

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0835.01 Jane Ritter x4342

SENATE BILL 24-125

SENATE SPONSORSHIP

Pelton B. and Michaelson Jenet,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ENACTMENT OF THE "INTERSTATE COMPACT FOR
102 THE PLACEMENT OF CHILDREN".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Interstate Compact for the Placement of Children" (compact). The purpose of the compact is to:

- Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner;
- Facilitate ongoing supervision of a placement, the delivery

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- of services, and communication between the states;
 - Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner;
 - Provide for promulgation and enforcement of administrative rules implementing the compact and regulating the covered activities of the member states;
 - Provide for uniform data collection and information sharing between member states;
 - Promote coordination between the compact, the interstate compact for juveniles, the interstate compact on adoption and medical assistance, and other compacts affecting the placement of children and provision of services to children otherwise subject to this compact;
 - Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate; and
 - Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** part 18 of article 60 of title 24 as follows:

4 PART 18

5 INTERSTATE COMPACT ON PLACEMENT
6 OF CHILDREN

7 **24-60-1801. Short title.** THE SHORT TITLE OF THIS PART 18 IS THE
8 "INTERSTATE COMPACT ON PLACEMENT OF CHILDREN".

9 **24-60-1802. Execution of compact.** THE GOVERNOR IS
10 AUTHORIZED TO EXECUTE A COMPACT ON BEHALF OF THIS STATE WITH
11 ANY OTHER STATE OR STATES LEGALLY JOINING THEREIN IN THE FORM
12 SUBSTANTIALLY AS FOLLOWS:

13 **ARTICLE I.**

14 **PURPOSE**

1 THE PURPOSE OF THIS INTERSTATE COMPACT FOR THE PLACEMENT OF
2 CHILDREN IS TO:

3 A. PROVIDE A PROCESS THROUGH WHICH CHILDREN SUBJECT TO
4 THIS COMPACT ARE PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY
5 MANNER.

6 B. FACILITATE ONGOING SUPERVISION OF A PLACEMENT, THE
7 DELIVERY OF SERVICES, AND COMMUNICATION BETWEEN THE STATES.

8 C. PROVIDE OPERATING PROCEDURES THAT WILL ENSURE THAT
9 CHILDREN ARE PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY
10 MANNER.

11 D. PROVIDE FOR THE PROMULGATION AND ENFORCEMENT OF
12 ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT
13 AND REGULATING THE COVERED ACTIVITIES OF THE MEMBER STATES.

14 E. PROVIDE FOR THE UNIFORM DATA COLLECTION AND
15 INFORMATION SHARING BETWEEN MEMBER STATES UNDER THIS COMPACT.

16 F. PROMOTE COORDINATION BETWEEN THIS COMPACT, THE
17 INTERSTATE COMPACT FOR JUVENILES, THE INTERSTATE COMPACT ON
18 ADOPTION AND MEDICAL ASSISTANCE, AND OTHER COMPACTS AFFECTING
19 THE PLACEMENT OF AND WHICH PROVIDE SERVICES TO CHILDREN
20 OTHERWISE SUBJECT TO THIS COMPACT.

21 G. PROVIDE FOR A STATE'S CONTINUING LEGAL JURISDICTION AND
22 RESPONSIBILITY FOR PLACEMENT AND CARE OF A CHILD THAT IT WOULD
23 HAVE HAD IF THE PLACEMENT WERE INTRASTATE.

24 H. PROVIDE FOR THE PROMULGATION OF GUIDELINES, IN
25 COLLABORATION WITH INDIAN TRIBES, FOR INTERSTATE CASES INVOLVING
26 INDIAN CHILDREN AS IS OR MAY BE PERMITTED BY FEDERAL LAW.

27 **ARTICLE II.**

1 **DEFINITIONS**

2 AS USED IN THIS COMPACT:

3 A. "APPROVED PLACEMENT" MEANS THE PUBLIC CHILD PLACING
4 AGENCY IN THE RECEIVING STATE HAS DETERMINED THAT THE PLACEMENT
5 IS BOTH SAFE AND SUITABLE FOR THE CHILD.

6 B. "ASSESSMENT" MEANS AN EVALUATION OF A PROSPECTIVE
7 PLACEMENT BY A PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
8 TO DETERMINE IF THE PLACEMENT MEETS THE INDIVIDUALIZED NEEDS OF
9 THE CHILD, INCLUDING, BUT NOT LIMITED TO, THE CHILD'S SAFETY AND
10 STABILITY, HEALTH AND WELL-BEING, AND MENTAL, EMOTIONAL, AND
11 PHYSICAL DEVELOPMENT. AN ASSESSMENT IS ONLY APPLICABLE TO A
12 PLACEMENT BY A PUBLIC CHILD PLACING AGENCY.

13 C. "CERTIFICATION" MEANS TO ATTEST, DECLARE, OR SWEAR TO
14 BEFORE A JUDGE OR NOTARY PUBLIC.

15 D. "CHILD" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED THE
16 AGE OF EIGHTEEN (18).

17 E. "DEFAULT" MEANS THE FAILURE OF A MEMBER STATE TO
18 PERFORM THE OBLIGATIONS OR RESPONSIBILITIES IMPOSED UPON IT BY
19 THIS COMPACT, THE BYLAWS, OR RULES OF THE INTERSTATE COMMISSION.

20 F. "HOME STUDY" MEANS AN EVALUATION OF A HOME
21 ENVIRONMENT CONDUCTED IN ACCORDANCE WITH THE APPLICABLE
22 REQUIREMENTS OF THE STATE IN WHICH THE HOME IS LOCATED, AND
23 DOCUMENTS THE PREPARATION AND THE SUITABILITY OF THE PLACEMENT
24 RESOURCE FOR PLACEMENT OF A CHILD IN ACCORDANCE WITH THE LAWS
25 AND REQUIREMENTS OF THE STATE IN WHICH THE HOME IS LOCATED.

26 G. "INDIAN TRIBE" MEANS ANY INDIAN TRIBE, BAND, NATION, OR
27 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS

1 ELIGIBLE FOR SERVICES PROVIDED TO INDIANS BY THE SECRETARY OF THE
2 INTERIOR BECAUSE OF THEIR STATUS AS INDIANS, INCLUDING ANY
3 ALASKAN NATIVE VILLAGE AS DEFINED IN SECTION (3)(c) OF THE ALASKA
4 NATIVE CLAIMS SETTLEMENT ACT AT 43 U.S.C. SEC. 1602(c).

5 H. "INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN"
6 MEANS THE COMMISSION THAT IS CREATED UNDER ARTICLE VIII OF THIS
7 COMPACT AND WHICH IS GENERALLY REFERRED TO AS THE INTERSTATE
8 COMMISSION.

9 I. "JURISDICTION" MEANS THE POWER AND AUTHORITY OF A COURT
10 TO HEAR AND DECIDE MATTERS.

11 J. "LEGAL RISK PLACEMENT" ("LEGAL RISK ADOPTION") MEANS
12 A PLACEMENT MADE PRELIMINARY TO AN ADOPTION WHERE THE
13 PROSPECTIVE ADOPTIVE PARENTS ACKNOWLEDGE IN WRITING THAT A
14 CHILD CAN BE ORDERED RETURNED TO THE SENDING STATE OR THE BIRTH
15 MOTHER'S STATE OF RESIDENCE, IF DIFFERENT FROM THE SENDING STATE,
16 AND A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY
17 JURISDICTION UNTIL ALL REQUIRED CONSENTS ARE OBTAINED OR ARE
18 DISPENSED WITH IN ACCORDANCE WITH APPLICABLE LAW.

19 K. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS
20 COMPACT.

21 L. "NON-CUSTODIAL PARENT" MEANS A PERSON WHO, AT THE TIME
22 OF THE COMMENCEMENT OF COURT PROCEEDINGS IN THE SENDING STATE,
23 DOES NOT HAVE SOLE LEGAL CUSTODY OF THE CHILD OR HAS JOINT LEGAL
24 CUSTODY OF A CHILD, AND WHO IS NOT THE SUBJECT OF ALLEGATIONS OR
25 FINDINGS OF CHILD ABUSE OR NEGLECT.

