

Re-Forming the Interstate Compact on the Placement of Children

by Liz Oppenheim

Renewed focus on safety and permanency for children in the United States child welfare system has brought the Interstate Compact on the Placement of Children (ICPC) into the spotlight. While this attention confirmed the important role the ICPC plays in ensuring appropriate placements, it has also highlighted concerns that the ICPC processes cause unnecessary delays. States and other child welfare professionals have become increasingly dissatisfied with the ICPC as it is currently written and implemented. Some of the problems with the current compact include: (1) its overly broad language in terms of the definition and scope, (2) its inadequate procedures in addressing the needs today's children, and (3) the current structure's lack of enforcement and accountability. In short, the ICPC is outdated for 21st century child welfare practice.

History of the ICPC

The current ICPC was drafted in 1960 and has been enacted by all states, the District of Columbia and the U.S. Virgin Islands. It ensures protection and services to children placed across state lines for foster care or adoption by establishing procedures that guarantee placements are safe, suitable and able to provide proper care. It also assigns legal and financial responsibilities to those involved in making the placements.

The ICPC process entails a thorough home study conducted by the receiving state. This involves assessments of social and medical histories of the placement family, their backgrounds, parenting and discipline styles, employment and financial histories, physical evaluation of their home, criminal and child abuse background checks, personal and professional references, foster or adoptive parent training, and case worker recommendations. Once the placement is determined to be "not contrary to the welfare of the child" and the child is placed, the receiving state is responsible for ongoing supervision of the placement and for providing support services to the family and child and regular reports to the sending state agency and court. In addition, sending and receiving states must reach agreement on how services and supports will be financed. This can be complex because it involves the cooperation of several systems in both states, including education and mental health.

Complexities in the ICPC

Over its 44-year history and due to the broad scope of the compact's language, the ICPC has come to include many populations of children. The compact currently covers foster children placed with a relative or other caregiver, children moving across state lines with their foster parents, children placed for adoption by a public or private agency or by a private attorney, children placed in residential treatment facilities by parents, parents placing children with non-relatives, and pregnant mothers who cross state lines to give birth and place their child for adoption.

The ICPC was formulated on the assumption that each state would send the same number of children as they received. Therefore, the financial burden to states of conducting home studies and providing post-placement supervision for children placed in their states would be offset by the similar costs borne by other states. However, data and anecdotal evidence show that today

many states send more children than they receive, and some states receive many more children than they send. This disproportion has compromised the ability of some states to provide the necessary resources for home studies and on-going supervision. Adding to the demand on states' resources is the fact that concurrent planning requires caseworkers to make multiple home study requests for one child. Each home study must be financed, but placement can occur with only one of the families studied.

The court system adds another layer of complexity. A child cannot be removed from his home or placed in a foster or adoptive home without a judge's approval. Courts must ensure that reasonable efforts have been made to reunify a child with birth parents before a petition can be filed for termination of parental rights. They also must ensure that prospective adoptive parents are appropriate during an official waiting period of between three and 12 months before rendering a final decision.

Many of the factors that complicate the ICPC process underline struggles in the overall child welfare system, which continually contends with capacity, staffing, training and resource issues.

Interstate Placements Today and in the Future

Interstate placements are on the rise and are expected to continue to grow as relative placements and geographic barriers to adoption fade. A significant component of states' efforts to increase permanency and adoption for children in the child welfare system is the recognition that resource families for the children who need homes can be located anywhere in the United States. With the launch of the AdoptUSKids web site and national recruitment campaign, states now have a vehicle that allows them to find prospective adoptive families from across the nation for waiting children. As of Sept. 30, 2001¹ of 542,000 children in out-of-home placement, 60 percent will be reunified with birth parents. The remaining will need permanent families. Most will be placed in homes close to their communities; for others, the most appropriate placement may be with a family in another state. Interstate placements offer a greater chance of adoption to children who may be difficult to place; resource families from all states can be accessed and made aware of their need.

Data from the Adoption and Foster Care Analysis Reporting System (AFCARS) show that nationwide, the annual number of completed adoptions from foster care doubled between 1995 and 2000.² Researchers expect the rate of growth in adoption from foster care will exceed the rate of growth of the foster care population for at least the next two decades.³

Although adoptions have increased substantially, at any given time about 8,000 children are waiting to be adopted but have no immediate adoption prospects.⁴

¹ The *AFCARS Report*. Data submitted for FY2001, 10/1/00 through 9/30/01.

² Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *AFCARS Report* for the period ending September 20, 2001. www.acf.hhs.gov/programs/cb.

³ Fred Wulczyn and Kristin Brunner, *Growth in the Adoption Population, Issue Papers on Foster Care and Adoption*, Topic #2, Chapin Hall Center for Children, 2002.

⁴ Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *AFCARS Report* for the period ending September 20, 2001. www.acf.hhs.gov/programs/cb.

Currently, interstate placements constitute about 5.5 percent of children served in foster care annually, and some 4 percent in care on any given day. The largest proportion of the children placed through the ICPC— about 40 percent— are placed with relatives in other states. This significantly exceeds the national figures showing that relatives care for 25 percent of all children in foster care.. Moreover, children who are placed interstate are twice as likely to be placed in pre-adoptive homes as in-state children. In fact, data show that two-thirds of children placed in another state are adopted by the families with whom they were placed.⁵

The Road to Change

In March 2004, APHSA state human services leadership adopted a policy resolution directing a rewrite of the ICPC. While the association members agreed that there are a number of interim steps that can be taken to improve the interstate placement process, true reform required revisions to the actual language of the ICPC itself. APHSA, in response to this resolution, assembled a development and drafting team composed of a diverse group of state human service administrators, child welfare directors, compact administrators and a large number of national child welfare organizations to provide recommendations for addressing the issues in the compact and its implementation. After intensive meetings and extensive communication with the states and outside stakeholders, APHSA disseminated two drafts of the rewritten compact – the Interstate Compact *for* the Placement of Children – for review and comment. The comments and concerns of the states and stakeholders have been compiled and integrated by APHSA staff and the Drafting Team. The third and final draft is forthcoming, with revisions completed by December 2005. APHSA is working with its members to have the compact introduced in state legislatures in 2006.

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⁵Penlope Maza, “Does Being Placed Out-of-State Make a Difference for Children in Foster Care,” Presented at AAICPC annual meeting, May 1, 2001.