

Prior law provided an Interstate Compact on the Placement of Children including procedures, definitions, and requirements for states to cooperate with each other in the interstate placement of children. New law repeals prior law and enacts a new Interstate Compact on the Placement of Children.

New law provides that the compact shall apply to placement of a child due to allegations or findings of abuse, neglect, or deprivation, an adjudication of delinquency, or a preliminary step to a possible adoption.

New law provides that the compact shall not apply to placement of a child in a custody proceeding in which a public child placing agency is not a party, with a non-relative by a parent with legal authority, by one relative with lawful authority, into a residential facility by his parent, with a noncustodial parent in certain circumstances, for foreign adoption, or by an agency for a visit as defined by the rules of the Interstate Commission.

New law provides for jurisdiction over the child by the courts of the sending and receiving state.

New law provides for placement evaluation and financial responsibility for children.

New law creates the 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.

New law provides for membership of the commission and its duties and powers and provides for qualified immunity for commission staff.

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

New law provides that the compact shall become effective when the 35th state enacts the compact and requires the secretary of DSS to notify the legislature when the 35th state has enacted the Interstate Compact for the Placement of Children.

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

New law authorizes DSS to promulgate rules and regulations in accordance with the APA as necessary to carry out the provisions of the new law and that rules adopted by the Interstate Commission shall not supersede state law and shall not be binding unless promulgated pursuant to the APA.

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