

# Interstate Compact on the Placement of Children (ICPC)



This policy brief is one of a series from APHSA addressing specific policies and recommendations that support the four outcome impact areas identified under our members' *Pathways* initiative. This brief supports the outcome of **Sustained Well-being of Children and Youth**.

**Imagine a world where a child no longer waits six months to a year for an interstate placement to be processed, but is placed as quickly and responsibly interstate as they are intrastate.**

The Interstate Compact on the Placement of Children (ICPC) was written in the late 1950s and adopted in the early 1960s. In the United States (50 states, the District of Columbia, and the U.S. Virgin Islands), the ICPC not only serves as the primary conduit for interstate placements—it is also the main legal mechanism outlining the mandatory legal process that must be followed before a child can be placed from one state to another for purposes of foster care and adoption. The ICPC was created to ensure that children who are placed interstate are guaranteed the same protections, services, and financial and jurisdictional safeguards as children placed intrastate.

While the 20th century welcomed the current ICPC as a novel and useful process for negotiating interstate placements and sustaining the care and well-being of children placed beyond a state's borders and its jurisdictional authority, the 21st century has shown the ICPC to be one of the most antagonizing, antiquated, and burdensome administrative processes required as part of the child-placement continuum. With the complications of intermingling the ICPC and its requirements with individual state adoption laws and the overarching child welfare legislation at both the federal and state levels, ICPC administrators are forced to compensate for an obsolete administrative process that is federally regulated but not federally funded. Striving to regulate the day-to-day policies and practices under the current ICPC legal framework—which is arguably not applicable (i.e., constitutionally) in parental placements and facing provisional legal challenges on several fronts—the current ICPC, at best, provides for a fragmented system that breeds an inefficient and sometimes ineffective use of time and resources on the part of state and county governments, the courts, and stakeholders in both the public and private sector.



The challenges, which are widely cited as caused by the ICPC or acknowledged as an inherent part of the ICPC process, include:

- delays in interstate placements that leave children in foster care awaiting interstate processing and placement six months to one year or more;
- the inability of states to collect, track, analyze, and report reliable, competent data and to exchange and evaluate case files and provide timely placement decisions;
- a lack of designated funds or a reallocation of funds and resources from the state and federal government to support and administer the compact;
- the absence of the states' adoption of a singular evaluation tool, education, and training course for licensing and computerized background checks, which promotes and provides for uniform standards of review and expedited means when approving and denying an interstate placement; and
- an unclear legal framework and outdated administrative process that does not provide clarity and legal enforcement.

## Recommendations

APHSA and its affiliate, the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), recommend that both the state and the federal government should jointly sponsor and promote interstate placements as follows:

- Enact the New Interstate Compact for the Placement of Children (ICPC) within two years or completely federalize the interstate process:
  - To implement a new legal and procedural framework, remove procedural barriers, and provide for enforcement of the compact.
- Develop and help fund and implement a centralized national ICPC Electronic Web-Database System, which will allow all compact member states to uniformly collect, track, analyze, and report data; exchange and review case files; and provide placement decisions in real time while saving more than a million dollars annually in postage and express delivery costs.
  - The Partnership Fund for Program Integrity Innovation has awarded funds to pilot test an automated file exchange system. The Administration for Children and Families (ACF) has responsibility for implementation of the pilot and is now developing criteria for how it will contract for this work.
- Provide or reallocate funds that are specifically designated for interstate placements and the administration of the Interstate Compact on the Placement of Children.
- Utilize a singular home study tool, licensing requirements, and computerized (e.g., Live Scan) background checks when processing interstate placements to ensure processing within 30 to 60 days, comply with the Safe and Timely Interstate Placement of Foster Children Act, and promote uniformity in the standard of review for approval and denial of an interstate placement.

