

HOUSE BILL NO. 445

INTRODUCED BY TRAVIS, DUSSAULT,

BY REQUEST SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PUBLIC WELFARE; ENACTING THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN; AMENDING THE REVISED CODES OF MONTANA, 1947, TITLE 10 BY ADDING A NEW CHAPTER 14."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Title 10 of the Revised Codes of Montana, 1947, is hereby amended by adding thereto a new chapter to be Chapter 14, to read as follows:

Chapter 14 -- Interstate Compact on the Placement of Children.

10-1401. Enactment -- provisions. The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I. Purpose and Policy

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

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment

and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

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

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

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

Article II. Definitions

As used in this act:

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

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

1 (c) "Receiving state" means the state to which a child  
 2 is sent, brought, or caused to be sent or brought, whether  
 3 by public authorities or private persons or agencies, and  
 4 whether for placement with state or local public authorities  
 5 or for placement with private agencies or persons.

6 (d) "Placement" means the arrangement for the care of  
 7 a child in a family free or boarding home or in a  
 8 child-caring agency or institution but does not include any  
 9 institution caring for the mentally ill, mentally defective  
 10 or epileptic or any institution primarily educational in  
 11 character, and any hospital or other medical facility.

12 Article III. Conditions for Placement

13 (a) No sending agency shall send, bring, or cause to  
 14 be sent or brought into any other party state any child for  
 15 placement in foster care or as a preliminary to a possible  
 16 adoption unless the sending agency shall comply with each  
 17 and every requirement set forth in this article and with the  
 18 applicable laws of the receiving state governing the  
 19 placement of children therein.

20 (b) Prior to sending, bringing or causing any child to  
 21 be sent or brought into a receiving state for placement in  
 22 foster care or as a preliminary to a possible adoption, the  
 23 sending agency shall furnish the appropriate public  
 24 authorities in the receiving state written notice of the  
 25 intention to send, bring, or place the child in the

1 receiving state. The notice shall contain:

- 2 (1) The name, date and place of birth of the child.
- 3 (2) The identity and address or addresses of the  
 4 parents or legal guardian.
- 5 (3) The name and address of the person, agency or  
 6 institution to or with which the sending agency proposes to  
 7 send, bring, or place the child.
- 8 (4) A full statement of the reasons for such proposed  
 9 action and evidence of the authority pursuant to which the  
 10 placement is proposed to be made.

11 (c) Any public officer or agency in a receiving state  
 12 which is in receipt of a notice pursuant to paragraph (b) of  
 13 this article may request of the sending agency, or any other  
 14 appropriate officer or agency of or in the sending agency's  
 15 state, and shall be entitled to receive therefrom, such  
 16 supporting or additional information as it may deem  
 17 necessary under the circumstances to carry out the purpose  
 18 and policy of this compact.

19 (d) The child shall not be sent, brought, or caused to  
 20 be sent or brought into the receiving state until the  
 21 appropriate public authorities in the receiving state shall  
 22 notify the sending agency, in writing, to the effect that  
 23 the proposed placement does not appear to be contrary to the  
 24 interests of the child.

25 Article IV. Penalty for Illegal Placement

1           The sending, bringing or causing to be sent or brought  
 2 into any receiving state of a child in violation of the  
 3 terms of this compact shall constitute a violation of the  
 4 laws respecting the placement of children of both the state  
 5 in which the sending agency is located or from which it  
 6 sends or brings the child and of the receiving state. Such  
 7 violation may be punished or subjected to penalty in either  
 8 jurisdiction in accordance with its laws. In addition to  
 9 liability for any such punishment or penalty, any such  
 10 violation shall constitute full and sufficient grounds for  
 11 the suspension or revocation of any license, permit, or  
 12 other legal authorization held by the sending agency which  
 13 empowers or allows it to place, or care for children.

