	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: January 2, 1996	NUMBER: I-B.3.4.2 SECTION: B. Case Management SUBSECTION: 3. Service Planning 4. Services by or for Other Jurisdictions
SUBJECT: 2. Interstate Compact on the Placement of Children - Oregon Administrative Rules		

Prior Version

Responsible Manager: Manager, Technical Assistance Unit

Approval: _____ Assistant Administrator, Program Operations

Interpretation: Interstate Compact Administrator

REFERENCES: ORS 417.200 - 417.260
AAICPC Regulations, Guidelines and Opinions
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"
SOSCF Policy I-E.5.1, "Maintenance and Treatment Payments"
SOSCF Policy II-G.1, "Private Child Caring Agency Licensing Standards"
SOSCF Pam 9053, ICPC Handbook
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)

PURPOSE

413-040-0200 (1) The purpose of the Interstate Compact on the Placement of Children (ICPC) is to guarantee that children placed across state lines will receive the same legal protection and social services as they would if they were to remain in their home state. The Compact also guarantees that children shall be returned to their home state should the need arise, and that states are financially and legally responsible for their children.

The Interstate Compact on the Placement of Children was adopted into law by the 1975 Oregon Legislature (Refer to ORS 417.200) All states are members including the District of Columbia and the Virgin Islands.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

DEFINITIONS

Prior Version

413-040-0210 (1) "Compact Administrator" means the director of the State Office for Services to Children and Families who is designated by law as the public authority to carry out the provisions of the Compact.

(2) "Compact State" means all states including the District of Columbia and the Virgin Islands.

(3) "Deputy Compact Administrator" means the person appointed by the Compact Administrator as the coordinator to assure compliance with the law.

(4) "Receiving State", which is defined by the ICPC, means the compact state into which a child is brought or sent.

(5) "Sending State" means the compact state and any office or employee of that state, or any court, private agency or individual in that state who sends, brings or causes a child to be placed into another state.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

WHO MUST USE INTERSTATE COMPACT

413-040-0220 (1) Any officer or employee of a state, a court, private agency, or individual who arranges placement of a child into another state must use the compact.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

WHEN TO USE INTERSTATE COMPACT

413-040-0230 (1) Placements Subject to the Compact. The Interstate Compact on Placement of Children applies when any child is placed, brought or sent into another state. This includes:

(a) Placements with parent(s) or relative(s) when the parent or relative is not making the placement. (See ORS 417.200, ART VII, for Limitations.) Children in the jurisdiction of the court are subject to compact law;

Prior Version

(b) Placements in a foster home, group home, residential treatment facility or institution. Children in SOSCF's care that are being placed in out-of-state residential treatment facilities must first be screened by the Target Problem Child Committee;

(c) Placements in an adoptive home.

(2) Placements Not Subject to the Compact.

(a) Placements made by a parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or a child's non-agency guardian are not subject to the compact. The person making the placement must have legal custody of the child and place the child with a relative. SOSCF staff are prohibited from being party to placing a child without use of the compact;

(b) Placements made into a medical or mental health facility or boarding school are not subject to the compact.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

FINANCIAL AND MEDICAL RESPONSIBILITY

413-040-0240 (1) The sending state is financially responsible for a child placed or sent into another state. The sending state is also responsible for the child's medical coverage, if applicable. Children for whom SOSCF arranges placement out-of-state must be in the custody of the State Office for Services to Children and Families in order for:

(a) The office to pay for maintenance or medical care, if needed. The financial and medical plan for an Oregon child will accompany the out-of-state referral; (Form CF 1044)

(b) The office to pay for the child's return to Oregon.

(2) Medical coverage is based on the child's individual eligibility status and medical resources available in the receiving state. A Title XIX and Title IV-E eligibility form, CF 1044, shall accompany all interstate applications.

(3) Children in the custody of an individual, court or private agency are the financial responsibility of the individual, court of private agency.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-260

JURISDICTION - TERMINATION

Prior Version

413-040-0250 The sending state must retain jurisdiction and financial responsibility for the child until the Compact Agreement is legally terminated. Termination may occur under the following circumstances:

(1) The child is returned to the sending state.

