

DEPARTMENT OF HUMAN SERVICES

JUVENILE JUSTICE PROGRAMS

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(By authority conferred on the department of human services by Article VII of 1984 PA 114, MCL 3.711.)

R 400.10 Definitions.

Rule 1. (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(b) "Department" means the Michigan department of human services.

(c) "Foster Care", for purposes of these rules only and defined by Regulation Three of the Interstate Compact on the Placement of Children, means placement of a child which includes 24-hour a day care provided by the child's parent or parents by reason of a court-ordered placement or 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to the following:

(i) Placements in foster family homes.

(ii) Foster homes of relatives.

(iii) Group homes.

(iv) Emergency shelters.

(v) Residential facilities.

(vi) Child care institutions.

(vii) Pre-adoptive homes.

A child is in foster care regardless of any of the following:

(i) The foster care facility is licensed and payments are made by the state or local agency for the care of the child.

(ii) Whether adoption subsidy payments are being made prior to the finalization of an adoption.

(iii) Whether there is federal matching of any payments that are made.

(d) "Interstate Compact on the Placement of Children" or "ICPC" means the compact between states and parties pursuant to statute that ensures protection and services to children who are placed across state lines.

(e) "Parent" means a biological, adoptive parent, or legal guardian as determined by applicable state law and is responsible for the care, custody, and control of a child or upon whom there is legal duty for such care.

(f) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution, but does not include any institution caring for the mentally ill, mentally defective, or epileptic, or any institution primarily educational in character, and any hospital or other medical facility.

(g) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether

for placement with state or local public authorities or for placement with private agencies or persons.

(h) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency, or other entity that sends, brings, or causes to be sent or brought any child to another party state.

(i) "State compact administrator" means an officer in the department who is appointed by the executive head of each jurisdiction and who acts as general coordinator of activities under this compact in the officer's jurisdiction to carry out more effectively the terms and provisions of this compact.

History: 2015 AACS.

R 400.11 Implementation of processes; policy.

Rule 2. Procedures for the implementation of these rules as required by the ICPC shall be published in this state's ICPC policies and made available to the public.

History: 2015 AACS.

R 400.11a Scope and Purpose.

Rule 3. (1) The purpose of these rules is to provide, at the request of a sending agency, a home study and placement decision by a receiving state for the proposed placement of a child with a proposed caregiver who falls into either of the following categories of placement:

(a) For public adoption.

(b) Foster care and/or with parents or relatives.

(2) The ICPC regulations are promulgated by the Association of Administrators of the Interstate Compact on the Placement of Children by authority of the ICPC Compact.

History: 2015 AACS.

Editor's Note: An obvious error in R 400.11a was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2015 MR 8. The memorandum requesting the correction was published in *Michigan Register*, 2015 MR 9.

R 400.12 Applicability; authority of court; delegation.

Rule 4. (1) Placement decisions apply to cases involving children who are under the jurisdiction of a court for abuse or neglect as a result of action taken by a child welfare agency.

(2) The court may determine supervision, custody, and placement of the child or may delegate authority to the child welfare agency if the child is being considered for placement in another state.

History: 2015 AACS.

Editor's Note: An obvious error in R 400.12 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2015 MR 8. The memorandum requesting the correction was published in *Michigan Register*, 2015 MR 9.

R 400.13 ICPC placement protection status.

Rule 5. ICPC placement protection continues under either of the following conditions:

- (a) The child has not yet been placed and there is consideration of a placement resource.
- (b) When requesting a new home study on the current approved placement resource. This may include an upgrade from unlicensed relative to a licensed foster home or to adoption home placement category.

History: 2015 AACCS.

R 400.14 Child placed without ICPC approval; violation; receiving state options.

Rule 6. (1) When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the sending agency bearing full liability and responsibility for the safety of the child.

(2) The receiving state may request immediate removal of the child until the receiving state has made a decision under the ICPC.

(3) The receiving state may proceed, but is not required to proceed, with the home study/ICPC decision process as long as the child is placed in violation of the ICPC.

(4) The receiving state may choose to open the case for ICPC courtesy supervision.

History: 2015 AACCS.

R 400.15 Placements not subject to ICPC protection.

Rule 7. (1) ICPC protection does not apply under the following conditions:

(a) When the court places the child with a parent from whom the child was not removed, and the court does the following:

- (i) Has no evidence that the parent is unfit.
- (ii) Does not seek any evidence from the receiving state that the parent is either fit or unfit.
- (iii) Relinquishes jurisdiction over the child immediately upon placement with the parent. The receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

(b) When a sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed.

(2) The responsibility for credentials and quality of the courtesy check rests directly with the sending court/agency and the person or party in the receiving state who agrees to conduct the courtesy check without invoking the protection of the ICPC home study process.

(ii) The requirement in subrule (2) of this rule does not prohibit a sending state from requesting an ICPC.

History: 2015 AACS.

R 400.16 Returning child to sending agency; denial of placement.

Rule 8. (1) If the child is already residing in the receiving state with the proposed caregiver at the time the ICPC denies the placement, the receiving state compact administrator may request the sending agency to arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state.

(2) Alternative placement resource shall be approved by the receiving state before placement is made.

(3) Return of the child shall occur within 5 business days from the date of the notice for removal unless otherwise agreed upon between the sending agency and receiving state ICPC offices.

History: 2015 AACS.

R 400.17 Request to return child to sending agency; previously approved or alternative placement.

Rule 9. (1) Following approval and placement of the child, if the receiving state compact administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, the receiving state compact administrator may request the sending agency arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state.

(2) Alternative placement resource shall be approved by the receiving state before placement is made.

(3) Return of the child shall occur within five (5) business days from the date of notice for removal unless otherwise agreed upon between the sending agency and receiving state ICPC offices.

History: 2015 AACS.

R 400.18 Withdrawing request for request for removal.

Rule 10. The receiving state request for removal may be withdrawn if the sending agency arranges services to resolve the reason for the requested removal and the receiving and sending state compact administrators mutually agree to the plan.

History: 2015 AACS.