

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: Foster Care
Title: Out-Of-State Foster Care Placements
Number: 713 **Status:** *Approved*
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Approved: Signature on file

PURPOSE The purpose of this policy is to provide guidelines for processing Foster Care payments for a child or Non-Minor Dependent (NMD) placed out-of-state.

BACKGROUND When a child or NMD is a dependent of a court, the payment of public assistance is the responsibility of the state where jurisdiction has been established. This responsibility covers all dependent children or NMDs regardless of placement type. In order for payments to be approved, the child or NMD must meet the eligibility requirements of the state in which jurisdiction was established. The rates paid are those of the state in which the child resides using the host state rates.

Out-of-State foster care placements are governed by the Interstate Compact on the Placement of Children (ICPC), which provides a uniform application of financial responsibility for the support and maintenance of children in out-of-state foster care placements.

DEFINITIONS

Sending State
The state which sends or places any child or NMD in another member state. The sending state is also referred to as the placing state.

Receiving state
The state in which the child or NMD is placed. The receiving state is also referred to as the host state.

Placement
The arrangement for the care of a child or NMD in a foster home or in a child-caring agency or institution.

Orange County (OC) ICPC Coordinator
Children and Family Services (CFS) employee designated as the point of contact for all ICPC matters within CFS and other Compact Administrators.

**INTERSTATE
COMPACT ON
THE PLACEMENT
OF CHILDREN (ICPC)**

The ICPC is a uniform law enacted by all 50 states, the District of Columbia and the United States Virgin Islands to ensure equal protection and provision of services to foster care children that are placed across state lines. It establishes consistent procedures for the interstate placement of children and assigns responsibility for those involved in placing the child. The ICPC ensures children are placed in a safe and suitable foster care placement and receive the same protection and services as if they remained in their home state.

Under the terms of the ICPC, when a foster care child is placed out of state, the financial responsibility remains with the sending state which retains jurisdiction over the child.

The sending state retains jurisdiction over the eligible child or NMD with respect to all matters relative to the custody, supervision, care, treatment, and disposition which the sending state would have had, had the child remained in the sending state. The receiving state generally provides courtesy supervision and reports on the placement.

NOTE: All out-of-state placements must be approved through ICPC. Puerto Rico and Guam have not adopted ICPC.

**INTERSTATE PLACEMENT
SUBJECT TO ICPC**

The compact applies to the following situations in which a child or NMD may be placed in other states:

- Placement preliminary to an adoption
- Placement into Foster Care
 - Licensed Foster Family Homes (FFH)
 - Approved relative home
 - Supervised Independent Living Placement (SILP)
- Placement of a child or NMD by any individual or entity into a licensed residential treatment center
 - Group Home (GH)
 - Short-Term Residential Therapeutic Program (STRTP)
- Placement of adjudicated delinquents in institutions in other states

**DOCUMENTATION
REQUIRED**

In addition to the standard eligibility forms required to process a placement, the following forms are specifically required for ICPC placements which are to be provided by Children and Family Services (CFS).

Interstate Compact Placement Request (ICPC 100A): A formal written notice of the sending state's intention and request to make an interstate placement to a receiving state.

Interstate Compact Report on Child's Placement Status (ICPC 100B): The form is used to confirm that an approved placement in accordance with the Compact has been made. However, it can also be used for other purposes such as to withdraw a request prior to the actual placement, indicate that an approved placement will not be used, a change in a child's placement has occurred, report a change of address or when an ICPC has been closed.

NOTE: Contact CFS ICPC coordinator for assistance in obtaining required documents. The [CA ICPC County Liaisons List](#) can be located on the State website.

LICENSING REQUIREMENTS

For out-of-state placements, FC payments are based on the licensing requirements of the state in which the child resides. The following is required:

Out-of-State Licensed Foster Family Home

- Must be licensed according to the host state licensing standards

Out-of-State Group Homes (GH)

- Must be licensed or certified by the state in which the child or NMD is placed.
- Must be certified by California Department of Social Services, unless a waiver is granted
 - A valid (not expired) certification and rate letter are required to authorize payment
- For certified out-of-state GHs, refer to [California Certified Out-of-State Facilities](#)

NOTE: Lock down or for-profit group homes are not eligible to FC payment.

