DHS Policy
Oregon Department of Human Services

Children, Adults and Families

Prior Version

Policy Title:	Interstate Compact on the Placement of Children – OAR				
Policy Number:	I-B.3.4.2 413-040-0200 thru 0330			Effective Date:	01-01-2004

Approved By: *on file* Date Approved:

Policy | Forms, etc. | Definitions | References | Contact | History

Reference(s):

- Child Welfare Policy I-E.5.1, "Maintenance and Treatment Payments"
- Child Welfare Policy II-G.1, "Private Child Caring Agency Licensing Standards"
- Pam 9053, ICPC Handbook
- AAICPC Regulations, Guidelines and Opinions
- Guide to the Interstate Compact on the Placement of Children (Prepared by the Secretariat to the Association of the Administrators of the Interstate Compact on the Placement of Children)

Form(s) that apply:

- CF 93, "Foster Care Statement"
- CF 100A, "Interstate Compact Placement Request"
- CF 100B, "Interstate Compact Report on Child=s Placement Status"
- CF 1044, "Title IV-E Eligibility Financial/Medical Plan"
- CF 246, "Genetic and Medical History of Child and Biological Family"
- CF 963, "Required Information for Adoption Workers and Adoptive Parents"
- CF 147, "Assessment Narrative (Sub Care)"
- CF 101, "Association of Administrators of ICPC on Placement of Children with Findings Memo"

Rules:

413-040-0200
The Interstate Compact on the Placement of Children (ICPC)

(1) The Interstate Compact on the Placement of Children (ICPC or Compact) was adopted into law by the 1975 Oregon Legislature and is codified at ORS 417.200 to 417.260. All states are parties to the Compact as are the District of Columbia and the Virgin Islands. The protections of the Indian Child Welfare Act also apply to children who are subject to the protections of the ICPC.

(2) Article I of the Interstate Compact on the Placement of Children and ORS 417.200 provide, in part, that it is the policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement receives the maximum opportunity to be placed in a suitable environment with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care;

(b) The appropriate authorities in the state where a child is to be placed have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child;

(c) The proper authorities of the state from which the placement is made are able to obtain the most complete information to evaluate a projected placement before it is made; and

(d) Appropriate jurisdictional arrangements for the care of children are promoted.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

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413-040-0205
Denial or Delay of Placement

(1) The Department will not delay or deny placement of a child for adoption when an ICPC approved family is available outside the jurisdiction of the State of Oregon.

(2) An approved (adoptive) family (defined in OAR 413-200-0306(7)) who alleges denial of adoption approval as a result of residing outside the jurisdiction of the State of Oregon has the right to a contested case hearing as provided in ORS 183.310 to 183.550.

Stat. Auth.: 418.005
Stats. Implemented: 417.200-.260

413-040-0210
Definitions for ICPC Rules

Unless the context indicates otherwise, these terms are defined for use in OAR 413-040-0200 to 0330:

(1) "AAICPC (Association of Administrators of the Interstate Compact on the Placement of Children)" means the national professional association of state administrators of the Interstate Compact on the Placement of Children, which is housed at the American Public Human Services Association (APHSA).

(2) "Compact Administrator" means the person for each party to the Compact responsible for carrying out the provisions of the Compact. In Oregon, it is the Assistant Director, Children, Adults and Families, Department of Human Services.

(3) "Department" means the Oregon Department of Human Services (DHS).

(4) "Deputy Compact Administrator" means the person appointed by a Compact

Administrator as the coordinator to assure compliance with the law.

(5) "ICPC Approved Family" means a family approved by the ICPC Deputy Compact Administrator or designee after reviewing a home study.

(6) "Placement" means the arrangement for the care of a child in a foster home, relative foster home, non-paid relative home, or a child-caring agency or institution. It does not include the arrangement for care in an institute caring for the mentally ill, an institution primarily educational in character, or a hospital or other medical facility.

(7) "Receiving State" means the state to which a child is sent, brought, or caused to be sent or brought, whether by a public authority or a private person or agency, whether for placement with a state or local public authority or with a private agency or person.

(8) "Sending Agency" means a party state or an officer or employee thereof; a subdivision of a party state or an officer or employee thereof; a court of a party state; or a person, corporation, association, charitable agency, or other entity that sends, brings, or causes to be sent or brought a child to another party state.

(9) "Sending State" means the state from which a proposed placement is made.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0215
Required Forms

(1) Several Department forms are referred to by form number in these rules. The forms are available at the Department's web site except as noted. When use of a form is required by these rules, the current version of the form must be used.

(2) To be effective, a form required by these rules must be complete.

(3) The following forms are required to be used by these rules:

(a) Form CF 93, "ICPC Foster Care Statement"

(b) Form CF 100A, "Interstate Compact Placement Request"

(c) Form CF 100B, "Interstate Compact on the Placement of Children Report on Child's Placement Status"

(d) Form CF 147 series (available from Department's FACIS system)

(e) Form CF 246, "Genetic and Medical History of Child and Biological Family"

(f) Form CF 246A, "Non-State Department of Human Services Adoptions"

(g) Form CF 246B, "ICPC Interstate Compact Placement of Children Genetic and Medical History of Child's Biological Family"

(h) Form CF 307 (available from Department's FACIS system)

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(i) Form CF 1044, "Interstate Compact Financial/Medical Plan If Child is Placed Out-of-State"

(j) Form CF 1297, "Department of Human Services Travel Expense Claim"

Stat. Auth.: 418.005
Stats. Implemented: 417.200-.260

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413-040-0230
Who Must Use Interstate Compact

(1) Placements subject to the Compact. A sending agency that arranges the placement of a child that is covered by the ICPC must comply with the requirements of the ICPC. The ICPC and these rules apply when a child is sent to, brought to, or caused to be sent or brought to a compact state by a sending agency for placement. This includes, but is not limited to, the following placements:

(a) Placement with a parent or relative if a parent or relative is not making the placement.

(b) Placement in a foster home, adoptive home, group home, residential treatment facility, or institution.

(2) Placements not subject to the Compact. The ICPC and these rules do not apply to:

(a) A placement of a child into a receiving state by a parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or guardian in the receiving state.

(b) A placement of a child into a receiving state pursuant to another interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to another agreement between the sending and receiving states.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0240
Financial and Medical Responsibility *of Sending Agency*

(1) The sending agency is responsible for the support and maintenance of the child during the period of the placement.

(2) The sending agency is responsible for arranging for medical coverage for the child before the child is placed with an ICPC approved family.

(3) If a child has received a special rate or personal-care rate in Oregon, it is not paid to the ICPC approved family in the receiving state.

(4) The sending agency pays the receiving state's foster care rates, as described in OAR 413-090-0050.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-260

413-040-0260
Penalty *for Violating ICPC*

(1) A private child-caring agency that violates a provision of the ICPC or these rules may be subject to a civil penalty and its license may be subject to denial, suspension, or revocation in accordance with the Department's rules.

(2) A person who violates the terms of the ICPC may be prosecuted criminally under ORS 417.990.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0265
Action on Referral From Oregon

(1) Upon receipt of the referral from the Oregon ICPC office, the receiving state compact office will conduct a home study. The home study is completed by the receiving state's worker as required by the AAICPC. The home study includes a recommendation regarding placement.

(2) The local field office in the receiving state sends three copies of the home study to the receiving state's compact office after completion. For ICPC purposes, the home study is valid for one year from the date on the home study. However, the receiving state's compact office may request and obtain additional information on any home study it finds to be incomplete, inaccurate or not current. The receiving state's compact office reviews the home study and approves or denies the placement in writing by completing and signing a form CF 100A and sending it to the Oregon ICPC office.

