

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0835.01 Jane Ritter x4342

SENATE BILL 24-125

SENATE SPONSORSHIP

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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.*

HOUSE
Amended 2nd Reading
April 20, 2024

SENATE
3rd Reading Unamended
March 13, 2024

SENATE
Amended 2nd Reading
March 12, 2024

- 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.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 finds and declares that:

4 (a) Child abuse and neglect is a crisis that affects the safety and
 5 welfare of vulnerable children on a global, national, state, and county
 6 level;

7 (b) Finding the appropriate temporary or permanent placement for
 8 vulnerable children is key to helping families successfully navigate the
 9 child welfare system;

10 (c) Although local placements are sought to mitigate disruption
 11 for these vulnerable children, there are times when a placement in another
 12 state is the best and most stable option;

13 (d) The interstate compact for the placement of children was
 14 created to allow assessment of placements in other states and to ensure

1 services would be provided after placement;

2 (e) However, the existing interstate compact for the placement of
3 children, established in 1960 and adopted by Colorado in 1975, is now
4 applied inconsistently among the member states, creating delays and
5 inconsistencies in placements;

6 (f) The revised interstate compact for the placement of children
7 will remove barriers and allow for the timely placement of children in
8 safe and appropriate homes. Additionally, member states will have the
9 opportunity to participate in a rule-making process that will provide
10 consistency in the implementation and application of the regulations.

11 (g) The revised interstate compact for the placement of children
12 also provides additional clarifying language acknowledging that if a
13 portion of the statutory language is found unconstitutional by a member
14 state's highest court, that portion is severable from the compact for that
15 state; and

16 (h) The first thirty-five states to pass the revised interstate
17 compact will be included in the drafting process for the regulations.

18 (2) Therefore, the general assembly determines that:

19 (a) By adopting the revised language for the interstate compact for
20 the placement of children, Colorado is ensured a voice at the table and
21 can be a leader in bringing other states on board and drafting the new
22 regulations that consider and reflect all Colorado stakeholder viewpoints;
23 and

24 (b) Colorado representation at the interstate commission will
25 ensure child, family, and parent voices are represented.

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

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PART 18
INTERSTATE COMPACT ON PLACEMENT
OF CHILDREN

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

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

ARTICLE I.
PURPOSE

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

- A. PROVIDE A PROCESS THROUGH WHICH CHILDREN SUBJECT TO
THIS COMPACT ARE PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY
MANNER.
- B. FACILITATE ONGOING SUPERVISION OF A PLACEMENT, THE
DELIVERY OF SERVICES, AND COMMUNICATION BETWEEN THE STATES.
- C. PROVIDE OPERATING PROCEDURES THAT WILL ENSURE THAT
CHILDREN ARE PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY
MANNER.
- D. PROVIDE FOR THE PROMULGATION AND ENFORCEMENT OF
ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT
AND REGULATING THE COVERED ACTIVITIES OF THE MEMBER STATES.
- E. PROVIDE FOR THE UNIFORM DATA COLLECTION AND
INFORMATION SHARING BETWEEN MEMBER STATES UNDER THIS COMPACT.
- F. PROMOTE COORDINATION BETWEEN THIS COMPACT, THE

1 INTERSTATE COMPACT FOR JUVENILES, THE INTERSTATE COMPACT ON
2 ADOPTION AND MEDICAL ASSISTANCE, AND OTHER COMPACTS AFFECTING
3 THE PLACEMENT OF AND WHICH PROVIDE SERVICES TO CHILDREN
4 OTHERWISE SUBJECT TO THIS COMPACT.

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

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

11 **ARTICLE II.**

12 **DEFINITIONS**

13 AS USED IN THIS COMPACT:

14 A. "APPROVED PLACEMENT" MEANS THE PUBLIC CHILD PLACING
15 AGENCY IN THE RECEIVING STATE HAS DETERMINED THAT THE PLACEMENT
16 IS BOTH SAFE AND SUITABLE FOR THE CHILD.

17 B. "ASSESSMENT" MEANS AN EVALUATION OF A PROSPECTIVE
18 PLACEMENT BY A PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
19 TO DETERMINE IF THE PLACEMENT MEETS THE INDIVIDUALIZED NEEDS OF
20 THE CHILD, INCLUDING, BUT NOT LIMITED TO, THE CHILD'S SAFETY AND
21 STABILITY, HEALTH AND WELL-BEING, AND MENTAL, EMOTIONAL, AND
22 PHYSICAL DEVELOPMENT. AN ASSESSMENT IS ONLY APPLICABLE TO A
23 PLACEMENT BY A PUBLIC CHILD PLACING AGENCY.

24 C. "CERTIFICATION" MEANS TO ATTEST, DECLARE, OR SWEAR TO
25 BEFORE A JUDGE, MAGISTRATE, OR NOTARY PUBLIC.

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

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

4 F. "HOME STUDY" MEANS AN EVALUATION OF A HOME
5 ENVIRONMENT CONDUCTED IN ACCORDANCE WITH THE APPLICABLE
6 REQUIREMENTS OF THE STATE IN WHICH THE HOME IS LOCATED, AND
7 DOCUMENTS THE PREPARATION AND THE SUITABILITY OF THE PLACEMENT
8 RESOURCE FOR PLACEMENT OF A CHILD IN ACCORDANCE WITH THE LAWS
9 AND REQUIREMENTS OF THE STATE IN WHICH THE HOME IS LOCATED.

10 G. "INDIAN TRIBE" MEANS ANY INDIAN TRIBE, BAND, NATION, OR
11 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS
12 ELIGIBLE FOR SERVICES PROVIDED TO INDIANS BY THE SECRETARY OF THE
13 INTERIOR BECAUSE OF THEIR STATUS AS INDIANS, INCLUDING ANY
14 ALASKAN NATIVE VILLAGE AS DEFINED IN SECTION (3)(c) OF THE ALASKA
15 NATIVE CLAIMS SETTLEMENT ACT AT 43 U.S.C. SEC. 1602(c).

16 H. "INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN"
17 MEANS THE COMMISSION THAT IS CREATED UNDER ARTICLE VIII OF THIS
18 COMPACT AND WHICH IS GENERALLY REFERRED TO AS THE INTERSTATE
19 COMMISSION.

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

22 J. "LEGAL RISK PLACEMENT" ("LEGAL RISK ADOPTION") MEANS
23 A PLACEMENT MADE PRELIMINARY TO AN ADOPTION WHERE THE
24 PROSPECTIVE ADOPTIVE PARENTS ACKNOWLEDGE IN WRITING THAT A
25 CHILD CAN BE ORDERED RETURNED TO THE SENDING STATE OR THE BIRTH
26 MOTHER'S STATE OF RESIDENCE, IF DIFFERENT FROM THE SENDING STATE,
27 AND A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY

1 JURISDICTION UNTIL ALL REQUIRED CONSENTS ARE OBTAINED OR ARE
2 DISPENSED WITH IN ACCORDANCE WITH APPLICABLE LAW.

3 K. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS
4 COMPACT.

5 L. "NON-CUSTODIAL PARENT" MEANS A PERSON WHO, AT THE TIME
6 OF THE COMMENCEMENT OF COURT PROCEEDINGS IN THE SENDING STATE,
7 DOES NOT HAVE SOLE LEGAL CUSTODY OF THE CHILD OR HAS JOINT LEGAL
8 CUSTODY OF A CHILD, AND WHO IS NOT THE SUBJECT OF ALLEGATIONS OR
9 FINDINGS OF CHILD ABUSE OR NEGLECT.

