

March 8, 1967  
Passed on File  
On Calendar 3-9  
Public Health 4-11, Pass 4-20

By COMMITTEE ON PUBLIC HEALTH  
AND WELFARE

Passed Senate, Date 4-6-67 Passed House, Date 5-22-67  
Vote: Ayes 46 Nays 0 Vote: Ayes 103 Nays 0

Passed Senate as Approved  
amended by Conference Committee  
6/16 - 3821

Passed as amended by Conference Committee 6-19  
106-0

### A BILL FOR

Conference Committee: Hill, Miller, Busch, Bunker (6-9) Ely, Lawborn, Frey, Murray (6-15)

An Act enabling Iowa to enter into the interstate compact on the placement of children.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Sections two hundred thirty-eight point thirty-  
2 three (238.33) through section two hundred thirty-eight point  
3 thirty-nine (238.39), Code 1966, are hereby repealed and the  
4 following enacted in lieu thereof:

5 The interstate compact on the placement of children is hereby  
6 enacted into law and entered into with all other jurisdictions  
7 legally joining therein in form substantially as follows:

#### ARTICLE I. - Purpose and Policy

9 It is the purpose and policy of the party states to cooperate  
10 with each other in the interstate placement of children to the  
11 end that:

12 a. Each child requiring placement shall receive the maximum  
13 opportunity to be placed in a suitable environment and with  
14 persons or institutions having appropriate qualifications and  
15 facilities to provide a necessary and desirable degree and type  
16 of care.

17 b. The appropriate authorities in a state where a child is  
18 to be placed may have full opportunity to ascertain the circum-  
19 stances of the proposed placement, thereby promoting full com-  
20 pliance with applicable requirements for the protection of the  
21 child.

22 c. The proper authorities of the state from which the place-

23 ment is made may obtain the most complete information on the  
24 basis of which to evaluate a projected placement before it is  
25 made.

26 d. Appropriate jurisdictional arrangements for the care of  
27 children will be promoted.

28 ARTICLE II. - Definitions

29 As used in this compact:

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

32 b. "Sending agency" means a party state, officer or employee  
33 thereof; a subdivision of a party state, or officer or employee  
34 thereof; a court of a party state; a person, corporation,  
35 association, charitable agency or other entity which sends,  
36 brings, or causes to be sent or brought any child to another  
37 party state.

38 c. "Receiving state" means the state to which a child is  
39 sent, brought, or caused to be sent or brought, whether by pub-  
40 lic authorities or private persons or agencies, and whether for  
41 placement with state or local public authorities or for place-  
42 ment with private agencies or persons.

43 d. "Placement" means the arrangement for the care of a child  
44 in a family free or boarding home or in a child-caring agency  
45 or institution.

46 ARTICLE III. - Conditions for Placement

47 a. No sending state shall send, bring, or cause to be sent  
48 or brought into any other party state any child for placement  
49 in foster care or as a preliminary to a possible adoption unless  
50 the sending agency shall comply with each and every requirement  
51 set forth in this article and with the applicable laws of the  
52 receiving state governing the placement of children therein.

53 b. Prior to sending, bringing or causing any child to be  
54 sent or brought into a receiving state for placement in foster  
55 care or as a preliminary to a possible adoption, the sending  
56 agency shall furnish the appropriate public authorities in the  
57 receiving state written notice of the intention to send, bring,

58 or place the child in the receiving state. The notice shall  
59 contain:

60 1. The name, date and place of birth of the child.

61 2. The identity and address or addresses of the parents or  
62 legal guardian.

63 3. The name and address of the person, agency or institution  
64 to or with which the sending agency proposes to send, bring or  
65 place the child.

66 4. A full statement of the reasons for such proposed action  
67 and evidence of the authority pursuant to which the placement  
68 is proposed to be made.

69 c. Any public officer or agency in a receiving state which  
70 is in receipt of a notice pursuant to paragraph b. of this  
71 article may request of the sending agency, or any other appro-  
72 priate officer or agency of or in the sending agency's state,  
73 and shall be entitled to receive therefrom, such supporting or  
74 additional information as it may deem necessary under the cir-  
75 cumstances to carry out the purpose and policy of this compact.

76 d. The child shall not be sent, brought, or caused to be  
77 sent or brought into the receiving state until the appropriate  
78 public authorities in the receiving state shall notify the  
79 sending agency, in writing, to the effect that the proposed  
80 placement does not appear to be contrary to the interests of  
81 the child.

82 ARTICLE IV. - Penalty for Illegal Placement

83 The sending, bringing, or causing to be sent or brought  
84 into any receiving state of a child in violation of the terms  
85 of this compact shall constitute a violation of the laws re-  
86 specting the placement of children of both the state in which  
87 the sending agency is located or from which it sends or brings  
88 the child and of the receiving state. Such violation may be  
89 punished or subjected to penalty in either jurisdiction in  
90 accordance with its laws. In addition to liability for any  
91 such punishment or penalty, any such violation shall constitute  
92 full and sufficient grounds for the suspension or revocation

93 of any license, permit, or other legal authorization held be  
94 the sending agency which empowers or allows it to place, or  
95 care for children.

