16. Out-of-State Placements

Out-of-state placements are governed by the Interstate Compact on the Placement of Children (ICPC). The ICPC helps the County meet AFDC-FC service requirements for children placed out-of-state by creating a formalized process of reciprocal service provision outlined in the Inter-State Compact Act. The receiving state will provide services to California dependents in accordance with the terms of the ICPC. All 50 states and the Virgin Islands have enacted the ICPC into their Statutes. The California Department of Social Services (CDSS) decentralized administration of the ICPC and delegated case processing functions to counties in 1991. However, California remains a member of the Compact and ICPC remains state law.

The ICPC does not apply to non agency relative placements or when a placement is subject to another interstate compact, (i.e., the Interstate Compact on Juveniles which applies to juveniles on probation). Additionally, the ICPC does not apply to placements made to facilities located on the reservations of federally recognized Indian tribes where those tribes have assumed responsibility for provision of services. In such cases, the sending county must request services from the local tribal authority or from the facility itself.

16.0.1 Interstate Placements subject to ICPC

The use of ICPC is for the placement of foster care children and youths out of state, however, the compact includes additional services.

The ICPC applies to the following:

- Placement preliminary to adoptions (adoption include placements made by public agencies or birth parents);
- Placement into foster care:
  - Licensed/approved foster family homes, and
  - Licensed/approved home of relatives;
- Placement with parents and relative when a parent or relative is not making the placement; and
- Placement into a residential facility which includes
  - Residential Treatment centers,
  - Group home,
Out-of-State Placements

- Child care institutions.

The ICPC does not apply to the following:

- Non-court cases (only exception are independent adoption cases),
- Child admitted to a mental institution or hospital,
- Divorce/custody investigation,
- International adoptions,
- Requests received through International Social Services; and
- Visits.

16.1 Out-of-State Placements Procedures

Prior to placing a child or youth in an out-of-state placement the receiving state must approve the facility. Placements made without prior ICPC approval are the sending agency and residential facility responsibility and are liable for the child’s safety. The Foster Care Eligibility Worker (FC EW) cannot fund an unapproved ICPC placement with federal or non-federal dollars.

If a dependent child or ward of the court is placed in another state, the sending county has continued responsibility for financial assistance, custody, supervision, care and treatment of that child. The sending county retains the state jurisdiction as if the child had remained in the State. The rates of the new host state or county placement are used. It is the SW/PO responsibility to work through the Inter-State Compact Act.

Note:

In Santa Clara County there is as assigned a DFCS ICPC Coordinator and Juvenile Probation Department (JPD) handles their own ICPC process.

Federally AFDC-FC eligible placement are entitled to Medicaid in the host state where they reside see “Title IV-E Foster Care & Adoption Assistance Children Residing Outside of California,” page 16-11. Special attention must be paid to State AFDC-FC cases as they may not qualify for payment or medical benefits in another state “ICPC for Aid Code 40 (AFDC-FC State-Only)” on page 16-7.
16.1.1 Interstate Compact Placement Request (ICPC 100A)

Out of state placements must comply with the licensing or approval process required in order to pay Federal or State Foster Care. The “Interstate Compact Placement Request” (ICPC 100A) is the agreement confirming the receiving state or county will license or evaluate the prospective placement family according to foster care standards in the receiving state or county.

The ICPC 100A does not mean the home meets licensing requirements. The SW/PO must receive or complete the ICPC 100A with “Placement May Be Made” box checked off and the form signed. Additionally, a copy of the license or evaluation, according to the other states requirements, must be obtained. Out-of-state background clearances (i.e. criminal record and child abuse registry) must also be obtained by the SW. Ultimately, the county must accept the law of the receiving state for licensing and background clearances.

An ICPC 100A is completed for each child that is placed, regardless if they are a sibling group. The sending agency, the SW/PO, completes sections I, II and III and section IV is completed by the receiving state.

Note:

The individual who signs the ICPC 100A form cannot not be the same person who as conducted the home study for the placement.

A new ICPC 100A with the documents listed in “Required Documents” on page 16-6 are required for child who moves to a new facility or placement in a different state.

16.1.2 Receiving State or County Regulations

As part of the ICPC process, a receiving state compact administrator determines that the proposed placement meets all of the receiving state's laws and requirements, including license and non-profit status, in order to approve the placement. In order to document that those requirements have been met, the County must require copies of the facility's license or similar evidence of compliance from the receiving state.

