

# House Bill 2046

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Human Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Enacts Interstate Compact for the Placement of Children.  
Establishes Interstate Compact for the Placement of Children Fund.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to interstate compacts; creating new provisions; amending ORS 417.200, 417.210, 417.220, 417.230 and 417.990; repealing ORS 417.240, 417.250 and 417.260; appropriating money; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 417.200 is amended to read:

417.200. The Interstate Compact [on] **for** the Placement of Children is enacted into law and entered into on behalf of this state 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 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 on 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*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 or similar control.

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

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

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

13 **ARTICLE III**

14 **CONDITIONS FOR PLACEMENT**

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

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

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

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

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

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

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

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

37 **ARTICLE IV**

38 **PENALTY FOR ILLEGAL PLACEMENT**

39 The sending, bringing, or causing to be sent or brought into any receiving state of a child in vio-  
 40 lation of the terms of this compact shall constitute a violation of the laws respecting the placement of  
 41 children of both the state in which the sending agency is located or from which it sends or brings the  
 42 child and of the receiving state. Such violation may be punished or subjected to penalty in either ju-  
 43 risdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any  
 44 such violation shall constitute full and sufficient grounds for the suspension or revocation of any li-  
 45 cense, permit, or other legal authorization held by the sending agency which empowers or allows it to

1 *place, or care for children.*

2 **ARTICLE V**

3 **RETENTION OF JURISDICTION**

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

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

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

21 **ARTICLE VI**

22 **INSTITUTIONAL CARE**

23 **OF DELINQUENT CHILDREN**

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

28 *(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and*

29 *(2) Institutional care in the other jurisdiction is in the best interest of the child and will not*  
30 *produce undue hardship.*

31 **ARTICLE VII**

32 **COMPACT ADMINISTRATOR**

33 *The executive head of each jurisdiction party to this compact shall designate an officer who shall*  
34 *be general coordinator of activities under this compact in the jurisdiction of the officer and who, acting*  
35 *jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regu-*  
36 *lations to carry out more effectively the terms and provisions of this compact.*

37 **ARTICLE VIII**

38 **LIMITATIONS**

39 *This compact shall not apply to:*

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

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

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*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, 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*

*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.*

[ \_\_\_\_\_ ]  
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**ARTICLE I. PURPOSE**

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

- A. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.**
- B. Facilitate ongoing supervision of a placement, the delivery of services and communication between the states.**
- C. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.**
- D. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.**
- E. Provide for uniform data collection and information sharing between member states under this compact.**
- F. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance and other compacts that affect the placement of, and provide services to, children otherwise subject to this compact.**
- G. Provide for a state’s continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.**
- H. 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

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3     **As used in this compact:**

4     **A. “Approved placement” means the public child-placing agency in the receiving state has**  
5 **determined that the placement is both safe and suitable for the child.**

6     **B. “Assessment” means an evaluation of a prospective placement by a public child-**  
7 **placing agency in the receiving state to determine if the placement meets the individualized**  
8 **needs of the child, including but not limited to the child’s safety and stability, health and**  
9 **well-being and mental, emotional, and physical development. An assessment is only applicable**  
10 **to a placement by a public child-placing agency.**

11     **C. “Certification” means to attest, declare or swear to before a judge or notary public.**

12     **D. “Child” means an individual who has not attained the age of 18 years.**

13     **E. “Default” means the failure of a member state to perform the obligations or respon-**  
14 **sibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commis-**  
15 **sion.**

16     **F. “Home study” means an evaluation of a home environment that is conducted in ac-**  
17 **cordance with the applicable requirements of the state in which the home is located and that**  
18 **documents the preparation and the suitability of the placement resource for placement of a**  
19 **child in accordance with the laws and requirements of the state in which the home is located.**

20     **G. “Indian tribe” means any Indian tribe, band, nation or other organized group or**  
21 **community of Indians recognized as eligible for services provided to Indians by the Secretary**  
22 **of the Interior because of their status as Indians, including any Alaskan native village as**  
23 **defined in section 3(c) of the Alaska Native Claims Settlement Act at 43 U.S.C. §1602(c).**

24     **H. “Interstate Commission for the Placement of Children” means the commission that**  
25 **is created under Article VIII of this compact and that is generally referred to as the Inter-**  
26 **state Commission.**

27     **I. “Jurisdiction” means the power and authority of a court to hear and decide matters.**

28     **J. “Legal risk” means a placement made preliminary to an adoption where the prospec-**  
29 **tive adoptive parents acknowledge in writing that a child can be ordered returned to the**  
30 **sending state or the birth mother’s state of residence, if different from the sending state,**  
31 **and a final decree of adoption will not be entered in any jurisdiction until all required con-**  
32 **sents are obtained or are dispensed with in accordance with applicable law.**

33     **K. “Member state” means a state that has enacted this compact.**

34     **L. “Noncustodial parent” means a person who, at the time of the commencement of**  
35 **court proceedings in the sending state, does not have sole legal custody of the child or has**  
36 **joint legal custody of the child, and who is not the subject of allegations or findings of child**  
37 **abuse or neglect.**

38     **M. “Nonmember state” means a state that has not enacted this compact.**

39     **N. “Notice of residential placement” means information regarding a placement into a**  
40 **residential facility provided to the receiving state including, but not limited to, the name,**  
41 **date and place of birth of the child, the identity and address of the parent or legal guardian,**  
42 **evidence of authority to make the placement and the name and address of the facility in**  
43 **which the child will be placed. Notice of residential placement also includes information re-**  
44 **garding a discharge and any unauthorized absence from the facility.**

45     **O. “Placement” means the act by a public or private child-placing agency intended to**

1 arrange for the care or custody of a child in another state.

2 P. "Private child-placing agency" means any private corporation, agency, foundation, in-  
 3 stitution or charitable organization or any private person or attorney that facilitates, causes  
 4 or is involved in the placement of a child from one state to another and that is not an  
 5 instrumentality of the state or acting under color of state law.

6 Q. "Provisional placement" means a determination made by the public child-placing  
 7 agency in the receiving state that the proposed placement is safe and suitable, and that, to  
 8 the extent allowable, the receiving state has temporarily waived its standards or require-  
 9 ments otherwise applicable to prospective foster or adoptive parents so as to not delay the  
 10 placement. Completion of the receiving state requirements regarding training for prospec-  
 11 tive foster or adoptive parents must not delay an otherwise safe and suitable placement.

12 R. "Public child-placing agency" means any government child welfare agency or child  
 13 protection agency or a private entity under contract with such an agency, regardless of  
 14 whether the agency or entity acts on behalf of a state, county, municipality or other gov-  
 15 ernmental unit, that facilitates, causes or is involved in the placement of a child from one  
 16 state to another.

17 S. "Receiving state" means the state to which a child is sent, brought or caused to be  
 18 sent or brought.

19 T. "Relative" means an individual who is related to the child as a parent, stepparent,  
 20 sibling by half or whole blood or by adoption, grandparent, aunt, uncle or first cousin or a  
 21 nonrelative with such significant ties to the child that the individual may be regarded as a  
 22 relative as determined by the court in the sending state.

23 U. "Residential facility" means a facility providing a level of care that is sufficient to  
 24 substitute for parental responsibility or foster care and that is beyond what is needed for  
 25 assessment or treatment of an acute condition. For purposes of this compact, residential  
 26 facilities do not include institutions primarily educational in character, hospitals or other  
 27 medical facilities.

28 V. "Rule" means a written directive, mandate, standard or principle issued by the  
 29 Interstate Commission promulgated pursuant to Article XI of this compact that is of general  
 30 applicability and that implements, interprets or prescribes a policy or provision of this com-  
 31 pact. "Rule" has the force and effect of an administrative rule in a member state and in-  
 32 cludes the amendment, repeal or suspension of an existing rule.

33 W. "Sending state" means the state from which the placement of a child is initiated.

34 X. "Service member's permanent duty station" means the military installation where an  
 35 active duty Armed Services member is currently assigned and is physically located under  
 36 competent orders that do not specify the duty as temporary.

37 Y. "Service member's declared legal residence" means the state in which the active duty  
 38 Armed Services member is considered a resident for tax and voting purposes.

39 Z. "State" means a state of the United States, the District of Columbia, the Common-  
 40 wealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
 41 Northern Marianas Islands and any other territory of the United States.

42 AA. "State court" means a judicial body of a state that is vested by law with responsi-  
 43 bility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status of-  
 44 fenses of individuals who have not attained the age of 18 years.

45 BB. "Supervision" means monitoring provided by the receiving state once a child has

1 been placed in a receiving state pursuant to this compact.

