



ICPC

The Interstate Compact on the placement of Children

ICPC's Purpose (Function)

Establishes uniform, legal, and administrative procedures governing the interstate placement of children.

Oversight and management is handled within DHHR – Bureau of Children and Families.

BCF Commissioner –
the Interstate Compact
Administrator.

Enactment of the ICPC



In the 1950's, it was realized that there was a need for some form of agreement to regulate the interstate movement of children.



It was realized that a state's jurisdiction 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 or contract.



The Interstate Compact on the Placement of Children was then drafted.



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In 1975, West Virginia enacted the ICPS Law
(WV 49-2-A-1 through WV 49-2A-2)



It establishes orderly procedures for the interstate placement of children.



When a state enacts the Compact, it becomes law, just as any other legislation passed by a state legislature.



DHHR – BCF Website (Under ICPC)

Worker's Checklist for Referrals,

Standard Operating Procedure,

Policy,

Provider Form, and

Other pertinent and useful information.

Multidisciplinary Team Meeting (MDT)

Provides a system for evaluation of and coordinated service delivery for children who may be victims of abuse or neglect, and children undergoing certain status offense and delinquency proceedings;

Planning system to assist Courts in facilitating permanency planning to coordinate evaluation and services;

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The Team advises the Court as to the type of services needed, the type of placement, if any, which will best serve the needs of the child.

The Team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

ICPC is required for out-of-state placements.

Documents in the Packet Include:

100 A

Sending agency's formal "written notice" to the receiving state of its intention to make an interstate placement would or would not be contrary to the interests of the child.

Court Order

This is an Order not a petition.

Child Social Summary

Court report, admission/discharge notes or a recent psych report; information dated more than 60 days old should have an addendum explaining events leading to recommendation for out of state placement.

Letter of Acceptance

from the facility accepting the child stating that the child is appropriate for placement and has been accepted in the program.

In West Virginia, if the packet is **COMPLETE**, it is processed the same day.

When it is **NOT COMPLETE**, the ICPC staff work diligently with local workers to obtain the missing documents.

Most ICPCs are approved by the receiving state, and notification is received back in West Virginia within 7 to 10 days from when the packet is sent.

ICPC staff notifies the worker as soon as approval is received.

ICPC agreement lasts 6 months.

This language MUST be included in ALL court orders for juvenile delinquency cases going out of state



West Virginia Legislature

2ND SESSION OF THE 80TH LEGISLATURE



Chapter 49-2A-1, Article VI states:



Institutional Care of Delinquent Children: A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:



1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

MCM – 1 Form

WV Title XIX Medicaid Program - Determination of medical necessity for inpatient/residential services

Required for all PRTF type placements (in AND out-of-state)

Must be signed by a Physician

Applicable for 30 days!!



The End