

Residential Placements

Children placed in an out of state residential treatment facility, group home, or child-caring institution are entitled to the same protections and supportive services as those placed within the state. The ICPC (Interstate Compact on the Placement of Children) is applicable in the placement of youth into such facilities and institutions by a parent, legal guardian, court, and public and private agencies.

The ICPC is statutory uniform law in all 50 states, the District of Columbia and the U.S. Virgin Islands. Because the Compact is law, compliance with its requirements is mandatory; not discretionary. The Compact is intended to ensure that appropriate retention of responsibility and communication among all parties involved will remain until lawful Compact termination. Procedures for the interstate placement of youth into facilities and institutions are intended to assure that the proposed placement is not contrary to the interests of the child and is in compliance with applicable state laws and regulations to include the following:

- The child will receive care which is appropriate to their needs
- Adequate financial arrangements have been made concerning the costs of care for the child while in the out of state placement
- Appropriate plans are made for the return of the child when services are completed
- Compact termination

In Virginia, the Interstate Compact law is found in the *Code of Virginia*, [Title 63.2, Chapter 10](#). The Commissioner of the Department of Social Services is the Virginia ICPC Compact Administrator. The Virginia State Board of Social Services policy extended the Commissioner's authority to include interstate placements into residential treatment facilities, group homes and institutional facilities. Related Code of Virginia sections include:

- 63.2-1104, Consent of the Commissioner is required before any out of state youth is placed into Virginia
- 63.2-1105, Requires the consent of the Commissioner prior to the placement of Virginia youth outside the Commonwealth. This requirement includes youth served through the CSA (Comprehensive Services Act for At Risk Youth and Families).
- 22.1-218.1, Placement by all local school divisions
- 16.1-286A, Placement by the Department of Juvenile Justice
- 63.2-1000, Article VI, Compact may be applicable in the placement of adjudicated delinquents across state lines into institutions.

Written permission of the Compact Administrator in the state of the child's proposed new residence must be obtained before the placement may occur. Interstate placement requests must include:

- [Interstate Compact Placement Request Form 100A](#). This form is used to request approval to place out of state.
- Cover letter: Explain why out of state placement is needed and give a brief summary about all prior residential and institutional placements and information about the child's behavior and emotional problems.
- [Interstate Compact Report on Child's Placement Status Form 100B](#) This form is used to notify the ICPC Office about the status of the placement plan and Compact termination.

Note: Information about a specific state's procedures, requirements, and interpretations and application of the ICPC should be obtained from the ICPC Compact Administrator or Deputy in that state.