10 M. "NON-MEMBER STATE" MEANS A STATE WHICH HAS NOT
11 ENACTED THIS COMPACT.

12 N. "NOTICE OF RESIDENTIAL PLACEMENT" MEANS INFORMATION
13 REGARDING A PLACEMENT INTO A RESIDENTIAL FACILITY PROVIDED TO THE
14 RECEIVING STATE INCLUDING, BUT NOT LIMITED TO, THE NAME, DATE, AND
15 PLACE OF BIRTH OF THE CHILD, THE IDENTITY AND ADDRESS OF THE
16 PARENT OR LEGAL GUARDIAN, EVIDENCE OF AUTHORITY TO MAKE THE
17 PLACEMENT, AND THE NAME AND ADDRESS OF THE FACILITY IN WHICH THE
18 CHILD WILL BE PLACED. NOTICE OF RESIDENTIAL PLACEMENT SHALL ALSO
19 INCLUDE INFORMATION REGARDING A DISCHARGE AND ANY
20 UNAUTHORIZED ABSENCE FROM THE FACILITY.

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

24 P. "PRIVATE CHILD PLACING AGENCY" MEANS ANY PRIVATE
25 CORPORATION, AGENCY, FOUNDATION, INSTITUTION, OR CHARITABLE
26 ORGANIZATION, OR ANY PRIVATE PERSON OR ATTORNEY THAT
27 FACILITATES, CAUSES, OR IS INVOLVED IN THE PLACEMENT OF A CHILD

1 FROM ONE STATE TO ANOTHER AND THAT IS NOT AN INSTRUMENTALITY OF
2 THE STATE OR ACTING UNDER COLOR OF STATE LAW.

3 Q. "PROVISIONAL PLACEMENT" MEANS A DETERMINATION MADE
4 BY THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE THAT THE
5 PROPOSED PLACEMENT IS SAFE AND SUITABLE, AND, TO THE EXTENT
6 ALLOWABLE, THE RECEIVING STATE HAS TEMPORARILY WAIVED ITS
7 STANDARDS OR REQUIREMENTS OTHERWISE APPLICABLE TO PROSPECTIVE
8 FOSTER OR ADOPTIVE PARENTS SO AS TO NOT DELAY THE PLACEMENT.
9 COMPLETION OF THE RECEIVING STATE REQUIREMENTS REGARDING
10 TRAINING FOR PROSPECTIVE FOSTER OR ADOPTIVE PARENTS SHALL NOT
11 DELAY AN OTHERWISE SAFE AND SUITABLE PLACEMENT.

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

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

20 T. "RELATIVE" MEANS SOMEONE WHO IS RELATED TO THE CHILD
21 AS A PARENT, STEP-PARENT, SIBLING BY HALF OR WHOLE BLOOD OR BY
22 ADOPTION, GRANDPARENT, AUNT, UNCLE, FIRST COUSIN, OR A
23 NON-RELATIVE WITH SUCH SIGNIFICANT TIES TO THE CHILD THAT THEY
24 MAY BE REGARDED AS RELATIVE(S) AS DETERMINED BY THE COURT IN THE
25 SENDING STATE.

26 U. "RESIDENTIAL FACILITY" MEANS A FACILITY PROVIDING A
27 LEVEL OF CARE THAT IS SUFFICIENT TO SUBSTITUTE FOR PARENTAL

1 RESPONSIBILITY OR FOSTER CARE, AND IS BEYOND WHAT IS NEEDED FOR
2 ASSESSMENT OR TREATMENT OF AN ACUTE CONDITION. FOR PURPOSES OF
3 THE COMPACT, RESIDENTIAL FACILITIES DO NOT INCLUDE INSTITUTIONS
4 PRIMARILY EDUCATIONAL IN CHARACTER, HOSPITALS, OR OTHER MEDICAL
5 FACILITIES.

6 V. "RULE" MEANS A WRITTEN DIRECTIVE, MANDATE, STANDARD,
7 OR PRINCIPLE ISSUED BY THE INTERSTATE COMMISSION PROMULGATED
8 PURSUANT TO ARTICLE XI OF THIS COMPACT THAT IS OF GENERAL
9 APPLICABILITY AND THAT IMPLEMENTS, INTERPRETS, OR PRESCRIBES A
10 POLICY OR PROVISION OF THE COMPACT. "RULE" HAS THE FORCE AND
11 EFFECT OF AN ADMINISTRATIVE RULE IN A MEMBER STATE, AND INCLUDES
12 THE AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING RULE.

13 W. "SENDING STATE" MEANS THE STATE FROM WHICH THE
14 PLACEMENT OF A CHILD IS INITIATED.

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

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

22 Z. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT
23 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN
24 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANA ISLANDS,
25 AND ANY OTHER TERRITORY OF THE UNITED STATES.

26 AA. "STATE COURT" MEANS A JUDICIAL BODY OF A STATE THAT IS
27 VESTED BY LAW WITH RESPONSIBILITY FOR ADJUDICATING CASES

1 INVOLVING ABUSE, NEGLECT, DEPRIVATION, DELINQUENCY, OR STATUS
2 OFFENSES OF INDIVIDUALS WHO HAVE NOT ATTAINED THE AGE OF
3 EIGHTEEN (18).

4 **BB.** "SUPERVISION" MEANS MONITORING PROVIDED BY THE
5 RECEIVING STATE ONCE A CHILD HAS BEEN PLACED IN A RECEIVING STATE
6 PURSUANT TO THIS COMPACT.

7 **ARTICLE III.**

8 **APPLICABILITY**

9 **A.** EXCEPT AS OTHERWISE PROVIDED IN ARTICLE III, SECTION B,
10 THIS COMPACT SHALL APPLY TO:

11 1. THE INTERSTATE PLACEMENT OF A CHILD SUBJECT TO ONGOING
12 COURT JURISDICTION IN THE SENDING STATE, DUE TO ALLEGATIONS OR
13 FINDINGS THAT THE CHILD HAS BEEN ABUSED, NEGLECTED, OR DEPRIVED
14 AS DEFINED BY THE LAWS OF THE SENDING STATE, PROVIDED, HOWEVER,
15 THAT THE PLACEMENT OF SUCH A CHILD INTO A RESIDENTIAL FACILITY
16 SHALL ONLY REQUIRE NOTICE OF RESIDENTIAL PLACEMENT TO THE
17 RECEIVING STATE PRIOR TO PLACEMENT.

18 2. THE INTERSTATE PLACEMENT OF A CHILD ADJUDICATED
19 DELINQUENT OR UNMANAGEABLE BASED ON THE LAWS OF THE SENDING
20 STATE AND SUBJECT TO ONGOING COURT JURISDICTION OF THE SENDING
21 STATE IF:

22 a. THE CHILD IS BEING PLACED IN A RESIDENTIAL FACILITY IN
23 ANOTHER MEMBER STATE AND IS NOT COVERED UNDER ANOTHER
24 COMPACT; OR

25 b. THE CHILD IS BEING PLACED IN ANOTHER MEMBER STATE AND
26 THE DETERMINATION OF SAFETY AND SUITABILITY OF THE PLACEMENT AND
27 SERVICES REQUIRED IS NOT PROVIDED THROUGH ANOTHER COMPACT.

