed as "Protective Order Obtained."

3. VA LDSS case manager, along with the parent(s)/guardian(s) and kin may file a joint petition requesting the court award custody of the child to the kin caregiver who has been approved through the BA Kinship Safety Study. This would allow the kin to be authorized to sign for necessary medical care, school enrollment and to apply for or continue to receive benefits to assist with the care of the child. The BA Kinship Safety Placement will be closed as “custody awarded to kin with all parties in agreement”.
4. The VA LDSS petitions the court for custody of the child based upon allegations of abuse or neglect. Under this scenario and for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement, if the VA LDSS concurrently files a request for an ICPC Regulation #7 Priority study order on the relative caretaker where the child is currently in a BA Kinship Safety Placement which specifies intent to seek to seek compliance with the Interstate Compact on the Placement of Children (ICPC). The VA LDSS must execute an ICPC Regulation #7 Priority Request, meeting all terms and definitions as outlined in the ICPC regulations within two business days. Until completion of the ICPC Regulation #7 Expedited study and issuance of decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement. The BA Kinship Safety Placement episode will be closed as “Regulation #7 initiated-Agency custody”.
5. If other court action is initiated to terminate the BA Kinship Safety placement, the BA Kinship Safety Placement will be closed as “termination by court action”.
6. If the parent(s) guardian(s) were only in Virginia on a temporary basis and are “otherwise free to leave,” they may return to Tennessee and request appropriate services from the Tennessee Department of Children’s Services to help ensure the parent(s)/ guardian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Kinship Safety Study placement will be closed as “parents return to sending State”.

## **B. TN DCS Northeast Region (Sending State)**

1. TN DCS case manager may request the child return to Tennessee at any time during the Border Agreement Kinship Safety Study placement based upon their assessment of the parent(s)/guardian(s) ability to resume care of the child or in the event new circumstances have occurred. VA LDSS will assist in returning the child to TN if needed. The BA Kinship Safety Placement will be closed as “child returned to sending state.”
2. TN DCS case manager may petition the court for an adjudication of dependency with custody disposition to the kin caregiver. The BA Kinship Safety Placement will be closed as “adjudication and disposition to kin”.
3. TN DCS case manager will assist the parent(s)/guardian(s) and kin in filing a joint petition requesting the court award custody of the child to the kin caregiver who has been approved through the BA Kinship Safety Study. This would allow the kin to be authorized to sign for necessary medical care, school enrollment and to apply for or continue to receive benefits to assist with the care of the child. The BA Kinship Safety Placement will be closed as “custody awarded to kin with all parties in agreement”.
4. The TN DCS case manager petitions the court for custody of the child based upon allegations of abuse or neglect. Under this scenario and for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement, if the

TN DCS case manager concurrently files a request for an ICPC Regulation #7 Priority study order on the relative caretaker where the child is currently in a BA Kinship Safety Placement which specifies intent to seek to seek compliance with the Interstate Compact on the Placement of Children (ICPC). The TN DCS case manager must execute an ICPC Regulation #7 Priority Request, meeting all terms and definitions as outlined in the ICPC regulations within two (2) business days. Until completion of the ICPC Regulation #7 Expedited study and issuance of decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement. The BA Kinship Safety Placement episode will be closed as "Regulation #7 initiated-Agency custody".

5. If other court action is initiated to terminate the BA Kinship Safety placement, the BA Kinship Safety Placement will be closed as "termination by court action".
6. If the parent(s) guardian(s) were only in Tennessee on a temporary basis and are "otherwise free to leave," they may return to Virginia and request appropriate services from the Virginia LDSS to help ensure the parent(s)/ guardian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Kinship Safety Study placement will be closed as "parents return to sending State".

**\*\*\*Best Practice Note \*\*\***

If the receiving state agency has had previous contact with the parents(s)/ guardians of the children regarding other allegations of abuse or neglect or otherwise learns of prior acts of abuse or neglect within the state, the receiving state agency may take such action as deems appropriate. If necessary, the sending state agency will provided certified copies of its records of actions taken in the sending state to help the receiving state agency initiate court action against the parent(s) guardian(s) in the receiving state.

**Tennessee Department of Children's Services Forms:**

- ***CS-0928 Border Agreement Non-Custodial Immediate Safety***
- ***CS-0929 Border Agreement Non-Custodial Consent for Transportation***
- ***CS-0927 Border Agreement for Kinship Home Placement Checklist and Consent for Medical Treatment***

**Collateral Documents:** Virginia Local Department of Social services Contact for Child Protective Services Supervisors; Border Agreement Glossary

Anthony Conyers, Jr.  
Anthony Conyers, Jr., Commissioner  
Virginia Department of Social Services

Viola Miller  
Viola Miller, Commissioner  
Tennessee Dept. of Children's Services

Robert C. Gose  
Robert C. Gose, Director  
Bristol City VA LDSS

Sherri Hale  
Sherri Hale, Regional Administrator  
TN DCS North East Region

Judith C. Holland 1-03-2010  
Judith C. Holland, Director  
Buchanan Co. VA LDSS

Harry T. Mullins  
Harry T. Mullins, Director  
Dickenson Co. VA LDSS

Roger M. Ramey  
Roger M. Ramey, Director  
Norton City VA LDSS

Barbara J. Surber  
Barbara J. Surber, Director  
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Raymond E. Harrison, Jr.  
Raymond E. Harrison, Jr., Director  
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Gary Blankenbeckler  
Gary Blankenbeckler, Director  
Spott Co. VA LDSS

Kenneth P. Arnold  
Kenneth P. Arnold, Director  
Smyth Co. VA LDSS

Rex C. Tester  
Rex C. Tester, Director  
Tazewell Co. VA LDSS

Tommy L. Castles  
Tommy L. Castles, Director  
Washington Co. VA LDSS

Thomas R. Stanley  
Thomas R. Stanley, Director  
Wise Co. VA LDSS

## VIRGINIA/TENNESSEE BORDER AGREEMENT GLOSSARY

**Border Agreement Immediate Safety Plan (BA Immediate Safety Plan)**- A plan to be completed with the agreement of the custodial parent or guardian that allows the child protective service social worker/case manager to document the immediate safety/service needs of the subject child/children. The information assessed is documented on the Border Agreement Immediate Safety Plan. If the situation requires a temporary placement outside the home with a kin caregiver residing in VA Judicial Districts 28, 29, or 30 or in the Northeast Region of TN, placement may be considered by following the terms of the VA/TN Border Agreement.

