



Senate

General Assembly

File No. 89

January Session, 2025

Substitute Senate Bill No. 1311

Senate, March 13, 2025

The Committee on Children reported through SEN. MAHER, C. of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-114 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2025*):

3 (a) As used in this section, (1) "approval" or "approved" means that a
4 person has been approved to adopt or provide foster care by a child-
5 placing agency licensed pursuant to section 17a-149, (2) "licensed"
6 means a person holds a license to provide foster care issued by the
7 Department of Children and Families, [and] (3) "fictive kin caregiver"
8 means a person who is twenty-one years of age or older and who is
9 unrelated to a child by birth, adoption or marriage but who has an
10 emotionally significant relationship with such child or such child's
11 family amounting to a familial relationship, and (4) "emergency
12 placement" means the placement of a child by the Department of
13 Children and Families in the home of a relative or fictive kin caregiver
14 as a result of the sudden unavailability of such child's primary caretaker.

15 (b) (1) No child in the custody of the Commissioner of Children and
16 Families shall be placed in foster care with any person, unless (A) (i)
17 such person is licensed for [that] such purpose by the department or the
18 Department of Developmental Services pursuant to the provisions of
19 section 17a-227, (ii) such person's home is approved by a child-placing
20 agency licensed by the commissioner pursuant to section 17a-149, or (iii)
21 such person has received approval as provided in this section, and (B)
22 on and after January 1, 2017, for a child twelve years of age or older,
23 such child has received a foster family profile in accordance with the
24 provisions of section 17a-114e. [Any person licensed by the department
25 may be a prospective adoptive parent.] For the purposes of this section,
26 any prospective adoptive parent shall be licensed by the department.
27 The commissioner shall adopt regulations, in accordance with the
28 provisions of chapter 54, to establish the licensing procedures and
29 standards.

30 (2) (A) Except as provided in subparagraph (B) of this subdivision,
31 the commissioner shall require each applicant for licensure or approval
32 pursuant to this section and any person eighteen years of age or older
33 living in the household of such applicant to submit to state and national
34 criminal history records checks prior to issuing a license or approval to
35 such applicant to accept placement of a child for purposes of foster care
36 or adoption. Such criminal history records checks shall be conducted in
37 accordance with section 29-17a. The commissioner shall check the (i)
38 state child abuse and neglect registry established pursuant to section
39 17a-101k for the name of such applicant and for the name of any person
40 eighteen years of age or older living in the household of such applicant,
41 and (ii) child abuse and neglect registry in any state in which such
42 applicant or person resided in the preceding five years for the name of
43 such applicant or person.

44 (B) If an applicant for licensure or approval or any person eighteen
45 years of age or older living in the household of such applicant has
46 submitted to the state and national criminal history records checks
47 described in subsection (c) of this section within the previous twelve-
48 month period, the commissioner shall not require such applicant or

49 person to submit to the state and national criminal history records
50 checks described in subparagraph (A) of this subdivision in connection
51 with the issuance of a license or approval.

52 (3) The commissioner shall require each individual licensed or
53 approved pursuant to this section and any person eighteen years of age
54 or older living in the household of such individual to submit to state and
55 national criminal history records checks prior to renewing a license or
56 approval for any individual providing foster care or adopting. Such
57 criminal history records checks shall be conducted in accordance with
58 section 29-17a. Prior to such renewal, the commissioner shall check the
59 (A) state child abuse and neglect registry established pursuant to section
60 17a-101k for the name of such applicant and for the name of any person
61 eighteen years of age or older living in the household of such applicant,
62 and (B) child abuse and neglect registry in any state in which such
63 applicant or person resided in the preceding five years for the name of
64 such applicant or person.

65 (4) The commissioner shall comply with any request to check the
66 child abuse and neglect registry established pursuant to section 17a-
67 101k made by the child welfare agency of another state.

68 (c) (1) Notwithstanding the requirements of subsection (b) of this
69 section, the commissioner may [place] make an emergency placement of
70 a child with a relative or fictive kin caregiver who has not been issued a
71 license or approval, when such emergency placement is in the best
72 interests of the child, provided a satisfactory home visit is conducted
73 and a basic assessment of the family is completed. When the
74 commissioner makes such [a] an emergency placement, the
75 commissioner shall (A) request a criminal justice agency to perform a
76 federal name-based criminal history search of such relative or fictive kin
77 caregiver and each person eighteen years of age or older residing in the
78 home, and (B) check the state child abuse and neglect registry
79 established pursuant to section 17a-101k for the name of such relative or
80 fictive kin caregiver and each person eighteen years of age or older
81 residing in the home. The results of such name-based search shall be

82 provided to the commissioner.

83 (2) Not later than ten calendar days after a name-based search is
84 performed pursuant to subdivision (1) of this subsection, the
85 commissioner shall request the State Police Bureau of Identification to
86 perform a state and national criminal history records checks of such
87 relative or fictive kin caregiver and each person eighteen years of age or
88 older residing in the home, in accordance with section 29-17a. Such
89 criminal history records checks shall be deemed as required by this
90 section for the purposes of section 29-17a and the commissioner may
91 request that such criminal history records checks be performed in
92 accordance with subsection (c) of said section. The results of such
93 criminal history records checks shall be provided to the commissioner.
94 If any person refuses to provide fingerprints or other positive
95 identifying information for the purposes of such criminal history
96 records checks when requested, the commissioner shall immediately
97 remove the child from the home.

98 (3) If the commissioner denies [a] an emergency placement with a
99 relative or fictive kin caregiver or removes a child from such home based
100 on the results of a federal name-based criminal history search performed
101 pursuant to subdivision (1) of this subsection, the person whose name-
102 based search was the basis for such denial or removal may contest such
103 denial or removal by requesting that state and national criminal history
104 records checks be performed pursuant to subdivision (2) of this
105 subsection.

106 (4) Any such relative or fictive kin caregiver who accepts placement
107 of a child shall be subject to licensure by the commissioner, pursuant to
108 regulations adopted by the commissioner in accordance with the
109 provisions of chapter 54 to implement the provisions of this section or
110 approval by a child-placing agency licensed pursuant to section 17a-149.
111 The commissioner may grant a waiver from such regulations, including
112 any standard regarding separate bedrooms or room-sharing
113 arrangements, for a child placed with a relative or fictive kin caregiver,
114 on a case-by-case basis, if such placement is otherwise in the best

115 interests of such child, provided no procedure or standard that is safety-
116 related may be so waived. The commissioner shall document, in writing,
117 the reason for granting any waiver from such regulations.

118 (d) Any individual who has been licensed or approved to adopt or
119 provide foster care and any relative or fictive kin caregiver with whom
120 a child has been placed pursuant to subsection (c) of this section shall
121 apply a reasonable and prudent parent standard, as defined in
122 subsection (a) of section 17a-114d, on behalf of the child.

123 Sec. 2. Subdivision (6) of subsection (j) of section 46b-129 of the
124 general statutes is repealed and the following is substituted in lieu
125 thereof (*Effective July 1, 2025*):

126 (6) (A) A youth who is committed to the commissioner pursuant to
127 this subsection and has reached eighteen years of age may remain in the
128 care of the commissioner, by consent of the youth and provided the
129 youth has not reached the age of twenty-one years of age, if the youth is
130 [(A)] (i) enrolled in a full-time approved secondary education program
131 or an approved program leading to an equivalent credential; [(B)] (ii)
132 enrolled full time in an institution which provides postsecondary or
133 vocational education; or [(C)] (iii) participating full time in a program or
134 activity approved by said commissioner that is designed to promote or
135 remove barriers to employment. The commissioner, in the
136 commissioner's discretion, may waive the provision of full-time
137 enrollment or participation based on compelling circumstances. Not
138 more than one hundred twenty days after the youth's eighteenth
139 birthday, the department shall file a motion in the superior court for
140 juvenile matters that had jurisdiction over the youth's case prior to the
141 youth's eighteenth birthday for a determination as to whether
142 continuation in care is in the youth's best interest and, if so, whether
143 there is an appropriate permanency plan. The court, in its discretion,
144 may hold a hearing on said motion.

145 (B) Any youth who was committed to the commissioner pursuant to
146 this subsection and, having declined to consent to remain in the care of
147 the commissioner, left such care once such youth turned eighteen years

148 of age, may request, in a form and manner prescribed by the
149 commissioner, not later than one hundred twenty days prior to the date
150 such youth turns twenty-one years of age, to reenter into the care of the
151 commissioner. Upon receipt of such request, the commissioner shall
152 determine whether such youth meets the requirements described in
153 subparagraph (A) of this subdivision. If the commissioner determines
154 that such youth meets such requirements, the department may request
155 that such youth enter into a written agreement governing the terms of
156 his or her voluntary reentry into the care of the commissioner and
157 permit such youth to reenter care. Not more than one hundred twenty
158 days after the execution of such agreement, the commissioner shall file
159 a motion in the superior court for juvenile matters that had jurisdiction
160 over the youth's case prior to the youth's eighteenth birthday for a
161 determination as to whether reentry into care is in the youth's best
162 interest and, if so, whether there is an appropriate permanency plan.
163 The court may hold a hearing on said motion.

164 Sec. 3. Subsection (g) of section 17a-28 of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective July 1,*
166 *2025*):

167 (g) The department shall disclose records, subject to subsections (b)
168 and (c) of this section, without the consent of the person who is the
169 subject of the record, to:

170 (1) The person named in the record or such person's authorized
171 representative, provided such disclosure shall be limited to information
172 (A) contained in the record about such person or about such person's
173 biological or adoptive minor child, if such person's parental rights to
174 such child have not been terminated; and (B) identifying an individual
175 who reported abuse or neglect of the person, including any tape
176 recording of an oral report pursuant to section 17a-103, if a court
177 determines that there is reasonable cause to believe the reporter
178 knowingly made a false report or that the interests of justice require
179 disclosure;

180 (2) An employee of the department for any purpose reasonably

181 related to the performance of such employee's duties;

182 (3) A guardian ad litem or attorney appointed to represent a child or
183 youth in litigation affecting the best interests of the child or youth;

184 (4) An attorney representing a parent, guardian or child in a petition
185 filed in the Superior Court pursuant to section 17a-112 or 46b-129, as
186 amended by this act, provided (A) if such records do not pertain to such
187 attorney's client or such client's child, such records shall not be further
188 disclosed to another individual or entity by such attorney except
189 pursuant to the order of a court of competent jurisdiction, (B) if such
190 records are confidential pursuant to federal law, such records shall not
191 be disclosed to such attorney or such attorney's client unless such
192 attorney or such attorney's client is otherwise entitled to such records,
193 and (C) nothing in this subdivision shall limit the disclosure of records
194 under subdivision (3) of this subsection;

195 (5) The Attorney General, any assistant attorney general or any other
196 legal counsel retained to represent the department during the course of
197 a legal proceeding involving the department or an employee of the
198 department;

199 (6) The Child Advocate or the Child Advocate's designee;

200 (7) The Chief Public Defender or the Chief Public Defender's designee
201 for purposes of ensuring competent representation by the attorneys
202 with whom the Chief Public Defender contracts to provide legal and
203 guardian ad litem services to the subjects of such records and for
204 ensuring accurate payments for services rendered by such attorneys;

205 (8) The Chief State's Attorney or the Chief State's Attorney's designee
206 for purposes of investigating or prosecuting (A) an allegation related to
207 child abuse or neglect, (B) an allegation that an individual made a false
208 report of suspected child abuse or neglect, (C) an allegation that a
209 mandated reporter failed to report suspected child abuse or neglect in
210 accordance with section 17a-101a, provided such prosecuting authority
211 shall have access to records of a child charged with the commission of a

212 delinquent act, who is not being charged with an offense related to child
213 abuse, only while the case is being prosecuted and after obtaining a
214 release, or (D) an allegation of fraud in the receipt of public or private
215 benefits, provided no information identifying the subject of the record
216 is disclosed unless such information is essential to such investigation or
217 prosecution;

