

Introduced: 2/10/76  
Referred: Health, Education and  
Social Services

1 IN THE SENATE

BY CHANCE

2 SENATE BILL NO. 629

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enactment of the Interstate  
7 Compact on the Placement of Children; and providing for  
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 47 is amended by adding a new chapter to read:  
11 CHAPTER 70. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

12 Sec. 47.70.010. COMPACT ENACTED. The Interstate Compact on the  
13 Placement of Children as contained in this section is enacted into law  
14 and entered into on behalf of the state with any and all other states  
15 legally joining in it in a form substantially as follows:

16 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

17 ARTICLE I. PURPOSE AND POLICY

18 It is the purpose and policy of the party states to cooperate with  
19 each other in the interstate placement of children to the end that:

20 (a) Each child requiring placement shall receive the maximum  
21 opportunity to be placed in a suitable environment and with persons or  
22 institutions having appropriate qualifications and facilities to pro-  
23 vide a necessary and desirable degree and type of care.

24 (b) The appropriate authorities in a state where a child is to be  
25 placed may have full opportunity to ascertain the circumstances of the  
26 proposed placement, thereby promoting full compliance with applicable  
27 requirements for the protection of the child.

28 (c) The proper authorities of the state from which the placement  
29 is made may obtain the most complete information on the basis of which

1 to evaluate a projected placement before it is made.

2 (d) Appropriate jurisdictional arrangements for the care of  
3 children will be promoted.

4 ARTICLE II. DEFINITIONS

5 As used in this compact:

6 (a) "Child" means a person who, by reason of minority, is legally  
7 subject to parental, guardianship or similar control.

8 (b) "Sending agency" means a party state, officer or employee  
9 thereof; a subdivision of a party state, or officer or employee thereof;  
10 a court of a party state; a person, corporation, association, charitable  
11 agency or other entity which sends, brings, or causes to be sent or  
12 brought any child to another party state.

13 (c) "Receiving state" means the state to which a child is sent,  
14 brought, or caused to be sent or brought, whether by public authorities  
15 or private persons or agencies, and whether for placement with state  
16 or local public authorities or for placement with private agencies or  
17 persons.

18 (d) "Placement" means the arrangement for the care of a child in  
19 a family free or boarding home or in a child-caring agency or institu-  
20 tion but does not include any institution caring for the mentally ill,  
21 mentally defective or epileptic or any institution primarily educational  
22 in character, and any hospital or other medical facility.

23 ARTICLE III. CONDITIONS FOR PLACEMENT

24 (a) No sending agency shall send, bring, or cause to be sent or  
25 brought into any other party state any child for placement in foster  
26 care or as a preliminary to a possible adoption unless the sending  
27 agency shall comply with each and every requirement set forth in this  
28 article and with the applicable laws of the receiving state governing  
29 the placement of children therein.

1 (b) Prior to sending, bringing or causing any child to be sent or  
2 brought into a receiving state for placement in foster care or as a  
3 preliminary to a possible adoption, the sending agency shall furnish the  
4 appropriate public authorities in the receiving state written notice of  
5 the intention to send, bring, or place the child in the receiving state.  
6 The notice shall contain:

7 (1) The name, date and place of birth of the child.

8 (2) The identity and address or addresses of the parents or  
9 legal guardian.

10 (3) The name and address of the person, agency or institution  
11 to or with which the sending agency proposes to send, bring, or place  
12 the child.

13 (4) A full statement of the reasons for such proposed action  
14 and evidence of the authority pursuant to which the placement is pro-  
15 posed to be made.

16 (c) Any public officer or agency in a receiving state which is in  
17 receipt of a notice pursuant to paragraph (b) of this article may re-  
18 quest of the sending agency, or any other appropriate officer or agency  
19 of or in the sending agency's state, and shall be entitled to receive  
20 therefrom, such supporting or additional information as it may deem  
21 necessary under the circumstances to carry out the purpose and policy  
22 of this compact.

23 (d) The child shall not be sent, brought, or caused to be sent or  
24 brought into the receiving state until the appropriate public authori-  
25 ties in the receiving state shall notify the sending agency, in writing,  
26 to the effect that the proposed placement does not appear to be contrary  
27 to the interests of the child.

28 ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT

29 A person who sends, brings, or causes to be sent or brought into

1 any receiving state a child in violation of the terms of this compact  
2 is guilty of a misdemeanor, and upon conviction is punishable by a fine  
3 of not more than \$200. Violation of the terms of this compact is cause  
4 for revocation of a license required under AS 47.35.020.

5 ARTICLE V. RETENTION OF JURISDICTION

6 (a) The sending agency shall retain jurisdiction over the child  
7 sufficient to determine all matters in relation to the custody, super-  
8 vision, care, treatment and disposition of the child which it would have  
9 had if the child had remained in the sending agency's state, until the  
10 child is adopted, reaches majority, becomes self-supporting or is dis-  
11 charged with the concurrence of the appropriate authority in the receiv-  
12 ing state. Such jurisdiction shall also include the power to effect or  
13 cause the return of the child or its transfer to another location and  
14 custody pursuant to law. The sending agency shall continue to have  
15 financial responsibility for support and maintenance of the child during  
16 the period of the placement. Nothing contained herein shall defeat a  
17 claim or jurisdiction by a receiving state sufficient to deal with an  
18 act of delinquency or crime committed therein.

19 (b) When the sending agency is a public agency, it may enter into  
20 an agreement with an authorized public or private agency in the receiv-  
21 ing state providing for the performance of one or more services in  
22 respect of such case by the latter as agent for the sending agency.

