DCF Legislative Testimony

February 3, 2026

TESTIMONY OF: Rebecca Gerhardt, Director of Permanency and Licensing, Kansas Department for Children and Families

TESTIMONY ON: **Oral, Proponent, HB 2557:** Enacting and joining with other states in the interstate compact for the placement of children and authorizing the administration and implementation of the compact.

DCF | HB 2557 | Interstate Compact for the Placement of Children

Chair **Howerton** and members of the committee. Thank you for the opportunity to provide testimony in **support of** HB 2557 which enacts and joins with other states in the Interstate Compact for the Placement of Children (ICPC).

The bill as written enacts, in Kansas, the revised ICPC. The revised ICPC updates the legal framework supporting ICPC functions. Key impacts of the revised ICPC include:

1. Provides an updated and more thorough legal and definitional framework for ICPC as well as providing opportunities for infrastructure development and change that better serves children and families considering current technologies and practices.
2. Increases timely placements in receiving states by allowing for provisional placements as well as increasing focus on timeliness as a purpose of the compact (timeliness is not addressed in the current version of the compact).
3. Provides clear language and rules for applicability, including clarifying the applicability of ICPC to non-custodial parents. It also removes outdated language and updates formatting to be more closely aligned with the Kansas statutory framework.
4. Provides an opportunity for an administrative review of proposed placement denials in the receiving state. The administrative review process under the revised ICPC is available to any interested party, and if the proposed placement denial is overturned the placement is deemed to be approved.
5. Includes, for the first time, enforcement mechanisms are included to secure compliance with compact provisions.
6. Provides for a rule making process that reflects due process and is open to public comment and can incorporate more frequent changes allowing the compact to reflect current practices and technologies.

Enactment of ICPC and Creation of the Revised ICPC

Interstate compacts are binding legal agreements between states to address common problems or promote a common agenda. Kansas is part of multiple interstate compacts documented by the National Center for Interstate Compacts.

The Interstate Compact on the Placement of Children was created in 1960 and adopted in Kansas in 1976 at KSA 38-1201 to 1206. The compact as currently adopted includes outdated terminology and does not reflect the priorities of a modern child and family wellbeing system.

The process of revising ICPC started in 2004 with a policy resolution of the American Public Human Services Association (APHSA) directing a rewrite of ICPC.. After seeking input from stakeholders throughout the compact jurisdictions a final draft was circulated in November 2005. In March 2006 APHSA began providing support to states for adoption of the revised compact. The new compact moves from being a compact on the interstate placement of children to being a compact for the interstate placement of children.

Currently 20 states have adopted the revised ICPC including Nebraska, Oklahoma, Missouri, and Colorado, Kansas' border states. An enactment map can be found at: MAP.

Revised compact language implementation occurs upon adoption of the revised compact by 35 states.. Upon adoption by the 35th state, compact provisions triggering the rule making functions begin, and within the first 12 months the interstate commission will begin focusing on those items listed on page 16, lines 11-25, of HB 2557.

States who have not adopted the compact at the time rule making begins will not be involved in initial rule making. States will join the rule making body upon adoption of the revised compact but will be subject to the language of the compact as well as any rules that were created prior to the state's adoption of the compact. Between 12 and 24 months after adoption by the 35th state, the current ICPC rules and functions will be superseded and rendered null and void, making any state who has not adopted the new compact an ICPC nonmember state. When a state becomes a non-member their ability to receive placement of out-of-state children and place their own children out of state becomes either onerous or nonexistent.

Kansas strives to be a leader in child and family wellbeing. Adoption of the revised ICPC and participation in ICPC rule making as a member of the interstate commission from day one protects the interests of Kansas children, families, and potential placement providers.

Article I – Purpose and Policy

Article I of the revised ICPC outlines the purposes of ICPC. Revisions to this section include a clarification of the purposes of the compact, inclusion of timeliness of placement as a consideration, transparency in rule making, and specific inclusion of the ability to collaborate for uses of ICPC provisions for the placement of Indian Children by their Tribes as well as consideration of how ICPC interacts with other compacts that may be supportive of a child subject to multiple compacts.

Timeliness of placement is included as a focus in 2 subsections of this Article. Under the original ICPC, timeliness of placement is never mentioned as a purpose. Additionally, the purposes now include a transparent rule making process and uniform data collection regarding ICPC home studies, assessments, and placements.

