## PURPOSE

To provide direction on the processing of public adoption requests between states under the Interstate Compact on the Placement of Children (ICPC). This policy includes adoptions submitted to Michigan by another state and adoptions in other states of Michigan children.

The laws of the state where the adoption is finalized govern the adoption. The finalization state is chosen when the DHS-4332, Interstate Compact on the Placement of Children Request, (ICPC 100A), is completed.

## DEFINITIONS

Definitions are found in ICM 100, Interstate Compact on the Placement of Children Overview.

## POLICY AND PROCEDURE

Adoption cases involve a child under court jurisdiction due to abuse or neglect. For public adoption cases, the MDHHS caseworker must work with an adoption agency either to refer a Michigan child for ICPC adoption placement in another state or following receipt of an ICPC adoption referral from another state, to purchase out the adoption referral to a contracted adoption agency in Michigan. If the prospective adoptive family has an active foster home license with a contracted adoption agency, then it is best practice to first offer the referral to this agency. The local office contact and the adoption agency must review the DHS-3600, Individual Service Agreement, closely to ensure each understands who is responsible to complete each action. See the following ADM policies for MDHHS adoptions in Michigan:

- ADM 510, Adoptive Assessments Family.
- ADM 520, Background Checks, Clearances, Criminal History Checks and Fingerprinting.

A child is not legally ready for adoption until termination of parental rights has occurred and is documented.

***Exception:*** American Indian/Alaska Native children may be adopted under tribal customary adoption code or equivalent tribal code without termination of parental rights.

## SUPERVISORY RESPONSIBILITIES

Under the ICPC, the sending state is responsible for case planning.

Michigan, through its local office contact/adoption agency is responsible to support the case plan and provide written notice if the plan cannot be supported.

Supervisory responsibilities include:

- Supervision must begin when the child is placed in the receiving state, pursuant to an approved placement under Article III(d) of the Interstate Compact on the Placement of Children, and the receiving state has received the DHS-4333 (ICPC 100B), Interstate Compact Report on the Child's Placement Status from the sending state indicating the date of the child's placement.

- Supervision may begin prior to receipt of the DHS-4333 (ICPC 100B) if the receiving state has been informed by other means that the child has been placed pursuant to an approved placement.

- Supervision must include face-to-face visits with the child at least once each calendar month and beginning no later than 30-calendar-days from the date on which the child is placed, or 30-calendar-days from the date on which the receiving state is notified of the child's placement.

The DHS-613 Adoptive Placement Supervisory Report, must be sent to the ICPC office at least every 90-calendar-days and must include the following:

- Date and location of each face-to-face contact with the child since the last supervision report was completed.

- A summary of the child's current circumstances, including a statement regarding the on-going safety and well-being of the child.

- If the child is attending school, a summary of the child's academic performance, along with copies of any available report cards, education-related evaluations, or Individualized Education Program (IEP) documents.

- A summary of the child's current health status, including mental health, the dates of any health-related appointments that have occurred since the last supervision report was completed, the name and address of any health providers seen, and copies of any available health-related evaluations, reports, or other pertinent health records.
- An assessment of the current placement and caregivers, including but not limited to:
  - Physical condition of the caregiver's home.
  - Caregiver's commitment to the child.
  - Current status of the caregiver and family.
  - Any changes in caregiver family composition, health, financial situation, work, legal involvement, social relationships, and childcare arrangements.
  - A description of any unmet needs and any recommendations for meeting identified needs.
  - The adoption agency's recommendation regarding continuation of the placement, return of legal custody to a parent or parents with whom the child is residing and termination of the sending state's jurisdiction, finalization of adoption by the child's current caretakers, or the granting of legal guardianship to the child's current caretakers.

## MICHIGAN AS SENDING STATE

### Referral Submission

The MDHHS caseworker may send the referral package to the Michigan ICPC office via email (MDHHS-MI-ICPC@michigan.gov) or via mail.

Mailing address:

Michigan ICPC
235 South Grand Avenue, Suite 1315
Lansing, MI 48909

The caseworker must use the DHS-4335, ICPC Checklist, and ensure the referral includes:

- DHS-4332, (ICPC 100A).
- DHS-4336, Interstate Compact on the Placement of Children Placement Prescreening.
- Cover letter which contains the following:
  - A summary of the child's current situation and the permanency plan for the child.
  - A request for approval signed by the person requesting approval identifying the child, birth parent(s), and prospective adoptive parent(s).
  - Reason this placement is sought versus a placement in Michigan.
  - Specific concerns to be evaluated by the receiving state.
  - A request for criminal history checks for all adults living in the household. A central registry check must be requested unless the other state does not have a central registry.
  - Details of the potential placement's ability to provide for the child both financially and medically.
  - The name of the supervising agency and address.
- DHS-4334, ICPC Financial/Medical Plan.
- DHS-352, Title IV-E Funding Determination (MiSACWIS).
- Initial removal order and current order indicating MDHHS has legal custody.
- Initial Service Plan (ISP) and two most recent Updated Service Plans (USP) or Permanent Ward Service Plans (PWSP).
- Birth certificate.
- Social Security Card or verification.