**Border Agreement Kinship Safety Placement (Non-Custody)** A placement facilitated by a social worker/case manager as part of the VA/TN Border Agreement without a state entity having to assume custody. The placement is only effective from the time the child leaves his/her home and is placed in the “kin” placement in the receiving state. *Approvals are only valid for a maximum of 72 hours or 3 days; however, if the ending date falls on a holiday or weekend, the approval may be extended to the next business day or up to a maximum of 96 hours or 4 calendar days.*

**Border Agreement Kinship Safety Study (BA Kinship Safety Study)**- A process that a social worker/case manager completes in order to assure the child will be going to a temporary safe placement that can meet their needs. The information gathered is documented on the form “Border Agreement Kinship Home Placement Checklist and Consent for Medical Treatment/Educational Services”.

**Case Manager** - The TN DCS or VA LDSS case manager or social worker responsible for investigating or assessing the family situation and determining whether or not the child is safe to remain in his/her home or is in need of being placed outside of the home. The TN DCS or VA LDSS case manager or social worker responsible to conduct a Border Agreement Kinship Safety Study.

**Compact Administrator/Deputy Compact Administrator** -Each state designates a Compact Administrator who is responsible to coordinate activities under the Interstate Compact on the Placement of Children (ICPC) within their jurisdiction and who, acting jointly with other jurisdictions has the power to promulgate rules and regulations to carryout more effectively the terms and provision of the ICPC. The Deputy Compact Administrator is appointed to oversee the performance of the day-to-day tasks associated with the administration of the ICPC through the State Compact office which serves as the central clearinghouse for all interstate placements subject to compliance with the ICPC.

**CPS Investigation/ Family Assessment**- A response upon receipt of a valid child abuse and neglect report that is conducted by TN DCS Northeast Region and/or VA LDSS that requires a collection of information necessary to determine:

- Immediate safety needs of the child;
- Protective and rehabilitative services needs for the child and family that deters abuse and neglect;
  
- Risk of future harm; and

- Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

**Family Team Meetings/Family Partnership Meetings-** A meeting facilitated by a trained individual ( not the social worker for the child or family) that includes the parents, the child (if age appropriate), relatives , friends or relevant supports identified by the family, caregivers for the child, professionals involved with the family and relevant community partners for the purpose of collaboratively developing ideas and establishes a decision making process for the child or family to use throughout the family's involvement with the agency. The team will address safety, permanency and well-being for the child/children involved. (Referred to as a Family Partnership Meeting (VA FPM) or Child and Family Team Meeting (TN CFTM))

**Hotline Responder/Central Intake-** The individual in TN DCS North East Region or VA LDSS that receives the initial request for a Border Agreement Kinship Safety Study from the sending state agency social worker/ case manager. The individual is responsible to contact the receiving state case manager to initiate the study request.

**Interstate Compact On the Placement of Children (ICPC) -** An agreement legislatively enacted by 50 States, the District of Columbia and the Virgin Islands that establishes uniform procedures and ensures the protection of children under their jurisdiction who are placed across state lines for the purposes of foster care or preliminary to an adoption.

**ICPC Regulation # 7 Priority Placement Expedited Study:** – Under the terms described in the VA/TN Non-Custody Border Agreement, the execution of an ICPC Regulation #7 Priority Placement Referral which requests an expedited study on a relative in another state is based on the sending agency securing custody of the child, and therefore constitutes a termination of the BA Kinship Safety Placement.

Children in a BA Kinship Safety Placement made in accordance with the VA/TN Non-Custody Border Agreement may remain in the receiving state pending the completion and final determination made on an ICPC Regulation #7 Priority Request which has been issued within the prescribed timeframe, i.e. 20 business days.

**Kin** - A family or relative or a person who has a significant relationship with a child who has been:

- ◆ Identified by the custodial parents/guardians; and
- ◆ May be a possible non-custodial placement home.

**Parents/ Guardians(s)** - The biological parents or legal guardians (custodian) of the child who has been determined to need a temporary placement.

**Receiving State** - The state that conducts the Border Agreement Kinship Safety Study to allow temporary placement of a child in a non-custodial kin placement on an emergency basis without sending state assuming custody.

**Sending State**- The state which is responsible to conduct a CPS Investigation/Family Assessment and responsible to facilitate a temporary non-custodial kin placement for the child.

**VA/TN Non-Custody Border Agreement-** An agreement between TN DCS Northeast Region and VA LDSS in the VA Judicial Districts 28, 29 and 30 to assist each other during a Child Protective Service Investigation/Family Assessment with kin caregiver placements for children who temporarily need to be out of their parent's /guardian's home for safety reasons.

## Judicial Memorandum of Understanding Regarding The Tennessee/Virginia Border Agreement

To: Cheri Stewart  
Denise Dickerson  
Leslie Kinkead, Esq.

From: Tennessee Judges

Judge J. Klyne Lauderback  
Judge Paul Wohlford  
Judge Mark Toohey  
Judge William Watson

### Virginia Judges

Judge Charles Lincoln  
Judge Elizabeth Wills  
Judge Florence Powell  
Judge Jeff Hamilton  
Judge Henry Barringer

We, the undersigned judges of the State of Tennessee and the Commonwealth of Virginia, are in support of the development of a Border Agreement between the North East Region of Tennessee and the South West Region of Virginia that will expedite the interstate movement of children within the jurisdiction of the courts of both states while helping to ensure their safety and the provision of proper resources to support their needs in the event of their interstate movement.

