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10 **703 Interstate Compact On Placement Of Children**

11 Major objectives:

12 Child and Family Services will adhere to the Interstate Compact on Placement of
13 Children (ICPC). Children in state custody who are placed out of state will receive
14 comparable quality of services from Child and Family Services as a child who is placed
15 in state.
16

17
18 **Applicable Law**

19 Utah Code Ann. [§62-4a-701](#). Interstate Compact on Placement of Children -- Text.

20 Utah Code Ann. [§62-4a-702](#). Financial responsibility.

21 Utah Code Ann. [§62-4a-703](#). Division as public authority.

22 Utah Code Ann. [§62-4a-704](#). Director as authority.

23 Utah Code Ann. [§62-4a-705](#). Fulfillment of requirements.

24 Utah Code Ann. [§62-4a-706](#). Jurisdiction over delinquent children.

25 Utah Code Ann. [§62-4a-707](#). Executive -- Authority.

26 Utah Code Ann. [§62-4a-708](#). Existing authority for child placement continues.

27 Utah Code Ann. [§62-4a-709](#). Medical assistance identification.
28

29 **703.1 Placement Of Foster Child Outside Of Utah – Interstate**
30 **Placement**

31 A. Practice Model applicability. Practice Model principles and case requirements for
32 a foster or prospective adoptive child placed out of state are the same as for a
33 child placed in Utah. Additional effort will be required to ensure that care and
34 services received out of state are satisfactory for the child and to help the child
35 achieve timely permanency. The Utah caseworker is responsible to maintain
36 close contact with the child and family throughout the ICPC placement to ensure
37 well-being (court jurisdiction maintained).
38

39 B. ICPC request for out-of-state placement. State law requires that the ICPC
40 process must be completed before a child may be placed out of state. These
41 steps are located in SAFE and are also listed in the ICPC state website at
42 <http://www.hsdccfs.utah.gov/icpc.htm>.

43 1. ICPC Forms – Available in SAFE or on the website at
44 <http://dcfs.utah.gov/services/icpc/>, or see the ICPC Guidebook for help in
45 completing forms.

46 a. 100A Interstate Compact Placement Request.

47 b. 100B Interstate Compact Report on Child's Placement Status.

48 c. Medical and Financial Plan.

49 d. Form 101 Sending State Priority Home Study Request.

50 e. Mandatory Court Language form ICPC3 (Regulation No. 7).

51 2. Financial responsibility will always be primarily Utah's responsibility until
52 the courts have terminated jurisdiction and the PSS/SCF case is closed,

- 53 even if the family is supporting the child's needs in the other state. The
54 financial and medical plan should be clearly outlined by the Utah
55 caseworker on the Financial/Medical Plan form found in SAFE (Form
56 ICPC4).
- 57 3. Placement cannot be made in the Receiving State (RS) until the Utah
58 ICPC has received approval. All correspondence, prior to placement,
59 must go through the ICPC channels.
60
- 61 C. Approval of placement requires the following:
- 62 1. Receipt of the RS' home study with a recommendation of placement from
63 the Utah ICPC.
- 64 2. Form 100A that has been signed by the RS' ICPC approving placement.
- 65 3. Documented completion of background checks necessary for the
66 requested home study.
- 67 4. Approval must come from a designated ICPC person who has been given
68 authority to act in this role.
69
- 70 **D. If order is made by a judge in violation of the ICPC UT DCFS worker will notify**
71 **the AG that this is in violation and request the AG to notify the judge and see if**
72 **the order can be changed. If the judge will not change the order to comply with**
73 **ICPC, the UT DCFS worker will follow the court order and notify UT ICPC**
74 **immediately of the violation. Most common orders made in violation are:**
75 **1. Child being sent out of state without an approved ICPC.**
76 **2. Jurisdiction being terminated with an ICPC in place without concurrence of**
77 **the receiving state.**
78
- 79 **E[D].** Regulation No. 7, Expedited Placement Decision. Home study and placement
80 decision must be completed within 20 business days of receipt by RS.
- 81 1. Regulation No. 7 is appropriate when the following criteria are met:
- 82 a. Unexpected dependency due to incapacitation of parent or
83 guardian;
- 84 b. The child sought to be placed is four years of age or younger,
85 including older siblings sought to be placed with the same proposed
86 placement resource;
- 87 c. Child in the sibling group sought to be placed has a substantial
88 relationship with the proposed placement resource; or
- 89 d. The child is currently in an emergency placement.
- 90 2. Placement must be made with parent, stepparent, grandparent, adult aunt
91 or uncle, adult brother, or adult sister.
- 92 3. Regulation No. 7 will not apply if:
- 93 a. The child is already placed in RS in violation of ICPC or on a visit;
94 or
- 95 b. If approval for foster or adoptive placement is sought.

- 96 4. A judge must order a Regulation No. 7 to be conducted, a copy of an
97 acceptable order can be found in SAFE ICPC3. This order must be
98 completed by the caseworker and signed by the judge then submitted to
99 the ICPC office along with the completed Sending State Priority Home
100 Study Request Form 101, also found in SAFE.
- 101 5. Sending agency steps before sending court enters Regulation No. 7 Order
102 of Compliance: In order for a placement resource to be considered for an
103 ICPC expedited placement decision by a RS, the sending agency will take
104 the following minimum steps prior to submitting a request for an ICPC
105 expedited placement decision:
- 106 a. Obtain either a signed statement of interest from the potential
107 placement resource or a written statement from the assigned case
108 manager in the sending state that following a conversation with the
109 potential placement resource, the potential placement resource
110 confirms appropriateness for the ICPC expedited placement
111 decision process. Such statement will include the following
112 regarding the potential placement resource:
- 113 (1) Family is interested in being a placement resource for the
114 child and is willing to cooperate with the ICPC process.
- 115 (2) Fits the definition of parent, stepparent, grandparent, adult
116 brother or sister, adult aunt or uncle, or his or her guardian,
117 under Article VIII(a) of the ICPC.
- 118 (3) The name and correct address of the placement resource,
119 all available telephone numbers and other contact
120 information for the potential placement resource, and the
121 date of birth and social security number of all adults 18 years
122 of age and older in the home.
- 123 (4) A detail of the number and type of rooms in the residence of
124 the placement resource to accommodate the child under
125 consideration and the number of people, including children,
126 who will be residing in the home.
- 127 (5) Has financial resources or will access financial resources to
128 feed, clothe, and care for the child.
- 129 (6) If required due to age and/or needs of the child, the plan for
130 child care and how it will be paid for.
- 131 (7) Acknowledges that a criminal records and child abuse
132 history check will be completed on any persons residing in
133 the home required to be screened under the law of the RS
134 and that, to the best knowledge of the placement resource,
135 no one residing in the home has a criminal history or child
136 abuse history that would prohibit the placement.
- 137 (8) Whether a request is being made for concurrence to
138 relinquish jurisdiction if placement is sought with a parent
139 from whom the child was not removed.