14           Article V. Retention of Jurisdiction

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

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

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

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

21           Article VI. Institutional Care of Delinquent Children

22           A child adjudicated delinquent may be placed in an  
 23 institution in another party jurisdiction pursuant to this  
 24 compact but no such placement shall be made unless the child  
 25 is given a court hearing on notice to the parent or guardian

1 with opportunity to be heard, prior to his being sent to  
2 such other party jurisdiction for institutional care and the  
3 court finds that:

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

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

9 Article VII. Compact Administrator

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

17 Article VIII. Limitations

18 This compact shall not apply to:

19 (a) The sending or bringing of a child into a  
20 receiving state by his parent, step-parent, grandparent,  
21 adult brother or sister, adult uncle or aunt, or his  
22 guardian and leaving the child with any such relative or  
23 non-agency guardian in the receiving state.

24 (b) Any placement, sending or bringing of a child into  
25 a receiving state pursuant to any other interstate compact

1 to which both the state from which the child is sent or  
2 brought and the receiving state are party, or to any other  
3 agreement between said states which has the force of law.

4 Article IX. Enactment and Withdrawal

5 This compact shall be open to joinder by any state,  
6 territory, or possession of the United States, the District  
7 of Columbia, the Commonwealth of Puerto Rico, and, with the  
8 consent of Congress, the Government of Canada or any  
9 province thereof. It shall become effective with respect to  
10 any such jurisdiction when such jurisdiction has enacted the  
11 same into law. Withdrawal from this compact shall be by the  
12 enactment of a statute repealing the same, but shall not  
13 take effect until two years after the effective date of such  
14 statute and until written notice of the withdrawal has been  
15 given by the withdrawing state to the governor of each other  
16 party jurisdiction. Withdrawal of a party state shall not  
17 affect the rights, duties and obligations under this compact  
18 of any sending agency therein with respect to a placement  
19 made prior to the effective date of withdrawal.

20 Article X. Construction and severability.

21 The provisions of this compact shall be liberally  
22 construed to effectuate the purposes thereof. The  
23 provisions of this compact shall be severable and if any  
24 phrase, clause, sentence or provision of this compact is  
25 declared to be contrary to the constitution of any party

1 state or of the United States or the applicability thereof  
 2 to any government, agency, person or circumstance is held  
 3 invalid, the validity of the remainder of this compact and  
 4 the applicability thereof to any government, agency, person  
 5 or circumstance shall not be affected thereby. If this  
 6 compact shall be held contrary to the constitution of any  
 7 state party thereto, the compact shall remain in full force  
 8 and effect as to the remaining states and in full force and  
 9 effect as to the state affected as to all severable matters.

10 10-1402. Financial responsibility. Financial  
 11 responsibility for any child placed pursuant to the  
 12 provisions of the interstate compact on the placement of  
 13 children shall be determined in accordance with the  
 14 provisions of Article V thereof in the first instance.  
 15 However, in the event of partial or complete default of  
 16 performance thereunder, the provisions of sections  
 17 93-2601-41 to 93-2601-82 (revised uniform reciprocal  
 18 enforcement of support act) and sections 10-1312 and 10-1313  
 19 also may be invoked.

20 10-1403. Appropriate public authorities defined. The  
 21 "appropriate public authorities" as used in Article III of  
 22 the interstate compact on the placement of children shall,  
 23 with reference to this state, mean the state department of  
 24 social and rehabilitation services and said department shall  
 25 receive and act with reference to notices required by said

1 Article III.

2 10-1404. Appropriate authority in the receiving state.  
 3 As used in paragraph (a) of Article V of the interstate  
 4 compact on the placement of children, the phrase  
 5 "appropriate authority in the receiving state" with  
 6 reference to this state shall mean the state department of  
 7 social and rehabilitation services.

8 10-1405. Agreements. The officers and agencies of  
 9 this state and its subdivisions having authority to place  
 10 children are hereby empowered to enter into agreements with  
 11 appropriate officers or agencies of or in other party states  
 12 pursuant to paragraph (b) of Article V of the interstate  
 13 compact on the placement of children. Any such agreement  
 14 which contains a financial commitment or imposes a financial  
 15 obligation on this state or subdivision or agency thereof  
 16 shall not be binding unless it has the approval in writing  
 17 of the state treasurer in the case of the state and of the  
 18 chief local fiscal officer in the case of a subdivision of  
 19 the state.