In particular a process for the expedited placement of children with capable, safe, and caring relatives in the other state is needed as is the need to have ongoing judicial contact among the judges of both states to ensure safe and appropriate movement and oversight of children moving between the states.

As the decision, under current law, to approve or deny the interstate movement of children in foster care from one state to another initially lies within the purview of Tennessee DCS and Virginia DSS, the undersigned do not believe that is appropriate or within their judicial authority to formally sign any Border Agreement that may be executed by representatives of Tennessee DCS and representatives of Virginia DSS. The primary reason for this view is that in those cases where movement may be approved by either Tennessee DCS or Virginia DSS, the final decision to move a child is within the jurisdiction and authority of the court after hearing evidence presented by the parties to any litigation; and signing a Border Agreement by the judge might be construed by a party to any litigation as being tantamount to approval of such movement in a particular case.

Notwithstanding the above concern, the undersigned believe that the efficient management of their court dockets and the timely administration of justice in their courts require the development and establishment of effective and efficient responses to system challenges that face the courts and state child welfare agencies such as the early and timely interstate movement of children between states through the Interstate Compact on the Placement of Children (ICPC) process or a determination that the ICPC process does either not apply or may be modified through the terms of a Border Agreement.

By signing this Judicial Memorandum of Understanding (MOU) the judges hereby agree to

- Support the efforts of Tennessee DCS and Virginia DSS to develop a MOU that will improve the process surrounding the interstate movement of children between Tennessee and Virginia.
- Support compliance with the Interstate Compact on the Placement of Children specifically in the promotion of the use of Reg. #7 and other processes to expedite the placement of children.
- Enter timely orders including Regulation 7 Orders upon completion of hearings and quickly provide copies of those orders to the parties, their counsel, and the local agency that has brought the case before the court.



## Appendix F

### **TENNESSEE/GEORGIA NON-CUSTODY BORDER AGREEMENT BETWEEN TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES (TN DCS), TENNESSEE VALLEY REGION, HAMILTON AND MARION COUNTIES AND GEORGIA DEPARTMENT OF FAMILY AND CHILDREN SERVICES (GA DFCS) DADE AND WALKER COUNTIES**

**PURPOSE:** If during the conduct of a child protective services investigation, family assessment or family preservation, a TN DCS or GA DFCS case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to promote the safety of the child. The case manager will consider the feasibility and practicality of a voluntary temporary family-based placement of the non-custodial child with a relative or person whom the child has a significant relationship with ("kin") who resides in the other State. For purpose of this agreement, such individuals residing out-of-state in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties may be considered for temporary placement for a period not to exceed three business days without the child being placed in the state foster care system in Tennessee or Georgia. Should foster care or a change in custody to the kin caregiver be required for the child after the three-business day temporary placement, this agreement provides the child may remain in the out-of-state placement pending a Border Agreement home study and final approval of the placement.

#### **I. Initial Requirements**

##### **A. Border Agreement Immediate Safety Plan (BA Immediate Safety Plan)**

1. TN DCS or GA DFCS case manager will document pertinent information regarding the child and actions necessary to promote the safety and well-being of the child on the BA Immediate Safety Plan. Each agency will follow their respective policies and procedures regarding approval of Immediate Protection Agreements or Safety Plans for the BA Immediate Safety Plan. Placements facilitated by this agreement will be voluntarily made by parents, guardians, or custodians who enter into a BA Immediate Safety Plan contemplated by this Agreement in accordance with the policies and practices of the sending State.

2. The TN DCS or GA DFCS case manager will clarify all terms, conditions and timelines to parent(s)/guardian(s) and kin identified on the BA Immediate Safety Plan and other pertinent parties to the BA Immediate Safety Plan.

3. The BA Immediate Safety Plan will specifically allow the parent(s) or caretaker(s) to retain legal custody of the child, while securing their voluntary agreement to the course of action to promote the child's safety during a child protective services investigation, family assessment or family preservation.

4. In order to minimize the trauma to children and families, TN DCS and GA DFCS case manager will facilitate the voluntary placing of the child with "kin" who reside in the other state which is documented on the BA Immediate Safety Plan.

5. For purpose of this agreement, individuals residing out-of-state in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties may be considered for temporary voluntary placement, without the child being placed in the state foster care system in Tennessee or Georgia.

### **B. Border Agreement Kinship Safety Study**

1. TN DCS or GA DFCS case manager will initiate a request for the receiving state agency to conduct a Border Agreement Kinship Safety Study (BA Kinship Safety Study) on identified kin who reside in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties.

2. The sending state case manager will call the appropriate child abuse hotline or intake telephone number in the receiving state to request a Border Agreement Kinship Safety Study.

3. The numbers for the respective states and counties are: For Hamilton and Marion Counties, TN -- TN Central Intake 1-877-542-2873. For Dade County, GA – 706-657-7511 (8 a.m. to 5 p.m. Eastern time), 706-657-4111 (all other times). For Walker County, GA – 706-375-0724 (8 a.m. to 5 p.m. Eastern Time), 706-375-7810 (all other times).

4. The Tennessee Hotline Responder will contact the appropriate local office/on call case manager within 30 minutes of receiving the call from the sending state case manager to relay information needed to initiate the BA Kinship Safety Study.

5. The Georgia telephone numbers provided for non-business hours are the telephone numbers of local law enforcement agencies in Walker and Dade County, Georgia. Georgia anticipates that law enforcement officials will contact the appropriate county department as quickly as possible. However, if the Tennessee case manager contacts the non-business hour emergency number and has not received a call in response to the request for a Border Agreement Kinship Safety Study within 1 hour and 15 minutes, then the Tennessee case manager will call the emergency numbers provided by the Directors of the Walker and Dade County Department of Family and Children Services.

