

APPROVAL # 140

CHAPTER

708

3d Rdg. 643 Nos. 2331, 3757, 4217 Int. 2262

IN SENATE

February 1, 1960

Introduced by Mr. BARRETT—(on behalf of the Joint Legislative Committee on Interstate Cooperation)—read twice and ordered printed, and when printed to be committed to the Committee on Public Relief and Welfare—committee discharged, bill amended, ordered reprinted as amended and re-committed to said committee—reported favorably from said committee, committed to the Committee of the Whole, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT

To amend the social welfare law, in relation to enacting and entering into the interstate compact on the placement of children, providing for the implementation thereof, and exempting certain public agencies of states party to the compact or of subdivisions of said states from bonding and licensing requirements

APPROVED

Compared by

APR 21 1960

NEW YORK STATE LIBRARY

APPROVED

Date 3/25/77

No. of printed bills 1

No. of expenses 53

exclusive of 1

Department & Agencies

Lt. Governor
 Attorney General
 Budget ✓
 Comptroller

- _____ Ag. & Markets
- _____ Banking
- _____ Civil Service
- _____ Commerce
- _____ Conservation
- _____ Correction
- _____ Education
- _____ Health
- _____ Insurance
- _____ Labor
- _____ Mental Hygiene
- _____ Motor Vehicles
- _____ Public Service Comm.
- _____ Public Works
- Social Welfare ✓
- _____ State
- _____ Tax & Finance

- Atomic Energy
- Civil Defense
- Economic Expansion
- Equalization & Asses.
- Flood Control
- Housing
- Investigation
- Liquor Auth.
- Local Gov't
- Lottery Control
- Mil. & Naval Aff.
- N.Y.C. Gov't'l Oper.
- Parole
- Pensions Comm.
- Police Council
- Rent Comm.
- Safety
- Stds. & Purchase
- St. Comm. Vs. Discrim.
- St. Police
- State Univ.
- Transportation
- Veterans Aff.
- Youth Comm.

Advisory Council on

Joint Legis. Comm. on
~~Water Power Commission~~

✓ N. G. F. and of Gallbladder
✓ N. Gallbladder Tumour of Colon
B. 1775 E

Russell ✓

Legal Groups

- ✓ Judicial Conf.
- ✓ Law Revision Comm.
- ✓ Assoc. of the Bar, NYC
- ✓ N. Y. Co. Lawyers
- ✓ N. Y. State Bar
- ✓ Nassau County Bar
- ✓ Bronx County Bar
- ✓ Fed. of Bar Assoc. West. NY
- ✓ N. Y. Crim. Cts. Assoc.
- ✓ D. A. Assoc.
- ✓ Magistrates Assoc.
- ✓ Co. Judges Assoc.
- ✓ Surrogates Assoc.

Municipal Officials & Groups

Mayor of City of Y.G.L

Co. Bd. of Supervisors

Town Supervisor of

Co. Atty. of

- Conf. of Mayors
- County Officers' Assoc.
- Association of Towns

✓ Femoral Head Disease
 ✓ Arthroplasty for the Hip
 ✓ Total Art. Disease of
 ✓ H. of the knee
 ✓ H. of the shoulder and arm

W. G. Phillips, Wolfgang Peder
Higher Books, 2000 Broadway
and 81st, N.Y.

✓ 100% of the time
✓ 100% of the time

SENATE

Introduced by:

ASSEMBLY

Pr: 4217

Mr. Barrett

Pr:

Int: 2262

Int:

Law: Social Welfare

Sections: 374-a

Subject and Purpose: To enact and enter into the Interstate Compact on the Placement of Children

Division of the Budget recommendation on the above bill:

Approve: X Veto: _____ No Objection: _____ No Recommendation: _____

Reasons:

This bill will permit the State of New York to cooperate with other states in the interstate placement of children in a family or boarding home or in a child-caring institution.

As of January 31, 1960, public and private agencies in New York State were caring for 37,458 children of which 11,242 were in institutions. New York State's participation in this compact would broaden the placement field and provide greater opportunity for the placement in foster homes or adoption homes of the children in institutions.

Under the provisions of the compact, the sending agency would retain jurisdiction over a child placed in another state, including financial responsibility for support and maintenance. Any additional cost to the state as a result of entering into this compact would involve a limited amount of overhead or administrative expenses.

Date: April 18, 1960Examiner: T. N. Bard

V. E. Ouellette

Disposition:

Chapter No:

Veto Date:



STATE OF NEW YORK

JOINT LEGISLATIVE COMMITTEE ON INTERSTATE COOPERATION

2

LEGISLATIVE
MEMORANDUM TO ACCOMPANY BILL ENACTING INTERSTATE
COMPACT ON THE PLACEMENT OF CHILDREN

At the present time, public welfare agencies of the state and its subdivisions may not place children in other states, except that local public welfare commissioners may make such placements under limited conditions in adjoining states. Private placements may be made out of state, but any regulation of them depends on the existence of laws in the state where the placement is to be made. New York law contains no provisions for cooperation with such receiving states in respect of such placements.

On the other hand, other states, subdivisions thereof, and private agencies and persons in them do place children in New York. Presumably, they should not do so unless licensed. However, there is no machinery for satisfactorily enforcing the law. Indeed, such placements seldom come to the attention of New York authorities unless something goes sufficiently wrong after the child is already in the state. Frequently, inquiries after complaint disclose that the child should never have been sent here in the first place and that the environment in which it has been placed is unsuitable.

The fragmentary character of New York law on interstate placements is the result of a policy developed shortly after the Civil War and no longer appropriate. At that time scandals came to light. It became known that many New York children were ostensibly sent to distant states for placement in foster care or for possible adoption but that in reality, they were being impressed into undesirable labor by ruthless contractors once they had arrived at their destinations. Since no means existed for investigating the circumstances of proposed placements or for supervision once the children had left New York, the legislature enacted a blanket prohibition against placement of children out of state. That prohibition stood in Sec. 374 of the Social Welfare Law until amended last year to permit limited placement as described earlier in this memorandum. Existing New York law on the subject is limited to two provisions: Secs. 374 subdivision 3 and 398 subdivision 6 (g) of the Social Welfare Law.

Interstate placement of children is now both feasible and desirable if attended by proper safeguards. The interstate compact which would be enacted by this bill would accomplish the following as between New York and other party states:

1. Require the notification of appropriate state or local public welfare authorities in New York prior to the placement of any out of state children here. This requirement would apply alike to placement made by out of state public and private agencies and persons, other than close relatives of the child making a placement with other close relatives.
2. Provide an opportunity for welfare officials in this state to investigate the desirability of the placement. No child from one party state could be placed in another party state prior to written notification that the placement did not appear to violate the interests of the child.

3. Delinquent children could be placed for institutional care in another state if no equivalent facilities for them were available in the state from which they were being sent and if a court hearing, with opportunity for the parents to be heard, revealed that there would be no undue hardship.

The Interstate Compact on Juveniles, to which New York is already party, provides for sending delinquents to other states, but only on probation or parole. Supplementary agreements under that compact might conceivably provide for institutional care in another state, but no such agreements have been concluded. In any event, they could apply only to public institutions. The more significant possibility for out of state institutional care of delinquents seems to be in private charitable institutions operated under religious and other auspices.

4. Provision is made for the continuance of responsibility for the child on the part of the agency or person sending him, but it would also be possible to make agreements with agencies in the receiving state for cooperative supervision or discharge of these responsibilities.

The compact is desirable because it would increase the opportunities for the making of good placements by increasing the geographic area within which they could be made with proper safeguards. It would reach at least a part of the black and gray market by requiring information and investigation prior to placement and by providing means for the punishment of unauthorized placements. The Joint Legislative Committee on Interstate Cooperation developed the compact in consultation with welfare officials (both public and private), children's court judges and personnel of the Children's Bureau of the U.S. Department of Health, Education and Welfare. In his message upon signing last year's amendment of Sec. 374 of the Social Welfare Law, the governor pointed out the need for additional legislation in the interstate placement field.