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

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

5 1. THE INTERSTATE PLACEMENT OF A CHILD IN A CUSTODY
6 PROCEEDING IN WHICH A PUBLIC CHILD PLACING AGENCY IS NOT A PARTY,
7 PROVIDED THE PLACEMENT IS NOT INTENDED TO EFFECTUATE AN
8 ADOPTION.

9 2. THE INTERSTATE PLACEMENT OF A CHILD WITH A NON-RELATIVE
10 IN A RECEIVING STATE BY A PARENT WITH THE LEGAL AUTHORITY TO MAKE
11 SUCH A PLACEMENT PROVIDED, HOWEVER, THAT THE PLACEMENT IS NOT
12 INTENDED TO EFFECTUATE AN ADOPTION.

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

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

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

20 a. THE NON-CUSTODIAL PARENT PROVES TO THE SATISFACTION OF
21 A COURT IN THE SENDING STATE A SUBSTANTIAL RELATIONSHIP WITH THE
22 CHILD; AND

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

26 c. THE COURT IN THE SENDING STATE DISMISSES ITS JURISDICTION
27 IN INTERSTATE PLACEMENTS IN WHICH THE PUBLIC CHILD PLACING

1 AGENCY IS A PARTY TO THE PROCEEDING.

2 6. A CHILD ENTERING THE UNITED STATES FROM A FOREIGN
3 COUNTRY FOR THE PURPOSE OF ADOPTION OR LEAVING THE UNITED
4 STATES TO GO TO A FOREIGN COUNTRY FOR THE PURPOSE OF ADOPTION IN
5 THAT COUNTRY.

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

10 8. THE SENDING OF A CHILD BY A PUBLIC CHILD PLACING AGENCY
11 OR A PRIVATE CHILD PLACING AGENCY FOR A VISIT AS DEFINED BY THE
12 RULES OF THE INTERSTATE COMMISSION.

13 C. FOR PURPOSES OF DETERMINING THE APPLICABILITY OF THIS
14 COMPACT TO THE PLACEMENT OF A CHILD WITH A FAMILY IN THE ARMED
15 SERVICES, THE PUBLIC CHILD PLACING AGENCY OR PRIVATE CHILD
16 PLACING AGENCY MAY CHOOSE THE STATE OF THE SERVICE MEMBER'S
17 PERMANENT DUTY STATION OR THE SERVICE MEMBER'S DECLARED LEGAL
18 RESIDENCE.

19 D. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT
20 THE CONCURRENT APPLICATION OF THE PROVISIONS OF THIS COMPACT
21 WITH OTHER APPLICABLE INTERSTATE COMPACTS, INCLUDING THE
22 INTERSTATE COMPACT FOR JUVENILES AND THE INTERSTATE COMPACT ON
23 ADOPTION AND MEDICAL ASSISTANCE. THE INTERSTATE COMMISSION
24 MAY IN COOPERATION WITH OTHER INTERSTATE COMPACT COMMISSIONS
25 HAVING RESPONSIBILITY FOR THE INTERSTATE MOVEMENT, PLACEMENT,
26 OR TRANSFER OF CHILDREN, PROMULGATE LIKE RULES TO ENSURE THE
27 COORDINATION OF SERVICES, TIMELY PLACEMENT OF CHILDREN, AND THE

1 REDUCTION OF UNNECESSARY OR DUPLICATIVE ADMINISTRATIVE OR
2 PROCEDURAL REQUIREMENTS.

3 **ARTICLE IV.**
4 **JURISDICTION**

5 A. EXCEPT AS PROVIDED IN ARTICLE IV, SECTION H, AND ARTICLE
6 V, SECTION B, PARAGRAPHS TWO AND THREE CONCERNING PRIVATE AND
7 INDEPENDENT ADOPTIONS, AND IN INTERSTATE PLACEMENTS IN WHICH THE
8 PUBLIC CHILD PLACING AGENCY IS NOT A PARTY TO A CUSTODY
9 PROCEEDING, THE SENDING STATE SHALL RETAIN JURISDICTION OVER A
10 CHILD WITH RESPECT TO ALL MATTERS OF CUSTODY AND DISPOSITION OF
11 THE CHILD WHICH IT WOULD HAVE HAD IF THE CHILD HAD REMAINED IN
12 THE SENDING STATE. SUCH JURISDICTION SHALL ALSO INCLUDE THE POWER
13 TO ORDER THE RETURN OF THE CHILD TO THE SENDING STATE.

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

18 C. IN CASES THAT ARE BEFORE COURTS AND SUBJECT TO THIS
19 COMPACT, THE TAKING OF TESTIMONY FOR HEARINGS BEFORE ANY
20 JUDICIAL OFFICER MAY OCCUR IN PERSON OR BY TELEPHONE, AUDIO-VIDEO
21 CONFERENCE, OR SUCH OTHER MEANS AS APPROVED BY THE RULES OF THE
22 INTERSTATE COMMISSION; AND JUDICIAL OFFICERS MAY COMMUNICATE
23 WITH OTHER JUDICIAL OFFICERS AND PERSONS INVOLVED IN THE
24 INTERSTATE PROCESS AS MAY BE PERMITTED BY THEIR CANONS OF
25 JUDICIAL CONDUCT AND ANY RULES PROMULGATED BY THE INTERSTATE
26 COMMISSION.

27 D. IN ACCORDANCE WITH ITS OWN LAWS, THE COURT IN THE

1 SENDING STATE SHALL HAVE AUTHORITY TO TERMINATE ITS JURISDICTION
2 IF:

3 1. THE CHILD IS REUNIFIED WITH THE PARENT IN THE RECEIVING
4 STATE WHO IS THE SUBJECT OF ALLEGATIONS OR FINDINGS OF ABUSE OR
5 NEGLECT, ONLY WITH THE CONCURRENCE OF THE PUBLIC CHILD PLACING
6 AGENCY IN THE RECEIVING STATE; OR

7 2. THE CHILD IS ADOPTED; OR

8 3. THE CHILD REACHES THE AGE OF MAJORITY UNDER THE LAWS OF
9 THE SENDING STATE; OR

10 4. THE CHILD ACHIEVES LEGAL INDEPENDENCE PURSUANT TO THE
11 LAWS OF THE SENDING STATE; OR

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

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

16 7. THE PUBLIC CHILD PLACING AGENCY OF THE SENDING STATE
17 REQUESTS TERMINATION AND HAS OBTAINED THE CONCURRENCE OF THE
18 PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE.

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

21 F. NOTHING IN THIS ARTICLE SHALL DEFEAT A CLAIM OF
22 JURISDICTION BY A RECEIVING STATE COURT SUFFICIENT TO DEAL WITH AN
23 ACT OF TRUANCY, DELINQUENCY, CRIME, OR BEHAVIOR INVOLVING A
24 CHILD AS DEFINED BY THE LAWS OF THE RECEIVING STATE COMMITTED BY
25 THE CHILD IN THE RECEIVING STATE WHICH WOULD BE A VIOLATION OF ITS
26 LAWS.