6. The Tennessee DCS Central Intake will follow the protocol attached to this Agreement and entitled: TN/GA Border Agreement Kinship Safety Study.

## **II. Response Requirements**

### **A. Responding to BA Kinship Safety Study Request**

1. Within 30 minutes of the notice by the Hotline Responder/Intake Responder of the BA Kinship Safety Study request, the receiving state case manager will contact the appropriate sending state case manager by telephone and confirm

receipt of the request and specify an estimated time for completion of the BA Kinship Safety Study. When Tennessee has requested a BA Kinship Safety Study after regular business hours, Tennessee will follow the procedure in I.B.5 above if Tennessee has not been contacted by a Georgia case manager within 1 hour and 15 minutes after the initial contact to Georgia is made.

2. The sending state case manager will fax or electronically scan and send via email to the receiving state case manager pertinent documents which may be available and assistive to the BA Kinship Safety Study request including the BA Immediate Safety Plan.

3. Unless circumstances specify otherwise, a verbal report of the BA Kinship Safety Study is expected to be completed within three (3) hours of receipt of the request.

4. The receiving state case manager will conduct the BA Kinship Safety Study of the identified "kin" caregiver(s) and the home environment using the receiving state's applicable policy and procedures for such a placement.

5. The BA Kinship Safety Study will consist of, at a minimum, a narrative report which:

- \* documents information regarding the kin caregiver(s) and their home environment;

- \* concludes with a determination regarding the appropriateness of the placement and impact on the safety and well-being of the child;

- \* states the reason for approval or denial which includes any terms or conditions for the decision;

- \* includes appropriate authorizing signatures, and

- \* attachments which include local background checks/verifications, pursuant to local policy.

6. The sending state case manager will communicate with the placement to provide updates about the status of the placement process.

## **B. Approval of BA Kinship Safety Study**

1. Approval of the BA Kinship Safety Study is the responsibility of the receiving state agency and must meet the receiving state agencies current policies and procedures.

2. Upon completion and approval of the BA Kinship Safety Study, the receiving state case manager will communicate the decision to the sending state case manager by telephone.

3. Approvals for the temporary placement of the non-custodial child with the kin caregiver are valid for a maximum of three (3) business days, excluding non-court days and Georgia furlough days. A Family Team Meeting will be held within the three (3) business days.

4. Because Tennessee DCS policy requires a criminal record check and GA DFCS policy requires a criminal name check before facilitating a voluntary placement with kin, TN DCS agrees to provide a NCIC III Purpose Code X criminal background check for all kin with whom children are to be placed under this Agreement. No information will be provided under this Agreement which will

violate federal law or policy. For purposes of this Agreement, GA DFCS will accept an approval of placement in Tennessee for Tennessee kin in lieu of receiving the criminal name background check. The caregiver must agree to submit fingerprint samples through the approved State of Tennessee vendor on or before the 15th calendar day that the NCIC III Purpose Code X criminal background check is conducted or the child must be returned to the sending state. TN DCS will complete the III Purpose Code X name based criminal background check on the same day as the request is received. Fingerprint results will be forwarded within two (2) days of receipt from the FBI/TBI. TN DCS will pay for fifteen (15) of these individual checks yearly.

5. Upon notice of approval of the BA Kinship Safety Study, the sending state case manager is responsible to secure agreement and signature of the parent(s) or legal guardian(s) on the Border Agreement Non-Custodial Consent for Transportation. In consultation with the kin caregiver, the sending state case manager will arrange for transportation of the child to placement in the approved home.

6. The sending state case manager will complete the Border Agreement Kinship Safety Placement Checklist and Consent for Medical Treatment/Educational Services securing all signatures of parent(s)/guardian and kin caregiver prior to the placement. A copy will be given to all parties concurrent with the physical placement of the child.

7. The next business day after placement is made, the following must be completed:

\* The receiving state case manager will fax or electronically scan and email a copy of the BA Kinship Safety Study, including attachments to the sending state case manager.

\* The sending state case manager will initiate a call to the receiving state case manager to discuss the need for any immediate services and schedule a Family Team Meeting. (If TN DCS is the sending state agency, the contact for both Walker and Dade Counties is Kim Gravitz (706) 375-0726 or (706) 375-0763 or (423) 298-7654. If GA DFCS is the sending agency, the contact for Marion County is Diane Easterly (423) 322-9593 and for Hamilton County is Jackie Jolley (423) 298-4123.

8. The sending state case manager will make arrangements for the scheduling, identification of, and notice to the pertinent parties and document the Family Team Meeting in cooperation with the receiving state case manager prior to the expiration of the BA Immediate Safety Plan. **See II. B. 3.**

9. The Family Team Meeting will determine and document the action needed to promote the child's safety and well-being in the placement. The actions will be mutually agreed upon by both the sending state and receiving state agencies and other parties involved in the Family Team Meeting, including the parent or custodian who has agreed to and made the voluntary placement of the child with kin in the receiving State.

### **C. Denial of BA Kinship Safety Study**

1. The receiving state case manager will communicate a decision to deny placement pursuant to the BA Kinship Safety Study to the sending state case manager by telephone within 30 minutes of the determination. The denial shall include the name and phone number of an accessible supervisor, should the sending state wish to discuss the reason for the denial and any alternative measures that would allow for approval of the placement.
2. The receiving state case manager will fax or electronically scan and email a copy of the BA Kinship Safety Study, including attachments to the sending state case manager on the next business day.

### **III. Termination of Border Agreement Kinship Safety Study Placement**

1. The sending state case manager may request the child be returned to the sending state anytime during the Border Agreement Kinship Safety Study placement based upon the case manager's assessment of the ability of the parent(s)/guardian(s) to resume care of the child or in the event new circumstances have occurred. The receiving state will assist in returning the child to the sending state, if needed, within the limits of the law. The BA Kinship Safety Placement will be closed as "child returned to sending state." Removal of a child from a kin placement established under this Agreement shall be voluntary until such time as the child is in the custody of the sending or receiving State.