20 10-1406. Requirements for visitation, inspection and  
 21 supervision. Any requirements for visitation, inspection or  
 22 supervision of children, homes, institutions or other  
 23 agencies in another party state which may apply under  
 24 sections 10-1317, 10-1318, and 71-710 are considered to be  
 25 met if performed pursuant to an agreement entered into by

1 appropriate officers or agencies of this state or a  
2 subdivision thereof as contemplated by paragraph (b) of  
3 Article V of the interstate compact on the placement of  
4 children.

5 10-1407. Certain laws not applicable. The provisions  
6 of section 71-711 shall not apply to placements made  
7 pursuant to the interstate compact on the placement of  
8 children.

9 10-1408. Court jurisdiction retained. Any court  
10 having jurisdiction to place delinquent children may place  
11 such a child in an institution of or in another state  
12 pursuant to Article VI of the interstate compact on the  
13 placement of children and shall retain jurisdiction as  
14 provided in Article V thereof.

15 10-1409. Executive head defined. As used in Article  
16 VII of the interstate compact on the placement of children,  
17 the term "executive head" means the governor. The governor  
18 is hereby authorized to appoint a compact administrator in  
19 accordance with the terms of said Article VII.

-End-

Approved by Committee  
on Public Health, Welfare  
& Safety

1 HOUSE BILL NO. 445  
2 INTRODUCED BY TRAVIS, DUSSAULT,  
3 BY REQUEST SOCIAL AND REHABILITATION SERVICES  
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7 CHILDREN; AMENDING THE REVISED CODES OF MONTANA, 1947, TITLE  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Title 10 of the Revised Codes of Montana,  
12 1947, is hereby amended by adding thereto a new chapter to  
13 be Chapter 14, to read as follows:  
14 Chapter 14 -- Interstate Compact on the Placement of  
15 Children.  
16 10-1401. Enactment -- provisions. The interstate  
17 compact on the placement of children is hereby enacted into  
18 law and entered into with all other jurisdictions legally  
19 joining therein in the form substantially as follows:  
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21 It is the purpose and policy of the party states to  
22 cooperate with each other in the interstate placement of  
23 children to the end that:  
24 (a) Each child requiring placement shall receive the  
25 maximum opportunity to be placed in a suitable environment

1 and with persons or institutions having appropriate  
2 qualifications and facilities to provide a necessary and  
3 desirable degree and type of care.  
4 (b) The appropriate authorities in a state where a  
5 child is to be placed may have full opportunity to ascertain  
6 the circumstances of the proposed placement, thereby  
7 promoting full compliance with applicable requirements for  
8 the protection of the child.  
9 (c) The proper authorities of the state from which the  
10 placement is made may obtain the most complete information  
11 on the basis of which to evaluate a projected placement  
12 before it is made.  
13 (d) Appropriate jurisdictional arrangements for the  
14 care of children will be promoted.  
15 Article II. Definitions  
16 As used in this act:  
17 (a) "Child" means a person who, by reason of minority,  
18 is legally subject to parental, guardianship or similar  
19 control.  
20 (b) "Sending agency" means a party state, officer or  
21 employee thereof; a subdivision of a party state, or officer  
22 or employee thereof; a court of a party state; a person,  
23 corporation, association, charitable agency or other entity  
24 which sends, brings, or causes to be sent or brought any  
25 child to another party state.

S E C O N D R E A D I N G

1 (c) "Receiving state" means the state to which a child  
 2 is sent, brought, or caused to be sent or brought, whether  
 3 by public authorities or private persons or agencies, and  
 4 whether for placement with state or local public authorities  
 5 or for placement with private agencies or persons.

6 (d) "Placement" means the arrangement for the care of  
 7 a child in a family free or boarding home or in a  
 8 child-caring agency or institution but does not include any  
 9 institution caring for the mentally ill, mentally defective  
 10 or epileptic or any institution primarily educational in  
 11 character, and any hospital or other medical facility.

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 14 be sent or brought into any other party state any child for  
 15 placement in foster care or as a preliminary to a possible  
 16 adoption unless the sending agency shall comply with each  
 17 and every requirement set forth in this article and with the  
 18 applicable laws of the receiving state governing the  
 19 placement of children therein.

