

## ICPC References

### **The Law, Rules, and Policies:**

ICPC Articles are found in the Texas Family Code 162.101-107.

ICPC Regulations, adopted by the Association of Administrators of the ICPC, an affiliate of the American Public Human Services Association (APHSA). <http://icpc.aphsa.org>

ICPC Secretariat, at APHSA, issues advisory opinions. Opinions are not binding.

Texas Administrative Code at Title 40, Part 19, Chapter 700.1901.

DFPS ICPC policy and procedures are set forth in Section 9000 of the CPS Handbook.  
<http://handbooks.tdprs.state.tx.us>

### **Additional Resources:**

ICPC Secretariat  
Interstate Compact on the Placement of Children  
810 First Street N.E., Suite 500  
Washington, D.C. 20002-4502  
(202) 682-0100

Texas Compact Administrator  
Carolyn Thompson  
Texas Department of Protective and Family Services  
P.O. Box 149030  
Austin, Texas 78714-9030  
(512) 438-4153

Region 7 Compact Administrator (for placements in Texas from other states)  
Rachel Garcia (512) 388-6125

### **Important Points**

#### **Expedited Homestudies**

ICPC Regulation No. 7 provides 2 different circumstances when court can order a “proposed priority placement”, or expedited homestudy:

- (a) the proposed placement is a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or a non-agency guardian (not a foster home); and
  - (1) the child is under two (2) years of age; *or*
  - (2) the child is in an emergency shelter; *or*
  - (3) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient;

or

(b) the receiving state ICPC Administrator has had a properly completed homestudy request form and supporting documentation for over thirty (30) business days; but the sending agency has not received an approval or denial of the placement.

(c) I.C.P.C. Regulation No. 7.

### **ICPC Application to Parents**

The ICPC does not apply to out-of-state placements made by agencies with “a non-custodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after the court transfers the child.” I.C.P.C. Regulation No. 3(6)(b); *CPS Handbook*, §9212.

### **Cases supporting the application of the ICPC to parents (except under Regulation 3)**

*Arizona Dept. of Econ. Sec. v. Leonardo*, 22 P.3d 513 (Ariz. 2001); *K.D.G.L.B.P. v. Hinds County dept of Human Services* 771 So. 2d 907 (Miss. 2000); *In re Paula G.*, 672 A.2d 872 (R.I. 1996); *Matter of Shaida W.*, 649 N.E.2d 1179 (New York App. 1995); *State ex. Rel. Juvenile Dept. of Clackamas County v. Smith*, 811 P.2d 145 (Or. App. 1991).

### **Cases holding that the ICPC does not apply to parents at all (regardless of Regulation 3)**

*McComb v. Wombaugh*, 934 F.2d 474, 482 (3<sup>rd</sup> Cir. 1991)—3<sup>rd</sup> Circuit Court of Appeals; *Arkansas Dept. of Human Services v. Huff*, 64 S.W.2d 3d 880 (2002); *In re Johnny S.*, 47 Cal Rptr. 2d 94 (Cal. App. 1995).