- 140 6. Court to enter order of compliance making finding that child meets
141 Regulation No. 7 criteria - with specific findings as needed:
 - 142 a. Regulation No. 7 signed court order.
 - 143 b. Signed Statement of Interest.
 - 144 c. Form 101, Priority Home Study Request.
 - 145 d. All other ICPC documents as outlined in the Seven Steps of ICPC.
- 146 7. The court will send its order to the Child and Family Services caseworker
147 within two business days of the court hearing. The Child and Family
148 Services caseworker then has three business days to send the ICPC
149 packet to the designated ICPC person. The ICPC person has two
150 business days after receipt to forward the packet to the RS. Overnight mail
151 will be required to meet priority deadlines. Time frame for receiving state
152 ICPC office to render expedited placement decision: no later than twenty
153 business days from the date the forms and materials are received by the
154 RS compact administrator, the RS compact administrator will make his or
155 her determination pursuant to Article III(d) of the ICPC and will send the
156 completed Form 100A to the sending state compact administrator by
157 expedited transmission.
- 158 8. Upon request of the sending agency and agreement of the RS to make a
159 provisional determination, the RS may, but is not required to, provide
160 provisional approval or denial for the child to be placed with a parent or
161 relative. Upon receipt of the documentation set forth in Section 7 below,
162 the RS will expedite provisional determination of the appropriateness of
163 the proposed placement resource by:
 - 164 a. Performing a physical "walk through" by the RS's caseworker of the
165 prospective placement's home to assess the residence for risks
166 and appropriateness for placement of the child;
 - 167 b. Searching the RS's child protective services database for prior
168 reports/investigations on the prospective placement as required by
169 the RS for emergency placement of a child in its custody;
 - 170 c. Performing a local criminal background check on all adults 18 years
171 of age and older living in the home of the prospective placement;
 - 172 d. Undertaking other determinations as agreed upon by the sending
173 state and RS compact administrators; and
 - 174 e. Providing a provisional written report to the RS compact
175 administrator as to the appropriateness of the proposed placement.
- 176 9. Determination made under a request for provisional approval or denial will
177 be completed within seven calendar days of receipt of the completed
178 request packet by the RS compact administrator. A provisional approval or
179 denial will be communicated to the sending state compact administrator by
180 the RS compact administrator in writing. This communication will not
181 include the signed Form 100A until the final decision is made.
 - 182 a. Provisional placement, if approved, will continue pending a final
183 approval or denial of the placement by the RS or until the RS

- 184 requires the return of the child to the sending state. If the child is
185 placed in the home on a provisional approval, the child must be
186 returned to the sending state if the home study is not approved.
187 b. If provisional approval is given for placement with a parent from
188 whom the child was not removed, the court in the sending state
189 may direct its agency to request concurrence from the sending
190 state and RS compact administrators to place the child with the
191 parent and relinquish jurisdiction over the child after final approval
192 is given. If such concurrence is not given, the sending agency will
193 retain jurisdiction over the child as otherwise provided under Article
194 V of the ICPC.
195 c. A provisional denial means that the RS cannot approve a
196 provisional placement pending the more comprehensive home
197 study or assessment process due to issues that need to be
198 resolved.
- 199 10. Removal of a child: Following any approval and placement of the child, if
200 the RS compact administrator determines that the placement no longer
201 meets the individual needs of the child, including the child's safety,
202 permanency, health, well-being, and mental, emotional, and physical
203 development, then the RS compact administrator may request the sending
204 state compact administrator arrange for the immediate return of the child
205 or make alternative placement as provided in Article V(a) of the ICPC.
206 The RS request for removal may be withdrawn if the sending state
207 arranges services to resolve the reason for the requested removal and the
208 RS and sending state compact administrators mutually agree to the plan.
209 If no agreement is reached, the sending state will expedite return of the
210 child to the sending state within five business days unless otherwise
211 agreed in writing between the sending state and RS compact
212 administrators.
- 213 11. Resources with more specific detail for Regulation No. 7 may be found at:
214 a. AAICPC website at http://icpc.aphsa.org/Home/home_news.asp.
215 b. Child and Family Services website at
216 <http://dcfs.utah.gov/services/icpc/>.
217
- 218 **F/E**. Consideration of placement of a child, out of state, with a biological parent
219 requires you to follow ICPC process. The only time this would not be necessary
220 is if the judge gives custody directly to the parent and Child and Family Services
221 jurisdiction is terminated.
222
- 223 **G/F**. A separate 100A must be submitted to the Utah ICPC office for each type of
224 home study or placement requested. For example:
225 1. A child is placed with a relative and they either want to become a licensed
226 foster home or adopt the child. In either of these cases a new 100A and
227 ICPC request must be made.

- 228 2. A child is placed in a licensed foster home and they want to change to
229 adoption, so a new 100A and ICPC request must be made.
230 3. A child must be legally free to make an adoption request, and TPRs must
231 be submitted with the request.
232
- 233 **HIG.** Providing a visit prior to placement could allow the child to build a relationship of
234 trust with potential caregivers, and give caregivers the opportunity to engage with
235 the child. If Child and Family Services wants to allow child visitation, prior to
236 ICPC approval, the following steps must be completed:
- 237 1. If an ICPC request is made during or prior to the visit, the caseworker
238 must clearly identify the duration of the visit including specific dates of
239 arrival and departure. If this is not done the visit will be considered a
240 placement and not a visit.
 - 241 2. A local background screening must be done on all adults 18 years of age
242 and older living in the home of the proposed family where the visit will be
243 taking place. This includes local law enforcement and child abuse
244 registry. The family could obtain and send copies of this document.
 - 245 3. The caseworker must obtain court approval.
 - 246 4. The above steps must be documented prior to the visit taking place.
 - 247 5. A visit is outlined as follows in ICPC Regulation No. 9:
 - 248 a. The purpose is to provide the child with social/cultural experience
249 for a short duration,
 - 250 b. The visit can be no longer than 30 days,
 - 251 c. The child cannot be enrolled in school, and
 - 252 d. The intent cannot be to have the child at a visit until official ICPC
253 approval is received.
 - 254 6. If a visit extends longer than 30 days it is considered a placement and is a
255 violation of the ICPC guidelines.
256
- 257 **I[H].** If the child is an American Indian/Alaskan Native and thus covered by the Indian
258 Child Welfare Act (ICWA), the child's tribe must be notified of the ICPC request.
259 The ICWA law as outlined in Child and Family Services Practice Guidelines
260 [Section 705](#) must be adhered to when considering an ICPC placement. The
261 Utah caseworker will clearly indicate in the cover letter as well as the 100A that
262 ICWA applies and what notification has been provided to the tribes, along with
263 any resulting correspondence.
264
- 265 **J[H].** Provider requirements when considering placing a child outside of Utah:
- 266 1. Prior to making any kind of home study request, the caseworker is
267 responsible to engage with potential caregivers to assess their ability,
268 desire, and motivation to have a home study completed that may result in
269 a child being placed in their care. A copy of suggested questions can be
270 found in the ICPC Guidebook or in the Kinship Limited Home

