



# Interstate Compact on the Placement of Children (ICPC)

STATE of Maine  
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section

Subsection

Approved by: *Robert A. Cavender*  
OCFS, Director

XV.D

A

EFFECTIVE DATE:  
July 5, 2012

LATEST REVISION:  
March 11, 2021

## Table of Contents

I. SUBJECT .....	1
II. STATUTORY AUTHORITY .....	2
III. DEFINITIONS .....	2
IV. POLICY .....	3
V. PROCEDURES .....	4
Application and Compliance: .....	4
Guidelines for When Maine is the Sending State: .....	5
Guidelines for When Maine is the Receiving State: .....	6
Responsibility and Jurisdiction: .....	8
Special Provisions Regarding Residential Group Care: .....	8
Independent Adoptions: .....	8
Information System: .....	8
Request for Concurrence and Dismissal of Custody/Jurisdiction: .....	8
Additional Information: .....	9
VI. POLICY SUPERSEDES .....	9
VII. LINKS TO RELATED POLICIES .....	9
VIII. APPENDICES .....	9
Appendix A: Cover Letter .....	9
Appendix B: Child Summary .....	9
Appendix C: ICPC 100A Form .....	9
Appendix D: ICPC 100B Form .....	9
Appendix E: ICPC 100A Form Instructions .....	9
Appendix F: ICPC 100B Form Instructions .....	9

## I. SUBJECT

Interstate Compact on the Placement of Children (ICPC) Policy

## II. STATUTORY AUTHORITY

---

22 M.R.S. [§4191-4247](#); 18-C M.R.S. [§1-101](#), [§9-311](#).

## III. DEFINITIONS

---

**Best Interest of the Child:** “Best interest of the child,” “best interests of the child,” “child’s best interest,” and “child’s best interests” mean the standard of the best interest of the child according to the factors set forth in 19-A M.R.S. [§1653](#), subsection 3.

**Certification of Compliance:** A letter of certification by the Department of Health and Human Services (DHHS) that the terms of the Compact have been complied with in any interstate adoption completed in a Maine court.

**Child:** Any person who is less than 18 years of age.

**Concurrence:** Is when the receiving and sending ICPC Administrator agree to a specific action pursuant to ICPC (e.g., decisions as to providers).

**Concurrence to Discharge:** Is when the receiving ICPC office gives the sending state written permission to terminate supervision and relinquish jurisdiction of its case pursuant to Article V leaving the custody, supervision, and care of the child with the placement resource.

**Expedited ICPC Decision:** This definition is specific to the Interstate Compact on the Placement of Children (ICPC) per Regulation No. 7. The intent of this regulation is to expedite ICPC approval or denial by a receiving state for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child's guardian, and to:

- a. Help protect the safety of children while minimizing the potential trauma to children caused by interim or multiple placements while ICPC approval to place with a parent or relative is being sought through a more comprehensive home study process.
- b. Provide the sending state court and/or sending agency with expedited approval or denial. An expedited denial would underscore the urgency for the sending state to explore alternative placement resources.

**Placement:** For the purpose of this policy and as defined by Interstate Compact on the Placement of Children (ICPC) Article II, a placement is “the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.”

**Receiving State:** The state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

**Sending Agency:** A party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which send, brings or causes to be sent or brought any child to another party state. Within the Department of Health and Human Services, the “sending agency” is the district office.

**Visit:** This definition is specific to the Interstate Compact on the Placement of Children (ICPC) per [Regulation No. 9](#).

- a. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child’s place of abode.
- b. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing childcare services.
- c. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of childcare by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
- d. If the child’s stay is intended to be for no longer than thirty (30) days and if the purpose is as described in paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
- e. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child’s vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days of the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement not a visit.
- f. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will conclusively establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.
- g. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children (ICPC).