Almost all of the provisions of the enabling act in which the compact is contained are of an implementing nature and require no special comment in a memorandum of this length. However, special mention should be made of the part of the enabling act which exempts public state and local welfare agencies of other party states from the present requirement to post a bond to guarantee financial responsibility. It seems doubtful that this provision for bond was ever meant to apply to governmental agencies of sister states. Its existence has caused embarrassment to New York State. Other states do not require bonds of governmental placement agencies, although bonds are quite generally required of private placement agencies and will continue to be required of them after enactment of this bill.

Neither the compact nor its enabling act would change any of the New York law, except so far as dealings with other party states are concerned. Our present limitations and prohibitions on out of state placement would remain in effect so far as non party states are concerned. However, in those states having the compact, there will be sufficient safeguards to promote proper placements. Consequently, continuance of such limitations and prohibitions in respect of our relations with such states would be unreasonable and would restrict the resources available to New York for the proper placement of children in foster care and as a possible preliminary to adoption.

The compact does not regulate any aspect of placement by close relatives of the child with another close relative or legal guardian.

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

Office of the Secretary • 100 State Street • Albany 7, New York

April 8, 1960

S-2262

Hon. Robert MacCrate
Counsel to the Governor
Executive Chambers, State Capitol
Albany 1, New York

Re: S. Int. 2262 (Pr. 4217) by Mr. Barrett
Relating to interstate placement of
children

Dear Mr. MacCrate:

We have under preparation a memorandum with respect to the above-numbered bill which we wish to have the opportunity of presenting to the Governor and to yourself before this bill is acted upon. Because of the complexity of the proposal and its broad implications with relation to child-care programs carried on by our agencies throughout the State, we have sought further advice and counsel from the persons experienced in this field. It is this effort which has delayed the presentation of the memorandum.

From preliminary discussions, it is clear that we will recommend to the Governor that this proposal be deferred this year. We will point that the private agencies engaged in the field of child care throughout the State had no opportunity to participate in the preparation of this proposal, nor did they see it until it was introduced in the Legislature. The nature of the proposal is such that the legislative sponsors of the bill were not in position to consider amendment because amendment would have required discussions and review with other states which had participated in its preparation.

Because of the traditional and vital role which the private agencies play in child care, it is essential that thorough consideration be given of this bill by the agencies before its enactment. No opportunity was afforded for this.

#2

4/8/60

Hon. Robert MacCrate

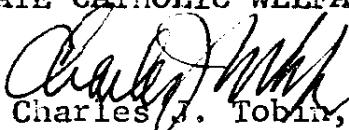
We will present detailed memorandum with respect to this bill as soon as it can be prepared.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

By

CJTJr/FEG


Charles J. Tobin, Jr.
Secretary



S. 2262

CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK 7, N.Y.

April 6, 1960

S-Barrett I. 2262....Pr. 4217
AN ACT To amend the social welfare law, in
relation to enacting and entering
into the interstate compact on the
placement of children, etc.

Honorable Nelson A. Rockefeller
Governor of the State of New York
Albany, New York

Dear Governor:

I have received your request for my recommendation concerning the above bill, which is before you for executive action.

The object of this bill is to amend the Social Welfare Law by adding a new Section 374-a, which provides for the enactment of an interstate compact for the placement of children. The compact is designed to insure that 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; that 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; and that 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. It fixes conditions for placement, penalties for illegal placement and appropriate jurisdictional arrangements to insure the promotion of the welfare of children subject to its provisions. The compact is open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the government of Canada or any province thereof.

Honorable Nelson A. Rockefeller

This legislation is desirable. It enlarges opportunities for placement of children for foster care and for adoption, and contains safeguards to protect them while promoting their welfare.

Accordingly, I recommend that the bill be approved.

Very truly yours,

ROBERT F. WAGNER, MAYOR

By

Eduard F. Fugger
Assistant to the Mayor



S-2-262
THE SENATE
STATE OF NEW YORK
ALBANY

ELISHA T. BARRETT
1ST DISTRICT

252 E. MAIN STREET
BAY SHORE, LONG ISLAND, N.Y.

March 25, 1960

Robert MacCrate, Esq.,
Counsel to the Governor
Executive Chamber
Albany, New York

Dear Mr. MacCrate: Senate Int. 2262, Prt. 4217

I am enclosing a memorandum of the New York State Joint Legislative Committee on Interstate Cooperation on this bill. The problem of some reasonable regulation of the placement of children across state lines has been one of concern to our Committee for many years. I enclose, also, Governor's memorandum of approval of Assembly bill, Int. 1204, Senate reprint 4383 dated April 16, 1959.

The Governor very properly said, --- "In the interest of children to be placed for adoption, it is vital that public welfare officials have as wide a field of good homes to choose from as possible. State lines should not here limit the field of choice.

"Private welfare agencies endorse this bill, as does the Department of Social Welfare, which points out, however, that the legal problems of interstate placement are complex, and it would be desirable to have similar laws adopted in neighboring states. The Joint Legislative Committee on Interstate Cooperation has been working on this problem and may be expected to suggest a solution in the near future. Meanwhile, this bill, which provides safeguards for children placed for adoption outside of the State, may appropriately lead the way."

The Governor's message did lead the way and this bill is the outcome of conferences of representatives of private and public welfare agencies conducted by the JLC on Interstate Cooperation at the Roosevelt Hotel, New York City on January 22, 1960. This conference was attended by social welfare commissioners and members of their staff, Children's Court Judges, representatives from Attorneys-General, members of commissions on Interstate Cooperation, private child welfare organizations, and the Children's Bureau of the Federal Department of Health, Education and Welfare. Altogether there were twelve States represented. Provisions of this bill were gone over article by article and at the conclusion of the conference there was complete agreement not only on the desirability of this compact approach to the problem

11

Robert MacCrate, Esq.,
Page 2.
3-25-60

but the compact itself in all of its detail.

I would strongly urge approval of this bill. If signed, New York State will have again accomplished a "first" and will, I think, have effectively destroyed some of the gray and black market that goes on in the unregulated interstate placement of children for adoption.

Sincerely,

ETB:s

Attachment

P.S. This letter is in carbon in black.

(R)

2(1)

BROOKLYN BUREAU OF SOCIAL SERVICE
and CHILDREN'S AID SOCIETY

265 SCHERMERHORN STREET BROOKLYN 17, N. Y.
TELEPHONE TRIANGLE 5-0710

NON-SECTARIAN

PRESIDENT	MICHAEL C. O'BRIEN
VICE PRESIDENTS	WILLIAM M. PARKE
TREASURER	LEONARD P. MOORE
SECRETARY	MRS. MARY CHILDS DRAPER
EXECUTIVE DIRECTOR	PAUL F. ELY
	STUART H. STEINBRINK
	FREDERICK J. DANIELS

S-2262

April 1, 1960

Hon. Robert MacCrates
Executive Chamber
State Capitol
Albany 1, New York

Re: Senate Int. 2262

Dear Mr. MacCrates:

The Brooklyn Bureau of Social Service is appreciative of your inquiry as to our point of view on Senate Int. 2262, "To amend the social welfare law in relation to.....interstate compact on the placement of children....."

We believe this bill should be signed by the Governor and enacted into law. It widens the possibilities for effective placement of children through appropriate agencies so that the best interests of the children may be served.

We urge the Governor to sign this bill.

Sincerely yours,

Fredrick J. Daniels
Executive Director

FAMILY AND CHILD CARE COUNSELING
SHELTER ISLAND CAMP

SERVICES FOR BLIND AND HANDICAPPED
HOMEMAKER SERVICE

FOSTER HOME CARE
BETTERMENT OF HOUSING CONDITIONS

STATE OF NEW YORK
DEPARTMENT OF SOCIAL WELFARE



112 STATE STREET

ALBANY

FELIX INFIAUSTO
COUNSEL AND BOARD SECRETARY

APRIL 4, 1960

Hon. Robert MacCrate
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York

S-2262

Re: Senate Int. 2262, Print 4217

Dear Mr. MacCrate:

In response to your request, I am
enclosing memorandum re the above.

Sincerely yours,

Raymond W. Houston
Raymond W. Houston
Commissioner

Enc.

4-1-3
LJ-1

FORM OF MEMORANDUM TO ACCOMPANY COMMENTS ON BILLS BEFORE

THE GOVERNOR FOR EXECUTIVE ACTION

DEPARTMENT OF SOCIAL WELFARE

March 30, 1960

SENATE

Int. 2262
Pr. 4217

ASSEMBLY

Int.
Pr.