96 ARTICLE V. - Retention of Jurisdiction

97 a. The sending agency shall retain jurisdiction over the  
98 child sufficient to determine all matters in relation to the  
99 custody, supervision, care, treatment and disposition of the  
100 child which it would have had if the child had remained in the  
101 sending agency's state, until the child is adopted, reaches  
102 majority, becomes self-supporting or is discharged with the con-  
103 currence of the appropriate authority in the receiving state.  
104 Such jurisdiction shall also include the power to effect or  
105 cause the return of the child or its transfer to another loca-  
106 tion and custody pursuant to law. The sending agency shall  
107 continue to have financial responsibility for support and main-  
108 tenance of the child during the period of the placement. Noth-  
109 ing contained herein shall defeat a claim of jurisdiction by a  
110 receiving state sufficient to deal with an act of delinquency  
111 or crime committed therein.

112 b. When the sending agency is a public agency, it may enter  
113 into an agreement with an authorized public or private agency  
114 in the receiving state providing for the performance of one or  
115 more services in respect of such case by the latter as agent  
116 for the sending agency.

117 c. Nothing in this compact shall be construed to prevent a  
118 private charitable agency authorized to place children in the  
119 receiving state from performing services or acting as agent in  
120 that state for a private charitable agency of the sending state;  
121 nor to prevent the agency in the receiving state from discharg-  
122 ing financial responsibility for the support and maintenance of  
123 a child who has been placed on behalf of the sending agency  
124 without relieving the responsibility set forth in paragraph a.  
125 hereof.

126 ARTICLE VI. - Institutional Care of Delinquent Children

127 A child adjudicated delinquent may be placed in an institu-  
128 tion in another party jurisdiction pursuant to this compact  
129 but no such placement shall be made unless the child is given  
130 a court hearing on notice to the parent or guardian with oppor-  
131 tunity to be heard, prior to his being sent to such other party  
132 jurisdiction for institutional care and the court finds that:

133 1. Equivalent facilities for the child are not available  
134 in the sending agency's jurisdiction; and

135 2. Institutional care in the other jurisdiction is in the  
136 best interest of the child and will not produce undue hardship.

137 ARTICLE VII. - Compact Administrator

138 The executive head of each jurisdiction party to this compact  
139 shall designate an officer who shall be general coordinator of  
140 activities under this compact in his jurisdiction and who, act-  
141 ing jointly with like officers of other party jurisdictions,  
142 shall have power to promulgate rules and regulations to carry  
143 out more effectively the terms and provisions of this compact.

144 ARTICLE VIII. - Limitations

145 This compact shall not apply to:

146 a. The sending or bringing of a child into a receiving state  
147 by his parent, relative, or his guardian and leaving the child  
148 with any such relative or non-agency guardian in the receiving  
149 state.

150 b. Any placement, sending or bringing of a child into a  
151 receiving state pursuant to any other interstate compact to  
152 which both the state from which the child is sent or brought  
153 and the receiving state are party, or to any other agreement  
154 between said states which has the force of law.

155 ARTICLE IX. - Enactment and Withdrawal

156 This compact shall be open to joinder by any state, territory  
157 or possession of the United States, the District of Columbia,  
158 the Commonwealth of Puerto Rico, and, with the consent of Con-  
159 gress, the Government of Canada or any province thereof. It

160 shall become effective with respect to any such jurisdiction  
161 when such jurisdiction has enacted the same into law. With-  
162 drawal from this compact shall be by the enactment of a statute  
163 repealing the same, but shall not take effect until two years  
164 after the effective date of such statute and until written  
165 notice of the withdrawal has been given by the withdrawing  
166 state to the Governor of each other party jurisdiction. With-  
167 drawal of a party state shall not affect the rights, duties and  
168 obligations under this compact of any sending agency therein  
169 with respect to a placement made prior to the effective date of  
170 withdrawal.

171           ARTICLE X. - Construction and Severability

172       The provisions of this compact shall be liberally construed  
173 to effectuate the purposes thereof. The provisions of this  
174 compact shall be severable and if any phrase, clause, sentence  
175 or provision of this compact is declared to be contrary to the  
176 constitution of any party state or of the United States or the  
177 applicability thereof to any government, agency, person or  
178 circumstance is held invalid, the validity of the remainder of  
179 this compact and the applicability thereof to any government,  
180 agency, person or circumstance shall not be affected thereby.  
181 If this compact shall be held contrary to the constitution of  
182 any state party thereto, the compact shall remain in full force  
183 and effect as to the remaining states and in full force and  
184 effect as to the state affected as to all severable matters.

1       Sec. 2. Financial responsibility for any child placed pur-  
2 suant to the provisions of the interstate compact on the place-  
3 ment of children shall be determined in accordance with the pro-  
4 visions of article V thereof in the first instance. However,  
5 in the event of partial or complete default of performance  
6 thereunder, the provisions of chapters two hundred fifty-two  
7 (252) and two hundred fifty-two-A (252-A), Code 1966, fixing  
8 responsibility for the support of children also may be invoked.

