

REQUEST TO PLACE VIRGINIA YOUTH OUT OF COMMONWEALTH

The Code of Virginia governs the placement of Virginia youth by agencies and courts into out-of-state treatment foster care, residential treatment facilities, and institutions. In addition, the Code of Virginia requires agencies and courts placing youth out-of state to comply with Interstate Compact on the Placement of Children (ICPC) procedures and to obtain the consent of the Commissioner of the Virginia Department of Social Services prior to placing a youth out-of-state. (Code of Virginia, §63.2-1000, §63.2-1100 through §63.2-1105, §16.1-286A, and §22.1-218.1.) The procedures governing interstate placement of youth assure that:

- Appropriate care, treatment, and rehabilitation services do not exist in Virginia
- The proposed placement is in the child's best interests
- The sending agency assures that financial responsibility for the youth's care is maintained
- Related Virginia laws for placing youth out of the Commonwealth, and ICPC law when applicable*, have been followed
- No appropriate placement is available outside Virginia that is closer to the child's community

***Interstate Compact on the Placement of Children (ICPC) law requires that the appropriate authority in the receiving state be provided an opportunity to determine whether the proposed placement is or is not contrary to the interests of children. (Code of Virginia §63.2-1000, Article III.) ICPC law prohibits out- of- state placement to be made when the appropriate authority in the receiving state denies placement to be made. When ICPC law is applicable to the proposed placement and the appropriate authority in the receiving state denies placement to be made, the consent of the Commissioner of the Virginia Department of Social Services does not supercede the appropriate authority of the receiving state. (Code of Virginia §63.2-1000, Article III, d.)**

FACILITIES THAT REQUIRE COMMISSIONER'S APPROVAL

Out-of-state facilities and institutions that require the consent of the Commissioner include:

- Group Homes
- Residential treatment Centers
- Child-caring institutions
- Boarding schools*
- Maternity homes
- Hospitals and medical facilities*
- Independent Living Arrangements

*While out-of-state placement in these facilities requires Commissioner's consent, they are not subject to ICPC law. (Code of Virginia, §63.2-1000, Article II,d.)

PROCEDURES FOR PREPARING THE ICPC REQUEST PACKET

In order for Commissioner's consent to be granted, the following documents must be forwarded to the Virginia Interstate Placement Unit:

- Completed and signed Interstate Compact on the Placement of Children Placement Request Form 100-A (5 attached copies)

Forward the following documents in three (3) separate and complete packets:

- Cover letter providing:
 - Reason(s) approval for out of state placement is being requested and date placement is needed. Document efforts to place the child in-state.
 - How the placement will be funded. If funding will be provided by Comprehensive Services for At-Risk Children and Families (CSA) funds, indicate if the case was staffed and approved by FAPT/CPMT.
 - Reason for identifying the specific out-of-state facility as an appropriate resource for the child and assurances that the placement is in the child's best interests.
 - Request for verbal approval to place the child into the receiving state.
- Most current psychological, psychiatric (when indicated) and any other pertinent evaluations specific to the youth addressing his needs. (Ex.: social history, Individual Education Plan or educational evaluation, speech/language evaluation, etc.)
- Background/history regarding the child and prior placements (may be child's discharge summary from a facility, evaluation prepared by the facility, etc.)
- Explanation of the sending agency's transition plan for the child
- Documentation of the youth's most current physical examination
- Copies of custody and/or adjudication delinquent court order for the youth, if applicable. If the child is in local social services' custody, provide an explanation of the child's current situation and circumstances resulting in the child entering foster care. If the placement is requested as a result of a court hearing that adjudicated the youth a delinquent, provide a copy of the adjudication delinquent court order and court order indicating that the requirements of the *Code of Virginia*, 63.2-1000, Article VI, have been met.
- Documentation that the youth is Title IV-E eligible, if applicable and a Financial/Medical Plan for the youth.

NOTE: If the child is being placed by a local school division, the child's parent or legal guardian and the local school division's representative must sign the ICPC 100A Form as the sending person/agency.

Forward the completed ICPC packet to:

Deputy Compact Administrator
Virginia Department of Social Services
730 E. Broad Street
Richmond, VA 23219

TIMEFRAMES

In most cases, Interstate Compact Offices process ICPC request packets expeditiously - usually within a few days. When the cover letter indicates that verbal approval to place is being requested, the receiving state's Interstate administrator would notify the Virginia Interstate Office by telephone about their decision. The Virginia Interstate Unit Specialist would contact the sending agency's representative by telephone to inform about the decision to place the youth into the receiving state.

In an effort to help expedite the Interstate Compact process, ICPC request packets may be forwarded by overnight mail to the Virginia Interstate Office. If desired, you may enclose a prepared overnight mail envelope with the packet so that Virginia Interstate Staff may forward the packet to the receiving state's Interstate Office. To obtain instructions for preparing the overnight envelope, call a Virginia Interstate Support Technician at (804) 692-1274 or 692-1279.

CHILD PLACED

When the ICPC Form 100A is approved, the sending agency or person arranges the details for the youth's placement. The Virginia Interstate Specialist forwards a copy of the approved ICPC Form 100A to the agency that requested out-of-state placement. The sending agency or person would send three (3) copies of completed and signed ICPC Form 100-Bs (Interstate Compact Report on Child's Placement Status) to the Virginia Interstate Office indicating the name and address of the placement resource and actual placement date into the receiving state.

OUT OF STATE PLACEMENT DENIED

The youth shall not be placed out of state when the receiving state denies placement to be made (Code of Virginia, §63.2-1000, Article III (d)).

OUT OF STATE PLACEMENT PLANS WITHDRAWN

When the plan to place the youth is withdrawn prior to approval of the ICPC Request Form 100-A, forward (3 copies) of Form ICPC 100B to the Virginia Interstate Office.

INTERSTATE COMPACT TERMINATION

Upon the youth's discharge from the out- of-state facility and return to Virginia, forward completed and signed ICPC Form 100-B (3 copies) indicating the Compact termination date and reason.

ICPC Forms 100-A and 100-B: Forms are available at:

<http://www.dss.state.va.us/family/interstate.html> (click at "ICPC Forms and Applications) and at http://www.dss.state.va.us/family/interstate_form.html.

QUESTIONS

If you have questions about completing Interstate Compact forms and/or need assistance in determining whether the ICPC is applicable in a situation, call **(804) 692-1279 or 692-1274**. Ask to speak with an Interstate Specialist.