26 M. "NON-MEMBER STATE" MEANS A STATE WHICH HAS NOT
27 ENACTED THIS COMPACT.

1 N. "NOTICE OF RESIDENTIAL PLACEMENT" MEANS INFORMATION
2 REGARDING A PLACEMENT INTO A RESIDENTIAL FACILITY PROVIDED TO THE
3 RECEIVING STATE INCLUDING, BUT NOT LIMITED TO, THE NAME, DATE, AND
4 PLACE OF BIRTH OF THE CHILD, THE IDENTITY AND ADDRESS OF THE
5 PARENT OR LEGAL GUARDIAN, EVIDENCE OF AUTHORITY TO MAKE THE
6 PLACEMENT, AND THE NAME AND ADDRESS OF THE FACILITY IN WHICH THE
7 CHILD WILL BE PLACED. NOTICE OF RESIDENTIAL PLACEMENT SHALL ALSO
8 INCLUDE INFORMATION REGARDING A DISCHARGE AND ANY
9 UNAUTHORIZED ABSENCE FROM THE FACILITY.

10 O. "PLACEMENT" MEANS THE ACT BY A PUBLIC OR PRIVATE CHILD
11 PLACING AGENCY INTENDED TO ARRANGE FOR THE CARE OR CUSTODY OF
12 A CHILD IN ANOTHER STATE.

13 P. "PRIVATE CHILD PLACING AGENCY" MEANS ANY PRIVATE
14 CORPORATION, AGENCY, FOUNDATION, INSTITUTION, OR CHARITABLE
15 ORGANIZATION, OR ANY PRIVATE PERSON OR ATTORNEY THAT
16 FACILITATES, CAUSES, OR IS INVOLVED IN THE PLACEMENT OF A CHILD
17 FROM ONE STATE TO ANOTHER AND THAT IS NOT AN INSTRUMENTALITY OF
18 THE STATE OR ACTING UNDER COLOR OF STATE LAW.

19 Q. "PROVISIONAL PLACEMENT" MEANS A DETERMINATION MADE
20 BY THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE THAT THE
21 PROPOSED PLACEMENT IS SAFE AND SUITABLE, AND, TO THE EXTENT
22 ALLOWABLE, THE RECEIVING STATE HAS TEMPORARILY WAIVED ITS
23 STANDARDS OR REQUIREMENTS OTHERWISE APPLICABLE TO PROSPECTIVE
24 FOSTER OR ADOPTIVE PARENTS SO AS TO NOT DELAY THE PLACEMENT.
25 COMPLETION OF THE RECEIVING STATE REQUIREMENTS REGARDING
26 TRAINING FOR PROSPECTIVE FOSTER OR ADOPTIVE PARENTS SHALL NOT
27 DELAY AN OTHERWISE SAFE AND SUITABLE PLACEMENT.

1 R. "PUBLIC CHILD PLACING AGENCY" MEANS ANY GOVERNMENT
2 CHILD WELFARE AGENCY OR CHILD PROTECTION AGENCY OR A PRIVATE
3 ENTITY UNDER CONTRACT WITH SUCH AN AGENCY, REGARDLESS OF
4 WHETHER IT ACTS ON BEHALF OF A STATE, COUNTY, MUNICIPALITY, OR
5 OTHER GOVERNMENTAL UNIT AND WHICH FACILITATES, CAUSES, OR IS
6 INVOLVED IN THE PLACEMENT OF A CHILD FROM ONE STATE TO ANOTHER.

7 S. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD IS
8 SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

9 T. "RELATIVE" MEANS SOMEONE WHO IS RELATED TO THE CHILD
10 AS A PARENT, STEP-PARENT, SIBLING BY HALF OR WHOLE BLOOD OR BY
11 ADOPTION, GRANDPARENT, AUNT, UNCLE, FIRST COUSIN, OR A
12 NON-RELATIVE WITH SUCH SIGNIFICANT TIES TO THE CHILD THAT THEY
13 MAY BE REGARDED AS A RELATIVE AS DETERMINED BY THE COURT IN THE
14 SENDING STATE.

15 U. "RESIDENTIAL FACILITY" MEANS A FACILITY PROVIDING A
16 LEVEL OF CARE THAT IS SUFFICIENT TO SUBSTITUTE FOR PARENTAL
17 RESPONSIBILITY OR FOSTER CARE, AND IS BEYOND WHAT IS NEEDED FOR
18 ASSESSMENT OR TREATMENT OF AN ACUTE CONDITION. FOR PURPOSES OF
19 THE COMPACT, RESIDENTIAL FACILITIES DO NOT INCLUDE INSTITUTIONS
20 PRIMARILY EDUCATIONAL IN CHARACTER, HOSPITALS, OR MEDICAL
21 FACILITIES.

22 V. "RULE" MEANS A WRITTEN DIRECTIVE, MANDATE, STANDARD,
23 OR PRINCIPLE ISSUED BY THE INTERSTATE COMMISSION PROMULGATED
24 PURSUANT TO ARTICLE XI OF THIS COMPACT THAT IS OF GENERAL
25 APPLICABILITY AND THAT IMPLEMENTS, INTERPRETS, OR PRESCRIBES A
26 POLICY OR PROVISION OF THE COMPACT. "RULE" HAS THE FORCE AND
27 EFFECT OF AN ADMINISTRATIVE RULE IN A MEMBER STATE, AND INCLUDES

1 THE AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING RULE.

2 W. "SENDING STATE" MEANS THE STATE FROM WHICH THE
3 PLACEMENT OF A CHILD IS INITIATED.

4 X. "SERVICE MEMBER'S PERMANENT DUTY STATION" MEANS THE
5 MILITARY INSTALLATION WHERE AN ACTIVE DUTY ARMED SERVICES
6 MEMBER IS CURRENTLY ASSIGNED AND IS PHYSICALLY LOCATED UNDER
7 COMPETENT ORDERS THAT DO NOT SPECIFY THE DUTY AS TEMPORARY.

8 Y. "SERVICE MEMBER'S STATE OF LEGAL RESIDENCE" MEANS THE
9 STATE IN WHICH THE ACTIVE DUTY ARMED SERVICES MEMBER IS
10 CONSIDERED A RESIDENT FOR TAX AND VOTING PURPOSES.

11 Z. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT
12 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN
13 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANA ISLANDS,
14 AND ANY OTHER TERRITORY OF THE UNITED STATES.

15 AA. "STATE COURT" MEANS A JUDICIAL BODY OF A STATE THAT IS
16 VESTED BY LAW WITH RESPONSIBILITY FOR ADJUDICATING CASES
17 INVOLVING ABUSE, NEGLECT, DEPRIVATION, DELINQUENCY, OR STATUS
18 OFFENSES OF INDIVIDUALS WHO HAVE NOT YET ATTAINED THE AGE OF
19 EIGHTEEN (18).

20 BB. "SUPERVISION" MEANS MONITORING PROVIDED BY THE
21 RECEIVING STATE ONCE A CHILD HAS BEEN PLACED IN A RECEIVING STATE
22 PURSUANT TO THIS COMPACT.

23 **ARTICLE III.**

24 **APPLICABILITY**

25 A. EXCEPT AS OTHERWISE PROVIDED IN ARTICLE III, SECTION B,
26 THIS COMPACT SHALL APPLY TO:

27 1. THE INTERSTATE PLACEMENT OF A CHILD SUBJECT TO ONGOING

1 COURT JURISDICTION IN THE SENDING STATE, DUE TO ALLEGATIONS OR
2 FINDINGS THAT THE CHILD HAS BEEN ABUSED, NEGLECTED, OR DEPRIVED
3 AS DEFINED BY THE LAWS OF THE SENDING STATE, PROVIDED, HOWEVER,
4 THAT THE PLACEMENT OF SUCH A CHILD INTO A RESIDENTIAL FACILITY
5 SHALL ONLY REQUIRE NOTICE OF RESIDENTIAL PLACEMENT TO THE
6 RECEIVING STATE PRIOR TO PLACEMENT.