## IV. POLICY

---

Children placed out of state by Maine’s Office of Child and Family Services (OCFS) must be assured the same protection and services that would be provided in Maine, and the children being placed in Maine from out of state must be assured those same protections and services. The Interstate Compact on the Placement of Children (ICPC) is a law that governs the placement of children between states.

The ICPC is a statutory agreement between Maine, all 49 other states, the District of Columbia, and the US Virgin Islands that provides the requirements that must be met before a child can be placed out of state. The ICPC ensures prospective placements are safe and suitable before approval, and it ensures that the individual or entity placing the child remains legally and financially responsible for the child following the placement. Both the sending state and the receiving state will cooperate with each other in the ICPC so that each child will receive the maximum opportunity to be placed in a suitable environment and with persons or institutions that have appropriate qualifications and facilities. Also, the ICPC assures that a child will return to their original jurisdiction should the placement ultimately be contrary to the best interest of the child, or should the out-of-state services no longer be required.

## V. PROCEDURES

---

All party states will cooperate with each other in the interstate placement of children to enable maximum opportunity for a suitable placement of the child. The ICPC is facilitated by placement requests, which are made by caseworkers of the sending state through the sending state's ICPC Administrator. This request is then sent to the receiving state's ICPC Administrator and forwarded to the caseworker in the receiving state. The receiving state conducts a home study and gathers other information, which is reported to the sending state, and the receiving state may approve or deny the placement. The sending state is not obligated to send a child even if the placement has been approved.

**Application and Compliance:** As identified in the Interstate Compact on the Placement of Children (ICPC), the following identifies who will comply and when the ICPC will apply.

- a. Who Will Comply:
  - i. Any state or any officer or employee of a party state.
  - ii. A subdivision, such as a county or a city, or any officer or employee of the subdivision.
  - iii. A court of a party state.
  - iv. Any person, including parents and relatives.
  - v. Any corporation, association, private adoption agency, or charitable agency or a party state.
  
- b. Circumstances When the ICPC Will Apply:
  - i. The placement of a child who is in the custody of the sending state into the care of a relative family, resource family, or an adoptive family in another state.
  - ii. The placement of a child into a licensed residential treatment center located in another state.
  - iii. Under certain circumstances, the placement of a child with the child's parent or parents located in another state.
  
- c. Circumstances When the ICPC Will Not Apply:
  - i. The placement of a child by the child's parent, stepparent, grandparent, adult sibling, adult uncle, adult aunt or legal guardian with any such relative or guardian located in another state.

- ii. The placement of a child into a medical facility, a psychiatric institution or a boarding school located in another state.

**Guidelines for When Maine is the Sending State:** Directions for both the caseworker and the ICPC Administrator for prior to and following the placement.

a. Prior to the Placement:

i. The caseworker is responsible for:

1. Creating a packet containing the following:
  - a. Form 100A (automated information system);
  - b. Cover Letter (See Appendix A);
  - c. The Child Summary (see Appendix B);
  - d. The most recent court order indicating custody;
  - e. The Caseworker Statement (automated information system);
  - f. The Title IV-E eligibility verification;
  - g. The Financial/Medical Plan (automated information system);
  - h. Child Case Plan;
  - i. Form 101 (for expedited requests only, automated information system);
  - j. Expedited Court Order (if applicable); and
  - k. Any pertinent medical, mental health, educational records.
2. Sending the packet to the ICPC Administrator once complete.

ii. The Maine ICPC Administrator is responsible for:

1. Reviewing and forwarding the above documents to the ICPC Administrator in the receiving state, who will review materials and send the request to the appropriate agency.
2. Upon completion of the ICPC request from the receiving state, the Maine ICPC Administrator will review and forward one copy of form ICPC 100A and one copy of the home study report containing a placement decision to the caseworker.
3. **Timeframe:** A Safe and Timely Interstate Home Study (preliminary) Report is to be completed within 60 calendar days after receiving a home study request. A completed study to include final approval or denial by the receiving state's ICPC Administrator shall be provided as soon as practical but no later than 180 calendar days from the receipt of the initial home study request. This six (6)-month window is to accommodate licensure and/or other receiving state requirements applicable to foster or adoption home study requests. Final approval or Denial for an Expedited Placement Decision shall be provided no more than 20 business days from the date that the expedited packet was received.

