



Revision of the Interstate Compact on the Placement of Children

Background

The Interstate Compact on the Placement of Children (ICPC) was drafted in 1960 to ensure that children placed across state lines for foster care or adoption are placed with persons who are safe, suitable, and able to provide proper care. The Compact also fixes legal responsibility, and responsibility for supervision and the provision of services for the child. ICPC outlines the process and procedures necessary to place a child out of state, defines the types of placements subject to the law, and the specific protections, services and requirements brought by ratification of the compact. ICPC has been enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands.

Concerns about the timeliness of the ICPC process and its “overly broad” application coupled with an outdated administrative process and procedures have given rise to a great dissatisfaction with ICPC. In addition, there has been recognition that the underlying assumption of quid pro quo regarding the cost of providing home studies and supervision is no longer accurate. A new financing scheme must be developed for interstate placements that will support improved performance and timeliness.

In an effort to address state concerns on the need to revise ICPC, the American Public Human Services Association (APHSA), the Secretariat of the Association of Administrators of the Interstate Compact on the Placement of Children, convened the ICPC Task Force in July 2003. Task Force members included state commissioners, state and local child welfare directors, ICPC administrators, and a representative from the American Association of Public Welfare Attorneys. In 2007 the Revised ICPC was finalized. As of the spring of 2024, eighteen states*(list the 18 states in a footnote) have adopted the Revised ICPC.

Call to Action

Children for whom interstate placement is in their best interest should be ensured that they will be placed with safe and suitable families in a timely manner. ICPC should not be a hindrance to their timely placement.

The ICPC creates a mechanism for states to assess safety and suitability for placement, to coordinate services and provide supervision for those families who reside out of state.

The existing compact was originally written in the 1960’s and is outdated and has led to individual state actions which has compromised the integrity of the compact. Some states courts have unilaterally determined the meaning and coverage of the compact, and changed its applicability for interstate placements, which impacts child safety. There is no longer common agreement between states concerning placements of foster and adoptive children. Further, the current compact lacks the ability to hold states accountable for following existing compact rules that they have mutually enacted. This is primarily because there are no enforcement remedies set forth in the existing compact. The revised ICPC includes specific enforcement remedies.

The Revised Compact will not eliminate all the issues related to the interstate placement of children. Many of the factors that complicate the interstate placement of children are underlying struggles in child welfare, which continually contends with capacity, staffing, training, and resource issues. In addition, there are systems in the states that add layers of complexity which are specific to their state laws and state-specific procedures. However, the Revised Compact will provide a critical legal foundation that will strengthen rulemaking and enforcement authority. The Revised ICPC allows for the use of uniform tools, forms and procedures that will allow party states to expedite the placement, which are not provided for under the current Compact. The particular state procedures for home studies, background checks and state licensing requirements have been the cause of frustration and many delays, since each state conducts these procedures differently.



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