



TEXAS

**Department of Family
and Protective Services**

Child Protective Services

**Private Interstate
Adoptions
Resource Guide**

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Resource Guides

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

Per [4222.2 Re-Allowing Placement](#):

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

UNDERSTANDING THE INTERSTATE PLACEMENT PROCESS

What Is the Compact?

The Interstate Compact on the Placement of Children (ICPC) is an interstate agreement that has been enacted as law in all 50 states, the District of Columbia, and the Virgin Islands. The compact establishes uniform procedures for placing children in substitute care in other states.

ICPC procedures are designed to:

- help each state find the best available caregiver for each child who must be placed in substitute care;
- ensure that every interstate placement fully involves appropriate state authorities and complies with applicable state laws; and
- promote appropriate jurisdictional arrangements by the courts involved in interstate placements.

ICPC policies are established in the Guide to the Interstate Compact on the Placement of Children, published by the American Public Human Services Association (APHSA).

Private Interstate Placements

The ICPC applies to any placement of a child across state lines, with limited exceptions. While the ICPC applies to interstate placements made by state agencies such as DFPS, it also applies to private interstate placements made for adoption and residential care.

A private placement is a placement made by a parent, court, court-appointed guardian, or licensed child-placing agency. It is not a placement made by a state agency, such as DFPS.

Private adoptions include:

- independent adoptions arranged directly by the child's birth parents and adoptive parents, usually with the assistance of an attorney;
- independent adoptions arranged by the court or the child's guardian and the adoptive parents; and
- agency adoptions arranged by private child-placing agencies.

Unlike interstate placements of abused and neglected children, most private interstate placements do not involve DFPS field staff; however, they do involve the Texas Interstate Compact Office (TICO).

Interstate Compact Offices

Each state has established an interstate compact office in every state. In Texas, that office is the Texas Interstate Compact Office (TICO), which is part of DFPS.

Each state's compact office specializes in:

- coordinating interstate placements with the compact offices in other states; and
- advising child-placing agencies about making and supporting such placements.

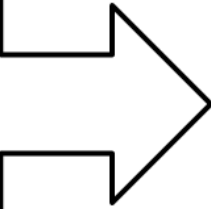
The Participants

In addition to the child and the caregiver with whom the child is being placed, most interstate placements involve four participants:

- the sending agency – the child-placing agency, organization or individual that is placing the child outside the state. For example, the birth parents that are giving the child for adoption;
- the sending state's compact office – the interstate compact office in the state the child is leaving;
- the receiving state's compact office – the compact office in the state the child is entering; and
- the receiving agency – the child-placing agency, organization or individual that supports the placement in the state the child is entering. For example, the adoptive family.

When an “Agency” in Another State Places a Child in Texas...

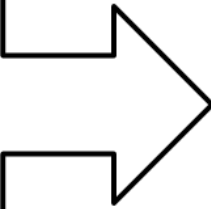
The “Agency” (Parent, Court, Court-Appointed Guardian, or Child-Placing Agency) in the Other State is the **Sending** State



The “Agency” (Adoptive Family, Court, Court-Appointed Guardian, or Child-Placing Agency) in Texas is the **Receiving** State

When an “Agency” in Texas Places a Child in Another State...

The “Agency” (Parent, Court, Court-Appointed Guardian, or Child-Placing Agency) in Texas is the **Sending** State



The “Agency” (Adoptive Family, Court, Court-Appointed Guardian, or Child-Placing Agency) in the Other State is the **Receiving** State

REQUESTING AN INTERSTATE PLACEMENT

The compact offices guide the agencies through the steps of requesting and completing the placement.