(2) The child is legally adopted, or the adoption has disrupted.

(3) The child becomes self supporting or reaches the age of majority;

(4) The receiving state authorizes the sending state to terminate its jurisdiction over the child. The receiving state's deputy compact administrator is the only person with the authority to give the approval to terminate the compact.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200 - .260, Article V

PENALTY

413-040-0260 (1) Violation of the Interstate Compact on the Placement of Children is a Class A Misdemeanor. In addition to liability for any such punishment or penalty, such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

PROCEDURE FOR SENDING A CHILD OUT OF OREGON

413-040-0270 (1) When referring a child(ren) for placement into a resource outside the State of Oregon, information as identified below must be submitted to the ICPC office;

(2) The SOSCF branch must determine if a child is eligible for Title VI-E Foster Care (ADC-FC) when the placement is being considered with a relative who may need financial assistance for the child. The relative's home must meet the out-of-state's criteria for certification before payment can be made. The information will be submitted to the ICPC office on an SOSCF form, CF 1044, along with:

(a) Three typed, printed and signed copies of the CF 100A, "Interstate Compact Placement Request"; and

Prior Version

(b) Three copies of:

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

(B) The social summary on the child, CF 147, a report to the court and a psychological evaluation;

(C) The CF 1044, “Title IV-E Eligibility Financial/Medical Plan”;

(D) A cover letter outlining SOSCF’s needs;

(3) The Oregon Interstate Compact Office reviews the referral for ICPC compliance, signs as the sending state administrator and forwards the material to the receiving state compact office. The referral will be processed within 10 working days of receiving a complete referral.

(4) The receiving state compact office requests a home study and/or foster care licensing study from their local agency. (The national time frame for finishing this study is 30 days.) The home study will include a recommendation regarding placement.

(5) The home study will be sent to the receiving state’s compact office after completion. The receiving state’s ICPC Deputy Administrator will review the home study and will sign an approval or denial of the request.

(6) Upon receipt of the home study and/or licensing study and the signed, approved application, CF 100A, the ICPC Deputy Administrator forwards a copy of the request to the sending party.

(7) Once the interstate application is approved, the child can be placed. After the child is placed, the sending party shall complete and mail three copies of the ICPC 100B to the sending state’s ICPC Deputy Administrator indicating the date of placement. This form will start supervision by the receiving state.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

Prior Version

TRANSPORTATION PROCEDURES

413-040-0280 (1) If payment for transportation of a child in the custody of SOSCF is needed, the SOSCF branch office will contact the Oregon ICPC Deputy Administrator for assistance.

(2) Payment for Placement. The ICPC office will pay for:

(a) A one way ticket for the child;

(b) A round trip ticket for the escort;

(NOTE: If the placement involves more than one child, and/or escorts, additional tickets may be purchased) ;

(c) Car rental, meals and items bought for the child/ren and shipment of belongings, on a case-by-case decision;

(d) Transportation per diem costs will be reimbursed at the current contract rates;

(e) A one night stay if the travel requires more than 10 hours. The branch is responsible for additional overnight expenses;

(f) (In adoption cases only) One pre-adoption visit once ICPC has been approved. If the pre-adoption visit is to be made in-state, the ICPC can pay in-state rates only and can pick up one to five days at the in-state rate. (Call the ICPC Deputy Administrator prior to contact with the resource.)

(3) Arrangement for travel is to be made only after the ICPC authorization number is received. Away Travel is the authorized carrier. Expenses will be reimbursed using the form CF 228, “Travel Expenses”. Receipts must be submitted for any expenses other than per diem.

(4) In case of placement disruption of a child in SOSCF’s custody, contact the Oregon ICPC Deputy prior to making travel arrangements.

(5) Transportation expenses incurred when children are sent to other states without ICPC consultation/approval will be the responsibility of the sending branch.

(6) In custody cases where children are being returned to non-offending custodial parents, the Oregon ICPC office will assist in returning the child to the resident state as long as jurisdiction has not been established in Oregon. Jurisdiction includes temporary custody.