7 2. THE INTERSTATE PLACEMENT OF A CHILD ADJUDICATED
8 DELINQUENT OR UNMANAGEABLE BASED ON THE LAWS OF THE SENDING
9 STATE AND SUBJECT TO ONGOING COURT JURISDICTION OF THE SENDING
10 STATE IF:

11 a. THE CHILD IS BEING PLACED IN A RESIDENTIAL FACILITY IN
12 ANOTHER MEMBER STATE AND IS NOT COVERED UNDER ANOTHER
13 COMPACT; OR

14 b. THE CHILD IS BEING PLACED IN ANOTHER MEMBER STATE AND
15 THE DETERMINATION OF SAFETY AND SUITABILITY OF THE PLACEMENT AND
16 SERVICES REQUIRED IS NOT PROVIDED THROUGH ANOTHER COMPACT.

17 3. THE INTERSTATE PLACEMENT OF ANY CHILD BY A PUBLIC CHILD
18 PLACING AGENCY OR PRIVATE CHILD PLACING AGENCY AS DEFINED IN THE
19 COMPACT AS A PRELIMINARY STEP TO A POSSIBLE ADOPTION.

20 B. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO:

21 1. THE INTERSTATE PLACEMENT OF A CHILD IN A CUSTODY
22 PROCEEDING IN WHICH A PUBLIC CHILD PLACING AGENCY IS NOT A PARTY,
23 PROVIDED THE PLACEMENT IS NOT INTENDED TO EFFECTUATE AN
24 ADOPTION.

25 2. THE INTERSTATE PLACEMENT OF A CHILD WITH A NON-RELATIVE
26 IN A RECEIVING STATE BY A PARENT WITH THE LEGAL AUTHORITY TO MAKE
27 SUCH A PLACEMENT PROVIDED, HOWEVER, THAT THE PLACEMENT IS NOT

1 INTENDED TO EFFECTUATE AN ADOPTION.

2 3. THE INTERSTATE PLACEMENT OF A CHILD BY ONE RELATIVE
3 WITH THE LAWFUL AUTHORITY TO MAKE SUCH A PLACEMENT DIRECTLY
4 WITH A RELATIVE IN A RECEIVING STATE.

5 4. THE PLACEMENT OF A CHILD NOT SUBJECT TO ARTICLE III,
6 SECTION A INTO A RESIDENTIAL FACILITY BY THE CHILD'S PARENT.

7 5. THE PLACEMENT OF A CHILD WITH A NON-CUSTODIAL PARENT,
8 PROVIDED THAT:

9 a. THE NON-CUSTODIAL PARENT PROVES TO THE SATISFACTION OF
10 A COURT IN THE SENDING STATE A SUBSTANTIAL RELATIONSHIP WITH THE
11 CHILD; AND

12 b. THE COURT IN THE SENDING STATE MAKES A WRITTEN FINDING
13 THAT PLACEMENT WITH THE NON-CUSTODIAL PARENT IS IN THE BEST
14 INTERESTS OF THE CHILD; AND

15 c. THE COURT IN THE SENDING STATE DISMISSES ITS JURISDICTION
16 IN INTERSTATE PLACEMENTS IN WHICH THE PUBLIC CHILD PLACING
17 AGENCY IS A PARTY TO THE PROCEEDING.

18 6. A CHILD ENTERING THE UNITED STATES FROM A FOREIGN
19 COUNTRY FOR THE PURPOSE OF ADOPTION OR LEAVING THE UNITED
20 STATES TO GO TO A FOREIGN COUNTRY FOR THE PURPOSE OF ADOPTION IN
21 THAT COUNTRY.

22 7. CASES IN WHICH A UNITED STATES CITIZEN CHILD LIVING
23 OVERSEAS WITH THE CHILD'S FAMILY, AT LEAST ONE OF WHOM IS IN THE
24 UNITED STATES ARMED SERVICES, AND WHO IS STATIONED OVERSEAS, IS
25 REMOVED AND PLACED IN A STATE.

26 8. THE SENDING OF A CHILD BY A PUBLIC CHILD PLACING AGENCY
27 OR A PRIVATE CHILD PLACING AGENCY FOR A VISIT AS DEFINED BY THE

1 RULES OF THE INTERSTATE COMMISSION.

2 C. FOR PURPOSES OF DETERMINING THE APPLICABILITY OF THIS
3 COMPACT TO THE PLACEMENT OF A CHILD WITH A FAMILY IN THE ARMED
4 SERVICES, THE PUBLIC CHILD PLACING AGENCY OR PRIVATE CHILD
5 PLACING AGENCY MAY CHOOSE THE STATE OF THE SERVICE MEMBER'S
6 PERMANENT DUTY STATION OR THE SERVICE MEMBER'S DECLARED LEGAL
7 RESIDENCE.

8 D. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT
9 THE CONCURRENT APPLICATION OF THE PROVISIONS OF THIS COMPACT
10 WITH OTHER APPLICABLE INTERSTATE COMPACTS, INCLUDING THE
11 INTERSTATE COMPACT FOR JUVENILES AND THE INTERSTATE COMPACT ON
12 ADOPTION AND MEDICAL ASSISTANCE. THE INTERSTATE COMMISSION
13 MAY IN COOPERATION WITH OTHER INTERSTATE COMPACT COMMISSIONS
14 HAVING RESPONSIBILITY FOR THE INTERSTATE MOVEMENT, PLACEMENT,
15 OR TRANSFER OF CHILDREN, PROMULGATE LIKE RULES TO ENSURE THE
16 COORDINATION OF SERVICES, TIMELY PLACEMENT OF CHILDREN, AND THE
17 REDUCTION OF UNNECESSARY OR DUPLICATIVE ADMINISTRATIVE OR
18 PROCEDURAL REQUIREMENTS.

19 **ARTICLE IV.**

20 **JURISDICTION**

21 A. EXCEPT AS PROVIDED IN ARTICLE IV, SECTION H, AND ARTICLE
22 V, SECTION B, PARAGRAPHS TWO AND THREE CONCERNING PRIVATE AND
23 INDEPENDENT ADOPTIONS, AND IN INTERSTATE PLACEMENTS IN WHICH THE
24 PUBLIC CHILD PLACING AGENCY IS NOT A PARTY TO A CUSTODY
25 PROCEEDING, THE SENDING STATE SHALL RETAIN JURISDICTION OVER A
26 CHILD WITH RESPECT TO ALL MATTERS OF CUSTODY AND DISPOSITION OF
27 THE CHILD WHICH IT WOULD HAVE HAD IF THE CHILD HAD REMAINED IN

1 THE SENDING STATE. SUCH JURISDICTION SHALL ALSO INCLUDE THE POWER
2 TO ORDER THE RETURN OF THE CHILD TO THE SENDING STATE.

3 B. WHEN AN ISSUE OF CHILD PROTECTION OR CUSTODY IS
4 BROUGHT BEFORE A COURT IN THE RECEIVING STATE, SUCH COURT SHALL
5 CONFER WITH THE COURT OF THE SENDING STATE TO DETERMINE THE MOST
6 APPROPRIATE FORUM FOR ADJUDICATION.

7 C. IN CASES THAT ARE BEFORE COURTS AND SUBJECT TO THIS
8 COMPACT, THE TAKING OF TESTIMONY FOR HEARINGS BEFORE ANY
9 JUDICIAL OFFICER MAY OCCUR IN PERSON OR BY TELEPHONE, AUDIO-VIDEO
10 CONFERENCE, OR SUCH OTHER MEANS AS APPROVED BY THE RULES OF THE
11 INTERSTATE COMMISSION; AND JUDICIAL OFFICERS MAY COMMUNICATE
12 WITH OTHER JUDICIAL OFFICERS AND PERSONS INVOLVED IN THE
13 INTERSTATE PROCESS AS MAY BE PERMITTED BY THEIR CANONS OF
14 JUDICIAL CONDUCT AND ANY RULES PROMULGATED BY THE INTERSTATE
15 COMMISSION.

