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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE  
RAMIFICATIONS OF ADOPTING THE NEW INTERSTATE COMPACT FOR  
THE PLACEMENT OF CHILDREN.

1           WHEREAS, the current Interstate Compact for the Placement  
2 of Children (ICPC) was drafted in 1960, and has been enacted by  
3 all states, including Hawaii in chapter 350E of the Hawaii  
4 Revised Statutes, the District of Columbia, and the U.S. Virgin  
5 Islands; and

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7           WHEREAS, the ICPC is the only public law in existence to  
8 ensure that children placed across state lines for foster care  
9 or adoption are placed with persons who are safe, suitable, and  
10 able to provide proper care; and

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12           WHEREAS, the ICPC process is supposed to entail a complete  
13 home study conducted by the receiving state in the form of  
14 assessments of social and medical histories of the placement  
15 family, their backgrounds, parenting and discipline styles,  
16 employment and financial histories, a physical evaluation of  
17 their home, criminal and child abuse background checks, personal  
18 and professional references, foster or adoptive parent training,  
19 and case worker recommendations; and

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21           WHEREAS, under the ICPC process, once the child is placed,  
22 the receiving state is responsible for ongoing supervision of  
23 the placement and for providing support services to the family  
24 and regular reports to the sending state agency and court, but  
25 financing of services and support must be agreed to by the  
26 sending and receiving states; and

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28           WHEREAS, under the current ICPC, existing provisions and  
29 rules are to be administered by the Association of  
30 Administrators of the Interstate Compact on the Placement of  
31 Children (AAICPC), an affiliate of the American Public Human



1 Services Association (APHSA), but the AAICPC is not specifically  
2 designated under the compact, nor is it given specific authority  
3 to make and enforce rules or the provisions of the compact; and  
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5 WHEREAS, a renewed focus on safety and permanency for  
6 children in our child welfare system has brought ICPC back into  
7 the spotlight, and highlighted many problems with the existing  
8 compact as currently written and implemented, including the lack  
9 of timeliness in the process that causes unnecessary delays for  
10 children being placed across state lines, a lack of  
11 accountability and enforcement, insufficient and antiquated  
12 language, and rules and procedures that are not uniformly  
13 followed or understood; and  
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15 WHEREAS, in 2004, the APHSA adopted a policy resolution  
16 directing a rewrite of the ICPC, and assembled a drafting team  
17 composed of a diverse group of state human service  
18 administrators, state and local child welfare directors, compact  
19 administrators, and representatives from a broad and diverse  
20 group of national organizations, including the U.S. Department  
21 of Health and Human Services, Administration for Children and  
22 Families and Children's Bureau, the Child Welfare League of  
23 America, the National Court Appointed Special Advocates Program;  
24 the American Academy of Adoption Attorneys, the American Bar  
25 Association, and many others; and  
26

27 WHEREAS, the final draft of the compact was sent to each  
28 state for final approval in November 2005, and in 2006, APHSA  
29 received the necessary support to move forward with assisting  
30 the states in getting the new compact adopted nationally; and  
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32 WHEREAS, some of the improvements of the new Interstate  
33 Compact for the Placement of Children include: clear language  
34 regarding applicability of the compact; clear rulemaking  
35 authority delegated to the Interstate commission and provisions  
36 ensuring that the development of rules is in compliance with the  
37 due process principles of notice and comments of the Model State  
38 Administrative Procedures Act; meaningful enforcement of this  
39 compact; the collection of standardized information and the  
40 development of a secure and affordable information system that  
41 will facilitate timely information sharing, helping ensure  
42 accountability for interstate placements, clarification  
43 regarding retention of legal jurisdiction and under what



1 circumstances jurisdiction can be terminated, and others; now,  
2 therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-fourth Legislature of the State of Hawaii, Regular  
6 Session of 2008, the Senate concurring, that a task force is  
7 requested to be convened for the purpose of conducting a study  
8 on the ramifications of adopting the new Interstate Compact for  
9 the Placement of Children, including areas of change in current  
10 procedures in the Judiciary and the Department of Human  
11 Services, areas where compliance with the Compact would be  
12 difficult as well as needed improvements in order to comply with  
13 the Compact; and

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15 BE IT FURTHER RESOLVED the task force be comprised of a  
16 representative from the Department of Human Services, the  
17 Judiciary, the Attorney General, and the Legislative Reference  
18 Bureau; and

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20 BE IT FURTHER RESOLVED that the study, and any proposed  
21 legislation, if any, be transmitted to the Legislature no later  
22 than twenty days prior to the convening of the 2009 Regular  
23 Session; and


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25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Director of the  
27 Department of Human Services, the Judiciary, the Attorney  
28 General, and the Acting Director of the Legislative Reference  
29 Bureau.

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OFFERED BY:   
*(AS REQUEST)*

MAR 12 2008

