
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **464** Session of
1961

INTRODUCED BY MESSRS. WEINER, MURRAY AND SEYLER,
APRIL 4, 1961.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND
WELFARE, APRIL 4, 1961.

AN ACT

Authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact relating to the interstate placement of children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

- 1 Section 1 The Governor is hereby authorized and directed to
- 2 execute a compact on behalf of the Commonwealth of Pennsylvania
- 3 with any other state or states legally joining therein in form sub-

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 stantially as follows

2 Interstate Compact On The Placement Of Children

3 Article I

4 Purpose and Policy

5 It is the purpose and policy of the party states to cooperate with
6 each other in the interstate placement of children to the end that

7 (a) Each child requiring placement shall receive the maximum
8 opportunity to be placed in a suitable environment and with persons or
9 institutions having appropriate qualifications and facilities to provide a
10 necessary and desirable degree and type of care

11 (b) The appropriate authorities in a state where a child is to be
12 placed may have full opportunity to ascertain the circumstances of the
13 proposed placement thereby promoting full compliance with applicable
14 requirements for the protection of the child

15 (c) The proper authorities of the state from which the placement
16 is made may obtain the most complete information on the basis of
17 which to evaluate a projected placement before it is made

18 (d) Appropriate jurisdictional arrangements for the care of children
19 will be promoted

1 Article II

2 Definitions

3 As used in this compact

4 (a) "Child" means a person who by reason of minority is legally
5 subject to parental guardianship or similar control6 (b) "Sending agency" means a party state officer or employe thereof
7 a subdivision of a party state or officer or employe thereof a court of
8 a party state a person corporation association charitable agency or
9 other entity which sends brings or causes to be sent or brought any
10 child to another party state11 (c) "Receiving state" means the state to which a child is sent
12 brought or caused to be sent or brought whether by public authorities
13 or private persons or agencies and whether for placement with state or
14 local public authorities or for placement with private agencies or persons15 (d) "Placement" means the arrangement for the care of a child
16 in a family free or boarding home or in a child-caring agency or institu-
17 tion but does not include any institution caring for the mentally ill
18 mentally defective or epileptic or any institution primarily educational
19 in character and any hospital or other medical facility

1 Article III

2 Conditions for Placement

3 (a) No sending state shall send bring or cause to be sent or brought
4 into any other party state any child for placement in foster care or as
5 a preliminary to a possible adoption unless the sending agency shall
6 comply with each and every requirement set forth in this article and
7 with the applicable laws of the receiving state governing the placement
8 of children therein

9 (b) Prior to sending bringing or causing any child to be sent or
10 brought into a receiving state for placement in foster care or as a pre-
11 liminary to a possible adoption the sending agency shall furnish the
12 appropriate public authorities in the receiving state written notice of
13 the intention to send bring or place the child in the receiving state
14 The notice shall contain

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

16 (2) The identity and address or addresses of the parents or legal
17 guardian

18 (3) The name and address of the person agency or institution to
19 or with which the sending agency proposes to send bring or place the
20 child

1 (4) A full statement of the reasons for such proposed action and
2 evidence of the authority pursuant to which the placement is proposed
3 to be made

4 (c) Any public officer or agency in a receiving state which is in
5 receipt of a notice pursuant to paragraph (b) of this article may request
6 of the sending agency or any other appropriate officer or agency of or
7 in the sending agency's state and shall be entitled to receive therefrom
8 such supporting or additional information as it may deem necessary
9 under the circumstances to carry out the purpose and policy of this
10 compact

11 (d) The child shall not be sent brought or caused to be sent or
12 brought into the receiving state until the appropriate public authorities
13 in the receiving state shall notify the sending agency in writing to the
14 effect that the proposed placement does not appear to be contrary to the
15 interests of the child

16 Article IV

17 Penalty for Illegal Placement

18 The sending bringing or causing to be sent or brought into any
19 receiving state of a child in violation of the terms of this compact shall

1 constitute a violation of the laws respecting the placement of children
2 of both the state in which the sending agency is located or from which
3 it sends or brings the child and of the receiving state Such violation
4 may be punished or subjected to penalty in either jurisdiction in accord-
5 ance with its laws In addition to liability for any such punishment or
6 penalty any such violation shall constitute full and sufficient grounds
7 for the suspension or revocation of any license permit or other legal
8 authorization held by the sending agency which empowers or allows it
9 to place or care for children

10 Article V

11 Retention of Jurisdiction

12 (a) The sending agency shall retain jurisdiction over the child
13 sufficient to determine all matters in relation to the custody supervision
14 care treatment and disposition of the child which it would have had if
15 the child had remained in the sending agency's state until the child is
16 adopted reaches majority becomes self-supporting or is discharged with
17 the concurrence of the appropriate authority in the receiving state Such
18 jurisdiction shall also include the power to effect or cause the return
19 of the child or its transfer to another location and custody pursuant
20 to law The sending agency shall continue to have financial responsibility

1 for support and maintenance of the child during the period of the
2 placement Nothing contained herein shall defeat a claim of jurisdiction
3 by a receiving state sufficient to deal with an act of delinquency or
4 crime committed therein

5 (b) When the sending agency is a public agency it may enter into
6 an agreement with an authorized public or private agency in the receiv-
7 ing state providing for the performance of one or more services in
8 respect of such case by the latter as agent for the sending agency

