

CONFERENCE OF CHIEF JUSTICES

Resolution 6

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

WHEREAS, the Conference of Chief Justices recognizes 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 inter-jurisdictional 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 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 supports the proposed revision of the ICPC and urges states, territories, and the District of Columbia to adopt the proposed revision; and

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

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the 2018 Midyear Meeting on January 31, 2018.