(3) Upon receipt of the home study or licensing study and the signed, approved form CF 100A, the Oregon ICPC office forwards a copy of each to the sending agency in Oregon. However, the Oregon ICPC office may request and obtain additional information from the receiving state on any home study it finds to be incomplete, inaccurate or not current. Approval for placement is valid for six months from the date the receiving state compact administrator or designee signs the form CF 100A.

(4) After the interstate application is approved by the receiving state, the child may be placed. After the child is placed, the Oregon sending agency completes and mails three copies of the form CF 100B to the Oregon ICPC office indicating the date of placement.

(5) Upon receipt of the CF 100B, the receiving state begins supervision. Supervision will include a visit to the resource home or institution in accordance with the receiving state's laws and policy. The caseworker in the receiving state prepares a progress report, as requested on the form CF 100A, and forwards the report in triplicate to the receiving state's deputy compact administrator. The receiving state's deputy compact administrator sends the report, in duplicate, to the Oregon ICPC office which in turn sends the report to the sending agency.

(6) The receiving state supervises the case until it is closed as described in OAR 413-040-0250.

(7) The Oregon ICPC office conducts annual case reviews on open ICPC cases.
Stat. Auth.: 418.005

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Stats. Implemented: 417.200-.260

413-040-0270
Preparing Referral to Send a Child Out of Oregon

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(1) A sending agency making an out-of-state placement of a child must comply with the ICPC and these rules (OAR 413-040-0200 to 413-040-0330).

(2) A sending agency, other than the Department, that refers a child for an out-of-state placement in a child-caring agency or institution, must submit the following to the Oregon ICPC office:

(a) Prior to the referral:

(A) A complete, signed form CF 100A: and

(B) An acceptance letter from the facility, child-caring agency, or institution.

(b) After the placement is made, a form CF 100B.

(3) When the Department refers a child for placement outside the State of Oregon, the following requirements must be met:

(a) Three copies of the following must be submitted by the Department's field office to the Oregon ICPC office:

(A) A complete, signed form CF 100A;

(B) A cover letter outlining the Department's request;

(C) Form CF 1044;

(D) The court order or commitment order establishing jurisdiction over the child;

(E) The social summary on the child (forms CF 147 and CF 307), the most recent court report, and, if available, a psychological evaluation of the child and an evaluation identifying the child's current level of functioning and special needs;

(b) In addition to the requirements of subsection (a) of this section:

(A) If the case involves a request for an adoption home study, the Department's field office must submit to the Oregon ICPC office any available, current home study information that would assist with approval of the placement and the following:

(i) A termination-of-parental-rights order; or

(ii) A signed Release and Surrender and a Certificate of Irrevocability.

(B) Before a child in the Department's custody can be placed in an out-of-

state residential treatment facility, only the residential resource consultant may recommend the placement contract and the manager of the Department's Treatment Services Licensing Unit authorizes the placement contract before the ICPC is initiated.

(C) If the Department is considering an out-of-state placement with a relative, the relative's home must meet the receiving state's certification criteria. If the receiving state does not require that relatives be licensed or certified, the Oregon ICPC office sends an ICPC Foster Care Statement (form CF 93) to the receiving state for completion.

(4) When an intact DHS foster or adoptive family is moving to another state, the Oregon ICPC office will follow regulations adopted by the AAICPC and assist the Department's field office staff in complying with those regulations.

(5) The Oregon ICPC office reviews all referrals for compliance with the ICPC, the Department's administrative rules, and AAICPC regulations and guidelines; signs as the Oregon deputy compact administrator or designee; and forwards the material to the receiving state compact office in duplicate.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0280
Transportation Procedures

(1) The Department pays transportation costs related to the interstate placement of a child in the Department's custody based on need. Before the Oregon ICPC office pays for those costs, the Department's field office must evaluate all other financial resources, including those of the child and family.

(2) The Department's field office may contact the Oregon ICPC office for assistance in paying transportation costs only if the field office is unable to identify other resources to pay for transportation costs.

(3) The ICPC office may pay for:

(a) A one way ticket for the child.

