

# INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

## *Bench Card*

### **PURPOSE**

To meet the needs of children for safe and appropriate placements outside the state of Idaho and to facilitate cooperation between Idaho and other states to improve services and protection for children in need of placement.

### **WHEN**

1. The consent of the court must be obtained whenever the IDHW makes a decision to place a child out of state.<sup>1</sup>
2. The ICPC applies when the child is in the custody of the IDHW, the IDHW seeks to place the child out of state, and:
  - a. is being placed with a parent or relative; OR
  - b. is entering foster care or a placement for the purpose of adoption; OR
  - c. is being placed in a group home and/or residential facility.<sup>2</sup>

### **JURISDICTION**

Idaho courts must retain jurisdiction sufficient 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 Idaho. The court's jurisdiction continues until the child reaches the age of majority or until the child is discharged with the concurrence of the appropriate authority in the receiving state.<sup>3</sup>

### **ICPC REQUIREMENTS**

1. The IDHW must provide written notice to the receiving state of its intent to send, bring or place the child in the receiving state.<sup>4</sup>
2. The IDHW must respond to any requests from the receiving state for additional information supporting the out-of-state placement of the child.<sup>5</sup>
3. The IDHW must receive notification in writing by the appropriate public agency in the receiving state that the proposed placement does not appear to be contrary to the interests of the child prior to sending the child to the receiving state.<sup>6</sup>

### **PRIORITY PLACEMENTS**

A party or the court on its own motion may request that the Court enter an order for priority placement under the ICPC. To be valid, the order for priority placement must contain findings that placement is with a close relative AND

1. an unexpected dependency due to a sudden incarceration, incapacitation, or death of a parent or guardian; OR
2. one child in the sibling group is under age 5; OR
3. the child is in an emergency placement; OR
4. the court finds the child has a substantial relationship with the proposed placement.<sup>7</sup>

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If an appropriate order is entered and processed and the receiving state does not respond within twenty (20) business days of receipt of the request, the Idaho court may inform an appropriate court in the receiving state, provide the court with copies of relevant documentation in the case, and request assistance.<sup>8</sup>

When the court orders a priority placement under Regulation 7, a specific order and supporting affidavit is required. For more information, please see the Idaho Supreme Court website at: <http://www.isc.idaho.gov/child-protection/law>

### **ADDITIONAL CONSIDERATIONS**

1. To ensure stability for the child, the court should monitor whether there is a possibility of an out-of-state placement and status of placement options for the child as early in the case as possible.
2. ICPC placements are often invoked so children may be placed with relatives. Courts should be especially conscious of the possibility of out-of-state placement with kin.

### **ENDNOTES**

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<sup>1</sup> IC §16-1629(8).

<sup>2</sup> IC §16-2102.

<sup>3</sup> IC §16-2102 Art. 5.

<sup>4</sup> IC §16-2102 Art. 3(b).

<sup>5</sup> IC §16-2102 Art. 3(c).

<sup>6</sup> IC §16-2102 Art. 3(d).

<sup>7</sup> ICPC Reg. No. 7.

<sup>8</sup> ICPC Reg. No. 7.