

From: Scott Corcoran [scott@afamilyforeverychild.org]
Sent: Thursday, July 18, 2013 4:28 PM
To: scott@afamilyforeverychild.org
Subject: Interstate Adoptions
Attachments: Receiving State ICPC Checklist.pdf



Dear ,

Interstate adoptions are affected by two agreements between the "sending" and "receiving" states.

Children's and parent's adoption workers, agencies, or attorneys will generally prepare the necessary paperwork, but placing and adopting parents should be aware of the Compacts, their provisions, and whether one or both apply.

If a child is born in one state, commonly known as the "sending state" and the adoptive family lives in another state, called the "receiving state", the adoption placement must be approved by the **ICPC**, the Interstate Compact for the Placement of Children. All states are members of the ICPC.

For the purposes of an adoption, it is illegal to move a child across state lines without meeting the requirements of the ICPC.

The documentation submitted to the ICPC for approval includes the adoptive parents home study, the child's birth information and other health information, biological information on the birth parents, and relinquishment or termination documentation from the birth parents.

Documentation for the child and the adopting parents will be forwarded to the ICPC office in the sending state which will forward the documents to the ICPC office in the receiving state. The ICPC offices review the documentations to verify that their state laws have been complied with.

Once approval is has been made, the child can be placed with the adopting family who are from another state. It is not required, but recommended to hire an adoption professional such as adoption attorney or agency to assist with the ICPC procedures.

Interstate adoptions are affected by two agreements between the "sending" and "receiving" states. These agreements carry the force of law:

- The **Interstate Compact on Adoption and Medical Assistance (ICAMA)**, and
- The **Interstate Compact on the Placement of Children (ICPC)**.

Children's and parents' adoption workers, agencies, or attorneys will generally prepare the necessary paperwork, but placing and adopting parents should be aware of the Compacts, their provisions, and whether one or both apply. You will find a checklist that outlines the process the Receiving State goes through when a child will be placed in their state. Please keep in mind this is just a guideline, and the steps outlined can vary by state.

The Interstate Compact on the Placement of Children (ICPC) is an agreement among all 50 states, the District of Columbia, and the U.S. Virgin Islands, and is covered by legal statute in all states.

The Compact applies to placements of minor children made from one state to another by public and private agencies, the courts, independent placers (i.e., physicians and attorneys), and individuals. It is designed to:

- transition and monitor the child's placement;
- ensure agency services when a child is moved from one state to another for adoption, foster care, residential treatment, relative, or institutional care;
- ensure compliance with states' adoption laws;
- provide that children are returned to their original jurisdiction should the placement prove not to be in their best interest or should the need for out-of-state services cease.

ICPC Purpose

The purpose of the ICPC is to protect the child and the party states in the interstate placement of children so that:

- The child is placed in a suitable environment;
- The receiving state has the opportunity to assess that the proposed placement is not contrary to the interests of the child and that its applicable laws and policies have been followed before it approves the placement;
- The sending state obtains enough information to evaluate the proposed placement;
- The care of the child is promoted through appropriate jurisdictional arrangements; and
- The sending agency or individual guarantees the child legal and financial protection.

WHO SUPERVISES THE PLACEMENT AFTER A CHILD IS PLACED IN THE RECEIVING STATE?

The receiving state provides courtesy

In adoption, the purpose of the ICPC is to make sure that:

- the adoption laws of the "sending" and "receiving" states' are observed,
- the movement of children across state lines meets all legal requirements, and
- the children are protected at all times.

At the court finalization hearing, proof of compliance with the ICPC is required.

Rarely, exceptions may be granted; however, generally, failure to comply with the ICPC can have a range of consequences, including loss of license for a licensed agency.

The ICPC is not without faults and both placing and adopting parents should be aware that while, in most cases, compliance with the Compact will be a smooth process, in others it could get sticky. In the event the laws of the "sending" and "receiving" states are different regarding a specific requirement of the Compact, the wording of the Compact appears to give precedence to the laws of the "receiving" state. However, according to ["Reforming the ICPC"](#), from the Evan B. Donaldson Adoption Institute, the Compact Administrator supports giving equal weight to *both states'* laws. Adoption professionals working with placing and adopting parents will ultimately be the ones to approach the ICPC administrators for the two states in order to find a solution.

For more information on ICPC guidelines in a particular state, please visit the [AAICPC](#) site. On the right hand side, select the state you want from the drop down menu, and then "ICPC Processing" from the category drop down menu.

You may also check out [Oregon's ICPC guide](#) for more information. While this guide covers ICPC laws in Oregon, some of the same concepts may be applied to ICPCs in general. It is just a guide however, and you should contact your adoption worker for more detailed information.

Nora Sharp
Matching Assistance Coordinator
A Family for Every Child
nora.sharp@afamilyforeverychild.org

supervision of a child until the ICPC case is closed.

WHEN CAN AN ICPC CASE BE CLOSED?

An ICPC case can be closed only when a child is adopted, reaches age of majority, or becomes self-supporting or when the appropriate authorities in the sending state and receiving state concur that the ICPC case can be closed.

If you should have questions about these agreements, and how they could affect you and your family, please talk with your adoption worker or agency for more information.

Disclaimer: This information is not intended to serve as, or as a substitute for, legal advice.