20 (b) Prior to sending, bringing or causing any child to  
 21 be sent or brought into a receiving state for placement in  
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 5 (3) The name and address of the person, agency or  
 6 institution to or with which the sending agency proposes to  
 7 send, bring, or place the child.  
 8 (4) A full statement of the reasons for such proposed  
 9 action and evidence of the authority pursuant to which the  
 10 placement is proposed to be made.

11 (c) Any public officer or agency in a receiving state  
 12 which is in receipt of a notice pursuant to paragraph (b) of  
 13 this article may request of the sending agency, or any other  
 14 appropriate officer or agency of or in the sending agency's  
 15 state, and shall be entitled to receive therefrom, such  
 16 supporting or additional information as it may deem  
 17 necessary under the circumstances to carry out the purpose  
 18 and policy of this compact.

19 (d) The child shall not be sent, brought, or caused to  
 20 be sent or brought into the receiving state until the  
 21 appropriate public authorities in the receiving state shall  
 22 notify the sending agency, in writing, to the effect that  
 23 the proposed placement does not appear to be contrary to the  
 24 interests of the child.

25 Article IV. Penalty for Illegal Placement



1           The sending, bringing or causing to be sent or brought  
 2 into any receiving state of a child in violation of the  
 3 terms of this compact shall constitute a violation of the  
 4 laws respecting the placement of children of both the state  
 5 in which the sending agency is located or from which it  
 6 sends or brings the child and of the receiving state. Such  
 7 violation may be punished or subjected to penalty in either  
 8 jurisdiction in accordance with its laws. In addition to  
 9 liability for any such punishment or penalty, any such  
 10 violation shall constitute full and sufficient grounds for  
 11 the suspension or revocation of any license, permit, or  
 12 other legal authorization held by the sending agency which  
 13 empowers or allows it to place, or care for children.

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15           (a) The sending agency shall retain jurisdiction over  
 16 the child sufficient to determine all matters in relation to  
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 18 the child which it would have had if the child had remained  
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 24 transfer to another location and custody pursuant to law.  
 25 The sending agency shall continue to have financial

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 13 children in the receiving state from performing services or  
 14 acting as agent in that state for a private charitable  
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 16 the receiving state from discharging financial  
 17 responsibility for the support and maintenance of a child  
 18 who has been placed on behalf of the sending agency without  
 19 relieving the responsibility set forth in paragraph (a)  
 20 hereof.

21           Article VI. Institutional Care of Delinquent Children

22           A child adjudicated delinquent may be placed in an  
 23 institution in another party jurisdiction pursuant to this  
 24 compact but no such placement shall be made unless the child  
 25 is given a court hearing on notice to the parent or guardian

1 with opportunity to be heard, prior to his being sent to  
2 such other party jurisdiction for institutional care and the  
3 court finds that:

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

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

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

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10 any such jurisdiction when such jurisdiction has enacted the  
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13 take effect until two years after the effective date of such  
14 statute and until written notice of the withdrawal has been  
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 7 a child in a family free or boarding home or in a  
 8 child-caring agency or institution but does not include any  
 9 institution caring for the mentally ill, mentally defective  
 10 or epileptic or any institution primarily educational in  
 11 character, and any hospital or other medical facility.

12 Article III. Conditions for Placement

13 (a) No sending agency shall send, bring, or cause to  
 14 be sent or brought into any other party state any child for  
 15 placement in foster care or as a preliminary to a possible  
 16 adoption unless the sending agency shall comply with each  
 17 and every requirement set forth in this article and with the  
 18 applicable laws of the receiving state governing the  
 19 placement of children therein.

20 (b) Prior to sending, bringing or causing any child to  
 21 be sent or brought into a receiving state for placement in  
 22 foster care or as a preliminary to a possible adoption, the  
 23 sending agency shall furnish the appropriate public  
 24 authorities in the receiving state written notice of the  
 25 intention to send, bring, or place the child in the

1 receiving state. The notice shall contain:

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

3 (2) The identity and address or addresses of the  
 4 parents or legal guardian.

5 (3) The name and address of the person, agency or  
 6 institution to or with which the sending agency proposes to  
 7 send, bring, or place the child.

