

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 9: Interstate Compact for the Placement of Children (ICPC)	Effective Date: November 1, 2008
	Section 12: Violations of ICPC Procedures	Version: 1

POLICY	OLD POLICY: 504
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The Indiana Department of Child Services (DCS) will adhere to the laws that govern interstate placement of children. Failure on the part of DCS staff to follow the Interstate Compact for the Placement of Children (ICPC) policies and procedures may result in disciplinary action, up to and including termination.

DCS will report any known or suspected ICPC violations, including illegal ICPC placements by another state, to the DCS ICPC Office, who will then report it to the other state's ICPC Office. DCS reserves the right to contact the [Administration for Children and Families](#) (ACF) regarding ICPC violations.

If an Indiana court orders a child to be placed out of state without a completed ICPC, DCS will file an objection on the record with the court based on the rules of the ICPC and notify the DCS ICPC Office of the illegal placement.

If a DCS local office is aware they have violated the Interstate Compact, the DCS ICPC Office should be notified so that efforts can be taken to correct the circumstances that caused the violation.

Code References

[IC 31-28-4-1: Article IV: Penalty for Illegal Placement](#)

PROCEDURE

ICPC Illegal Placements

If a DCS local office becomes aware of a child who is illegally placed in Indiana, the Family Case Manager (FCM) or staff who becomes aware of the placement, will:

1. Notify their Supervisor and/or DCS Local Office Director of the violation within 24 hours; and
2. Ensure the safety of the child.

The Supervisor or DCS Local Office Director will notify the Regional Manager immediately of the illegal placement.

The Regional Manager will:

1. Notify the DCS ICPC Office of the illegal placement; and
2. Notify the DCS Director of the illegal placement.

The DCS ICPC Office will contact the ICPC Office in the sending state to notify them of the illegal placement and request that the state correct the placement decision or come to Indiana to pick up the child.

The DCS Director will:

1. Contact the Agency Head in the sending state regarding the circumstances of the illegal placement; and
2. Request assistance with compliance with the ICPC.

The FCM will schedule a meeting with his or her Supervisor and DCS Local Office Director to discuss placement options for the child while ensuring the child's safety.

Other ICPC Violations

Indiana DCS staff suspecting or knowing of ICPC violations will:

1. Write a letter that indicates how the other state has violated the ICPC and request compliance by the state; and
2. Submit the letter to the Deputy Compact Administrator at the DCS ICPC Office.

If it is determined that a violation occurred, the Deputy Compact Administrator will:

1. Forward the letter to the other state ICPC Office within five (5) business days of receipt of the letter;
2. Request a response regarding the violation from the other state's ICPC Office within 10 business days; and
3. Upon receipt of a response from the other state's ICPC Office, notify the DCS local office of what action will be taken to rectify the situation.

If a DCS local office is found to be in violation of the ICPC, the staff person responsible for the violation will:

1. Submit a letter to the Deputy Compact Administrator, explaining why they are out of compliance with the ICPC; and
2. Work with the Deputy Compact Administrator to ensure future compliance.

PRACTICE GUIDANCE

When a DCS local office becomes aware of an ICPC illegal placement, steps should be taken to ensure the safety of the child(ren) involved. However, an illegal placement should not be the sole reason a child is removed from the home while waiting for the sending state to retrieve them. When DCS is notified of an illegal placement, the home should be assessed to determine if there is an immediate threat to the safety of the child. If there is no immediate threat to the child's safety and the child can remain in the home until the sending state arrives, DCS should work with the child and family by making appropriate referrals to voluntary community resources and other services the child and/or family may need during that time. Such referrals may include Temporary Assistance for Needy Families (TANF), Medicaid, or Workforce Development, subject to the rules and policies of program eligibility.

Note: DCS will neither pay for nor monitor those services.

FORMS AND TOOLS

N/A

RELATED INFORMATION

N/A

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