27 G. NOTHING IN THIS ARTICLE SHALL LIMIT THE RECEIVING STATE'S

1 ABILITY TO TAKE EMERGENCY JURISDICTION FOR THE PROTECTION OF THE
2 CHILD.

3 H. THE SUBSTANTIVE LAWS OF THE STATE IN WHICH AN ADOPTION
4 WILL BE FINALIZED SHALL SOLELY GOVERN ALL ISSUES RELATING TO THE
5 ADOPTION OF THE CHILD, AND THE COURT IN WHICH THE ADOPTION
6 PROCEEDING IS FILED SHALL HAVE SUBJECT MATTER JURISDICTION
7 REGARDING ALL SUBSTANTIVE ISSUES RELATING TO THE ADOPTION,
8 EXCEPT:

9 1. WHEN THE CHILD IS A WARD OF ANOTHER COURT THAT
10 ESTABLISHED JURISDICTION OVER THE CHILD PRIOR TO THE PLACEMENT;

11 OR

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

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

17 I. A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY
18 JURISDICTION UNTIL THE PLACEMENT IS AUTHORIZED AS AN "APPROVED
19 PLACEMENT" BY THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING
20 STATE.

21 **ARTICLE V.**

22 **PLACEMENT EVALUATION**

23 A. PRIOR TO SENDING, BRINGING, OR CAUSING A CHILD TO BE SENT
24 OR BROUGHT INTO A RECEIVING STATE, THE PUBLIC CHILD PLACING
25 AGENCY SHALL PROVIDE A WRITTEN REQUEST FOR ASSESSMENT TO THE
26 RECEIVING STATE.

27 B. FOR PLACEMENTS BY A PRIVATE CHILD PLACING AGENCY, A

1 CHILD MAY BE SENT OR BROUGHT, OR CAUSED TO BE SENT OR BROUGHT,
2 INTO A RECEIVING STATE, UPON RECEIPT AND IMMEDIATE REVIEW OF THE
3 REQUIRED CONTENT IN A REQUEST FOR APPROVAL OF A PLACEMENT IN
4 BOTH THE SENDING AND RECEIVING STATE PUBLIC CHILD PLACING
5 AGENCY. THE REQUIRED CONTENT TO ACCOMPANY A REQUEST FOR
6 APPROVAL SHALL INCLUDE ALL OF THE FOLLOWING:

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

10 2. THE APPROPRIATE CONSENTS OR RELINQUISHMENTS SIGNED BY
11 THE BIRTH-PARENT(S) IN ACCORDANCE WITH THE LAWS OF THE SENDING
12 STATE, OR WHERE PERMITTED, THE LAWS OF THE STATE WHERE THE
13 ADOPTION WILL BE FINALIZED; AND

14 3. CERTIFICATION BY A LICENSED ATTORNEY OR AUTHORIZED
15 AGENT OF A PRIVATE ADOPTION AGENCY THAT THE CONSENT OR
16 RELINQUISHMENT IS IN COMPLIANCE WITH THE APPLICABLE LAWS OF THE
17 SENDING STATE, OR, WHERE PERMITTED, THE LAWS OF THE STATE WHERE
18 FINALIZATION OF THE ADOPTION WILL OCCUR; AND

19 4. A HOME STUDY; AND

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

22 C. THE SENDING STATE AND THE RECEIVING STATE MAY REQUEST
23 ADDITIONAL INFORMATION OR DOCUMENTS PRIOR TO FINALIZATION OF AN
24 APPROVED PLACEMENT, BUT THEY MAY NOT DELAY TRAVEL BY THE
25 PROSPECTIVE ADOPTIVE PARENT(S) WITH THE CHILD IF THE REQUIRED
26 CONTENT FOR APPROVAL HAS BEEN SUBMITTED, RECEIVED, AND REVIEWED
27 BY THE PUBLIC CHILD PLACING AGENCY IN BOTH THE SENDING STATE AND

1 THE RECEIVING STATE.

2 D. APPROVAL FROM THE PUBLIC CHILD PLACING AGENCY IN THE
3 RECEIVING STATE FOR PROVISIONAL OR APPROVED PLACEMENT IS
4 REQUIRED AS PROVIDED FOR IN THE RULES OF THE INTERSTATE
5 COMMISSION.

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

9 F. UPON RECEIPT OF A REQUEST FROM THE PUBLIC CHILD PLACING
10 AGENCY OF THE SENDING STATE, THE RECEIVING STATE SHALL INITIATE AN
11 ASSESSMENT OF THE PROPOSED PLACEMENT TO DETERMINE ITS SAFETY
12 AND SUITABILITY. IF THE PROPOSED PLACEMENT IS A PLACEMENT WITH A
13 RELATIVE, THE PUBLIC CHILD PLACING AGENCY OF THE SENDING STATE
14 MAY REQUEST A DETERMINATION FOR A PROVISIONAL PLACEMENT.

15 G. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
16 MAY REQUEST FROM THE PUBLIC CHILD PLACING AGENCY OR THE PRIVATE
17 CHILD PLACING AGENCY IN THE SENDING STATE, AND SHALL BE ENTITLED
18 TO RECEIVE, SUPPORTING OR ADDITIONAL INFORMATION NECESSARY TO
19 COMPLETE THE ASSESSMENT OR APPROVE THE PLACEMENT.

20 H. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
21 SHALL APPROVE A PROVISIONAL PLACEMENT AND COMPLETE OR ARRANGE
22 FOR THE COMPLETION OF THE ASSESSMENT WITHIN THE TIME FRAMES
23 ESTABLISHED BY THE RULES OF THE INTERSTATE COMMISSION.

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

1 J. THE INTERSTATE COMMISSION MAY DEVELOP UNIFORM
2 STANDARDS FOR THE ASSESSMENT OF THE SAFETY AND SUITABILITY OF
3 INTERSTATE PLACEMENTS.

4 **ARTICLE VI.**

5 **PLACEMENT AUTHORITY**

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

9 B. IF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
10 DOES NOT APPROVE THE PROPOSED PLACEMENT, THEN THE CHILD SHALL
11 NOT BE PLACED. THE RECEIVING STATE SHALL PROVIDE WRITTEN
12 DOCUMENTATION OF ANY SUCH DETERMINATION IN ACCORDANCE WITH
13 THE RULES PROMULGATED BY THE INTERSTATE COMMISSION. SUCH
14 DETERMINATION IS NOT SUBJECT TO JUDICIAL REVIEW IN THE SENDING
15 STATE.

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

19 1. THE ADMINISTRATIVE REVIEW AND ANY FURTHER JUDICIAL
20 REVIEW ASSOCIATED WITH THE DETERMINATION SHALL BE CONDUCTED IN
21 THE RECEIVING STATE PURSUANT TO ITS APPLICABLE ADMINISTRATIVE
22 PROCEDURES ACT.

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

1 **ARTICLE VII.**

2 **PLACING AGENCY RESPONSIBILITY**

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

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

7 a. THE ONGOING SUPPORT AND MAINTENANCE FOR THE CHILD
8 DURING THE PERIOD OF THE PLACEMENT, UNLESS OTHERWISE PROVIDED
9 FOR IN THE RECEIVING STATE; AND

10 b. AS DETERMINED BY THE PUBLIC CHILD PLACING AGENCY IN THE
11 SENDING STATE, SERVICES FOR THE CHILD BEYOND THE PUBLIC SERVICES
12 FOR WHICH THE CHILD IS ELIGIBLE IN THE RECEIVING STATE.

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

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

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

19 3. NOTHING IN THIS PROVISION SHALL PROHIBIT PUBLIC CHILD
20 PLACING AGENCIES IN THE SENDING STATE FROM ENTERING INTO
21 AGREEMENTS WITH LICENSED AGENCIES OR PERSONS IN THE RECEIVING
22 STATE TO CONDUCT ASSESSMENTS AND PROVIDE SUPERVISION.