1       Sec. 3. The "appropriate public authorities" as used in  
2 article III of the interstate compact on the placement of chil-

3 dren shall, with reference to this state, mean the state depart-  
4 ment of social welfare and said department shall receive and  
5 act with reference to notices required by said article III.

1 Sec. 4. As used in paragraph a. of article V of the inter-  
2 state compact on the placement of children, the phrase "appro-  
3 priate authority in the receiving state" with reference to this  
4 state shall mean the state department of social welfare.

1 Sec. 5. The officers and agencies of this state and its  
2 subdivisions having authority to place children are hereby  
3 empowered to enter into agreements with appropriate officers or  
4 agencies of or in other party states pursuant to paragraph b.  
5 of article V of the interstate compact on the placement of  
6 children. Any such agreement which contains a financial commit-  
7 ment or imposes a financial obligation on this state or sub-  
8 division or agency thereof shall not be binding unless it has  
9 the approval in writing of the director of family and children's  
10 services in the case of the state and the overseer of the poor  
11 in the case of a subdivision of the state.

1 Sec. 6. Any requirements for visitation, inspection or  
2 supervision of children, homes, institutions or other agencies  
3 in another party state which may apply under the provisions of  
4 this chapter shall be deemed to be met if performed pursuant to  
5 an agreement entered into by appropriate officers or agencies  
6 of this state or a subdivision thereof as contemplated by  
7 paragraph b. of article V of the interstate compact on the  
8 placement of children.

1 Sec. 7. Any court having jurisdiction to place delinquent  
2 children may place such a child in an institution of or in  
3 another state pursuant to article VI of the interstate compact  
4 on the placement of children and shall retain jurisdiction as  
5 provided in article V thereof.

1 Sec. 8. As used in article VII of the interstate compact  
2 on the placement of children, the tern "executive head" means  
3 the governor. The governor is hereby authorized to appoint a  
4 compact administrator in accordance with the terms of said  
5 article VII.



- 1 Amend the Hill amendment to Senate File 454, dated May  
2 10, 1967, as follows:  
3 1. In line seven (7), insert the word "intrastate"  
4 before the word "placement".  
5 2. In line eight (8), strike the words ", interstate  
6 or intrastate,".

Filed - *adopted 5-19 Senate refused to concur 6-5*  
May 19, 1967

McCARTNEY of Floyd.

- 1 Amend Section 1 of Senate File 454 at line  
2 one hundred ten (110) by adding the words "dependency  
3 or" after the word "with".

Filed - *withdrawn 5-22*  
May 19, 1967

McCARTNEY of Floyd.

- 1 Amend Senate File 454 as follows:  
2 1. By adding following line one hundred twenty five (125)  
3 of section 1 the following paragraphs:  
4 "Nothing herein shall be deemed to prohibit a resident of  
5 this state from bringing into the state a child for adopt-  
6 ion into his own family.  
7 Nothing herein shall be deemed to prohibit the placement  
8 of children, interstate or intrastate, by persons other than  
9 licensed child-placing agencies."  
10 2. Further amend Senate File 454 by striking from section  
11 1, line one hundred sixty three (163) the comma after the word  
12 "same" and inserting in lieu thereof a period, and by striking  
13 the remainder of the sentence.  
14 3. Amend section 8 by inserting in line three (3) after  
15 the word "appoint" the following: ", subject to confirmation  
16 by the Senate by a two-thirds vote,".

Filed - *adopted as amended 5-19 Senate refused to concur 6-5*  
May 10, 1967 *House insisted 6-7*  
HILL of Marshall.

- 1 Amend Section 1 of Senate File 454 at line one hundred  
2 ten (110) by adding after the word "with" the fol-  
3 lowing:  
4 "the dependency or neglect of the child as defined  
5 in chapter two hundred thirty-two (232) of the Code  
6 of Iowa or".

Filed - *adopted 5-22-67 Senate refused to concur 6-5*  
May 22, 1967 *House insisted 6-7*

McCARTNEY of Floyd.

REPORT OF CONFERENCE COMMITTEE

*Senate adopted*  
6-16

ON SENATE FILE 454

*House adopted*  
6-19

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

We, the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on Senate File 454, a bill for an Act enabling Iowa to enter into the interstate compact on the placement of children, begs leave to report and to make the following recommendations:

1. That the House recede from all of its amendments.
2. That Senate File 454 be amended by adding thereto as Section 9 the following:

Sec. 9. "Nothing contained herein shall be deemed to affect or modify the provisions of chapters two hundred thirty-two (232) and six hundred (600) of the Code."

JOHN M. ELY, JR., Chairman  
TOM J. FREY  
DONALD W. MURRAY  
CLIFTON C. LAMBORN

WILLIAM HILL, Chairman  
HENRY W. BUSCH  
CHARLES P. MILLER  
THOMAS A. RENDA

On the Part of the Senate

On the Part of the House