- Education records for the current school year.
- Individualized Education Plan, if applicable.
- Current DHS-221, Medical Passport and current immunization record.
- Current specialized medical, mental health, educational, and behavioral assessments, as applicable.

The Michigan ICPC office must:

- Review and forward the referral to the receiving state's ICPC office.
- Maintain regular contact with the receiving state ICPC office to monitor for adoption home study completion and approval.
- Send notification of placement approval or denial, along with the completed home study, to the MDHHS caseworker.

The caseworker must:

- Send the DHS-4333 (ICPC 100B), to the Michigan ICPC office. The form will initiate supervision and request progress reports from the other state.
- Upon receipt of the adoption home study, the caseworker must request MCI consent; see ADM 820, Michigan Children's Institute Ward Adoption Consent. MCI consent must be received prior to adoptive placement.
- If the approved placement resource will not be used within six months of the approval date, the caseworker must send the DHS-4333 (ICPC 100B) to close the case.
- The Michigan ICPC office must forward the DHS-4333 (ICPC 100B) to the receiving state's ICPC office to initiate supervision or close the interstate compact case.

If this file is large, the file may be split into two sections, but both sections must be sent at one time. Caseworkers must refer to the ICPC checklist when creating referrals and ensure:

- All documents are legible and printed on only one side.
- All documents contain all pages.
- All documents with signature blocks including court orders are signed.
- Funding source on the DHS-4332 (ICPC 100A), DHS-352 and DHS-4334 is the same.
- Title IV-E eligibility status is the same throughout the referral.

A child cannot be placed out of state for adoption without prior written approval from the receiving state through the ICPC process.

**Note:** The caseworker creating a referral for a sibling group must compile the referral into one complete request.

### Relocation Referrals

In the event a family plans to move out of state prior to finalization of adoption, the situation may qualify for a Relocation Referral under ICPC Regulation 1; see ICM 100, Interstate Compact on the Placement of Children (ICPC) Overview.

## MICHIGAN AS RECEIVING STATE

The Michigan ICPC office must take the following actions:

- Notify the MDHHS local office contact via email with a summary of the new home study request to include:
  - Name and date of birth of the child.
  - Name, address, phone number of the person(s) to be studied, and relationship to the child.
  - Critical information that may impact evaluation of the home, for example, the special needs of the child.
- Send the adoption referral packet to the MDHHS local office contact.

- Initiate adoption home study status inquiries to the MDHHS local office contact at regular intervals.

The MDHHS local office contact must:

- Determine if the prospective adoptive family has a current approved home study; see ADM 510, Adoptive Family Assessments.
- Purchase request out to private adoption agency to complete the adoption home study; see ADM 230, Adoption Services by a contracted Adoption Agency.
- Comply with the Safe and Timely Interstate Placement of Foster Care Children Act of 2006 by ensuring the home study is completed and sent to the Michigan ICPC office within 45-calendar-days.
- Forward the adoptive family evaluation, which must include a recommendation regarding the appropriateness of the family as a match for the child.
- Forward a list of all documentation required to file the petition if the adoption is to be finalized in Michigan; see ADM 920, Legal Documentation Requirements for Michigan, and ADM 930, Filing the Adoption Petition and Subsequent Orders.
- Send the home study and recommendation to the Michigan ICPC office.
- Provide supervision and progress reports upon receipt of the DHS-4333 (ICPC 100B). Supervisory reports may be mailed or sent via email.

The Michigan ICPC office must:

- Approve or deny the placement by signing the DHS-4332 (ICPC 100A) based on recommendation of the local office or agency.
- Forward the DHS-4332 (ICPC 100A) along with the completed home study to the sending state ICPC office.
- When received, forward the DHS-4333 (ICPC 100B) to the MDHHS local office contact to notify date of child's placement,

or to close the interstate case. If the child is placed, the DHS-4333 (ICPC 100B) initiates supervision and progress reports.

### Michigan Coordination with the Sending State

The sending state remains responsible for case planning for any child placed in Michigan. The Michigan local office contact/adoption agency must support the case planning by locating appropriate resources for the child and the placement resource.