Introduced by:

Mr. Barrett on behalf of the
Joint Legislative Committee
on Interstate Cooperation

RECOMMENDATION: Approval.

STATUTES INVOLVED: Social Welfare Law

EFFECTIVE DATE: September 1, 1960

DISCUSSION:

1. Purpose of bill:

The bill has two purposes: 1) to allow public welfare officials and children's courts to place children in other states, when desirable or necessary, under proper safeguards, notwithstanding the provisions of section 374.3 and 398.6(g) of the Social Welfare Law; 2) to make appropriate provision for uniform regulation of interstate placement of children in foster care (in family free or boarding homes and in institutions), including placements for purpose of adoption and placement of juvenile delinquents in institutions.

2. Summary of provisions of bill:

The bill provides for an interstate compact for the interstate placement of children. Activities in a party state would be coordinated by an administrator appointed by the state's Executive. No child could be sent into a state for placement in foster care, including a placement for the purpose of adoption, until an appropriate official or agency of that state had opportunity to determine and did determine that the placement would not be contrary to the interests of the child. Until the child becomes 21, is adopted, becomes self-supporting or is discharged from care with the concurrence of the appropriate official in the receiving state custody of the child and financial responsibility for his support and maintenance would remain with the agency or person who placed the child. In the case of the placement of a juvenile delinquent, authority would be provided for placement in an institution located in another state party to the compact when equivalent facilities are not available in the sending state and if care in the other state is in the best interest of the child and will not produce undue hardship. Lastly, local public officials of this state empowered to place children in foster care would be allowed to place them in states party to the compact pursuant to agreements entered into between them and officials of the other states under the compact.

3. Prior legislative history of bill and similar proposals:

The compact for which provision is made by the bill has been under discussion and consideration for about 10 years among the Northeastern states, under the leadership of the New York Joint Legislative Committee on Interstate Cooperation, with the assistance of the Eastern office of the Council of State Governments and this department. This department called to the attention of the Committee various problems concerned with interstate placement which could be solved only by joint action of the several states. However, it was not until several months ago that the Northeastern states gave consideration to and unanimously approved a specific proposal - this bill. The amendment of subdivision 3 of section 374 of the Social Welfare Law by Chapter 470, Laws of 1959 was sponsored by the City of New York because of the lack of the compact contemplated by this bill, and for this reason this department could not oppose that measure although it was not wholly adequate from our point of view. This year the City of New York is sponsoring Senate Int. 1917 by Mr. Brydges, Assembly Int. 2236, Print 5164 by Mr. Passonante to authorize it to board out children outside the state pending the adoption of this bill by this and other states.

4. Known position of others respecting bill:

The bill is favored by the Joint Legislative Committee which sponsored the measure; other states of the Northeast (we are informed that the bill has already been introduced in Massachusetts); the New York Public Welfare Association. It is likely that the American Public Welfare Association and the U. S. Children's Bureau would be in favor of the measure, the state child welfare administrator's section of the Association having approved the substance of the bill at a meeting in Washington in early December. The New York City Domestic Relations Court would probably favor the measure, too, since during the past year it expressed interest in any device that would allow it to commit Catholic juvenile delinquent girls to a Catholic institution in New Jersey and, subsequently, Judge Kelley, the new Presiding Judge of the court, was present at the meeting in New York City when the draft of the compact was considered and approved by representatives from the Northeastern states. Mr. Charles Tobin, on the other hand, expressed interest in having the bill put over for a year. We assured him that there is no intent to hinder or interfere with transactions between a responsible private agency of this state and a similar one from another state, but that it was necessary to have controls because there are or may be non-responsible agencies.

454

5. Budget implications:

Until the compact is enacted by a number of other states there won't be budget implications of any consequence for us. There may be thereafter. However, it would be impossible to make any budgetary estimate at this time, before we can know the volume and kinds of interstate activity that will follow.

6. Arguments in support of bill:

The statement of Purpose and Policy, Article 1 of the Compact, probably state the best general arguments in support of the bill and compact. More specifically it would supply necessary authority for child placing officials of this state to place or board out children in other states under proper safeguards. This should prove very helpful in securing proper foster homes in the areas that are part of metropolitan New York City but are located in adjoining states. Similarly it should prove helpful to public welfare officials of the other counties of the state which adjoin other states. It will legally allow children to remain with families who resided in this state at the time the children were placed with them by public welfare officials but subsequently moved and took or wanted to take the children with them with the public welfare official's consent.

It will allow the children's ^{courts} to place delinquents in other states, when appropriate, and so that the delinquents may receive the care they require. To the extent that such commitments are made the pressure on our training schools, both state and private, would be lessened.

The bill should provide an effective means of controlling interstate placement of babies for adoption by black marketeers.

7. Arguments in opposition to bill:

The only argument against the bill that has been brought to our attention is the one advanced by one of Mr. Tobin's agencies - that transactions between private agencies located in different states should not be the concern of any official. The counter to this is that there won't be any hindrance if both agencies are reputable and responsible.

8. Reasons for recommendation:

See 6 above.

10.1

THE NEW YORK STATE COUNCIL OF CHURCHES



Executive Staff

REV. KENNETH A. ROADARMER
General Secretary

REV. THEODORE L. CONKLIN
Associate General Secretary

PHONES

SYRACUSE—GR 4-3989
ROS.—GR 2-1915
ALBANY—4-1267, 4-4141

The Legislative Commission

REV. LEON ADKINS, JR.
NEWTONVILLE, N. Y.

PHONES

COLONIE—ST 5-6789
ROS.—ST 5-7383

4 April 1960

BILLS IN THE HANDS OF THE GOVERNOR MEMO NO. 2

Senate Intro. 2262, print 5217 -- Mr. Barrett

The Legislative Commission of the State Council of Churches did not discuss this bill in detail during its sessions, although the bill was referred to the Commission for study. No action of the Commission can be reported. However, our "Legislative Statement of Principles for 1960", Section III, at the end of the first paragraph states, "We favor adoption procedures to the end that every child may have the warmth of family life as early as possible." It seems to the undersigned that the provisions of this Barrett bill would be in support of the position of the State Council of Churches and there seems nothing contrary to the general position of the Council in the bill. As a consequence, the signing of the bill is supported by the undersigned without reference to any action on the part of the Legislative Commission of the State Council.

Sincerely,

T. L. Conklin
Associate General Secretary

TLC/s

100



THE JUDICIAL CONFERENCE
OF THE
STATE OF NEW YORK
270 BROADWAY
NEW YORK 7, N. Y.
BARCLAY 7-1616

S-2262

CHARLES S. DESMOND
CHAIRMAN
BERNARD BOTEIN
GERALD NOLAN
FRANCIS BERGAN
ALGER A. WILLIAMS
OWEN McGIVERN
PETER M. DALY
KENNETH S. MACAFFER
ROBERT E. NOONAN

THOMAS F. MCCOY
STATE ADMINISTRATOR

March 25, 1960

Honorable Robert MacCrate
Counsel to the Governor
The State Capitol
Albany, New York

Re: Senate Int. 2262, Print No. 4217
(by Mr. Barrett)

Dear Mr. MacCrate:

We acknowledge your request for comment and recommendation concerning the above captioned legislation to amend the Social Welfare Law, in relation to enacting and entering into the interstate compact on the placement of children, providing for the implementation thereof, and exempting certain public agencies of states party to the compact or of subdivisions of said states from bonding and licensing requirements.

This bill has not been considered by the Judicial Conference. It enacts a new section, § 374-a, to the Social Welfare Law, which would create an interstate compact on the placement of children.

The purpose and policy of the compact is interstate cooperation with the view toward attempting to provide maximum opportunity for placement of each child requiring placement. The compact is designed to provide full knowledge and information to the authorities in both the sending and receiving states and to promote appropriate jurisdictional arrangements for the care of the children involved.

The conditions for placement, the jurisdiction involved, the institutional care of delinquent children and many other topics, including rules for construing the provisions of the compact, are set forth in this bill.

