

# NC Interstate Compact

## Order of Compliance

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_

IN RE: CHILD'S NAME DOB

### REGULATION 7 FORM ORDER FOR EXPEDITED PLACEMENT DECISION PURSUANT TO THE ICPC

**THIS CAUSE** came on to be heard on \_\_\_\_\_ before the court on the motion/petition of \_\_\_\_\_ (party making request) seeking the entry of this order for compliance with Regulation 7 of the Interstate Compact on the Placement of Children (ICPC); and the court, hearing evidence and/or the parties being in agreement, does find as follows:

A. The name and date of birth of each child noted below on this date is as follows:

\_\_\_\_\_ (Name of child, date of birth)  
\_\_\_\_\_ (Name of child, date of birth)  
\_\_\_\_\_ (Name of child, date of birth)

B. This court has jurisdiction over each child noted pursuant to Articles II, III and V(a) of the ICPC to invoke the Compact for the purpose of requesting one or more home study assessments and expedited placement decisions on potential resource families living in one or more receiving states.

C. Pursuant to Article III(d) of the Compact, this court may only place, or authorize the department/agency to place, each child above in an approved placement in a receiving state, including a provisional placement as authorized by Regulation 7 of the ICPC, after receipt of written notification from the receiving state that the proposed placement does not appear to be contrary to the interests of the child.

D. If any child above is placed pursuant to paragraph C above, this court will retain Article V(a) jurisdiction over that child sufficient to determine all matters in relation to the custody, supervision, care and disposition of him/her, which it would have if the child had remained in this state; and this court will not terminate jurisdiction over said child or terminate the supervisory responsibility of the department/agency having custody of the child during the period of placement in the receiving state until the child is adopted, reaches the age of majority, becomes self-supporting, or is discharged with concurrence of the appropriate authority in the receiving state.

E. This court expressly finds that its jurisdiction over said child includes the power to effect or cause the return of the child to this state or its transfer to another location or custodian pursuant to law within five (5) business days of receipt of written notification from the receiving state Compact Administrator that placement authorization will not be approved or that previous placement approval has been withdrawn by the receiving state, and that the sending state has and will continue to have financial responsibility for support and maintenance of the child during the period of placement in the receiving state.

Further, this court order provides sufficient authority and direction for the sending agency to immediately return said child(ren) within five (5) working days of receipt of written notification from the receiving state Compact Administrator that placement authorization

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will not be approved, or that previous placement approval has been withdrawn by the receiving state for reasons determined by the receiving state.

F. If any child noted above is sent, or allowed to go, to a provisional placement in a receiving state, this court finds that any such placement must be in compliance with Regulation 7 of the ICPC of which this court takes judicial notice, including its purpose in defining and regulating a provisional placement under the Compact.

**AND THE COURT** having heard testimony and argument of counsel and any unrepresented parties and reviewed documents as permitted by law and Regulation 7 of the ICPC, the undersigned makes the following findings of fact by

- ( ) clear and convincing evidence
- ( ) a preponderance of the evidence

that paragraphs 5, 6, and 7 of Regulation 7 of the ICPC apply regarding each child noted above:

G. \_\_\_\_\_ (relative's name) is the proposed placement resource in the receiving state of \_\_\_\_\_ and is the

- a. \_\_\_\_ Mother d. \_\_\_\_ Grandparent
- b. \_\_\_\_ Father e. \_\_\_\_ Adult brother or sister
- c. \_\_\_\_ Stepparent f. \_\_\_\_ Adult uncle or aunt
- g. \_\_\_\_ Guardian

of \_\_\_\_\_ (child noted above); and

H. Each child noted above is under the jurisdiction of the court as a result of action taken by a child welfare agency.

I. The child \_\_\_\_\_ referenced in A. meet(s) one or more of the following requirements pursuant to paragraph 5 of Regulation 7:

1. The court has the authority to determine custody and placement of each child or has delegated said authority to the child welfare agency, and each child is being considered for placement in another state with a parent, stepparent, grandparent, adult brother or sister, or adult aunt or uncle, or guardian of the child named in A, and the child in A above meets the following criteria:

- a. ( ) **unexpected dependency** due to sudden or recent incarceration, incapacitation or death of a parent or guardian; incapacitation means a parent or guardian is unable to care for a child due to an unexpected medical, mental or physical condition of a parent or guardian, or
- b. ( ) at least one of the children sought to be placed is four **years of age or younger**, including older siblings sought to be placed with the same proposed placement resource; or
- c. ( ) the court finds that \_\_\_\_\_ (child's name), is one of the **children in a sibling group sought to be placed and has a substantial relationship** with the proposed placement resource; substantial relationship means the proposed placement has spent more than cursory time with the child, is known to the child, and has established more than a minimal bond with the child; or

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d. ( ) the child(ren) is/are currently in an emergency placement.