218 (9) A state or federal law enforcement officer, including a military law
219 enforcement authority under the United States Department of Defense,
220 for purposes of investigating (A) an allegation related to child abuse or
221 neglect, (B) an allegation that an individual made a false report of
222 suspected child abuse or neglect, or (C) an allegation that a mandated
223 reporter failed to report suspected child abuse or neglect in accordance
224 with section 17a-101a;

225 (10) A foster or prospective adoptive parent, if the records pertain to
226 a child or youth currently placed with the foster or prospective adoptive
227 parent, or a child or youth being considered for placement with the
228 foster or prospective adoptive parent, and the records are necessary to
229 address the social, medical, psychological or educational needs of the
230 child or youth, provided no information identifying a biological parent
231 is disclosed without the permission of such biological parent;

232 (11) The Governor, when requested in writing in the course of the
233 Governor's official functions, the joint standing committee of the
234 General Assembly having cognizance of matters relating to human
235 services, the joint standing committee of the General Assembly having
236 cognizance of matters relating to the judiciary or the joint standing
237 committee of the General Assembly having cognizance of matters
238 relating to children, when requested in writing by any of such
239 committees in the course of such committee's official functions, and
240 upon a majority vote of such committee, provided no name or other
241 identifying information is disclosed unless such information is essential
242 to the gubernatorial or legislative purpose;

243 (12) The Office of Early Childhood for the purpose of (A) determining
244 the suitability of a person to care for children in a facility licensed

245 pursuant to section 19a-77, 19a-80, 19a-87b or 19a-421; (B) determining
246 the suitability of such person for licensure; (C) determining the
247 suitability of a person to provide child care services to a child and
248 receive a child care subsidy pursuant to section 17b-749k; (D) an
249 investigation conducted pursuant to section 19a-80f; (E) notifying the
250 office when the Department of Children and Families places an
251 individual licensed or certified by the office on the child abuse and
252 neglect registry pursuant to section 17a-101k; or (F) notifying the office
253 when the Department of Children and Families possesses information
254 regarding an office regulatory violation committed by an individual
255 licensed or certified by the office;

256 (13) The Department of Developmental Services, (A) to allow said
257 department to determine eligibility, facilitate enrollment and plan for
258 the provision of services to a child who is a client of said department
259 and who is applying to enroll in or is enrolled in said department's
260 behavioral services program. At the time that a parent or guardian
261 completes an application for enrollment of a child in the Department of
262 Developmental Services' behavioral services program, or at the time that
263 said department updates a child's annual individualized plan of care,
264 said department shall notify such parent or guardian that the
265 Department of Children and Families may provide records to the
266 Department of Developmental Services for the purposes specified in this
267 subdivision without the consent of such parent or guardian; or (B) for
268 purposes of an investigation pursuant to section 46a-11c;

269 (14) Any individual or entity for the purposes of identifying resources
270 that will promote the permanency plan of a child or youth approved by
271 the court pursuant to sections 17a-11, 17a-111b and 46b-129, as amended
272 by this act;

273 (15) A state agency that licenses or certifies a person to educate, care
274 for or provide services to children or youths;

275 (16) A judge or employee of a Probate Court who requires access to
276 such records in order to perform such judge's or employee's official
277 duties;

278 (17) A judge of the Superior Court for purposes of determining the
279 appropriate disposition of a child adjudicated as delinquent;

280 (18) A judge of the Superior Court in a criminal prosecution for
281 purposes of in camera inspection whenever (A) the court has ordered
282 that the record be provided to the court; or (B) a party to the proceeding
283 has issued a subpoena for the record;

284 (19) A judge of the Superior Court and all necessary parties in a
285 family violence proceeding when such records concern family violence
286 with respect to the child who is the subject of the proceeding or the
287 parent of such child who is the subject of the proceeding;

288 (20) The Auditors of Public Accounts, or their representative,
289 provided no information identifying the subject of the record is
290 disclosed unless such information is essential to an audit conducted
291 pursuant to section 2-90;

292 (21) A local or regional board of education, provided the records are
293 limited to educational records created or obtained by the state or
294 Connecticut Unified School District #2, established pursuant to section
295 17a-37;

296 (22) The superintendent of schools for any school district for the
297 purpose of determining the suitability of a person to be employed by
298 the local or regional board of education for such school district pursuant
299 to subsection (a) of section 10-221d;

300 (23) The Department of Motor Vehicles for the purpose of criminal
301 history records checks pursuant to subsection (e) of section 14-44,
302 provided information disclosed pursuant to this subdivision shall be
303 limited to information included on the Department of Children and
304 Families child abuse and neglect registry established pursuant to section
305 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k
306 concerning the nondisclosure of findings of responsibility for abuse and
307 neglect;

308 (24) The Department of Mental Health and Addiction Services for the

309 purpose of treatment planning for young adults who have transitioned
310 from the care of the Department of Children and Families;

311 (25) The superintendent of a public school district or the executive
312 director or other head of a public or private institution for children
313 providing care for children or a private school (A) pursuant to sections
314 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, as amended
315 by this act, or (B) when the Department of Children and Families places
316 an individual employed by such institution or school on the child abuse
317 and neglect registry pursuant to section 17a-101k;

318 (26) The Department of Social Services for the purpose of (A)
319 determining the suitability of a person for payment from the
320 Department of Social Services for providing child care; (B) promoting
321 the health, safety and welfare of a child or youth receiving services from
322 either department; or (C) investigating allegations of fraud provided no
323 information identifying the subject of the record is disclosed unless such
324 information is essential to any such investigation;

325 (27) The Court Support Services Division of the Judicial Branch, to
326 allow the division to determine the supervision and treatment needs of
327 a child or youth, and provide appropriate supervision and treatment
328 services to such child or youth, provided such disclosure shall be limited
329 to information that identifies the child or youth, or a member of such
330 child's or youth's immediate family, as being or having been (A)
331 committed to the custody of the Commissioner of Children and Families
332 as delinquent, (B) under the supervision of the Commissioner of
333 Children and Families, or (C) enrolled in the voluntary services program
334 operated by the Department of Children and Families;

335 (28) The Court Support Services Division of the Judicial Branch for
336 the purpose of sharing common case records to track recidivism of
337 juvenile offenders;

338 (29) The birth-to-three program's referral intake office for the purpose
339 of (A) determining eligibility of, (B) facilitating enrollment for, and (C)
340 providing services to (i) substantiated victims of child abuse and neglect

341 with suspected developmental delays, and (ii) newborns impacted by
342 withdrawal symptoms resulting from prenatal drug exposure;

343 (30) The Department of Public Health for (A) the purpose of
344 notification when the Commissioner of Children and Families places an
345 individual licensed or certified by the Department of Public Health on
346 the child abuse and neglect registry established pursuant to section 17a-
347 101k, and (B) purposes relating to the licensure of the Albert J. Solnit
348 Children's Center and the administration of licensing requirements
349 established pursuant to or set forth in sections 19a-134 and 19a-498;

350 (31) The Department of Correction, for the purpose of determining
351 the supervision and treatment needs of a child or youth, and providing
352 appropriate supervision and treatment services to such child or youth;

353 (32) Any child placing agency subject to licensure by the Department
354 of Children and Families, for the purpose of determining the suitability
355 of a person (A) for employment by such agency, or (B) to adopt or
356 provide foster care pursuant to sections 17a-114, as amended by this act,
357 and 17a-151;

358 (33) The Department of Administrative Services, for the purpose of
359 determining whether an applicant for employment with the state, who
360 would have contact with children in the course of such employment,
361 appears on the child abuse or neglect registry maintained pursuant to
362 section 17a-101k; [and]

363 (34) Any individual, upon the request of such individual, when the
364 information concerns an incident of abuse or neglect that resulted in the
365 fatality or near fatality of a child or youth, provided (A) such disclosure
366 shall be limited to (i) the cause and circumstances of such fatality or near
367 fatality, (ii) the age and gender of such child or youth, (iii) a description
368 of any previous reports of or investigations into child abuse or neglect
369 that are relevant to the child abuse or neglect that led to such fatality or
370 near fatality, (iv) the findings of any such investigations, and (v) a
371 description of any services provided and actions taken by the state on
372 behalf of such child or youth that are relevant to the child abuse or

373 neglect that led to such fatality or near fatality, and (B) the department
374 shall not make any disclosure that is prohibited by the provisions of any
375 relevant federal law, including, but not limited to, Titles IV-B and IV-E
376 of the Social Security Act, as amended from time to time. The
377 department may withhold the disclosure of any records described in
378 this subdivision if the commissioner determines that such disclosure
379 may (i) result in harm to the safety or well-being of the child or youth
380 who is the subject of such records, the family of such child or youth, or
381 any individual who made a report of abuse or neglect pertaining to such
382 child or youth, or (ii) interfere with a pending criminal investigation;
383 and

384 (35) The Office of Policy and Management, for purposes of labor
385 relations investigations conducted on behalf of the Department of
386 Children and Families.

387 Sec. 4. Section 17a-93 of the general statutes is repealed and the
388 following is substituted in lieu thereof (*Effective July 1, 2025*):

389 As used in sections 17a-90 to 17a-121a, inclusive, section 17a-132 and
390 sections 17a-145 to 17a-153, inclusive:

391 (1) "Child" means any person under eighteen years of age, except as
392 otherwise specified, or any person under twenty-one years of age who
393 is in full-time attendance in a secondary school, a technical school, a
394 college or a state-accredited job training program;

395 (2) "Parent" means natural or adoptive parent;

396 (3) "Adoption" means the establishment by court order of the legal
397 relationship of parent and child;

398 (4) "Guardianship" means guardianship, unless otherwise specified,
399 of the person of a minor and refers to the obligation of care and control,
400 the right to custody and the duty and authority to make major decisions
401 affecting such minor's welfare, including, but not limited to, consent
402 determinations regarding marriage, enlistment in the armed forces and
403 major medical, psychiatric or surgical treatment;

404 (5) "Termination of parental rights" means the complete severance by
405 court order of the legal relationship, with all its rights and
406 responsibilities, between the child and the child's parent or parents so
407 that the child is free for adoption except it shall not affect the right of
408 inheritance of such child or the religious affiliation of such child;

409 (6) "Statutory parent" means the Commissioner of Children and
410 Families or that child-placing agency appointed by the court for the
411 purpose of giving a minor child or minor children in adoption;

412 (7) "Child-placing agency" means any agency within or without the
413 state of Connecticut licensed or approved by the Commissioner of
414 Children and Families in accordance with sections 17a-149 and 17a-151,
415 and in accordance with such standards which shall be established by
416 regulations of the Department of Children and Families;

417 (8) "Child care facility" means a congregate residential setting
418 licensed by the Department of Children and Families for the out-of-
419 home placement of (A) children or youths under eighteen years of age,
420 [or] (B) any person under twenty-one years of age who is in full-time
421 attendance in a secondary school, a technical school, a college or state
422 accredited job training program or is currently homeless or at risk of
423 homelessness, as defined in section 17a-484a, or (C) any person who
424 requires special education, until the end of the school year during which
425 such person reaches age twenty-two, in accordance with the provisions
426 of section 10-253;

427 (9) "Protective supervision" means a status created by court order
428 following adjudication of neglect whereby a child's place of abode is not
429 changed but assistance directed at correcting the neglect is provided at
430 the request of the court through the Department of Children and
431 Families or such other social agency as the court may specify;

432 (10) "Receiving home" means a facility operated by the Department
433 of Children and Families to receive and temporarily care for children in
434 the guardianship or care of the commissioner;

435 (11) "Protective services" means public welfare services provided
436 after complaints of abuse, neglect or abandonment, but in the absence
437 of an adjudication or assumption of jurisdiction by a court;

438 (12) "Person responsible for the health, welfare or care of a child or
439 youth" means a child's or a youth's parent, guardian or foster parent; an
440 employee of a public or private residential home, agency or institution
441 or other person legally responsible in a residential setting; or any staff
442 person providing out-of-home care, such as the provision of child care
443 services, as described in section 19a-77, in a child care center, group
444 child care home or family child care home;

445 (13) "Foster family" means a person or persons, licensed by the
446 Department of Children and Families or approved by a licensed child-
447 placing agency, for the care of a child or children in a private home;

448 (14) "Prospective adoptive family" means a person or persons,
449 licensed by the Department of Children and Families or approved by a
450 licensed child-placing agency, who is awaiting the placement of, or who
451 has a child or children placed in their home for the purposes of
452 adoption;

453 (15) "Person entrusted with the care of a child or youth" means a
454 person given access to a child or youth by a person responsible for the
455 health, welfare or care of a child or youth for the purpose of providing
456 education, child care, counseling, spiritual guidance, coaching, training,
457 instruction, tutoring or mentoring of such child or youth;

458 (16) "Qualified residential treatment program" has the same meaning
459 as provided in the Social Security Act, 42 USC 672(k)(4), as amended
460 from time to time; and

461 (17) "Qualified individual" has the same meaning as provided in the
462 Social Security Act, 42 USC 675a(c)(1), as amended from time to time.

