

X. TERMINATION OF COMPACT PLACEMENTS

A. CIRCUMSTANCES OF TERMINATION

The compact placement may be legally terminated under any one of the following circumstances:

1. The child is returned to the Sending State.
2. Legal custody of the child is returned to the parent or granted to a relative with the concurrence of the Receiving State.
3. Adoption is finalized either in the Receiving State or in the Sending State.
(For information regarding the Interstate Compact on Adoption and Medical Assistance, refer to Chapter VI: Section 1303: Special Adoption Procedures).
4. The child is legally emancipated, or reaches the age of majority and there are no special circumstances to warrant continuing responsibility.
5. The supervising agency in the Receiving State recommends that the sending agency's custody/court jurisdiction be terminated and their Interstate Services office sends written concurrence. It should be noted that while this option is possible, it is rarely recommended or approved.

B. REQUIREMENTS FOR TERMINATION OF AGENCY CUSTODY AND TRANSFER OF COURT JURISDICTION

First and foremost, a sending agency's legal custody or a court's jurisdiction cannot be terminated without the recommendation of the receiving agency and the concurrence of the Receiving State's Interstate Services office.

In the case of transfer of court jurisdiction, the termination of a compact placement will require court action relieving the agency of custody of the child or the sending court of jurisdiction. It is important to note that the transfer of jurisdiction must be facilitated by the court.

When a recommendation is made by a court that custody be awarded to a person or relative in another state, the procedures vary depending on the rules set forth by the district court judge. The court has the authority to award legal custody of a child to a person or relative outside the state provided that the person or relative is willing to accept legal custody of the child and has been given notice of the hearing.

In some cases, it is preferable that the court in the Sending State relinquish jurisdiction of the child to the court in the Receiving State provided the receiving agency and their Interstate office agree in writing prior to this action. It is required that court orders relinquishing jurisdiction and court orders assuming jurisdiction be preceded by communication and agreement between the courts and judges involved. It is important that these court orders be coordinated to prevent a lapse in jurisdiction of the child.

When jurisdiction is accepted by the Receiving State, the parent or relative may petition that court for legal custody. As an alternative, the court could award custody to the parent or relative if it is recommended by the agency having legal custody.

C. CASE CLOSURE

When the sending agency's legal custody and the court's jurisdiction have been terminated, the sending agency shall promptly submit three copies of the ICPC-100B (DSS-1838) and three copies of the court order to the Interstate Services office to close the Interstate case. Copies of the court order must also be given to the parent, relative or agency that has received legal custody.