- 271 Inspection/Safety Assessment Quick Reference as outlined in Safety
272 Questions for Kinship Caregivers.
- 273 a. Caseworker completes "ICPC Request Cover Letter/Case Manager
274 Statement" (SAFE form ICPC 6), which covers the following:
- 275 (1) Confirm that the potential placement resource is interested in
276 being a placement resource for the child and is willing to
277 cooperate with the ICPC process.
- 278 (2) Include the name and correct physical and mailing
279 addresses of the potential placement resource, along with all
280 available telephone numbers and other contact information
281 for the potential placement resource.
- 282 (3) Describe the number and type of bedrooms in the home of
283 the potential placement resource to accommodate the child
284 under consideration and the number of people, including
285 children, who will be residing in the home.
- 286 (4) Confirm that the potential placement resource acknowledges
287 that he or she has sufficient financial resources or will
288 access financial resources to feed, clothe, and care for the
289 child, including child care if needed.
- 290 (5) Confirm that the potential placement resource acknowledges
291 that a criminal records and child abuse history check will be
292 completed for any persons residing in the home required to
293 be screened under the law of the RS.
- 294 2. Requirements for a Parent Home Study request:
- 295 a. The caseworker must submit the ICPC packet to the State Office.
296 All requirements for the ICPC packet are available in SAFE in the
297 ICPC document file named "The Seven Steps to ICPC".
- 298 b. The parent must pass a criminal and child abuse registry check in
299 the state they are living. Fingerprinting may be necessary if the
300 parent has lived outside the state of current residence within the
301 past five years or if there are indications of hits from other states
302 found during the local checks.
- 303 c. The parent is responsible for meeting the financial and medical
304 needs of the child. The parent does have the option of applying for
305 TANF assistance in the state in which they reside.
- 306 d. Custody of the child cannot be given to the parent until the ICPC is
307 approved and Child and Family Services has concurrence from the
308 RS.
- 309 e. The Utah caseworker is responsible upon receipt of the approved
310 home study to:
- 311 (1) Review the home study, which includes information on
312 criminal history and any recommendations.
- 313 (2) Determine if the approved placement will be used.

- 314 (a) If the child will be placed in the RS, submit form 100B
315 to ICPC confirming the placement. Form 100B will
316 initiate courtesy supervision in the RS.
317 (b) If it is determined that the approved placement will not
318 be used, submit form 100B to ICPC, terminating the
319 case.
- 320 3. Requirement for a Relative Home request:
- 321 a. The Utah caseworker must submit the ICPC packet to the State
322 Office. All requirements for the ICPC packet are available in SAFE
323 in the ICPC document file named "The Seven Steps to ICPC".
- 324 b. The relative and all adults 18 years of age and older living in the
325 home of the relative must pass the Preliminary Placement
326 Background Screening or the RS' equivalent to the Utah Criminal
327 Justice Information System (UCJIS):
- 328 (1) UCJIS or equivalent is searched to determine if the applicant
329 has criminal convictions or patterns of arrests or convictions
330 within the RS that indicate a likely threat of harm to a child.
- 331 c. The relative and all adults 18 years of age and older living in the
332 home of the relative must pass a Completed Background Screening
333 – Fingerprint Based Check:
- 334 (1) Fingerprint based FBI national criminal history records are
335 checked to determine if the applicant has criminal
336 convictions or patterns of convictions that indicate a likely
337 threat of harm to a child.
- 338 d. The RS will follow their state laws pertaining to Adam Walsh
339 requirements for relative placements. These laws may differ from
340 the laws currently established in Utah. The Utah caseworker is
341 responsible, upon receiving a home study, to determine if Adam
342 Walsh requirements were met.
- 343 e. The relative and all adults 18 years of age and older living in the
344 home of the relative must pass the Preliminary Placement
345 Background Screening – RS' Child Abuse Registry: The Child
346 Abuse Registry is searched for the following:
- 347 (1) To determine if the applicant has findings of a severe type of
348 child abuse or neglect, or if other child welfare or domestic
349 violence case history or patterns of behavior may pose a
350 threat of harm to a child.
- 351 (2) To determine if the applicant has findings of adult abuse.
- 352 f. Any other requirements as expected by the RS.
- 353 g. The child may be placed with the relative as a Preliminary
354 Placement if the relative passes the above checks and placement
355 is approved by the RS. If the child is placed in a Preliminary
356 Placement, the Utah caseworker must move to license the relative

- 357 as a foster placement or determine if custody and guardianship will
358 be given to the relative.
- 359 (1) If the child is placed in a Preliminary Placement, the Utah
360 caseworker will submit a new ICPC 100A request for a foster
361 home study 90 days after placement of child, or
362 (2) Indicate that custody and guardianship will be granted to the
363 relative; this can only be done with the permission and
364 approval of the RS, or
365 (3) Indicate that the relative is going to adopt the child and
366 submit an ICPC 100A request for an adoption home study
367 90 days after placement of the child.
- 368 h. There is no payment made by Child and Family Services to a
369 relative home placement.
- 370 i. Utah is responsible for medical coverage of the child during
371 placement.
- 372 j. The Child and Family Services caseworker is responsible upon
373 receipt of the approved home study to:
- 374 (1) Review the home study, to include recommendations and
375 criminal history.
- 376 (2) Determine if the approved placement will be used; approval
377 by the RS does not mean placement must be made.
- 378 (a) If the child will be placed in the RS, submit form 100B
379 to ICPC confirming the placement. Form 100B will
380 initiate courtesy supervision in the RS.
- 381 (b) If it is determined that the approved placement will not
382 be used, submit form 100B to ICPC, terminating the
383 case.
- 384 4. Requirement for a Foster Care Home Study/licensure request:
- 385 a. The caseworker must submit the ICPC packet to the State Office.
386 All requirements for the ICPC packet are available in SAFE in the
387 ICPC document file named "The Seven Steps to ICPC".
- 388 b. The potential foster parent and all adults 18 years of age and older
389 living in the home of the foster parent must pass the Adam Walsh
390 requirements, which include a full background screening with a
391 fingerprint based criminal background check, and a review of the
392 Child Abuse Registry. If the person has not resided in the same
393 state for the past five years, requests for a review of the Child
394 Abuse Registry need to be made to other states where the person
395 has resided.
- 396 c. Any other requirements as expected/outlined by the RS.
- 397 d. The Utah caseworker is responsible to obtain a copy of the license
398 (or the equivalent) that has been issued, in accordance with the
399 Adam Walsh requirements.

