

SB 230 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Iva Sokolovska, LPRO Analyst

Meeting Dates: 3/8

WHAT THE MEASURE DOES:

Enacts the Interstate Compact *for* the Placement of Children. Repeals the Interstate Compact *on* the Placement of Children and repeals the definition of “executive head” as used for the purposes of the Interstate Compact on the Placement of Children.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Interstate Compact on the Placement of Children (ICPC) is a statutory agreement between all 50 states, the District of Columbia and the US Virgin Islands, [to coordinate the transfer and placement of children across state lines](#). It sets requirements that must be met before a child can be placed out of state or a when a parent is placing a child in a non-relative setting. The current ICPC was drafted in 1960 and it was adopted into law by the 1975 Oregon legislature. The provisions of the ICPC are the same in all member states. The ICPC is based on the premise that children requiring out-of-state placement should receive the same protections and services that would be provided if they remained in their home states and that they can return to their original jurisdiction should the placement prove not to be in their best interest. Sending agencies that send, bring, or cause a child to be sent or brought from one state to another must use the ICPC. Persons who can initiate referrals are private individuals, the court, private/public child placement agencies, adoption agencies. The states work in concert with one another when placing children across state lines for the following types of placements: preliminary to adoption; placements into foster care, group homes, residential treatment facilities and institutions; placements with parents and relatives when a parent or relative is not making the placement or; placements of adjudicated delinquents in institutions in other states. The existing compact provision and rules are administered by the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), which is an affiliate of [American Public Human Services Association \(APHSA\)](#). It is a professional association of government officials and also serves as the administrative body charged with carrying out the terms of the current compact provisions and rules. This body, however, is not specifically designated under the compact, nor is it given specific authority to make and enforce rules or the provisions of the compact.

In March 2004, the American Public Human Services Association and the Association of Administrators of the Interstate Compact on the Placement of Children convened a task force to revise ICPC. That revision is now complete and state legislatures can sign on to the [new ICPC](#). States have unilaterally determined the meaning and coverage of the compact, changed the statute, and changed the process and procedures for interstate placements. The current compact lacks the ability to hold states accountable for following existing compact rules that they have mutually enacted. According to APHSA, the proposed compact will provide a legal foundation to strengthen rulemaking and enforcement authority and includes specific timelines for placement decisions. The new ICPC also features technical assistance and alternative dispute resolution, including mediation and arbitration, suspension, termination, and legal action in federal court with fees and costs awarded to the prevailing party. In addition, the proposed compact will have a staff and committee structure to address problems

SB 230 STAFF MEASURE SUMMARY

and concerns of member states.

Senate Bill 230 will enact the revised Interstate Compact on the Placement of Children (ICPC).