8 (4) A full statement of the reasons for such proposed  
 9 action and evidence of the authority pursuant to which the  
 10 placement is proposed to be made.

11 (c) Any public officer or agency in a receiving state  
 12 which is in receipt of a notice pursuant to paragraph (b) of  
 13 this article may request of the sending agency, or any other  
 14 appropriate officer or agency of or in the sending agency's  
 15 state, and shall be entitled to receive therefrom, such  
 16 supporting or additional information as it may deem  
 17 necessary under the circumstances to carry out the purpose  
 18 and policy of this compact.

19 (d) The child shall not be sent, brought, or caused to  
 20 be sent or brought into the receiving state until the  
 21 appropriate public authorities in the receiving state shall  
 22 notify the sending agency, in writing, to the effect that  
 23 the proposed placement does not appear to be contrary to the  
 24 interests of the child.

25 Article IV. Penalty for Illegal Placement

1 The sending, bringing or causing to be sent or brought  
 2 into any receiving state of a child in violation of the  
 3 terms of this compact shall constitute a violation of the  
 4 laws respecting the placement of children of both the state  
 5 in which the sending agency is located or from which it  
 6 sends or brings the child and of the receiving state. Such  
 7 violation may be punished or subjected to penalty in either  
 8 jurisdiction in accordance with its laws. In addition to  
 9 liability for any such punishment or penalty, any such  
 10 violation shall constitute full and sufficient grounds for  
 11 the suspension or revocation of any license, permit, or  
 12 other legal authorization held by the sending agency which  
 13 empowers or allows it to place, or care for children.

14 Article V. Retention of Jurisdiction

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

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

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

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

21 Article VI. Institutional Care of Delinquent Children

22 A child adjudicated delinquent may be placed in an  
 23 institution in another party jurisdiction pursuant to this  
 24 compact but no such placement shall be made unless the child  
 25 is given a court hearing on notice to the parent or guardian

1 with opportunity to be heard, prior to his being sent to  
2 such other party jurisdiction for institutional care and the  
3 court finds that:

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

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

9 Article VII. Compact Administrator

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

17 Article VIII. Limitations

18 This compact shall not apply to:

19 (a) The sending or bringing of a child into a  
20 receiving state by his parent, step-parent, grandparent,  
21 adult brother or sister, adult uncle or aunt, or his  
22 guardian and leaving the child with any such relative or  
23 non-agency guardian in the receiving state.

24 (b) Any placement, sending or bringing of a child into  
25 a receiving state pursuant to any other interstate compact

1 to which both the state from which the child is sent or  
2 brought and the receiving state are party, or to any other  
3 agreement between said states which has the force of law.

4 Article IX. Enactment and Withdrawal

5 This compact shall be open to joinder by any state,  
6 territory, or possession of the United States, the District  
7 of Columbia, the Commonwealth of Puerto Rico, and, with the  
8 consent of Congress, the Government of Canada or any  
9 province thereof. It shall become effective with respect to  
10 any such jurisdiction when such jurisdiction has enacted the  
11 same into law. Withdrawal from this compact shall be by the  
12 enactment of a statute repealing the same, but shall not  
13 take effect until two years after the effective date of such  
14 statute and until written notice of the withdrawal has been  
15 given by the withdrawing state to the governor of each other  
16 party jurisdiction. Withdrawal of a party state shall not  
17 affect the rights, duties and obligations under this compact  
18 of any sending agency therein with respect to a placement  
19 made prior to the effective date of withdrawal.

20 Article X. Construction and severability.

21 The provisions of this compact shall be liberally  
22 construed to effectuate the purposes thereof. The  
23 provisions of this compact shall be severable and if any  
24 phrase, clause, sentence or provision of this compact is  
25 declared to be contrary to the constitution of any party



1 state or of the United States or the applicability thereof  
 2 to any government, agency, person or circumstance is held  
 3 invalid, the validity of the remainder of this compact and  
 4 the applicability thereof to any government, agency, person  
 5 or circumstance shall not be affected thereby. If this  
 6 compact shall be held contrary to the constitution of any  
 7 state party thereto, the compact shall remain in full force  
 8 and effect as to the remaining states and in full force and  
 9 effect as to the state affected as to all severable matters.