- 400 e. The Utah caseworker will need to obtain written documentation that
401 Adam Walsh requirements have been met. This documentation is
402 generally found in the home study.
- 403 f. In order for persons to be added as providers and to receive a Utah
404 foster care reimbursement, the above documentation must to be
405 given to the region eligibility worker.
- 406 g. The foster care reimbursement to the out-of-state provider is based
407 on the need of the child starting with the basic foster care rate.
408 Utah caseworkers will follow Practice Guidelines [Section 301.6](#) in
409 determining the level of care and reimbursement rate. This also
410 includes, but is not limited to, Placement Committee Approval. The
411 agreed upon amount will be sent to the RS, who must indicate their
412 agreement prior to the child being placed.
- 413
- 414 **K|J**. Exploring an out-of-state adoptive placement identified through a national
415 website listing such as the Adoption Exchange:
- 416 1. Requirements of Adoptive Home Study Request: These are the basic
417 steps for the caseworker in Utah to complete the interstate placement
418 process for a child being sent to a RS. Information on prospective family
419 in the other state:
- 420 a. A RS prospective adoptive family finds a child they may be
421 interested in adopting from a national website listing. The Adoption
422 Exchange is the Utah contracted provider that will accept calls from
423 and give information about children listed on the website.
- 424 b. Contact information regarding a RS prospective adoptive family,
425 who has a current home study, will be given to the identified Utah
426 child's caseworker. The Utah caseworker can talk directly with the
427 family about general considerations for the child and specific
428 qualities Utah's Child and Family Services is looking for in a family.
- 429 c. The Utah caseworker may request that a current home study be
430 sent for consideration.
- 431 d. When a RS prospective adoptive family is chosen for a Utah child,
432 the Utah caseworker will confirm that the home study includes all
433 background clearances required, both local clearances as well as
434 Adam Walsh Act requirements (i.e., FBI fingerprint-based
435 background clearance and out-of-state child abuse registry
436 clearances).
- 437 e. When the chosen RS prospective adoptive family and all adults 18
438 years of age and older living in the home of the adoptive family
439 have met required background clearances, the family is contacted
440 to convey detailed information about the child and address
441 questions from the RS prospective adoptive family.
- 442 f. If the RS prospective adoptive family wants to continue with the
443 adoption process after receiving detailed information about the

- 444 child, services for the child will be identified in the prospective
445 adoptive family's area.
- 446 g. The Utah caseworker will consult, verbally or through email, with
447 the Utah ICPC compact administrator, to learn about specific
448 requirements in the RS as each state's requirements vary.
- 449 h. The Utah caseworker will consult with the Adoption Subsidy
450 Committee to determine possible medical and financial assistance
451 including any subsidy amounts that may be available for the
452 prospective adoptive family. This will help address the financial
453 plan for the child in the ICPC packet.
- 454 i. As part of developing the financial and medical plan, consult with
455 Utah ICPC compact administrator to ensure medical assistance will
456 be in place for the child in the RS through the Interstate Compact
457 on Adoption and Medical Assistance (ICAMA).
- 458 j. The Utah caseworker will begin a conversation with the chosen
459 prospective adoptive family to further determine their commitment
460 to the child, assess needed supports, and begin to negotiate
461 Adoption Assistance.
- 462 k. The Utah caseworker will fill out application forms with
463 documentation for Adoption Assistance to present to the Adoption
464 Subsidy Committee.
- 465 l. The Adoption Assistance Agreement should remain in draft status
466 and NOT signed or implemented until the placement has been
467 approved through ICPC.
- 468 m. Formal ICPC process overview: In the ICPC request, both states'
469 requirements will be addressed. As part of ICPC, identified
470 services will be requested, and medical and financial supports for
471 the child will be determined.
- 472 (1) The Utah caseworker will prepare and send the completed
473 ICPC packet to the Utah ICPC compact administrator. If any
474 documents are missing, the Utah caseworker will be
475 contacted.
- 476 (2) Form 100A is required for each child being placed – The
477 Utah caseworker will prepare the Form 100A to formally
478 request the placement of a child in the RS.
- 479 (3) Form 100A will define whether the adoption will be finalized
480 in Utah or in the RS. The Utah caseworker will consult with
481 a Utah Assistant Attorney General (AAG) to determine which
482 state will finalize the adoption.
- 483 (4) Required documentation to be assembled for ICPC packet
484 (found on "The Seven Easy Steps to ICPC" in SAFE as
485 ICPC Form 2):
- 486 (a) The Utah caseworker will pull (ask your support
487 people to help with this):

-
- 488 i. Mental health assessment.
489 ii. Dental and medical forms.
490 iii. Most current Child and Family Plan.
491 iv. Two progress summaries.
492 v. Child and Family Assessment.
493 vi. All educational information.
494 vii. Birth certificate.
495 viii. Social Security card.
496 ix. Signed court order verifying that Child and
497 Family Services has custody and jurisdiction or
498 requesting the ICPC.
499 x. Court Order Terminating Parental Rights.
- 500 (5) The following are also required for the Utah ICPC packet:
501 (a) Home study including BCI and Child Abuse/Neglect
502 clearances required by the prospective adoptive
503 parents' state of residence, as well as the Adam
504 Walsh Act.
505 (b) Documentation or statement regarding Native
506 American heritage and compliance with the Indian
507 Child Welfare Act (ICWA), if applicable.
508 (c) Proof of IV-E eligibility, if applicable.
509 (d) Child's health history and family health history. To
510 generate the health report in SAFE, go to the Person
511 Health window. On the menu bar, click on "File" and
512 select "Print Health Data Report". Then check the
513 box by "Current Health Report" and by "Historical
514 Health Report". SAFE will print the complete report
515 when the "Print" button is checked.
- 516 (6) The Utah caseworker will complete the medical/financial
517 plan document found in SAFE. The Financial/Medical Plan
518 should include the adoption subsidy outline and ICAMA.
- 519 (7) The Utah caseworker will prepare a cover letter telling the
520 other state:
521 (a) Contact information: name, address, phone, fax,
522 email.
523 (b) Reason for ICPC request.
524 (c) Why the child entered care in Utah and a brief
525 summary of the medical, psychological, and
526 educational needs of the child, specifically highlighting
527 the child's special needs.
528 (d) Whether or not the child is IV-E eligible.
529 (e) Financial responsibility will be Utah's through
530 Adoption Assistance.

-
- 531 (f) Anything else that is pertinent to the successful
532 placement of the child.
- 533 (g) ICPC Request Cover Letter/Case Manager Statement
534 (see SAFE Form 6 under ICPC).
- 535 (8) The Utah caseworker will make three complete copies of the
536 ICPC packet.
- 537 (9) The Utah caseworker will fill out Form 100A in its entirety,
538 including all required signatures for each child. Form 100A
539 can be found in SAFE. Five copies will be required.
- 540 (10) The Utah caseworker will submit the complete ICPC packet
541 with cover letter and form 100A to the Utah ICPC compact
542 administrator for processing and delivery to the RS ICPC
543 compact administrator.
- 544 (11) The Utah ICPC transmittal will request a response from the
545 RS ICPC upon receipt and ask to be notified if there is any
546 missing information.
- 547 (12) Most states will follow-up with the Utah ICPC compact
548 administrator within two weeks to determine if the packet is
549 complete and/or if further information is needed.
- 550 (13) Utah's ICPC compact administrator will check the status of
551 ICPC request if there is no response from the RS after a
552 two-week time period.
- 553 (14) The Utah ICPC compact administrator will notify the
554 caseworker of the RS' decision to approve or deny the
555 placement.
- 556 n. If placement is denied, the child cannot be placed.
- 557 o. If placement is approved:
- 558 (1) The Utah caseworker will confirm with the Utah ICPC
559 compact administrator that the process for the ICAMA has
560 been completed by the RS to ensure receipt of Medicaid for
561 the child, if appropriate.
- 562 (2) The Utah caseworker will confirm with the prospective
563 adoptive family that they understand the financial and
564 medical plan and resources/supports, which may include IV-
565 E or state-funded Adoption Assistance or foster care
566 payments, Medicaid, and/or private insurance.
- 567 (3) The Utah caseworker will communicate with the prospective
568 adoptive family to ensure all special
569 medical/educational/psychological services are in place.
- 570 (4) The Utah caseworker will establish with the prospective
571 adoptive family how visits and other transition plans will be
572 carried out to maximize the child's adjustment to his/her new
573 family and environment.

