



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 339**  
[2009 Senate Bill 517]

**Interstate Compact for the  
Placement of Children**

2009 Wisconsin Act 339 creates a new Interstate Compact for the Placement of Children that becomes effective when 35 states enact the compact. It appears that, as of May 24, 2010, 10 states, not including Wisconsin, have enacted the compact. The compact provides procedures for sending a child from Wisconsin to another state, placing a child from Wisconsin in an institution in another state, bringing a child from another state into Wisconsin, and placing a child from another state in Wisconsin.

The compact applies to all of the following:

- The interstate placement of a child who is subject to ongoing court jurisdiction in a sending state due to allegations or findings that the child has been abused, neglected, or deprived, as defined by state law of the sending state.
- The interstate placement of a child who has been adjudicated delinquent or unmanageable based on the laws of the sending state and who is subject to ongoing court jurisdiction of the sending state if the child is being placed in a residential facility in another state that is a member of the compact and is not covered under another compact or if the child is being placed in another state that is a member of the compact and the determination of safety and suitability of the placement and services required is not provided through another compact.
- The interstate placement of any child by a public child placing agency or private child placing agency as a preliminary step to a possible adoption.

The compact does not apply to any of the following:

- The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party so long as the placement is not intended to effectuate an adoption.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

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- The interstate placement of a child with a nonrelative in a receiving state by a parent with the legal authority to make such a placement so long as the placement is not intended to effectuate an adoption.
- The interstate placement of a child by a relative with the legal authority to make such a placement directly with another relative in a receiving state.
- The placement of a child who is not subject to the compact, as described above, into a residential treatment facility by his or her parent.
- The placement of a child with a noncustodial parent if that parent proves he or she has a substantial relationship with the child, the court finds that the placement is in the best interests of the child, and, if a public child placing agency is a party, the court dismisses its jurisdiction over the proceeding.
- A child entering the United States from a foreign country for the purpose of adoption in this country or leaving the United States to go to a foreign country for the purpose of adoption in that country.
- Cases in which a child who is a United States citizen living overseas with his or her family, at least one member of which is in the U.S. armed services and stationed overseas, is removed and placed in a state.
- The sending of a child by a public child placing agency or a private child placing agency to another state for a visit.

The Act also creates an Interstate Commission for the Placement of Children and sets forth its powers. Each state that is a member of the compact has one vote on the commission. Under the Act, all lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission and agreements between the commission and the member states, are binding on the member states unless a provision of the compact exceeds a constitutional limit imposed on the legislature of a member state. Each member state is charged an assessment by the interstate commission. The Department of Children and Families estimates the assessment will be \$14,000 annually.

***Effective date:*** Act 339 takes effect on May 27, 2010, and the compact becomes effective when it has been enacted by 35 states.

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