The purpose of the bill is obviously laudatory. Undoubtedly, an interstate compact will make the placement of children from one state to another a process both easier and

Honorable Robert MacCrate
Page 2

3/25/60

surrounded with suitable protections. Therefore, my personal view is entirely favorable to the general concept of this legislation. However, because this bill concerns an area of particular expertise, the wisdom and practicality of the details of the proposal could be fairly judged only by experts in this field. Undoubtedly, many of these experts will make their sentiments known to the Governor.

Sincerely yours,

Thomas F. McCoy

Thomas F. McCoy
State Administrator

TFM:ah

204



STATE OF NEW YORK

JOINT LEGISLATIVE COMMITTEE
ON
INTERSTATE COOPERATION

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Developed at a special conference held
in New York City on January 22, 1960.

Social welfare commissioners and staff,
Children's Court Judges, representatives
from attorneys general, members of com-
missions on interstate cooperation and
private child welfare organizations at-
tended together with representation from
the Children's Bureau of the Federal
Department of Health, Education and
Welfare.

✓
Officials from eleven states attended
and they unanimously approved the compact.

ELISHA T. BARRETT, Chairman
522 FIFTH AVENUE
NEW YORK CITY

(33)



STATE OF NEW YORK

JOINT LEGISLATIVE COMMITTEE ON INTERSTATE COOPERATION

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

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 compact:

- (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.
- (c) "Receiving State" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(11)

ARTICLE III. Conditions for Placement

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

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

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

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

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

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

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

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

ARTICLE IV. Penalty for Illegal Placement

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

ARTICLE V. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the

sending agency's state, until the child is adopted, reaches majority, becomes self supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

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

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

ARTICLE VI. Institutional care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact, but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

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

ARTICLE VIII. Limitations

This compact shall not apply to:

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

192
197

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

ARTICLE IX. Enactment and Withdrawal

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

ARTICLE X. Construction and Severability.

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

150

7 Title should conform to state requirements

Sec. 1. The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in a form substantially as follows:

INSERT EXACT TEXT OF COMPACT

Sec. 2. Any requirement of this state for a license, permit, or the posting of a bond to entitle an agency to place children shall not apply to a public sending agency (within the meaning of the interstate compact on the placement of children) of or in another state party to said compact.

NOTE: Only a few states now require bonds or any other authorization for placements on an interstate basis by governmental agencies. Since the compact provides procedures and safeguards for interstate placement which have not previously been available, those states having such requirements for public agencies may wish to consider removing them.

Sec. 3. Financial responsibility for any child placed pursuant to the provisions of the interstate compact for the placement of children shall be determined in accordance with the provisions of article five thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of cite state financial responsibility law regarding children also may be invoked.

Sec. 4. As used in Article V (a) of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean identify state or local officers.

Sec. 5. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to Article V (b) of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the chief state fiscal officer in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

Sec. 6. Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under cite state statutes shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by Article V (b) of the interstate compact on the placement of children.

Sec. 7. If the statutes in your state contain a prohibition of out of state placement of children or any limitations on such placement that would be inconsistent with or made unnecessary by the compact, use this section to make such statutes inapplicable to placements in other party states pursuant to the compact.

Sec. 8. Any court having jurisdiction to place delinquent children may place such child in an institution of or in another state pursuant to Article VI of the interstate compact on the placement of children and shall retain jurisdiction as provided in Article V thereof.

Sec. 9. As used in Article VII of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

Sec. 10. Insert effective date

NOTE: Wherever brackets are used they indicate either that the language contained therein is merely suggested or that appropriate language should be inserted as indicated by the bracketed words.

Care should be taken to make certain that the words of the compact itself as inserted in the body of Sec. 1 are exactly as in the approved text of the compact. Since a compact is a contract among party states it should be enacted in identical language in all jurisdictions. Such variations as may be desirable in order to fit the compact into an existing body of state law should be made in the enabling act. In no event, however, should any provision of the enabling act be inconsistent or in conflict with provisions of the compact. While the provisions of the compact must be uniform in every enacting jurisdiction, there is no necessity that enabling acts be uniform. Nevertheless, it is suggested that states considering enactment of the compact should cover each of the subjects dealt with in this model enabling act.

FOR RELEASE IN THE SUNDAY PAPERS OF April 19, 1959

RICHARD AMPER, PRESS SECRETARY TO THE GOVERNOR

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

April 16, 1959

MEMORANDUM filed with Assembly Bill, Introductory Number 1204,

Senate Reprint Number 4343, entitled:

(93) "AN ACT to amend the social welfare law,
in relation to placement of a
child for adoption in a family
not residing within the state"

A P P R O V E D

Under existing law, public welfare officials cannot place a child for adoption in a family residing outside of the State, whereas licensed private adoption agencies can. In the interest of children to be placed for adoption, it is vital that public welfare officials have as wide a field of good homes to choose from as possible. State lines should not here limit the field of choice.

Private welfare agencies endorse this bill, as does the Department of Social Welfare, which points out, however, that the legal problems of interstate placement are complex, and it would be desirable to have similar laws adopted in neighboring states. The Joint Legislative Committee on Interstate Cooperation has been working on this problem and may be expected to suggest a solution in the near future. Meanwhile, this bill, which provides safeguards for children placed for adoption outside of the State, may appropriately lead the way.

The bill is approved.

(Signed) NELSON A. ROCKEFELLER

-30-

183

OFFICERS

MAYOR PETER BARRY, Rochester
President

MAYOR J. FORREST CAIN, East Aurora
1st Vice-President

MAYOR WILLIAM D. RYAN, Newburgh
2nd Vice-President

MAYOR ERASTUS CORNING, 2ND, Albany
Treasurer



6 Elk Street
Albany 7, N. Y.

ADDISON MALLERY, Albany
Executive Secretary

KATHRYN M. HORAN, Albany
Assistant Director

DONALD A. WALSH, Albany
Counsel

March 29, 1960

MEMORANDUM

NO ACTION

Senate Intro. 2262 Print 2331, 3757, 4217 by Mr. Barrett

To amend the social welfare law, in relation to enacting and entering into the interstate compact on the placement of children, providing for the implementation thereof, and exempting certain public agencies of states party to the compact or of subdivisions of said states from bonding and licensing requirements

Gentlemen:

The Legislative Committee of the Conference of Mayors did not consider this bill.

We do not believe the bill relates directly to the affairs of cities and villages. Therefore, we take no position on the bill.

Addison Mallery
ADDISON MALLERY
Executive Secretary

Honorary Vice-President
HON. JOSEPH F. CARLINO

Honorary President
HON. FRANK C. MOORE

Honorary Vice-President
HON. GORDON A. HOWE

ALTON G. DUNN
President
NATHAN L. H. BENNETT
First Vice-President
EDWARD A. SCOTT, JR.
Second Vice-President
LOREN C. BERRY
Third Vice-President
F. L. HOSMER
Fourth Vice-President
JOHN R. MARSHALL
Fifth Vice-President
EDWARD F. N. UTHE
Treasurer
WILLIAM K. SANFORD
Executive Secretary
ZELDA M. UTHE
Director
Past Presidents
WILLIAM H. DONAHUE
GLENN J. HAWKS

THE
ASSOCIATION OF TOWNS
OF THE
STATE OF NEW YORK

Office of the Executive Secretary

91 STATE STREET

ALBANY, N. Y.

ALBANY 5-7933

Committee Chairmen
GEORGE H. ELWOOD
Law and Legislation
R. J. EMBSER
Fiscal Affairs
HERBERT RUSSELL
Taxation
WILLIAM B. HAMBLIN
Judiciary
RUSSELL G. CORRIE
Highways
J. HAROLD BLACKBURN
Special Districts
EMMETT J. SCHNEPP
Towns of the First Class
HARRY E. WEEKS
Towns of the Second Class
RAYMOND HUJUS, JR.
Welfare
JAMES H. HOLMES
Fire Districts

March 29, 1960

His Excellency Nelson A. Rockefeller
Executive Chamber
Albany, New York

Memorandum in relation to
Senate Bill Int. 2262, Pr. 4217
by Mr. Barrett

Sir:

This bill would add a new section, section 374-a,
to enact an interstate compact on the placement of
children.

The subject matter has received the study of
the Joint Legislative Committee on Interstate
Cooperation. The legislation would become effective
September 1, 1960.