- 574 (5) The Utah caseworker will arrange with prospective adoptive
575 parents how and when they will review the child's case file
576 and sign the Disclosure of Information form, sign the
577 Adoption Placement Agreement, and review and sign the
578 Adoption Assistance Agreement.
- 579 p. Placing the child with the family:
- 580 (1) The Utah caseworker will submit the completed Form 100B
581 to the Utah ICPC compact administrator to notify the RS
582 ICPC compact administrator of the child's placement and to
583 initiate supervision services.
- 584 (2) The RS ICPC compact administrator will arrange for the RS
585 caseworker to supervise the placement and submit the
586 agreed upon reports.
- 587 (3) The Utah caseworker will communicate with the RS
588 caseworker regarding required documentation about the
589 child and family adjustment, the child's safety, progress
590 regarding health, mental health education, and other
591 services as needed to satisfy Utah. ICPC requires monthly
592 in-home visits and quarterly reports.
- 593 (4) The Utah caseworker will follow-up with the RS supervising
594 agency, as needed, to ensure that required ongoing
595 supports and services are appropriate and will be available
596 after finalization.
- 597 (5) The Utah caseworker is responsible to provide information
598 and technical assistance to the prospective adoptive family
599 and the RS caseworker, as needed, to ensure that
600 finalization occurs properly and expeditiously.
- 601 (6) At the time the adoptive family finalizes the adoption, the
602 Utah caseworker will send form 100B, which will be
603 forwarded to the RS ICPC Compact Administrator
604 terminating the ICPC case. The Final Adoption Decree is
605 required to close the ICPC case, thus the Utah caseworker
606 will send a copy, upon receipt, to the Utah ICPC Compact
607 Administrator.

- 608
- 609 **L[K]**. Exploring an out-of-state adoptive placement:
- 610 1. The caseworker must submit the ICPC packet to the State Office. All
611 requirements for the ICPC packet are available in SAFE in the ICPC
612 document file named "The Seven Steps to ICPC".
- 613 2. Copy of the signed court orders, ordering Termination of Parental Rights
614 or Parental Relinquishments must be included.
- 615 3. Any other requirements as expected/required by the RS. These
616 requirements will need to be reviewed on a case-by-case basis as each
617 state has its own adoption laws. It will be beneficial to all team members if

- 618 as much information as possible is obtained prior to the ICPC request
619 being made.
- 620 4. In most cases, if parental rights to a child have been terminated, Utah
621 recommends that the ICPC request be for a foster home study and
622 licensure of the proposed caretakers prior to the adoption request. Once
623 the family has become licensed a new 100A request for the adoption must
624 be submitted. (Note: This will allow any financial or medical issues, such
625 as IV-E eligibility, to be addressed prior to the finalization). Other
626 financial/medical options include TANF for relative support (such as Utah's
627 specified relative grant) or an upfront adoption subsidy (if approved by
628 committee.)
- 629 5. See the adoptions checklist to ensure that all necessary documentation is
630 included, specifically the non-identifying background on biological parents,
631 ICWA statement, and a Termination of Parental Rights signed by the
632 judge.
- 633
- 634 **MLE.** Deciding to make the out-of-state placement:
- 635 1. The RS will provide Utah with the results of the home study and
636 background screening(s) and will indicate whether or not the placement is
637 recommended. The approved designated ICPC person will review the
638 home study and assess that all Utah requirements have been met. If
639 there are questions or concerns regarding the approval, the Utah
640 caseworker must have approval from the supervisor and the region
641 director prior to placement being made.
- 642 2. The Utah caseworker is responsible for reviewing the home study and any
643 recommendations made by the RS as well as concerns or
644 recommendations from the Utah compact administrator to determine if the
645 placement is in the best interests of the child. The Utah caseworker has
646 six months to make the placement in the approved ICPC home as the
647 home study expires after six months if placement is not made. If the Utah
648 caseworker still wants to consider the proposed placement after six
649 months, a new ICPC request is required.
- 650 3. According to the Safe and Timely Act, the Utah caseworker has 14 days to
651 decide if the placement is in the best interest of the child after receiving
652 the completed home study and approval from the RS. The Utah
653 caseworker will submit an intent to use the placement to the designated
654 ICPC person within the 14-day timeframe.
- 655 4. Form 100B in SAFE must be completed and submitted through the
656 regional ICPC coordinator when the decision is made to place the child
657 out of state and to request supervision of the child by the RS. This form
658 serves as notification to the RS of the action being taken to place the child
659 and must be submitted at the time of placement. If this form is not
660 submitted, courtesy supervision will not take place in the RS and it may be
661 considered an illegal placement. **If UT ICPC is notified by receiving state**

ICPC that a child has been placed in violation of the ICPC, the UT Local and ICPC Region Coordinator will be notified that an ICPC must be submitted immediately to bring the case into compliance. If this is not done in a timely manner, an email request with a violation letter will be sent to the worker, supervisor, region coordinator, AG (if ordered by a judge), and region director.

5. If a decision is made not to place the child in a state after making a request for a home study, or after receiving the home study and approval from another state, the Utah caseworker must submit form 100B from SAFE to the regional ICPC coordinator to close the ICPC case.
6. Utah will retain jurisdiction over the child for a sufficient duration, generally about six months, to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in a placement in Utah. Termination of jurisdiction can be done only with concurrence of the appropriate authority in the RS. (See state law on Retention of Jurisdiction for full details.)

NIM. Health Care Coverage/Medicaid:

1. Availability of Medicaid coverage for a child that is placed out of state is contingent upon a child's Title IV-E eligibility status.
 - a. If a child is Title IV-E eligible and reimbursable and Utah is making a foster care payment to the out-of-state provider, the state in which the child is placed will issue a Medicaid card. The Utah caseworker will request this Medicaid in the cover letter and in the Financial/Medical Plan.
 - b. If a child is not Title IV-E eligible and reimbursable, Utah is responsible for the child's health care coverage. If Utah is making a foster care payment to the out-of-state provider, then Utah Medicaid can remain open. An out-of-state health care provider has the option to enroll as a Utah Medicaid provider, if a willing provider can be located. If the child's health care needs cannot be met with Utah Medicaid, the Utah caseworker may work with the Fostering Healthy Children nurse to explore coordinating with an out-of-state health provider to bill for health care using the MI706 process.
 - c. The Utah caseworker will talk with the regional eligibility worker about questions concerning Title IV-E or Medicaid eligibility for a child being placed out of state.
 - d. If the intent is for the kinship/relative placement to obtain TANF or a specified relative grant, it is the Utah caseworker's responsibility to provide copies of the court order pertaining to the placement of the child with this kin, a copy of the child's birth certificate, Social Security Number, and any other documents as required by the other state. In some cases, Medicaid is attached when TANF is

706 approved for kinship placement. The Utah caseworker may want to
707 check with the RS' Medicaid eligibility office to make this
708 determination.
709 e. If the permanency goal is adoption, the placement may qualify for
710 an adoption subsidy. If placement is made and a subsidy is paid to
711 the placement, the child may qualify for ICAMA.
712

713 **Q[N].** Courtesy Caseworker Visitation and Reporting: When Utah has decided to place
714 a child after approval and review, the Utah caseworker will need to arrange for
715 supervision by the RS by submitting form 100B to the appropriate region ICPC
716 coordinator. If form 100B is not submitted, courtesy supervision will not be
717 provided by the RS and will not take place.