J. The department/agency has provided the court with a signed statement(s) from the potential placement resource(s) or the assigned case manager in the sending state that following a conversation with the potential placement resource, the potential placement resource confirms/meets the minimum requirements as required under Paragraph 7a of Regulation 7.

K. The sending agency has completed and is prepared to send all required paperwork to the sending state ICPC office, including the statement from the prospective placement resource or the assigned case manager under Paragraph 7a of Regulation 7, ICPC 100A and ICPC Form 101.

### **IN CONSEQUENCE OF THE FOREGOING, IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:**

1. This court, having jurisdiction over the above referenced child(ren), invokes the use of the Interstate Compact on the Placement of Children and authorizes and directs this state's department/agency having custody of the child(ren) to be the sending agency in this/these matter(s) and directs it to complete, execute, and file all necessary forms and carry out and effectuate all obligations and responsibilities as the sending agency under the Compact.

2. The department/agency shall seek the following:

a. ( ) Approval for a provisional placement of each child noted above in the receiving state pending a more comprehensive home assessment of the potential placement resource by the receiving state and an expedited placement decision regarding final placement of the child(ren), or

b. ( ) A comprehensive home assessment of the potential placement resource in the receiving state and an expedited placement decision without a provisional placement of the subject child(ren), or

c. ( ) Approval for a provisional placement with a parent from whom the child was not removed and concurrence to relinquish jurisdiction upon final approval.

3. The transmission of any documentation or request for information in this case/these cases or decisions made shall be sent by overnight mail, FAX or as an attachment to an e-mail if approved by receiving state or such other equally expedient method as may in the future become available.

4. The court designates the clerk of court to send copies of this and other orders needed to comply with Regulation 7 of the ICPC to the sending department/agency within two (2) business days of the entry of this and other orders entered in this case:

a. name \_\_\_\_\_

b. mailing address \_\_\_\_\_

c. e-mail address \_\_\_\_\_

d. telephone number \_\_\_\_\_

e. FAX number \_\_\_\_\_ -

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5. The person designated to receive communication regarding the progress of the ICPC process in this/these matter(s) is:

a. name \_\_\_\_\_

b. mailing address \_\_\_\_\_

c. e-mail address \_\_\_\_\_

d. telephone number \_\_\_\_\_

e. FAX number \_\_\_\_\_

6. The sending department/agency shall transmit, within three (3) business days of receipt of this signed order, a completed Form 100A and 101 (Request for Placement), and if not already sent, all required documentation for compliance with Regulation 7 and any supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator.

7. Within a time not to exceed two (2) business days after receipt of a complete Regulation 7 request, the sending state Compact Administrator shall transmit the complete request for the assessment and for any provisional placement to the receiving state Compact Administrator. The request shall include a copy of this Order of Compliance. In the event the sending state Compact Administrator finds that the ICPC documentation received is substantially insufficient, he or she shall specify to the sending agency what additional information is needed and request such information from the sending agency.

8. When a provisional placement sought by the sending state is approved by the receiving state for the subject child(ren), the receiving state Compact Administrator shall immediately notify the sending state Compact Administrator of that fact in writing through expedited means. Said person designated shall then seek an early hearing by this court to determine if said placement is in the best interests of the child(ren).

The person designated to receive communication in Paragraph 4 above shall maintain contact with the sending state's Compact Administrator to assist this court in determining the status of the ICPC process and shall report in writing to the court, the parties, and their counsel regarding said status no later than 7 days prior to any scheduled court hearing and provide any updates closer to the hearing date as may come to his/her attention. The sending state's Compact Administrator shall cooperate with and work with the above designated person and provide him/her with information and assistance regarding the progress of the ICPC process for the cases of the subject child(ren).

9. This case/these cases is/are continued to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for further hearing on the status of the ICPC process to which the parties present and their counsel are recognized to appear.

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge/Judicial Officer