The Michigan ICPC office must notify the sending state ICPC office of any unmet needs of a child placed in Michigan through written reports provided by the local office contact/adoption agency.

If the child's needs continue to be unmet after the notice above, the Michigan ICPC office may require the sending state ICPC office to return the child to the sending state. Before requiring the return of the child to the sending state, Michigan must consider the negative impact on the child that may result from removal from his or her home and must weigh the potential for such negative impacts against the potential benefits to the child being returned to the sending state.

Notwithstanding the requirement to consider the potential for such negative impact, Michigan retains sole discretion in determining whether to require return of the child to the sending state.

### Case Closure

Supervision of an ICPC case must continue until the case closes. See ICM 130, Interstate Foster Care Procedures for case closure reasons.

## SIGNING FORMS

An interstate referral and/or home study requested by a placement agency foster care provider, on behalf of MDHHS, requires MDHHS approval and signatures from the MDHHS purchase of service (POS) monitoring worker on the following interstate forms:

- DHS-4332, Interstate Compact Placement Request (100A).
- DHS-4333, Interstate Compact Report on Child’s Placement Status (100B).

- DHS-4334, Financial/Medical Plan.
- DHS-4335, Interstate Compact on the Placement of Children Checklist.
- DHS-4336, Interstate Compact on the Placement of Children Placement Prescreening.
- DHS-3750, Sending State Expedited Home Study Request (101) to be included only with the Regulation 7 Expedited Home Study Request.

When a private adoption agency is providing case services, they may sign appropriate referral forms. However, MDHHS staff must also sign any applicable MDHHS forms.

## FOSTER CARE AND ADOPTION TRANSITION

If the child is being considered for foster care **and** adoption placement, a separate ICPC foster care referral must be completed; see ICM 130, Interstate Foster Care Procedures. See also ADM 210, Referral to Adoption.

## FINALIZATION TIMELINE

The adoption laws of each state govern the timeline until adoption finalization can occur. Caseworkers and agencies may consider this information in determining the state where the adoption will be finalized. State of finalization is selected on the DHS-4332 (ICPC 100A) and may be either the sending or receiving state.

## REPORTS OF ABUSE/NEGLECT

See ICM 100, Interstate Compact on the Placement of Children (ICPC) Overview.

## PAYMENTS

Services conducted by contracted adoption agencies for inbound adoption referrals can be reimbursed through their adoption contract. For payment of an inbound adoption referral from another

state, the MDHHS caseworker/local contact must send an Individual Service Agreement, to the adoption agency.

The adoption contract contains the following language:

- A child under the child welfare system of another ICPC participating state is referred to Michigan for adoption services through the ICPC. A DHS-3600, Individual Service Agreement, for Child Placing Agency and Adoption Services, is required from the local Michigan county agency for both a home study request and supervision request
- The ICPC rate(s) require the adoption agency to provide copies of the ICPC referral, Individual Service Agreement (for Child Placing Agency and Adoption Services), adoptive family home study, adoption supervision reports (if applicable), Order Terminating Parental Rights (Permanent Court Ward/Commitment), Order Placing Child (OTR-Placing and Order of Adoption, if applicable when requesting payment for the adoption services.

The contracted agency must refer to their current contract for service rate amounts.

Contracted adoption agencies can submit a payment voucher as outlined in their adoption contract.

## MEDICAL PLANS

See ICM 100, Interstate Compact on the Placement of Children (ICPC) Overview.

## INDIAN CHILD WELFARE ACT

Any child eligible under the Indian Child Welfare Act (ICWA) must be identified on the DHS-4332 (ICPC 100A).

Placement preferences apply in ICPC cases involving an Indian child where a proposed placement is an ICWA compliant placement. If the receiving ICPC state has approved the placement and the Indian child's tribe considers the proposed ICPC placement to be in the child's best interest, absent good cause to the contrary, the child shall be placed pursuant to the ICWA placement preferences.

The referral documentation must include court order(s) showing that the applicable Tribe has been afforded notice of the court's adoption proceedings and that they have had an opportunity to participate in matters relating to eligibility and placement determination. Cases where this is in question, including involuntary proceedings, must be referred to the sending state ICPC office for clarification and resolution. For additional information, see ADM 630, American Indian Children.

## LEGAL BASE

**Interstate Compact on the Placement of Children, 1984 PA 114, as amended, MCL 3.711 et seq.**

**Social Welfare Act, 1939 PA280, as amended, MCL 400.1 et seq.**

**Michigan Administrative Rules R400.10 through R400.18**

## CONTACT

Questions about this policy or other ICPC matters can be referred to the MDHHS ICPC Policy Mailbox at MDHHS-MI-ICPC@michigan.gov.