10 10-1402. Financial responsibility. Financial  
 11 responsibility for any child placed pursuant to the  
 12 provisions of the interstate compact on the placement of  
 13 children shall be determined in accordance with the  
 14 provisions of Article V thereof in the first instance.  
 15 However, in the event of partial or complete default of  
 16 performance thereunder, the provisions of sections  
 17 93-2601-41 to 93-2601-82 (revised uniform reciprocal  
 18 enforcement of support act) and sections 10-1312 and 10-1313  
 19 also may be invoked.

20 10-1403. Appropriate public authorities defined. The  
 21 "appropriate public authorities" as used in Article III of  
 22 the interstate compact on the placement of children shall,  
 23 with reference to this state, mean the state department of  
 24 social and rehabilitation services and said department shall  
 25 receive and act with reference to notices required by said

1 Article III.

2 10-1404. Appropriate authority in the receiving state.  
 3 As used in paragraph (a) of Article V of the interstate  
 4 compact on the placement of children, the phrase  
 5 "appropriate authority in the receiving state" with  
 6 reference to this state shall mean the state department of  
 7 social and rehabilitation services.

8 10-1405. Agreements. The officers and agencies of  
 9 this state and its subdivisions having authority to place  
 10 children are hereby empowered to enter into agreements with  
 11 appropriate officers or agencies of or in other party states  
 12 pursuant to paragraph (b) of Article V of the interstate  
 13 compact on the placement of children. Any such agreement  
 14 which contains a financial commitment or imposes a financial  
 15 obligation on this state or subdivision or agency thereof  
 16 shall not be binding unless it has the approval in writing  
 17 of the state treasurer in the case of the state and of the  
 18 chief local fiscal officer in the case of a subdivision of  
 19 the state.

20 10-1406. Requirements for visitation, inspection and  
 21 supervision. Any requirements for visitation, inspection or  
 22 supervision of children, homes, institutions or other  
 23 agencies in another party state which may apply under  
 24 sections 10-1317, 10-1318, and 71-710 are considered to be  
 25 met if performed pursuant to an agreement entered into by

1 appropriate officers or agencies of this state or a  
2 subdivision thereof as contemplated by paragraph (b) of  
3 Article V of the interstate compact on the placement of  
4 children.

5 10-1407. Certain laws not applicable. The provisions  
6 of section 71-711 shall not apply to placements made  
7 pursuant to the interstate compact on the placement of  
8 children.

9 10-1408. Court jurisdiction retained. Any court  
10 having jurisdiction to place delinquent children may place  
11 such a child in an institution of or in another state  
12 pursuant to Article VI of the interstate compact on the  
13 placement of children and shall retain jurisdiction as  
14 provided in Article V thereof.

15 10-1409. Executive head defined. As used in Article  
16 VII of the interstate compact on the placement of children,  
17 the term "executive head" means the governor. The governor  
18 is hereby authorized to appoint a compact administrator in  
19 accordance with the terms of said Article VII.

-End-

HOUSE BILL NO. 445

INTRODUCED BY TRAVIS, DUSSAULT,

(BY REQUEST SOCIAL AND REHABILITATION SERVICES)

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PUBLIC WELFARE; ENACTING THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN; AMENDING THE REVISED CODES OF MONTANA, 1947, TITLE 10 BY ADDING A NEW CHAPTER 14."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Title 10 of the Revised Codes of Montana, 1947, is hereby amended by adding thereto a new chapter to be Chapter 14, to read as follows:

Chapter 14 -- Interstate Compact on the Placement of Children.

10-1401. Enactment -- provisions. The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I. Purpose and Policy

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

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment

and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

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

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

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

Article II. Definitions

As used in this act:

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

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

1 (c) "Receiving state" means the state to which a child  
 2 is sent, brought, or caused to be sent or brought, whether  
 3 by public authorities or private persons or agencies, and  
 4 whether for placement with state or local public authorities  
 5 or for placement with private agencies or persons.

6 (d) "Placement" means the arrangement for the care of  
 7 a child in a family free or boarding home or in a  
 8 child-caring agency or institution but does not include any  
 9 institution caring for the mentally ill, mentally defective  
 10 or epileptic or any institution primarily educational in  
 11 character, and any hospital or other medical facility.

