

**NCJFCJ 67th ANNUAL CONFERENCE
JULY 18 - 21, 2004
Portland, Oregon**

No. 4

**INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN
CONFERENCE OF CHIEF JUSTICES**

WHEREAS, the INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) has been adopted by all fifty states, the District of Columbia, and the U.S. Virgin Islands; and

WHEREAS, the ICPC has been found in many cases to cause delay in the placement of children with family members who live in another state from where the child currently resides, interstate adoptions, and placement in residential facilities in these other states; and

WHEREAS, the National Council of Juvenile and Family Court Judges on July 17, 1996, adopted a Resolution that supported improvements in the ICPC; and

WHEREAS, since the passing of that Resolution, problems continued to exist with the effective implementation of the ICPC and the understanding of the ICPC by judges, lawyers, and social workers who are involved with these cases; and

WHEREAS, the National Council of Juvenile and Family Court Judges and the American Bar Association, at their Annual Conferences in July and August 2003 adopted Resolutions supporting improvements in regard to the ICPC; and

WHEREAS, since the summer of 2003 proposed federal legislation has been introduced that seeks to improve the ICPC process; a judicial memorandum of understanding has been proposed and is in the process of being adopted by the judges of the Washington, D.C. Metropolitan Area to improve judicial cooperation regarding the ICPC; and the Resolution that is attached hereto will be presented to the Conference of Chief Justices of the states of the United States for adoption; and the Conference of Chief Justices shall be asked to approve the concepts of the above judicial memorandum of understanding, which is also attached to this Resolution; and

NCJFCJ General Business Meeting
July 21, 2004
Portland, OR
Resolution No. 4

WHEREAS, the National Council of Juvenile and Family Court Judges approves of the proposed Resolution that will be presented to the Conference of Chief Justices at its meeting later this month and desires to encourage its adoption and approval of the concepts of the attached judicial memorandum of understanding:

NOW THEREFORE, BE IT RESOLVED, that the National Council of Juvenile and Family Court Judges encourages the Conference of Chief Justices of the states of the U.S. to recognize the need for the timely disposition of requests for approval of interstate placements, the importance of cooperation between and among state, local and territorial officials responsible for seeking and granting approval of such placements, and the harm suffered by children when unnecessary delays occur in the approval of interstate placements; and

BE IT FURTHER RESOLVED, that the National Council of Juvenile and Family Court Judges urges the adoption of the proposed Resolution being offered to the Conference of Chief Justices at its annual meeting and the approval of the concepts of the judicial memorandum of understanding likewise attached.

Adopted this 21st day of July, 2004
By the Membership Assembled in Conference
In Portland, Oregon

THE CONFERENCE OF CHIEF JUSTICES

RESOLUTION TO SUPPORT

INCREASED JUDICIAL INVOLVEMENT IN

INTERJURISDICTIONAL MOVEMENT OF CHILDREN

THROUGH THE INTERSTATE COMPACT

ON THE PLACEMENT OF CHILDREN (ICPC)

WHEREAS, delays in the placement of children in foster care across state lines have occurred for many years for a variety of reasons including court delays in the entry and transmittal of final orders in cases involved with the ICPC, delays in obtaining required criminal background checks on prospective interstate relative and other placements for certain children in foster care, and non-uniform child welfare staff and State ICPC Office practices in placing dependent children under the requirements of the ICPC, which all 50 states, the District of Columbia, and the U.S. Virgin Islands have adopted as statutory law in their respective jurisdictions; and

WHEREAS, the Conference of Chief Justices desires to assist the timely and safe movement of children in foster care between states to appropriate permanent placements, adoptions, and treatment facilities and further desires to reduce delays that currently exist in making interstate placement of dependent children while reaffirming best practices for state trial courts as they help to ensure the timely completion of ICPC home studies and improved functioning of the ICPC; and

WHEREAS, the Conference of Chief Justices has been provided a Regional Judicial Memorandum of Understanding which is in the process of being adopted in the Washington, D.C. Metropolitan Area, which it believes is a model to be used in areas of the United States that border one another and in situations where certain states have a high volume of children in foster care that move between them; and

WHEREAS, the Conference of Chief Justices acknowledges the need for courts to assist public child welfare agencies and compact administrators of the ICPC to expedite interstate placements of these children; and

WHEREAS, the Conference of Chief Justices has been asked to approve the Regional Judicial Memorandum of Understanding which is in the process of being adopted in the Washington, D.C. Metropolitan Area, as a model for use by courts of the various states; and

WHEREAS, the Conference of Chief Justices also has been asked to establish in each of their states mechanisms to assist judges from other states to contact a person in the Office of the Administrator of the highest ranking court in each state to help locate the trial judges in each state who could assist in facilitating the ICPC process as proposed through the aforesaid Regional Judicial Memorandum of Understanding.

THEREFORE BE IT RESOLVED, that the Conference of Chief Justices approves the Regional Judicial Memorandum of Understanding which is in the process of being adopted in the Washington, D.C. Metropolitan Area as a model for use by regions of the United States similar to the Washington, D.C. Metropolitan Area as well as by states who have a high volume of children in foster care that move between them; and

BE IT FURTHER RESOLVED, that the Chief Justice of each state shall direct his or her chief court administrator to identify a person on staff to be the contact person for the purpose of assisting judges from other states to locate the local judge in his or her state to assist in resolving an ICPC problem pursuant to the aforesaid Regional Judicial Memorandum of Understanding. Said contact person shall be identified on the Website of each Supreme or highest court in each state to facilitate contact; and it is further, and

BE IT FURTHER RESOLVED, that the Chief Justice of each state shall direct his or her chief court administrator to have the court judicial educator provide training on this issue to all new judges that come on the bench subsequent to the adoption of this resolution and hear cases involving the ICPC as well as provide continuing judicial education to all currently sitting and retired judges who hear cases involving the ICPC.

ADOPTED THIS _____ JULY, 2004

THE CONFERENCE OF CHIEF JUSTICES,

BY: _____
President