

# Navigating the Interstate Placement Process

## Interstate Compact on the Placement of Children (ICPC)

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Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**



## GOALS OF THIS PRESENTATION

- Overview of the ICPC Process  
RCW 26.34
- Why ICPC is needed?
- When ICPC is needed?
- Special Circumstances
  - Why Visits can be violations
- Responsibilities
- Time Frames
- Violations and Impact
- Questions

# WHY DO I NEED TO KNOW ABOUT ICPC

- ONLY way to safely place children out of state
- Drafted in 1950s in response to problems placing children across state lines.
  - Difficulty getting children services & causing unsafe situations
- WA enacted law in 1971 RCW 26.34



# The “Compact”

All states are members, including District of Columbia and the Virgin Islands (Puerto Rico is not a signatory member but may do as a courtesy).

Uniform state legislation- legally binding agreement among all states  
RCW 26.34



# WHEN IS ICPC REQUIRED?

Placements covered by ICPC	Placements Excluded from ICPC
Parent*	Boarding Schools
Relative	Medical facilities
Foster	Relative to Relative (not dependent)
Adoptive- dependency	Job Corp
Group home/Residential dependency & private	Military
Adoptive- private	

# PARENTS

Washington law: *In Re Dep. of D.F.-M., 157 Wn. App. 179 (2010)*  
Division 1 recognized that courts across the country are divided on whether the compact applies when the out-of-state placement is to the other parent.

Placement with an unfit parent is not in a child's best interest, courts can and should demand information about the absent parent's fitness. Courts are the ultimate decision maker if a parent is fit.  
Finding of unfitness- dependency

Regulation 3 & DCYF policy:  
ICPC applies to placements with parents and relatives when a parent or relative is not making the placement

WA DCYF- ICPC applies when there is a dependency for the parent  
\*\*Progress in services



# ICPC = KINSHIP

Relative Search  
Evaluate  
Assess

Relatives and suitable  
persons are the priority  
for placement

85% of ICPC home studies  
are with relatives



# SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2006

- Evaluate home environment per requirements of receiving state
- Provide the sending state with a completed home study OR preliminary report on the 60<sup>th</sup> day
  - Preliminary report-not decision to approve/deny. It's status on the home study process.
- Final placement decision 180 days





# THE LAW REQUIRES

Approval is two-fold

- Approved home study *prior* to placement; and
- ICPC approval (100A form- DCYF 15-092)
  - Positive home study does NOT mean the ICPC is approved
- Responsibilities for both states
- Placement must be in the child's best interest
- Permanency with the family with concurrence of receiving state

# RESPONSIBILITIES

## Sending state

- SAFETY
- Preparing ICPC packet
- Retaining custody jurisdiction
- Case planning
- Service & Financial obligations
  - IV-E eligibility
  - Foster Payment
  - Services i.e. child care, counseling, in home providers etc.

## Receiving state

- SAFETY
- Assess if caregiver has the ability to meet child's needs
- Current home study
- Courtesy supervision and quarterly reports to the sending state



