



# Interstate Compact on the Placement of Children (ICPC) Desk Guide

## Regulation 4 Facilities

The purpose of the Interstate Compact on the Placement of Children (ICPC) is to ensure that children placed across state lines have the same protections and services as children placed in their home state. The ICPC is a contract and uniform law among all 50 states, the District of Columbia, and the U.S. Virgin Islands that protects and enforces the jurisdictional, administrative, and human rights obligations of all the parties involved in a placement. The law offers states uniform guidelines and procedures to ensure these placements promote the best interests of each child. Wisconsin enacted Wisconsin's Interstate Compact on the Placement of Children (ICPC) into state law (s. 48.988, Stats.). The Compact applies to four types of situations in which children may be sent to other states: Placements with parents and relatives, licensed or approved foster/kinship homes, placements prior to adoption, and group homes and residential care facilities.

With the ICPC, the following safeguards will be guaranteed for the child and all parties involved in the placement:

- An opportunity for the sending agency to evaluate the proposed placement and the receiving state to ensure the placement is not contrary to the best interests of the child;
- An opportunity for the receiving state to ensure all applicable laws and policies have been followed before the placement is approved;
- Legal and financial protection for the child by ensuring an agency or individual is responsible for the child;
- Assurance that the sending agency does not lose jurisdiction over the child once moved to the receiving state;
- An opportunity for the sending state to obtain supervision, services, and regular reports on the child's adjustment and progress in the placement.

## Regulation 4: Residential Placement

Under the ICPC, a Residential Placement is defined as a facility that “provides 24 hour supervised care beyond what is needed for assessment or treatment of an acute condition.” This regulation includes group homes and residential care centers.

ICPC is not required for placement in institutions that are primarily educational in character, hospitals, or other medical facilities. Facilities are defined by the receiving state by the services the facility provides, not the type of license it may hold or its source of funding.

The sending agency or individual remains obligated to retain jurisdiction and responsibility for the child while the child remains in the receiving state.

Regulation 4 of the ICPC applies whether or not the child is under jurisdiction of a court for delinquency, abuse, neglect, or dependency, or as a result of action taken by a child welfare agency.

A child who has been adjudicated under a delinquency court order, must be given a court hearing on notice to the parent or guardian with the opportunity to be heard prior to being sent to the facility.

## **Agency Responsibilities**

### **Sending Agency**

Within the sending state, there is a sending agency. For child welfare cases, the sending agency is the county or state agency that has placement and care responsibility of the child. The sending agency maintains planning and financial responsibility for the child and is responsible for any payment.

### **Sending State**

The sending state is “the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits, or enables the child to be sent to another state.” The sending state is the state making the request to place the child in the receiving state.

### **Receiving State**

The receiving state is “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.” The receiving state ensures the facility is appropriate for placement of the child.

## **Parent/Guardian Placements**

A parent or guardian making a placement of their child, with no court involvement, in an out-of-state facility is subject to the ICPC.

In these circumstances, there are different documentation requirements and implications for responsibility of the child.

More information about private parent or guardian placements in an out-of-state facility is available in [ICPC Regulations](#).

