



Substitute Senate Bill No. 1311

Public Act No. 25-116

***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:

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 Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

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

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (A) (i) such person is licensed for [that] such purpose by the department or the

Substitute Senate Bill No. 1311

Department of Developmental Services pursuant to the provisions of section 17a-227, (ii) such person's home is approved by a child-placing agency licensed by the commissioner pursuant to section 17a-149, or (iii) such person has received approval as provided in this section, and (B) on and after January 1, 2017, for a child twelve years of age or older, such child has received a foster family profile in accordance with the provisions of section 17a-114e. [Any person licensed by the department may be a prospective adoptive parent.] For the purposes of this section, any prospective adoptive parent shall be licensed by the department. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

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

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

Substitute Senate Bill No. 1311

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

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

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

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

Substitute Senate Bill No. 1311

fictive kin caregiver and each person eighteen years of age or older residing in the home. The results of such name-based search shall be provided to the commissioner.

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

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

(4) Any such relative or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the provisions of chapter 54 to implement the provisions of this section or approval by a child-placing agency licensed pursuant to section 17a-149.

Substitute Senate Bill No. 1311

The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if such placement is otherwise in the best interests of such child, provided no procedure or standard that is safety-related may be so waived. The commissioner shall document, in writing, the reason for granting any waiver from such regulations.

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

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

(6) (A) A youth who is committed to the commissioner pursuant to this subsection and has reached eighteen years of age may remain in the care of the commissioner, by consent of the youth and provided the youth has not reached the age of twenty-one years of age, if the youth is [(A)] (i) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; [(B)] (ii) enrolled full time in an institution which provides postsecondary or vocational education; or [(C)] (iii) participating full time in a program or activity approved by said commissioner that is designed to promote or remove barriers to employment. The commissioner, in the commissioner's discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. Not more than one hundred twenty days after the youth's eighteenth birthday, the department shall file a motion in the superior court for juvenile matters that had jurisdiction over the youth's case prior to the youth's eighteenth birthday for a determination as to whether

Substitute Senate Bill No. 1311

continuation in care is in the youth's best interest and, if so, whether there is an appropriate permanency plan. The court, in its discretion, may hold a hearing on said motion.

(B) Any youth who was committed to the commissioner pursuant to this subsection and, having declined to consent to remain in the care of the commissioner, left such care once such youth turned eighteen years of age, may request, in a form and manner prescribed by the commissioner, not later than sixty days prior to the date such youth turns twenty-one years of age, to reenter into the care of the commissioner. Upon receipt of such request, the commissioner shall determine whether such youth meets the requirements described in subparagraph (A) of this subdivision. If the commissioner determines that such youth meets such requirements, the department may request that such youth enter into a written agreement governing the terms of his or her voluntary reentry into the care of the commissioner and permit such youth to reenter care. Not more than sixty days after the execution of such agreement, the commissioner shall file a motion in the superior court for juvenile matters that had jurisdiction over the youth's case prior to the youth's eighteenth birthday for a determination as to whether reentry into care is in the youth's best interest and, if so, whether there is an appropriate permanency plan. The court may hold a hearing on said motion.

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

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

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information

Substitute Senate Bill No. 1311

(A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

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

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

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

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

(7) The Chief Public Defender or the Chief Public Defender's designee

Substitute Senate Bill No. 1311

for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release, or (D) an allegation of fraud in the receipt of public or private benefits, provided no information identifying the subject of the record is disclosed unless such information is essential to such investigation or prosecution;

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

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

Substitute Senate Bill No. 1311

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

(12) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80, 19a-87b or 19a-421; (B) determining the suitability of such person for licensure; (C) determining the suitability of a person to provide child care services to a child and receive a child care subsidy pursuant to section 17b-749k; (D) an investigation conducted pursuant to section 19a-80f; (E) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or (F) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

(13) The Department of Developmental Services, (A) to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' behavioral services program, or at the time that

Substitute Senate Bill No. 1311

said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian; or (B) for purposes of an investigation pursuant to section 46a-11c;

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

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

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

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

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

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

(20) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted

Substitute Senate Bill No. 1311

pursuant to section 2-90;

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

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

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

(24) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

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

(26) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the

Substitute Senate Bill No. 1311

Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

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

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

(29) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure;