23 B. FOR THE PLACEMENT OF A CHILD BY A PRIVATE CHILD PLACING
24 AGENCY PRELIMINARY TO A POSSIBLE ADOPTION, THE PRIVATE CHILD
25 PLACING AGENCY SHALL BE:

26 1. LEGALLY RESPONSIBLE FOR THE CHILD DURING THE PERIOD OF
27 PLACEMENT AS PROVIDED FOR IN THE LAW OF THE SENDING STATE UNTIL

1 THE FINALIZATION OF THE ADOPTION.

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

4 C. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
5 SHALL PROVIDE TIMELY ASSESSMENTS, AS PROVIDED FOR IN THE RULES OF
6 THE INTERSTATE COMMISSION.

7 D. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE
8 SHALL PROVIDE, OR ARRANGE FOR THE PROVISION OF, SUPERVISION AND
9 SERVICES FOR THE CHILD, INCLUDING TIMELY REPORTS, DURING THE
10 PERIOD OF THE PLACEMENT.

11 E. NOTHING IN THIS COMPACT SHALL BE CONSTRUED AS TO LIMIT
12 THE AUTHORITY OF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING
13 STATE FROM CONTRACTING WITH A LICENSED AGENCY OR PERSON IN THE
14 RECEIVING STATE FOR AN ASSESSMENT OR THE PROVISION OF SUPERVISION
15 OR SERVICES FOR THE CHILD OR OTHERWISE AUTHORIZING THE PROVISION
16 OF SUPERVISION OR SERVICES BY A LICENSED AGENCY DURING THE PERIOD
17 OF PLACEMENT.

18 F. EACH MEMBER STATE SHALL PROVIDE FOR COORDINATION
19 AMONG ITS BRANCHES OF GOVERNMENT CONCERNING THE STATE'S
20 PARTICIPATION IN, AND COMPLIANCE WITH, THE COMPACT AND
21 INTERSTATE COMMISSION ACTIVITIES, THROUGH THE CREATION OF AN
22 ADVISORY COUNCIL OR USE OF AN EXISTING BODY OR BOARD.

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

26 H. THE PUBLIC CHILD PLACING AGENCY IN THE SENDING STATE
27 SHALL OVERSEE COMPLIANCE WITH THE PROVISIONS OF THE INDIAN CHILD

1 WELFARE ACT (25 U.S.C. 1901 ET SEQ.) FOR PLACEMENTS SUBJECT TO
2 THE PROVISIONS OF THIS COMPACT, PRIOR TO PLACEMENT.

3 I. WITH THE CONSENT OF THE INTERSTATE COMMISSION, STATES
4 MAY ENTER INTO LIMITED AGREEMENTS THAT FACILITATE THE TIMELY
5 ASSESSMENT AND PROVISION OF SERVICES AND SUPERVISION OF
6 PLACEMENTS UNDER THIS COMPACT.

7 **ARTICLE VIII.**

8 **INTERSTATE COMMISSION FOR THE PLACEMENT**
9 **OF CHILDREN**

10 THE MEMBER STATES HEREBY ESTABLISH, BY WAY OF THIS COMPACT, A
11 COMMISSION KNOWN AS THE "INTERSTATE COMMISSION FOR THE
12 PLACEMENT OF CHILDREN". THE ACTIVITIES OF THE INTERSTATE
13 COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
14 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

15 A. BE A JOINT COMMISSION OF THE MEMBER STATES AND SHALL
16 HAVE THE RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH HEREIN,
17 AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY
18 SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF
19 THE MEMBER STATES.

20 B. CONSIST OF ONE COMMISSIONER FROM EACH MEMBER STATE
21 WHO SHALL BE APPOINTED BY THE EXECUTIVE HEAD OF THE STATE HUMAN
22 SERVICES ADMINISTRATION WITH ULTIMATE RESPONSIBILITY FOR THE
23 CHILD WELFARE PROGRAM. THE APPOINTED COMMISSIONER SHALL HAVE
24 THE LEGAL AUTHORITY TO VOTE ON POLICY-RELATED MATTERS GOVERNED
25 BY THIS COMPACT BINDING THE STATE.

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

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

4 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER
5 MEMBER STATE.

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

8 C. IN ADDITION TO THE COMMISSIONERS OF EACH MEMBER STATE,
9 THE INTERSTATE COMMISSION SHALL INCLUDE PERSONS WHO ARE
10 MEMBERS OF INTERESTED ORGANIZATIONS AS DEFINED IN THE BYLAWS OR
11 RULES OF THE INTERSTATE COMMISSION. SUCH MEMBERS SHALL BE EX
12 OFFICIO AND SHALL NOT BE ENTITLED TO VOTE ON ANY MATTER BEFORE
13 THE INTERSTATE COMMISSION.

14 D. ESTABLISH AN EXECUTIVE COMMITTEE WHICH SHALL HAVE THE
15 AUTHORITY TO ADMINISTER THE DAY-TO-DAY OPERATIONS AND
16 ADMINISTRATION OF THE INTERSTATE COMMISSION. IT SHALL NOT HAVE
17 THE POWER TO ENGAGE IN RULEMAKING.

18 **ARTICLE IX.**
19 **POWERS AND DUTIES OF THE**
20 **INTERSTATE COMMISSION**

21 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

22 A. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO
23 EFFECT THE GOALS, PURPOSES, AND OBLIGATIONS AS ENUMERATED IN THIS
24 COMPACT.

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

26 C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY
27 OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE

1 INTERSTATE COMPACT, ITS BYLAWS, RULES, OR ACTIONS.

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

4 E. TO COLLECT STANDARDIZED DATA CONCERNING THE
5 INTERSTATE PLACEMENT OF CHILDREN SUBJECT TO THIS COMPACT AS
6 DIRECTED THROUGH ITS RULES, WHICH SHALL SPECIFY THE DATA TO BE
7 COLLECTED, THE MEANS OF COLLECTION, AND DATA EXCHANGE AND
8 REPORTING REQUIREMENTS.

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

11 G. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

12 H. TO HIRE OR CONTRACT FOR SERVICES OF PERSONNEL OR
13 CONSULTANTS AS NECESSARY TO CARRY OUT ITS FUNCTIONS UNDER THE
14 COMPACT AND ESTABLISH PERSONNEL QUALIFICATION POLICIES AND
15 RATES OF COMPENSATION.

16 I. TO ESTABLISH AND APPOINT COMMITTEES AND OFFICERS
17 INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED
18 BY ARTICLE X.

19 J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,
20 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE,
21 UTILIZE, AND DISPOSE THEREOF.

22 K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS
23 OF, OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,
24 PERSONAL, OR MIXED.

25 L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
26 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,
27 OR MIXED.

1 M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

2 N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT
3 AND OPERATION OF THE INTERSTATE COMMISSION.

4 O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, THE
5 JUDICIARY, AND STATE ADVISORY COUNCILS OF THE MEMBER STATES
6 CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING
7 THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE ANY
8 RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
9 COMMISSION.

10 P. TO COORDINATE AND PROVIDE EDUCATION, TRAINING, AND
11 PUBLIC AWARENESS REGARDING THE INTERSTATE MOVEMENT OF
12 CHILDREN FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.

