

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

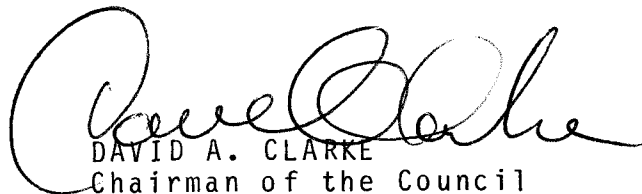
NOTICE

D.C. LAW 8-30

"Interstate Compact on the Placement of
Children Authorization Act of 1989".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-107 on first and second readings, May 30, 1989, and June 13, 1989, respectively. Following the signature of the Mayor on June 27, 1989, this legislation was assigned Act No. 8-53, published in the July 7, 1989, edition of the D.C. Register, (Vol. 36 page 4744) and transmitted to Congress on June 30, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-30, effective September 20, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
August 1,2,3,4
September 6,7,8,11,12,13,14,15,18,19

SEP 20 1989

Codification,
New Chapter 10A of Title 32
(1990 Supplement)

A BILL

D.C. ACT 8 - 53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 27 1989

To authorize the District of Columbia to enter into the
Interstate Compact on the Placement of Children.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Interstate Compact on the
Placement of Children Authorization Act of 1989".

Sec. 2. The Mayor of the District of Columbia
("District") is authorized to execute a compact on behalf of
the District with any state that legally joins the compact
in the form substantially as follows:

New,
Section
32-1042

ARTICLE I. Purpose and policy.

It is the purpose and policy of the party states to
cooperate in the interstate placement of children to the end
that:

(1) Each child who requires placement shall
receive the maximum opportunity to be placed in a suitable
environment with a person or institution that has
appropriate qualifications and facilities to provide
necessary and desirable care.

(2) The appropriate authority in a state where a
child is to be placed may have full opportunity to ascertain
the circumstances of the proposed placement in order to
promote full compliance with applicable requirements for the
protection of the child.

(3) The appropriate authority of the sending
state 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 are promoted.

ARTICLE II. Definitions.

For the purposes of this compact the term:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(2) "Placement" means the arrangement for the care of a child in a family, boarding home, or child-care agency or institution, but does not include an institution that cares for the mentally ill, mentally defective, or epileptic, an institution primarily educational in character, or a hospital or other medical facility.

(3) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by a public authority, a private person, or an agency, and whether for placement with a state or local public authority or private agency or person.

(4) "Sending state" means a party state, including the District of Columbia, an officer or employee of the sending state, a subdivision of a party state, an officer, employee, or court of the party state, or a person, corporation, association, charitable agency, or other entity that sends, brings, or causes to be sent or brought a child to another party state.

ARTICLE III. Conditions for placement.

(a) No sending state shall send, bring, or cause to be sent or brought into any other party state a child for placement in foster care or prior to a possible adoption, unless the sending state complies with each requirement set forth in this compact and applicable laws of the receiving state that govern the placement of children.

(b) Prior to sending, bringing, or causing a child to be sent or brought into a receiving state for placement in foster care or prior to a possible adoption, the sending state shall furnish the appropriate authority in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date, and place of birth of the child;

(2) The identity and address of the parents or legal guardian;

(3) The name and address of the person, agency, or institution to or which the sending state proposes to send, bring, or place the child; and

(4) A full statement of the reason for the proposed action and evidence of the authority for the proposed placement.

(c) The appropriate authority in a receiving state who receives notice pursuant to subsection (b) of this article may request of the sending state, and shall be entitled to

receive, supporting or additional information necessary to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate authority in the receiving state notifies the sending state, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. Penalty for illegal placement.

Any person or state who sends, brings, or causes to be sent or brought into a receiving state a child in violation of the terms of this compact may be punished or subjected to a penalty in either the sending or receiving state in accordance with the laws of each. In addition to liability for any punishment or penalty, each violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending state that authorizes it to place or care for children.

ARTICLE V. Retention of jurisdiction.

(a) The sending state shall retain jurisdiction over the child sufficient to determine all matters that relate to the custody, supervision, care, treatment, and disposition of the child that it would have had if the child had remained in the sending state, until the child is adopted, reaches the age of majority, becomes self-supporting, or is discharged with the concurrence of the appropriate authority in the receiving state. The sending state shall continue to have financial responsibility for the support and maintenance of the child during the period of the placement. Nothing contained in this compact shall defeat a claim of jurisdiction by a receiving state to deal with an act of delinquency or crime committed in the receiving state.

(b) When the sending state is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state to provide for the performance of any service with respect to the child by the receiving state as agent for the sending state.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in the receiving state for a private charitable agency of the sending state, nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending state without relieving the responsibility set forth in subsection (a) of this article.

ARTICLE VI. Institutional care of delinquent children.