9 (c) Nothing in this compact shall be construed to prevent a private
10 charitable agency authorized to place children in the receiving state
11 from performing services or acting as agent in that state for a private
12 charitable agency of the sending state nor to prevent the agency in
13 the receiving state from discharging financial responsibility for the
14 support and maintenance of a child who has been placed on behalf of
15 the sending agency without relieving the responsibility set forth in
16 paragraph (a) hereof

17 Article VI

18 Institutional Care of Delinquent Children

19 A child adjudicated delinquent may be placed in an institution in
20 another party jurisdiction pursuant to this compact but no such place-

1 ment shall be made unless the child is given a court hearing on notice
2 to the parent or guardian with opportunity to be heard prior to his
3 being sent to such other party jurisdiction for institutional care and
4 the court finds that

5 (1) Equivalent facilities for the child are not available in the
6 sending agency's jurisdiction and

7 (2) Institutional care in the other jurisdiction is in the best interest
8 of the child and will not produce undue hardship

9 Article VII

10 Compact Administrator

11 The executive head of each jurisdiction party to this compact shall
12 designate an officer who shall be general coordinator of activities under
13 this compact in his jurisdiction and who acting jointly with like officers
14 of other party jurisdictions shall have power to promulgate rules and
15 regulations to carry out more effectively the terms and provisions of
16 this compact

17 Article VIII

18 Limitations

19 This compact shall not apply to

20 (a) The sending or bringing of a child into a receiving state by

1 his parent step-parent grandparent adult brother or sister adult uncle
2 or aunt or his guardian and leaving the child with any such relative or
3 non-agency guardian in the receiving state

4 (b) Any placement sending or bringing of a child into a receiving
5 state pursuant to any other interstate compact to which both the state
6 from which the child is sent or brought and the receiving state are
7 party or to any other agreement between said states which has the
8 force of law

9

Article IX

10

Enactment and Withdrawal

11 This compact shall be open to joinder by any state territory or
12 possession of the United States the District of Columbia the Common-
13 wealth of Puerto Rico and with the consent of Congress the Govern-
14 ment of Canada or any province thereof It shall become effective with
15 respect to any such jurisdiction when such jurisdiction has enacted the
16 same into law Withdrawal from this compact shall be by the enactment
17 of a statute repealing the same but shall not take effect until two years
18 after the effective date of such statute and until written notice of the
19 withdrawal has been given by the withdrawing state to the Governor

1 of each other party jurisdiction Withdrawal of a party state shall not
2 affect the rights duties and obligations under this compact of any sending
3 agency therein with respect to a placement made prior to the effective
4 date of withdrawal

5 Article X

6 Construction and Severability

7 The provisions of this compact shall be liberally construed to
8 effectuate the purposes thereof The provisions of this compact shall be
9 severable and if any phrase clause sentence or provision of this compact
10 is declared to be contrary to the constitution of any party state or of
11 the United States or the applicability thereof to any government agency
12 person or circumstance is held invalid the validity of the remainder
13 of this compact and the applicability thereof to any government agency
14 person or circumstance shall not be affected thereby If this compact
15 shall be held contrary to the constitution of any state party thereto
16 the compact shall remain in full force and effect as to the remaining
17 states and in full force and effect as to the state affected as to all sever-
18 able matters

19 Section 2 Financial responsibility for any child placed pursuant
20 to the provisions of the Interstate Compact on the Placement of Chil-

1 dren shall be determined in accordance with the provisions of Article V
2 thereof in the first instance However in the event of partial or complete
3 default of performance thereunder the provisions of any laws of the
4 Commonwealth fixing responsibility for the support of children also
5 may be invoked

6 Section 3 The "appropriate public authorities" as used in Article
7 III of the Interstate Compact on the Placement of Children shall with
8 reference to this State mean the Department of Public Welfare and
9 said department shall receive and act with reference to notices required
10 by said Article III

11 Section 4 As used in paragraph (a) of Article V of the Interstate
12 Compact on the Placement of Children the phrase "appropriate authority
13 in the receiving state" with reference to this State shall mean the De-
14 partment of Public Welfare

15 Section 5 The officers and agencies of this State and its subdivisions
16 having authority to place children are hereby empowered to enter into
17 agreements with appropriate officers or agencies of or in other party
18 states pursuant to paragraph (b) of Article V of the Interstate Compact
19 on the Placement of Children Any such agreement which contains a

1 financial commitment or imposes a financial obligation on this State
2 or subdivision or agency thereof shall not be binding unless it has the
3 approval in writing of the Secretary of Public Welfare in the case of
4 the State and of the county institution district in the case of a sub-
5 division of the State

6 Section 6 Any court having jurisdiction to place delinquent children
7 may place such a child in an institution of or in another state pursuant
8 to Article VI of the Interstate Compact on the Placement of Children
9 and shall retain jurisdiction as provided in Article V thereof

10 Section 7 As used in Article VII of the Interstate Compact on the
11 Placement of Children the term "executive head" means the Governor
12 of the Commonwealth of Pennsylvania The Governor is hereby author-
13 ized to designate an officer who shall be the compact administrator in
14 accordance with the terms of said Article VII

15 Section 8 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor