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## **ICPC RESOURCES**

For information about the Interstate Compact on the Placement of Children and current reform efforts, visit the website of the Association of the Administrators of the Interstate Compact on the Placement of Children at: [http://icpc.aphsa.org/Home/home\\_news.asp](http://icpc.aphsa.org/Home/home_news.asp)

### **Articles**

John C. Lore III, *Protecting Abused, Neglected, and Abandoned Children: A Proposal for Provisional Out-Of-State Kinship Placements Pursuant to the Interstate Compact on the Placement of Children*, 40 U. MICH. J.L. REFORM 57 (2006)

Julian Libow, *The Interstate Compact on the Placement of Children —A Critical Analysis*, 43 JUV. AND FAM. CT. J. 19 (1992)

Judge Stephen W. Rideout, *The Promise of the New Interstate Compact on the Placement of Children*, 25 ABA CHILD LAW PRACTICE 165 (2007) available at [http://icpc.aphsa.org/Home/Doc/Rideout\\_on\\_new\\_ICPC.pdf](http://icpc.aphsa.org/Home/Doc/Rideout_on_new_ICPC.pdf)

Vivek S. Sankaran, *Navigating the Interstate Compact on the Placement of Children: Advocacy Tips for Child Welfare Attorneys*, 27 ABA CHILD LAW PRACTICE 33 (2008)

Vivek S. Sankaran, *Out of State and Out of Luck: The Treatment of Non-Custodial Parents under the Interstate Compact on the Placement of Children*, 25 YALE L. AND POL. REV. 63 (2006)

Vivek S. Sankaran, *Perpetuating the Impermanence of Foster Children: A Critical Analysis of Efforts to Reform the Interstate Compact on the Placement of Children*, 40 FAM. L. QUARTERLY 435 (2006)

### **Caselaw**

#### **ICPC Does Not Apply To Placements With Biological Parents**

McComb v. Wambaugh, 934 F.2d 474 (3d Cir. 1991)

In re Alexis O., No. 2008-133 (N.H. 2008)

Ark. Dep't of Human Servs. v. Huff, 65 S.W.3d 880 (Ark. 2002)

In re C.B., 2010 Cal. App. LEXIS 1673 (Cal. Ct. App. 2010)

In re Dimitri M., 2008 Cal. App. Unpub. LEXIS 4137 (Cal. Ct. App. 2008)

In re John M., 2006 Cal. App. LEXIS 1257 (Cal. Ct. App. 2006)

In re Alicia F., 2005 Cal. App. Unpub. LEXIS 10587 (Cal. Ct. App. 2005)

In re Kirsten T., 2005 Cal. App. Unpub. LEXIS 8617 (Cal. Ct. App. 2005)

In re Colin R., 2004 Cal. App. Unpub. LEXIS 11492 (Cal. Ct. App. 2004)

In re Markelle T., 2003 Cal. App. Unpub. LEXIS 5676 (Cal. Ct. App. 2003)

In re Johnny S., 1995 Cal. App. LEXIS 1294 (Cal. Ct. App. 1995)

Tara S. v. Superior Ct. of San Diego County, 1993 Cal. App. LEXIS 235 (Cal. Ct. App. 1993)

Dep't of Servs. for Children v. J.W., 2004 Del. Fam. Ct. LEXIS 143 (Del. Fam. Ct. 2004)

Dep't of Children and Family Services v. K.N., 858 So.2d 1087 (Fla. Ct. App. 2003) (not applicable to return of child to fit, custodial parent after child had been kidnapped by noncustodial parent)

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Dep't of Children and Family Services v. L.G., 801 So.2d 1047 (Fla. Ct. App. 2001) (not applicable to interstate move of mother who already had custody of children)  
In re Rholetter, 592 SE.2d 237 (N.C. Ct. App. 2004)  
In re Mary L., 778 P.2d 449 (N.M. Ct. App. 1989)