This Association offers no objection to the
approval of this bill.

Respectfully submitted,

William K. Sanford
WILLIAM K. SANFORD
Executive Secretary

WKS:CBF

STATE CHARITIES AID ASSOCIATION

(A Voluntary Organization in Health and Welfare)

105 EAST 22ND STREET, NEW YORK 10, N.Y.

TELEPHONE GRAMERCY 5-1455

WINTHROP W. ALDRICH
Honorary Chairman of the Board

SAMUEL R. MILBANK
Chairman of the Board

D. NELSON ADAMS
President

C. DOUGLAS DILLON

MRS. ARTHUR HAYS SULZBERGER
Honorary Vice-Presidents

GEORGE MACDONALD
Vice-President

A. OAKLEY BROOKS
Treasurer

GORDON E. BROWN
Executive Director

BOARD OF MANAGERS

D. NELSON ADAMS
GEORGE BAEBR, M.D.

CORNELIUS N. BLISS, JR.

FRANK G. BOUDREAU, M.D.

B. RIONDA BRAGA

A. OAKLEY BROOKS

MRS. GEORGE E. BROWER

MRS. GILBERT G. BROWNE

WILLIAM M. CHADBOURNE

MAURICE A. DONOVAN, M.D.

MRS. ALLEN F. HAND

D. JOHN HEYMAN

M. ELWOOD KENYON

GEORGE MACDONALD

SAMUEL R. MILBANK

JOHN B. OAKES

MRS. ROBERT C. OSBORN

THOMAS I. PARKINSON, JR.

EWING W. REILLEY

RAYMOND P. SLOAN

W. MASON SMITH, JR.

MRS. HENRY J. TAYLOR

MISS DOROTHY V. WESTON

EDWARD G. WILSON

ROBERT L. YEAGER, M.D.

DONALD YOUNG, PH.D.

LOWELL IBERG
Deputy Executive Director

ROBERT W. OSBORN
Associate Executive Director

BECKMAN H. POOL
Director, Legislation Information
Bureau

SAMUEL L. STEINWURZEL
Comptroller

March 28, 1960

Re: S. Int. 2262, Pr. 4217
Interstate Compact on placement
of children

Dear Governor Rockefeller:

We believe that this measure offers a constructive and desirable extension of procedures for interstate placement of children, and that it contains appropriate safeguards against possible abuses.

Consequently we favor its enactment into law.

Very sincerely yours,

Gordon E. Brown

Gordon E. Brown
Executive Director

The Honorable Nelson A. Rockefeller
Governor of New York State
Executive Chamber
State Capitol
Albany, New York

The Association is a non-partisan and non-sectarian group of private citizens operating throughout New York State. It is supported by voluntary contributions, and conducts programs through the following components:

CHILD ADOPTION SERVICE
LEGISLATIVE INFORMATION BUREAU

NEW YORK STATE HEART ASSEMBLY
NEW YORK STATE SOCIETY FOR MENTAL HEALTH

STATE COMMITTEE ON CHILDREN AND PUBLIC WELFARE
STATE COMMITTEE ON TUBERCULOSIS AND PUBLIC HEALTH

The Association of the Bar
of the City of New York

SIXTY-THREE WALL STREET
NEW YORK 5

Committee on State Legislation

Sheldon Oliensis
Chairman

S. O.
March 28, 1960

Re: S. Int. 2262, Pr. 2331, 3757, 4217
Approved; Comment

Dear Mr. MacCrate:

Answering your inquiry with respect to the above bill, we wish to inform you that we approve this measure.

This bill, to take effect September 1, 1960, would amend the Social Welfare Law by adding thereto a new section, to be Section 374-a, embodying an interstate compact on the placement of children. The compact, which was introduced on behalf of the Joint Legislative Committee on Interstate Cooperation and which is supported by the Council of State Governments, will become an agreement with all other jurisdictions adopting the same with respect to the placement of children across state lines. If the bill is approved by the Governor, New York will be the first state to have adopted the compact. It is anticipated, however, that legislation for the adoption of the compact will be introduced into the Massachusetts and Rhode Island legislatures within the next few weeks. The compact is necessary and desirable and should be approved.

The proposed compact is intended to prevent the abuses disclosed during the past few years in connection with the "black market" placement of children for adoption across state lines and to enable a state from which a child has been sent to another state for placement to maintain continuing jurisdiction and supervision over such child. Under the terms of the compact no person or agency would be permitted to send a child into another state for placement in foster care or as a preliminary to a possible adoption unless notice thereof were furnished the appropriate public authorities in the receiving state and such public authorities certified that the proposed placement did not appear to be contrary to the interests of the child.

Once the child was sent to another state for placement the sending agency would retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending state and the sending agency would continue to have financial responsibility for the support and maintenance of the child during the period of placement. Where the sending agency is a public agency, the public agency in the receiving state which is its counterpart may act as agent for the sending agency in the exercise of the aforesaid jurisdiction pursuant to agreements therefor which may be entered into between the respective states.

The compact also authorizes the placing of a child adjudicated delinquent in an institution in another jurisdiction which is party to the compact provided that the adjudication has been made only after a court hearing on notice to the parent or guardian of the child with opportunity to be heard and provided further that the court finds that equivalent facilities for the child are not available in the sending agency's jurisdiction and that institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

This bill represents a pioneering effort by the State of New York to achieve interstate cooperation in dealing with a difficult problem. Interstate placement for adoption may well be desirable in particular cases as a means of expanding adoption opportunities. However, the serious abuses which may attend unsupervised interstate placements are well known. Moreover, one state which exercises strict standards with respect to the placement of children within its own borders will naturally be reluctant to permit a child to be sent for placement into another state unless it can assure the maintenance of such standards in such other state. The proposed compact represents a substantial step toward meeting these problems and warrants approval.

For the reasons stated, the bill is approved.

The above comment was prepared by this Association's Special Committee on Family Law.

Sincerely,

Sheldon Oliensis
Chairman

Hon. Robert MacCrate
Executive Chamber
State Capitol
Albany 1, New York

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

Office of the Secretary

100 State Street

Albany 7, New York

April 19, 1960

Hon. Robert MacCrate
Counsel to the Governor
Executive Chambers, State Capitol
Albany 1, New York

Re: S. Int. 2262 (Pr. 4217) by Mr. Barrett
Relating to interstate placement of
children

Dear Mr. MacCrate:

We appreciate your kindness in deferring action with respect to the above bill until we had further opportunity to consult with our Directors of Catholic Charities throughout the State with respect to this particular proposal.

Our review of this proposal with the Directors of Catholic Charities in the Dioceses of the State has resulted in unanimous concurrence in the position of our Committee -- that we recommend to the Governor that this proposal be deferred this year. Therefore, we urge that this bill not be given favorable executive action.

Our Committee is sympathetic with the over-all objective of the Joint Legislative Committee on Interstate Cooperation in the work which it has carried on resulting in the proposal of this bill. It is well recognized that it is desirable to establish some controls over interstate, non-agency placements, particularly for adoption. It is felt that there exists a rather substantial gray market in babies moving across state lines which should be supervised by affirmative statutory enactment.

The device hit upon by the Joint Legislative Committee in this bill is the use of the interstate compact. This structure has been useful in other fields of law and for this reason it is sought to be adapted to the problem presented by the Joint Legislative Committee.

#2
4/19/60
Hon. Robert MacCrate

It is the considered view of our Committee that the use of the interstate compact as a device to govern the procedure involved in the interstate placement of children may be useful but its use should be postponed until more detailed studies have been undertaken with respect to the implications of such an approach.

During the course of the legislative session, we had an occasion to write to the Leaders of the Legislature in opposition to this bill on several occasions. We are attaching hereto copies of these letters which reflect some of the concerns which have arisen in our consideration of this proposal.

Our principal concern in this proposal is that it has not been developed with the benefit of the participation and thinking of the voluntary agencies. In many states, and in particular in New York, the voluntary agencies play a significant role in the total field of child placement. It is almost inconceivable for a proposal of this type to be developed under the auspices of New York without full participation by the voluntary agencies. It is our understanding that this happened because of an effort to press this bill rapidly and it is for the same reason that no adequate memorandum has been prepared with respect to the legal and agency implications of the proposal.