2. The sending state case manager may petition the case manager's respective court for an adjudication of dependency or deprivation, requesting a disposition of custody or Temporary Protective Order to the kin caregiver. The BA Kinship Safety Placement will be closed as "adjudication and disposition to kin" or "adjudication and TPO," respectively. In the event custody is awarded to the kin caregiver at this juncture, the sending state court shall retain jurisdiction for a minimum of six months. If the court does not place custody of the child with the kin caregiver and instead awards custody to the sending state agency, then the procedures in 3.A or 3.B shall apply.

3.A.(i). The sending state case manager may petition the case manager's respective court for custody of the child based upon allegations of abuse or neglect. If custody is granted to the state agency, for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement if the case manager concurrently files a request for an ICPC Regulation No. 7 Priority Placement Order with the court on the relative caregiver when the child is currently in a BA Safety Placement with a specified relative as defined in Article VIII(a) of the ICPC. (If the child is currently in a BA Safety Placement with a caretaker who is not a specified relative as defined in Article VIII(a) of the ICPC, then Regulation 9 of the ICPC will be utilized pursuant to 3.B, below). Within two (2) business days of the ICPC Regulation No. 7 Priority Placement Order signed by the judge or magistrate, the case manager must submit an ICPC Regulation No. 7 referral requesting a Priority Placement Home Study. The referral is to contain the following documents, an ICPC

100A, the custody order, the ICPC Reg. No.7 Priority Placement Order, ICPC 101, the approved BA Kinship Safety Study including accompanying documents and an ICPC 100 B which confirms the date that the child was initially placed under the BA Safety Placement. The sending state case manager also shall send a copy of the ICPC Reg. No.7 Priority Placement Order, custody order, ICPC 100A and ICPC 101 , to the receiving state case manager. Submission of all documents will be via fax or electronic scan and email.

(ii). After the referral has been filed and prior to completion of the Priority Placement Home Study, the sending state case manager must supply supporting documentation to the sending state's ICPC office and the receiving state case manager. The supporting documentation should include, when available, all assessments of the child and family, the permanency plan, the IV-E financial and medical determination, fingerprint results, any medical needs of the child and any other supporting documentation.

(iii). Within 20 business days of the Priority Placement Home Study order, the sending state case manager must hold at least one Family Team Meeting.

(iv). Until completion of the Priority Placement Home Study and issuance of a decision, all protections, services and supervisory responsibility over the child remain with the sending state.

(v). The expedited Priority Placement Home Study process must be completed within 30 days of the signing of the ICPC Reg. No.7 Priority Placement Order. The receiving state will assign a case manager to visit the child as mandated by contact standards established by the sending state.

(vi). The BA Kinship Safety Placement episode will be closed as "Regulation No. 7 initiated-Agency custody.

3.B.(i). If the child is currently in a BA Safety Placement with a caretaker who is not a specified relative as defined in Article VIII(a) of the ICPC, then Regulation 9 of the ICPC shall apply and the child may remain on a visit with that caregiver pending completion of the process outlined in 3.A.i-v, above. Due to the fact that this is technically a visit pursuant to Regulation 9, approval of a home study must be completed within 30 calendar days of custody order. If the placement is not fully approved within the 30 days, the child must be returned to the sending state.

(ii). The states agree to work expeditiously to obtain a decision regarding the placement within the 30 days. If the child is to be returned to the sending state because the placement is not approved within 30 days, the receiving state will assist in returning the child to the sending state within the limits of the law.

4. If the parent terminates the BA Immediate Safety Plan and either TN DCS or GA DFCS initiates an emergency removal, the agency shall comply with the procedures outlined in Paragraph 3. The BA Kinship Safety Placement episode will be closed as "Regulation No. 7 initiated-Agency emergency custody".

5. If other court action is initiated to terminate the BA Kinship Safety placement, the BA Kinship Safety Placement will be closed as "termination by court action".

6. If the parent(s)/guardian(s) were only in the sending state on a temporary basis and are "otherwise free to leave," they may return to the receiving state and request appropriate services from TN DCS or GA DFCS to help ensure the parent(s)/

guardian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Kinship Safety Study placement will be closed as "parents return to receiving State".

7. If a decision is made by either state to take the case to court for any reason, the receiving state case manager will make him/herself available to participate in the legal process by telephone.

#### IV. Training

1. Within thirty days of the date of the execution of this Agreement, GA DFCS and TN DCS shall establish a common and joint training for staff of the counties included in this Agreement.

2. All staff shall be trained no later than 45 days after the execution of this Agreement.

3. GA DFCS and TN DCS shall jointly agree upon a date when voluntary placements under this Agreement shall begin, taking into consideration the date by which training of staff will be accomplished.

#### V. Effective Date

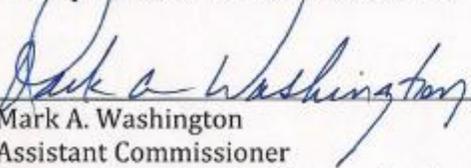
This Agreement is effective October 1, 2010.