13 Q. TO MAINTAIN BOOKS AND RECORDS IN ACCORDANCE WITH THE
14 BYLAWS OF THE INTERSTATE COMMISSION.

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

17 **ARTICLE X.**

18 **ORGANIZATION AND OPERATION OF THE**
19 **INTERSTATE COMMISSION**

20 A. BYLAWS

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

25 2. THE INTERSTATE COMMISSION'S BYLAWS AND RULES SHALL
26 ESTABLISH CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE
27 COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS

1 AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE
2 COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL
3 RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL
4 PRIVACY RIGHTS OR PROPRIETARY INTERESTS.

5 B. MEETINGS

6 1. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE
7 EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL
8 MEETINGS AND UPON THE REQUEST OF A SIMPLE MAJORITY OF THE
9 MEMBER STATES SHALL CALL ADDITIONAL MEETINGS.

10 2. PUBLIC NOTICE SHALL BE GIVEN BY THE INTERSTATE
11 COMMISSION OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE
12 PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS OTHERWISE PROVIDED
13 IN THE COMPACT. THE INTERSTATE COMMISSION AND ITS COMMITTEES
14 MAY CLOSE A MEETING, OR PORTION THEREOF, WHERE IT DETERMINES BY
15 TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY TO:

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

18 b. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE
19 BY FEDERAL LAW; OR

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

22 d. INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY
23 CENSURING A PERSON; OR

24 e. DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE
25 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
26 PERSONAL PRIVACY OR PHYSICALLY ENDANGER ONE OR MORE PERSONS;
27 OR

1 f. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW
2 ENFORCEMENT PURPOSES; OR

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

5 3. FOR A MEETING, OR A PORTION OF A MEETING, CLOSED
6 PURSUANT TO THIS PROVISION, THE INTERSTATE COMMISSION'S LEGAL
7 COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE
8 CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTION PROVISION.
9 THE INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH SHALL FULLY
10 AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND
11 SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN,
12 AND THE REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
13 EXPRESSED AND THE RECORD OF A ROLL CALL VOTE. ALL DOCUMENTS
14 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN
15 SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING
16 SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE
17 OF THE INTERSTATE COMMISSION OR BY COURT ORDER.

18 4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
19 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR OTHER
20 ELECTRONIC COMMUNICATION.

21 C. OFFICERS AND STAFF

22 1. THE INTERSTATE COMMISSION MAY, THROUGH ITS EXECUTIVE
23 COMMITTEE, APPOINT OR RETAIN A STAFF DIRECTOR FOR SUCH PERIOD,
24 UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION AS
25 THE INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE STAFF
26 DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION,
27 BUT SHALL NOT HAVE A VOTE. THE STAFF DIRECTOR MAY HIRE AND

1 SUPERVISE SUCH OTHER STAFF AS MAY BE AUTHORIZED BY THE
2 INTERSTATE COMMISSION.

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

7 D. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

8 1. THE INTERSTATE COMMISSION'S STAFF DIRECTOR AND ITS
9 EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER
10 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE
11 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY
12 CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT,
13 ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
14 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
15 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
16 PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
17 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY A
18 CRIMINAL ACT OR THE INTENTIONAL OR WILLFUL AND WANTON
19 MISCONDUCT OF SUCH PERSON.

20 a. THE LIABILITY OF THE INTERSTATE COMMISSION'S STAFF
21 DIRECTOR AND EMPLOYEES OR INTERSTATE COMMISSION
22 REPRESENTATIVES, ACTING WITHIN THE SCOPE OF SUCH PERSON'S
23 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING
24 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY
25 SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
26 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE
27 COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES

1 FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION
2 SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY
3 FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY A CRIMINAL ACT OR
4 THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
5 PERSON.

6 b. THE INTERSTATE COMMISSION SHALL DEFEND THE STAFF
7 DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE
8 ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE
9 MEMBER STATE, SHALL DEFEND THE COMMISSIONER OF A MEMBER STATE
10 IN A CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF AN
11 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN
12 THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
13 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS
14 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF _____ COMMISSION
15 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL
16 OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM
17 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF
18 SUCH PERSON.

19 c. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
20 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES
21 OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD
22 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGEMENT, INCLUDING
23 ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING
24 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
25 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
26 DUTIES, OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A
27 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF

1 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
2 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID
3 NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT
4 ON THE PART OF SUCH PERSON.

5 **ARTICLE XI.**
6 **RULEMAKING FUNCTIONS OF THE**
7 **INTERSTATE COMMISSION**

8 A. THE INTERSTATE COMMISSION SHALL PROMULGATE AND
9 PUBLISH RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE
10 PURPOSES OF THE COMPACT.

11 B. RULEMAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET
12 FORTH IN THIS ARTICLE AND THE BYLAWS AND RULES ADOPTED PURSUANT
13 THERETO. SUCH RULEMAKING SHALL SUBSTANTIALLY CONFORM TO THE
14 PRINCIPLES OF THE "MODEL STATE ADMINISTRATIVE PROCEDURES ACT",
15 1981 ACT, UNIFORM LAWS ANNOTATED, VOL. 15, P. 1 (2000), OR SUCH
16 OTHER ADMINISTRATIVE PROCEDURE ACTS AS THE INTERSTATE
17 COMMISSION DEEMS APPROPRIATE CONSISTENT WITH DUE PROCESS
18 REQUIREMENTS UNDER THE UNITED STATES CONSTITUTION AS NOW OR
19 HEREAFTER INTERPRETED BY THE U.S. SUPREME COURT. ALL RULES AND
20 AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED, AS
21 PUBLISHED WITH THE FINAL VERSION OF THE RULE AS APPROVED BY THE
22 INTERSTATE COMMISSION.

23 C. WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION
24 SHALL, AT A MINIMUM:

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

27 2. ALLOW AND INVITE ANY AND ALL PERSONS TO SUBMIT WRITTEN

1 DATA, FACTS, OPINIONS, AND ARGUMENTS, WHICH INFORMATION SHALL BE
2 ADDED TO THE RECORD, AND BE MADE PUBLICLY AVAILABLE; AND

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

6 D. RULES PROMULGATED BY THE INTERSTATE COMMISSION SHALL
7 HAVE THE FORCE AND EFFECT OF ADMINISTRATIVE RULES AND SHALL BE
8 BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE MANNER
9 PROVIDED FOR IN THIS COMPACT.

10 E. NOT LATER THAN 60 DAYS AFTER A RULE IS PROMULGATED, AN
11 INTERESTED PERSON MAY FILE A PETITION IN THE U.S. DISTRICT COURT
12 FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT
13 WHERE THE INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR
14 JUDICIAL REVIEW OF SUCH RULE. IF THE COURT FINDS THAT THE
15 INTERSTATE COMMISSION'S ACTION IS NOT SUPPORTED BY SUBSTANTIAL
16 EVIDENCE IN THE RULEMAKING RECORD, THE COURT SHALL HOLD THE
17 RULE UNLAWFUL AND SET IT ASIDE.

18 F. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
19 REJECTS A RULE, THOSE STATES MAY, BY ENACTMENT OF A STATUTE OR
20 RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, CAUSE
21 THAT SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY
22 MEMBER STATE.