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3 **ARTICLE III. APPLICABILITY**  
4

5 **A. Except as otherwise provided in section B of this Article, this compact applies to:**

6 **1. The interstate placement of a child subject to ongoing court jurisdiction in the sending**  
7 **state, due to allegations or findings that the child has been abused, neglected or deprived as**  
8 **defined by the laws of the sending state, provided, however, that the placement of such a**  
9 **child into a residential facility shall only require notice of residential placement to the re-**  
10 **ceiving state prior to placement.**

11 **2. The interstate placement of a child adjudicated delinquent or unmanageable based on**  
12 **the laws of the sending state and subject to ongoing court jurisdiction of the sending state**  
13 **if:**

14 **a. The child is being placed in a residential facility in another member state and is not**  
15 **covered under another compact; or**

16 **b. The child is being placed in another member state and the determination of safety and**  
17 **suitability of the placement and services required is not provided through another compact.**

18 **3. The interstate placement of any child by a public child-placing agency or private**  
19 **child-placing agency as a preliminary step to a possible adoption.**

20 **B. The provisions of this compact do not apply to:**

21 **1. The interstate placement of a child in a custody proceeding in which a public child-**  
22 **placing agency is not a party, provided the placement is not intended to effectuate an**  
23 **adoption.**

24 **2. The interstate placement of a child with a nonrelative in a receiving state by a parent**  
25 **with the legal authority to make such a placement provided, however, that the placement is**  
26 **not intended to effectuate an adoption.**

27 **3. The interstate placement of a child by one relative with the lawful authority to make**  
28 **such a placement directly with a relative in a receiving state.**

29 **4. The placement of a child not subject to section A of this Article into a residential fa-**  
30 **ility by his parent.**

31 **5. The placement of a child with a noncustodial parent provided that:**

32 **a. The noncustodial parent proves to the satisfaction of a court in the sending state a**  
33 **substantial relationship with the child;**

34 **b. The court in the sending state makes a written finding that placement with the non-**  
35 **custodial parent is in the best interests of the child; and**

36 **c. The court in the sending state dismisses its jurisdiction in interstate placements in**  
37 **which the public child-placing agency is a party to the proceeding.**

38 **6. A child entering the United States from a foreign country for the purpose of adoption**  
39 **or leaving the United States to go to a foreign country for the purpose of adoption in that**  
40 **country.**

41 **7. Cases in which a United States citizen child living overseas with the child's family, at**  
42 **least one member of which is in the United States Armed Services and is stationed overseas,**  
43 **is removed and placed in a state.**

44 **8. The sending of a child by a public child-placing agency or a private child-placing agency**  
45 **for a visit as defined by the rules of the Interstate Commission.**



1 receiving state shall be notified.

2 **F. Nothing in this Article defeats a claim of jurisdiction by a receiving state court suffi-**  
3 **cient to deal with an act of truancy, delinquency, crime or behavior involving a child as de-**  
4 **defined by the laws of the receiving state committed by the child in the receiving state that**  
5 **would be a violation of the laws of the receiving state.**

6 **G. Nothing in this Article limits the receiving state's ability to take emergency jurisdic-**  
7 **tion for the protection of the child.**

8 **H. The substantive laws of the state in which an adoption will be finalized shall solely**  
9 **govern all issues relating to the adoption of the child, and the court in which the adoption**  
10 **proceeding is filed shall have subject matter jurisdiction regarding all substantive issues re-**  
11 **lating to the adoption, except:**

12 **1. When the child is a ward of another court that established jurisdiction over the child**  
13 **prior to the placement;**

14 **2. When the child is in the legal custody of a public agency in the sending state; or**

15 **3. When a court in the sending state has otherwise appropriately assumed jurisdiction**  
16 **over the child prior to the submission of the request for approval of placement.**

17 **I. A final decree of adoption shall not be entered in any jurisdiction until the placement**  
18 **is authorized as an approved placement by the public child-placing agency in the receiving**  
19 **state.**

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21 **ARTICLE V. PLACEMENT EVALUATION**  
22

23 **A. Prior to sending, bringing or causing a child to be sent or brought into a receiving**  
24 **state, the public child-placing agency shall provide a written request for assessment to the**  
25 **receiving state.**

26 **B. For a placement by a private child-placing agency, a child may be sent, or brought or**  
27 **caused to be sent or brought into a receiving state upon receipt and immediate review of the**  
28 **required content of a request for approval of the placement by the state public child-placing**  
29 **agencies in both the sending state and the receiving state. The required content to accom-**  
30 **pany a request for approval must include all of the following:**

31 **1. A request for approval identifying the child, birth parents, the prospective adoptive**  
32 **parents and the supervising agency, signed by the person requesting approval.**