Among the objections which have been raised to this bill is the fact that it would change the present authority of the private voluntary child-placing agency to place children. Under the provisions of this proposal, each specific placement by an authorized agency in another state must be approved by the public authorities of that state. For example, if Catholic Charities of the Archdiocese of New York arranges with Catholic Charities of the Diocese of Newark, New Jersey to place a child in Newark, New Jersey, it would do so under the present law provided it had authority in its corporate charter as an agency to make such a placement. The investigation and determination of the desirability of the placement in New Jersey would be made by the authorized agency in New Jersey at the request of the authorized agency in New York. The public agencies involved would rely upon the authorization which it has granted to the agencies. Under the proposed bill, the public authorities of the receiving state, namely New Jersey, would make an independent home study and determination with respect to the placement. This would provide for duplication, conflict and interference with the properly supervised activities of a duly authorized

child-placing agency.

The effect of this provision, which is contained in Article 3, subdivision (d), is to relegate the private voluntary agency to a subordinate role for the first time.

In our consideration and discussion of the terms of the compact, we have been concerned that the compact provisions are rigid. This is apparent in our discussion in the Legislature and it was for this reason that the proponents of the bill would not consider modification or change. At one juncture, it was indicated that it would be appropriate to permit the bill to pass and then to take up in a subsequent year a discussion with the compact states in the Northeast region with respect to proposals for change.

With relation to the specific provisions of the bill, we would like to point out the following:

1. Under Article 1 of the compact, we believe there should be a clear statement that the child is entitled to prompt placement. We are concerned that the procedure proposed by the compact could create long delays in the event that the receiving state were to engage in a complete home study in duplication of the home study made by the placing agency.
2. Under Article 1 we believe that there should be a clear statement that the placements, when practicable, should be made with persons or agencies of the same religious faith of the child. Under Article 3, subdivision (b), it is our view that the notice should contain information concerning the religious faith of the child and of the proposed placement.
3. Under Article 3, subdivision (d), we believe that this should be revised completely so that it would be clear that an authorized agency, both public and private, would only be required to give notice to the public department of the receiving state with respect to a placement being made. It is unnecessary and presumptuous to require that the public department of the receiving state make a restudy of the proposed home of placement where the placement is proposed by a duly authorized agency, either public or private.
4. Under Article 5, subdivision (b), it should be clearly stated

that the private charitable agency as well as the public agency may enter an agreement.

5. Under Article 5, (c), it would seem appropriate that this particular authority should also be extended to include a public agency as well as a private agency.
6. Under Article 8, (a), it should be clearly indicated that the compact does not apply where an authorized agency places the child with a relative or non-agency guardian in the receiving state. At the present time the exception only applies where a relative places the child with a relative. On page 8, Section 2 of the act, it is our opinion that the same requirements of law with respect to a bond should apply to both public and private agencies. This is predicated upon the well-established base that agencies, which are authorized by the law of the state to place children, have the same status and privilege as a public agency. Because of the direct controls which are exercised by the state over the agency which is authorized, there is no greater concern from a financial standpoint with respect to the responsibility of the agency whether it is a private authorized agency or a public agency.

The above suggested changes in the bill only reflect the current review of the bill itself. Undoubtedly, there are other aspects of this proposal which would be developed from a study of its legal implications. Preliminary discussion with lawyers who are engaged in the day-to-day problems of placement of children raise questions concerning the operation of this proposal. They note that there is an effort by this proposal to continue the power, duty and responsibility of the sending agency with respect to the child after it has gone into the receiving state. The compact provides that the sending agency shall retain jurisdiction to determine all matters in relation to custody. Serious question has been raised as to whether the provisions of this compact would be sufficient to overcome the authority of the courts of the receiving state to determine the custody of the child. It has been asked as to what the relationship of this provision would be to the determination, for example, by the court of original jurisdiction in the receiving state upon an application for habeas corpus. If a placement is made by the sending state in a home in the receiving state which

#5
4/19/60

Hon. Robert MacCrate

meets the standards of the sending state, will the sending state be able to remove the child from the home and return it to the sending state in the event that the circumstances in that home change. This is one example of type of problem which has not been fully resolved by this bill, nor has it been explored and settled in any report or memorandum with respect to the effective operation of this bill.

In conclusion, it is firm conviction that this bill has been pressed more rapidly than is desirable. It is our view that the bill should be disapproved this year with an indication that the proposal requires further study and refinement. Such indication should make it clear that the general purpose and objection of the bill are desirable and that the proposed method has general merit.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

By



Charles J. Tobin, Jr.
Secretary

CJTJr/FEG
Enc.

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

Office of the Secretary

115 State Street

Albany 7, New York

March 14, 1960

Rev. Elsie T. Barrett
New York State Senate
Senate Chamber, State Capitol
Albany, New York

Rev. Leo A. Lawrence
New York State Assembly
State Capitol
Albany, New York

Re: S. Bill. 2261 (Pr. 9727) by Mr. Barrett
A. Bill. 2956 (Pr. 4729) by Mr. Lawrence
Relating to an interstate compact on
placement of children

Dear Sirs:

The above-mentioned bill is now pending on third reading in both the Senate and the Assembly. It provides for major, significant changes in the law relating to the interstate placement of children which will become effective upon the future adoption of similar compacts in other states. Its objective and the principles upon which it operates are sound and merit the support of all organizations which are interested in the welfare of children. Our agencies and institutions are firmly committed to the strengthening of the processes of law relating to the interstate placement of children so that the abuses can be eliminated which currently exist in this area.

However, we are opposed to enactment of the above-mentioned bill at this time because we have had an inadequate period of time in which to study its effect and its ramifications upon present programs of child care. This compact will be the first of such compacts enacted in any of the states of the Union and for this reason it should be approached with great care and only after considerable review and discussion with the many public and

3/16/60

Rev. Alton T. Barrett
Rev. Leo A. Lawrence

private agencies which are presently directly concerned with the placement of children. To date we have been able to ascertain, our agency and organizations and the private agencies and organizations have not participated up to the present in the formulation or consideration of this legislation. The first opportunity which has been for a review of this subject was upon the introduction of this bill and its availability in printed form. The period of one month has not been sufficient to allow the necessary review and opinion which a measure of this importance merits.

For this reason, we respectfully urge that this bill be deferred for this 1960 legislative session and that the Joint Legislative Committee on Interstate Cooperation arrange for conferences during the coming months with the voluntary agencies to review this proposal and to receive from them numerous suggestions for change which they may be developing.

In view of the fact that this program is starting in New York and would entail adoption of similar compact in other states, it would appear desirable that the national organizations of the public and the voluntary agencies also be consulted with respect to the provisions. It is desirable that this procedure be followed in order that the subsequent approval of this proposal by the voluntary agencies in New York will be a guide to similar organizations in other parts of the country when this proposed compact is brought up for consideration in other legislatures.

For the reasons we indicate, we respectfully urge that this proposal be no pressed further for enactment at this session of the Legislature.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

By

John J. Tobin

Charles J. Tobin, Jr.
Secretary

434

March 21, 1960

Sen. Joseph F. Durkin, Speaker
New York State Assembly
Please Consider
Albany, New York

Sen. F. Law 2264 (Pr. 4217) ~~Supp.~~
A. Law 2954 (Pr. 4217) L. Law
relating to inter-state adoption

Dear Mr. Speaker:

The above bill has been passed through passage in the Senate. We have previously written in opposition to the bill. We have hoped that action on the proposal be deferred this year because:

- a) Private unbacked agencies were not consulted with respect to the bill, although it directly affects their programs for placing children.
- b) The bill establishes a complex procedure which cannot be easily followed from state to state. In other words, the bill is proposed as is, without prior consultation.

Our agencies have numerous objections to the bill, most particularly the following:

- a) The bill claim as a whole does not adequately protect the true guardianship and custody of children that exists in New York State with regard to public and voluntary agencies placing for adoption. As drafted, the bill and the comment show the true relationship in this area and, indeed, relegate voluntary agencies to a subordinate role to public agencies.