## Required Documentation

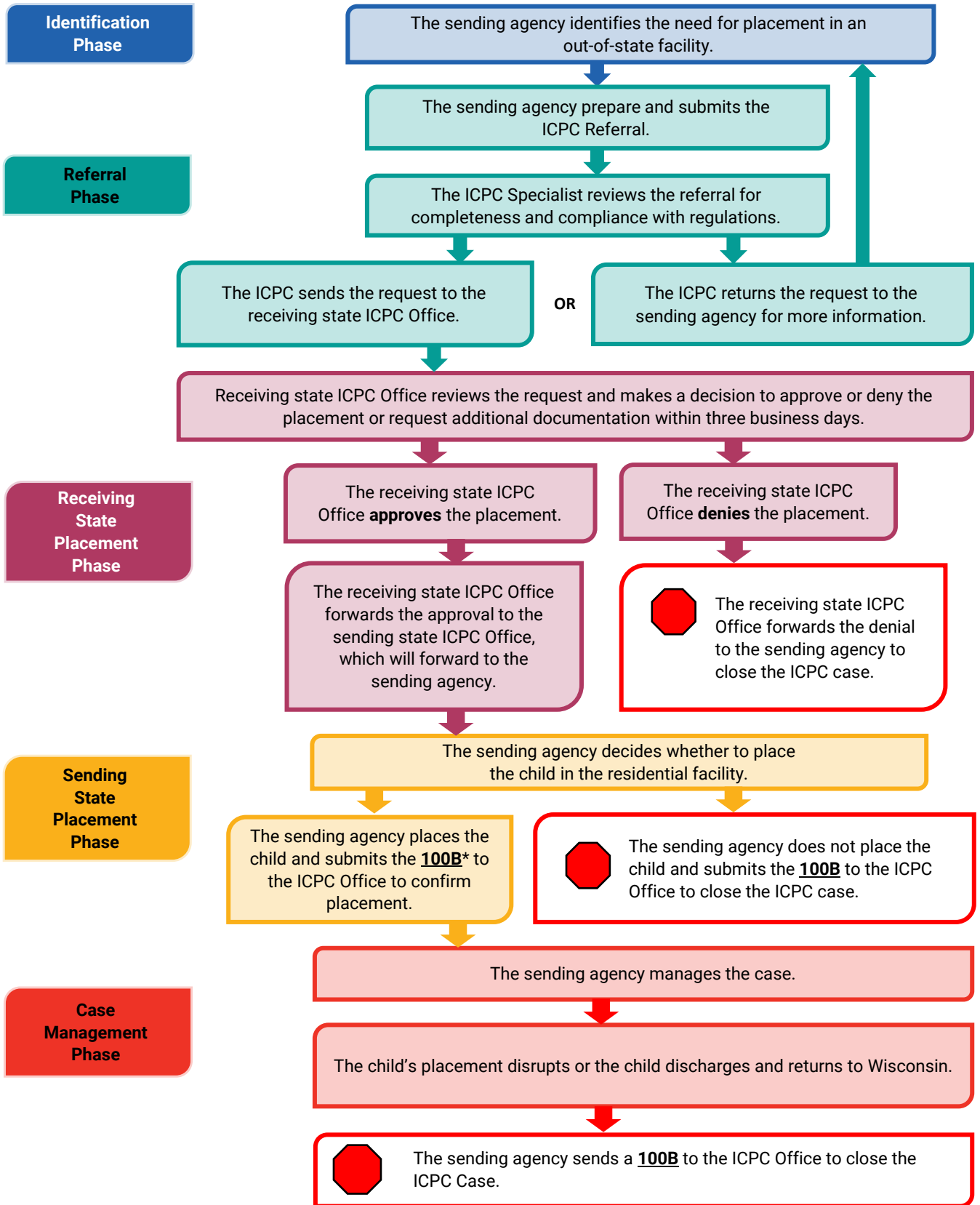
When preparing to submit an ICPC request, the following documentation is required for Regulation 4 requests. This information should be documented in eWiSACWIS prior to creating the request.

- Cover Letter
- 100A,
- Letter of acceptance from the residential facility,
- Financial/Medical Plan that includes the agency paying for placement in the facility and providing medical coverage,
- Placement disruption agreement,
- A court order providing the sending state agency jurisdiction to place the child
  - If the child to be placed has been adjudicated delinquent, the court order must state the child has been adjudicated delinquent, and state that:
    - Equivalent facilities in the state are not available,
    - Institutional care is in the best interests of the child, and
    - Placement in the facility will not produce undue hardship.
  - If a court order does not provide the sending agency jurisdiction to place the child, a statement must be provided on the sending agency's authority to place the child and documentation that supervision is on-going,
- Current case history for the child,
- Service plan for the child,
- IV-E eligibility verification.

# Required Documents

Cover Letter	100A	Financial/Medical Plan	Disruption Agreement	100B
Identify child to be placed and contact information of the facility	Required for each child to provide basic information about the request	The sending agency remains ultimately financially responsible for the child	<p>This must be an agreement that sets out that the sending agency is responsible for the child in the event of a placement disruption, including costs and transportation.</p> <p>There is no template for this in eWiSACWIS and can be created by the sending agency.</p>	Send when child is initially placed in the receiving state
Brief statement of legal status, reason for placement, and long-term plan	Acts as the formal approval or denial from the receiving state and permission for placement	The sending agency is responsible for determining assistance, including payment		Send if the agency knows it will not make placement in the facility
Note any special circumstances or considerations for placement	Child can only be placed with a signed and approved 100A	If the child must return to the sending state, the sending agency is responsible		Send when a placement request is withdrawn, placement ends, or jurisdiction closes

# Regulation 4 Workflow



# Regulation 4 Workflow Details

## **Identification Phase:**

The sending agency must obtain the facility's agreement to accept placement of the child prior to submitting the ICPC Referral.

## **Referral Phase:**

An ICPC Referral for placement in an out-of-state facility must be submitted with the required documentation for a Regulation 4 request.

If the child has been adjudicated under a delinquency court order, the appropriate court hearing must take place prior to submitting the referral.

## **Receiving State Placement Phase:**

The receiving state ICPC Office determines if placement is contrary to the child's best interest by:

- Ensuring the facility is properly licensed and not under investigation for unfit conditions or illegal activities that might place the child at risk of harm.
- Ensuring the child is an appropriate match and that the request to place the child was fully reviewed and accepted.

## **Sending State Placement Phase:**

Regulation 4 approvals expire 30 calendar days from the date the 100A was signed by the receiving state.