16 D. IN ACCORDANCE WITH ITS OWN LAWS, THE COURT IN THE
17 SENDING STATE SHALL HAVE AUTHORITY TO TERMINATE ITS JURISDICTION
18 IF:

19 1. THE CHILD IS REUNIFIED WITH THE PARENT IN THE RECEIVING
20 STATE WHO IS THE SUBJECT OF ALLEGATIONS OR FINDINGS OF ABUSE OR
21 NEGLECT, ONLY WITH THE CONCURRENCE OF THE PUBLIC CHILD PLACING
22 AGENCY IN THE RECEIVING STATE; OR

23 2. THE CHILD IS ADOPTED; OR

24 3. THE CHILD REACHES THE AGE OF MAJORITY UNDER THE LAWS OF
25 THE SENDING STATE; OR

26 4. THE CHILD ACHIEVES LEGAL INDEPENDENCE PURSUANT TO THE
27 LAWS OF THE SENDING STATE; OR

1 5. A GUARDIANSHIP IS CREATED BY A COURT IN THE RECEIVING
2 STATE WITH THE CONCURRENCE OF THE COURT IN THE SENDING STATE; OR

3 6. AN INDIAN TRIBE HAS PETITIONED FOR AND RECEIVED
4 JURISDICTION FROM THE COURT IN THE SENDING STATE; OR

5 7. THE PUBLIC CHILD PLACING AGENCY OF THE SENDING STATE
6 REQUESTS TERMINATION AND HAS OBTAINED THE CONCURRENCE OF THE
7 PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE.

8 E. WHEN A SENDING STATE COURT TERMINATES ITS JURISDICTION,
9 THE RECEIVING STATE CHILD PLACING AGENCY SHALL BE NOTIFIED.

10 F. NOTHING IN THIS ARTICLE SHALL DEFEAT A CLAIM OF
11 JURISDICTION BY A RECEIVING STATE COURT SUFFICIENT TO DEAL WITH AN
12 ACT OF TRUANCY, DELINQUENCY, CRIME, OR BEHAVIOR INVOLVING A
13 CHILD AS DEFINED BY THE LAWS OF THE RECEIVING STATE COMMITTED BY
14 THE CHILD IN THE RECEIVING STATE WHICH WOULD BE A VIOLATION OF ITS
15 LAWS.

16 G. NOTHING IN THIS ARTICLE SHALL LIMIT THE RECEIVING STATE'S
17 ABILITY TO TAKE EMERGENCY JURISDICTION FOR THE PROTECTION OF THE
18 CHILD.

19 H. THE SUBSTANTIVE LAWS OF THE STATE IN WHICH AN ADOPTION
20 WILL BE FINALIZED SHALL SOLELY GOVERN ALL ISSUES RELATING TO THE
21 ADOPTION OF THE CHILD, AND THE COURT IN WHICH THE ADOPTION
22 PROCEEDING IS FILED SHALL HAVE SUBJECT MATTER JURISDICTION
23 REGARDING ALL SUBSTANTIVE ISSUES RELATING TO THE ADOPTION,
24 EXCEPT:

25 1. WHEN THE CHILD IS A WARD OF ANOTHER COURT THAT
26 ESTABLISHED JURISDICTION OVER THE CHILD PRIOR TO THE PLACEMENT;
27 OR

1 2. WHEN THE CHILD IS IN THE LEGAL CUSTODY OF A PUBLIC
2 AGENCY IN THE SENDING STATE; OR

3 3. WHEN A COURT IN THE SENDING STATE HAS OTHERWISE
4 APPROPRIATELY ASSUMED JURISDICTION OVER THE CHILD, PRIOR TO THE
5 SUBMISSION OF THE REQUEST FOR APPROVAL OF PLACEMENT.

6 I. A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY
7 JURISDICTION UNTIL THE PLACEMENT IS AUTHORIZED AS AN "APPROVED
8 PLACEMENT" BY THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING
9 STATE.

10 **ARTICLE V.**

11 **PLACEMENT EVALUATION**

12 A. PRIOR TO SENDING, BRINGING, OR CAUSING A CHILD TO BE SENT
13 OR BROUGHT INTO A RECEIVING STATE, THE PUBLIC CHILD PLACING
14 AGENCY SHALL PROVIDE A WRITTEN REQUEST FOR ASSESSMENT TO THE
15 RECEIVING STATE.

16 B. FOR PLACEMENTS BY A PRIVATE CHILD PLACING AGENCY, A
17 CHILD MAY BE SENT OR BROUGHT, OR CAUSED TO BE SENT OR BROUGHT,
18 INTO A RECEIVING STATE, UPON RECEIPT AND IMMEDIATE REVIEW OF THE
19 REQUIRED CONTENT IN A REQUEST FOR APPROVAL OF A PLACEMENT IN
20 BOTH THE SENDING AND RECEIVING STATE PUBLIC CHILD PLACING
21 AGENCY. THE REQUIRED CONTENT TO ACCOMPANY A REQUEST FOR
22 APPROVAL SHALL INCLUDE ALL OF THE FOLLOWING:

23 1. A REQUEST FOR APPROVAL IDENTIFYING THE CHILD, BIRTH
24 PARENT(S), THE PROSPECTIVE ADOPTIVE PARENT(S), AND THE SUPERVISING
25 AGENCY, SIGNED BY THE PERSON REQUESTING APPROVAL; AND

26 2. THE APPROPRIATE CONSENTS OR RELINQUISHMENTS SIGNED BY
27 THE BIRTH-PARENT(S) IN ACCORDANCE WITH THE LAWS OF THE SENDING

1 STATE, OR WHERE PERMITTED, THE LAWS OF THE STATE WHERE THE
2 ADOPTION WILL BE FINALIZED; AND

3 3. CERTIFICATION BY A LICENSED ATTORNEY OR AUTHORIZED
4 AGENT OF A PRIVATE ADOPTION AGENCY THAT THE CONSENT OR
5 RELINQUISHMENT IS IN COMPLIANCE WITH THE APPLICABLE LAWS OF THE
6 SENDING STATE, OR, WHERE PERMITTED, THE LAWS OF THE STATE WHERE
7 FINALIZATION OF THE ADOPTION WILL OCCUR; AND

8 4. A HOME STUDY; AND

9 5. AN ACKNOWLEDGMENT OF LEGAL RISK SIGNED BY THE
10 PROSPECTIVE ADOPTIVE PARENT(S).

11 C. THE SENDING STATE AND THE RECEIVING STATE MAY REQUEST
12 ADDITIONAL INFORMATION OR DOCUMENTS PRIOR TO FINALIZATION OF AN
13 APPROVED PLACEMENT, BUT THEY MAY NOT DELAY TRAVEL BY THE
14 PROSPECTIVE ADOPTIVE PARENT(S) WITH THE CHILD IF THE REQUIRED
15 CONTENT FOR APPROVAL HAS BEEN SUBMITTED, RECEIVED, AND REVIEWED
16 BY THE PUBLIC CHILD PLACING AGENCY IN BOTH THE SENDING STATE AND
17 THE RECEIVING STATE.

18 D. APPROVAL FROM THE PUBLIC CHILD PLACING AGENCY IN THE
19 RECEIVING STATE FOR PROVISIONAL OR APPROVED PLACEMENT IS
20 REQUIRED AS PROVIDED FOR IN THE RULES OF THE INTERSTATE
21 COMMISSION.

22 E. THE PROCEDURES FOR MAKING AND THE REQUEST FOR AN
23 ASSESSMENT SHALL CONTAIN ALL INFORMATION AND BE IN SUCH FORM AS
24 PROVIDED FOR IN THE RULES OF THE INTERSTATE COMMISSION.

25 F. UPON RECEIPT OF A REQUEST FROM THE PUBLIC CHILD PLACING
26 AGENCY OF THE SENDING STATE, THE RECEIVING STATE SHALL INITIATE AN
27 ASSESSMENT OF THE PROPOSED PLACEMENT TO DETERMINE ITS SAFETY

1 AND SUITABILITY. IF THE PROPOSED PLACEMENT IS A PLACEMENT WITH A
2 RELATIVE, THE PUBLIC CHILD PLACING AGENCY OF THE SENDING STATE
3 MAY REQUEST A DETERMINATION FOR A PROVISIONAL PLACEMENT.