Mr. George J. Corliss, Speaker
12/16/64

- b) The bill would take away the present right of certain voluntary authorized agencies to place orphans in the state without seeking approval of a public agency, which could entail duplication of services.
- c) The bill would increase the role of public social welfare departments in that orphans would be required to study all proposed placements, including those made, for example, by a Catholic Charities office in New York through a Catholic Charities in Newark.
- d) Various other suggested changes are being studied and prepared by persons in the child-care field. One area of serious concern is the effect of the effort to extend New York custody into another state. How will this function under existing laws? What would be the law governing habeas corpus in the other state? How can New York exercise custody in the other state?
- e) It is significant that no report or analysis of this highly complex and very important bill has been prepared. The Joint Legislative Committee has submitted a 2 page memorandum in support of the bill which does not discuss it in detail. This memorandum makes the following statement that private agencies were consulted in the preparation of the bill.

For these reasons, and others, we urge that the bill be defeated for this year.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

CATHOLIC

by

Charles J. Tobin, Jr.
Secretary

101

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

Office of the Secretary

103 State Street

Albany 7, New York

March 16, 1960

Hon. Vilma T. Barrett
New York State Senate
Senate Chamber, State Capitol
Albany, New York

Hon. Leo A. Lawrence
New York State Assembly
State Capitol
Albany, New York

Re: S. Int. 2162 (Pr. 3757) by Mr. Barrett
A. Int. 2956 (Pr. 4723) by Mr. Lawrence
relating to an interstate compact on
placement of children

Dear Sirs:

The above-numbered bill is now pending on third reading in both the Senate and the Assembly. It provides for major, significant changes in the law relating to the interstate placement of children which will become effective upon the future adoption of similar compacts in other states. Its objective and the principle upon which it operates are sound and merits the support of all organizations which are interested in the welfare of children. Our agencies and institutions are firmly committed to the strengthening of the procedures of law relating to the interstate placement of children so that the abuses can be eliminated which customarily exist in this area.

However, we are opposed to enactment of the above-numbered bill at this time because we have had an inadequate period of time in which to study its effect and its ramifications upon present programs of child care. This compact will be the first of such compacts enacted in any of the states of the Union and for this reason it should be approached with great care and only after considerable review and discussion with the many public and

5/14/60

Rev. Michael T. Barrett
Rev. Leo A. Lawrence

private agencies which are presently directly concerned with the placement of children. So far as we have been able to ascertain, our agencies and organizations and other private agencies and organizations have not participated up to the present in the formulation or consideration of this legislation. The first opportunity which was had for a review of this subject was upon the introduction of this bill and its availability in printed form. This period of one month has not been sufficient to obtain the necessary review and opinion which a measure of this importance merits.

For this reason, we respectfully urge that this bill be deferred for this 1960 legislative session and that the Joint Legislative Committee on Interstate Cooperation arrange for conferences during the coming months with the voluntary agencies to review this proposal and to receive from them numerous suggestions for change which they may be developing.

In view of the fact that this program is starting in New York and would entail adoption of similar compact in other states, it would appear desirable that the national organizations of the public and the voluntary agencies also be consulted with respect to the provisions. It is desirable that this procedure be followed in order that the subsequent approval of this proposal by the voluntary agencies in New York will be a guide to similar organizations in other parts of the country when this proposed compact is brought up for consideration in other legislatures.

For the reason we indicate, we respectfully urge that this proposal be no pressed further for enactment at this session of the legislature.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

47

5/14/60

Conrad J. Tobin, Jr.
Secretary

72

March 21, 1960

Rev. Joseph J. Crowley, Speaker
New York State Assembly
State Capitol
Albany, New York

~~Sen. J. J. L. 2000 (or A. 2017) Referred
A. J. L. 2000 (or A. 2017) L. 2000
relating to Interstate compact~~

Dear Mr. Speaker:

The above bill has been passed through you by the Senate. We have previously written to you in regard to the bill. We have urged that action on the proposal be deferred this year because:

- a) Between authorized agencies there are no standards with respect to the bill, although it directly affects their program for placing children.
- b) The bill establishes a compact amendment that cannot be made without major legislative action. In other words, the bill as proposed as is, without prior consideration.

Our members have numerous objections to the bill, most particularly the following:

- a) The bill defines as a child those born in voluntary and legal joint partnership and those born in cases where exists in New York state between the public and voluntary agencies existing institutions. As drafted, the bill and the compact give the home relationship to the state and, indeed, employee voluntary agencies to a minimum rate be public agencies.

John J. O'Rourke, Jr. / John J. Conway, Jr. /
John Lawrence / John J. Schoenbeck /
Anthony J. Trivelli /

11

Rev. Joseph P. Carlino, Speaker
5/21/60

- b) The bill would take away the present right of certain voluntary authorized agencies to place outside the state without seeking approval of a public agency, which could entail duplication of services.
- c) The bill would increase the role of public social welfare departments in that staffs would be required to study all proposed placements, including those made, for example, by a Catholic Charities office in New York through a Catholic Charities in Newark.
- d) Various other suggested changes are being studied and prepared by persons in the child-care field. One area of serious concern is the effect of the effort to cut New York caseload into another state. How will this function under conflict of law? What would be the law governing habeas corpus in the other state? How can New York enforce caseload in the other state?
- e) It is significant that no report or analysis of this highly complex and very important bill has been prepared. The Joint Legislative Committee has submitted a 2 page memorandum in support of the bill which does not discuss it in detail. This memorandum makes the incorrect statement that private agencies were consulted in the preparation of the bill.

For these reasons, and others, we urge that the bill be deferred for this year.

Very truly yours,

NEW YORK STATE CATHOLIC WELFARE COMMITTEE

COPYRIGHT

by

Charles J. Fabb, Jr.
Secretary

1960

STATE LEGISLATION COMMITTEE

BRONX COUNTY BAR ASSOCIATION

Stanley N. Ohlbaum, Chairman
Murray E. Morrison, Vice Chairman
Lawrence C. Gutman, Secretary

Benjamin Altman	H. Leonard King
Paul Bank	Marshall H. Kozinn
John Bergman	John J. Lynch
Samuel Bernstein	Francis X. McDermott
Alfred W. Charles	Gerald Mazur
Alexander A. Delle Cese	Elizabeth A. Norris
Moses J. Epstein	Manuel Ramos
M. Maldwin Fertig	George Nims Raybin
Paul Frohman	Sylvester B. Salzano
Ian Jay Gura	Stephen B. Sobel
Ita Harkavy	Michael K. Stanton
James P. Heffernan	Morris B. Steinberg
Sidney Horn	Felipe N. Torres
Morris M. Karp	Harry J. Walters, Jr.

Report Prepared By

Esq.

Committee

Date.....

Senate Bill Int. No. Print No. Assembly Bill Int. No. Print No.

Disposition:

Report:

SPECIAL BRIEF FOR GOVERNOR'S COUNSEL
ON TEN-DAY OR THIRTY-DAY BILL

SENATE INT. 2262

ASSEMBLY INT. _____

RECOMMENDATION : Approved

REASON(S) : Approved - appears to be in the public interest



6-2267
PROBABILITY INDEX
DIRECTOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE FOR LOCAL GOVERNMENT
ALBANY

MILTON ALPERT
COUNSEL

April 19, 1960

Honorable Robert MacCrate
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

Re: S. Int. 2262, Pr. 4217
By Mr. Barrett

Dear Mr. MacCrate:

This bill amends the Social Welfare Law, by adding a new section 374, which provides an inter-state compact regarding the placement of children and the implementation thereof. We are informed that the bill was prepared by the Department of Social Welfare, which has requested its approval.

The Social Welfare Law now provides in section 374 that no court, public board, or commissioner shall place out or board out a child in a family not residing within the State of New York. Conceivably, situations may arise where for social and psychological reasons it is in a child's interest to be placed in a family outside of the State of New York; conversely, situations may arise in other localities where it is in the child's interest to be placed with a New York State family.

This bill sets up a compact for inter-state cooperation on the placement of such children and provides that it may be entered into by any of the United States, the Commonwealth of Puerto Rico, the District of Columbia, and on the consent of Congress, the provinces of Canada.

The bill contains numerous safeguards. For example, New York State would retain jurisdiction over a child sent out of the state which would be sufficient to determine all matters relating to custody, supervision, care, treatment, and disposition of the child, just as New York State would never lose if a child remained in New York State. Such

Honorable Robert MacCrate
S. Int. 2262, Pr. 4217

April 19, 1960

- 2 -

jurisdiction also includes the power to cause the return of the child or to transfer it to another location and custody.

