



**NCJFCJ 70th ANNUAL CONFERENCE
JULY 22 - 25, 2007
San Francisco, CA**

Resolution No. 7

**RESOLUTION REGARDING THE INTERSTATE COMPACT
ON THE PLACEMENT OF CHILDREN**

WHEREAS, the Interstate Compact on the Placement of Children (ICPC) controls the interstate movement of children who are in the custody of State and local Departments of Social Services; and

WHEREAS, one of its main purposes is to ensure that the out-of-state homes to which children in care may be sent are safe and appropriate and that any services that they may need are available in the community to which they are moving; and

WHEREAS, a new Interstate Compact for the Placement of Children (the Compact) has been proposed and is being introduced to state legislatures; and

WHEREAS, the Safe and Timely Interstate Placement of Foster Children Act, Public Law 109-239, was passed by Congress and signed into law by the President on July 3, 2006; and

WHEREAS, Public Law 109-239 includes a sense of the Congress that encourages the states to enact the new Interstate Compact for the Placement of Children; and

WHEREAS, the Board of Trustees of the National Council of Juvenile and Family Court Judges (NCJFCJ) has received a request from the Permanency Planning Advisory Committee urging the adoption of this resolution supporting enactment of the new Interstate Compact for the Placement of Children, which also urges consideration of certain actions to help ensure that the new Compact is effective in helping the expeditious and safe interstate movement of children in foster care; and

WHEREAS, the Board of Trustees believes that the new proposed Compact is an improvement over the existing one but that it does not address all of the concerns that NCJFCJ members have raised over the years or that the NCJFCJ ICPC Committee has brought to the attention of the Board; and

WHEREAS, the Board of Trustees believes that the proposed actions listed in this Resolution are essential in order that the new ICPC have the ability to truly improve how children are moved interstate.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the National Council of Juvenile and Family Court Judges urges the states of the United States to enact the proposed Interstate Compact for the Placement of Children; and it is further,

BE IT FURTHER RESOLVED that the Board of Trustees further urges that all participants involved in the ICPC process have a sense of urgency in their work and that all actions taken in the ICPC process occur while recognizing that delays in the ICPC process are harmful to children awaiting placement; and in that spirit it is further,

BE IT FURTHER RESOLVED that upon the Compact's passage by the required number of states the following actions occur:

1. That the Interstate Commission, which is established under the Compact, establish and enforce deadlines and high levels of efficiency in the new process.
2. That the rules established by the Interstate Commission have legally binding deadlines for all stages of the process of interstate placements not just the home study process.
3. That the Interstate Commission collect data on all parts of the process and report to the public and to Congress the results and the compliance by the states with all deadlines established by the rules.
4. That the Interstate Commission liberally support Border State Agreements and empower staff of the Commission to work with states that wish to create such agreements.
5. That the rules established by the Interstate Commission help ensure effective management of the cases arising under the Compact.
6. That such rules require states to utilize their Administrative Procedures Acts as the appropriate appellate process when there is an objection to a decision by the receiving state.
7. That the rules established provide for the ability of the judge in the sending state overseeing a child's case to speak with and work with the judge in the locality in the receiving state where the potential placement of the child is to occur and where, after placement has occurred, the possibility of a permanent placement exists.
8. That the rules provide for a mechanism for interstate testimony and hearings, with the cooperation of judges in both jurisdictions through video or telephone conferencing where lawyers, who may not be admitted to practice in both states, shall be permitted to participate without becoming licensed in both states.
9. That the rules establish a clear workable process for the transfer of jurisdiction of a case from the sending state to the receiving state including the ability to register orders from the sending state so that the receiving state is able to obtain jurisdiction over the child and his/her case.
10. That the rules establish a procedure that allows for binding resolution of interstate disputes of interstate placement decisions by the Interstate Commission or a body established by the Interstate Commission.

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11. That the rules establish that each state give full faith and credit to the other state court's findings of abuse and neglect and allow transfer of the court proceedings to the other state.
12. That the rules establish more explicit guidelines for the transfer of guardianships from one state to another.
13. That the rules establish a policy that calls on judges to comply with the law and hold judges from other states accountable for their actions when they fail to comply with the law.
14. That any deadlines established by the rules are enforced through Title IV-E eligibility reviews and Child and Family Service Reviews pursuant to the requirements of federal law.
15. That at least one judge who is knowledgeable about the Interstate Compact for the Placement of Children be included as a member on each State Advisory Board.
16. That the persons appointed to State Advisory Boards be knowledgeable about child welfare.
17. That the Children's Bureau at HHS and Congress collaborate with and assist the Interstate Commission with resources as the Interstate Commission develops an automated data collection system that will collect appropriate and helpful information concerning the interstate movement process and the timeliness of it, which would include data on how long children wait in placement during the ICPC process.
18. That the information developed by the Interstate Commission be provided to the Children's Bureau at HHS at least annually in order to allow it to consider ways to help improve the process and support the work of the Interstate Commission.
19. That HHS monitor the effectiveness of the new ICPC and report its findings to Congress.
20. That Congress re-evaluate the new ICPC after there has been an appropriate time to implement it and take such corrective action as may appear to be needed at that time.

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21. That a representative of the National Council of Juvenile and Family Court Judges as well as representatives of other national organizations such as the ABA, CWLA, NACC, NCASAA, COSCA, and CCJ be associate non-voting members of the Interstate Commission.

Adopted this 24th day of July, 2007
By the Membership Assembled in Conference
In San Francisco, California

