

New ICPC Compact

THE MAIN DIFFERENCES BETWEEN THE NEW AND THE CURRENT

TRISSIE CASANOVA, LICSW

VT DCF DEPUTY COMPACT ADMINISTRATOR ICPC/ICJ

HUMAN TRAFFICKING CONSULTANT

Answers to questions from prior testimony:

- ▶ Article XI Section I –“ Upon determination by a majority of the members of the Interstate Commission that an emergency exists: 1- The Interstate Commission may promulgate an emergency rule only if it is required to: a- protect the children covered by this compact from an imminent threat to their health, safety and well-being.”
 - ▶ An example of this would be a natural disaster (Hurricane, public health concern)
- ▶ In Article III B. 4- the sentence states “the placement of a child, not subject to article III Section A, into a residential facility by his parent.”
 - ▶ The use of his is a former antiquated drafting style where masculine pronouns were used to refer to humans (both genders).

Data- July 2019-February 2020

	Incoming	Outgoing
Residential - Placed by their parents	38	21
Residential - State placed	19	30
Home Study Requests	72	92
Private Adoption	6	5

Main Differences

1. The New Compact updates the legal framework to address health human service needs and infrastructure for servicing children and families in the 21st Century.
2. The New Compact would create one home study template that would be used by all jurisdictions.
3. The New Compact will increase timely placements in other states.
4. Clarify the applicability of ICPC to non-custodial parents.
5. Provides administrative review of denials in the receiving state.
6. Enforcement
7. The New Compact strengthens enforcement. Rules can be changed more frequently and easier so that compact can remain current.

Side by Side Comparison- Differences

New ICPC

- ▶ Does not apply to interstate placement of children by parents (w/ legal authority) who place with: Residential Treatment Facilities (RTF)
 - ▶ Would only require notification of placement to the other state.

Current ICPC

- ▶ Applies to interstate placements by parents (w/legal authority) who place with: Residential Treatment Facilities (RTF)
 - ▶ Currently need ICPC approval from the receiving state for placement.

Non-Custodial Parents

New Compact

- ▶ Streamlines and clarifies when placement with an out of state non-custodial parent can be made in the context of dependency proceedings.

Old Compact

- ▶ States have had different interpretations of the applicability of ICPC with regards to the placement of a child with out of state non-custodial parent in the context of a dependency proceeding.

Distinguishes between a home study & assessment:

- ▶ Assessment – is an evaluation of a prospective placement by a public child placing agency to determine if the placement meets individualized needs of the child.
- ▶ Home Study – means an evaluation of a home environment conducted in accordance with applicable requirements of the state in which the home is located.

Administrative Reviews

New Compact

- ▶ Provides: Administrative review of receiving state denial of placement to be conducted in receiving state pursuant to its applicable Administrative Procedures Act.

Old Compact

- ▶ Does not require or provide for an appeals process or administrative review.

Rules

New Compact

- ▶ Creates: One-state one-vote body to make rules and regulations for signatories and provides opportunities for public input and public comment.
- ▶ Provides: Rules promulgated by the Interstate Commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and manner provided in the compact.

Current Compact

- ▶ Rules and Regulations promulgated by AAICPC at annual meeting. One vote per state. No opportunity for public input and public comment.

Enforcement

- ▶ The New Compact clarifies enforcement and provides:
 - ▶ Mediation and binding dispute resolution
 - ▶ Remedial training
 - ▶ Specific technical assistance