The DFCS ICPC Coordinator is the liaison for the county and is in contact with the State of California’s ICPC Coordinator. The DFCS ICPC Coordinator is also the liaison between receiving and sending states and counties. If the necessary licenser or approval information is not received along with the required documentation, the FC EW should contact the DFCS ICPC coordinator.
For information regarding payment regulations the FC EW will check with the Foster Care Management Analyst (FC MA) as the information may already be archived. If no information is on file, the FC EW will seek assistance from the FC MA to gather the necessary information.

Note:
It is important keep all information regarding the another state’s rates and rate issues in the same location.

16.1.3 Rates and Foster Care Management Analyst Role

The County must also obtain the appropriate rate for the placement from the receiving state’s rate setting authority. For an out-of-state foster family home placement, the receiving state’s foster family home rate is to be paid.

If the receiving state has a specialized care system, their Specialized Care Increment (SCI) may be paid if approved and when appropriate. If, and only if, the receiving state does not have a specialized care system, and the sending county has a specialized care system approved by the State, the sending county’s SCI may be paid in addition to the receiving state’s basic rate when approved.

For an out-of-state group home placement, the receiving state’s rate for that facility must be paid, not exceeding California’s Rate Classification Level (RCL) 14. Additionally, the County must ensure that the facility is operating as a non-profit facility and only allowable costs are included in the rate [MPP 11-402.8, ACIN 1-65-92].

The county is also responsible for determining if any non-allowable cost are included in the rate and ensuring that only allowable cost are claimed for federal or state AFDC reimbursement.

Allowable cost are defined as following:

• Food,
• Clothing,
• Shelter,
• Daily supervision,
• School supplies,
• The child’s incidentals,
• Liability Insurance with respect to the child, and
• Travel cost for reasonable visitation.
For Group Homes allowable cost also include:

- Reasonable administrative and operational costs,
- Actives to include social work (with state and county funds only) and
- Operating on a nonprofit basis.

**Gathering Information for Payment**

The FC MA is responsible for the gathering of information to allow the FC EW to make the required payment. The FC EW requests information by completing the form “Out of State/County Request for Information” (SCD 2213). Once the request is submitted, the FC MA will:

<table>
<thead>
<tr>
<th>Steps</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Contact the eligibility branch in the other state or county.</td>
</tr>
<tr>
<td>2.</td>
<td>Collect, in writing, the host state or county’s eligibility requirements including but not limited to:</td>
</tr>
<tr>
<td></td>
<td>- Placement requirements (for example licensing or home approval requirements),</td>
</tr>
<tr>
<td></td>
<td>- Basic and special care rates,</td>
</tr>
<tr>
<td></td>
<td>- Clothing allowance (initial, yearly, etc.).</td>
</tr>
<tr>
<td>3.</td>
<td>Forward a copy of the information back to the FC EW with the SCD 2213.</td>
</tr>
<tr>
<td>4.</td>
<td>File a copy of the information in the EW Tools Folder located on the shared drive accessible by FC staff. If the information received is in hard copy, it must be scanned and placed in the appropriate folder for future reference.</td>
</tr>
</tbody>
</table>

**Note:** There is no time restraint for the gathering of this information. Many times it will be difficult to contact another agency and/or receive the required information. However, the SW is required to adhere to time frames when placing children.


The sending agency shall complete form 100B and forward copies to the receiving agencies under the following circumstances:

- When there is a change in the placement status of the child/youth,
- When placement is terminated for adoption,
- When there is any significant change in plans for the child/youth, and
- The receiving state will not agree to supervise a Non-minor Dependent (NMD).
16.2 Required Documents

Out of state placements may occur at any time. There are certain requirements that must be met in order to pay the provider. The following documents must be included in the foster care eligibility folder:

- ICPC 100A or ICPC 100B,
- ICPC Memo from the DFCS ICPC Coordinator,
- New SOC 158A showing the new placement,
- Written proof that the home meets the host state licensing or approval requirements; or
- Letter of acceptance from the residential facility or group home.

