

HIGHLIGHTS OF PROPOSED COMPACT PROVISIONS

The proposed Interstate Compact for the Placement of Children provides a solid legal framework for ensuring the timely placement of children across state lines, the suitability of prospective families, and the provision of needed support services. The proposed compact: (1) narrows the applicability of the compact to the interstate placement of children in the foster care system and children placed across state lines for adoption; (2) requires the development of time frames for completion of the approval process; (3) establishes clear rulemaking authority, (4) provides enforcement mechanisms; (5) clarifies state responsibility; and (6) ensures states' ability to purchase home studies from licensed agencies to expedite the process.

APPLICABILITY (ARTICLE III)

- Compact does not apply to the placement of children by their parents: (1) into residential treatment facilities, (2) with a relative, or (3) with a non-relative, so long as the placement is not a preliminary step to adoption.
- Does not apply to foreign adoptions.
- Residential facility placements require that notice be made to the receiving state when a public child placing agency places a child in a residential facility in another state. The current compact requires approval by the receiving state prior to such placements.
- Provides an exemption for placements with a non-custodial parent, under certain circumstances.
- Includes the placement of a child adjudicated delinquent or unmanageable if the child is being placed in a residential facility or in another prospective placement in another state, and is not covered under another compact.
- Includes placements made as a preliminary step to adoption whether made by a public or private child placing agency, private person, or attorney.

JURISDICTION (ARTICLE IV)

- Clarifies that the retention of jurisdiction means the authority of the courts and judicial officers to take and decide cases.
- Adds three additional circumstances in which the court in the sending state shall have the authority to terminate jurisdiction. These are: (1) if a guardianship is created in the receiving state with the concurrence of the court in the sending state, (2) if a tribe has petitioned for and received jurisdiction from the court in the sending state, or (3) if the child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse and neglect, if the public child placing agency in the receiving state has concurred.

ASSESSMENTS (ARTICLE V)

- An assessment is defined as an *“evaluation of the prospective placement to determine whether the placement meets the individualized needs of the child, including but not limited to, the child’s safety and stability, health and well-being, and mental, emotional, and physical development.”* Currently the receiving state determines if the placement *“does not appear contrary to the interests”* of the child.
- Permits a sending state to request a determination of whether a placement with a relative qualifies as a provisional placement. Provisional placement is defined as *“that the placement is safe and suitable, but can be made without the completion of the receiving state’s requirements regarding education and training for prospective foster or adoptive parents prior to placement.”*
- Requires establishment of rules regarding the timeframes in which the receiving state must complete the assessment.

PLACEMENT AUTHORITY (ARTICLE VI)

- Prohibits the placement of a child subject to the compact until the proposed placement has been deemed safe and suitable (approved) by the receiving state and found to be in compliance with the applicable laws of the receiving state.
- Provides for administrative review of the receiving state's decision at the request of any interested party, to be conducted in the receiving state.

STATE RESPONSIBILITY (ARTICLE VII)

- Continues financial responsibility by the sending state public child placing agency for the ongoing support and services of a child placed by the agency or court in another state.
- Clarifies that a sending state may enter into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.
- Continues financial responsibility of the receiving state for the cost of the assessment of a proposed placement and ongoing supervision of a child placed by the public child placing agency or court in the sending state.
- Allows the receiving state to charge for assessments or supervision provided for placements prior to an adoption made by private child placing agencies.
- Allows states to enter into limited agreements, with consent of the member states, to facilitate the timely assessment and supervision of placements under this compact.

INTERSTATE COMMISSION (ARTICLES VIII – X)

- Creates an Interstate Commission comprised of one voting representative from each member state who is appointed by the executive head of the state human service administration who has ultimate responsibility for the child welfare program.

RULEMAKING (ARTICLE XI)

- Requires that the rules process operate openly and in accordance with applicable “sunshine” and open-meeting provisions and be developed through a process that substantially conforms to the principles of the Model State Administrative Procedures Act or other appropriate administrative procedure acts.

ENFORCEMENT (ARTICLE XII)

- Provides for mediation and binding dispute resolution, remedial training, and specific technical assistance.
- Provides for judicial action by the member states of the Interstate Commission to enforce compliance with the compact.

FINANCING OF THE INTERSTATE COMMISSION (ARTICLE XIII)

- The states that become members of the new compact and whose representatives comprise the Interstate Commission will collectively agree to a budget for support of the Interstate Commission and will determine the basis for allocating the costs between the member states.

TRIBES (ARTICLE XVIII)

- Provides for development of guidelines regarding the use of the compact by Indian tribes.