

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 3

In Support of Strengthening the Interstate Compact on the Placement of Children

WHEREAS, the Conference of State Court Administrators (COSCA) understand the need to expedite the placement of abused and neglected children in safe and permanent homes and that in some cases the best placement is in another state, which requires interstate cooperation and collaboration; and

WHEREAS, the American Public Human Services Administrators (APHSA) as the secretariat of the Interstate Compact for the Placement of Children (ICPC) has undertaken an effort to revise the ICPC; and

WHEREAS, legislation (H.R. 4504 and S. 2779) was introduced in the 108th Congress to provide guidance to APHSA's revision effort and that the 109th Congress may consider similar legislation; and

WHEREAS, the legislation as introduced in the 108th Congress included several provisions that would directly impact state courts. The legislation would have:

- Provided state courts access to the Federal Parent Locator Service (FPLS) for the purpose of locating a parent of a child in foster care or adoptive case;
- Created a right of foster parents, pre-adoptive parents, and relative caregivers to be heard in any foster care proceeding;
- Required the highest court of each state to establish a rule requiring state courts to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care of any proceeding to be held with respect to the child;
- Added another purpose to the Court Improvement Program to “determine the best strategy to use to expedite the interstate placement of children, including (1) requiring courts in different states to cooperate in the sharing of information, (2) authorizing courts to obtain information and testimony from agencies and parties in other states without requiring interstate travel by the agencies and parties, and (3) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel”;
- Required judges to consider out-of-state placements in case reviews, out-of-state permanent placements in permanent hearings, and out-of-state relatives and placements in concurrent case plans;

- Clarified that case plans should facilitate orderly and timely intrastate and interstate placements;
- Required that in the case of a child who will not be returned to the parent, the hearing shall consider intrastate and out-of-state placement options; and
- Established a 60-day time limit for completion of home studies and financial penalties for failure to meet the time limits.

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators supports these provisions with the following clarifications:

- The highest court of each state should establish procedures to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care of any proceeding to be held with respect to the child. The procedures may place the responsibility for the notice on the parties and charge the state court with responsibility to insure that proper notice is given in a timely manner; and
- Legislation should allow for a good cause exception on individual cases to the 60-day time limit for completion of home studies, provided there is documentation of the cause for the delay.

Adopted as proposed by the Courts, Children and Families Committee at the COSCA 2004 Midyear Meeting, New Orleans, Louisiana, December 3, 2004