Note:
The FC EW is to request a copy of the home license for the eligibility case folder from the placing SW or DFCS ICPC Coordinator. All Group Homes and Foster Family Agencies are required to be certified by the State of California. California certified homes are available on the CDSS website (http://www.ccll.ca.gov/PG536.htm). FC EWs must utilize the FC MA to assist them in locating this documentation.

In addition to the above requirements, all cases may include the following:

- Verification of court or other authority to place a child as follows:
  - Current or prior order which contains the required three findings, and
  - Public agency/dependent child Placement court orders,
- The current placement history,
- Case plan/permanency plan,
- Financial and medical plan,
- Statement of Facts Supporting Eligibility for AFDC - Foster Care (FC 2), or
• State of Facts Supporting Eligibility for AFDC - Extended Foster Care (EFC) (FC2NM),

• Foster Care Program Choice Indicator (FC4) (Required for Relatives),

• Application and Statement to Facts for Child Not Living with a Parent or Relative and for Whom a Public Agency is Assuming Some Financial Responsibility (MC 250A),

• State of Citizenship, Alienage and Immigration Status (MC 13) (only when child is not a US citizen),

• Federal Medicaid (Title IV-E) Eligibility/Ineligibility and Medical/Financial Plan (SCD 692),

• Sworn Statement of the Caretaker Relative to Establish Relationship (SCD 1383) (Required for Relatives), and

• Out of State/County Request for Information (SCD 2213).

16.3 ICPC for Aid Code 40 (AFDC-FC State-Only)

Children placed out of state who are in receipt of federal funding are generally automatically eligible for Medicaid in the state of placements according federal regulations. Federal law permits but does not require states to provide Medicaid coverage for children who receive state only foster care benefits from another state.

The Department of Health Care Services (DHCS) has made a decision to extend full-scope out-of-state Medi-Cal coverage to these children in Aid Code 40. When the child is not placed in a facility such as a GH the facility where the child receives medical services must apply to become a Medi-Cal provider.

County Action on Medi-Cal Eligibility Data Systems (MEDS)

To provide Medi-Cal benefits when children are placed it an out-of-state GH counties must manually identify these children with a specific residence code “99” in the residence field on MEDS. The child’s out-of-state address must be entered into MEDS along with the out-of-state residence code of “99” for Medi-Cal to pay out-of-state claims to those out-of-state Medi-Cal enrolled providers.
Out-of-State Placements

Note:
The FC EW must complete an SCD 1296 to have the Residence Code “99” added to the residence field in MEDS for all non-federally eligible placements.

Providers and Billing Information

DHCS Providers Enrollment will enroll out-of-state entities to provide medical services to child placed by counties under ICPC. The entities must be linked to a residential care facility certified by CDSS and they will be enrolled in accordance with federal and state Medicaid rules in effect at the time the application is submitted. The current list of out-of-state care facilities can be found at https://secure.dss.ca.gov/CareFacilitySearch/ by selecting one of the Facility Types.

Information and applications for enrollment as a Medi-Cal Provider can be found on the Medi-Cal website at www.medi-cal.ca.gov by selecting “Provider Enrollment”.

Applications submitted by the out-of-state entities to enroll as Medi-Cal providers must have the letters “ICPC” writing on the top of the application. This will enable DHCS Provider Enrollment Division (PED) to identify the request. The request must be submitted on the requesting facility’s letter head. Applications for out-of-state provider are assigned and reviewed expeditiously. When the provider requests additional information refer them to the above Medi-Cal website.

Providers interested in providing dental services to out-of-state children with an Aid Code 40 may contact the Denti-Cal Enrollment unit by calling Delta Dental, the dental fiscal intermediary contractor at (916) 853-7373 and request to be connected to the Enrollment Unit. The provider’s handbook which explains how to submit a claim, current and statewide maximum allowance rates, required documents are available online at www.denti-cal.ca.gov.