b. Following the Placement:

i. The caseworker will:

1. Complete and send form ICPC 100B (Interstate Compact Report on Child's Placement Status) when one of the following occurs:
  - a. When a placement request is withdrawn.
  - b. When a child is placed.
  - c. When there is a change in placement, or placement type.
  - d. When the compact is terminated.
- ii. The Maine ICPC Administrator will:
  1. Review form ICPC 100B (Interstate Compact Report on Child's Placement Status) for completeness, assuring the necessary information and dates are provided; and
  2. Send the completed form ICPC 100B to the receiving state's ICPC Administrator, who will review and forward the form ICPC 100B to the appropriate receiving agency.

**Guidelines for When Maine is the Receiving State:** Directions for both the caseworker and the ICPC Administrator for prior to and following the placement.

a. Prior to the Placement:

- i. The Maine ICPC Administrator will:
  1. Review the initial packet for completeness, requesting any necessary additional information from the sending state;
  2. Send the request to the appropriate district office;
  3. Following the caseworker's study, review the report provided by the caseworker;
  4. Complete form 100A indicating whether the placement is approved;
  5. Send the home study and form 100A back to the sending state's ICPC Administrator with notation of any conditions for placement. Placement which comes under the ICPC may not legally be made without approval of the Maine ICPC Administrator.
- ii. The caseworker will complete the requested evaluation and send the following to the Maine ICPC Administrator:
  1. The report of the home study.
  2. A recommendation whether to approve the placement.
  3. All non-parent placements must become licensed resource parents. If it's an expedited ICPC and the placement cannot become licensed prior to placement, the resource family will need to become licensed following placement.
  4. **Timeframe:** A Safe and Timely Interstate Home Study (preliminary) Report is to be completed within 60 calendar days after receiving a home study request. A completed study to include final approval or denial by Maine's ICPC Administrator shall be provided as soon as practical but no later than 180 calendar days from the receipt of the initial home study request. This six (6)-month window is to accommodate licensure and/or other receiving state

requirements applicable to foster or adoption home study requests. Final approval or Denial for an Expedited Placement Decision shall be provided no more than 20 business days from the date that the expedited packet was received.

b. Following the Placement:

i. The caseworker will:

1. Engage in face-to-face visits with the child at least once each month and beginning no later than 30 (thirty) days from the date on which the child is placed, or 30 (thirty) days from the date on which the receiving state is notified of the child's placement, if notification occurs after placement. The caseworker will document contact with the child utilizing the appropriate face-to-face contact template.
2. A majority of visits must occur in the child(ren)'s home. Face-to-face visits must be performed by a Child Welfare Caseworker. The caseworker will not disrupt a child in their educational setting in order to achieve this monthly contact unless they have obtained supervisory approval to do so.
3. The caseworker will observe the interaction between the child(ren) and caregiver(s) and any others that reside in the child(ren)'s primary residence in order to gather information relevant to the child(ren)'s safety and well-being.
4. If significant issues of concern regarding the child(ren)'s safety, permanency, or well-being are identified during a face-to-face visit or at any time during a child's placement, the caseworker will promptly notify the sending state in writing.
5. The caseworker will complete a written supervision report at least once every 90 (ninety) days, unless more frequent reports are requested, following the date of the receipt of form 100B by the Maine ICPC Administrator. At minimum these reports will include:
  - a. All documented face-to-face contacts with the child(ren) and caregiver(s) during the reporting period;
  - b. Copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents;
  - c. The dates of any health-related appointments that have occurred since the last supervision report was completed, the identity of any health providers seen, and copies of any available health-related evaluations, reports or other pertinent records;
  - d. If applicable, the supervising caseworker's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the sending state's jurisdiction, finalization of adoption by the child's current caretakers or the grant of legal guardianship to the child's current caretakers.

ii. The Maine ICPC Administrator will:

1. Review the progress reports.
2. Forward Maine OCFS's progress reports and recommendation to the sending state.

**Responsibility and Jurisdiction:** The sending state retains the same responsibility and jurisdiction over the child that it would have if the child remained in the sending 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.