23 (c) Nothing in this compact shall be construed to prevent a pri-  
24 vate charitable agency authorized to place children in the receiving  
25 state from performing services or acting as agent in that state for a  
26 private charitable agency of the sending state; nor to prevent the  
27 agency in the receiving state from discharging financial responsibility  
28 for the support and maintenance of a child who has been placed on behalf  
29 of the sending agency without relieving the responsibility set forth in

1 paragraph (a) hereof.

2 ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

3 A child adjudicated delinquent may be placed in an institution in  
4 another party jurisdiction pursuant to this compact but no such place-  
5 ment shall be made unless the child is given a court hearing on notice  
6 to the parent or guardian with opportunity to be heard, prior to his  
7 being sent to such other party jurisdiction for institutional care and  
8 the court finds that:

9 (1) Equivalent facilities for the child are not available in  
10 the sending agency's jurisdiction; and

11 (2) Institutional care in the other jurisdiction is in the  
12 best interest of the child and will not produce undue hardship.

13 ARTICLE VII. COMPACT ADMINISTRATOR

14 The governor of each jurisdiction party to this compact shall  
15 designate an officer who shall be general coordinator of activities  
16 under this compact in his jurisdiction and who, acting jointly with like  
17 officers of other party jurisdictions, shall have power to promulgate  
18 rules and regulations to carry out more effectively the terms and pro-  
19 visions of this compact.

20 ARTICLE VIII. LIMITATIONS

21 This compact shall not apply to

22 (a) The sending or bringing of a child into a receiving state by  
23 his parent, step-parent, grandparent, adult brother or sister, adult  
24 uncle or aunt, or his guardian and leaving the child with any such  
25 relative or non-agency guardian in the receiving state.

26 (b) Any placement, sending or bringing of a child into a receiving  
27 state pursuant to any other interstate compact to which both the state  
28 from which the child is sent or brought and the receiving state are  
29 party, or to any other agreement between said states which has the

1 force of law.

2 ARTICLE IX. ENACTMENT AND WITHDRAWAL

3 This compact shall be open to joinder by any state, territory or  
4 possession of the United States, the District of Columbia, the Common-  
5 wealth of Puerto Rico, and, with the consent of Congress, the Government  
6 of Canada or any province thereof. It shall become effective with res-  
7 spect to any such jurisdiction when such jurisdiction has enacted the  
8 same into law. Withdrawal from this compact shall be by the enactment  
9 of a statute repealing the same, but shall not take effect until two  
10 years after the effective date of such statute and until written notice  
11 of the withdrawal has been given by the withdrawing state to the Gover-  
12 nor of each other party jurisdiction. Withdrawal of a party state shall  
13 not affect the rights, duties and obligations under this compact of any  
14 sending agency therein with respect to a placement made prior to the  
15 effective date of withdrawal.

16 ARTICLE X. CONSTRUCTION AND SEVERABILITY

17 The provisions of this compact shall be liberally construed to  
18 effectuate the purposes thereof. The provisions of this compact shall  
19 be severable and if any phrase, clause, sentence or provision of this  
20 compact is declared to be contrary to the constitution of any party  
21 state or of the United States or the applicability thereof to any  
22 government, agency, person or circumstance is held invalid, the validity  
23 of the remainder of this compact and the applicability thereof to any  
24 government, agency, person or circumstance shall not be affected there-  
25 by. If this compact shall be held contrary to the constitution of any  
26 state party thereto, the compact shall remain in full force and effect  
27 as to the remaining states and in full force and effect as to the state  
28 affected as to all severable matters.

29 Sec. 47.70.020. FINANCIAL RESPONSIBILITY. Financial responsibili-

1 ty for a child placed in accordance with the Interstate Compact on the  
2 Placement of Children shall be determined in accordance with art. V of  
3 the compact. However, in the event of partial or complete default of  
4 performance under the compact, the provisions of AS 47.10.230(b) also  
5 may be invoked.

6 Sec. 47.70.030. DESIGNATION OF AUTHORITY. (a) The "appropriate  
7 public authorities" as used in art. III of the Interstate Compact on the  
8 Placement of Children shall, with reference to this state, means the De-  
9 partment of Health and Social Services and the department shall receive  
10 and act with reference to notices required by art. III of the compact.

11 (b) As used in art. V of the Interstate Compact on the Placement  
12 of Children, the phrase "appropriate authority in the receiving state"  
13 with reference to this state means the Department of Health and Social  
14 Services.

15 Sec. 47.70.040. AGREEMENTS. The officers and agencies of this  
16 state and its subdivisions having authority to place children are em-  
17 powered to enter into agreements with appropriate officers or agencies  
18 of or in other party states under art. V(b) of the Interstate Compact on  
19 the Placement of Children.

20 Sec. 47.70.050. DELEGATION BY AGREEMENT. Requirements for visi-  
21 tation, inspection or supervision of children, homes, institutions or  
22 other agencies in another party state which may apply under AS 47.10.240  
23 shall be considered to be met if performed under an agreement entered  
24 into by appropriate officers or agencies of this state or a subdivision  
25 of this state as contemplated by art. V(b) of the Interstate Compact on  
26 the Placement of Children.

27 Sec. 47.70.070. SHORT TITLE. This chapter may be cited as the  
28 Interstate Compact on the Placement of Children.

29 \* Sec. 2. This Act takes effect on July 1, 1976.