Currently, DFCS does not accept ICPC placements for non-federally eligible foster family home placements in Santa Clara County. However, when a foster care child is placed in a non-federally eligible home in Santa Clara County nothing prohibits the foster care provider from applying for Medi-Cal benefits. It is important to note that when this occurs the ICPC policy do not apply refer to “Out-of-State Placements” on page 16-1”. If at a later time, DFCS chooses to accept these placements, FC EW will follow the current policy for youths for federally eligible children with the exception of using Aid Code “45”. 
### 16.4 Incoming and Outgoing ICPC Requests

#### 16.4.1 Incoming Intake ICPC Request

The following Process for an Incoming Intake ICPC Request for both federal and non-federally eligible children:

<table>
<thead>
<tr>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Receives and reviews application packet, from the DFCS ICPC Coordinator.</td>
</tr>
<tr>
<td>• Reviews ICPC 100A and ICPC 100B.</td>
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<tr>
<td>• Reviews the MC 250.</td>
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<tr>
<td>• Reviews the MC 13 (when applicable),</td>
</tr>
<tr>
<td>• Determines if application papers are complete.</td>
</tr>
<tr>
<td>• Approves ICPC Medi-Cal Application.</td>
</tr>
<tr>
<td>• Performs BLO for federal FC out-of-state (Aid Code 46).</td>
</tr>
<tr>
<td>• Informs the ICPC coordinator that Medi-Cal is active.</td>
</tr>
<tr>
<td>• Documents all actions in CalWIN Case Comments.</td>
</tr>
<tr>
<td>• Forwards copy of the approval NOA to the DFCS ICPC Coordinator</td>
</tr>
</tbody>
</table>

**Note:**
Currently DFCS does not accept non-federally eligible FC children under the ICPC process.
16.4.2 Outgoing ICPC Request for Continuing FC EWs

The following Process for Outgoing ICPC Request

<table>
<thead>
<tr>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Completes SCD 692 and returns a copy to the assigned SW.</td>
</tr>
<tr>
<td>• Checks EW tools for rate.</td>
</tr>
<tr>
<td>• Completes an SCD 2213 and forwards to FCE MA when rate is not available.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If...</th>
<th>Then...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>• Verifies ICPC 100A and ICPC 100B.</td>
</tr>
<tr>
<td></td>
<td>• The relative must complete the following forms:</td>
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<tr>
<td></td>
<td>• SCD 1383, and</td>
</tr>
<tr>
<td></td>
<td>• FC 4.</td>
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<tr>
<td></td>
<td>• Verifies rate.</td>
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<tr>
<td></td>
<td>• Verifies FC placements meets the state’s requirements.</td>
</tr>
<tr>
<td></td>
<td>• Updates the appropriate CalWIN windows.</td>
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<tr>
<td></td>
<td>• Forwards documents to the state’s ICPC coordinator.</td>
</tr>
<tr>
<td>State</td>
<td>• Verifies ICPC 100A and 100B.</td>
</tr>
<tr>
<td></td>
<td>The relative must complete the following forms:</td>
</tr>
<tr>
<td></td>
<td>• SCD 1383, and</td>
</tr>
<tr>
<td></td>
<td>• FC 4.</td>
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<td></td>
<td>• Verifies rate.</td>
</tr>
<tr>
<td></td>
<td>• Verifies FC placements meets the state’s requirements.</td>
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<tr>
<td></td>
<td>• Updates the appropriate CalWIN windows.</td>
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<tr>
<td></td>
<td>• Clears MEDS/CalWIN alerts.</td>
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<tr>
<td></td>
<td>• Completes SCD 1296 entering MEDS code “99” in the Resident field and forwards request to MTO.</td>
</tr>
<tr>
<td></td>
<td>• Forwards documents to the state’s ICPC coordinator.</td>
</tr>
</tbody>
</table>
16.5 Title IV-E Foster Care & Adoption Assistance
Children Residing Outside of California

Any Title IV-E Foster Care or Adoption Assistance Child(ren) residing outside of California is entitled to Medicaid in the State where they reside. It is the expectation that the State where the child resides will provide Medicaid as required by federal law.

16.5.1 Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, PL 99-272

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, PL 99-272, enacted on April 7, 1986, effective October 1, 1986, entitles Title IV-E and Adoption Assistance children eligibility to Medicaid in the State where they reside.

FC EW Responsibility

State policy requires FC EWs to send notification to the new State whenever a child(ren) moves outside of California. It is the expectation that the new State will provide Medicaid coverage for the child. In the event the new State does not provide Medicaid, Medi-Cal must still be provided to the child(ren).

Notification

Policy requires that FC EWs send notification to the new State whenever a child(ren) moves outside of California, with the expectation that the new State will provide Medicaid coverage for the child. FC EWs must use Form SC 75 “Title IV-E Foster Care & Adoption Assistance Children Residing Outside of California”