As to children being sent into the State of New York under this compact, notice is required to be given to the Commissioner of Public Welfare of the public welfare district involved, which notice shall contain all pertinent details. Furthermore, the locality from which such child comes to the State of New York continues to have financial responsibility for the support and maintenance of the child during the period of placement.

The Local Government Advisory Board and this Office have no objection to approval of this bill.

Very truly yours,



Milton Alpert

MA:K

SENATE AND ASSEMBLY VOTE ON THE BILLS LISTED OVERLEAF

Taken at meeting of Senate, April 16, 1960

Action Key

A-3 Very strong approval
A-2 Strong approval
A-1 Minor approval

O-3 Very strong opposition
O-2 Strong opposition
O-1 Minor opposition

NA No action

Sp. See special note at end of comments

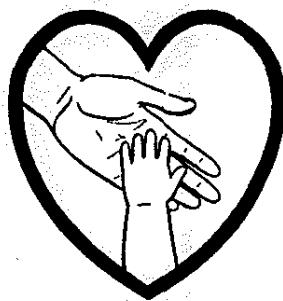
SENATE BILLS

(Interim Story Numbers)

ASSEMBLY BILLS

S629	A-2	A634	O-2
S670	O-3	A1134	O-2
S762	A-2	A1601	O-2
S1121	A-1	A2640	O-3
S1203	A-2sp.	A2734	A-1
S1832	O-1	A3278	O-2sp.
S2059	O-2	A3355	A-2
S2262	A-1	A4103	A-2
S2326	O-1	A4164	A-1
S2340	O-3	A4347	O-3
S2416	NA	A4463	A-2
S2603	NA	A4709	A-2
S3379	O-1		

188



ADOPTIVE PARENTS COMMITTEE

210 FIFTH AVENUE
New York, N. Y.

Meeting Address
Hotel Albert
23 EAST 10th STREET
New York 3, N. Y.
Second Saturday
night of each month

S-2262
April 20, 1960

Mr. U. S. Acknowledged by WJR

4/20/60

Governor Nelson Rockefeller
Executive Mansion
Albany, New York

Honorary President
PEARL S. BUCK
(MRS. R. WALSH)

President
ESTELLE RAPHAELSON

Vice President
JOCELYN S. AMES

Recording Secretary
BEN JACOBSON

Corresponding Secretary
HILDA WEINBERG

Treasurer
JOSEPH MARINOFF

Dear Sir:

We urgently request your signature be withheld from S 2262, to establish "an interstate compact on child placing", introduced by Mr. Barrett. This bill, but recently come to our attention, presents such ambiguous phraseology as to render unclear the individuals and instances to which it pertains. Specifically, we question whether it is intended to include the usual child adoption situation in which an infant is placed by its natural mother with a New York family, for the purposes of adoption.

If the usual child adoption situation is intended, we must present our strongest opposition, for the following reasons.

1. S 2262 was never presented for consideration at the public hearings, or in the reports, of the Joint Legislative Committee on Matrimonial and Family Laws. This Committee, availing itself of the widest range of pertinent opinions and experiences, has become expert in adoption legislation.

2. S 2262 was not benefitted by consideration of other interested groups, such as the Committee on Adoptions, Community Council of Greater New York.

3. Requiring the registration of children placed voluntarily for adoption was the intent of S 1675 (Gordon) defeated by the 1959 Legislature. Both S 2262 and S 1675, involved the Department of Welfare in an area properly belonging to the Judiciary. This premise met great opposition in 1959, and was replaced with S 347 (Gordon) which reinforces the role of the Judiciary, and was passed by the 1960 Legislature.

4. An "interstate compact" pertaining to children placed voluntarily for adoption was the intent of an introduction to the U. S. Congress, by Senator Estes Kefauver, in 1957. This was widely opposed and ultimately defeated.

If S 2262 does not intend to include the usual adoption situation, we recommend that it be rewritten, so as to make clear its true intention.

Your interest is appreciated.

Yours respectfully,
John J. Cernia
(Mr.) M. Johnson, Chairman
Adoptive Parents Committee

"Not A Placement Agency"

100



STATE OF NEW YORK
DEPARTMENT OF LAW
ALBANY

LOUIS J. LEFKOWITZ
ATTORNEY GENERAL

S-2262

MEMORANDUM FOR THE GOVERNOR

Re: Senate Int. 2262, Pr. 4217

This bill would amend the Social Welfare Law by adding a new section, to wit, 374-a, providing for entering into interstate compacts, between New York State and all other jurisdictions legally joining this compact, for the placement of children outside this State and receiving same within this State from other states.

This bill would provide for the placement of children in suitable environments with qualified persons or institutions, public and private, having appropriate facilities for such care. Children adjudged delinquent would also be included in this program. A court hearing is provided for before an adjudicated delinquent may be so placed, and illegal placements are made punishable or subject to penalty in either the sending or receiving jurisdiction.

The Department of Social Welfare favors this bill.

I find no legal objection to this bill.

Dated: March 31, 1960

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis J. Lefkowitz".
LOUIS J. LEFKOWITZ
Attorney General

County Officers Association

STATE OF NEW YORK

1ST VICE-PRESIDENT

CHARLES B. MIX
Schuyler County Supervisor
Schoharie, N. Y.

2ND VICE-PRESIDENT

CHARLES A. FREMD
Westchester Co. Dir. of Civil Defense
White Plains, N. Y.

3RD VICE-PRESIDENT

AND CHAIRMAN, PUBLICATIONS COMMITTEE
JOHN F. SCHOOONMAKER
Orange Co. Probation Officer
Goshen, N. Y.

PRESIDENT

EDWARD A. RATH
Erie County Comptroller
45 Church Street
Buffalo, N. Y.

TREASURER

ROBERT H. MILLER
Cheulaque Co. Treasurer
Mayville, N. Y.

S-2262
EXECUTIVE DIRECTOR
C. L. CHAMBERLAIN
190 State Street
Albany 10, N. Y.
Phone HE 6-9436

CHAIRMAN, LEGISLATIVE COMMITTEE
JULIAN W. EDGCOMBE
Cnondaga Co. Attorney
407-A Court House
Syracuse, N. Y.

April 22, 1960

His Excellency Nelson A. Rockefeller
Governor of the State of New York
Executive Chamber
Albany, New York

Attention of Hon. Robert MacCracken

Sir: Re: Senate Bill Int. 2262, Pr. Nos. 2331, 3757, 4217, by
Mr. Barrett

This bill amends the Social Welfare Law, in relation to entering into the interstate compact for the placement of children.

The main purpose of this bill is to permit the placing of children in homes in other states, provided the care of such children measures up to the degree of care demanded in this state.

In many instances relatives of children able and willing to care for the same and whose home placement would be more desirable reside without the state.

We believe that the interstate compact for the placement of such children as provided by this bill is necessary and a step in the right direction not only for the good of the children but also for economic reasons.

The bill takes effect September 1, 1960.

This Association recommends approval of the bill.

Yours very truly,



C. L. Chamberlain
Executive Director

61

Chas 708
longseller
i
not
Jukerat

STATE OF NEW YORK

3d Rdg. 643 Nos. 2331, 3757, 4217

Int. 2262

IN SENATE

February 1, 1960

TEN-DAY BILL

Introduced by Mr. BARRETT—(on behalf of the Joint Legislative Committee on Interstate Cooperation)—read twice and ordered printed, and when printed to be committed to the Committee on Public Relief and Welfare—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee—reported favorably from said committee, committed to the Committee of the Whole, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT

To amend the social welfare law, in relation to enacting and entering into the interstate compact on the placement of children, providing for the implementation thereof, and exempting certain public agencies of states party to the compact or of subdivisions of said states from bonding and licensing requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The social welfare law is hereby amended by adding
2 thereto a new section, to be section three hundred seventy-four-a,
3 to read as follows:
4 § 374-a. Interstate compact on the placement of children. 1. The
5 interstate compact on the placement of children is hereby enacted
Explanatory — Matter in bold is new; matter in brackets [] is old law to be omitted.