#### 12 Article III. Conditions for Placement

13 (a) No sending agency shall send, bring, or cause to  
 14 be sent or brought into any other party state any child for  
 15 placement in foster care or as a preliminary to a possible  
 16 adoption unless the sending agency shall comply with each  
 17 and every requirement set forth in this article and with the  
 18 applicable laws of the receiving state governing the  
 19 placement of children therein.

20 (b) Prior to sending, bringing or causing any child to  
 21 be sent or brought into a receiving state for placement in  
 22 foster care or as a preliminary to a possible adoption, the  
 23 sending agency shall furnish the appropriate public  
 24 authorities in the receiving state written notice of the  
 25 intention to send, bring, or place the child in the

1 receiving state. The notice shall contain:

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

3 (2) The identity and address or addresses of the  
 4 parents or legal guardian.

5 (3) The name and address of the person, agency or  
 6 institution to or with which the sending agency proposes to  
 7 send, bring, or place the child.

8 (4) A full statement of the reasons for such proposed  
 9 action and evidence of the authority pursuant to which the  
 10 placement is proposed to be made.

11 (c) Any public officer or agency in a receiving state  
 12 which is in receipt of a notice pursuant to paragraph (b) of  
 13 this article may request of the sending agency, or any other  
 14 appropriate officer or agency of or in the sending agency's  
 15 state, and shall be entitled to receive therefrom, such  
 16 supporting or additional information as it may deem  
 17 necessary under the circumstances to carry out the purpose  
 18 and policy of this compact.

19 (d) The child shall not be sent, brought, or caused to  
 20 be sent or brought into the receiving state until the  
 21 appropriate public authorities in the receiving state shall  
 22 notify the sending agency, in writing, to the effect that  
 23 the proposed placement does not appear to be contrary to the  
 24 interests of the child.

#### 25 Article IV. Penalty for Illegal Placement

1           The sending, bringing or causing to be sent or brought  
 2 into any receiving state of a child in violation of the  
 3 terms of this compact shall constitute a violation of the  
 4 laws respecting the placement of children of both the state  
 5 in which the sending agency is located or from which it  
 6 sends or brings the child and of the receiving state. Such  
 7 violation may be punished or subjected to penalty in either  
 8 jurisdiction in accordance with its laws. In addition to  
 9 liability for any such punishment or penalty, any such  
 10 violation shall constitute full and sufficient grounds for  
 11 the suspension or revocation of any license, permit, or  
 12 other legal authorization held by the sending agency which  
 13 empowers or allows it to place, or care for children.

14           Article V. Retention of Jurisdiction

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

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

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

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

21           Article VI. Institutional Care of Delinquent Children

22           A child adjudicated delinquent may be placed in an  
 23 institution in another party jurisdiction pursuant to this  
 24 compact but no such placement shall be made unless the child  
 25 is given a court hearing on notice to the parent or guardian

1 with opportunity to be heard, prior to his being sent to  
 2 such other party jurisdiction for institutional care and the  
 3 court finds that:

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

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

9 Article VII. Compact Administrator

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

17 Article VIII. Limitations

18 This compact shall not apply to:

19 (a) The sending or bringing of a child into a  
 20 receiving state by his parent, step-parent, grandparent,  
 21 adult brother or sister, adult uncle or aunt, or his  
 22 guardian and leaving the child with any such relative or  
 23 non-agency guardian in the receiving state.

24 (b) Any placement, sending or bringing of a child into  
 25 a receiving state pursuant to any other interstate compact

1 to which both the state from which the child is sent or  
 2 brought and the receiving state are party, or to any other  
 3 agreement between said states which has the force of law.

