
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 644
by Senator Broome

1 AMENDMENT NO. 1

2 On page 1, line 3, delete "1640" and insert "1643"

3 AMENDMENT NO. 2

4 On page 2, line 6, delete "1640" and insert "1643"

5 AMENDMENT NO. 3

6 On page 3, delete lines 4 through 28 and insert

7 **"(1) "Approved placement" means the public child placing agency in the receiving state**
8 **has determined that the placement is both safe and suitable for the child.**9 **"(2) "Assessment" means an evaluation of a prospective placement by a public child**
10 **placing agency in the receiving state to determine if the placement meets the**
11 **individualized needs of the child, including but not limited to the child's safety and**
12 **stability, health and well-being, and mental, emotional and physical development. An**
13 **assessment is only applicable to a placement by a public child placing agency.**14 **"(3) "Child" means an individual who has not attained the age of eighteen.**15 **"(4) "Certification" means to attest, declare or swear to before a judge or notary public.**16 **"(5) "Default" means the failure of a member state to perform the obligations or**
17 **responsibilities imposed upon it by the compact, the bylaws or rules of the Interstate**
18 **Commission.**19 **"(6) "Home study" means an evaluation of a home environment conducted in**
20 **accordance with the applicable requirements of the state in which the home is located,**
21 **and documents the preparation and the suitability of the placement resource for**
22 **placement of a child in accordance with the laws and requirements of the state in which**
23 **the home is located.**24 **"(7) "Indian tribe" means any Indian tribe, band, nation, or other organized group**
25 **or community of Indians recognized as eligible for services provided to Indians by**
26 **the Secretary of the Interior because of their status as Indians, including any**
27 **Alaskan native village as defined in section 3(C) of the Alaska Native Claims**
28 **Settlement Act at 43 USC §1602(C).**29 **"(8) "Interstate Commission for the Placement of Children" means the commission**
30 **that is created under Article 1630 of this Chapter and which is generally referred to**
31 **as the Interstate Commission.**32 **"(9) "Jurisdiction" means the power and authority of a court to hear and decide**
33 **matters.**34 **"(10) "Legal Risk Placement" ("Legal Risk adoption") means a placement made**
35 **preliminary to an adoption where the prospective adoptive parents acknowledge in**
36 **writing that a child can be ordered returned to the sending state or the birth**
37 **mother's state of residence, if different from the sending state, and a final decree of**
38 **adoption shall not be entered in any jurisdiction until all required consents are**
39 **obtained or are dispensed with in accordance with applicable law.**40 **"(11) "Member state" means a state that has enacted the compact.**41 **"(12) "Non custodial parent" means a person who, at the time of the"**42 AMENDMENT NO. 443 On page 4, renumber paragraph "(10)" as "(13)", "(11)" as "(14)", "(12)" as "(15)", "(13)"
44 as "(16)", and "(15)" as "(18)"

1 AMENDMENT NO. 5

2 On page 4, delete lines 19 and 20 and insert

3 **"(17) "Provisional placement" means a determination made by the public child**
4 **placing agency in the receiving state that the proposed placement is safe and**
5 **suitable, and, to the extent"**

6 AMENDMENT NO. 6

7 On page 5, renumber paragraph "(16)" as "(19)", "(17)" as "(20)", "(18)" as "(21)", "(19)"
8 as "(22)", "(20)" as "(23)", "(21)" as "(24)", "(22)" as "(25)", and "(23)" as "(26)"

9 AMENDMENT NO. 7

10 On page 5, line 17, delete "statutory law" and insert "an administrative rule"

11 AMENDMENT NO. 8

12 On page 6, renumber paragraph "(24)" as "(27)" and "(25)" as "(28)"

13 AMENDMENT NO. 9

14 On page 7, between lines 1 and 2, insert

15 **"(1) The interstate placement of a child in a custody proceeding in which a public**
16 **child placing agency is not a party, provided that the placement is not intended to**
17 **effectuate an adoption."**

18 AMENDMENT NO. 10

19 On page 7, renumber paragraph "(1)" as "(2)", "(2)" as "(3)", "(3)" as "(4)", "(4)" as "(5)",
20 "(5)" as "(6)", "(6)" as "(7)", and "(7)" as "(8)"

21 AMENDMENT NO. 11

22 On page 7, delete lines 14 and 15 and insert

23 **"(c) The court in the sending state dismisses its jurisdiction in interstate placements**
24 **in which the public child placing agency is a party to the proceeding."**