**Interstate Placement:
Steps in the Request Stage**

1. The Sending Agency

A. Completes an interstate-placement packet:

- providing a home screening of the caregiver with whom the sending agency wants to place the child, and
- requesting permission to place the child

B. Sends the packet to the sending state's compact office

2. The Sending State's Compact Office

A. Reviews the placement packet for compliance with compact requirements and the laws of the sending state

B. Forwards the packet to the receiving state's compact office

3 The Receiving State's Compact Office

A. Reviews the placement packet for compliance with compact requirements and the laws of the receiving state

B. Forwards the packet to the receiving agency

4. The Receiving Agency

A. Reviews the placement packet

B. Approves the placement

PRIVATE ADOPTIONS

See:

[ICPC TARE](#) website: DFPS ICPC Administrator and Contacts

[DFPS Interstate Compact for the Placement of Children](#) website

Procedures for Private Adoption

DFPS caseworkers are normally not involved in private adoptions.

Unlike placements arranged by state agencies such as DFPS, the home screening is usually completed *before* the request to place the child is submitted to the receiving state’s interstate compact office.

In private adoptions, the birth and adoptive parents (or other parties, as applicable) work directly with the interstate compact offices of the sending and receiving states. The birth and adoptive parents function as the sending and receiving agencies, respectively. Private adoption agencies and attorneys that represent the birth or adoptive parents may also be sending and receiving agencies.

As in all adoptive placements, the interstate compact offices for both the sending and receiving states coordinate the approval process in private adoptions under the Interstate Compact on the Placement of Children (ICPC).

It is particularly important for parties to an adoption who are unfamiliar with interstate placements to be aware that the receiving state’s compact office determines whether:

- the placement complies with applicable state laws (note that in some states independent adoptions are not legal);
- the sending agency has the authority to place the child; and
- the proposed placement does not appear contrary to the child’s best interest.

Responsibility for Records Management

The sending person, agency, or court is responsible for maintaining the official record of the child's interstate placement.

Documentation

To request approval of a private interstate adoption, the sending agency must submit an interstate placement request packet that includes a Placement Request (100A) and the documents specified in the following chart.

Documents	Notes
<p>The adoptive home screening</p>	<p>If a child is being placed in Texas, the home screening must conform to the Guidelines for Foster and Adoptive Home Studies and must be completed by:</p> <ul style="list-style-type: none"> • a licensed child-placing agency; or • a licensed social worker. <p>The home screening must be current within one year of the date that TICO receives the ICPC placement request packet.</p> <p>All criminal background checks, which include FBI, local Department of Public Safety, and the Child Abuse and Neglect Central Registry, must be current within two years from the date that the home screening is approved. A person does not require a new fingerprint-based criminal history check if:</p> <ul style="list-style-type: none"> • the person: <ul style="list-style-type: none"> • has a fingerprint-based criminal history clearinghouse record from a background check that is accessible to DFPS through the Department of Public Safety clearinghouse; or • has a fingerprint-based criminal history on record with DFPS; and

	<ul style="list-style-type: none"> it has not been more than 24 months since the last name-based criminal history check was submitted. <p style="text-align: center;"><i>DFPS Rules, 40 TAC §§745.625 and 745.630</i></p> <p>Texas verifies that all required criminal background checks are completed according to the placement type and that all persons required to undergo a criminal background check are cleared. Specific convictions are addressed in the home screening; however, actual FBI results are not released to other states.</p>
<p>The Health, Social, Educational, and Genetic History (HSEGH) report</p>	<p>If the child is being placed in Texas, the HSEGH report must meet the basic requirements.</p>
<p>Legal documentation of:</p> <ul style="list-style-type: none"> the child’s adoptability, and the sending agency’s authority to place the child. 	<p>At a minimum, the documentation of the child’s adoptability must include a valid consent document signed by the child’s biological mother and father (and legal father, if different).</p> <p>Examples include:</p> <ul style="list-style-type: none"> an affidavit of relinquishment; or a waiver of interest. <p>If the child is a member of an Indian tribe or eligible for membership and the biological child of a member, any decree terminating parental rights or relinquishment must conform to the Indian Child Welfare Act. See Appendix 1226-A: Child-Placing Requirements of the Indian Child Welfare Act and Related Guidelines and Regulations.</p> <p>If the child is being placed by a child-placing agency (or anyone other than the legal parents), there must be a court order terminating parental rights and appointing the child-placing agency (or other party) as the child’s managing conservator.</p>
<p>Any other documents requested by the receiving state</p>	<p>If the child is being placed in Texas, the following documents are also required:</p> <ul style="list-style-type: none"> A hospital discharge summary or physician’s statement describing the child’s health at birth A written statement from the adoptive parents confirming that they will secure appropriate medical care for the child (for a child with health problems); A written specification explaining whether the adoption will be consummated in Texas or in the sending state.