Article II – Definitions

Article II of the revised ICPC includes definitions relevant to the revised ICPC. The original ICPC only defines 3 terms, sending agency, receiving state, and placement.

The revised ICPC defines 28 terms used commonly throughout the compact or utilized in compact rules. Having common statutory definitions of language used in discussion ICPC creates clearer understanding and transparency for every stakeholder and interested party who may engage with the ICPC process. It also increases consistency between states.

Article III – Applicability

Article III defines situations in which ICPC is and is not applicable. By providing additional clarity in this section, states have a uniform interpretation of when an ICPC applies. A child in Kansas will be subject to ICPC in the same circumstances as a child in Nebraska or Alaska.

A particular point of confusion under the original compact is placement of a child with an out of state noncustodial parent. In Kansas, this has been clarified in a In Re SRC-Q, 52 Kan. App. 2d 454 and is clarified in the new compact Article III pages 5-6, lines 40-5. The language of the revised compact is consistent with the Kansas

Court of Appeals case, maintains the status quo for Kansas children and increases consistency for Kansas parents who may have children living in other states.

Other clarifications in this section provide protection and consistency for military families, who were not previously addressed in compact language.

Article IV – Jurisdiction

Article IV provides guidance regarding maintaining and ending court jurisdiction. The sending state is required to maintain jurisdiction over the child throughout the ICPC case under both the original and revised compacts. The revised compact lays out more clearly when a sending state may release jurisdiction and that notice is to be given to the receiving state when jurisdiction is terminated.

Article V – Placement Evaluation

Article V increases tools available to support timely and thorough evaluation of potential placements. It also provides clearer documentation requirements, for both public and private adoptions. Additionally, this section provides a mechanism for a provisional placement of a child (defined in Article II) with a relative. This increases timeliness of placement while supporting assessment and licensure procedures consistent with state laws.

Article VI – Placement Evaluation

Among the key changes in this article is creation of an appeal process when a placement request is not approved. If a proposed placement is not approved by the receiving state, any interested party may request an administrative review through the administrative procedures act in the receiving state. In Kansas, this request for review and appeal would occur through the Office of Administrative Hearings providing families with a review of the proposed placement decision conducted by a quasi-judicial body outside of DCF and the local provider who completed the assessment. If the decision to approve the placement is overturned and all administrative and judicial remedies have been exhausted, the placement is deemed to be approved.

Article VII – Placing Agency Responsibility

Article VII provides information about the financial responsibilities of sending and receiving states. This section reinforces current practices in which the sending state is responsible for the costs of placement and services for young people who are placed out of state. While the receiving state continues to be responsible for timely reporting of information to the sending state and supervision of the placement and child throughout the time the ICPC is open.

Article VIII - XIII– Interstate Commission

Articles VII-XII create and refine the work of the Interstate Commission which serves as the operational body for ICPC. While a rule making body currently exists for ICPC, the newly created Interstate Commission will have additional duties in providing dispute resolution among member states, issuing advisory opinions interpreting ICPC for the benefit of member states, as well as reporting annually to legislatures, governors, and others regarding the activities done by the Interstate Commission during the prior year.

Additionally, the revised ICPC includes a robust rulemaking policy allowing for public comment prior to adoption of new rules. The compact outlines the way a rule created by the Interstate Commission can be determined to have no further effect on any member state by action of a majority of legislatures of member states.

The Interstate Commission is required by the compact to create a rule providing for mediation and binding dispute resolution between member states. The Interstate Commission will also engage in attempts to resolve disputes between member states, including disputes between member and non-member states.

The revised ICPC creates for the first time, enforcement mechanisms if a state has defaulted in the performance of its obligations under the compact and the IC may offer remedial training or technical assistance, written notice of the default including means necessary to cure the default.

Article XV – Withdrawal and Dissolution

This article provides information to states who may wish to withdraw for the compact including notification to the Interstate Commission and other member states. It also provides a process for reinstatement should a state choose to leave the compact then wish to return.

Article XVII – Indian Tribes

The revised compact specifically includes mention of engagement of Indian Tribes in the ICPC process and rule making bodies and includes consultations with the Tribes to reflect the circumstances particular to the individual Tribes.

DCF does not anticipate a fiscal impact from passage of the revised ICPC.

DCF **supports** to this legislation as written and would ask that the committee pass favorably. Thank you again for the opportunity to provide testimony on **HB 2557**.