25 AMENDMENT NO. 12

26 On page 8, delete lines 11 through 18 and insert

27 **"A. Except as provided in Section H of this Article, and Article 1628(B)(2) and (3)**
28 **concerning private and independent adoptions, and in interstate placements in**
29 **which the public child placing agency is not a party to a custody proceeding, the**
30 **sending state shall retain jurisdiction over a child with respect to all matters of**
31 **custody and disposition of the child which it would have had if the child had**
32 **remained in the sending state. Such jurisdiction shall also include the power to**
33 **order the return of the child to the sending state.**
34 **B. When an issue of child protection or custody is brought before a court in the**
35 **receiving state, such court shall confer with the court of the sending state to**
36 **determine the most appropriate forum for adjudication.**
37 **C. In cases that are before courts and subject to this compact, the taking of**
38 **testimony for hearings before any judicial officer may occur in person or by**
39 **telephone, audio-video conference, or such other means as approved by the rules of**
40 **the Interstate Commission, and judicial officers may communicate with other**
41 **judicial officers and persons involved in the interstate process as may be permitted**

1 by their Canons of Judicial Conduct and any rules promulgated by the Interstate
2 Commission.
3 D. In accordance with its own laws, the court in the sending state shall"

4 AMENDMENT NO. 13

5 On page 9, change paragraph "D." to "E.", "E." to "F.", and "F." to "G."

6 AMENDMENT NO. 14

7 On page 9, delete lines 15 through 29 and insert

8 "H. The substantive laws of the state in which an adoption will be finalized shall solely
9 govern all issues relating to the adoption of the child and the court in which the
10 adoption proceeding is filed shall have subject matter jurisdiction regarding all
11 substantive issues relating to the adoption, except:

12 (1) when the child is a ward of another court that established jurisdiction over the child
13 prior to the placement; or

14 (2) when the child is in the legal custody of a public agency in the sending state; or

15 (3) when a court in the sending state has otherwise appropriately assumed jurisdiction
16 over the child, prior to the submission of the request for approval of placement.

17 I. A final decree of adoption shall not be entered in any jurisdiction until the placement
18 is authorized as an "approved placement" by the public child placing agency in the
19 receiving state.

20 Art. 1627. Placement Evaluation

21 A. Prior to sending, bringing, or causing a child to be sent or brought into a
22 receiving state, the public child placing agency shall provide a written request for
23 assessment to the receiving state.

24 B. For placements by a private child placing agency, a child may be sent or brought,
25 or caused to be sent or brought, into a receiving state, upon receipt and immediate
26 review of the required content in a request for approval of a placement in both the
27 sending and receiving state public child placing agency. The required content to
28 accompany a request for approval shall include all of the following:

29 (1) A request for approval identifying the child, birth parent(s), the prospective
30 adoptive parent(s), and the supervising agency, signed by the person requesting
31 approval; and

32 (2) The appropriate consents or relinquishments signed by the birthparents in
33 accordance with the laws of the sending state, or where permitted the laws of the
34 state where the adoption will be finalized; and

35 (3) Certification by a licensed attorney or authorized agent of a private adoption
36 agency that the consent or relinquishment is in compliance with the applicable laws
37 of the sending state, or where permitted the laws of the state where finalization of
38 the adoption will occur; and

39 (4) A home study; and

40 (5) An acknowledgment of legal risk signed by the prospective adoptive parents.

41 C. The sending state and the receiving state may request additional information or
42 documents prior to finalization of an approved placement, but they may not delay
43 travel by the prospective adoptive parents with the child if the required content for
44 approval has been submitted, received and reviewed by the public child placing
45 agency in both the sending state and the receiving state.

46 D. Approval from the public child placing agency in the receiving state for a
47 provisional or approved placement is required as provided for in the rules of the
48 Interstate Commission."

49 AMENDMENT NO. 15

50 On page 10, change "C." to "E.", and "D." to "F."

1 AMENDMENT NO. 16

2 On page 10, delete lines 8 through 20 and insert

3 **"may request a determination for a provisional placement.**

4 **G. The public child placing agency in the receiving state may request from the**
5 **public child placing agency or the private child placing agency in the sending state,**
6 **and shall be entitled to receive supporting or additional information necessary to**
7 **complete the assessment or approve the placement.**

8 **H. The public child placing agency in the receiving state shall approve a provisional**
9 **placement and complete or arrange for the completion of the assessment within the**
10 **timeframes established by the rules of the Interstate Commission.**

