



Regional Judicial Opioid Initiative

*Serving: Connecticut, Maine, Massachusetts, New Hampshire,
Rhode Island, and Vermont*

January 27, 2020

Chief Justice Paul L. Reiber
Vermont Supreme Court
93 Southern Heights Drive
Vernon, VT 05354

Chief Justice Reiber,

As directed by the New England Regional Judicial Opioid Initiative (NE RJOI) Leadership Committee the stakeholders are focused on efforts that support the region improving outcomes associated with opioid use disorder. The opioid crisis is creating secondary victims of families and children, adding urgency to reform in our system. We have identified the Interstate Compact for the Placement of Children (ICPC) as an area of focus. The new Interstate Compact for the Placement of Children (ICPC) will improve communication and ease of services when placing children across state lines. As of the writing of this letter, Maine is the only state in the region that has adopted the new ICPC legislation. On August 22, 2018, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSA) adopted a resolution calling on states to adopt the new ICPC without delay. The resolution is attached for your reference.

The ICPC was originally drafted in 1960 to ensure protection of the services for children who are placed across state lines for foster care and adoption. The ICPC also assigned legal responsibility and responsibility for supervision and the provision of services for these out of state placements. The American Public Human Services Association (APHSA) is the secretariat for the ICPC. In 2004, APHSA undertook the effort to update the ICPC. The revised ICPC is modeled after the Interstate Compact on Adult Supervision and would establish an Interstate Commission of member states with rulemaking authority. The new ICPC brings a rational and transparent approach through the development of rules and policies. In addition, it will set up a governance system similar to the Interstate Compact on Adult Supervision, the Interstate Compact on Juveniles, and the Interstate Compact on Educating the Children of Military Families. Lastly, the new ICPC contains strong enforcement mechanisms to ensure that state officials will comply with the agreement and be held accountable when they do not. Additional information can be found on the APHSA website (aphsa.org/AAICPC/AAICPC/ICPC.aspx).

As leaders of the NE RJOI we wanted to bring to your attention the opportunity the region has to affect the lives and outcomes of some of the most vulnerable citizens by supporting the adoption of

the new ICPC legislation in the New England states. Maine has previously passed the new legislation. Our request of the Leadership Committee is to sponsor support and legislation to accomplish the enactment of the ICPC in the remaining five New England states.

Sincerely,



Chief Justice Paula Carey (MA)
NE RJOI Co-Chair



Chief Justice Tina Nadeau (NH)
NE RJOI Co-Chair

cc: Honorable Karen R. Carroll, Associate Justice

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 2

**In Support of the Revised Interstate Compact for the Placement of
Children**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that when a child in foster care cannot return safely home, the child deserves a placement that is best for that child; and

WHEREAS, in our increasingly mobile society, the most appropriate placements for children may not be in the child's home state; and

WHEREAS, the opioid epidemic is putting an unprecedented strain on the foster care system in many states resulting in delays in the interstate placement of foster children and requiring an immediate response; and

WHEREAS, the Interstate Compact on the Placement of Children (ICPC) was initially adopted in 1960 to ensure protection of and services for children who are placed across state lines for foster care and adoption; and

WHEREAS, in many cases problems exist with the implementation of the ICPC and the understanding of the ICPC by the judges, lawyers, and social workers involved with these cases; and

WHEREAS, children waiting to be placed with an adoptive family, relative, or foster parent in another State frequently spend more time waiting for this to occur than children who are placed in the same State; and

WHEREAS, the American Public Human Services Administrators (APHSA) (the ICPC Secretariat) undertook an effort to revise the ICPC taking into consideration state experiences since 1960 and input provided by a broad range of external entities, including representatives of state courts; and

WHEREAS, as a result of this effort, a proposed revision of the ICPC is and will be considered by state legislatures for adoption and 35 states must adopt the revised ICPC before it is effective, and currently twelve states have adopted the revised ICPC; and

WHEREAS, the proposed revision of the ICPC resolves a number of the problems that have impeded expeditious interjurisdictional placements in the past by:

- Clearly defining the children covered by the ICPC;
- Clarifying that the retention of jurisdiction means the authority of the courts and judicial officers to take and decide cases;
- Adding additional circumstances in which a sending court has authority to terminate jurisdiction; and
- Clarifying financial responsibility for services; and

WHEREAS, although the proposed revision of the ICPC offers improvements, many of the implementation details are left to an Interstate Commission that will be comprised of representatives of the ICPC member states; and

WHEREAS, it is critical that state courts have a strong voice in the development of any rules and regulations to ensure the implementation of the proposed revision of the ICPC is effective;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the proposed revision of the ICPC and urge states, territories, and the District of Columbia to adopt the proposed revision; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage state court leadership to work with the legislative and executive branches in their jurisdictions to successfully adopt the revised ICPC; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge APHSA to include a representative from the Conference of Chief Justices and the Conference of State Court Administrators as ex officio nonvoting members on the Interstate Commission.

Approved as proposed by the CCJ/COSCA Joint Committee on Courts, Children, and Families at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.