



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION

No. 2019-12

Call for States to Apply the Revised Interstate Compact on the Placement of Children

Reported to the Caucus by the NHCSL
Education Task Force
Sen. Martín Quezada (AZ), Chair

Sponsored by Sen. Carmelo Ríos Santiago (PR)

Unanimously ratified by the Caucus on December 5, 2019

1 **WHEREAS**, due in part to the ravages of the opioid crisis, a large number of children
2 in the United States are abused, neglected, or malnourished; and,
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4 **WHEREAS**, many of these children are abandoned or taken away from their parents
5 and placed into foster care or with other family members; and,
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7 **WHEREAS**, according to research done by the Conference of Chief Justices and the
8 Conference of State Court Administrators, opioid poisoning now kills more people
9 than automobile accidents and, anecdotally, “[they] regularly hear reports from
10 juvenile judges that they are seeing children with significant developmental delays
11 not necessarily because they have been directly exposed to opioids but because their
12 caregivers have neglected them for months or even years” due to their opioid
13 addiction;¹ and,
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¹ Reiber, P. L., Chief Justice, Holewa, S. A., State Court Administrator, Rush, L., Chief Justice, & Tate, D. T., Administrative Director. (2019, February 22). ICPC Letter [Letter to Sen. Carmelo Ríos Santiago]. Puerto Rico Senate, San Juan, Puerto Rico.

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15 **WHEREAS**, according to the Federal Administration on Children and Families, the
 16 number of children in foster care nationwide jumped almost 7 percent to nearly
 17 429,000 from 2013 to 2015 because of these situations;² and,

18
 19 **WHEREAS**, according to the Child Welfare Information Gateway, “when a child is
 20 removed from the home and placed in out-of-home care, relatives are the preferred
 21 resource because this placement type maintains the child’s connections with his or
 22 her family”;³ and,

23
 24 **WHEREAS**, states must follow Title IV-E of the Social Security Act in order to receive
 25 federal funding for foster care and adoption assistance;⁴ and,

26
 27 **WHEREAS**, the Interstate Compact on the Placement of Children (ICPC), which was
 28 drafted in 1960, establishes uniform legal and administrative procedures for the
 29 interstate placement of children and minimizes the time children spend in state foster
 30 care; and,

31
 32 **WHEREAS**, according to a report by Vivek S. Sankaran, Clinical Professor of Law at
 33 the University of Michigan Law School (for the Annie E. Casey Foundation), the
 34 original ICPC had the following deficiencies:⁵

- 35 1. most states have not established a data system to reliably track the number of
 36 children the ICPC affects and were unable to report basic data;
- 37 2. the ICPC placement process often takes months, if not longer, to complete
 38 while children often wait in stranger foster care;
- 39 3. child welfare agencies deny high rate of ICPC placement requests, equating
 40 about 40%, after the completion of home studies. Given the lack of
 41 transparency as to why so many placements are denied, and the absence of
 42 judicial or administrative review mechanisms to assess the appropriateness

² <https://www.apa.org/monitor/2018/01/opioid-crisis>

This report from the American Psychological Association explains how more children are being sent to foster care because of parent drug abuse, which is often an opiate. Substance-abuse disorders are burdening children and burdening the foster care system.

³ <https://www.childwelfare.gov/pubpdfs/placement.pdf>

This report from the Children’s Bureau states all US state statutes on child placement and reiterates that relatives are the preferred placement type. It also looks into approving relative placements and the placement of siblings.

⁴ See note 3

⁵ <https://www.law.umich.edu/clinical/calc/practitionerresources/Documents/ICPC%20on%20Children%20in%20Foster%20Care.pdf>

This report details findings and recommendations for the placement of children within the Interstate Compact on the Placement of Children. It finds that the current system is extremely disorganized and opaque. They also focus on the lack of coherence between states, “states use different vocabulary, different standards, and different tracking systems.” Other important statistics include “Roughly 40,000 children each year are subject to the interstate home study process” and “a minority of ICPC requests are completed within 60 days.”