\_\_\_\_\_  
Viola P. Miller  
Commissioner  
TN Department of Children's Services

\_\_\_\_\_  
Date

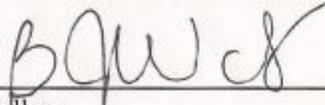
\_\_\_\_\_  
Sandra Holder  
Regional Administrator, Tennessee Valley Region  
TN Department of Children's Services

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mark A. Washington  
Assistant Commissioner  
Georgia Department of Human Services

\_\_\_\_\_  
Date

*Sept 1, 2010*

  
\_\_\_\_\_  
B. J. Walker  
Commissioner  
Georgia Department of Human Services

\_\_\_\_\_  
Date

*Sept 9, 2010*

# ICPC Glossary

1. **Adoption:** (TN DCS Glossary) The social and legal process of establishing by Court order, other than by paternity or legitimization proceedings or by voluntary acknowledgement of paternity, the legal relationship of parent and child. *TCA 36-1-102.* ICPC Regulation #3: The method provided by State law that establishes the legal relationship of a parent and child between persons who are not so related by birth or some other legal determination, with the same mutual right and obligations that exist between children and the birth parents. This relationship can only be termed adoption after the legal process is complete.
2. **Adoption Categories:** As defined under ICPC Regulation #3, (a) Independent Adoption: adoptions arranged by a birthparent, attorney, other intermediary, adoption facilitator or other person or entity as defined by state law; (b) 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 and (c) Public adoption: Adoptions for public court jurisdiction cases.
3. **Adoption Home Studies:** Reference “Home studies.”
4. **Adjudicated delinquent:** TN DCS Glossary/ICPC Regulation #3: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
5. **Adjudicated Status offender:** TN DCS Glossary: (a) One who has been adjudged guilty of a status offense (unruly). (b) A term used to designate a child adjudicated by the juvenile court and placed under court supervision, but legally remaining non-delinquent. {(AKA) Child in Need of Supervision (CINS), (CHINS); Person in Need of Supervision (PINS); Deprived Child, Undisciplined Child. ICPC Regulation #3: a person found to have committed an offense that would not be a criminal offense if committed by an adult.
6. **Age of majority:** TN DCS Glossary: *aka* Juvenile: A young person under the age of 18, or as defined in the local jurisdiction as under the age of majority. (Note: In the Juvenile Justice system, a juvenile may remain in the custody of DCS until age 19.) ICPC Regulation #3: 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 Article V, “. . . reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state.”
7. **Approved Placement:** (ICPC Article III [d]) The appropriate public authorities in the receiving state shall notify the sending agency, in writing to the effect that the proposed placement does not appear to be contrary to the interests of the child.” ICPC Regulation #3: The receiving state Compact Administrator has determined that “the proposed placement does not appear to be contrary to the interests of the child.”
8. **Boarding Home:** ICPC Article II (ICPC Regulation #3) as used in Article II (d) means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child’s being in the home of the placement recipient (See meaning as “family free”.)
9. **Case History:** (ICPC Regulation #3) An organized record concerning an individual, their family and environment that included social, medical, psychological and educational history and any other additional information that may be useful in determining appropriate placement. TN DCS/ ICPC case history includes specifically includes but is not limited to: current [Family](#)

[Functional Assessment \(CS-0777\)](#), [Well-Being Information and History \(CS-0543\)](#), and [Educational Passport and School Enrollment Letter \(CS-0657\)](#).

10. **Case Plan or Services Plan:** (ICPC Regulation #3) Defined as a comprehensive individualized program of action for a child and his/her family establishing specific goals and objective and deadlines for meeting these goals and objectives. TN DCS/ICPC case plan or services plan includes specifically a Permanency Plan.
11. **Central State Compact Office or Central Compact Office:** (As described in ICPC Regulation #5 and Regulation #3) The designated ICPC office in each State or designated county or regional office in a State who is charged with the responsibility to establish a procedures by which all Compact referrals from and to the state shall be made. The Central State Compact Office or Central Compact Office shall serve as a resource for inquiries into requirements for placement into the state for children who come under the purview of this Compact. The Compact Administrator and deputies appointed by the executive head of each state under Article VII shall be located in this central state Compact office. As specified in ICPC Regulation #3, In states in which ICPC placement referrals are sent directly to receiving state and received directly from sending state by more than one county or other regional area within the state, the "central Compact office" is the designated office within each separate county or other region that sends and received ICPC placement referrals. Currently limited to States of Colorado, California and Ohio.
12. **Certification:** (ICPC Regulations #3) To attest, declare or swear to before a judge or notary public.
13. **Child:** A person, who by reason of minority, is legally subject to parental guardianship or similar control.
14. **Child Welfare Caseworker:** (TN DCS Glossary) A DCS employee responsible for providing case management services for children under the State's supervision, in State custody, or at risk of State custody and their families. Also see **Family Service Worker.**  
  
(ICPC Regulation #3) A person assigned to manage cases of dependency child who are in the custody or under the supervision of a public child welfare agency.
15. **Concurrence:** (ICPC Article V [a]) Is a written notice of agreement or a recommendation to cease the involvement of the ICPC by achievement of permanency for the child or agreement to cease services. Concurrence is issued by the appropriate authority in the receiving state where designated as appropriate. (ICPC Regulation #3)
16. **Conditions for Placement:** ICPC Article III establishes conditions for placement which apply to any placement as defined in Article II (d) and regulations adopted by action of the Association of Administrators of the Interstate Compact on the Placement of Children.
17. **Courtesy:** (ICPC Regulation #3) Consent or agreement between State ICPC offices to provide a service that is not required by ICPC.
18. **Courtesy Check:** (ICPC Regulation #3) 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. TN DCS policy [14.23 Orders of Reference](#) applies regarding courtesy checks as defined.
19. **Court Jurisdiction Only:** (ICPC Regulation #3) A sending state court which has an open abuse, neglect or dependency case that establishes the court's express jurisdiction with the authority to supervise, remove and/or place the child. The child has not been ordered into the custody or guardianship of a public or private agency; or custody of an individual.
20. **Custody:** (TN DCS Glossary) The control of actual physical care of the child and includes the right and responsibility to provided for the physical, mental and morale well-being of the child *TCA 37-1-102 (b) (8)*.