- 718 1. Utah will request that the RS make monthly face-to-face visits with the
719 child and send a written report of the contact to Utah on a quarterly basis.
720 (See Purposeful Visits Practice Guidelines, [Section 302.2](#).)
- 721 2. When submitting form 100B, the Utah caseworker will include any
722 visitation plans or limitations as it pertains to the biological parents or other
723 parties that the placement will be expected to adhere to. The Utah
724 caseworker will also provide court orders with any specific orders in
725 regards to this, if appropriate.
- 726 3. The Utah caseworker will talk with the child (if verbal) and out-of-state
727 provider by phone on a monthly basis, in accordance with Purposeful
728 Visitation Practice Guidelines, [Section 302.2](#).
- 729 4. The Utah caseworker will invite the courtesy supervision worker to
730 participate in any Child and Family Team meetings by phone and provide
731 a copy of the Child and Family Plan so that the courtesy supervision
732 worker is aware of the permanency goals and expectations. When
733 changes are made to the plan or when a new plan is developed, a copy
734 should be sent to the courtesy supervision worker.
- 735 5. Utah has both the authority and the responsibility to determine all matters
736 in relation to the custody, supervision, care, treatment, and disposition of
737 the child, the same as if the child had remained in a placement in the state
738 of Utah.
739

740 **703.2 Child In Custody Of Another State To Be Placed In Utah –** 741 **Interstate Placement**

- 742
- 743 A. Before a child from another state may be placed in Utah, the sending state must
744 complete the ICPC requirements and request a study be done on a proposed
745 placement. The home will be assessed for safety and suitability by a designated
746 Utah caseworker. This request is made by the sending state's ICPC compact
747 administrator and must come through the Utah ICPC compact administrator for
748 assignment. A child from another state may be placed in a foster family, with a

- 749 parent, or in a kinship placement that has been approved for placement through
750 a home study and criminal background screening completed by Child and Family
751 Services. A child may also be placed in a licensed residential treatment center or
752 group home; in this case a home study may not be required.
753
- 754 B. Multiple Home Studies Request. A Multiple Home Studies Request is defined as
755 an ICPC request received from another state for a home study on two or more
756 different proposed placements for the same child. When a Multiple Home Study
757 Request is sent from another state, the Utah ICPC office will review and screen
758 them in the order they are received and identify any problems that may need to
759 be addressed before case assignment. The assigned region will complete home
760 studies on the proposed placements and include a copy of the child-specific
761 home study form (SAFE KBS10), including the background results and all
762 recommendations and conditions of placement. The region will submit the
763 completed home study and supporting documents to the ICPC region coordinator
764 or directly to the ICPC office.
765
- 766 C. Timeframe for home study. A home study requested by a sending state (both
767 licensing and kinship) should be completed and provided within 60 days of the
768 date on the Utah ICPC transmittal. If the report cannot be completed within this
769 timeframe, the Utah caseworker will notify the Utah ICPC compact administrator.
770 The home study will be sent to the region ICPC coordinator who will forward to
771 the Utah ICPC compact administrator, who will then forward it to the sending
772 state.
- 773 1. Utah cannot grant final approval for the placement until the results of the
774 background screening(s) has been completed and the results have been
775 approved.
 - 776 2. If the proposed caregiver has not responded within 60 days, the Utah
777 caseworker will contact the region ICPC coordinator or ICPC compact
778 administrator to staff case closure. If it is determined that the case will be
779 closed, the Utah caseworker will send a report documenting the attempts
780 to contact. This can be submitted through email or other correspondence.
781
- 782 D. Provider requirements when considering placing a child inside of Utah: The
783 sending state will specify what type of home study they are requesting be
784 completed by the Utah caseworker (the home study type will be indicated on the
785 100A and ICPC transmittal). The Utah caseworker will follow all Utah kinship
786 requirements when conducting the home study. The home study will be
787 completed using the required form SAFE KBS10.
- 788 1. Requirements for a Parent Home Study request:
 - 789 a. The parent must pass criminal and child abuse registry checks in
790 the state of Utah. Fingerprinting may be necessary if concerns are
791 found during the local checks.

- 792 b. The parent is responsible for meeting the financial and medical
793 needs of the child. The parent does have the option of applying for
794 TANF.
- 795 c. Custody of the child cannot be given to the parent until Utah gives
796 concurrence to the sending state.
- 797 d. The Child and Family Services caseworker is responsible upon
798 completion of the requested home study to submit all documents to
799 the region ICPC coordinator. The region ICPC coordinator will
800 forward these to the Utah ICPC compact administrator.
- 801 e. Include a copy of the child-specific home study form (SAFE
802 KBS10), which includes the background results and all
803 recommendations and conditions of placement.
- 804 2. Requirement for a Relative Home request: The relative, and all persons
805 18 years and older residing in the home, must pass the Preliminary
806 Placement Background Screening and the UCJIS, and must meet all
807 Adam Walsh Requirements:
- 808 a. UCJIS is searched to determine if the applicant has criminal
809 convictions or patterns of arrests or convictions within Utah that
810 indicate a likely threat of harm to a child.
- 811 b. The relative must pass a Completed Background Screening –
812 Fingerprint Based Check:
- 813 (1) Fingerprint based FBI national criminal history records are
814 checked to determine if the applicant has criminal
815 convictions or patterns of convictions that indicate a likely
816 threat of harm to a child.
- 817 c. The relative and all adults 18 years of age and older living in the
818 home of the relative must pass the Preliminary Placement
819 Background Screening – Utah Child Abuse Registry (SAFE): The
820 Child Abuse Registry is searched for the following:
- 821 (1) To determine if the applicant has findings of a severe type of
822 child abuse or neglect, or if there are other child welfare or
823 domestic violence case histories that show patterns of
824 behavior that may pose a threat of harm to a child.
- 825 (2) To determine if the applicant has findings of adult abuse.
- 826 d. Any other requirements as requested by the sending state.
- 827 e. If the sending state requests a kinship home study without a foster
828 care license, the report can be completed and submitted to the
829 sending state; however, the Utah caseworker completing the home
830 study should indicate in the report to the sending state that this
831 family would not qualify for a Utah foster care maintenance
832 payment based on Utah policies and would not qualify for foster
833 care Medicaid in Utah. If the sending state is going to pay a foster
834 care maintenance payment to the kin, the home must meet
835 licensing requirements. (Note: If the family will be seeking a