463 Sec. 5. (NEW) (*Effective July 1, 2025*) (a) For purposes of this section,
464 "caregiver" has the same meaning as provided in section 17a-114d of the
465 general statutes.

466 (b) Not later than January 1, 2026, the Commissioner of Children and
467 Families shall, in consultation with caregivers, develop a foster parent
468 bill of rights and incorporate such bill of rights into department policy.
469 Such bill of rights shall be consistent with applicable federal and state
470 laws and include, but not be limited to, (1) a statement of the principles
471 and values that form the basis for such bill of rights, and (2) the rights
472 and obligations of caregivers, children in foster care and the Department
473 of Children and Families.

474 Sec. 6. Section 17a-175 of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective upon enactment of the*
476 *revised Interstate Compact on the Placement of Children by thirty-five*
477 *jurisdictions*):

478 [The Interstate Compact on the Placement of Children is hereby
479 enacted into law and entered into with all other jurisdictions legally
480 joining therein in form substantially as follows:

481 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

482 ARTICLE I. Purpose and Policy

483 It is the purpose and policy of the party states to cooperate with each
484 other in the interstate placement of children to the end that:

485 (a) Each child requiring placement shall receive the maximum
486 opportunity to be placed in a suitable environment and with persons or
487 institutions having appropriate qualifications and facilities to provide a
488 necessary and desirable degree and type of care.

489 (b) The appropriate authorities in a state where a child is to be placed
490 may have full opportunity to ascertain the circumstances of the
491 proposed placement, thereby promoting full compliance with
492 applicable requirements for the protection of the child.

493 (c) The proper authorities of the state from which the placement is
494 made may obtain the most complete information on the basis of which
495 to evaluate a projected placement before it is made.

496 (d) Appropriate jurisdictional arrangements for the care of children
497 will be promoted.

498 ARTICLE II. Definitions

499 As used in this compact:

500 (a) "Child" means a person who, by reason of minority, is legally
501 subject to parental, guardianship or similar control.

502 (b) "Sending agency" means a party state, officer or employee thereof;
503 a subdivision of a party state, or officer or employee thereof; a court of
504 a party state; a person, corporation, association, charitable agency or
505 other entity which sends, brings, or causes to be sent or brought any
506 child to another party state.

507 (c) "Receiving state" means the state to which a child is sent, brought,
508 or caused to be sent or brought, whether by public authorities or private
509 persons or agencies, and whether for placement with state or local
510 public authorities or for placement with private agencies or persons.

511 (d) "Placement" means the arrangement for the care of a child in a
512 family free or boarding home or in a child-caring agency or institution
513 but does not include any institution caring for the mentally ill, mentally
514 defective or epileptic or any institution primarily educational in
515 character, and any hospital or other medical facility.

516 ARTICLE III. Conditions for Placement

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

523 (b) Prior to sending, bringing or causing any child to be sent or
524 brought into a receiving state for placement in foster care or as a

525 preliminary to a possible adoption, the sending agency shall furnish the
526 appropriate public authorities in the receiving state written notice of the
527 intention to send, bring, or place the child in the receiving state. The
528 notice shall contain:

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

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

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

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

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

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

549 ARTICLE IV. Penalty for Illegal Placement

550 The sending, bringing, or causing to be sent or brought into any
551 receiving state of a child in violation of the terms of this compact shall
552 constitute a violation of the laws respecting the placement of children of
553 both the state in which the sending agency is located or from which it
554 sends or brings the child and of the receiving state. Such violation may

555 be punished or subjected to penalty in either jurisdiction in accordance
556 with its laws. In addition to liability for any such punishment or penalty,
557 any such violation shall constitute full and sufficient grounds for the
558 suspension or revocation of any license, permit, or other legal
559 authorization held by the sending agency which empowers or allows it
560 to place, or care for children.

561 ARTICLE V. Retention of Jurisdiction

562 (a) The sending agency shall retain jurisdiction over the child
563 sufficient to determine all matters in relation to the custody,
564 supervision, care, treatment and disposition of the child which it would
565 have had if the child had remained in the sending agency's state, until
566 the child is adopted, reaches majority, becomes self-supporting or is
567 discharged with the concurrence of the appropriate authority in the
568 receiving state. Such jurisdiction shall also include the power to effect
569 or cause the return of the child or its transfer to another location and
570 custody pursuant to law. The sending agency shall continue to have
571 financial responsibility for support and maintenance of the child during
572 the period of the placement. Nothing contained herein shall defeat a
573 claim of jurisdiction by a receiving state sufficient to deal with an act of
574 delinquency or crime committed therein.

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

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

587 ARTICLE VI. Institutional Care of Delinquent Children

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

594 1. Equivalent facilities for the child are not available in the sending
595 agency's jurisdiction; and

596 2. Institutional care in the other jurisdiction is in the best interest of
597 the child and will not produce undue hardship.

598 ARTICLE VII. Compact Administrator

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

605 ARTICLE VIII. Limitations

606 This compact shall not apply to:

607 (a) The sending or bringing of a child into a receiving state by his
608 parent, stepparent, grandparent, adult brother or sister, adult uncle or
609 aunt, or his guardian and leaving the child with any such relative or
610 nonagency guardian in the receiving state.

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

616 ARTICLE IX. Enactment and Withdrawal

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

630 ARTICLE X. Construction and Severability

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

643 Compact. The Interstate Compact on the Placement of Children is
644 hereby enacted into law and entered into with all other jurisdictions
645 legally joining therein in a form substantially as follows:

646 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

647 ARTICLE I. Purpose

648 The purpose of this Interstate Compact for the Placement of Children
649 is to:

650 (1) Provide a process through which children subject to this compact
651 are placed in safe and suitable homes in a timely manner;

652 (2) Facilitate ongoing supervision of a placement, the delivery of
653 services, and communication between the states;

654 (3) Provide operating procedures that will ensure that children are
655 placed in safe and suitable homes in a timely manner;

656 (4) Provide for the promulgation and enforcement of administrative
657 rules implementing the provisions of this compact and regulating the
658 covered activities of the member states;

659 (5) Provide for uniform data collection and information sharing
660 between member states under this compact;

661 (6) Promote coordination between this compact, the Interstate
662 Compact for Juveniles, the Interstate Compact on Adoption and
663 Medical Assistance and other compacts affecting the placement of and
664 that provide services to children otherwise subject to this compact;

665 (7) Provide for a state's continuing legal jurisdiction and
666 responsibility for placement and care of a child that such state would
667 have had if the placement were intrastate; and

668 (8) Provide for the promulgation of guidelines, in collaboration with
669 Indian tribes, for interstate cases involving Indian children as is or may
670 be permitted by federal law.

671 ARTICLE II. Definitions

672 As used in this compact:

673 (1) "Approved placement" means the public child placing agency in

674 the receiving state has determined that the placement is both safe and
675 suitable for the child;

676 (2) "Assessment" means an evaluation of a prospective placement by
677 a public child placing agency in the receiving state to determine if the
678 placement meets the individualized needs of the child, including, but
679 not limited to, the child's safety and stability, health and well-being and
680 mental, emotional and physical development. An assessment is only
681 applicable to a placement by a public child placing agency;

682 (3) "Child" means an individual who has not attained the age of
683 eighteen;

684 (4) "Certification" means to attest, declare or swear to before a judge
685 or notary public;

686 (5) "Default" means the failure of a member state to perform the
687 obligations or responsibilities imposed upon it by this compact, the
688 bylaws or rules of the Interstate Commission;

689 (6) "Home study" means an evaluation of a home environment
690 conducted in accordance with the applicable requirements of the state
691 in which the home is located, and documentation of the preparation and
692 suitability of the placement resource for placement of a child in
693 accordance with the laws and requirements of the state in which the
694 home is located;

695 (7) "Indian tribe" means any Indian tribe, band, nation or other
696 organized group or community of Indians recognized as eligible for
697 services provided to Indians by the Secretary of the Interior because of
698 their status as Indians, including any native village, as defined in the
699 Alaska Native Claims Settlement Act, 43 USC 1602 (c);

700 (8) "Interstate Commission for the Placement of Children" or
701 "Interstate Commission" means the commission created under Article
702 VIII of this compact;

703 (9) "Jurisdiction" means the power and authority of a court to hear

704 and decide matters;

705 (10) "Legal risk placement" or "legal risk adoption" means a
706 placement made preliminary to an adoption where the prospective
707 adoptive parents acknowledge in writing that a child may be ordered
708 returned to the sending state or the birth mother's state of residence, if
709 different from the sending state, and a final decree of adoption shall not
710 be entered in any jurisdiction until all required consents are obtained or
711 are dispensed with in accordance with applicable law;

712 (11) "Member state" means a state that has enacted this compact;

713 (12) "Noncustodial parent" means a person who, at the time of the
714 commencement of court proceedings in the sending state, does not have
715 sole legal custody of the child or has joint legal custody of the child, and
716 who is not the subject of allegations or findings of child abuse or neglect;

717 (13) "Nonmember state" means a state that has not enacted this
718 compact;

719 (14) "Notice of residential placement" means (A) information
720 regarding a placement into a residential facility provided to the
721 receiving state, including, but not limited to, the name, date and place
722 of birth of the child, the identity and address of the parent or legal
723 guardian, evidence of authority to make the placement and the name
724 and address of the facility in which the child will be placed, and (B)
725 information regarding a discharge and any unauthorized absence from
726 the facility;

727 (15) "Placement" means the act by a public or private child placing
728 agency intended to arrange for the care or custody of a child in another
729 state;

730 (16) "Private child placing agency" means any private corporation,
731 agency, foundation, institution or charitable organization and any
732 private person or attorney that facilitates, causes or is involved in the
733 placement of a child from one state to another and that is not an
734 instrumentality of the state or acting under color of state law;

735 (17) "Provisional placement" means a determination made by the
736 public child placing agency in the receiving state that the proposed
737 placement is safe and suitable, and, to the extent allowable, the receiving
738 state has temporarily waived its standards or requirements otherwise
739 applicable to prospective foster or adoptive parents so as to not delay
740 the placement. Completion of the receiving state requirements
741 regarding training for prospective foster or adoptive parents shall not
742 delay an otherwise safe and suitable placement;

743 (18) "Public child placing agency" means any government child
744 welfare agency or child protection agency or a private entity under
745 contract with such an agency, regardless of whether such agency acts on
746 behalf of a state, county, municipality or other governmental unit and
747 that facilitates, causes or is involved in the placement of a child from one
748 state to another;

749 (19) "Receiving state" means the state to which a child is sent, brought
750 or caused to be sent or brought;

751 (20) "Relative" means a person who is related to the child as a parent,
752 stepparent, sibling by half or whole blood or by adoption, grandparent,
753 aunt, uncle or first cousin or a nonrelative with such significant ties to
754 the child that such person is regarded as a relative as determined by the
755 court in the sending state;

756 (21) "Residential facility" means a facility providing a level of care
757 that is sufficient to substitute for parental responsibility or foster care,
758 and is beyond what is needed for assessment or treatment of an acute
759 condition. "Residential facility" does not include institutions primarily
760 educational in character, hospitals or other medical facilities;

761 (22) "Rule" means a written directive, mandate, standard or principle
762 promulgated by the Interstate Commission pursuant to Article XI of this
763 compact that is of general applicability and that implements, interprets
764 or prescribes a policy or provision of this compact. A rule has the force
765 and effect of an administrative rule in a member state, and includes the
766 amendment, repeal or suspension of an existing rule;

767 (23) "Sending state" means the state from which the placement of a
768 child is initiated;

769 (24) "Service member's permanent duty station" means the military
770 installation where an active duty armed services member is currently
771 assigned and is physically located under competent orders that do not
772 specify the duty as temporary;

773 (25) "Service member's state of legal residence" means the state in
774 which the active duty armed services member is considered a resident
775 for tax and voting purposes;

776 (26) "State" means a state of the United States, the District of
777 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
778 Islands, Guam, American Samoa, the Northern Mariana Islands and any
779 other territory of the United States;

780 (27) "State court" means a judicial body of a state that is vested by law
781 with responsibility for adjudicating cases involving abuse, neglect,
782 deprivation, delinquency or status offenses of individuals who have not
783 attained the age of eighteen; and

784 (28) "Supervision" means monitoring provided by the receiving state
785 once a child has been placed in a receiving state pursuant to this
786 compact.