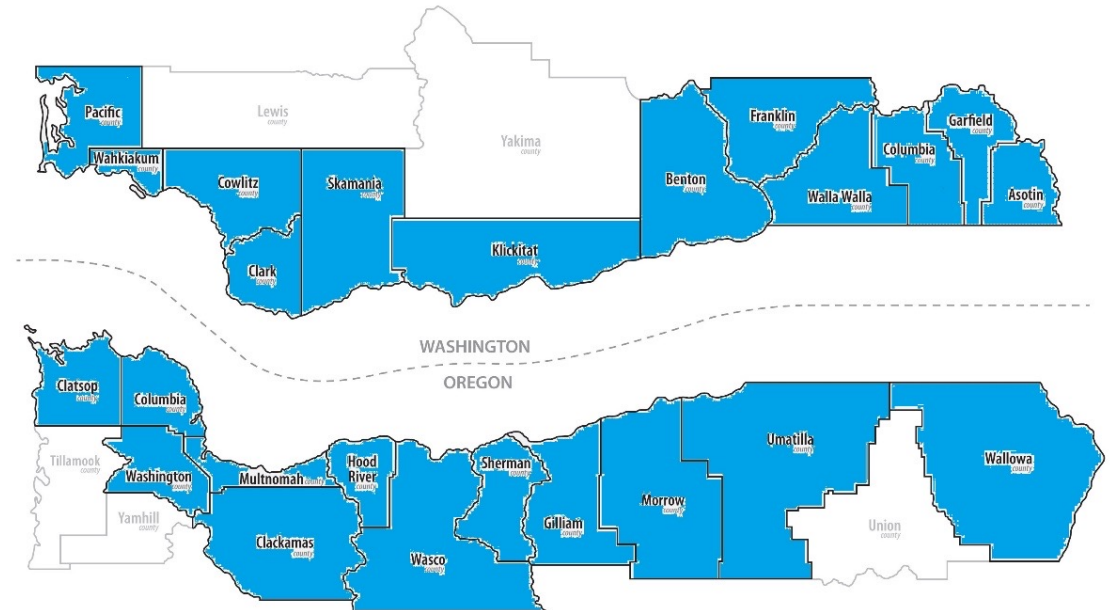
# Special Circumstances

REGULATION 1	REGULATION 7
<ul style="list-style-type: none"> <li>• Intact family move. Must have completed/approved home study and <b>6 months of stable</b> placement.</li> <li>• Can only request the type of home study approved in sending state</li> <li>• Many states require foster licensing</li> <li>• Receiving state may not accept adoption request prior to TPR</li> <li>• Home study and supervision started at the same time</li> </ul>	<p>Specific case circumstances at least one of the following:</p> <ul style="list-style-type: none"> <li>• Unexpected dependency due to incarceration, incapacitation, death of parent/guardian</li> <li>• 4 years or younger (can include older siblings)</li> <li>• Sibling group – substantial relationship with proposed resource. More than cursory time, more than minimal bond</li> <li>• Emergency placement</li> </ul> <ul style="list-style-type: none"> <li>➤ Requires specific court order and form</li> <li>➤ <u>Not all states</u> will accept a Regulation 7 request</li> </ul>
<p><b>Not appropriate for all cases:</b> No foster payment until home is fully licensed. No medical until home is fully licensed.</p>	<p>Only- parent, adult sibling, aunt/uncle or grandparent.            **Time frames for submitting, processing and completing request. Court 2 days, Case worker 3 days, ICPC 2 days</p>

# BORDER AGREEMENT WITH OREGON

- Case originates and placement lives in a border county
- Relative or established substantial relationship with child
- Cannot live outside WA/OR more than 3 years
- No IV-E foster payment until fully licensed
- Full home study after border decision

ICPC Border Agreement Expansion



# VISITS- REGULATION 9

- Less than 30 days or school break
  - Begin and end date
  - Social experience/short duration
  - Not extendable or renewable
  - No supervision or support available
  - No pending ICPC request/packet submitted
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- \* If an ICPC request is submitted-  
**rebuttable presumption that this is a placement and not a visit.**

# ILLEGAL PLACEMENTS RCW 26.34 ARTICLE IV

## Penalty for Illegal Placement:

- The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any 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.



# IMPACT OF ILLEGAL PLACEMENTS

- Placing a child in another state without ICPC approval **deprives** the child of supports and resources they **deserve**
  - A home study;
  - Supervision;
  - Medical coverage;
  - School enrollment; and/or services;
  - Well-being of child is not protected
- Doesn't mean things are going well if the other state doesn't ask for return
- Affects future requests
- No eyes on child/family in home environment
- Delays home study/permanency for child
- ***Disruption*** of the placement-caregiver burnout without supports



# CONSEQUENCES FOR ILLEGAL PLACEMENTS

Receiving states who discover an illegally placed child may:

- Request immediate arrangements for return of the child to the sending state; and/or
- Remove the child from the placement and place the child into foster care; or
- File compliant-licensing violations for agencies/entities, the state bar, National AAICPC for mediation
- Sending agency/entity assumes all liability for illegal placements







## Home study

- Completed per receiving state standard
  - May require relatives to be licensed
  - May not accept and adoption home study prior to TPR
- **ICPC approval (100A) Placement type specific**, parent, relative, foster or adoption
- Does the home study address child's behaviors, caregiver skills, services available?
- Conditional approvals
- Denied ICPC & home studies

# TIME FRAMES

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Home based placements - approval for placement is valid for **6 months** from the date when the 100A was signed by the receiving state ICPC office.

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Facility based placements - approval for placement into an out-of-state group home/residential treatment facility is valid for **30 days** from the date when the 100A was signed by the receiving state ICPC office.

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When the receiving state requests that a child be returned to the sending state, the return shall occur **within 5 business days** from the date removal was requested.

# READY, SET, *PAUSE- PLACE*

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- Approvals with conditions
- Transition
- Send child with appropriate medication/clothing
- Services!!
- Caseworker
  - 100B form (DCYF 15-093) within 5 days of placement
  - Coordinate with courtesy supervising caseworker & family provide information and assistance to ensure child's needs are met





## Permanency across state lines

- Period of stable supervision, generally minimum of 6 months
- ICPC home study & correct placement type approval
- **Concurrence**- written agreement from the **receiving states ICPC office** to complete our permanent plan
  - Dismissal of dependency
  - Transfer of custody
  - Adoption/Guardianship

# CHALLENGES & TIPS

- Unfamiliar with ICPC process
- ICPC is technical in nature
- State differences
- Financial/Medical
- Time frames- unrealistic expectations
- Plan ahead- if approved – valid 6 months
- Communication
- Maintain contact with prospective family
- Don't make assumptions



Thank you!

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