- 836 specified relative grant under TANF, the child may qualify for
837 Medicaid under that program.)
- 838 f. Under ICPC law the sending state retains legal and financial
839 responsibility for the child; however, the relative can apply for TANF
840 to help with financial and medical needs of the child.
- 841 g. The Utah caseworker is responsible, upon completion of the
842 requested home study, to submit all documents to the region ICPC
843 coordinator. The region ICPC coordinator will forward these to the
844 Utah ICPC compact administrator.
- 845 h. The Utah caseworker will include a copy of the home study along
846 with the child-specific home study form (SAFE KBS10), the
847 background results and all recommendations, conditions of
848 placement, and indication that the Adam Walsh requirements were
849 met.
- 850 3. Requirement for a Foster Care Home Study/licensure request:
- 851 a. A home study for a family home that is going to be licensed as a
852 foster parent must meet the requirements of the Office of Licensing.
853 A probationary license can satisfy this requirement if training is still
854 pending for the family before a full licensure can be granted.
- 855 b. If a Foster Care Home Study is being requested, the Utah ICPC
856 compact administrator will verify if the sending state is planning to
857 make a Title IV-E foster care payment to the family for the child.
858 The family must be licensed for foster care by the Office of
859 Licensing if a Title IV-E foster care payment is planned. There may
860 be cases when a child is not IV-E eligible, but the family may be
861 licensed and receive a foster care payment from the sending state,
862 and the child will not qualify for Utah foster care Medicaid. The
863 sending state will be responsible for all medical needs of the child.
864 If there is no response from the proposed caregiver to the Office of
865 Licensing within 60 days, the request should be denied.
- 866 c. The potential foster parent and all adults 18 years of age and older
867 living in the home of the foster parent must pass the Adam Walsh
868 requirements including a full background screening and a Finger
869 Print Based criminal background check.
- 870 d. Review of Child Abuse Registry (SAFE), including any requests
871 that need to be made to other states if they have not resided in the
872 same state for five years.
- 873 e. The Utah caseworker will need to provide written documentation
874 that the Adam Walsh requirements have been met. This
875 documentation is generally found in the home study.
- 876 f. The Utah caseworker is responsible, upon completion of the
877 requested home study, to submit all documents to the region ICPC
878 coordinator. The region ICPC coordinator will forward these to the
879 Utah ICPC compact administrator.

- 880 4. Requirements of Adoption Home Study Request:
881 a. Copy of the signed court orders ordering the termination of parental
882 rights or parental relinquishments.
883 b. Any other requirements as requested by the sending state. These
884 requirements will need to be reviewed on a case-by-case basis as
885 each state has its own adoption laws.
886 c. If a foster home study has been completed, this study will fulfill the
887 requirement for an adoption home study. If a foster home study
888 has not been completed, an adoption home study will need to be
889 done.
890 d. The Utah caseworker will review the adoption placement with the
891 region adoption committee; provide documentation of the results of
892 that review. This review will include consideration of the adoption
893 subsidy that will be provided by the sending state, as well as if the
894 child will be eligible for ICAMA.
895 e. The Utah caseworker is responsible, upon completion of the
896 requested home study, to submit all documents to the region ICPC
897 coordinator. The region ICPC coordinator will forward these to the
898 Utah ICPC compact administrator.
899
- 900 E. Courtesy supervision provided to children from other state.
901 1. Practice Model Applicability. A Utah caseworker designated as a courtesy
902 caseworker for a foster child placed in Utah from another state should
903 follow basic Practice Model Principles and requirements to support the
904 child's safety, permanency, and well-being goals. The sending state will
905 provide a copy of the case plan and assessment information. The Utah
906 caseworker should work with the child and foster family to develop a Child
907 and Family Team to support the placement and coordinate with the
908 sending state. The Child and Family Team will address the need for
909 respite care and other services and supports necessary to provide for the
910 child's safety and well-being and to help the child achieve timely
911 permanency.
912 2. Utah cannot provide courtesy supervision for children who have been
913 placed in an ICPC approved home unless the sending state has provided
914 form 100B, confirming that placement has been made. Form 100B will be
915 sent from the Utah ICPC compact administrator to the region ICPC
916 coordinator and assigned as determined by the region.
917 3. If UT Local is made aware that a child is placed in Utah without approval,
918 they will notify UT ICPC ASAP. UT ICPC will then send notification to
919 Sending State ICPC that the child has been placed in violation and
920 request that an ICPC be sent immediately to bring the case into
921 compliance. If this is not received in a timely manner UT ICPC will notify
922 UT DCFS Director, who will then notify Sending State's DCFS Director to
923 obtain compliance. If the placement poses a threat/risk to the child, UT

- 924 Local will notify UT ICPC who will notify Sending State's ICPC that the
925 child needs to be returned.
- 926
- 927 F. Caseworker visitation and reporting: Face-to-face visits will be provided monthly,
928 beginning no later than 30 days from the date on which the child is placed, or 30
929 days from the date on which the receiving state is notified of the child's
930 placement, if notification occurs after placement. A written report will be provided
931 on a quarterly basis (refer to Purposeful Visitation Practice Guidelines [Section](#)
932 [302.2](#)). These reports will be sent to the Utah ICPC to be forwarded to the
933 sending state. The Utah caseworker will submit a copy of the quarterly report to
934 the region ICPC coordinator, who will forward it to the Utah ICPC compact
935 administrator. The Utah caseworker may also provide a copy to the sending
936 state's local worker. It is important that all correspondence be routed through
937 ICPC compact administrators. At a minimum, such reports will include the
938 following (as outlined in ICPC Regulation 11):
- 939 1. Date and location of each face-to-face contact with the child since the last
940 supervision report was completed.
 - 941 2. A summary of the child's current circumstances, including a statement
942 regarding the ongoing safety and well-being of the child.
 - 943 3. If the child is attending school, a summary of the child's academic
944 performance along with copies of any available report cards, education-
945 related evaluations, or Individual Education Program (IEP) documents.
 - 946 4. A summary of the child's current health status, including mental health, the
947 dates of any health-related appointments that have occurred since the last
948 supervision report was completed, the identity of any health providers
949 seen, and copies of any available health-related evaluations, reports, or
950 other pertinent records.
 - 951 5. An assessment of the current placement and caregivers (e.g., physical
952 condition of the home, caregiver's commitment to child, current status of
953 caregiver and family, any changes in family composition, health, financial
954 situation, work, legal involvement, social relationships, child care
955 arrangements).
 - 956 6. A description of any unmet needs and any recommendations for meeting
957 identified needs.
 - 958 7. If applicable, the supervising caseworker's recommendation regarding
959 continuation of the placement, return of legal custody to a parent or
960 parents with whom the child is residing and termination of the sending
961 state's jurisdiction, finalization of adoption by the child's current
962 caregivers, or the granting of legal guardianship to the child's current
963 caregivers.
- 964
- 965 G. The receiving state will respond to any report of abuse or neglect of a child
966 placed in the receiving state on an approved ICPC placement and will respond in