11 **I. For a placement by a private child placing agency, the sending state shall not**
12 **impose any additional requirements to complete the home study that are not**
13 **required by the receiving state, unless the adoption is finalized in the sending state**

14 **J. The Interstate Commission may develop uniform standards for the assessment of**
15 **the safety and suitability of interstate placements.**

16 **Art. 1628. Placement authority**

17 **A. Except as provided in this Compact, no child subject to the compact"**

18 AMENDMENT NO. 17

19 On page 11, line 9, delete "State" and insert "Placing Agency"

20 AMENDMENT NO. 18

21 On page 12, delete lines 4 through 7

22 AMENDMENT NO. 19

23 On page 12, change "D." to "C.", "E." to "D.", "F." to "E.", "G." to "F.", "H." to "G.",
24 and "I." to "H."

25 AMENDMENT NO. 20

26 On page 13, change "J." to "I."

27 AMENDMENT NO. 21

28 On page 19, between lines 25 and 26, insert

29 **"D. Rules promulgated by the Interstate Commission shall have the force and effect**
30 **of administrative rules and shall be binding in the compacting states to the extent**
31 **and in the manner provided for in this compact.**

32 **E. Not later than sixty days after a rule is promulgated, an interested person may**
33 **file a petition in the U.S. District Court for the District of Columbia or in the**
34 **Federal District Court where the Interstate Commission's principal office is located**
35 **for judicial review of such rule. If the court finds that the Interstate Commission's**
36 **action is not supported by substantial evidence in the rulemaking record, the court**
37 **shall hold the rule unlawful and set it aside.**

38 **F. If a majority of the legislatures of the member states rejects a rule, those states**
39 **may by enactment of a statute or resolution in the same manner used to adopt the**
40 **compact cause that such rule shall have no further force and effect in any member**
41 **state."**

42 AMENDMENT NO. 22

43 On page 19 line 26, change "D." to "G."

1 AMENDMENT NO. 23

2 On page 20, change "E." to "H." and "F." to "I."

3 AMENDMENT NO. 24

4 On page 21, delete line 10 and insert

5 "the compact's purposes and intent. The compact and its rules shall be binding in
6 the compacting states to the extent and in the manner provided for in this compact."

7 AMENDMENT NO. 25

8 On page 25, between lines 3 and 4, insert

9 "Art. 1639. Binding effect of compact and other laws

10 A. Other laws.

11 (1) Nothing herein prevents the enforcement of any other law of a member state that
12 is not inconsistent with this compact.

13 B. Binding effect of the compact.

14 (1) All lawful actions of the Interstate Commission, including all rules and bylaws
15 promulgated by the Interstate Commission, are binding upon the member states.

16 (2) All agreements between the Interstate Commission and the member states are
17 binding in accordance with their terms.

18 (3) In the event any provision of this compact exceeds the constitutional limits
19 imposed on the legislature of any member state, such provision shall be ineffective
20 to the extent of the conflict with the constitutional provision in question in that
21 member state."

22 AMENDMENT NO. 26

23 On page 25, line 4, change "1639" to "1640"

24 AMENDMENT NO. 27

25 On page 25, delete lines 11 through 14 and insert

26 "Art. 1641. Rulemaking authority; effect of rules

27 A. The Department of Social Services shall have the authority to promulgate rules
28 and regulations in accordance with the Administrative Procedure Act as necessary
29 to carry out the provisions of this Chapter.

30 B. Notwithstanding any other provision of this chapter, rules adopted by the
31 Interstate Commission shall not supersede state law, and shall not be binding unless
32 also promulgated by this state in accordance with the Administrative Procedure
33 Act. The provisions of this Subsection shall control to the extent of conflict with any
34 other provision of law.

35 Art. 1642. Financial responsibility for children

36 Financial responsibility for any child placed pursuant to the provisions of this
37 compact shall be determined in accordance with the provisions of Article 1629 in
38 the first instance. However, in the event of partial or complete default of
39 performance there under, the provisions of Louisiana's laws fixing the responsibility
40 for the support of children also may be invoked.

41 Art. 1643. Authority to enter into agreements; approval of state treasurer

42 A. The officers and agencies of this state and its political subdivisions having
43 authority to place children are hereby empowered to enter into agreements with
44 appropriate officers or agencies of or in other party states pursuant to Article 1629.

45 B. Any such agreement which contains a financial commitment or imposes a
46 financial obligation on this state or subdivision or agency thereof shall not be
47 binding unless it has the approval in writing of the state treasurer in the case of the
48 state and of the chief local fiscal officer in the case of a subdivision of the state."