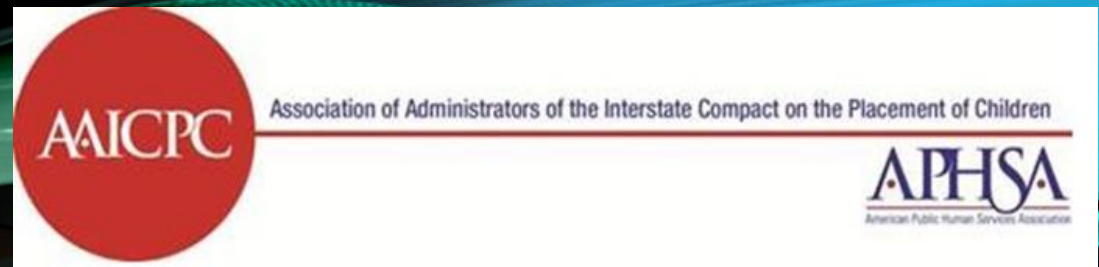


# INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN (ICPC)

The Proposed New Interstate Compact for the Placement of Children



# WHAT IS ICPC?

- ❖ **The Interstate Compact on the Placement of Children (ICPC) regulates the placement of all child welfare-involved and domestic private adoption placements of children across state lines. 33 V.S.A. 5901 to 5927.**
- ❖ **ICPC applies to foster care, kinship care (which is always licensed in Vermont, but not always in other states), parental care, conditional custody orders, residential care, and adoption (private and public).**

## ICPC DATA

- ❖ For 2019, VT ICPC received 193 requests for home studies, residential placements, and private adoptions.
- ❖ For 2019, VT ICPC sent out 230 requests for home studies, residential placements, and private adoptions in other states.
- ❖ For 2019, VT ICPC processed a total of 423 requests.

# WHY DO WE NEED A COMPACT?

- ❖ We value placing children with kin, even as the number of children in DCF custody rises. In order to place children with kin in other states, we need the *Compact*.
- ❖ The *Compact* allows us to provide services to families who reside out of state, and to assess their suitability for placement.

# WHY SHOULD WE REPLACE THE OLD COMPACT?

- ❖ The existing ICPC was adopted in 1960. While the *Compact* has served for nearly 50 years, its governing processes and structure are now outdated and in need of revision to ensure timely and appropriate placement of children.
- ❖ The new *Compact* will remove or reduce many of the barriers to the timely placement of children across state lines.

# HOW WE GOT TO DEVELOPING THE NEW COMPACT?

- ❖ In March 2004, the American Public Human Services Association (APHSA) & AAICPC convened a task force to authorize a rewrite of the ICPC.
- ❖ It was agreed that a solid legal foundation for interstate placements was critically needed to ensure the timely placement of children.
- ❖ A drafting team was developed which included a diverse group of stakeholders, including but not limited to the VT Attorney General's office, national child welfare directors, Dept. for Health and Human Services, Administration for Children and Families, the Children's Bureau, and ICPC Administrators and the National Council of Juvenile and Family Court Judges.

# MOVING FORWARD ...

- ❖ The President of the Conference of Chief Justices sent a letter in 2018 to all Governors requesting that the new ICPC be adopted as the Chief Justices believe it will help speed up placement timelines of children in other states.
- ❖ The advantage of being an early adopter of the *Compact* is that once 35 states have signed onto the new ICPC, those states will have further input into its roll out and rule making (13 States have signed so far – others have it up this session).
- ❖ The new *Compact* standardizes some practices across the country and there will be enforcement measures if the *Compact* is violated.

# WHAT WILL THE NEW ICPC DO?

The proposed new ICPC presents a legal framework that provides for the following:

- ❖ Timely placements across state lines
- ❖ Suitability of prospective family placements/resources
- ❖ Provision of needed support services
- ❖ Narrows the applicability of the *Compact* to interstate placement of children in the foster care system and for interstate adoptions
- ❖ Requires the development of time frames for completion of the approval process
- ❖ Establishes clear rulemaking authority
- ❖ Provides enforcement mechanisms
- ❖ Clarifies state responsibility
- ❖ Ensures states' ability to purchase home studies from licensed agencies to expedite process

Private and Independent adoption agencies support the language in the new *Compact*



# WHAT WILL THE NEW ICPC DO?

**Timely placements across state lines**

**Suitability of prospective family placements/resources**

- ❖ **It will standardize the use of a home study template throughout the country, positively affecting timely child placements across state lines**
- ❖ **It clarifies and provides structure for home studies and assessments of suitability for prospective family placements/resources. This will create a more consistent home study process and use of time frames throughout the country.**

# WHAT WILL THE NEW ICPC DO?

**Establishes clear rulemaking authority**

**Requires the development of time frames for completion of the approval process**

- ❖ **It will strengthen the rulemaking and enforcement authority. It clarifies how the organization functions and conducts business.**
- ❖ **It will provide staff and committee structure to help identify potential problems.**
- ❖ **It will create a process for addressing these problems, avoiding major conflict.**
- ❖ **It will provide accountability for compliance concerns.**

# WHAT WILL THE NEW ICPC DO?

## NARROWING THE APPLICABILITY OF CHILDREN IN FOSTER CARE AND FOR INTERSTATE ADOPTIONS

- ❖ Residential placement of youth by parents
- ❖ Residential placement notifications
- ❖ Exemption to out-of-state non-custodial parents who meet criteria

# WHAT WILL THE NEW ICPC DO?

Provision of needed support services  
Provides enforcement mechanisms

**Provides for:**

- ❖ **Mediation and binding dispute resolution**
- ❖ **Remedial training**
- ❖ **Specific technical assistance**
- ❖ **Judicial action by member states of the Interstate Commission to enforce compliance**

**Enforcement – Upon determination by the Interstate Commission, they may provide:**

- ❖ **Remedial training**
- ❖ **Written Notice**
- ❖ **By majority vote, initiate state legal action or other remedies available under state law**

# WHAT WILL NOT CHANGE?

## **CLARIFIES STATE RESPONSIBILITY**

- ❖ **Allows states to continue making foster care payments to kin and allows us to pay for specialized services for children who are placed in other states through the *Compact*.**

## **ENSURES STATES' ABILITY TO PURCHASE HOME STUDIES FROM LICENSED AGENCIES**

### **Allows:**

- ❖ **Receiving state may charge private agencies for services prior to adoption for the cost of assessment and the cost of supervision.**
- ❖ **Members may enter limited agreements to facilitate timely assessments and facilitate timely supervision.**

### **Clarifies:**

- ❖ **Sending state may contract with licensed receiving state agencies to provide supervision or conduct assessments in the receiving state.**

## WHAT WILL NOT CHANGE CONTINUED?

- ❖ Families will still need to have a home study completed prior to a child being placed with them in another state.

# NEXT STEPS:

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- ❖ **Legislation is needed to adopt this new *ICPC Compact***
  - ❖ **H.424 is the language for the new compact**
- ❖ **Once this bill passes, we will need to wait for at least 35 states to sign on before the new compact language will come into effect (see Article XIV)**
- ❖ **Once 35 states have adopted the new compact, the rulemaking process will begin.**
- ❖ **We want to be one of the first 35 states so that we have an equal voice at the table during the rulemaking process.**

# NEXT STEPS:

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- ❖ **The old compact language will remain in law for now**
- ❖ **DCF would like to also clarify existing due process protections in subchapter 2 for out-of-state placements**



# THANK YOU

For questions please reach out to  
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