A child adjudicated delinquent may be placed in an institution in another party state pursuant to this compact, but no placement shall be made unless the child is given a court hearing, with an opportunity to be heard after notice to the parent or guardian, before the child is sent to the party state for institutional care and the court finds that:

- (1) Equivalent facilities for the child are not available in the sending state; and
- (2) Institutional care in the receiving state is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact administrator.

The appropriate authority shall be the general coordinator of activities under this compact in his or her state and who, acting jointly with the appropriate authority of other party states, shall promulgate rules and regulations in accordance with the procedures established by the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.).

ARTICLE VIII. Limitations.

This compact shall not apply if:

- (1) A child is sent or brought into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian, or if the child is left with the relative or non-agency guardian in the receiving state.
- (2) A child is placed, sent, or brought into a receiving state pursuant to any other interstate compact to which both the state from which the child is placed and the receiving state are parties, or to any other agreement between the sending and receiving states that has the force of law.

ARTICLE IX. Enactment and withdrawal.

This compact shall be open to joinder by any state, territory, or possession of the United States, the District, the Commonwealth of Puerto Rico, and, with the consent of Congress, the government of Canada or any Canadian province. The compact shall be effective when the jurisdiction has enacted the compact into law. Withdrawal from this compact shall be by the enactment of a statute that repeals the compact, but the repeal shall not take effect until 2 years after the effective date of the statute that repeals the compact and written notice of the withdrawal has been given by the withdrawing state to the executive head of each other

party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, or obligations under this compact of any sending state with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. Construction and severability.

The provisions of this compact shall be liberally construed to effectuate the purposes of the compact. If this compact is held to be contrary to the constitution of any party state, the compact shall remain in effect as to the remaining states and in effect as to the state affected as to all severable matters.

Sec. 3. The term "appropriate authority" as used in this compact means, with reference to the District, the Director of the Department of Human Services.

New, Section
32-1041

Sec. 4. An officer of the District that has the authority to place children and an official of a private agency licensed as a child placement agency by the District government pursuant to An Act to Regulate The Placement of Children in Family Homes and For Other Purposes, approved April 22, 1944 (58 Stat. 193; D.C. Code, sec. 32-1001 et seq.), is authorized to enter into an agreement with the appropriate officer or agency in another party state pursuant to paragraph (b) of Article V of the compact.

New, Section
32-1043

Sec. 5 (a). If a child is adjudicated delinquent and committed to the custody of the District of Columbia Department of Human Services ("DHS"), pursuant to D.C. Code, sec. 16-2320, and DHS, pursuant to Article VI of the Interstate Compact on the Placement of Children ("Compact") places the child in another party jurisdiction, the rules issued pursuant to section 5 shall apply for purposes of meeting the requirements of Article VI of the compact.

New, Section
32-1044

(b) DHS shall afford an opportunity for an administrative hearing to the parents or legal guardian before placing a child. Subsequent to the hearing, the decision to make a placement upon request of the parent or guardian of the child, may be reviewed at a court hearing in the Juvenile Branch of the Family Division of the Superior Court of the District of Columbia. The court hearing shall be held within 30 days after a request is made. The decision to place the child in an institution in another party state shall be upheld if the court finds that:

(1) Equivalent facilities for the child are not available within the jurisdiction of the District; and

(2) Institutional care in another state is in the best interest of the child and will not produce undue hardship.

(c) Except as provided in this section, the manner and standard of review by the Superior Court of the District of Columbia shall be as set forth in DCAPA.

(d) A court review in accordance with this section shall not authorize the court to:

(1) Order DHS to pay for the care or treatment of a child who has not been committed to its custody;

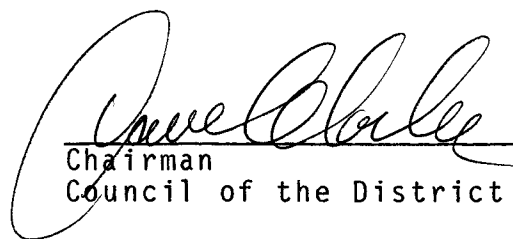
(2) Order specific placement in another party state if the child has been committed to the custody of DHS;

(3) Review a decision by DHS to return a child to the District; or

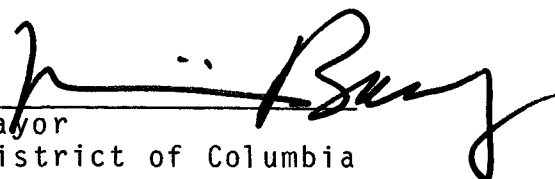
(4) Set aside the placement decision of DHS, unless an abuse of discretion is found.

(e) This section shall not affect the authority of the court to order a specific placement.

Sec. 6. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 27, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-107

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-30-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

ROLL CALL VOTE: — RESULT _____ (/ / / /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Suter
 Secretary to the Council

6-21-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-13-80

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ / / /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Suter
 Secretary to the Council

6-21-89
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (/ / / /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date