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43 of agency decision-making, a significant possibility exists that children are
 44 being unjustly separated from their relatives for lengthy periods of time.⁶

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46 **WHEREAS**, other deficiencies with the original ICPC include:

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1. the lack of accountability for member states;

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2. the inability to enforce compact rules;

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3. the prevalence of unique language in state standards in evaluating child placement.

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52 **WHEREAS**, in 2006, the American Public Human Services Association (APHSA)
 53 released a new and revised ICPC to address deficiencies with the original version;⁷
 54 and,

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56 **WHEREAS**, the new ICPC makes the following improvements:

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1. states that the new ICPC applies only to children in foster care or children being placed for adoption by a public agency;

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2. establishes a secure system for collecting and sharing case information;

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3. will facilitate timely information sharing and help ensure accountability for the interstate placement of children;

60

4. clarifies the retention of legal jurisdiction and under what circumstances jurisdiction may be terminated;

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5. requires timelines for the approval of placements;

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6. establishes an Interstate Commission to enforce and oversee the administration of the ICPC (will consist of all member states).

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66 **WHEREAS**, according to its own terms, 35 states must adopt the revised version of
 67 the ICPC before it enters into effect;⁸ and,

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69

70 **WHEREAS**, as of 2019, only twelve states have adopted the new version of the ICPC
 71 (Alaska, Delaware, Florida, Indiana, Louisiana, Maine, Minnesota, Missouri, Nebraska,
 72 Ohio, Oklahoma, and Wisconsin);⁹ and,

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⁶Reiber, P. L., Chief Justice, Holewa, S. A., State Court Administrator, Rush, L., Chief Justice, & Tate, D. T., Administrative Director. (2019, February 22). ICPC Letter [Letter to Sen. Carmelo Ríos Santiago]. Puerto Rico Senate, San Juan, Puerto Rico.

⁷<https://www.ncsc.org/Services-and-Experts/Government-Relations/Child-Welfare/Interstate-Compact-for-Placement-of-Children.aspx>

The National Center for State Courts summarizes the history of the Interstate Compact on the Placement of Children (ICPC) and elaborates upon the current status of the revised ICPC.

⁸ <https://ccj.ncsc.org/~media/Microsites/Files/CCI/Resolutions/08222018-Revised-Interstate-Compact-Placement-Children.ashx>

Conference of Chief Justices and Conference of State Court Administrators, Resolution 2, In Support of the Revised Interstate Compact for the Placement of Children, 2019

⁹ <https://www.ncsc.org/Services-and-Experts/Government-Relations/Child-Welfare/Interstate-Compact-for-Placement-of-Children.aspx>

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75 **WHEREAS**, in 2013, the National Electronic Interstate Compact Enterprise (NEICE),
 76 a national electronic system for quickly and securely exchanging the data and
 77 documents required by the Interstate Compact on the Placement of Children (ICPC),
 78 was launched through funding from the Partnership Fund for Program Integrity
 79 Innovation;¹⁰ and,
 80

81 **WHEREAS**, the NEICE has improved the quality of the ICPC process by allowing quick
 82 access to case status when the case is in process at the receiving state, by improving
 83 collection and analysis of reliable data to an extent not possible before, and by
 84 improving accountability of all parties involved in the child welfare process.
 85

86 **THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State
 87 Legislators recognizes the importance of placing children into the care of the
 88 appropriate family members/legal guardians; and,
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90 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators
 91 supports the Interstate Compact on the Placement of Children so that children who
 92 have been removed from their parents, and who have family members in other states,
 93 can be placed with them as efficiently as possible and to not situate them in a state’s
 94 foster care system for an unreasonable amount of time; and,
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96 **BE IT FINALLY RESOLVED**, that NHCSL calls upon state legislatures to adopt the new
 97 version of the ICPC to ensure improved uniformity in child placement.
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99 THE NHCSL EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION
 100 ON AUGUST 2, 2019 AT ITS SUMMER MEETING IN SANTA FE, NM.
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102 THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY
 103 RATIFIED THIS RESOLUTION ON DECEMBER 5, 2019, AT THE ANNUAL MEETING IN
 104 SAN JUAN, PR.

¹⁰ <https://aphsa.org/AAICPC/AAICPC/NEICE.aspx>

Describes the National Electronic Interstate Compact Enterprise (NEICE)