4 G. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
5 MAY REQUEST FROM THE PUBLIC CHILD PLACING AGENCY OR THE PRIVATE
6 CHILD PLACING AGENCY IN THE SENDING STATE, AND SHALL BE ENTITLED
7 TO RECEIVE, SUPPORTING OR ADDITIONAL INFORMATION NECESSARY TO
8 COMPLETE THE ASSESSMENT OR APPROVE PLACEMENT.

9 H. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
10 SHALL APPROVE A PROVISIONAL PLACEMENT AND COMPLETE OR ARRANGE
11 FOR THE COMPLETION OF THE ASSESSMENT WITHIN THE TIME FRAMES
12 ESTABLISHED BY THE RULES OF THE INTERSTATE COMMISSION.

13 I. FOR A PLACEMENT BY A PRIVATE CHILD PLACING AGENCY, THE
14 SENDING STATE SHALL NOT IMPOSE ANY ADDITIONAL REQUIREMENTS TO
15 COMPLETE THE HOME STUDY THAT ARE NOT REQUIRED BY THE RECEIVING
16 STATE, UNLESS THE ADOPTION IS FINALIZED IN THE SENDING STATE.

17 J. THE INTERSTATE COMMISSION MAY DEVELOP UNIFORM
18 STANDARDS FOR THE ASSESSMENT OF THE SAFETY AND SUITABILITY OF
19 INTERSTATE PLACEMENTS.

20 **ARTICLE VI.**

21 **PLACEMENT AUTHORITY**

22 A. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, NO CHILD
23 SUBJECT TO THIS COMPACT SHALL BE PLACED INTO A RECEIVING STATE
24 UNTIL APPROVAL FOR SUCH PLACEMENT IS OBTAINED.

25 B. IF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
26 DOES NOT APPROVE THE PROPOSED PLACEMENT, THEN THE CHILD SHALL
27 NOT BE PLACED. THE RECEIVING STATE SHALL PROVIDE WRITTEN

1 DOCUMENTATION OF ANY SUCH DETERMINATION IN ACCORDANCE WITH
2 THE RULES PROMULGATED BY THE INTERSTATE COMMISSION. SUCH
3 DETERMINATION IS NOT SUBJECT TO JUDICIAL REVIEW IN THE SENDING
4 STATE.

5 C. IF THE PROPOSED PLACEMENT IS NOT APPROVED, ANY
6 INTERESTED PARTY SHALL HAVE STANDING TO SEEK AN ADMINISTRATIVE
7 REVIEW OF THE RECEIVING STATE'S DETERMINATION.

8 1. THE ADMINISTRATIVE REVIEW AND ANY FURTHER JUDICIAL
9 REVIEW ASSOCIATED WITH THE DETERMINATION SHALL BE CONDUCTED IN
10 THE RECEIVING STATE PURSUANT TO ITS APPLICABLE ADMINISTRATIVE
11 PROCEDURES ACT.

12 2. IF A DETERMINATION NOT TO APPROVE THE PLACEMENT OF THE
13 CHILD IN THE RECEIVING STATE IS OVERTURNED UPON REVIEW, THE
14 PLACEMENT SHALL BE DEEMED APPROVED, PROVIDED, HOWEVER, THAT
15 ALL ADMINISTRATIVE OR JUDICIAL REMEDIES HAVE BEEN EXHAUSTED OR
16 THE TIME FOR SUCH REMEDIES HAS PASSED.

17 **ARTICLE VII.**

18 **PLACING AGENCY RESPONSIBILITY**

19 A. FOR THE INTERSTATE PLACEMENT OF A CHILD MADE BY A
20 PUBLIC CHILD PLACING AGENCY OR STATE COURT:

21 1. THE PUBLIC CHILD PLACING AGENCY IN THE SENDING STATE
22 SHALL HAVE FINANCIAL RESPONSIBILITY FOR:

23 a. THE ONGOING SUPPORT AND MAINTENANCE FOR THE CHILD
24 DURING THE PERIOD OF THE PLACEMENT, UNLESS OTHERWISE PROVIDED
25 FOR IN THE RECEIVING STATE; AND

26 b. AS DETERMINED BY THE PUBLIC CHILD PLACING AGENCY IN THE
27 SENDING STATE, SERVICES FOR THE CHILD BEYOND THE PUBLIC SERVICES

1 FOR WHICH THE CHILD IS ELIGIBLE IN THE RECEIVING STATE.

2 2. THE RECEIVING STATE SHALL ONLY HAVE FINANCIAL
3 RESPONSIBILITY FOR:

4 a. ANY ASSESSMENT CONDUCTED BY THE RECEIVING STATE; AND

5 b. SUPERVISION CONDUCTED BY THE RECEIVING STATE AT THE
6 LEVEL NECESSARY TO SUPPORT THE PLACEMENT AS AGREED UPON BY THE
7 PUBLIC CHILD PLACING AGENCIES OF THE RECEIVING AND SENDING STATES.

8 3. NOTHING IN THIS PROVISION SHALL PROHIBIT PUBLIC CHILD
9 PLACING AGENCIES IN THE SENDING STATE FROM ENTERING INTO
10 AGREEMENTS WITH LICENSED AGENCIES OR PERSONS IN THE RECEIVING
11 STATE TO CONDUCT ASSESSMENTS AND PROVIDE SUPERVISION.

12 B. FOR THE PLACEMENT OF A CHILD BY A PRIVATE CHILD PLACING
13 AGENCY PRELIMINARY TO A POSSIBLE ADOPTION, THE PRIVATE CHILD
14 PLACING AGENCY SHALL BE:

15 1. LEGALLY RESPONSIBLE FOR THE CHILD DURING THE PERIOD OF
16 PLACEMENT AS PROVIDED FOR IN THE LAW OF THE SENDING STATE UNTIL
17 THE FINALIZATION OF THE ADOPTION.

18 2. FINANCIALLY RESPONSIBLE FOR THE CHILD ABSENT A
19 CONTRACTUAL AGREEMENT TO THE CONTRARY.

20 C. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
21 SHALL PROVIDE TIMELY ASSESSMENTS, AS PROVIDED FOR IN THE RULES OF
22 THE INTERSTATE COMMISSION.

23 D. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
24 SHALL PROVIDE, OR ARRANGE FOR THE PROVISION OF, SUPERVISION AND
25 SERVICES FOR THE CHILD, INCLUDING TIMELY REPORTS, DURING THE
26 PERIOD OF THE PLACEMENT.

27 E. NOTHING IN THIS COMPACT SHALL BE CONSTRUED AS TO LIMIT

1 THE AUTHORITY OF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING
2 STATE FROM CONTRACTING WITH A LICENSED AGENCY OR PERSON IN THE
3 RECEIVING STATE FOR AN ASSESSMENT OR THE PROVISION OF SUPERVISION
4 OR SERVICES FOR THE CHILD OR OTHERWISE AUTHORIZING THE PROVISION
5 OF SUPERVISION OR SERVICES BY A LICENSED AGENCY DURING THE PERIOD
6 OF PLACEMENT.

7 F. EACH MEMBER STATE SHALL PROVIDE FOR COORDINATION
8 AMONG ITS BRANCHES OF GOVERNMENT CONCERNING THE STATE'S
9 PARTICIPATION IN, AND COMPLIANCE WITH, THE COMPACT AND
10 INTERSTATE COMMISSION ACTIVITIES, THROUGH THE CREATION OF AN
11 ADVISORY COUNCIL OR USE OF AN EXISTING BODY OR BOARD.

12 G. EACH MEMBER STATE SHALL ESTABLISH A CENTRAL STATE
13 COMPACT OFFICE, WHICH SHALL BE RESPONSIBLE FOR STATE COMPLIANCE
14 WITH THE COMPACT AND THE RULES OF THE INTERSTATE COMMISSION.

