
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Broome (SB 644)

Present law in Children's Code provides for Interstate Compact on the Placement of Children. Provides procedures, definitions, and requirements. Provides that it is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that: (1) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care. (2) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child. (3) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made. (4) Appropriate jurisdictional arrangements for the care of children will be promoted.

Proposed law repeals present law and enacts new language constituting the Interstate Compact on the Placement of Children. Provides that it shall become effective upon the legislative enactment of the Interstate Compact for the Placement of Children language set forth in the proposed law by no less than 35 states. Also provides that the secretary of the Department of Social Services shall notify the president of the Louisiana Senate and the speaker of the Louisiana House of Representatives when the thirty-fifth (35th) state has enacted the Interstate Compact for the Placement of Children language set forth in Section 1 of this Act.

Proposed law provides definitions. Provides that the compact shall apply to:

- (1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.
- (2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:
 - (a) the child is being placed in a residential facility in another member state and is not covered under another compact; or
 - (b) the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through

another compact.

- (3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in the compact as a preliminary step to a possible adoption.

Proposed law provides that the compact shall not apply to:

- (1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided that the placement is not intended to effectuate an adoption.
- (2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.
- (3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.
- (4) The placement of certain children into a residential facility by his parent.
- (5) The placement of a child with a non-custodial parent provided that:
 - (a) The non-custodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child,
 - (b) The court in the sending state makes a written finding that placement with the non-custodial parent is in the best interests of the child; and
 - (c) The court in the sending state dismisses its jurisdiction.
- (6) A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.
- (7) Cases in which a U.S. citizen child living overseas with his family, at least one of whom is in the U.S. Armed Services, and who is stationed overseas, is removed and placed in a state.
- (8) The sending of a child by a public child placing agency or a private child placing agency for a visit as defined by the rules of the Interstate Commission.

Proposed law provides relative to jurisdiction over the child by the courts of the sending state and receiving state.

Proposed law provides for placement evaluation, and for financial responsibility for children.

Proposed law creates Interstate Commission for the Placement of Children. Provides that each member state shall establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the commission.

Proposed law provides for membership of the commission and its duties and powers. Provides for meetings of the commission. Provides for qualified immunity for commission staff.

Proposed law provides that the commission shall have the authority to promulgate rules and take all necessary actions to effect the goals of the compact, including dispute resolution among the member states, oversight of the administration and operation of the compact, and certain enforcement authority, including legal action to enforce compliance with the compact, bylaws and rules.

Proposed law provides that the commission shall be financed by annual member assessment to cover costs of operations and activities.

Proposed law provides that the compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state.

Proposed law provides procedures for withdrawal of a member state and for dissolution of the compact.

Proposed law authorizes Indian tribes to utilize the compact.

Proposed law provides that the Dept. of Social Services shall have the authority to promulgate rules and regulations in accordance with the APA as necessary to carry out the provisions of the proposed law. Further provides that rules adopted by the Interstate Commission shall not supersede state law and shall not be binding unless also promulgated by this state in accordance with the APA.

(Adds Ch.C. Arts. 1623-1643; repeals Ch.C. Arts. 1608-1622)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Added language on promulgation of rules and regulations.
2. Revised definitions, jurisdictional procedures, and placement evaluation and procedures.