- 967 the same manner as it would to a report of abuse or neglect of any other child
968 residing in the receiving state.
- 969 1. If the receiving state determines that a child must be removed from his or
970 her home in order to be safe, and it is not possible for the child placing
971 agency in the sending state to move the child at the time that the receiving
972 state makes this determination, the receiving state will place the child in a
973 safe and appropriate setting in the receiving state. The receiving state will
974 promptly notify the sending state if a child is moved to another home or
975 other substitute care facility.
- 976 2. The receiving state will notify the central compact office in the sending
977 state of any report of child abuse or neglect of a child placed in the
978 receiving state on an approved ICPC placement, regardless of whether or
979 not the report is substantiated. Notification of the central compact office in
980 the sending state will occur as soon as possible after such a report is
981 received.
- 982 3. It is the responsibility of the public child placing agency in the sending
983 state to take action to ensure the ongoing safety of a child placed in a
984 receiving state, including return of the child to the sending state as soon
985 as possible when return is requested by the receiving state.
- 986 4. It is the responsibility of the public child placing agency in the sending
987 state to take timely action to relieve the receiving state of any financial
988 burden the receiving state has incurred as a result of placing a child into
989 substitute care after removing the child from an unsafe home in which the
990 child was previously placed by the public child placing agency in the
991 sending state.
- 992
- 993 H. The sending state is required by ICPC guidelines to maintain jurisdiction
994 throughout the time the child is in the approved placement. Generally,
995 supervision services will last four to six months but may be longer depending on
996 the permanency goals of child. During this time, the sending state is responsible
997 for the legal and financial support of the child. The sending agency has the both
998 the authority and the responsibility to determine all matters in relationship to the
999 "custody, supervision, care, treatment, and disposition of the child", just as the
1000 sending agency would have "if the child had remained in the sending agency
1001 state." (APHSa Guide to the Interstate Compact for Placement of Children.)
- 1002 1. Utah must provide courtesy supervision until the sending state's
1003 jurisdiction terminates. The sending state must have the agreement of
1004 Utah in order to close the ICPC case. Courtesy supervision ends when
1005 the child is returned to the sending state, the adoption finalizes, or
1006 permanent custody/guardianship is given to a relative or parent. In some
1007 cases the sending state may obtain court jurisdiction (PSS) when
1008 temporary custody and guardianship of the child is given to a relative or
1009 parent. In such instances, the case will remain open until the sending
1010 state's jurisdiction terminates.

- 1011 2. The Utah caseworker can recommend that the case be closed when it is
1012 felt that the family is stable and is no longer in need of supervision
1013 services. This can be done by submitting a written report to the region
1014 ICPC coordinator.
- 1015 3. The Utah caseworker will adhere to the case plan provided by the sending
1016 state as it pertains to the needs of the child. This may include visitation,
1017 obtaining counseling, school enrollment, and other resources as outlined
1018 in the plan.
- 1019
- 1020 I. Medicaid Eligibility for ICPC and ICAMA Pertaining to Residential Treatment
1021 Placements: The following Practice Guidelines apply for children entering Utah
1022 through ICPC or ICAMA for placements in residential programs, even if the child
1023 has been determined IV-E eligible in the originating state.
- 1024 1. Psychiatric Residential Treatment Facility (PRTF).
- 1025 a. PRTF is a specific category of institution for mental disease under
1026 Medicaid for children under the age of 21 years. The Utah
1027 Medicaid State Plan does not pay for PRTF as a covered service.
- 1028 b. A PRTF must be certified by the state where it is located in order to
1029 qualify to receive Medicaid payments for PRTF services from any
1030 state. The Utah Department of Health certifies PRTFs located in
1031 Utah to enable those programs to serve children from other states
1032 that pay for PRTF services under their Medicaid State Plans.
1033 PRTFs must also complete a process to certify and enroll as a
1034 Medicaid provider with each specific state that will be paying for
1035 PRTF services under that State's Medicaid Plan.
- 1036 c. The Department of Human Services (DHS) does not have any
1037 responsibility pertaining to provider certification and enrollment
1038 processes for PRTFs in Utah.
- 1039 d. Children placed in a PRTF in Utah do not qualify for Utah Medicaid
1040 and will not have any of the costs for services provided by the
1041 PRTF or any medical, dental, pharmacy, or mental health services
1042 provided outside of the PRTF funded by Utah Medicaid. Utah
1043 Medicaid will not be opened for those children, even if determined
1044 IV-E eligible by the sending state.
- 1045 e. If the sending state's Medicaid State Plan covers PRTFs and has
1046 completed the necessary certification and enrollment for the
1047 specific Utah PRTF that the child will be placed in, that state could
1048 place children in these facilities through ICPC and ICAMA and
1049 cover the service through their Medicaid State Plan. The child must
1050 continue Medicaid eligibility coverage in the sending state.
- 1051 f. For a list of Utah certified PRTFs, contact the ICPC Compact
1052 Administrator.
- 1053 2. Residential Treatment Facility. Beginning July 1, 2010, the Centers for
1054 Medicare and Medicaid Services (CMS), the Federal Medicaid agency, is

- 1055 requiring Utah to implement some key corrective action requirements
1056 pertaining to residential treatment facilities, which may impact children
1057 placed in Utah through ICPC and ICAMA. These changes will also impact
1058 children from Utah being placed in other states.
- 1059 a. Limitation on Facility Size/Configuration.
- 1060 (1) Children placed in residential treatment facilities that are
1061 licensed for 17 or more beds will not qualify for any Medicaid
1062 funding while residing in those facilities and will not qualify to
1063 have any of the costs for services provided by the residential
1064 treatment facility or any medical, dental, pharmacy, or
1065 mental health services provided outside of the facility funded
1066 by Utah Medicaid. This means that any children placed in
1067 these facilities will not be eligible for Utah Medicaid, even if
1068 determined IV-E eligible by the sending state.
- 1069 (2) Children placed in residential treatment facilities licensed for
1070 16 or fewer beds, but that are part of a campus for which the
1071 total number of beds on the campus is 17 or more, are
1072 subject to the limitations listed in (1) above.
- 1073 b. Reduction in Medicaid Coverage.
- 1074 (1) Medicaid will no longer pay for mental health services in
1075 residential treatment services as part of a bundled daily rate.
1076 Residential treatment facilities will be required to bill
1077 Medicaid directly for discrete mental health treatment
1078 services.
- 1079 (2) Medicaid will no longer pay for the therapeutic supervision
1080 component of residential treatment services, which has been
1081 a large component of the payment under the bundled daily
1082 rate. Supervision costs will be the responsibility of the
1083 sending state or adoptive parents as part of maintenance
1084 cost (room and board).
- 1085 3. Utah ICPC Staff Responsibilities.
- 1086 a. ICPC staff will check facility status when a sending state is
1087 requesting placement of a child in a residential treatment program
1088 in Utah through the Office of Licensing website, SAFE, and/or other
1089 facility lists as available.
- 1090 b. If a facility is a PRTF or a residential treatment program that does
1091 not qualify a child to receive Utah Medicaid, the sending state will
1092 be notified.
- 1093 c. ICPC staff will only refer children being placed in residential care
1094 from other states for Medicaid eligibility if the facility is licensed for
1095 16 or fewer beds and is not part of a campus program.
- 1096 d. The Revenue Team will provide ICPC staff with resources and
1097 technical assistance to be able to identify if a facility qualifies for
1098 Medicaid coverage in Utah.