787 ARTICLE III. Applicability

788 (a) Except as otherwise provided in subsection (b) of this article, this
789 compact shall apply to:

790 (1) The interstate placement of a child subject to ongoing court
791 jurisdiction in the sending state, due to allegations or findings that the
792 child has been abused, neglected or deprived as defined by the laws of
793 the sending state, provided the placement of such a child into a
794 residential facility shall only require notice of residential placement to
795 the receiving state prior to placement.

796 (2) The interstate placement of a child adjudicated delinquent or
797 unmanageable based on the laws of the sending state and subject to
798 ongoing court jurisdiction of the sending state if:

799 (A) The child is being placed in a residential facility in another
800 member state and is not covered under another compact; or

801 (B) The child is being placed in another member state and the
802 determination of safety and suitability of the placement and services
803 required is not provided through another compact.

804 (3) The interstate placement of any child by a public child placing
805 agency or private child placing agency as a preliminary step to a
806 possible adoption.

807 (b) The provisions of this compact shall not apply to:

808 (1) The interstate placement of a child in a custody proceeding in
809 which a public child placing agency is not a party, provided the
810 placement is not intended to effectuate an adoption;

811 (2) The interstate placement of a child with a nonrelative in a
812 receiving state by a parent with the legal authority to make such a
813 placement, provided the placement is not intended to effectuate an
814 adoption;

815 (3) The interstate placement of a child by one relative with the lawful
816 authority to make such a placement directly with a relative in a
817 receiving state;

818 (4) The placement of a child not subject to subsection (a) of this article
819 into a residential facility by his parent;

820 (5) The placement of a child with a noncustodial parent, provided:

821 (A) The noncustodial parent proves to the satisfaction of a court in
822 the sending state the existence of a substantial relationship with the
823 child;

824 (B) The court in the sending state makes a written finding that
825 placement with the noncustodial parent is in the best interests of the
826 child; and

827 (C) The court in the sending state dismisses its jurisdiction in
828 interstate placements in which the public child placing agency is a party
829 to the proceeding;

830 (6) A child entering the United States from a foreign country for the
831 purpose of adoption or leaving the United States to go to a foreign
832 country for the purpose of adoption in that country;

833 (7) Cases in which a United States citizen child living overseas with
834 his or her family, at least one of whom is in the United States armed
835 services, and who is stationed overseas, is removed and placed in a state;
836 or

837 (8) The sending of a child by a public child placing agency or a private
838 child placing agency for a visit as defined by the rules of the Interstate
839 Commission.

840 (c) For purposes of determining the applicability of this compact to
841 the placement of a child with a family in the United States armed
842 services, the public child placing agency or private child placing agency
843 may choose the state of the armed service member's permanent duty
844 station or the service member's state of legal residence.

845 (d) Nothing in this compact shall be construed to prohibit the
846 concurrent application of the provisions of this compact with other
847 applicable interstate compacts, including the Interstate Compact for
848 Juveniles and the Interstate Compact on Adoption and Medical
849 Assistance. The Interstate Commission may, in cooperation with other
850 interstate compact commissions having responsibility for the interstate
851 movement, placement or transfer of children, promulgate like rules to
852 ensure the coordination of services, timely placement of children and
853 the reduction of unnecessary or duplicative administrative or
854 procedural requirements.

855 ARTICLE IV. Jurisdiction

856 (a) Except as provided in subsection (h) of this article and
857 subdivisions (2) and (3) of subsection (b) of Article V of this compact
858 concerning private and independent adoptions, and in interstate
859 placements in which the public child placing agency is not a party to a
860 custody proceeding, the sending state shall retain jurisdiction over a
861 child with respect to all matters of custody and disposition of the child
862 that it would have had if the child had remained in the sending state.
863 Such jurisdiction shall also include the power to order the return of the
864 child to the sending state.

865 (b) When an issue of child protection or custody is brought before a
866 court in the receiving state, such court shall confer with the court of the
867 sending state to determine the most appropriate forum for adjudication.

868 (c) In cases that are before courts and subject to this compact, the
869 taking of testimony for hearings before any judicial officer may occur in
870 person, by telephone, by audio-video conference or by such other means
871 as are approved by the rules of the Interstate Commission, and judicial
872 officers may communicate with other judicial officers and persons
873 involved in the interstate process to the extent permitted by such courts'
874 canons of judicial conduct and any rules promulgated by the Interstate
875 Commission.

876 (d) In accordance with its own laws, the court in the sending state
877 shall have authority to terminate its jurisdiction if:

878 (1) The child is reunified with the parent in the receiving state who is
879 the subject of allegations or findings of abuse or neglect, only with the
880 concurrence of the public child placing agency in the receiving state;

881 (2) The child is adopted;

882 (3) The child reaches the age of majority under the laws of the sending
883 state;

884 (4) The child achieves legal independence pursuant to the laws of the

885 sending state;

886 (5) A guardianship is created by a court in the receiving state with the
887 concurrence of the court in the sending state;

888 (6) An Indian tribe has petitioned for and received jurisdiction from
889 the court in the sending state; or

890 (7) The public child placing agency of the sending state requests
891 termination and has obtained the concurrence of the public child placing
892 agency in the receiving state.

893 (e) When a sending state court terminates its jurisdiction, the
894 receiving state child placing agency shall be notified.

895 (f) Nothing in this article shall defeat a claim of jurisdiction by a
896 receiving state court sufficient to adjudicate an act of truancy,
897 delinquency or crime or behavior involving a child as defined by the
898 laws of the receiving state committed by the child in the receiving state
899 that is a violation of its laws.

900 (g) Nothing in this article shall limit the receiving state's ability to take
901 emergency jurisdiction for the protection of the child.

902 (h) The substantive laws of the state in which an adoption is pending
903 shall solely govern all issues relating to the adoption of the child and the
904 court in which the adoption proceeding is filed shall have subject matter
905 jurisdiction regarding all substantive issues relating to the adoption,
906 except when:

907 (1) The child is a ward of another court that established jurisdiction
908 over the child prior to the placement;

909 (2) The child is in the legal custody of a public agency in the sending
910 state; or

911 (3) A court in the sending state has otherwise appropriately assumed
912 jurisdiction over the child, prior to the submission of the request for
913 approval of placement.

914 (i) A final decree of adoption shall not be entered in any jurisdiction
915 until the placement is authorized as an approved placement by the
916 public child placing agency in the receiving state.

917 ARTICLE V. Placement Evaluation

918 (a) Prior to sending, bringing or causing a child to be sent or brought
919 into a receiving state, the public child placing agency shall provide a
920 written request for assessment to the receiving state.

921 (b) For placements by a private child placing agency, a child may be
922 sent or brought, or caused to be sent or brought, into a receiving state,
923 upon receipt and immediate review of the required content in a request
924 for approval of a placement in both the sending and receiving state
925 public child placing agency. The required content to accompany a
926 request for approval shall include all of the following:

927 (1) A request for approval identifying the child, one or both birth
928 parents, one or both prospective adoptive parents and the supervising
929 agency, signed by the person requesting approval;

930 (2) The appropriate consents or relinquishments signed by the birth
931 parents in accordance with the laws of the sending state, or where
932 permitted under the laws of the state where the adoption is pending;

933 (3) Certification by a licensed attorney or authorized agent of a
934 private adoption agency that the consent or relinquishment is in
935 compliance with the applicable laws of the sending state, or where
936 permitted under the laws of the state where the adoption is pending;

937 (4) A home study; and

938 (5) An acknowledgment of legal risk signed by the prospective
939 adoptive parents.

940 (c) The sending state and the receiving state may request additional
941 information or documents prior to finalization of an approved
942 placement, but such states may not delay travel by the prospective

943 adoptive parents with the child if the required content for approval has
944 been submitted, received and reviewed by the public child placing
945 agency in both the sending state and the receiving state.

946 (d) Approval from the public child placing agency in the receiving
947 state for a provisional or approved placement is required as provided
948 for by the rules of the Interstate Commission.

949 (e) The procedures for making an assessment of the proposed
950 placement and the request for such an assessment shall contain all
951 information and be in such form as provided for by the rules of the
952 Interstate Commission.

953 (f) Upon receipt of a request from the public child placing agency of
954 the sending state, the receiving state shall initiate an assessment of the
955 proposed placement to determine its safety and suitability. If the
956 proposed placement is a placement with a relative, the public child
957 placing agency of the sending state may request a determination for a
958 provisional placement.

959 (g) The public child placing agency in the receiving state may request
960 and shall be entitled to receive from the public child placing agency or
961 the private child placing agency in the sending state, supporting or
962 additional information necessary to complete the assessment or approve
963 the placement.

964 (h) The public child placing agency in the receiving state shall
965 approve a provisional placement and complete or arrange for the
966 completion of the assessment within the timeframes established by the
967 rules of the Interstate Commission.

968 (i) For a placement by a private child placing agency, the sending
969 state shall not impose any additional requirements to complete the
970 home study that are not required by the receiving state, unless the
971 adoption is finalized in the sending state.

972 (j) The Interstate Commission may develop uniform standards for the
973 assessment of the safety and suitability of interstate placements.

974 ARTICLE VI. Placement Authority

975 (a) Except as otherwise provided in this compact, no child subject to
976 this compact shall be placed into a receiving state until approval for such
977 placement is obtained.

978 (b) If the public child placing agency in the receiving state does not
979 approve the proposed placement, the child shall not be placed. The
980 receiving state shall provide written documentation of any such
981 determination in accordance with the rules promulgated by the
982 Interstate Commission. Such determination shall not be subject to
983 judicial review in the sending state.

984 (c) If the proposed placement is not approved, any interested party
985 shall have standing to seek an administrative review of the receiving
986 state's determination.

987 (1) The administrative review and any further judicial review
988 associated with the determination shall be conducted in the receiving
989 state pursuant to its applicable administrative procedures act.

990 (2) If a determination not to approve the placement of the child in the
991 receiving state is overturned upon review, the placement shall be
992 deemed approved, provided all administrative or judicial remedies
993 have been exhausted or the time for such remedies has passed.

994 ARTICLE VII. Placing Agency Responsibility

995 (a) For the interstate placement of a child made by a public child
996 placing agency or state court:

997 (1) The public child placing agency in the sending state shall have
998 financial responsibility for:

999 (A) The ongoing support and maintenance for the child during the
1000 period of the placement, unless otherwise provided for in the receiving
1001 state; and

1002 (B) As determined by the public child placing agency in the sending

1003 state, services for the child beyond the public services for which the
1004 child is eligible in the receiving state.

1005 (2) The receiving state shall only have financial responsibility for:

1006 (A) Any assessment conducted by the receiving state; and

1007 (B) Supervision conducted by the receiving state at the level
1008 necessary to support the placement as agreed upon by the public child
1009 placing agencies of the receiving and sending state.

1010 (3) Nothing in this compact shall prohibit public child placing
1011 agencies in the sending state from entering into agreements with
1012 licensed agencies or persons in the receiving state to conduct
1013 assessments and provide supervision.