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

Substitute Senate Bill No. 1311

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

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

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

(34) Any individual, upon the request of such individual, when the information concerns an incident of abuse or neglect that resulted in the fatality or near fatality of a child or youth, provided (A) such disclosure shall be limited to (i) the cause and circumstances of such fatality or near fatality, (ii) the age and gender of such child or youth, (iii) a description of any previous reports of or investigations into child abuse or neglect that are relevant to the child abuse or neglect that led to such fatality or near fatality, (iv) the findings of any such investigations, and (v) a description of any services provided and actions taken by the state on behalf of such child or youth that are relevant to the child abuse or neglect that led to such fatality or near fatality, and (B) the department shall not make any disclosure that is prohibited by the provisions of any relevant federal law, including, but not limited to, Titles IV-B and IV-E of the Social Security Act, as amended from time to time. The department may withhold the disclosure of any records described in this subdivision if the commissioner determines that such disclosure may (i) result in harm to the safety or well-being of the child or youth who is the subject of such records, the family of such child or youth, or

Substitute Senate Bill No. 1311

any individual who made a report of abuse or neglect pertaining to such child or youth, or (ii) interfere with a pending criminal investigation; and

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

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

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

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

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

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

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

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

Substitute Senate Bill No. 1311

inheritance of such child or the religious affiliation of such child;

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

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

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

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

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

(11) "Protective services" means public welfare services provided after complaints of abuse, neglect or abandonment, but in the absence

Substitute Senate Bill No. 1311

of an adjudication or assumption of jurisdiction by a court;

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

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

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

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

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

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

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

Substitute Senate Bill No. 1311

general statutes.

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

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

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

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I. Purpose and Policy

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

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

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with

Substitute Senate Bill No. 1311

applicable requirements for the protection of the child.

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

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

ARTICLE II. Definitions

As used in this compact:

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

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

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

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

ARTICLE III. Conditions for Placement

(a) No sending state shall send, bring, or cause to be sent or brought

Substitute Senate Bill No. 1311

into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

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

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

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

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

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

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities

Substitute Senate Bill No. 1311

in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. Retention of Jurisdiction

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

Substitute Senate Bill No. 1311

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

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

ARTICLE VI. Institutional Care of Delinquent Children

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

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and

Substitute Senate Bill No. 1311

regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. Limitations

This compact shall not apply to:

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

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

ARTICLE IX. Enactment and Withdrawal

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

ARTICLE X. Construction and Severability

Substitute Senate Bill No. 1311

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

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

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I. Purpose

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

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

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

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

(4) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the

Substitute Senate Bill No. 1311

covered activities of the member states;

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

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

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

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

ARTICLE II. Definitions

As used in this compact:

(1) "Approved placement" means the public child placing agency in the receiving state has determined that the placement is both safe and suitable for the child;

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

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

Substitute Senate Bill No. 1311

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

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

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

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

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

(9) "Jurisdiction" means the power and authority of a court to hear and decide matters;

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

Substitute Senate Bill No. 1311

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

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

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

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

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

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

(17) "Provisional placement" means a determination made by the public child placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements

Substitute Senate Bill No. 1311

regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement;

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

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

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

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

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

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

Substitute Senate Bill No. 1311

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

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

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

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

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

ARTICLE III. Applicability

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

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

Substitute Senate Bill No. 1311

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

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

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

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

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

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

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

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

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

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

(A) The noncustodial parent proves to the satisfaction of a court in

Substitute Senate Bill No. 1311

the sending state the existence of a substantial relationship with the child;

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

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

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

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

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

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

(d) Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts, including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may, in cooperation with other

Substitute Senate Bill No. 1311

interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV. Jurisdiction

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

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

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

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

(1) The child is reunified with the parent in the receiving state who is

Substitute Senate Bill No. 1311

the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child placing agency in the receiving state;

(2) The child is adopted;

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

(4) The child achieves legal independence pursuant to the laws of the sending state;

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

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

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

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

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

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

(h) The substantive laws of the state in which an adoption is pending shall solely govern all issues relating to the adoption of the child and the court in which the adoption proceeding is filed shall have subject matter

Substitute Senate Bill No. 1311

jurisdiction regarding all substantive issues relating to the adoption, except when:

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

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

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

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

ARTICLE V. Placement Evaluation

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

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

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

(2) The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or where

Substitute Senate Bill No. 1311

permitted under the laws of the state where the adoption is pending;

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

(4) A home study; and

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

(c) The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but such states may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received and reviewed by the public child placing agency in both the sending state and the receiving state.

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

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

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

Substitute Senate Bill No. 1311

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

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

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

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

ARTICLE VI. Placement Authority

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

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

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

Substitute Senate Bill No. 1311

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

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

ARTICLE VII. Placing Agency Responsibility

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

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

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

(B) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

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

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

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

(3) Nothing in this compact shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct

Substitute Senate Bill No. 1311

assessments and provide supervision.