15 H. THE PUBLIC CHILD PLACING AGENCY IN THE SENDING STATE
16 SHALL OVERSEE COMPLIANCE WITH THE PROVISIONS OF THE INDIAN CHILD
17 WELFARE ACT (25 U.S.C. 1901 ET SEQ.) FOR PLACEMENTS SUBJECT TO
18 THE PROVISIONS OF THIS COMPACT, PRIOR TO PLACEMENT.

19 I. WITH THE CONSENT OF THE INTERSTATE COMMISSION, STATES
20 MAY ENTER INTO LIMITED AGREEMENTS THAT FACILITATE THE TIMELY
21 ASSESSMENT AND PROVISION OF SERVICES AND SUPERVISION OF
22 PLACEMENTS UNDER THIS COMPACT.

23 **ARTICLE VIII.**

24 **INTERSTATE COMMISSION FOR THE PLACEMENT**
25 **OF CHILDREN**

26 THE MEMBER STATES HEREBY ESTABLISH, BY WAY OF THIS COMPACT, A
27 COMMISSION KNOWN AS THE "INTERSTATE COMMISSION FOR THE

1 PLACEMENT OF CHILDREN". THE ACTIVITIES OF THE INTERSTATE
2 COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
3 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

4 A. BE A JOINT COMMISSION OF THE MEMBER STATES AND SHALL
5 HAVE THE RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH HEREIN,
6 AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY
7 SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF
8 THE MEMBER STATES.

9 B. CONSIST OF ONE COMMISSIONER FROM EACH MEMBER STATE
10 WHO SHALL BE APPOINTED BY THE EXECUTIVE HEAD OF THE STATE HUMAN
11 SERVICES ADMINISTRATION WITH ULTIMATE RESPONSIBILITY FOR THE
12 CHILD WELFARE PROGRAM. THE APPOINTED COMMISSIONER SHALL HAVE
13 THE LEGAL AUTHORITY TO VOTE ON POLICY-RELATED MATTERS GOVERNED
14 BY THIS COMPACT BINDING THE STATE.

15 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE
16 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.

17 2. A MAJORITY OF THE MEMBER STATES SHALL CONSTITUTE A
18 QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM
19 IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION.

20 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER
21 MEMBER STATE.

22 4. A REPRESENTATIVE MAY DELEGATE VOTING AUTHORITY TO
23 ANOTHER PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.

24 C. IN ADDITION TO THE COMMISSIONERS OF EACH MEMBER STATE,
25 THE INTERSTATE COMMISSION SHALL INCLUDE PERSONS WHO ARE
26 MEMBERS OF INTERESTED ORGANIZATIONS AS DEFINED IN THE BYLAWS OR
27 RULES OF THE INTERSTATE COMMISSION. SUCH MEMBERS SHALL BE EX

1 OFFICIO AND SHALL NOT BE ENTITLED TO VOTE ON ANY MATTER BEFORE
2 THE INTERSTATE COMMISSION.

3 D. ESTABLISH AN EXECUTIVE COMMITTEE WHICH SHALL HAVE THE
4 AUTHORITY TO ADMINISTER THE DAY-TO-DAY OPERATIONS AND
5 ADMINISTRATION OF THE INTERSTATE COMMISSION. IT SHALL NOT HAVE
6 THE POWER TO ENGAGE IN RULEMAKING.

7 **ARTICLE IX.**
8 **POWERS AND DUTIES OF THE**
9 **INTERSTATE COMMISSION**

10 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

11 A. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO
12 EFFECT THE GOALS, PURPOSES, AND OBLIGATIONS AS ENUMERATED IN THIS
13 COMPACT.

14 B. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES.

15 C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY
16 OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE
17 INTERSTATE COMPACT, ITS BYLAWS, RULES, OR ACTIONS.

18 D. TO ENFORCE COMPLIANCE WITH THIS COMPACT OR THE BYLAWS
19 OR RULES OF THE INTERSTATE COMMISSION PURSUANT TO ARTICLE XII.

20 E. TO COLLECT STANDARDIZED DATA CONCERNING THE
21 INTERSTATE PLACEMENT OF CHILDREN SUBJECT TO THIS COMPACT AS
22 DIRECTED THROUGH ITS RULES, WHICH SHALL SPECIFY THE DATA TO BE
23 COLLECTED, THE MEANS OF COLLECTION, AND DATA EXCHANGE AND
24 REPORTING REQUIREMENTS.

25 F. TO ESTABLISH AND MAINTAIN OFFICES AS MAY BE NECESSARY
26 FOR THE TRANSACTING OF ITS BUSINESS.

27 G. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

1 H. TO HIRE OR CONTRACT FOR SERVICES OF PERSONNEL OR
2 CONSULTANTS AS NECESSARY TO CARRY OUT ITS FUNCTIONS UNDER THE
3 COMPACT AND ESTABLISH PERSONNEL QUALIFICATION POLICIES AND
4 RATES OF COMPENSATION.

5 I. TO ESTABLISH AND APPOINT COMMITTEES AND OFFICERS
6 INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED
7 BY ARTICLE X.

8 J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,
9 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE,
10 UTILIZE, AND DISPOSE THEREOF.

11 K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS
12 OF, OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,
13 PERSONAL, OR MIXED.

14 L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
15 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,
16 OR MIXED.

17 M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

18 N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT
19 AND OPERATION OF THE INTERSTATE COMMISSION.

20 O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, THE
21 JUDICIARY, AND STATE ADVISORY COUNCILS OF THE MEMBER STATES
22 CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING
23 THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE ANY
24 RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
25 COMMISSION.

26 P. TO COORDINATE AND PROVIDE EDUCATION, TRAINING, AND
27 PUBLIC AWARENESS REGARDING THE INTERSTATE MOVEMENT OF

1 CHILDREN FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.

2 Q. TO MAINTAIN BOOKS AND RECORDS IN ACCORDANCE WITH THE
3 BYLAWS OF THE INTERSTATE COMMISSION.

4 R. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
5 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT.

6 **ARTICLE X.**
7 **ORGANIZATION AND OPERATION OF THE**
8 **INTERSTATE COMMISSION**

9 A. BYLAWS

10 1. WITHIN 12 MONTHS AFTER THE FIRST INTERSTATE COMMISSION
11 MEETING, THE INTERSTATE COMMISSION SHALL ADOPT BYLAWS TO
12 GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY
13 OUT THE PURPOSES OF THE COMPACT.

14 2. THE INTERSTATE COMMISSION'S BYLAWS AND RULES SHALL
15 ESTABLISH CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE
16 COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS
17 AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE
18 COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL
19 RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL
20 PRIVACY RIGHTS OR PROPRIETARY INTERESTS.

21 B. MEETINGS

22 1. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE
23 EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL
24 MEETINGS AND UPON THE REQUEST OF A SIMPLE MAJORITY OF THE
25 MEMBER STATES SHALL CALL ADDITIONAL MEETINGS.

26 2. PUBLIC NOTICE SHALL BE GIVEN BY THE INTERSTATE
27 COMMISSION OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE

1 PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS OTHERWISE PROVIDED
2 IN THE COMPACT. THE INTERSTATE COMMISSION AND ITS COMMITTEES
3 MAY CLOSE A MEETING, OR PORTION THEREOF, WHERE IT DETERMINES BY
4 TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY TO:

5 a. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL
6 PERSONNEL PRACTICES AND PROCEDURES; OR

7 b. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE
8 BY FEDERAL LAW; OR

9 c. DISCLOSE FINANCIAL OR COMMERCIAL INFORMATION WHICH IS
10 PRIVILEGED, PROPRIETARY, OR CONFIDENTIAL IN NATURE; OR

11 d. INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY
12 CENSURING A PERSON; OR

13 e. DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE
14 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
15 PERSONAL PRIVACY OR PHYSICALLY ENDANGER ONE OR MORE PERSONS;
16 OR

17 f. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW
18 ENFORCEMENT PURPOSES; OR

19 g. SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S
20 PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

21 3. FOR A MEETING, OR A PORTION OF A MEETING, CLOSED
22 PURSUANT TO THIS PROVISION, THE INTERSTATE COMMISSION'S LEGAL
23 COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE
24 CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTION PROVISION.
25 THE INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH SHALL FULLY
26 AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND
27 SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN,

1 AND THE REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
2 EXPRESSED AND A RECORD OF A ROLL CALL VOTE. ALL DOCUMENTS
3 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN
4 SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING
5 SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE
6 OF THE INTERSTATE COMMISSION OR BY COURT ORDER.