This 30-day timeframe can be extended upon mutual agreement between the sending and receiving states' ICPC Offices.

## **Case Management Phase:**

The sending agency maintains all case planning responsibility for the child and shall follow all applicable Wisconsin laws and standards for a child placed in out-of-home care.

Supervision of the child in out-of-state facilities can be completed by the facility (see supervision section).

## eWiSACWIS Documentation

Visit the eWiSACWIS Knowledge Web for more information about the ICPC Referral and ICPC Record:

[dcf.wisconsin.gov/knowledgeweb/home](https://dcf.wisconsin.gov/knowledgeweb/home)

An ICPC Referral must be submitted to the Wisconsin ICPC Office via eWiSACWIS.

Once the referral is received, the ICPC Specialist or ICPC Assistant will document a decision to Accept (and pass on), Not Accept, or Return to Sending Agency for more information.

Once the receiving state has a decision to approve or deny placement, the ICPC Specialist or Assistant will document the decision in eWiSACWIS.

If the placement is approved by the receiving state ICPC office, the sending agency will decide whether to place the child at the facility. The sending agency is required to notify the WI ICPC by completing the Child Placement Tab in the ICPC Record in eWiSACWIS within 3 days of the child's placement or as soon as the agency decides not to place the child at the facility.

**Completion of the Child Placement Tab and checking the "Send to ICPC" box will generate the 100B and notify ICPC.**

Once placed, the sending agency must continue all required case planning documentation in eWiSACWIS, including placement and payment information. Each quarter, the ICPC Specialist will upload supervision reports that are received by the facility into the ICPC Record. The sending agency shall document the monthly contacts in eWiSACWIS.

If the child is moved, returned, or reaches permanency, the sending agency must notify the WI ICPC Office by completing the Record Closure Tab in the child's ICPC Record. The ICPC Specialists will then close the ICPC Record in eWiSACWIS.

**Completion of the Record Closure Tab and checking the "Send to ICPC" box will generate the 100B and notify ICPC.**



## **Emergency Placements**

In emergency circumstances, a sending agency may make emergency placements in an out-of-state facility. These placements may only be made under mutual agreement from the sending and receiving state. These emergency decisions must be made within 1 business day of receipt of the request by the receiving state. The 100a is a required document and the receiving state may require additional documents to make this decision and grant a temporary approval. A complete request and final approval is subsequently required.

## **Supervision**

The facility is responsible for the supervision, protection, safety, and well-being of the child. The sending agency making the placement is expected to work with the facility as to the program plan or expected level of supervision, treatment, frequency, and nature of any written progress or treatment reports. Please review Ongoing Services Standards for information on caseworker contacts for out-of-state residential placements.

The receiving state is not required to provide any monitoring or supervision of children placed in facility programs, unless an incident or allegation requires investigation by law enforcement, a child welfare agency, or the court. Wisconsin sending agencies may contract with the receiving state child welfare agency to perform month-face-to-face contacts, but the receiving state child welfare agency is not required to enter this contract under the ICPC.

## Medical Coverage

Agencies should be aware that not all states will provide Medicaid for non-IV-E funded children. Additionally, group home and residential care center placements through the ICPC do not have local caseworkers assigned for case management to assist with enrolling the child in Medicaid.

The sending agency can work with the facility to request assistance in initiating Medicaid enrollment for that child. Another option is to work with a local child welfare agency to ask that they assist with enrolling the child in Medicaid.

The child may only be enrolled in Medicaid in one state. To continue to use Wisconsin Medicaid, the medical provider in the other state must be willing to become a Forward Health Provider.

Ultimately, the sending agency is responsible for covering medical costs for the child if Medicaid cannot be secured.



## Facilities Not Subject to the ICPC

If there is question about whether the ICPC applies to a certain facility, ask the following questions. If the answer to any of the following is yes, the placement may be subject to the ICPC and consultation should be sought.

**Will the facility accept responsibility for the child during the entire year?**



**Will the facility provide care sufficient to substitute for parental supervision and control?**



**Will the facility provide services other than schooling and extracurricular activities?**



**Will the facility treat more than an acute medical problem?**



**Will the facility keep the child after the child is no longer acutely ill?**



**Will the facility accept a child who was not committed voluntarily or involuntarily by a court for psychiatric care?**

## Additional Resources

- For Wisconsin policy information, resources, and contact information, visit <https://dcf.wisconsin.gov/cwportal/icpc>
- For national resources such as state pages, visit <https://aphsa.org/AAICPC>
- For full ICPC Regulations, visit [https://aphsa.org/AAICPC/ICPC\\_Regulations](https://aphsa.org/AAICPC/ICPC_Regulations)
- For resources on eWiSACWIS documentation visit <https://dcf.wisconsin.gov/knowledgeweb/home>
- For Ongoing Standards, visit <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Division of Safety and Permanence at (608) 422-6925. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.