1014 (b) For the placement of a child by a private child placing agency
1015 preliminary to a possible adoption, the private child placing agency
1016 shall be:

1017 (1) Legally responsible for the child during the period of placement
1018 as provided for in the law of the sending state until the finalization of
1019 the adoption; and

1020 (2) Financially responsible for the child absent a contractual
1021 agreement to the contrary.

1022 (c) The public child placing agency in the receiving state shall provide
1023 timely assessments, as provided for in the rules of the Interstate
1024 Commission.

1025 (d) The public child placing agency in the receiving state shall
1026 provide, or arrange for the provision of, supervision and services for the
1027 child, including timely reports, during the period of the placement.

1028 (e) Nothing in this compact shall be construed to limit the authority
1029 of the public child placing agency in the receiving state from contracting
1030 with a licensed agency or person in the receiving state for an assessment
1031 or the provision of supervision or services for the child or otherwise

1032 authorizing the provision of supervision or services by a licensed
1033 agency during the period of placement.

1034 (f) Each member state shall provide for coordination among its
1035 branches of government concerning the state's participation in, and
1036 compliance with, this compact and Interstate Commission activities
1037 through the creation of an advisory council or an existing body or board.

1038 (g) Each member state shall establish a central state compact office
1039 that shall be responsible for state compliance with this compact and the
1040 rules of the Interstate Commission.

1041 (h) The public child placing agency in the sending state shall oversee
1042 compliance with the provisions of the Indian Child Welfare Act, 25 USC
1043 1901 et seq., as amended from time to time, for placements subject to the
1044 provisions of this compact prior to placement.

1045 (i) With the consent of the Interstate Commission, states may enter
1046 into limited agreements that facilitate the timely assessment and
1047 provision of services and supervision of placements under this compact.

1048 ARTICLE VIII. Interstate Commission for the Placement of Children

1049 (a) The member states hereby establish, by way of this compact, a
1050 commission known as the "Interstate Commission for the Placement of
1051 Children". The activities of the Interstate Commission are the formation
1052 of public policy and are a discretionary state function. The Interstate
1053 Commission shall:

1054 (1) Be a joint commission of the member states and shall have the
1055 responsibilities, powers and duties set forth herein, and such additional
1056 powers as may be conferred by subsequent concurrent action of the
1057 respective legislatures of the member states; and

1058 (2) Consist of one commissioner from each member state who shall
1059 be appointed by the executive head of the state human services
1060 administration with ultimate responsibility for the child welfare
1061 program. The appointed commissioner shall have the legal authority to

1062 vote on policy related matters governed by this compact binding the
1063 state.

1064 (b) Each member state represented at a meeting of the Interstate
1065 Commission shall be entitled to one vote.

1066 (c) A majority of the member states shall constitute a quorum for the
1067 transaction of business at a meeting of the Interstate Commission, unless
1068 a larger quorum is required by the bylaws of the Interstate Commission.

1069 (d) A member shall not delegate a vote to another member state at a
1070 meeting of the Interstate Commission.

1071 (e) A member may delegate voting authority to another person from
1072 such representative's state for a specified meeting of the Interstate
1073 Commission.

1074 (f) In addition to the commissioners of each member state, the
1075 Interstate Commission shall include persons who are members of
1076 interested organizations as defined in the bylaws or rules of the
1077 Interstate Commission. Such members shall be ex officio and shall not
1078 be entitled to vote on any matter before the Interstate Commission.

1079 (g) The Interstate Commission shall establish an executive committee
1080 that shall have the authority to administer the day-to-day operations
1081 and administration of the Interstate Commission. Such committee shall
1082 not have the power to engage in rulemaking.

1083 ARTICLE IX. Powers and Duties of the Interstate Commission

1084 The Interstate Commission shall have the following powers:

1085 (1) To promulgate rules and take all necessary actions to effect the
1086 goals, purposes and obligations enumerated in this compact;

1087 (2) To provide for dispute resolution among member states;

1088 (3) To issue, upon request of a member state, advisory opinions
1089 concerning the meaning or interpretation of this interstate compact, its

1090 bylaws, rules or actions;

1091 (4) To enforce compliance with this interstate compact, its bylaws,
1092 rules or actions or the rules of the commission pursuant to Article XII of
1093 this compact;

1094 (5) Collect standardized data concerning the interstate placement of
1095 children subject to this compact as directed through the commission's
1096 rules, which shall specify the data to be collected, the means of collection
1097 and data exchange and reporting requirements;

1098 (6) To establish and maintain offices as may be necessary for the
1099 transacting of its business;

1100 (7) To purchase and maintain insurance and bonds;

1101 (8) To hire or contract for services of personnel or consultants as
1102 necessary to carry out the commission's functions under this compact
1103 and establish personnel qualification policies, and rates of
1104 compensation;

1105 (9) To establish and appoint committees and officers including, but
1106 not limited to, an executive committee as required by Article X of this
1107 compact;

1108 (10) To accept any and all donations and grants of money, equipment,
1109 supplies, materials and services, and to receive, utilize and dispose
1110 thereof;

1111 (11) To lease, purchase, accept contributions or donations of or
1112 otherwise to own, hold, improve or use any property, real, personal or
1113 mixed;

1114 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon or
1115 otherwise dispose of any property, real, personal or mixed;

1116 (13) To establish a budget and make expenditures;

1117 (14) To adopt a seal and bylaws governing the management and

1118 operation of the Interstate Commission;

1119 (15) To report annually to the legislatures, governors, judicial
1120 branches and state advisory councils of the member states concerning
1121 the activities of the Interstate Commission during the preceding year,
1122 including, but not limited to, any recommendations that may have been
1123 adopted by the Interstate Commission;

1124 (16) To coordinate and provide education, training and public
1125 awareness regarding the interstate movement of children for officials
1126 involved in such activity;

1127 (17) To maintain books and records in accordance with the bylaws of
1128 the Interstate Commission; and

1129 (18) To perform such functions as may be necessary or appropriate to
1130 achieve the purposes of this compact.

1131 ARTICLE X. Organization and Operation of the Interstate
1132 Commission

1133 (a) Bylaws

1134 (1) Not later than twelve months after the first Interstate Commission
1135 meeting, the Interstate Commission shall adopt bylaws to govern its
1136 conduct as may be necessary or appropriate to carry out the purposes of
1137 this compact.

1138 (2) The Interstate Commission's bylaws and rules shall establish
1139 conditions and procedures under which the Interstate Commission shall
1140 make its information and official records available to the public for
1141 inspection or copying. The Interstate Commission may exempt from
1142 disclosure information or official records to the extent such information
1143 or records would adversely affect personal privacy rights or proprietary
1144 interests.

1145 (b) Meetings

1146 (1) The Interstate Commission shall meet at least once each calendar

1147 year. The chairperson may call additional meetings and, upon the
1148 request of a simple majority of the member states, shall call additional
1149 meetings.

1150 (2) Public notice shall be given by the Interstate Commission of all
1151 meetings and all meetings shall be open to the public, except as set forth
1152 in the rules or as otherwise provided in this compact. The Interstate
1153 Commission and its committees may close a meeting, or portion thereof,
1154 where it determines by two-thirds vote that an open meeting would be
1155 likely to:

1156 (A) Relate solely to the Interstate Commission's internal personnel
1157 practices and procedures;

1158 (B) Disclose matters specifically exempted from disclosure by federal
1159 law;

1160 (C) Disclose financial or commercial information that is privileged,
1161 proprietary or confidential in nature;

1162 (D) Involve accusing a person of a crime, or formally censuring a
1163 person;

1164 (E) Disclose information of a personal nature where disclosure would
1165 constitute a clearly unwarranted invasion of personal privacy or
1166 physically endanger one or more persons;

1167 (F) Disclose investigative records compiled for law enforcement
1168 purposes; or

1169 (G) Specifically relate to the Interstate Commission's participation in
1170 a civil action or other legal proceeding.

1171 (3) For a meeting, or portion of a meeting, closed pursuant to
1172 subdivision (2) of this subsection, the Interstate Commission's legal
1173 counsel or designee shall certify that the meeting may be closed and
1174 shall reference each relevant exemption provision. The Interstate
1175 Commission shall keep minutes that shall fully and clearly describe all

1176 matters discussed in a meeting and shall provide a full and accurate
1177 summary of actions taken, and the reasons therefore, including a
1178 description of the views expressed and the record of a roll call vote. All
1179 documents considered in connection with an action shall be identified
1180 in such minutes. All minutes and documents of a closed meeting shall
1181 remain under seal, subject to release by a majority vote of the Interstate
1182 Commission or by court order.

1183 (4) The bylaws may provide for meetings of the Interstate
1184 Commission to be conducted by telecommunication or other electronic
1185 communication.

1186 (c) Officers and Staff

1187 (1) The Interstate Commission may, through its executive committee,
1188 appoint or retain a staff director for such period, upon such terms and
1189 conditions and for such compensation as the Interstate Commission
1190 may deem appropriate. The staff director shall serve as secretary to the
1191 Interstate Commission, but shall not have a vote. The staff director may
1192 hire and supervise such other staff as authorized by the Interstate
1193 Commission.

1194 (2) The Interstate Commission shall elect, from among its members, a
1195 chairperson and a vice chairperson of the executive committee and other
1196 necessary officers, each of whom shall have such authority and duties
1197 as may be specified in the bylaws.

1198 (d) Qualified Immunity, Defense and Indemnification

1199 (1) The Interstate Commission's staff director and its employees shall
1200 be immune from suit and liability, personally and in such director and
1201 employees' official capacity, for any claim for damage to or loss of
1202 property or personal injury or other civil liability caused, or arising out
1203 of, or relating to an actual or alleged act, error or omission that occurred,
1204 or that such person had a reasonable basis for believing occurred within
1205 the scope of commission employment, duties or responsibilities,
1206 provided such person shall not be protected from suit or liability for

1207 damage, loss, injury or liability caused by a criminal act or the
1208 intentional or wilful and wanton misconduct of such person.

1209 (A) The liability of the Interstate Commission's staff director and
1210 employees or Interstate Commission representatives, acting within the
1211 scope of such person's employment or duties for acts, errors or
1212 omissions occurring within such person's state may not exceed the
1213 limits of liability set forth under the Constitution and laws of that state
1214 for state officials, employees and agents. The Interstate Commission
1215 shall be an instrumentality of the states for the purposes of any such
1216 action. Nothing in this subsection shall be construed to protect such
1217 person from suit or liability for damage, loss, injury or liability caused
1218 by a criminal act or the intentional or wilful and wanton misconduct of
1219 such person.

1220 (B) The Interstate Commission shall defend the staff director and its
1221 employees and, subject to the approval of the Attorney General or other
1222 appropriate legal counsel of the member state, shall defend any
1223 commissioner of a member state in a civil action seeking to impose
1224 liability arising out of an actual or alleged act, error or omission that
1225 occurred within the scope of Interstate Commission employment, duties
1226 or responsibilities, or that the defendant had a reasonable basis for
1227 believing occurred within the scope of Interstate Commission
1228 employment, duties or responsibilities, provided the actual or alleged
1229 act, error or omission did not result from intentional or wilful and
1230 wanton misconduct on the part of such person.

1231 (C) To the extent not covered by the state involved, member state or
1232 the Interstate Commission, representatives or employees of the
1233 Interstate Commission shall be held harmless in the amount of a
1234 settlement or judgment, including attorney's fees and costs, obtained
1235 against such persons arising out of an actual or alleged act, error or
1236 omission that occurred within the scope of Interstate Commission
1237 employment, duties or responsibilities, or that such persons had a
1238 reasonable basis for believing occurred within the scope of Interstate
1239 Commission employment, duties or responsibilities, provided the

1240 actual or alleged act, error or omission did not result from intentional or
1241 wilful and wanton misconduct on the part of such persons.

1242 ARTICLE XI. Rulemaking Functions of the Interstate Commission

1243 (a) The Interstate Commission shall promulgate and publish rules in
1244 order to effectively and efficiently achieve the purposes of this compact.