Out-of-State STRTP

- STRTP must be licensed or certified for the placement of minors/youth by the state in which the child or NMD is placed
- Must be certified by California Department of Social Services

- A valid (not expired) certification and rate letter are required to authorize payment.
- For certified out-of-state STRTPs, refer to [Out of State Group Home to STRTP Conversion Status](#).
- A valid rate letter is required to authorize the payment

OUT OF STATE RATES

For California youths placed out of state, the rate to be paid shall be the host state rate regardless of whether the child is federally eligible or not and regardless of whether the placement is into the home of a relative or a non-relative.

- The sending state is responsible for obtaining a rate letter from the receiving state. The rate letter must include the rate amount.
 - What the rate covers (if applicable)
- Effective date of the rate

NOTE: County funds may be authorized for a child's placement in an out-of-state facility with an approved rate that exceeds the sending state's base rate.

Group Homes

For group home placements, the receiving state rate shall not exceed California Rate Classification Level (RCL) 14. An out-of-state group home that meets the STRTP licensing requirements may be funded at the STRTP or host state rate, whichever is lower.

Special Care Increment (SCI)

A child or NMD placed out-of-state may be eligible to SCI payment using the receiving state rates. If the receiving state does not have a SCI program, use Orange County SCI rates.

Clothing Allowance

All clothing allowances for County of Orange are currently suspended except when there is a court order. County funds are needed for court-ordered clothing allowances.

Supervised Independent Living Placement (SILP)

The rate paid for a NMD placed in an out-of-state SILP shall be the current California basic level rate.

FUNDING

This section covers funding for out-of-state placements for youths in foster care residing in a family-based setting.

Funding for family-based setting through ICPC will be as follows:

Federal AFDC-FC:

- If the youth is Title IV-E eligible and the placement resource has completed licensure in the receiving state, pay with AFDC-FC Federal funds.

Non-Federal AFDC-FC:

- If the youth is not Title IV-E eligible and is placed with a relative and termination of parental rights occurs, pay with Non-Federal AFDC-FC. The relative, if receiving CalWORKs, will need to be transitioned to Non-Federal AFDC-FC.

Note: Non-Federal relative out-of-state placements are not eligible to Foster Care or Approved Relative Caregiver (ARC) funding.

TANF:

- If the youth is not Title IV-E eligible and is placed with a relative pending licensing, evaluate for CalWORKs eligibility. County Funds may be used to supplement the CalWORKs grant in order to be able to pay an amount equal to the host state's foster care rate.

County Funds:

- If the youth is Title IV-E eligible and the placement resource has **NOT** completed licensure in the receiving state, County Funds shall be used until the placement resource completes licensure in the receiving state. TANF funding may be used for youth placed with a relative; however, County Funds may be needed to supplement TANF funding in order to be able to pay an amount equal to the host state's foster care rate.
- If the youth is not Title IV-E eligible and not eligible to state AFDC-FC, pay with County Funds.

MEDICAL COVERAGE

Medi-Cal/Medicaid

Federally eligible (Title IV-E) child or NMD placed out-of-state receive Medicaid from the state where they reside.

Non-federally eligible child or NMD placed out-of-state is only eligible to Medi-Cal from California. Refer to [Interstate Compact on the Placement of Children \(ICPC\)](#) Processing Guide.

PROCEDURE

- [Interstate Compact on the Placement of Children \(ICPC\)](#) Processing Guide
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FORMS

- [Interstate Compact Placement Request \(ICPC 100A\)](#)
 - [Interstate Compact Report on Child's Placement Status \(ICPC 100B\)](#)
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REFERENCES

- Eligibility and Assistance Standards (EAS) 45-101, 45-201, 45-202, 45-203, 45-302
- ACL 08-21, 10-21, 14-06, 14-33, 18-05,
- ACIN 1-65-92, 1-79-83, 1-59-19, 1-59-19E
- [CA ICPC County Liaisons List](#)
- [California Certified Out-of-State Facilities](#)
- [Out of State Group Home to STRTP Conversion Status](#)