

Original sponsor: Chance

Offered: 5/25/76
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR 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 The sending, bringing, or causing to be sent or brought into any

1 receiving state of a child in violation of the terms of this compact
2 shall constitute a violation of the laws respecting the placement of
3 children of both the state in which the sending agency is located or
4 from which it sends or brings the child and of the receiving state.
5 Such violations may be punished or subjected to penalty in either juris-
6 diction in accordance with its laws. In addition to liability for any
7 such punishment or penalty, any such violation shall constitute full and
8 sufficient grounds for the suspension or revocation of any license,
9 permit, or other legal authorization held by the sending agency which
10 empowers or allows it to place, or care for children.

11 ARTICLE V. RETENTION OF JURISDICTION

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

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

29 (c) Nothing in this compact shall be construed to prevent a pri-

1 vate charitable agency authorized to place children in the receiving
2 state from performing services or acting as agent in that state for a
3 private charitable agency of the sending state; nor to prevent the
4 agency in the receiving state from discharging financial responsibility
5 for the support and maintenance of a child who has been placed on behalf
6 of the sending agency without relieving the responsibility set forth in
7 paragraph (a) hereof.

8 ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

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

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

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

19 ARTICLE VII. COMPACT ADMINISTRATOR

20 The executive head of each jurisdiction party to this compact shall
21 designate an officer who shall be general coordinator of activities
22 under this compact in his jurisdiction and who, acting jointly with like
23 officers of other party jurisdictions, shall have power to promulgate
24 rules and regulations to carry out more effectively the terms and pro-
25 visions of this compact.

26 ARTICLE VIII. LIMITATIONS

27 This compact shall not apply to

28 (a) The sending or bringing of a child into a receiving state by
29 his parent, step-parent, grandparent, adult brother or sister, adult

1 uncle or aunt, or his guardian and leaving the child with any such
2 relative or non-agency guardian in the receiving state.

3 (b) Any placement, sending or bringing of a child into a receiving
4 state pursuant to any other interstate compact to which both the state
5 from which the child is sent or brought and the receiving state are
6 party, or to any other agreement between said states which has the
7 force of law.

8 ARTICLE IX. ENACTMENT AND WITHDRAWAL

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

22 ARTICLE X. CONSTRUCTION AND SEVERABILITY

23 The provisions of this compact shall be liberally construed to
24 effectuate the purposes thereof. The provisions of this compact shall
25 be severable and if any phrase, clause, sentence or provision of this
26 compact is declared to be contrary to the constitution of any party
27 state or of the United States or the applicability thereof to any
28 government, agency, person or circumstance is held invalid, the validity
29 of the remainder of this compact and the applicability thereof to any

1 government, agency, person or circumstance shall not be affected there-
2 by. If this compact shall be held contrary to the constitution of any
3 state party thereto, the compact shall remain in full force and effect
4 as to the remaining states and in full force and effect as to the state
5 affected as to all severable matters.

6 Sec. 47.70.020. FINANCIAL RESPONSIBILITY. Financial responsibili-
7 ty for a child placed in accordance with the Interstate Compact on the
8 Placement of Children shall be determined in accordance with art. V of
9 the compact. However, in the event of partial or complete default of
10 performance under the compact, the provisions of AS 47.10.230(b) apply.

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

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

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

25 Sec. 47.70.050. DELEGATION BY AGREEMENT. Requirements for visi-
26 tation, inspection or supervision of children, homes, institutions or
27 other agencies in another party state which may apply under AS 47.10.240
28 shall be considered to be met if performed under an agreement entered
29 into by appropriate officers or agencies of this state or a subdivision

1 of this state as contemplated by art. V(b) of the Interstate Compact on
2 the Placement of Children.

3 Sec. 47.70.060. EXECUTIVE HEAD. As used in art. VII of the Inter-
4 state Compact for the Placement of Children, the term "executive head"
5 means the governor. The governor is authorized to appoint a compact
6 administrator in accordance with the terms of art. VII.

7 Sec. 47.70.070. VIOLATIONS OF COMPACT. A person who sends,
8 brings, or causes to be sent or brought into this state from any party
9 state, or from this state into any party state, a person under the age
10 of 19, in violation of the Interstate Compact on the Placement of
11 Children, is guilty of a misdemeanor, and upon conviction is punishable
12 by a fine of not more than \$200.

13 Sec. 47.70.080. SHORT TITLE. Section 10 of this chapter may be
14 cited as the Interstate Compact on the Placement of Children.

15 * Sec. 2. This Act takes effect on July 1, 1976.
16
17
18
19
20
21
22
23
24
25
26
27
28
29