4 Article IX. Enactment and Withdrawal

5 This compact shall be open to joinder by any state,  
 6 territory, or possession of the United States, the District  
 7 of Columbia, the Commonwealth of Puerto Rico, and, with the  
 8 consent of Congress, the Government of Canada or any  
 9 province thereof. It shall become effective with respect to  
 10 any such jurisdiction when such jurisdiction has enacted the  
 11 same into law. Withdrawal from this compact shall be by the  
 12 enactment of a statute repealing the same, but shall not  
 13 take effect until two years after the effective date of such  
 14 statute and until written notice of the withdrawal has been  
 15 given by the withdrawing state to the governor of each other  
 16 party jurisdiction. Withdrawal of a party state shall not  
 17 affect the rights, duties and obligations under this compact  
 18 of any sending agency therein with respect to a placement  
 19 made prior to the effective date of withdrawal.

20 Article X. Construction and severability.

21 The provisions of this compact shall be liberally  
 22 construed to effectuate the purposes thereof. The  
 23 provisions of this compact shall be severable and if any  
 24 phrase, clause, sentence or provision of this compact is  
 25 declared to be contrary to the constitution of any party

1 state or of the United States or the applicability thereof  
 2 to any government, agency, person or circumstance is held  
 3 invalid, the validity of the remainder of this compact and  
 4 the applicability thereof to any government, agency, person  
 5 or circumstance shall not be affected thereby. If this  
 6 compact shall be held contrary to the constitution of any  
 7 state party thereto, the compact shall remain in full force  
 8 and effect as to the remaining states and in full force and  
 9 effect as to the state affected as to all severable matters.

10 10-1402. Financial responsibility. Financial  
 11 responsibility for any child placed pursuant to the  
 12 provisions of the interstate compact on the placement of  
 13 children shall be determined in accordance with the  
 14 provisions of Article V thereof in the first instance.  
 15 However, in the event of partial or complete default of  
 16 performance thereunder, the provisions of sections  
 17 93-2601-41 to 93-2601-82 (revised uniform reciprocal  
 18 enforcement of support act) and sections 10-1312 and 10-1313  
 19 also may be invoked.

20 10-1403. Appropriate public authorities defined. The  
 21 "appropriate public authorities" as used in Article III of  
 22 the interstate compact on the placement of children shall,  
 23 with reference to this state, mean the state department of  
 24 social and rehabilitation services and said department shall  
 25 receive and act with reference to notices required by said

1 Article III.

2 10-1404. Appropriate authority in the receiving state.  
 3 As used in paragraph (a) of Article V of the interstate  
 4 compact on the placement of children, the phrase  
 5 "appropriate authority in the receiving state" with  
 6 reference to this state shall mean the state department of  
 7 social and rehabilitation services.

8 10-1405. Agreements. The officers and agencies of  
 9 this state and its subdivisions having authority to place  
 10 children are hereby empowered to enter into agreements with  
 11 appropriate officers or agencies of or in other party states  
 12 pursuant to paragraph (b) of Article V of the interstate  
 13 compact on the placement of children. Any such agreement  
 14 which contains a financial commitment or imposes a financial  
 15 obligation on this state or subdivision or agency thereof  
 16 shall not be binding unless it has the approval in writing  
 17 of the state treasurer in the case of the state and of the  
 18 chief local fiscal officer in the case of a subdivision of  
 19 the state.

20 10-1406. Requirements for visitation, inspection and  
 21 supervision. Any requirements for visitation, inspection or  
 22 supervision of children, homes, institutions or other  
 23 agencies in another party state which may apply under  
 24 sections 10-1317, 10-1318, and 71-710 are considered to be  
 25 met if performed pursuant to an agreement entered into by

1 appropriate officers or agencies of this state or a  
2 subdivision thereof as contemplated by paragraph (b) of  
3 Article V of the interstate compact on the placement of  
4 children.

5 10-1407. Certain laws not applicable. The provisions  
6 of section 71-711 shall not apply to placements made  
7 pursuant to the interstate compact on the placement of  
8 children.

9 10-1408. Court jurisdiction retained. Any court  
10 having jurisdiction to place delinquent children may place  
11 such a child in an institution of or in another state  
12 pursuant to Article VI of the interstate compact on the  
13 placement of children and shall retain jurisdiction as  
14 provided in Article V thereof.

15 10-1409. Executive head defined. As used in Article  
16 VII of the interstate compact on the placement of children,  
17 the term "executive head" means the governor. The governor  
18 is hereby authorized to appoint a compact administrator in  
19 accordance with the terms of said Article VII.

-End-