23 G. THE EXISTING RULES GOVERNING THE OPERATION OF THE
24 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN SUPERSEDED BY
25 THIS ACT SHALL BE NULL AND VOID NO LESS THAN 12, BUT NO MORE THAN
26 24, MONTHS AFTER THE FIRST MEETING OF THE INTERSTATE COMMISSION
27 CREATED HEREUNDER, AS DETERMINED BY THE MEMBERS DURING THE

1 FIRST MEETING.

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

- 4 1. TRANSITION RULES.
- 5 2. FORMS AND PROCEDURES.
- 6 3. TIME LINES.
- 7 4. DATA COLLECTION AND REPORTING.
- 8 5. RULEMAKING.
- 9 6. VISITATION.
- 10 7. PROGRESS REPORTS/SUPERVISION.
- 11 8. SHARING OF INFORMATION/CONFIDENTIALITY.
- 12 9. FINANCING OF THE INTERSTATE COMMISSION.
- 13 10. MEDIATION, ARBITRATION, AND DISPUTE RESOLUTION.
- 14 11. EDUCATION, TRAINING, AND TECHNICAL ASSISTANCE.
- 15 12. ENFORCEMENT.
- 16 13. COORDINATION WITH OTHER INTERSTATE COMPACTS.

17 I. UPON DETERMINATION BY A MAJORITY OF THE MEMBERS OF THE
18 INTERSTATE COMMISSION THAT AN EMERGENCY EXISTS:

19 1. THE INTERSTATE COMMISSION MAY PROMULGATE AN
20 EMERGENCY RULE ONLY IF IT IS REQUIRED TO:

21 a. PROTECT THE CHILDREN COVERED BY THIS COMPACT FROM AN
22 IMMINENT THREAT TO THEIR HEALTH, SAFETY, AND WELL-BEING; OR

23 b. PREVENT LOSS OF FEDERAL OR STATE FUNDS; OR

24 c. MEET A DEADLINE FOR THE PROMULGATION OF AN
25 ADMINISTRATIVE RULE REQUIRED BY FEDERAL LAW.

26 2. AN EMERGENCY RULE SHALL BECOME EFFECTIVE IMMEDIATELY
27 UPON ADOPTION, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES

1 PROVIDED HEREUNDER SHALL BE RETROACTIVELY APPLIED TO SAID RULE
2 AS SOON AS REASONABLY POSSIBLE, BUT NO LATER THAN 90 DAYS AFTER
3 THE EFFECTIVE DATE OF THE EMERGENCY RULE.

4 3. AN EMERGENCY RULE SHALL BE PROMULGATED AS PROVIDED
5 FOR IN THE RULES OF THE INTERSTATE COMMISSION.

6 **ARTICLE XII.**

7 **OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT**

8 A. OVERSIGHT

9 1. THE INTERSTATE COMMISSION SHALL OVERSEE THE
10 ADMINISTRATION AND OPERATION OF THE COMPACT.

11 2. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
12 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
13 COMPACT AND THE RULES OF THE INTERSTATE COMMISSION AND SHALL
14 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
15 COMPACT'S PURPOSES AND INTENT. THE COMPACT AND ITS RULES SHALL
16 BE BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE
17 MANNER PROVIDED FOR IN THIS COMPACT.

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

21 4. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE
22 SERVICE OF PROCESS IN ANY ACTION IN WHICH THE VALIDITY OF A
23 COMPACT PROVISION OR RULE IS THE ISSUE FOR WHICH A JUDICIAL
24 DETERMINATION HAS BEEN SOUGHT AND SHALL HAVE STANDING TO
25 INTERVENE IN ANY PROCEEDINGS. FAILURE TO PROVIDE SERVICE OF
26 PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER ANY
27 JUDGMENT, ORDER, OR OTHER DETERMINATION, HOWEVER SO CAPTIONED

1 OR CLASSIFIED, VOID AS TO THE INTERSTATE COMMISSION, THIS COMPACT,
2 ITS BYLAWS, OR RULES OF THE INTERSTATE COMMISSION.

3 B. DISPUTE RESOLUTION

4 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
5 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT
6 TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES AND
7 BETWEEN MEMBER AND NON-MEMBER STATES.

8 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE
9 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR
10 DISPUTES AMONG COMPACTING STATES. THE COSTS OF SUCH MEDIATION
11 OR DISPUTE RESOLUTION SHALL BE THE RESPONSIBILITY OF THE PARTIES
12 TO THE DISPUTE.

13 C. ENFORCEMENT

14 1. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER
15 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
16 RESPONSIBILITIES UNDER THIS COMPACT, ITS BYLAWS, OR RULES, THE
17 INTERSTATE COMMISSION MAY:

18 a. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
19 ASSISTANCE; OR

20 b. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
21 OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT AND THE MEANS
22 OF CURING THE DEFAULT. THE INTERSTATE COMMISSION SHALL SPECIFY
23 THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS
24 DEFAULT; OR

25 c. BY MAJORITY VOTE OF THE MEMBERS, INITIATE AGAINST A
26 DEFAULTING MEMBER STATE LEGAL ACTION IN THE UNITED STATES
27 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION

1 OF THE INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE
2 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICE, TO ENFORCE
3 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS, OR
4 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND
5 DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
6 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION
7 INCLUDING REASONABLE ATTORNEY'S FEES; OR

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

10 **ARTICLE XIII.**

11 **FINANCING OF THE COMMISSION**

12 A. THE INTERSTATE COMMISSION SHALL PAY, OR PROVIDE FOR THE
13 PAYMENT OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT,
14 ORGANIZATION, AND ONGOING ACTIVITIES.

15 B. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN
16 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF
17 THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND
18 ITS STAFF WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE
19 INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED BY ITS
20 MEMBERS EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
21 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE
22 INTERSTATE COMMISSION WHICH SHALL PROMULGATE A RULE BINDING
23 UPON ALL MEMBER STATES.

24 C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS
25 OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE
26 SAME; NOR SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF
27 ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF

1 THE MEMBER STATE.

2 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE
3 ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
4 DISBURSEMENTS OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO
5 THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
6 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS
7 HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY
8 BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF
9 THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL
10 REPORT OF THE INTERSTATE COMMISSION.

11 **ARTICLE XIV.**

12 **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

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

14 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
15 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN
16 35 STATES. THE EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2007, OR
17 UPON ENACTMENT OF THE COMPACT INTO LAW BY THE 35TH STATE.
18 THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER
19 MEMBER STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT
20 STATE. THE EXECUTIVE HEADS OF STATE HUMAN SERVICES
21 ADMINISTRATION WITH ULTIMATE RESPONSIBILITY FOR THE CHILD
22 WELFARE PROGRAM OF NON-MEMBER STATES OR THEIR DESIGNEES SHALL
23 BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE
24 COMMISSION ON A NON-VOTING BASIS PRIOR TO ADOPTION OF THE
25 COMPACT BY ALL STATES.

26 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO
27 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT

1 SHALL BECOME EFFECTIVE AND BINDING ON THE MEMBER STATES UNLESS
2 AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE
3 MEMBER STATES.

4 **ARTICLE XV.**

5 **WITHDRAWAL AND DISSOLUTION**

6 A. WITHDRAWAL

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

11 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE
12 ENACTMENT OF A STATUTE REPEALING THE SAME. THE EFFECTIVE DATE OF
13 THE WITHDRAWAL SHALL BE THE EFFECTIVE DATE OF THE REPEAL OF THE
14 STATUTE.

15 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
16 PRESIDENT OF THE INTERSTATE COMMISSION IN WRITING UPON THE
17 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
18 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL THEN NOTIFY
19 THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO
20 WITHDRAW.

21 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL
22 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
23 EFFECTIVE DATE OF WITHDRAWAL.