21. **Emancipation:** (TN DCS Glossary) Emancipated minor: A person under the age of 18 years of age who is totally self-supporting. Or Emancipation to Adulthood: When a youth adjudicated dependent/neglect or unruly reaches the age of 18 or when a delinquent youth reaches the age of 19 and services or custody with DCS are discontinued, the youth is said to have “Emancipated to Adulthood”. ICPC Regulation #3: 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.
22. **Emergency Placement:** (TN DCS Glossary) Any event in which a child/youth placed in an out-of-home care setting poses an imminent or immediate risk of harm to the physical safety of himself/herself or other individuals. Emergency Confinement: The confinement of a youth (without due process) in a secure setting as ICPC Regulation #3 a temporary placement of 30 days or less in duration.
23. **Family Free or Boarding Home:** The home of a parent, relative or unrelated individual whether or not the placement recipient received compensation for care or maintenance of the child, foster care payment or any other payments or reimbursements on account of the child’s being in the home of the placement recipient. (See **Boarding Home**)
24. **Family Service Worker (FSW):** (TN DCS Glossary) A DCS term used to identify the position previously known as the DCS case manager or home county case manager. The person is principally responsible for the case and has the primary responsibility of building, preparing, supporting, and maintaining the Child and Family Team as the child and family move to permanence.
25. **Family Unit:** A group of individuals living in one household.
26. **Foster Care:** Care of a child on a twenty-four (24) a day basis away from the home of the child’s parents. Such care may be by a non-custodial parent, relative of the child, by a non-related individual, by a group home or by a licensed residential treatment facility or any other entity. In addition, if twenty-four (24) hour a day care is provided by the child’s parents by reason of a court ordered placement (and not by virtue of the parent-child relationship), the care is foster care.
27. **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 approval of the government or a social service agency.
28. **Guardian:** A public or private agency, organization or institution which 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 the child which a parent would have the authority and responsibility for doing by virtue of an unrestricted parent-child relationship. Guardian also means an individual who is a non-agency guardian who holds a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility as defined above. (ICPC Regulation #10 and Regulation #3)
29. **Guardianship Appointment-Permanent:** An appointment is permanent for purposes of the ICPC 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 which the guardian has a professional obligation to carry out. (See Legal Guardianship)
30. **Home Study:** For purposes of PL 109-239, “home study” means 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. As defined under the Safe and Timely Interstate Placement of Children in Foster Care Act, the conclusion of a “home study” conducted under this provision is to address the safety and appropriateness of this resource and to address the appropriateness of the placement of the specific child involved in the ICPC transaction.

**Hospital or other medical facility:** An institution for the acutely ill which discharges in patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care and in which a child is placed for the primary purpose of treatment of an acute medical problem.

31. **Independent Adoption Entity:** Any individual authorized in the sending state to place children for adoption other than a state, county or licensed private agency. This could include courts, private attorneys and birthparents.
32. **Institution for the Mentally Ill or Mentally Defective:** A facility which is responsible for the treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of the minors who are either voluntarily committed or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase “mentally defective.”
33. **Interjurisdictional Placement Under the ICPC:** The arrangement for the care of a non-delinquent child in the home of his parent, other relative or non-agency guardian or a family free or boarding home or in a child-caring agency or institution or a licensed residential treatment facility across State lines which is subject to compliance with the Interstate Compact on the Placement of Children and P.L. 109-239 “Safe & Timely Interstate Placement of Foster Children Act of 2006”. Placement may be temporary or long-term resulting in permanency for the child. ICPC placement compliance is not required for inter-jurisdictional placements of a child with any institution licensed or certified to care exclusively for the clinically mentally ill, or clinically mentally defective or epileptic or any institution licensed or certified as primarily educational in character, and any hospital, or other medical facility.
34. **Interstate:** Involving, connecting or existing between two or more states.
35. **Intrastate:** Existing or occurring within a state
36. **Interstate Compact Administrator:** (or ICPC Administrator) Refers to the Officer designated to coordinate activities under the Compact in their jurisdiction (state) and who, jointly with like officers of other party jurisdictions, is designated the power to promulgate rules and regulations to carry out more effectively the terms and provisions of the Compact .
37. **Interstate Compact on the Placement of Children (ICPC):** A uniform law enacted by all fifty states, the District of Columbia, and the Virgin Islands that establishes orderly procedures for the placement of children across state lines into other party states for the purpose of foster care or preliminary to an adoption and fixes responsibility for those involved in placing the child.
38. **Interstate Home Study:** A home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement of a child in custody or guardianship of the Sending State. A relative or kin or resource home study conducted by the Tennessee Department of Children’s Services personnel or DCS contracted provider based on receipt of a complete ICPC request/referral submitted through the Tennessee Department of Children’s Services Office of the Interstate Compact on the Placement of Children in compliance with P.L. 109-239 and *TCA 37.4.201 et seq.* An Interstate Home Study may be conducted on a relative or foster or adoptive resource who resides in Tennessee and shall be conducted in accordance to appropriate federal and state laws and meet the requirements of TN DCS policy and standards including TN DCS Policy [16.4](#), [16.8](#), [16.11](#), [16.16](#), [16.20](#). The Interstate

Home Study on relative or kin or resource home or a report on the progress is to be completed within sixty (60) calendar days.

The conclusion of an Interstate Home Study is child-specific recommendation regarding the appropriateness of placement of the child with the identified resource. The Interstate Home Study will serve as the basis for a decision regarding placement under the ICPC.