7 4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
8 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR OTHER
9 ELECTRONIC COMMUNICATION.

10 C. OFFICERS AND STAFF

11 1. THE INTERSTATE COMMISSION MAY, THROUGH ITS EXECUTIVE
12 COMMITTEE, APPOINT OR RETAIN A STAFF DIRECTOR FOR SUCH PERIOD,
13 UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION AS
14 THE INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE STAFF
15 DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION,
16 BUT SHALL NOT HAVE A VOTE. THE STAFF DIRECTOR MAY HIRE AND
17 SUPERVISE SUCH OTHER STAFF AS MAY BE AUTHORIZED BY THE
18 INTERSTATE COMMISSION.

19 2. THE INTERSTATE COMMISSION SHALL ELECT, FROM AMONG ITS
20 MEMBERS, A CHAIRPERSON AND A VICE CHAIRPERSON OF THE EXECUTIVE
21 COMMITTEE AND OTHER NECESSARY OFFICERS, EACH OF WHOM SHALL
22 HAVE SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS.

23 D. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

24 1. THE INTERSTATE COMMISSION'S STAFF DIRECTOR AND ITS
25 EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER
26 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE
27 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY

1 CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT,
2 ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
3 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
4 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
5 PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
6 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY A
7 CRIMINAL ACT OR THE INTENTIONAL OR WILLFUL AND WANTON
8 MISCONDUCT OF SUCH PERSON.

9 a. THE LIABILITY OF THE INTERSTATE COMMISSION'S STAFF
10 DIRECTOR AND EMPLOYEES OR INTERSTATE COMMISSION
11 REPRESENTATIVES, ACTING WITHIN THE SCOPE OF SUCH PERSON'S
12 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING
13 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY
14 SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
15 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE
16 COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES
17 FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION
18 SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY
19 FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY A CRIMINAL ACT OR
20 THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
21 PERSON.

22 b. THE INTERSTATE COMMISSION SHALL DEFEND THE STAFF
23 DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE
24 ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE
25 MEMBER STATE, SHALL DEFEND THE COMMISSIONER OF A MEMBER STATE
26 IN A CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF AN
27 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN

1 THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
2 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS
3 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE
4 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED
5 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT
6 FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART
7 OF SUCH PERSON.

8 c. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
9 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES
10 OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD
11 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGEMENT, INCLUDING
12 ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING
13 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
14 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
15 DUTIES, OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A
16 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
17 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
18 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID
19 NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT
20 ON THE PART OF SUCH PERSON.

21 **ARTICLE XI.**

22 **RULEMAKING FUNCTIONS OF THE**
23 **INTERSTATE COMMISSION**

24 A. THE INTERSTATE COMMISSION SHALL PROMULGATE AND
25 PUBLISH RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE
26 PURPOSES OF THE COMPACT.

27 B. RULEMAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET

1 FORTH IN THIS ARTICLE AND THE BYLAWS AND RULES ADOPTED PURSUANT
2 THERETO. SUCH RULEMAKING SHALL SUBSTANTIALLY CONFORM TO THE
3 PRINCIPLES OF THE "MODEL STATE ADMINISTRATIVE PROCEDURES ACT",
4 1981 ACT, UNIFORM LAWS ANNOTATED, VOL. 15, P. 1 (2000), OR SUCH
5 OTHER ADMINISTRATIVE PROCEDURE ACTS AS THE INTERSTATE
6 COMMISSION DEEMS APPROPRIATE CONSISTENT WITH DUE PROCESS
7 REQUIREMENTS UNDER THE UNITED STATES CONSTITUTION AS NOW OR
8 HEREAFTER INTERPRETED BY THE U.S. SUPREME COURT. ALL RULES AND
9 AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED, AS
10 PUBLISHED WITH THE FINAL VERSION OF THE RULE AS APPROVED BY THE
11 INTERSTATE COMMISSION.

12 C. WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION
13 SHALL, AT A MINIMUM:

14 1. PUBLISH THE PROPOSED RULE'S ENTIRE TEXT STATING THE
15 REASON(S) FOR THAT PROPOSED RULE; AND

16 2. ALLOW AND INVITE ANY AND ALL PERSONS TO SUBMIT WRITTEN
17 DATA, FACTS, OPINIONS, AND ARGUMENTS, WHICH INFORMATION SHALL BE
18 ADDED TO THE RECORD, AND BE MADE PUBLICLY AVAILABLE; AND

19 3. PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF
20 APPROPRIATE, BASED ON INPUT FROM STATE OR LOCAL OFFICIALS OR
21 INTERESTED PARTIES.

22 D. RULES PROMULGATED BY THE INTERSTATE COMMISSION SHALL
23 HAVE THE FORCE AND EFFECT OF ADMINISTRATIVE RULES AND SHALL BE
24 BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE MANNER
25 PROVIDED FOR IN THIS COMPACT.

26 E. NOT LATER THAN 60 DAYS AFTER A RULE IS PROMULGATED, AN
27 INTERESTED PERSON MAY FILE A PETITION IN THE U.S. DISTRICT COURT

1 FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT
2 WHERE THE INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR
3 JUDICIAL REVIEW OF SUCH RULE. IF THE COURT FINDS THAT THE
4 INTERSTATE COMMISSION'S ACTION IS NOT SUPPORTED BY SUBSTANTIAL
5 EVIDENCE IN THE RULEMAKING RECORD, THE COURT SHALL HOLD THE
6 RULE UNLAWFUL AND SET IT ASIDE.

7 F. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
8 REJECTS A RULE, THOSE STATES MAY, BY ENACTMENT OF A STATUTE OR
9 RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, CAUSE
10 THAT SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY
11 MEMBER STATE.

12 G. THE EXISTING RULES GOVERNING THE OPERATION OF THE
13 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN SUPERSEDED BY
14 THIS ACT SHALL BE NULL AND VOID NO LESS THAN 12, BUT NO MORE THAN
15 24, MONTHS AFTER THE FIRST MEETING OF THE INTERSTATE COMMISSION
16 CREATED HEREUNDER, AS DETERMINED BY THE MEMBERS DURING THE
17 FIRST MEETING.

18 H. WITHIN THE FIRST 12 MONTHS OF OPERATION, THE INTERSTATE
19 COMMISSION SHALL PROMULGATE RULES ADDRESSING THE FOLLOWING:

- 20 1. TRANSITION RULES.
- 21 2. FORMS AND PROCEDURES.
- 22 3. TIME LINES.
- 23 4. DATA COLLECTION AND REPORTING.
- 24 5. RULEMAKING.
- 25 6. VISITATION.
- 26 7. PROGRESS REPORTS/SUPERVISION.
- 27 8. SHARING OF INFORMATION/CONFIDENTIALITY.