24 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE
25 SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT
26 OR UPON SUCH LATER DATE AS DETERMINED BY THE MEMBERS OF THE
27 INTERSTATE COMMISSION.

1 B. DISSOLUTION OF COMPACT

2 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF
3 THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES
4 THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.

5 2. UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT
6 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR
7 EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION
8 SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN
9 ACCORDANCE WITH THE BYLAWS.

10 **ARTICLE XVI.**

11 **SEVERABILITY AND CONSTRUCTION**

12 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND
13 IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED
14 UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE
15 ENFORCEABLE.

16 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY
17 CONSTRUED TO EFFECTUATE ITS PURPOSES.

18 C. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT
19 THE CONCURRENT APPLICABILITY OF OTHER INTERSTATE COMPACTS TO
20 WHICH THE STATES ARE MEMBERS.

21 **ARTICLE XVII.**

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

23 A. OTHER LAWS

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

26 B. BINDING EFFECT OF THE COMPACT

27 1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,

1 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE
2 COMMISSION, ARE BINDING UPON THE MEMBER STATES.

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

5 3. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE
6 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
7 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
8 CONFLICT WITH THE CONSTITUTIONAL PROVISIONS IN QUESTION IN THAT
9 MEMBER STATE.

10 **ARTICLE XVIII.**

11 **INDIAN TRIBES**

12 NOTWITHSTANDING ANY OTHER PROVISION IN THIS COMPACT, THE
13 INTERSTATE COMMISSION MAY PROMULGATE GUIDELINES TO PERMIT
14 INDIAN TRIBES TO UTILIZE THE COMPACT TO ACHIEVE ANY OR ALL OF THE
15 PURPOSES OF THE COMPACT AS SPECIFIED IN ARTICLE 1. THE INTERSTATE
16 COMMISSION SHALL MAKE REASONABLE EFFORTS TO CONSULT WITH
17 INDIAN TRIBES IN PROMULGATING GUIDELINES TO REFLECT THE DIVERSE
18 CIRCUMSTANCES OF THE VARIOUS INDIAN TRIBES.

19 **24-60-1803. Working group to review proposal for enactment**
20 **of compact - membership - recommendations to Colorado's**
21 **commissioner. (1) AFTER THIS PART 18 TAKES EFFECT PURSUANT TO**
22 **SECTION 24-60-1804, AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE**
23 **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL**
24 **CONVENE A WORKING GROUP TO REVIEW THE PROPOSAL FOR ENACTMENT**
25 **OF THE REVISED INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN,**
26 **AND CONCLUDE ONE YEAR LATER UNLESS AMENDED.**

27 **(2) THE FOLLOWING APPOINTMENTS TO THE WORKING GROUP MUST**

1 BE MADE:

2 (a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL

3 APPOINT:

4 (I) A MEMBER WHO REPRESENTS AN URBAN COUNTY DEPARTMENT

5 OF HUMAN OR SOCIAL SERVICES; AND

6 (II) A MEMBER WHO IS A COUNTY ATTORNEY WHO REPRESENTS AN

7 URBAN COUNTY;

8 (b) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES

9 SHALL APPOINT:

10 (I) A MEMBER WHO REPRESENTS A RURAL COUNTY DEPARTMENT

11 OF HUMAN OR SOCIAL SERVICES; AND

12 (II) A MEMBER WHO IS A COUNTY ATTORNEY WHO REPRESENTS A

13 RURAL COUNTY;

14 (c) THE PRESIDENT OF THE SENATE SHALL APPOINT A MEMBER WHO

15 REPRESENTS A NONPROFIT ASSOCIATION THAT ADVOCATES FOR CIVIL

16 LIBERTIES;

17 (d) THE GOVERNOR SHALL APPOINT:

18 (I) A MEMBER WHO IS A CURRENT OR RETIRED JUVENILE JUDGE OR

19 MAGISTRATE; AND

20 (II) A MEMBER WHO HAS LIVED EXPERIENCE WITH PARTICIPATING

21 IN AN INTERSTATE COMPACT PLACEMENT OR HOME STUDY; AND

22 (e) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN

23 SERVICES OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT:

24 (I) A MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION

25 THAT ADVOCATES FOR PARENTS WITH LIMITED INCOMES;

26 (II) A MEMBER WHO REPRESENTS A NONPROFIT ASSOCIATION THAT

27 ADVOCATES FOR RELATIVE AND KINSHIP PLACEMENTS; AND

1 (III) A MEMBER WHO REPRESENTS THE COLORADO DEPARTMENT
2 OF HUMAN SERVICES.

3 (3) ADDITIONAL MEMBERS MUST INCLUDE:

4 (a) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S
5 DESIGNEE;

6 (b) A REPRESENTATIVE FROM THE OFFICE OF THE RESPONDENT
7 PARENTS' COUNSEL, CREATED IN SECTION 13-92-103; AND

8 (c) A REPRESENTATIVE FROM THE OFFICE OF THE CHILD'S
9 REPRESENTATIVE, CREATED IN SECTION 13-91-104.

10 (4) THE WORKING GROUP SHALL REVIEW AND MAKE
11 RECOMMENDATIONS, ACCORDING TO A TIME FRAME DETERMINED BY THE
12 WORKING GROUP, TO COLORADO'S COMMISSIONER TO THE COMPACT ON
13 THE FOLLOWING ISSUES:

14 (a) EVALUATING THE CURRENT COMPACT PROCESS FOR CHILDREN
15 AND FAMILIES;

16 (b) DETERMINING THE STATUS OF COLORADO'S IMPLEMENTATION
17 OF THE NATIONAL ELECTRONIC INTERSTATE COMPACT ENTERPRISE
18 REQUIREMENTS AND WHAT EFFECT THE IMPLEMENTATION OF THESE
19 REQUIREMENTS MAY HAVE ON COLORADO;

20 (c) IMPROVING THE USE OF CROSS-BORDER AGREEMENTS;

21 (d) IDENTIFYING ANY BARRIERS TO PLACING CHILDREN IN
22 RESIDENTIAL TREATMENT FACILITIES OUT OF STATE AND OPTIONS FOR
23 ADDRESSING BARRIERS WITHIN EXISTING LAW;

24 (e) IDENTIFYING AND PRIORITIZING ANY ALTERNATIVE EFFORTS
25 BEING MADE TO ADDRESS INTERSTATE PLACEMENT ISSUES AT THE
26 NATIONAL LEVEL; AND

27 (f) IDENTIFYING LANGUAGE AND PROCESSES TO IMPROVE

1 INTERSTATE PLACEMENTS.

2 **24-60-1804. Notice to revisor of statutes.** THIS PART 18 WILL
3 TAKE EFFECT ON THE DATE THE COMPACT IS ENACTED INTO LAW IN THE
4 THIRTY-FIFTH COMPACT STATE. THE EXECUTIVE DIRECTOR OF THE
5 COLORADO DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR
6 OF STATUTES IN WRITING OF THE DATE WHEN THE CONDITION SPECIFIED IN
7 THIS SECTION HAS OCCURRED BY E-MAILING THE NOTICE TO
8 REVISOROFSTATUTES.GA@COLEG.GOV. THIS PART 18 TAKES EFFECT UPON
9 THE DATE IDENTIFIED IN THE NOTICE THAT THE THIRTY-FIFTH STATE
10 ADOPTED THE COMPACT OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE,
11 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

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