§4252. Definitions - Article 2

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See T. 22, §4264, sub-§2)

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 255, §6 (NEW).]

1. Approved placement. "Approved placement" means the receiving state has determined after an assessment that the placement is both safe and suitable for the child and is in compliance with the applicable laws of the receiving state governing the placement of children in the receiving state.
[PL 2007, c. 255, §6 (NEW).]

2. Assessment. "Assessment" means an evaluation of a prospective placement to determine whether the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being and mental, emotional and physical development.
[PL 2007, c. 255, §6 (NEW).]

3. Child. "Child" means an individual who has not attained 18 years of age.
[PL 2007, c. 255, §6 (NEW).]

4. Default. "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this chapter or the bylaws or rules of the interstate commission.
[PL 2007, c. 255, §6 (NEW).]

5. Indian tribe. "Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in Section 3(c) of the Alaska Native Claims Settlement Act, 43 United States Code, Section 1602(c).
[PL 2007, c. 255, §6 (NEW).]

6. Interstate Commission for the Placement of Children; interstate commission. "Interstate Commission for the Placement of Children" or "interstate commission" means the commission that is created under section 4258.
[PL 2007, c. 255, §6 (NEW).]

7. Jurisdiction. "Jurisdiction" means the power and authority of a court to hear and decide matters.
[PL 2007, c. 255, §6 (NEW).]

8. Member state. "Member state" means a state that has enacted this compact.
[PL 2007, c. 255, §6 (NEW).]

9. Noncustodial parent. "Noncustodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of the child and who is not the subject of allegations or findings of child abuse or neglect.
[PL 2007, c. 255, §6 (NEW).]

10. Nonmember state. "Nonmember state" means a state that has not enacted this compact.
[PL 2007, c. 255, §6 (NEW).]

11. Notice of residential placement. "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state, including, but not limited to, the name, date and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement and the name and address of the facility in which the child will be placed. "Notice of residential placement" includes information regarding a discharge and any unauthorized absence from the facility.

[PL 2007, c. 255, §6 (NEW).]

12. Placement. "Placement" means the act by a public or private child placing agency intended to arrange for the care or custody of a child in another state.
[PL 2007, c. 255, §6 (NEW).]

13. Private child placing agency. "Private child placing agency" means any private corporation, agency, foundation, institution or charitable organization or any private person or attorney that facilitates, causes or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.
[PL 2007, c. 255, §6 (NEW).]

14. Provisional placement. "Provisional placement" means that the receiving state has determined that the proposed placement is safe and suitable and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents may not delay an otherwise safe and suitable placement.
[PL 2007, c. 255, §6 (NEW).]

15. Public child placing agency. "Public child placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether it acts on behalf of a state, county, municipality or other governmental unit and that facilitates, causes or is involved in the placement of a child from one state to another.
[PL 2007, c. 255, §6 (NEW).]

16. Receiving state. "Receiving state" means the state to which a child is sent, brought or caused to be sent or brought.
[PL 2007, c. 255, §6 (NEW).]

17. Relative. "Relative" means someone who is related to the child as a parent, stepparent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle or first cousin or a nonrelative with such significant ties to the child that the nonrelative may be regarded as a relative as determined by the court in the sending state.
[PL 2007, c. 255, §6 (NEW).]

18. Residential facility. "Residential facility" means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care and is beyond what is needed for assessment or treatment of an acute condition. "Residential facilities" does not include institutions primarily educational in character, hospitals or other medical facilities.
[PL 2007, c. 255, §6 (NEW).]

19. Rule. "Rule" means a written directive, mandate, standard or principle issued by the interstate commission adopted pursuant to section 4261 that is of general applicability and that implements, interprets or prescribes a policy or provision of this chapter. "Rule" has the force and effect of statutory law in a member state and includes the amendment, repeal or suspension of an existing rule.
[PL 2007, c. 255, §6 (NEW).]

20. Sending state. "Sending state" means the state from which the placement of a child is initiated.
[PL 2007, c. 255, §6 (NEW).]

21. Service member's permanent duty station. "Service member's permanent duty station" means the military installation where an active duty member of the Armed Forces of the United States is currently assigned and is physically located under competent orders that do not specify the duty as temporary.
[PL 2007, c. 255, §6 (NEW).]

22. Service member's state of legal residence. "Service member's state of legal residence" means the state in which the active duty member of the Armed Forces of the United States is considered a resident for tax and voting purposes.
[PL 2007, c. 255, §6 (NEW).]

23. State. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and any other territory of the United States.
[PL 2007, c. 255, §6 (NEW).]

24. State court. "State court" means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained 18 years of age.
[PL 2007, c. 255, §6 (NEW).]

25. Supervision. "Supervision" means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this chapter.
[PL 2007, c. 255, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 255, §6 (NEW).

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