Prior Version

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

REQUESTS TO PLACE A CHILD INTO OREGON

413-040-0290 (1) Requests for home studies and placement of a child into Oregon shall be received and reviewed by the Oregon ICPC Deputy Administrator and forwarded to the appropriate SOSCF branch, court, private agency or residential treatment center.

(2) The SOSCF branch, will conduct a home study and/or licensing study within 30 days of receiving the request. In addition to the suitability of the home, factors such as need for financial assistance, special education and availability of medical or psychological services shall be considered.

(3) After the study is completed, three copies must be forwarded to the Oregon ICPC office.

(4) The Oregon ICPC Deputy Administrator will review the study and make a determination approving or not approving the placement based on information contained in the report and case record.

(5) Two copies of the study, along with two copies of the interstate application (CF 100A), must be sent to the sending state's Interstate Compact Office. One signed copy of the approval and study will sending.

(6) The Oregon ICPC office shall be notified of the child's placement into Oregon by receipt of the ICPC 100B form. A copy of this form is be sent to the supervising party/agency to inform them of the placement and to start the supervision.

(7) The supervising party/agency shall submit progress reports (three copies) to the Oregon ICPC Deputy Administrator as requested by the sending state.

(8) Termination of interstate services shall not take place until the receiving state's ICPC concurs with closure as outlined in OAR 413-040-0250 of this document.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

Prior Version

REQUESTS THAT BY-PASS THE OREGON ICPC OFFICE

413-040-0300 Requests that are received by the SOSCF branch office directly from another state/party/agency will be sent to the Oregon ICPC Deputy Administrator for review and handling. No action will be taken on the request unless approval is given by the Oregon ICPC Deputy Administrator. Branch studies should not be sent directly to the requesting party/agency.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

INDEPENDENT AND PRIVATE AGENCY ADOPTIONS

413-040-0310 When a child is placed out of or into Oregon by a parent or a private licensed adoption agency for purposes of adoption, the Interstate Compact law applies. Independent and private agency adoptions will be processed within 10 days after receipt by the ICPC office of the complete compact placement referral. Referrals for compact placement shall be sent to the Oregon ICPC office containing three copies of the following:

(1) The ICPC 100A. The 100 A shall contain:

(a) The name, date and place of birth of the child;

(b) The identity and address or addresses of the parents or legal guardian;

(c) The name and address of the person, agency or institution with which the sending agency proposes to send, bring, or place the child;

(d) Indication as to where the adoption is to be finalized.

(2) A full statement of the reasons for such proposed action and evidence of the authority to which the placement is proposed to be made.

(3) Affidavit of Intents to consent for adoption, if the child is yet to be born, or, once the child is born, final surrenders or consents from both of the birth parents and medical information on the child.

(4) The adoption medical report from containing social and medical information regarding both the birth parents (CF 246.)

(5) An affidavit regarding the birth father's rights or surrenders as mentioned above.

Prior Version

(6) The tribal releases if the birth parents have Native American heritage.

(7) The home study, if already completed. If not completed, information as to who will do the study.

(8) The complete address of the Receiving State's Compact Administrator.

(9) The legal father's consent, if there is a legal father. In cases of surrogacy, ICPC need only be done if there is a legal as well as a biological father.

(10) Proof of Oregon residency.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

INTERCOUNTRY ADOPTIONS

413-040-0320 When a child is placed from a foreign country into a state other than Oregon by a private agency licensed in Oregon, the following procedures apply;

(1) If the Oregon agency takes custody of the child, the ICPC applies and must be followed.

(2) If the Oregon 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, there is no need for the ICPC process.

(3) The Oregon agency may be asked to assure that if the placement disrupts they will take custody of the child. This may be done through the ICPC process or by letter, depending upon the needs of the receiving state.

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

(5) If Interstate Compact has been invoked, the adoption agency shall submit the ICPC 100B to close the case after the adoption is finalized.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260

Prior Version

COMMUNICATIONS

413-040-0330 All communication concerning the Interstate Compact on the Placement of Children shall proceed through:

The Deputy Administrator
Oregon Interstate compact on the Placement of Children
State Office for Services to Children and Families
500 Summer Street NE, 2nd Floor
Salem, OR 97310-1017
Telephone (503) 945-5671
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 417.200-.260