(b) A round trip ticket for the escort. If more than one escort is needed, additional tickets may be purchased as approved by the Oregon ICPC office.

(c) If needed, car rental, meals, and shipment of reasonable belongings.

(d) Transportation per diem costs at the current contract rates.

(e) A one night stay if the travel requires more than 10 hours. Additional nights may be approved by the Oregon ICPC office based on the child's special needs.

(f) One pre-placement visit after adoption placement has been approved through ICPC. If the visit is to be made in-state, the Oregon ICPC office pays in-state rates only and pays one to five nights at the in-state rate. If the visit is out of state, current contract rates apply.

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(g) Exceptions to the above travel standards may be approved by the ICPC manager.

(4) Travel arrangements for children in the Department's custody will be made only after the ICPC authorization number is received and must be made through the authorized carrier. Expenses will be reimbursed using the form CF 1297, Travel Expenses. Receipts must be submitted for expenses other than per diem.

(5) If a child in the Department's custody returns to Oregon, the Department's field office must contact the Oregon ICPC office prior to making travel arrangements.

(6) In custody cases where children are being returned to non-offending custodial parents, the field office returns the child to the non-offending custodial parent as long as jurisdiction, including temporary custody or shelter care order, has either been dismissed or has not been established in Oregon.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

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413-040-0290
Requests for Placement in Oregon

(1) A request for a home study and placement of a child in Oregon must be sent to the Oregon ICPC office for review. The Oregon ICPC office will forward the request to the appropriate Department's field office, tribe, court, private agency, or residential treatment center. The Department may contract with private agencies for certain relative adoptive home studies. If an out-of-state court asks a field office to complete a custody study, the field office will send the request to the Oregon ICPC office for review before taking action on the request.

(2) The Department's field office, or other agency where appropriate, will conduct a home study or certification study after receiving the request from the Oregon ICPC office. In addition to the suitability of the home, factors such as need for financial assistance, special education, and availability of medical or psychological services are considered. Each home study includes a review of Child Protective Services records, LEDS checks, and fingerprint checks when appropriate. For a placement regulated by the ICPC, the home study is valid for one year from the date on the study. However, the Oregon ICPC office may request additional information on any home study it finds to be incomplete, inaccurate, or not current.

(3) A relative-care, foster-care, or adoptive family must meet the requirements of OAR 413-200-0301 to 413-200-0401, "Safety Standards for Foster Care, Relative and Adoptive Families" and OAR 413-120-0300 to 413-120-0310, "Minimum Standards for Adoptive Homes."

(4) After the study is completed, the field office or agency must provide it to the Oregon ICPC office and must not provide the study to the party or agency that requested it. If a criminal history exception was required, a copy of the completed criminal history exception must be forwarded to the Oregon ICPC office with the completed study. The study must include a recommendation regarding placement.

(5) The Oregon ICPC Deputy Administrator or designee will review the study and will either

approve or not approve the placement based on information contained in the report and case record. The Oregon Deputy Compact Administrator or designee follows AAICPC regulations, opinions, positions and guidelines when making the determination.

(6) Two copies of the study, along with two copies of the interstate application (form CF 100A), are sent by the Oregon ICPC office to the sending state's Interstate Compact Office. One signed copy of the approved form CF 100A is sent to the Oregon field office.

(7) The Oregon ICPC office is notified of the child's placement into Oregon by the sending state by receipt of the form CF 100B. A copy of this form is sent to the supervising agency to inform it of the placement and to start the supervision.

(8) Following placement of the child, supervision by the Oregon field office includes a visit to the resource home or institution no less frequently than once every 30 days.