39. **Jurisdiction**: (1) The power and authority of a court to hear and decide matters; (2) Fixes responsibility for those involved in placing children.
40. **Legal custody**: Court-ordered or statutory right and responsibility to care for a child either temporarily or permanency.
41. **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.
42. **Legal risk Placement**: a placement made preliminarily to an adoption where the prospective adoptive parents acknowledge in writing at 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.
43. **Member state or Party State**: U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
44. **Non-agency guardian**: Refer to Regulation #10: 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, Section 1(a).
45. **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 the child.
46. **Non-offending parent**: the parent who is not the subject of allegations or findings of child abuse or neglect.
47. **Non-relative**: A person not connected to the child by blood, marriage or adoption or otherwise defined by the sending or receiving state.
48. **Parent/Guardian**: 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.
49. **Parent study**: 16.20\* ICPC Parent/Guardian Expedited Assessment is used to conduct a study on a parent or stepparent pursuant to the ICPC. This assessment is completed in twenty (20) calendar days.
50. **Permanency**: Permanency for children involved in an inter-jurisdictional placement under the Interstate Compact on the Placement of Children is defined as adoption, reaching the age of majority, becoming self-supporting or is discharged with concurrence in the following: legal custody returned to parents; legal custody granted to relatives; permanent guardianship ordered with or without subsidy; and sending State's jurisdiction terminated. Once permanency for a child has been achieved, the ICPC incident is closed to further services. Transfer of jurisdiction of a child to another State is not a permanency goal of the ICPC. Transfer of Jurisdiction is a legal transaction subject to the terms of the UCCJEA.

51. **Party State or Member State:** U.S. State or Territory that has enacted into law the Interstate Compact on the Placement of Children.
52. **Placement:** The arrangement for the care of a child in a family free or boarding home (with parents, other relative or non-agency guardians) or institution such as licensed Residential Treatment Facility or licensed Group Homes.
53. **Placement Categories:** ICPC Regulation #3 identified four (4) types of placement categories: (1) Adoptions: Placement preliminary to an adoption (Independent, private or public agency adoptions); (2) Licensed or approved foster homes: Placement with related or un related caregivers; (3) Placements with parents and relatives: when a parent or relative is not making placement as defined in Article VIII (a) "Limitations" and (4) Group Homes/Residential treatment placements of all children: including adjudicated delinquents in institutions in other states as defined in Article VI and Regulation No. 4.
54. **Placement Services Division (PSD):** (TN DCS Glossary) A DCS term is used to identify a combined division which include staff previously know as Foster Parent Support Unit or Residential Case Management Staff, Resource Managers, and Recruiters. This newly formed division is responsible for recruitment of DCS Resources Families, support to DCS Resource Families, and Placement of all children in DCS custody including referrals to private provider agencies.
55. **Primarily educational Institution:** An institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose in accepting children is to meet their educational needs and which does not do one or more of the following: (a) accept responsibility for children during the entire year; (b) provide or hold itself out to provide child care constituting nurture sufficient to substitute for parental supervision and control or foster care; (c) provide any other services to children, except for those customarily regarded as extracurricular or co curricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained on a residential basis in the aforementioned school program or program.
56. **Prospective Adoptive Parents:** Individual or Individuals with whom a child is placed as a preliminary to a possible adoption. Prospective Adoptive Parents cannot be considered a non-agency guardian of the child for the purpose of determining applicability of the ICPC to the placement unless the individual would qualify as a lawful recipient of a placement of a child within having to comply with the ICPC as provided I n Article VIII (a).
57. **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.
58. **Receiving State:** The party state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities, courts or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
59. **Resource Parent Support (RPS):** (TN DCS Glossary) A DCS term is used to identify regional staff previously known as Resource or Foster Parent Support or Residential Case Management or Resource Managers and Recruiters who are currently combined into the Resource Parent Support division.
60. **Safe and Timely Interstate Study Report:** Per P.L. 109-239, a State is required to complete and report on foster and adoptive home studies requested by another State within sixty (60) calendar days of receipt of the request. If the requirements for the foster or adoptive study requested cannot be completed within the 60 calendar day period, the "report" is necessary to

document the progress toward completion of the study, identifies the barriers to completion of that study and projects a timeframe in which it is anticipated that the foster or adoptive study will be completed and a decision issued. Such a report is due at the 60 calendar day juncture and every thirty (30) days thereafter until the study is complete and a decision is issued regarding placement. Maximum time frame to complete a foster or adoptive study per ICPC Regulation #2 is 180 days.

61. **Sending State:** 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 which sends, brings or causes to be sent or brought any child to another party state.
62. **Supervision:** Monitoring of a child and the child's living situation by the receiving state after the child has been placed pursuant to an approved placement under Article III (d) of the ICPC or pursuant to a child's relocation to a receiving state in accordance with Regulation 1 of the ICPC.
63. **Timely Interstate Home Study:** Per P.L. 109-239, the term 'timely interstate home study' means an Interstate Home Study completed by a receiving State within 30 working days after receipt of an ICPC request which meets all statutory requirements of the applicable Interstate Compact statute from a sending State. A Timely Interstate Home Study will meet all requirements under TN DCS Policy [16.20](#), and will include a child-specific recommendation for the placement of the child and will identify further requirements per TN DCS policy that must be met.
64. **TN DCS Regional Staff:** References to TN DCS Regional Staff throughout this document may be specific, such as TN DCS Regional FWS or PSD or generic example, home study preparer or educational support staff. However, the term designates where primary responsibility for the action on behalf of the child or family resides.
65. **Types of "home study" as defined in ICPC Regulation #3:**
  - a) **Adoption Study:** A study conducted for the purpose of placing a child for adoption with a placement resource. The adoption study is the assessment and evaluation of a prospective adoptive parent(s);
  - b) **Foster Study:** A 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) **Parent study:** Applies to the study conducted - to determine whether a parent placement meets the standards for reunification of a child with a parent.
  - d) **Relative study:** A study conducted for the purpose of placing a child with a relative. Such study may or may not require the same level of screening as required for a foster study or an adoption study depending upon applicable law and/or requirement
  - e) **Non relative study:** A study conducted for the purpose of placing a child with a non-relative. Such a study may or may not require the same level of screening as required for a foster study or an adoptive study depending upon the applicability law and/or requirements.

**Other Definitions:** Other Definitions that are unique to the ICPC or affect processing under inter-jurisdictional placements are contained in the Regulations, Work Aids and instructions associated with required forms.