### Special Provisions Regarding Residential Group Care:

- a. All procedures specified in this policy apply, except that supervision by a receiving state will not be requested or provided.
- b. The purpose of the ICPC is to assure that the child is placed in a suitable environment and with persons or institutions with appropriate qualification and facilities. These persons or institutions will provide a necessary degree of care to meet the child's safety and well-being needs and will be duly licensed by the authorized licensing agency.
- c. Progress reports are supplied by the residential facility directly to the sending state's ICPC Administrator.

**Independent Adoptions:** The same procedures apply as for other placements except that before a Maine court may grant an interstate adoption, the court must receive from the Department of Health and Human Services certification that the placement was in compliance with the Interstate Compact Law (18-C M.R.S. [§9-311](#)). Such certification will be the responsibility of a Maine ICPC Administrator.

**Information System:** Children and/or parents being served under the ICPC will be opened in the information system using the appropriate program objective.

### Request for Concurrence and Dismissal of Custody/Jurisdiction:

- a. When the child's placement is stable and a permanency plan awarding custody or guardianship to the parent, relative, or resource placement is in the child's best interest, concurrence for discharge must be sought by the sending state from the receiving state's ICPC Office. For children in Maine's custody or jurisdiction, caseworkers will request concurrence through the sending state's ICPC Administrator.
- b. The request for concurrence for discharge should not be made prior to 6 (six) months of supervision in the receiving state in order to preserve eligibility for adoption subsidies. The request for concurrence for discharge should occur subsequent to positive progress reports on the child's wellbeing and caregiver's ability to meet the child's needs. Though the ICPC guidelines state that concurrence may be requested between 3 (three) to 12 (twelve) months after placement, it is the receiving state's decision whether or not to grant concurrence and their ICPC Office makes the decision after consulting with the receiving state supervising the placement.

- i. To request concurrence, the child's caseworker submits a request in writing and sends it to Maine ICPC Administrator, where it will be logged into the ICPC database and forwarded to the receiving state's ICPC Administrator.
- ii. The request will include the child's name, the number of months the receiving state has been supervising the placement, and the reasons why concurrence should be granted.
- iii. When the decision is received by the Maine ICPC Administrator it will be logged and the information will be forwarded to the caseworker. If concurrence is not granted the caseworker should submit a new request after the placement becomes more stable or other circumstances which led to the withholding of concurrence are rectified or ameliorated. If concurrence is granted, the caseworker will notify the AAG responsible for the child protection proceeding, and written documentation from the receiving state granting concurrence should be distributed in discovery.

**Additional Information:** Information about a specific state's procedures or requirements may be obtained by accessing the ICPC State Page [here](#).

## VI. POLICY SUPERSEDES

---

XV.D. Interstate Compact on the Placement of Children, Effective July 7, 2012

## VII. LINKS TO RELATED POLICIES

---

ICPC Regulations can be found [here](#).

## VIII. APPENDICES

---

[Appendix A: Cover Letter](#)

[Appendix B: Child Summary](#)

[Appendix C: ICPC 100A Form](#)

[Appendix D: ICPC 100B Form](#)

[Appendix E: ICPC 100A Form Instructions](#)

[Appendix F: ICPC 100B Form Instructions](#)

**Note:** The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

[OCFSPolicyTraining.DHHS@maine.gov](mailto:OCFSPolicyTraining.DHHS@maine.gov)