APPROVING THE PLACEMENT

If the placement request packet is complete, correct, and in compliance with the laws and regulations of the sending state, the sending state’s compact office forwards it to the receiving state’s compact office.

If the placement is in compliance with the laws and regulations of the receiving state, and does not appear contrary to the child’s best interest, the receiving state’s compact office approves the placement. If the placement conflicts with the laws or regulations of the receiving state, or appears contrary to the child’s best interest, the receiving state’s compact office denies the placement.

The receiving state’s interstate compact office completes Section IV of the *Placement Request (100A)*, and forwards a copy to each participant notifying them of the placement decision.

MAKING THE PLACEMENT

After the receiving state’s interstate compact office approves the placement, the sending agency works directly with the receiving agency to place the child.

NOTIFICATION

After placing the child, the sending agency notifies the compact office in each state that the placement has occurred.

Exception

In an independent adoption (an adoption arranged by a court or an attorney, rather than a government agency), the notification can be submitted by an attorney in either state.

The preferred method of notification is to complete a new IMPACT *Placement Status (100B)*.

If a *Placement Status (100B)* is not readily available, the sending agency notifies the compact offices by letter. The letter must specify the date of the child's placement.

IF A PLACEMENT IS CANCELED

If a placement is canceled and the sending agency decides not to place the child, the sending agency must also notify both interstate compact offices.

SUPERVISION

The need for supervision in private adoptive placements depends on:

- the laws and policies in effect in the state where the child is being placed; and
- the type of placement.

Most states, including Texas, do not require supervision of independent adoptive placements (placements arranged by a court or an attorney, rather than a government agency); however adoptive placements made by licensed child-placing agencies do require supervision.

In Texas, the DFPS Child-Care Licensing Division's Minimum Standards for Child-Placing Agencies requires the child-placing agency in the receiving state to contact the child and adoptive family at least five times in the first six months. At least two of those contacts must be face-to-face, and at least one must take place in the family's home.

When supervision is required, the supervising agency must send a supervisory report to the sending agency at least once every three months.

CLOSING A CASE

As soon as the adoption is consummated, the sending agency notifies the interstate compact office in each state.

Exception

In an independent adoption (arranged by a court or an attorney, rather than a government agency), the notification may be submitted by the attorney in either state.

The preferred method of notification is to complete and forward a new IMPACT *Placement Status (100B)*.

If the form is not readily available, the sending agency may notify the interstate compact offices by letter. The letter must specify:

- the date of the adoption decree;
- the court that issued it; and
- a copy of the adoption decree, if a copy is required by the relevant state.

If the placement breaks down and the adoption has not yet been consummated, the sending agency notifies the interstate compact office in each state.

THE ROLE OF A TEXAS ATTORNEY IN A PRIVATE ADOPTION

Attorneys in Texas must be careful not to violate [Chapter 42](#) of the Human Resources Code (HRC) when they participate in private adoptions. Chapter 42 states that no person may operate a child-placing agency without a license issued by the DFPS Child Care Licensing Division (CCL). The chapter further defines a child-placing agency as a person other than the natural parents or guardian of a child who plans for the placement of or places a child in a child-care facility, agency foster home or adoptive home.

Texas Human Resources Code [§§42.041\(a\)](#); [42.002\(12\)](#)

During the arrangement of an adoption, planning for the placement of a child includes, but is not limited to:

- serving as an intermediary between the birth mother and the prospective adoptive parents; and
- filing for managing conservatorship with the intent to place the child for adoption.

If the Texas Interstate Compact Office (TICO) suspects that an attorney is engaging in unlawful child-placing activities, TICO staff must notify CCL immediately.