



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

April 5, 2022

Dear Members of the House Executive Departments and Administration Committee,

Senate Bill 397 was amended in the Senate Judiciary committee by Senator Sharon Carson to incorporate a critical update the Interstate Compact for the Placement of Children (ICPC). The committee will recall that the outdated ICPC was identified as a system weakness in the Comprehensive Update on the Ongoing Case Involving Harmony Montgomery and Recommended System Improvements issued on February 25, 2022. As shared in the Update:

The ICPC was passed in 1965 and is not well suited for the modern day. It lacks clear processes and expectation for communication and provides no framework for dispute resolution should states disagree about a matter. While regulations were developed to better address these gaps, in many states, including New Hampshire, pursuant to case-law, these regulations operate more as guidelines than enforceable law. Moreover, as it relates to this review, the ICPC lacks clarity as to which types of child placements apply; this has led to different states creating and applying different standards. On this particular topic, the new ICPC would apply to placements of children in foster care with parents in other states unless the court found: 1) that the parent already has a substantial relationship with the child, and 2) that the placement is in the child's best interest. A new ICPC was drafted and shared with states in 2007 and becomes effective when 35 states have enacted it.

In addition, Senator Carson has agreed to request that this Committee make an additional amendment to bill, one that will allow for provisions that ensure children placed by the New Hampshire Division for Children, Youth and Families outside of New Hampshire with non-custodial parents will receive the additional protection of a home-study when appropriate and necessary to ensure the child's best interests are protected. This proposed amendment will ensure that this provision becomes effective upon passage and is not dependent on passage of corresponding legislation in other states as is the case with the balance of the related provisions.

I respectfully request the committee consider this letter of support when deliberating the merits of the legislation.

Sincerely,

A handwritten signature in blue ink that reads "Chris T. Sununu".

Christopher T. Sununu
Governor