(9) The supervising agency must submit progress reports (three copies) to the Oregon ICPC office as requested by the sending state on the form CF 100A.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

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413-040-0300
Requests That By-pass the Oregon ICPC Office

A request for a home study received by the field office directly from another sending agency, including a state, tribe, agency or court, must be sent to the Oregon ICPC office for review and handling. The field office will take no action on the request unless approval is given by the Oregon Deputy Compact Administrator or designee.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0310
Independent and Private Agency Adoptions; Documentation Required for Placement in or from Oregon

(1) When a child is placed out of or into Oregon by a sending agency, including a parent or a private licensed agency, for purposes of adoption, the ICPC applies. Independent and private agency adoption referrals are processed as soon as practicable after receipt by the ICPC office of the complete compact placement referral.

(2) Referrals for placement covered by the Compact must be sent to the Oregon ICPC office, after the birth of the child, containing three copies of the following:

(a) Form CF 100A;

(b) Cover letter;

(c) Forms CF 246, 246A, and 246B;

(d) Medical information on the child;

(e) The consents and surrenders required by law. A mother must sign the consent

and surrender after the birth of the child.

(f) An affidavit from the child's mother regarding the biological father and, if the legal father is not the biological father, regarding the legal father. The affidavit is not necessary unless the biological or the legal father has not signed a consent and surrender.

(g) A statement regarding the applicability of the Indian Child Welfare Act;

(h) If the birth parents have Native American heritage, Tribal releases that comply with the Indian Child Welfare Act;

(i) Documentation regarding all known facts about each legal or putative father. If the mother has stated that the identity or whereabouts of the father is unknown, documentation regarding what advice and information the mother was given and the reason why the father's identity or whereabouts are unknown to the mother;

(j) Affidavit regarding counseling;

(k) Affidavit regarding the Voluntary Adoption Registry;

(l) The completed home study;

(m) An update to the current home study if the completed home study is completed more than one year from the date the ICPC referral is made; and

(n) A legal risk statement signed by the adoptive family that acknowledges that the child is not legally free for adoption and that there is a risk of having the child removed from the home. This statement is required when one of the biological or legal parents has not signed a consent and surrender.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

413-040-0320
Intercountry Adoptions*; Applicability of ICPC*

When a child is placed from a foreign country into a state other than Oregon by a private agency licensed in Oregon, the following requirements apply:

(1) If the child enters the United States under an IR4 visa, the entity facilitating the placement must comply with the ICPC before the child enters the United States. If the child enters the United States under an IR3 visa, the ICPC does not apply.

(2) If the Oregon agency takes custody of the child before placing the child outside the State of Oregon, the ICPC applies.

(3) If the Oregon private agency does not take custody of the child, the child has been fully adopted in the other country, and the U.S. Embassy has sanctioned the adoption, the ICPC does not apply.

(4) The Oregon private agency may be asked to assure that if the placement disrupts it will

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take custody of the child. This may be done through the ICPC process or by letter, depending upon the documentation requirements of the receiving state.

(5) Oregon licensed agencies must comply with the receiving state's laws and requirements regarding an intercountry adoption.

(6) If ICPC applies, the adoption agency submits the form CF 100B to the Oregon ICPC office to close the case after the adoption is finalized.
Stat. Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

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413-040-0325
Termination *of Jurisdiction over Child*

(1) The sending agency retains jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child that it would have had if the child had remained in the sending agency's state until the child:

(a) Is adopted;

(b) Reaches majority according to the law of the sending state;

(c) Becomes self supporting;

(d) Is discharged with the concurrence of the appropriate authority in the receiving state; or

(e) Is returned to the sending state.

(2) Interstate services are not terminated until the receiving state's compact office concurs with closure.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200 - .260, Article V

413-040-0330
Communications

In order to be effective, a communication required to be submitted to the Oregon ICPC office must be mailed or delivered to:

The Deputy Compact Administrator
Oregon Interstate Compact on the Placement of Children
Department of Human Services
500 Summer Street NE, E-70
Salem, OR 97301-1068
Telephone (503) 945-5671
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 417.200-.260

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- 12/29/95 *(not available electronically)*
- 04/01/02
- 03/15/10 thru 9/10/10
- 09/02/10
- 11/03/10 thru 01/03/11
- 01/04/11

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