- 1 9. FINANCING OF THE INTERSTATE COMMISSION.
- 2 10. MEDIATION, ARBITRATION, AND DISPUTE RESOLUTION.
- 3 11. EDUCATION, TRAINING, AND TECHNICAL ASSISTANCE.
- 4 12. ENFORCEMENT.
- 5 13. COORDINATION WITH OTHER INTERSTATE COMPACTS.
- 6 I. UPON DETERMINATION BY A MAJORITY OF THE MEMBERS OF THE
- 7 INTERSTATE COMMISSION THAT AN EMERGENCY EXISTS:
 - 8 1. THE INTERSTATE COMMISSION MAY PROMULGATE AN
 - 9 EMERGENCY RULE ONLY IF IT IS REQUIRED TO:
 - 10 a. PROTECT THE CHILDREN COVERED BY THIS COMPACT FROM AN
 - 11 IMMINENT THREAT TO THEIR HEALTH, SAFETY, AND WELL-BEING; OR
 - 12 b. PREVENT LOSS OF FEDERAL OR STATE FUNDS; OR
 - 13 c. MEET A DEADLINE FOR THE PROMULGATION OF AN
 - 14 ADMINISTRATIVE RULE REQUIRED BY FEDERAL LAW.
 - 15 2. AN EMERGENCY RULE SHALL BECOME EFFECTIVE IMMEDIATELY
 - 16 UPON ADOPTION, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
 - 17 PROVIDED HEREUNDER SHALL BE RETROACTIVELY APPLIED TO SAID RULE
 - 18 AS SOON AS REASONABLY POSSIBLE, BUT NO LATER THAN 90 DAYS AFTER
 - 19 THE EFFECTIVE DATE OF THE EMERGENCY RULE.
 - 20 3. AN EMERGENCY RULE SHALL BE PROMULGATED AS PROVIDED
 - 21 FOR IN THE RULES OF THE INTERSTATE COMMISSION.

22 **ARTICLE XII.**

23 **OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT**

- 24 A. OVERSIGHT
 - 25 1. THE INTERSTATE COMMISSION SHALL OVERSEE THE
 - 26 ADMINISTRATION AND OPERATION OF THE COMPACT.
 - 27 2. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF

1 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
2 COMPACT AND THE RULES OF THE INTERSTATE COMMISSION AND SHALL
3 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
4 COMPACT'S PURPOSES AND INTENT. THE COMPACT AND ITS RULES SHALL
5 BE BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE
6 MANNER PROVIDED FOR IN THIS COMPACT.

7 3. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
8 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
9 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT.

10 4. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE
11 SERVICE OF PROCESS IN ANY ACTION IN WHICH THE VALIDITY OF A
12 COMPACT PROVISION OR RULE IS THE ISSUE FOR WHICH A JUDICIAL
13 DETERMINATION HAS BEEN SOUGHT AND SHALL HAVE STANDING TO
14 INTERVENE IN ANY PROCEEDINGS. FAILURE TO PROVIDE SERVICE OF
15 PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER ANY
16 JUDGMENT, ORDER, OR OTHER DETERMINATION, HOWEVER SO CAPTIONED
17 OR CLASSIFIED, VOID AS TO THE INTERSTATE COMMISSION, THIS COMPACT,
18 ITS BYLAWS, OR RULES OF THE INTERSTATE COMMISSION.

19 B. DISPUTE RESOLUTION

20 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
21 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT
22 TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES AND
23 BETWEEN MEMBER AND NON-MEMBER STATES.

24 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE
25 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR
26 DISPUTES AMONG COMPACTING STATES. THE COSTS OF SUCH MEDIATION
27 OR DISPUTE RESOLUTION SHALL BE THE RESPONSIBILITY OF THE PARTIES

1 TO THE DISPUTE.

2 C. ENFORCEMENT

3 1. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER
4 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
5 RESPONSIBILITIES UNDER THIS COMPACT, ITS BYLAWS, OR RULES, THE
6 INTERSTATE COMMISSION MAY:

7 a. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
8 ASSISTANCE; OR

9 b. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
10 OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT AND THE MEANS
11 OF CURING THE DEFAULT. THE INTERSTATE COMMISSION SHALL SPECIFY
12 THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS
13 DEFAULT; OR

14 c. BY MAJORITY VOTE OF THE MEMBERS, INITIATE AGAINST A
15 DEFAULTING MEMBER STATE LEGAL ACTION IN THE UNITED STATES
16 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION
17 OF THE INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE
18 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICE, TO ENFORCE
19 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS, OR
20 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND
21 DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
22 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION
23 INCLUDING REASONABLE ATTORNEY'S FEES; OR

24 d. AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER
25 STATE LAW OR THE REGULATION OF OFFICIAL OR PROFESSIONAL CONDUCT.

26 **ARTICLE XIII.**

27 **FINANCING OF THE COMMISSION**

1 A. THE INTERSTATE COMMISSION SHALL PAY, OR PROVIDE FOR THE
2 PAYMENT OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT,
3 ORGANIZATION, AND ONGOING ACTIVITIES.

4 B. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN
5 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF
6 THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND
7 ITS STAFF WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE
8 INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED BY ITS
9 MEMBERS EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
10 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE
11 INTERSTATE COMMISSION WHICH SHALL PROMULGATE A RULE BINDING
12 UPON ALL MEMBER STATES.

13 C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS
14 OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE
15 SAME; NOR SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF
16 ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF
17 THE MEMBER STATE.

18 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE
19 ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
20 DISBURSEMENTS OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO
21 THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
22 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS
23 HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY
24 BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF
25 THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL
26 REPORT OF THE INTERSTATE COMMISSION.

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ARTICLE XIV.

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MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE.

B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN 35 STATES. THE EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2007, OR UPON ENACTMENT OF THE COMPACT INTO LAW BY THE 35TH STATE. THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE EXECUTIVE HEADS OF STATE HUMAN SERVICES ADMINISTRATION WITH ULTIMATE RESPONSIBILITY FOR THE CHILD WELFARE PROGRAM OF NON-MEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NON-VOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND BINDING ON THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

ARTICLE XV.

WITHDRAWAL AND DISSOLUTION

A. WITHDRAWAL

1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.

2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE

1 ENACTMENT OF A STATUTE REPEALING THE SAME. THE EFFECTIVE DATE OF
2 THE WITHDRAWAL SHALL BE THE EFFECTIVE DATE OF THE REPEAL OF THE
3 STATUTE.

4 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
5 PRESIDENT OF THE INTERSTATE COMMISSION IN WRITING UPON THE
6 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
7 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL THEN NOTIFY
8 THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO
9 WITHDRAW.

10 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL
11 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
12 EFFECTIVE DATE OF WITHDRAWAL.

13 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE
14 SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT
15 OR UPON SUCH LATER DATE AS DETERMINED BY THE MEMBERS OF THE
16 INTERSTATE COMMISSION.

17 **B. DISSOLUTION OF COMPACT**

18 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF
19 THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES
20 THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.

21 2. UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT
22 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR
23 EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION
24 SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN
25 ACCORDANCE WITH THE BYLAWS.

26 **ARTICLE XVI.**

27 **SEVERABILITY AND CONSTRUCTION**

1 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND
2 IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED
3 UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE
4 ENFORCEABLE.

5 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY
6 CONSTRUED TO EFFECTUATE ITS PURPOSES.

7 C. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT
8 THE CONCURRENT APPLICABILITY OF OTHER INTERSTATE COMPACTS TO
9 WHICH THE STATES ARE MEMBERS.

10 **ARTICLE XVII.**

11 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

12 A. OTHER LAWS

13 1. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
14 LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

15 B. BINDING EFFECT OF THE COMPACT

16 1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,
17 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE
18 COMMISSION, ARE BINDING UPON THE MEMBER STATES.

19 2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND
20 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

21 3. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE
22 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
23 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
24 CONFLICT WITH THE CONSTITUTIONAL PROVISIONS IN QUESTION IN THAT
25 MEMBER STATE.

26 **ARTICLE XVIII.**

27 **INDIAN TRIBES**

1 NOTWITHSTANDING ANY OTHER PROVISION IN THIS COMPACT, THE
2 INTERSTATE COMMISSION MAY PROMULGATE GUIDELINES TO PERMIT
3 INDIAN TRIBES TO UTILIZE THE COMPACT TO ACHIEVE ANY OR ALL OF THE
4 PURPOSES OF THE COMPACT AS SPECIFIED IN ARTICLE 1. THE INTERSTATE
5 COMMISSION SHALL MAKE REASONABLE EFFORTS TO CONSULT WITH
6 INDIAN TRIBES IN PROMULGATING GUIDELINES TO REFLECT THE DIVERSE
7 CIRCUMSTANCES OF THE VARIOUS INDIAN TRIBES.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.