***ICPC Applies To Placements With Biological Parents***

Ariz. Dep't of Econ. Sec. v. Leonardo, 22 P.3d 513 (Ariz. Ct. App. 1999)  
Green v. Div. of Family Servs., 864 A.2d 921 (Del. 2004)  
C.K. v. Dep't of Children and Families, 2007 Fla. App. LEXIS 2729 (Fla. Ct. App. 2007)  
H.P. v. Dep't of Children & Families, 838 So. 2d 583 (Fla. Dist. Ct. App. 2003)  
Dep't of Children & Families v. Benway, 745 So. 2d 437 (Fla. Dist. Ct. App. 1999)  
In the Interest of C.N., 953 So.2d 870 (La. Ct. App. 2007)  
Custody of Quincy, 562 N.E.2d 94 (Mass. Ct. App. 1990)  
Adoption of Warren, 693 N.E.2d 1021 (Mass. Ct. App. 1998)  
Orsborn v. Montano DPHHS, 2004 Mont. Dist. LEXIS 3524 (Mt. 19<sup>th</sup> Jud. Dist. Ct. 2004)  
In the Matter of Tumari W., 2009 N.Y. App. Div. LEXIS 6669 (N.Y. Supr. Ct 2009) (but noting that ICPC may not apply if BF had filed for custody)  
In the Matter of J.T., 2008 N.Y. Misc. LEXIS 7324 (Fam. Ct. N.Y. 2008)  
State Juvenile Dep't of Clackamas County v. Smith, 811 P.2d 145 (Ore. Ct. App. 1991)

***ICPC Does Not Apply To Visits With Biological Parents***

In re Emmanuel R., 2001 Cal. App. LEXIS 3109 (Cal. Ct. App. 2001)

***ICPC Does Not Apply To Placements With Relatives***

Arkansas Dep't of Health and Human Services v. Jessica Jones, 2007 Ark. App. LEXIS 46 (Ark. Ct. App. 2007) (inapplicable where custody was being restored to paternal grandparents at preliminary hearing)  
Commonwealth of Kentucky v. G.C., 2009 Ky. App. Unpub. LEXIS 27 (Ct. App. Ky. 2009)  
In the Matter of J.E., B.E., 2007 N.C. App. LEXIS 801 (N.C. Ct. App. 2007)  
N.J. Div. of Youth & Family Servs. v. K.F., 803 A.2d 721 (N.J. Super. Ct. App. Div. 2002)  
In the Matter of Lisa B., 2006 N.Y. Misc. LEXIS 1735 (N.Y. Sup. Ct. 2006) (inapplicable where grandparents filed a separate custody action regarding foster children)

***ICPC Applies To Placements With Relatives***

In re Yarisha F., 121 Conn. App. 150; 2010 Conn. App. LEXIS 188 (App. Ct. Conn. 2010)  
In re Petition of T.M.J., 2005 D.C. App. LEXIS 381 (D.C. 2005)  
In re T.T.B., 724 N.W.2d 300 (Minn. 2006)  
In the Matter of Ryan R., 2006 N.Y. App. Div. LEXIS 6494 (N.Y. Sup. Ct. 2006)  
In re Miller, 36 P.2d 989 (Or. Ct. App. 2001)

***ICPC Model Regulations Are Not Binding On States***

H.P. v. Dep't of Children & Families, 838 So. 2d 583 (Fla. Dist. Ct. App. 2003)

***ICPC Model Regulations Are Binding***

Ariz. Dep't of Econ. Sec. v. Leonardo, 22 P.3d 513 (Ariz. Ct. App. 1999)  
Green v. Div. of Family Servs., 864 A.2d 921 (Del. 2004)

***Best Interest Of The Child Trumps Strict Compliance With The ICPC***

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In re Christina M, 1995 Cal. App. LEXIS 682 (Cal. Ct. App. 1995)  
In re Adoption 3598, 701 A.2d 110 (Md. Ct. App. 1997)  
In re Adoption 10087, 597 A.2d 456 (Md. Ct. App. 1991)  
N.J. Div. of Youth & Family Servs. v. K.F., 803 A.2d 721 (N.J. Super. Ct. App. Div. 2002)  
State of Florida v. Thornton, 396 S.E.2d 475 (W.Va. Supreme Ct. App. 1990)

***Effects of Violating ICPC***

In re Matter of the Adoption of Infant H., 2009 Ind. LEXIS 339 (Ind. 2009) (reversing adoption order where trial court failed to comply with the ICPC)  
In re Paula G., 672 A.2d 872 (R.I. 1996) (reversing order placing children with out of state relatives where trial court failed to comply with the ICPC).  
In re Eli F., 212 Cal.App.3d 228 (1989) (reversing order placing children with out of state relatives where the court had no evidence of completion of ICPC process)

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