1245 (b) Rulemaking shall occur pursuant to the criteria set forth in this
1246 article and the bylaws and rules adopted pursuant thereto. Such
1247 rulemaking shall substantially conform to the principles of the Model
1248 State Administrative Procedures Act, 1981 Act, Uniform Laws
1249 Annotated, Vol. 15, p.1 (2000), or such other administrative procedure
1250 acts as the Interstate Commission deems appropriate, consistent with
1251 due process requirements under the United States Constitution as now
1252 or hereafter interpreted by the United States Supreme Court. All rules
1253 and amendments shall become binding as of the date specified, as
1254 published with the final version of the rule as approved by the Interstate
1255 Commission.

1256 (c) When promulgating a rule, the Interstate Commission shall, at a
1257 minimum:

1258 (1) Publish the proposed rule's entire text stating each reason for such
1259 proposed rule;

1260 (2) Allow and invite any and all persons to submit written data, facts,
1261 opinions and arguments, all of which shall be added to the record and
1262 made publicly available; and

1263 (3) Promulgate a final rule and its effective date, if appropriate, based
1264 on input from state or local officials or interested parties.

1265 (d) Rules promulgated by the Interstate Commission shall have the
1266 force and effect of administrative rules and shall be binding in the
1267 member states to the extent and in the manner provided for in this
1268 compact.

1269 (e) Not later than sixty days after a rule is promulgated, an interested
1270 party may file a petition in the United States District Court for the
1271 District of Columbia or in the federal district where the Interstate
1272 Commission's principal office is located for judicial review of such rule.
1273 If the court finds that the Interstate Commission's action is not
1274 supported by substantial evidence in the rulemaking record, the court
1275 shall hold the rule unlawful and set it aside.

1276 (f) If a majority of the legislatures of the member states rejects a rule,
1277 such states may, by enactment of a statute or resolution in the same
1278 manner used to adopt this compact, cause such rule to have no further
1279 force and effect in any member state.

1280 (g) The existing rules governing the operation of the Interstate
1281 Compact on the Placement of Children superseded by this act shall be
1282 null and void not less than, but not more than twenty-four months, after
1283 the first meeting of the Interstate Commission created hereunder, as
1284 determined by the members during the first meeting.

1285 (h) Not later than twelve months after the effective date of this
1286 section, the Interstate Commission shall promulgate rules addressing
1287 the following:

1288 (1) Transition rules;

1289 (2) Forms and procedures;

1290 (3) Timelines;

1291 (4) Data collection and reporting;

1292 (5) Rulemaking;

1293 (6) Visitation;

1294 (7) Progress reports and supervision;

1295 (8) Sharing of information and confidentiality of information;

- 1296 (9) Financing of the Interstate Commission;
- 1297 (10) Mediation, arbitration and dispute resolution;
- 1298 (11) Education, training and technical assistance;
- 1299 (12) Enforcement; and
- 1300 (13) Coordination with other interstate compacts.
- 1301 (i) Upon determination by a majority of the members of the Interstate
1302 Commission that an emergency exists:
- 1303 (1) The Interstate Commission may promulgate an emergency rule
1304 only if it is required to:
- 1305 (A) Protect the children covered by this compact from an imminent
1306 threat to such children's health, safety and well-being;
- 1307 (B) Prevent loss of federal or state funds; or
- 1308 (C) Meet a deadline for the promulgation of an administrative rule
1309 required by federal law.
- 1310 (2) An emergency rule shall become effective immediately upon
1311 adoption, provided the usual rulemaking procedures provided
1312 hereunder shall be retroactively applied to said rule as soon as
1313 reasonably possible, but not later than ninety days after the effective
1314 date of the emergency rule.
- 1315 (3) An emergency rule shall be promulgated as provided for in the
1316 rules of the Interstate Commission.
- 1317 ARTICLE XII. Oversight, Dispute Resolution, Enforcement
- 1318 (a) Oversight
- 1319 (1) The Interstate Commission shall oversee the administration and
1320 operation of this compact.

1321 (2) The executive, legislative and judicial branches of state
1322 government in each member state shall enforce this compact and the
1323 rules of the Interstate Commission and take all actions necessary and
1324 appropriate to effectuate this compact's purposes and intent. This
1325 compact and its rules shall be binding in the compacting states to the
1326 extent and in the manner provided for in this compact.

1327 (3) All courts shall take judicial notice of this compact and the rules
1328 in any judicial or administrative proceeding in a member state
1329 pertaining to the subject matter of this compact.

1330 (4) The Interstate Commission shall be entitled to receive service of
1331 process in any action in which the validity of a compact provision or
1332 rule is the issue for which a judicial determination has been sought and
1333 shall have standing to intervene in any proceedings. Failure to provide
1334 service of process to the Interstate Commission shall render any
1335 judgment, order or other determination, however so captioned or
1336 classified, void as to the Interstate Commission, this compact, its bylaws
1337 or rules of the Interstate Commission.

1338 (b) Dispute Resolution

1339 (1) The Interstate Commission shall attempt, upon the request of a
1340 member state, to resolve disputes that are subject to this compact and
1341 arise among member states and between member and nonmember
1342 states.

1343 (2) The Interstate Commission shall promulgate a rule providing for
1344 both mediation and binding dispute resolution for disputes among
1345 compacting states. The costs of such mediation or dispute resolution
1346 shall be the responsibility of the parties to the dispute.

1347 (c) Enforcement

1348 (1) If the Interstate Commission determines that a member state has
1349 defaulted in the performance of its obligations or responsibilities under
1350 this compact, its bylaws or rules, the Interstate Commission may:

- 1351 (A) Provide remedial training and specific technical assistance;
- 1352 (B) Provide written notice to the defaulting state and other member
1353 states, of the nature of the default and the means of curing the default.
1354 The Interstate Commission shall specify the conditions by which the
1355 defaulting state shall cure its default;
- 1356 (C) By majority vote of the members, initiate against a defaulting
1357 member state legal action in the United States District Court for the
1358 District of Columbia or, at the discretion of the Interstate Commission,
1359 in the federal district where the Interstate Commission has its principal
1360 office, to enforce compliance with the provisions of this compact, or the
1361 commission's bylaws or rules. The relief sought may include both
1362 injunctive relief and damages. If judicial enforcement is necessary, the
1363 prevailing party shall be awarded all costs of such litigation, including
1364 reasonable attorney's fees; or
- 1365 (D) Avail itself of any other remedies available under state law or the
1366 regulation of official or professional conduct.
- 1367 ARTICLE XIII. Financing of the Commission
- 1368 (a) The Interstate Commission shall pay or provide for the payment
1369 of the reasonable expenses of its establishment, organization and
1370 ongoing activities.
- 1371 (b) The Interstate Commission may levy on and collect an annual
1372 assessment from each member state to cover the cost of the operations
1373 and activities of the Interstate Commission and its staff, which shall be
1374 in a total amount sufficient to cover the Interstate Commission's annual
1375 budget as approved by its members each year. The aggregate annual
1376 assessment amount shall be allocated based upon a formula to be
1377 determined by the Interstate Commission, which shall promulgate a
1378 rule binding upon all member states.
- 1379 (c) The Interstate Commission shall not incur obligations of any kind
1380 prior to securing the funds adequate to meet such obligations or pledge
1381 the credit of any member state, except by and with the authority of the

1382 member state.

1383 (d) The Interstate Commission shall keep accurate accounts of all
1384 receipts and disbursements. The receipts and disbursements of the
1385 Interstate Commission shall be subject to the audit and accounting
1386 procedures established under its bylaws, provided all receipts and
1387 disbursements of funds handled by the Interstate Commission shall be
1388 audited yearly by a certified or licensed public accountant and the
1389 report of any such audit shall be included in and become part of the
1390 annual report of the Interstate Commission.

1391 ARTICLE XIV. Member States, Effective Date and Amendment

1392 (a) Any state may become a member state.

1393 (b) This compact shall become effective and binding upon legislative
1394 enactment of this compact into law by not less than thirty-five states.
1395 The effective date shall be the later of July 1, 2007, or upon enactment of
1396 this compact into law by the thirty-fifth state. Thereafter it shall become
1397 effective and binding as to any other member state upon enactment of
1398 this compact into law by that state. The executive heads of the state
1399 human services administration with ultimate responsibility for the child
1400 welfare program of nonmember states or their designees shall be invited
1401 to participate in the activities of the Interstate Commission on a
1402 nonvoting basis prior to adoption of this compact by all states.

1403 (c) The Interstate Commission may propose amendments to this
1404 compact for enactment by the member states. No amendment shall
1405 become effective and binding on the member states unless and until it
1406 is enacted into law by unanimous consent of the member states.

1407 ARTICLE XV. Withdrawal and Dissolution

1408 (a) Withdrawal

1409 (1) Once effective, this compact shall continue in force and remain
1410 binding upon each and every member state, except that a member state
1411 may withdraw from this compact by repealing the statute that enacted

1412 this compact into law.

1413 (2) Withdrawal from this compact shall be by the enactment of a
1414 statute repealing this compact. The effective date of withdrawal shall be
1415 the effective date of the repeal of the statute.

1416 (3) The withdrawing state shall immediately notify the president of
1417 the Interstate Commission in writing upon the introduction of
1418 legislation repealing this compact in the withdrawing state. The
1419 Interstate Commission shall notify the other member states of the
1420 withdrawing state's intent to withdraw.

1421 (4) The withdrawing state is responsible for all assessments,
1422 obligations and liabilities incurred through the effective date of
1423 withdrawal.

1424 (5) Reinstatement of this compact following withdrawal of a member
1425 state shall occur upon the withdrawing state reenacting this compact or
1426 upon such later date as determined by the members of the Interstate
1427 Commission.

1428 (b) Dissolution of Compact

1429 (1) This compact shall dissolve effective upon the date of the
1430 withdrawal or default of the member state that reduces the membership
1431 in this compact to one member state.

1432 (2) Upon the dissolution of this compact, this compact shall become
1433 null and void and shall be of no further force or effect, and the business
1434 and affairs of the Interstate Commission shall be concluded and surplus
1435 funds shall be distributed in accordance with the bylaws.

1436 ARTICLE XVI. Severability and Construction

1437 (a) The provisions of this compact shall be severable, and if any
1438 phrase, clause, sentence or provision is deemed unenforceable, the
1439 remaining provisions of this compact shall be enforceable.

1440 (b) The provisions of this compact shall be liberally construed to

1441 effectuate its purposes.

1442 (c) Nothing in this compact shall be construed to prohibit the
1443 concurrent applicability of other interstate compacts to which the states
1444 are members.

1445 ARTICLE XVII. Binding Effect of Compact and Other Laws

1446 (a) Other Laws

1447 (1) Nothing herein shall prevent the enforcement of any other law of
1448 a member state that is not inconsistent with this compact.

1449 (b) Binding Effect of this Compact

1450 (1) All lawful actions of the Interstate Commission, including all rules
1451 and bylaws promulgated by the Interstate Commission, shall be binding
1452 upon the member states.

1453 (2) All agreements between the Interstate Commission and the
1454 member states shall be binding in accordance with the terms of such
1455 agreements.

1456 (3) If any provision of this compact exceeds the constitutional limits
1457 imposed on the legislature of any member state, such provision shall be
1458 ineffective to the extent of the conflict with the constitutional provision
1459 in question in such member state.

1460 ARTICLE XVIII. Indian Tribes

1461 Notwithstanding any other provision in this compact, the Interstate
1462 Commission may promulgate guidelines to permit Indian tribes to
1463 utilize this compact to achieve any or all of the purposes of this compact
1464 as specified in Article I of this compact. The Interstate Commission shall
1465 make reasonable efforts to consult with Indian tribes in promulgating
1466 guidelines to reflect the diverse circumstances of the various Indian
1467 tribes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	17a-114
Sec. 2	July 1, 2025	46b-129(j)(6)
Sec. 3	July 1, 2025	17a-28(g)
Sec. 4	July 1, 2025	17a-93
Sec. 5	July 1, 2025	New section
Sec. 6	<i>upon enactment of the revised Interstate Compact on the Placement of Children by thirty-five jurisdictions</i>	17a-175

Statement of Legislative Commissioners:

In Section 2(6)(B), "in its discretion," was deleted for clarity; in Section 5, "(NEW)" was added for consistency with standard drafting conventions; and Section 6 was rewritten for clarity and consistency with standard drafting conventions.

