
By: Delegate Preis

Introduced and read first time: January 13, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Applicability of the Interstate Compact on the Placement of Children**

3 FOR the purpose of providing that the Interstate Compact on the Placement of Children
4 applies to situations in which children are placed with parents who reside outside of
5 the State, or with persons in the State who maintain permanent residency outside of
6 the State; requiring the sending agency to notify the appropriate authorities prior to
7 a child being placed with parents who reside outside of the State or with persons in
8 the State but who maintain permanent residency outside of the State; and generally
9 relating to the applicability of the Interstate Compact on the Placement of Children.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-604
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Family Law**

18 5-604.

19 (a) (1) No sending agency shall send, bring, or cause to be sent or brought into
20 any other party state any child for placement WITH A PARENT OR OTHER FAMILY
21 MEMBER, in foster [care] CARE, or as a preliminary to a possible adoption unless the
22 sending agency shall comply with each and every requirement set forth in this section and
23 with the applicable laws of the receiving state governing the placement of children
24 therein.

25 (2) A SENDING AGENCY MAY NOT PLACE A CHILD WITH A PERSON IN
26 THE SENDING AGENCY'S STATE WHO HAS A PERMANENT RESIDENCE OUTSIDE OF
27 THAT STATE UNLESS THE SENDING AGENCY COMPLIES WITH EACH AND EVERY
28 REQUIREMENT SET FORTH IN THIS SECTION AND WITH THE APPLICABLE LAWS OF
29 THE RECEIVING STATE GOVERNING THE PLACEMENT OF CHILDREN THEREIN.

30 (b) Prior to sending, bringing or causing any child to be sent or brought into a
31 receiving state for placement WITH A PARENT OR OTHER FAMILY MEMBER, in foster

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1 [care] CARE, or as a preliminary to a possible adoption, AND PRIOR TO PLACING A
2 CHILD WITH A PERSON IN THE SENDING AGENCY'S STATE WHO HAS A PERMANENT
3 RESIDENCE OUTSIDE OF THE STATE, the sending agency shall furnish the appropriate
4 public authorities in the receiving state written notice of the intention to send, bring, or
5 place the child in the receiving state. The notice shall contain:

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

7 (2) the identity and address or addresses of the parents or legal guardian.

8 (3) the name and address of the person, agency or institution to or with
9 which the sending agency proposes to send, bring, or place the child.

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.