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

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

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

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

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

(e) Nothing in this compact shall be construed to limit the authority of the public child placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

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

(g) Each member state shall establish a central state compact office that shall be responsible for state compliance with this compact and the

Substitute Senate Bill No. 1311

rules of the Interstate Commission.

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

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

ARTICLE VIII. Interstate Commission for the Placement of Children

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

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

(2) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

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

(c) A majority of the member states shall constitute a quorum for the

Substitute Senate Bill No. 1311

transaction of business at a meeting of the Interstate Commission, unless a larger quorum is required by the bylaws of the Interstate Commission.

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

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

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

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

ARTICLE IX. Powers and Duties of the Interstate Commission

The Interstate Commission shall have the following powers:

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

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

(3) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this interstate compact, its bylaws, rules or actions;

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

Substitute Senate Bill No. 1311

this compact;

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

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

(7) To purchase and maintain insurance and bonds;

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

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

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

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

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

(13) To establish a budget and make expenditures;

(14) To adopt a seal and bylaws governing the management and operation of the Interstate Commission;

Substitute Senate Bill No. 1311

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

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

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

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

ARTICLE X. Organization and Operation of the Interstate Commission

(a) Bylaws

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

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

(b) Meetings

Substitute Senate Bill No. 1311

(1) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

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

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

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

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

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

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

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

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

(3) For a meeting, or portion of a meeting, closed pursuant to subdivision (2) of this subsection, the Interstate Commission's legal

Substitute Senate Bill No. 1311

counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.

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

(c) Officers and Staff

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

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

(d) Qualified Immunity, Defense and Indemnification

(1) The Interstate Commission's staff director and its employees shall be immune from suit and liability, personally and in such director and employees' official capacity, for any claim for damage to or loss of

Substitute Senate Bill No. 1311

property or personal injury or other civil liability caused, or arising out of, or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided such person shall not be protected from suit or liability for damage, loss, injury or liability caused by a criminal act or the intentional or wilful and wanton misconduct of such person.

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

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

(C) To the extent not covered by the state involved, member state or the Interstate Commission, representatives or employees of the

Substitute Senate Bill No. 1311

Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided the actual or alleged act, error or omission did not result from intentional or wilful and wanton misconduct on the part of such persons.

ARTICLE XI. Rulemaking Functions of the Interstate Commission

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

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

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

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

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, all of which shall be added to the record and

Substitute Senate Bill No. 1311

made publicly available; and

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

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

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

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

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

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

(1) Transition rules;

Substitute Senate Bill No. 1311

(2) Forms and procedures;

(3) Timelines;

(4) Data collection and reporting;

(5) Rulemaking;

(6) Visitation;

(7) Progress reports and supervision;

(8) Sharing of information and confidentiality of information;

(9) Financing of the Interstate Commission;

(10) Mediation, arbitration and dispute resolution;

(11) Education, training and technical assistance;

(12) Enforcement; and

(13) Coordination with other interstate compacts.

(i) Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

(1) The Interstate Commission may promulgate an emergency rule only if it is required to:

(A) Protect the children covered by this compact from an imminent threat to such children's health, safety and well-being;

(B) Prevent loss of federal or state funds; or

(C) Meet a deadline for the promulgation of an administrative rule required by federal law.

Substitute Senate Bill No. 1311

(2) An emergency rule shall become effective immediately upon adoption, provided the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but not later than ninety days after the effective date of the emergency rule.

(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII. Oversight, Dispute Resolution, Enforcement

(a) Oversight

(1) The Interstate Commission shall oversee the administration and operation of this compact.

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

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

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

Substitute Senate Bill No. 1311

(b) Dispute Resolution

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

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

(c) Enforcement

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

(A) Provide remedial training and specific technical assistance;

(B) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state shall cure its default;

(C) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal office, to enforce compliance with the provisions of this compact, or the commission's bylaws or rules. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees; or

Substitute Senate Bill No. 1311

(D) Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII. Financing of the Commission

(a) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(b) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which shall be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(c) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet such obligations or pledge the credit of any member state, except by and with the authority of the member state.

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

ARTICLE XIV. Member States, Effective Date and Amendment

(a) Any state may become a member state.

Substitute Senate Bill No. 1311

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

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

ARTICLE XV. Withdrawal and Dissolution

(a) Withdrawal

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

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

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

Substitute Senate Bill No. 1311

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

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

(b) Dissolution of Compact

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

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

ARTICLE XVI. Severability and Construction

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

(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

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

ARTICLE XVII. Binding Effect of Compact and Other Laws

(a) Other Laws

Substitute Senate Bill No. 1311

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

(b) Binding Effect of this Compact

All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, shall be binding upon the member states.

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

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

ARTICLE XVIII. Indian Tribes

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

Governor's Action:
Approved July 1, 2025