KID *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Children & Families, Dept.	GF - Cost	See Below	See Below
Children & Families, Dept.	GF - Revenue Gain	250,000	250,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to statutes concerning the Department of Children and Families (DCF), which have fiscal impacts as described below.

Section 1 clarifies the mandatory protocols to be followed when a child is placed by DCF in the home of a relative or fictive kin caregiver, when such home is not actively licensed by DCF nor approved by a licensed child placing agency. The proposed statutory revisions are necessary to ensure DCF's ongoing access to the Federal Bureau of Investigations' (FBI) criminal history data. These revisions are consistent with current practice and result in no fiscal impact to DCF or the Department of Emergency Services and Public Protection.

Section 2 results in an annual General Fund revenue gain from federal funding of approximately \$250,000 beginning in FY 26. The section establishes a process whereby the juvenile court may determine that reentry to DCF's Services Post Majority (SPM) program is in the best interest of a youth who declined to voluntarily remain under the DCF commissioner's care upon their 18th birthday and now wishes to reenter

care. The court decree will allow for federal Title IV-E reimbursement to be claimed against the cost of services provided to eligible youth.

The annual revenue gain estimate is based on FY 24 data, which reflects aggregate claimable Title IV-E costs for 37 youth that reentered care of \$1.8 million, a Title IV-E eligibility rate¹ of 28.7% and federal financial participation (ffp) at 50%.

The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

Section 3 results in no fiscal impact from expanding access to DCF records to: (a) allow the Department of Developmental Services to investigate a report of alleged abuse or neglect of a person with intellectual disability; and (b) allow the Office of Policy and Management to conduct a labor relations investigation on behalf of DCF.

Section 4 will lead to a DCF workload decrease from no longer having to process a request to waive licensure standards from a child-care facility seeking to serve a person over age 21, who requires special education, until the end of the school year during which such person reaches age 22. On average, the department processes slightly over 100 such waiver requests annually. The workload decrease will not be sufficient to result in savings.

Section 5 requires DCF to develop a foster parent bill of rights, in consultation with caregivers, and incorporate the same within the agency's policy. Fiscal impacts, if any, resulting from practice changes that might ensue cannot be determined in advance as the bill does not define the specific rights to be afforded to foster parents.

Section 6 enacts the revised Interstate Compact on the Placement of Children (ICPC), effective upon its enactment by 35 states. If the revised

¹ States can claim reimbursement only for title IV-E eligible children, i.e., children whose biological families would have qualified for the AFDC program under 1996 income standards, not adjusted for inflation.

ICPC is enacted by the required states, a minimal annual cost and potentially additional fiscal impacts will result. Current statute enacting the predecessor ICPC, of which Connecticut is a member, would be repealed upon the same effective date. The final revised ICPC was issued in 2009. To date, it has been adopted by 18 states.

The revised ICPC would create an Interstate Commission for the Placement of Children. The Commission would be empowered to levy and collect an annual assessment from each member state to cover the cost of its operations and activities, in an amount sufficient to cover an approved annual budget. The assessment shall be calculated in accordance with a formula to be determined by the Commission. Member states (through their voting representative) would approve actual annual budgets and the assessment methodology.

An interim budget projection² was shared for planning purposes when the revised ICPC was issued. A first-year cost of approximately \$500,000 was estimated, resulting in a per state cost of \$9,000 - \$14,000, assuming participation by a minimum of 35 and a maximum of 54 jurisdictions. Using this budget projection as a basis, the aggregate cost would approximate \$750,000 in 2025, resulting in a per state cost of \$14,000 - \$21,500, after adjusting for inflation.

Other fiscal provisions set forth in the revised Compact include: (1) a defaulting member state, by majority vote of member states, could be subject to injunctive relief and damages; (2) if a state is not the prevailing party to a judicial enforcement under the Compact, it would be liable for costs of litigation, including reasonable attorney's fees; and (3) the Interstate Commission would be authorized to promulgate an emergency rule, upon determination by the majority of member states, to protect covered children from imminent threat, or if required to prevent loss of federal or state funds.

The revised Compact requires the establishment of a central state compact office. This is not anticipated to result in a fiscal impact. DCF

² <https://aphsa.org/wp-content/uploads/2024/09/FISCAL-NOTE.pdf>

currently operates an ICPC Office within its Office of Foster Care and Adoption Services. Similarly, it is anticipated that an advisory council/board to coordinate the different branches of state government involved with the ICPC could be accommodated within the routinely budgeted resources of DCF and the Judicial Department. Other practice changes that would result from adoption of the revised Compact are not anticipated to substantively impact the budgets or operations of the involved agencies.

The Out Years

Section 2: The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. Additionally, Title IV-E eligibility rates would be expected to decline gradually as incomes rise.

Section 6: As discussed above, impacts would first be experienced following the enactment of the revised ICPC by the requisite minimum 35 states. Future assessments paid by the state would depend upon the approved budgets of the Interstate Commission in respective fiscal years.

*Sources: American Public Human Services Association - Association of Administrators of the ICPC
Bureau of Labor Statistics - CPI for All Urban Consumers
Department of Children and Families*

OLR Bill Analysis**sSB 1311*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE
DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY**

This bill makes various changes in the child welfare laws regarding the Department of Children and Families (DCF), including:

1. explicitly naming the expedited child placement process “emergency placement,” and adding the definition for emergency placement (§ 1);
2. authorizing DCF to allow post-majority age (over 18) youth to voluntarily re-enter DCF care under certain conditions and with juvenile court approval (§ 2);
3. allowing DCF to share records that are otherwise confidential with the Department of Development Services (DDS) for abuse and neglect investigations involving people with intellectual disabilities, and with the Office of Policy and Management (OPM) for labor relations investigations conducted for DCF (§ 3);
4. allowing a child placed at a DCF-licensed facility who requires special education to remain in placement at the facility until they turn 22 (§ 4);
5. requiring the DCF commissioner, in consultation with caregivers, to develop a foster parent bill of rights and incorporate it into department policy (§ 5); and
6. adopting a new Interstate Compact on the Placement of Children, which replaces the current compact when it is adopted by 35 jurisdictions (to date, 18 have adopted the compact; see

BACKGROUND) (§ 6).

EFFECTIVE DATE: July 1, 2025, except the interstate compact takes effect when 35 jurisdictions enact it.

§ 1 — EMERGENCY CHILD PLACEMENT

Under current law, a child can be placed with a relative or fictive kin caregiver who is not DCF-licensed or -approved when the placement is deemed in the child's best interest, as long as DCF does a basic family assessment, including a home visit. As part of this process, the commissioner must order a criminal history and child abuse registry check of anyone 18 years old or older living in the home after the placement is approved.

The bill specifies that these placements are "emergency placements," defined as the DCF placement of a child in the home of a relative or fictive kin caregiver due to the sudden unavailability of the child's primary caretaker.

The bill also makes technical and conforming changes.

§ 2 — SERVICES POST MAJORITY STATUS

By law, youth who reach age 18 (majority age) can voluntarily opt to remain in DCF care to continue to receive agency support up to age 21. (DCF refers to this as Services Post Majority status.) The bill allows youth age 18 who have left DCF care to request reentry into agency care, provided they do so at least 120 days before they turn 21.

The DCF commissioner must consider the request under the same statutory conditions under which she would consider a request for a youth still in DCF care who requested to stay in care after turning 18. In addition to the age requirement, the youth must be enrolled (1) full-time in a secondary education program or an approved program for an equivalent credential, (2) full-time in a postsecondary or vocational educational institution, or (3) in a commissioner-approved program or activity to promote or remove barriers to employment. The commissioner has discretion to waive the requirement for full-time

enrollment or participation based on compelling circumstances.

Under the bill, upon determining the youth is eligible, DCF may request that the youth enter into a written agreement detailing the terms of the voluntary reentry.

DCF must seek a determination whether reentry into care is in the youth's best interest by filing a motion in the juvenile court that had jurisdiction over the youth's original case within 120 days of executing the agreement with the youth. The court must determine if there is an appropriate permanency plan, and it may hold a hearing on the motion. (If the court approves reentry, this allows DCF to claim federal Title IV-E reimbursement for the services DCF provides to these youth.)

§ 3 — EXCEPTIONS TO DCF RECORD CONFIDENTIALITY RULES

Generally, under state law, DCF's records are confidential and cannot be disclosed without the permission of the person involved except in limited situations. The bill adds two new situations to the list of statutory exceptions for disclosure without first getting permission.

These new exceptions are for disclosures to (1) DDS for investigations of abuse or neglect of a person with intellectual disabilities and (2) OPM for labor relations investigations conducted for DCF.

§ 4 — YOUTH IN DCF-LICENSED CHILD CARE FACILITIES

The bill allows an individual placed at a DCF-licensed child care facility who requires special education to remain in the facility receiving services until the end of the school year in which he or she turns 22. This means if the individual turns 22 in January, for example, he or she could finish out the school year. The change conforms with the existing state special education law that requires school boards to provide special education until the child graduates from high school or until the end of the school year when the child reaches age 22, whichever occurs first. (The special education law was changed in 2023 to conform with the federal court ruling *A.R. v. Connecticut State Board of Education* (5 F.4th 155 (2d Cir., 2021)).)

By law, child care facilities are DCF-licensed congregate residential settings. The DCF commissioner can petition a court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

§ 5 — FOSTER PARENT BILL OF RIGHTS

The bill requires the DCF commissioner, in consultation with caregivers, to develop a foster parent bill of rights and incorporate it into department policy by January 1, 2026. The bill of rights must be consistent with applicable federal and state laws and include, at a minimum, (1) a statement of the principles and values that are its basis and (2) the rights and obligations of caregivers, children in foster care, and DCF.

By law, and under the bill, “caregivers” are (1) DCF-licensed foster care providers, (2) people approved by a licensed child placing agency to provide foster care, (3) relative or fictive kin caregivers, or (4) licensed child placing agency operators or officials.

§ 6 — INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

The bill replaces the existing Interstate Compact on the Placement of Children with a new one crafted by the Association of Administrators of the Interstate Compact on the Placement of Children (see BACKGROUND). The new compact includes provisions intended to expedite safe placement of children across state lines and spells out responsibilities of child welfare agencies in the sending and receiving states. The new compact differs from the existing one in several areas. The table below provides a comparison of key issues.

Table: Comparison of Selected Compact Provisions

Current Compact	Bill's Compact
Noncustodial Parents	
Does not address out-of-state, noncustodial parent placements; does not define noncustodial parent	Clarifies when placement with an out-of-state, noncustodial parent can be made in the context of a dependency proceeding; adds definition of noncustodial parent (Art. II & III (b)(5))
Administrative Reviews	
Does not include an appeals process for or administrative review of a receiving state's child placement denial	Provides for administrative review of the receiving state's child placement denial to be conducted in the receiving state under its applicable Administrative Procedures Act (Art. VI (c))
Compact Rules	
No provisions on enacting compact rules	Authorizes the commission to enact rules to implement the compact; requires proposed rules to be published before being finalized; the public must be provided the opportunity to comment and comments will be added to the record and made publicly available (Art. XI)
Dispute Resolution and Enforcement	
No provisions on dispute resolution or enforcement	Dispute resolution between member states: mediation and binding dispute resolution Enforcement options against defaulting member states: (1) remedial training and technical assistance; (2) written notice of default including a means of addressing the default; and (3) by a majority vote of the members, initiating legal action in federal court (Art. XII (b) & (c))

The new compact also creates the Interstate Commission for the Placement of Children ("commission"), which consists of one commissioner from each member state who is appointed by the executive head of the state child welfare agency (in Connecticut the DCF commissioner). Commissioners representing a member state each have the authority to vote on policy matters governed by the compact binding the state.

The commission oversees the administration of the compact including dispute resolution, compact enforcement and amendment,

and commission financing through assessments of member states.

The new compact does not go into effect until it is adopted by 35 jurisdictions (which include U.S. states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory). Thus far it has been adopted by 18 states (see BACKGROUND).

The new compact includes 18 articles. The following is a summary of key provisions.

Purpose (Art. I)

The compact's purpose is, among other things, to:

1. provide a process for children (people under age 18) being placed outside of their resident state to be timely placed in safe and suitable homes;
2. facilitate ongoing placement supervision, service delivery, and communication between the states;
3. provide procedures to ensure children are placed in safe and suitable homes;
4. address crafting and enforcing of administrative rules that will implement its provisions, including regulating the relevant activities of the member states;
5. provide for uniform data collection and sharing between member states; and
6. provide for issuing guidelines together with Indian tribes for interstate cases involving Indian children, as federal law allows.

Definitions (Art. II)

The following are selected definitions from the new compact.

1. "Approved placement" means the public child placing agency in the receiving state has determined that the child's placement is

safe and suitable.

2. "Placement" is the act by a public or private child placing agency intended to arrange for the care or custody of a child in another state.
3. "Private child placing agency" is any private person or agency, foundation, or charitable organization facilitating or involved in a child's interstate placement that is not part of, or acting for, state or local government.
4. "Public child placing agency" is any government child welfare or child protection agency, or private entity under contract with the agency, facilitating or involved in a child's interstate placement.

Applicability (Art. III)

The compact specifically applies to the interstate placement of a child:

1. under the sending state's court authority due to allegations or findings of abuse or neglect (but if the placement is to a residential facility, the compact requires only notice to the receiving state before the placement happens);
2. adjudicated delinquent or unmanageable under the sending state's laws and subject to the sending state's ongoing court jurisdiction if the child is being placed in (a) a residential facility in another member state and is not covered under another compact or (b) another member state and the determination of whether the placement and services required are safe and suitable are not provided under another compact; or
3. whose placement by a public or private child placing agency is a preliminary step to a possible adoption.

A residential facility is a facility providing care that substitutes for parental responsibility or foster care and is beyond what is needed for assessment or treatment of an acute condition. The definition does not include institutions that are primarily educational, hospitals, or other

medical facilities.

The compact specifies various situations in which a child is moved out of his or her original state that are exempt from the compact's oversight, including when a parent with legal authority over the child places the child with a relative or a nonrelative in the receiving state. For the nonrelative placement, the exemption applies if the placement does not involve adoption. If the child is placed with a relative who is the noncustodial parent, under the compact the noncustodial parent must prove to the satisfaction of the sending state court that he or she has a substantial relationship with the child and the sending state court makes a written finding that the placement is in the best interests of the child.

A noncustodial parent is a person who, when the court proceedings begin, is not the subject of abuse or neglect allegations and does not have sole legal custody of the child or has joint custody.

Jurisdiction (Art. IV)

Under the compact, the sending state generally retains jurisdiction over a child regarding custody matters and disposition of the child's case just as it would have if the child had remained in the sending state. This includes the power to order the return of the child to the sending state.

When an issue of child protection or custody is before a receiving state court, the court must confer with the court of the sending state to determine the most appropriate place for adjudication.

The compact allows a sending state court to relinquish jurisdiction in some situations, including if the child is reunified with the parent in the receiving state who was alleged or found to have committed abuse or neglect, provided the receiving state child placement agency concurs, or, among other things, the child is adopted or reaches the age of majority under the sending state's laws.

If the sending state court terminates its jurisdiction, it must notify the receiving state's court. The compact does not prohibit the receiving

state's ability to take emergency jurisdiction for the child's protection.

Adoption. Generally, the relevant laws of the state where an adoption is pending solely govern all adoption-related issues and the court where the adoption proceeding is filed has jurisdiction regarding all substantive adoption issues. But the compact permits some exceptions to this, including when the (1) child is a ward of another court that established jurisdiction before the child was placed and (2) court in the sending state has otherwise appropriately assumed jurisdiction over the child.

Under the compact, a receiving state's public child placing agency must approve final adoption decrees as approved placements before they can be entered in any jurisdiction.

Placement Evaluation (Art. V)

The compact includes requirements for both public and private child placing agencies. It also authorizes the commission to develop standards for assessing the safety and suitability of interstate placements.

Public Agencies. Public agency placements require the public child placing agency to submit a written assessment request to the receiving state. The "assessment" is an evaluation of a prospective receiving state placement by a public child placing agency to determine if the placement meets the child's individual needs, including the child's safety and stability, health and well-being, and mental, emotional, and physical development.

The assessment procedures and the assessment request must contain the required information and be in a form that commission rules require. Also, the public child placing agency placement approval must be done as required by the rules. The compact allows either the sending state or the receiving state to request more information before finalizing a placement.

Private Agencies. Regarding placements by a private child placing

agency, the compact requires a request for approval of the placement and specifies content to accompany the request. This required content includes (1) a request of approval, signed by the requestor, identifying the child, one or both birth parents, one or both adoptive parents, and the supervising agency; (2) a home study; and (3) certifications by an attorney or the appropriate adoption agency official that the consent and relinquishment comply with law.

Placement Authority (Art. VI)

Under the compact, a child may not be placed in the receiving state if that state's public child placing agency does not approve the placement. The receiving state must provide written documentation, as required by the commission rules, if the agency does not approve of the proposed placement, and any interested party has standing to ask for an administrative review of the determination. The review and any further judicial appeal are conducted in the receiving state under the state's Administrative Procedures Act.

If a decision to deny a placement is overturned in review, the placement is deemed approved if all administrative or judicial remedies have been exhausted.

Placing Agency Responsibilities (Art. VII)

The compact outlines the financial responsibilities of the sending and receiving states in interstate placements.

The public child placing agency in the sending state is responsible for the ongoing financial support and maintenance for the child during the placement, unless otherwise provided by the receiving state. It is also financially responsible for services for the child, as determined by the sending state's public child placing agency, beyond those for which the child is eligible in the receiving state.

The compact requires the receiving state only have financial responsibility for (1) any assessment it conducts and (2) supervision at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending states.

It also specifies (1) the financial responsibility regarding placements by private child placing agencies before a possible adoption and (2) certain duties of public child placing agencies in the receiving state, such as timely reports and assessments during the placement.

Duties of all Member States. Each member state must (1) establish a central state compact office that is responsible for state compliance with the compact and the commission rules and (2) provide for coordination among its government branches on participating in, and complying with, the compact and commission activities through a new advisory council or an existing body or board.

Interstate Commission for the Placement of Children (Arts. VIII & X)

The compact creates the commission, which consists of one commissioner from each member state who is appointed by the executive head of the state child welfare agency (in Connecticut the DCF commissioner). Commissioners have the authority to vote on policy matters governed by the compact and binding the state.

The compact addresses other organizational and procedural aspects of the commission, including the requirement for an executive committee with authority to administer the commission's day-to-day operations and specifics regarding quorums and additional, non-voting members of the commission (the commission may, through bylaws, identify interested organizations who may have non-voting members on the commission).

The commission elects from among its members a chairperson and a vice chairperson of the executive committee and other necessary officers. The officers each have authority and duties as may be stated in the bylaws.

Commission Powers, Duties, Organization, and Operation (Arts. IX & X)

Powers and Duties. The compact charges the commission with the authority to make rules and take necessary actions to achieve the goals

and obligations detailed in the compact, including enforcing compact compliance and providing dispute resolution among the member states.

The compact gives the commission specified organizational powers including to (1) establish a budget and make expenditures, (2) accept donations and grants, and (3) adopt a seal and governing bylaws. It also requires the commission to annually report to member states' legislatures, governors, judicial branches, and state advisory councils on its activities during the preceding year.

Organization and Operation. The compact requires the commission to adopt bylaws within the first year and they must include provisions regarding how the commission will make its information and records available to the public. It requires the commission to meet at least once each calendar year and allows the chairperson, and a simple majority of the member states, to call additional meetings. It requires the commission meetings be publicly noticed and open to the public, except for situations that require closed meetings, as allowed under the compact.

The compact authorizes the commission's executive committee to appoint a staff director who will serve as commission secretary and not be a voting member. The director may hire staff as the commission authorizes.

The compact provides the director and staff with immunity from civil suits and liability regarding any claim for damage, loss, or personal injury relating to actions occurring due to employment with the commission, with exceptions for criminal acts or willful and wanton misconduct. The commission will defend the director, employees, and members in civil liability action. Also, employees will be held harmless, to the extent not covered by the state involved or the commission, in the event of a settlement or judgement.

Rulemaking (Art. XI)

The compact requires the commission to make and publish binding rules with a rule becoming binding on the date specified with the

publishing of the final version of the rule. Before finalizing a rule, the commission must publish a proposed rule and invite the public to comment on it.

Specifically, among other items, the rules must address:

1. transition rules;
2. forms and procedures;
3. visitation;
4. progress reports and supervision;
5. mediation, arbitration, and dispute resolution; and
6. enforcement.

The compact also provides conditions when the commission may issue emergency rules.

Under the compact, the rules governing the existing compact remain in effect for 24 months after the first meeting of the commission created under the bill. At 24 months following the first meeting, the existing compact rules become null and void.

Oversight, Dispute Resolution, and Enforcement (Art. XII)

Oversight. The compact charges the commission with overseeing the administration and operation of the compact.

The executive, legislative, and judicial branches of state government in each member state must enforce the compact and the commission's rules and take necessary actions to fulfill the compact's purposes and intent. The bill states the compact and its rules are binding in the compacting states as provided for in the compact. Additionally, courts must take judicial notice of the compact and the rules in any proceeding in a member state related to the compact's subject matter.

Dispute Resolution. The commission must, upon the request of a

member state, attempt to resolve disputes relevant to the compact that arise among member states and between member and nonmember states. The commission must create a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of the mediation or dispute resolution will be the responsibility of the parties to the dispute.

Enforcement. The compact provides the commission with tools to address member states that have defaulted in their obligations or responsibilities under the compact. These include (1) remedial training and technical assistance; (2) written notice of default including a means of addressing the default; or (3) by a majority vote of the members, initiating legal action in federal court against a defaulting member. The legal action can seek injunctive relief and damages.

Financing the Commission (Art. XIII)

The commission may levy and collect an annual assessment from each member state to cover the cost of its operations and activities, including its staff. The commission's annual budget must be approved by its members each year. The aggregate annual assessment amount will be allocated based upon a formula the commission will develop.

The commission is prohibited from (1) incurring obligations before securing the funds needed to meet them or (2) pledging the credit of any member state, except with the authority of the member state.

Its receipts and disbursements are subject to the audit and accounting procedures established under its bylaws and must be annually audited by a certified or licensed public accountant.

Member States and Compact Amendments (Art. XIV)

Under the compact, any state may become a member state and the compact takes effect when at least 35 states have enacted it. The commission may propose amendments to the compact, but an amendment will be made only when the member states unanimously enact it into law.

Withdrawal and Dissolution and Severability (Arts. XV & XVI)

The compact addresses how a state can withdraw from the compact (by legislation repealing the statute that enacted the compact into law) and related steps needed for withdrawal.

The compact is dissolved and null and void when the withdrawal or default by a state means there is only one state remaining as a member.

The compact's provisions are severable, meaning if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions continue to be enforceable.

Effect of Compact on Other Laws (Art. XVII)

The compact specifies that it does not prevent the enforcement of any other law of a member state provided the law is consistent with the compact.

All lawful actions of the commission, including its rules and bylaws and all agreements between the commission and the member states, are binding on the member states.

If any provision of the compact exceeds the constitutional limits imposed on a member state's legislature, the provision is deemed ineffective to the extent of the conflict with the provision in question.

Indian Tribes (Art. XVIII)

The compact allows the commission to craft guidelines to permit Indian tribes to use the compact to fully participate in it.

BACKGROUND***Association of Administrators of the Interstate Compact on the Placement of Children***

The association is an organization of members from the 50 states, the District of Columbia, and the U.S. Virgin Islands; it carries out the rules and terms of the compact.

Member States

To date, the following states have adopted the interstate compact:

Alaska	Kentucky	New Hampshire
Colorado	Louisiana	New Mexico
Delaware	Maine	Ohio
Florida	Minnesota	Oklahoma
Georgia	Missouri	Vermont
Indiana	Nebraska	Wisconsin

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 17 Nay 0 (02/25/2025)