33 **2. The appropriate consents or relinquishments signed by the birth parents in accordance**  
34 **with the laws of the sending state or, where permitted, the laws of the state where the**  
35 **adoption will be finalized.**

36 **3. Certification by a licensed attorney or authorized agent of a private adoption agency**  
37 **that the consents or relinquishments are in compliance with the applicable laws of the**  
38 **sending state or, where permitted, the laws of the state where the adoption will be finalized.**

39 **4. A home study.**

40 **5. An acknowledgment of legal risk signed by the prospective adoptive parents.**

41 **C. The sending state and the receiving state may request additional information or docu-**  
42 **ments prior to finalization of an approved placement, but they may not delay travel by the**  
43 **prospective adoptive parents with the child if the required content for approval has been**  
44 **submitted, received and reviewed by the public child-placing agencies in both the sending**  
45 **state and the receiving state.**



1 agency shall, before approving the placement of the child adjudicated delinquent in this state,  
2 make a diligent effort to ensure that the sending state notifies the child adjudicated delin-  
3 quent of the obligation to report.

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5 **ARTICLE VII. RESPONSIBILITIES OF PLACING AGENCY**  
6

7 **A. For the interstate placement of a child made by a public child-placing agency or state**  
8 **court:**

9 **1. The public child-placing agency in the sending state shall have financial responsibility**  
10 **for:**

11 **a. The ongoing support and maintenance for the child during the period of the placement,**  
12 **unless otherwise provided for in the receiving state; and**

13 **b. As determined by the public child-placing agency in the sending state, services for the**  
14 **child beyond the public services for which the child is eligible in the receiving state.**

15 **2. The receiving state shall have financial responsibility only for:**

16 **a. Any assessment conducted by the receiving state; and**

17 **b. Supervision conducted by the receiving state at the level necessary to support the**  
18 **placement as agreed upon by the public child-placing agencies of the receiving state and**  
19 **sending state.**

20 **3. Nothing in this provision prohibits a public child-placing agency in the sending state**  
21 **from entering into agreements with licensed agencies or persons in the receiving state to**  
22 **conduct assessments and provide supervision.**

23 **B. For the placement of a child by a private child-placing agency preliminary to a possible**  
24 **adoption, the private child-placing agency shall be:**

25 **1. Legally responsible for the child during the period of placement as provided for in the**  
26 **law of the sending state until the finalization of the adoption.**

27 **2. Financially responsible for the child absent a contractual agreement to the contrary.**

28 **C. The public child-placing agency in the receiving state shall provide timely assessments,**  
29 **as provided for in the rules of the Interstate Commission.**

30 **D. The public child-placing agency in the receiving state shall provide, or arrange for the**  
31 **provision of, supervision and services for the child, including timely reports, during the pe-**  
32 **riod of the placement.**

33 **E. Nothing in this compact shall be construed as to limit the authority of the public**  
34 **child-placing agency in the receiving state from contracting with a licensed agency or person**  
35 **in the receiving state for an assessment or the provision of supervision or services for the**  
36 **child or otherwise authorizing the provision of supervision or services by a licensed agency**  
37 **during the period of placement.**

38 **F. Each member state shall provide for coordination among its branches of government**  
39 **concerning the state's participation in, and compliance with, this compact and Interstate**  
40 **Commission activities, through the creation of an advisory council or use of an existing body**  
41 **or board. Members of any such council, body or board shall serve in an advisory capacity**  
42 **only.**

43 **G. Each member state shall establish a central state compact office, which shall be re-**  
44 **sponsible for state compliance with this compact and the rules of the Interstate Commission.**

45 **H. The public child-placing agency in the sending state shall oversee compliance with the**

1 provisions of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) for placements  
2 subject to the provisions of this compact, prior to placement.

3 I. With the consent of the Interstate Commission, states may enter into limited agree-  
4 ments that facilitate the timely assessment and provision of services and supervision of  
5 placements under this compact.

6  
7 **ARTICLE VIII. INTERSTATE COMMISSION**  
8 **FOR THE PLACEMENT OF CHILDREN**  
9

10 The member states hereby establish, by way of this compact, a commission known as the  
11 Interstate Commission for the Placement of Children. The activities of the Interstate Com-  
12 mission are the formation of public policy and are a discretionary state function. The  
13 Interstate Commission:

14 A. Is a joint commission of the member states and has the responsibilities, powers and  
15 duties set forth in this compact, and such additional powers as may be conferred upon it by  
16 subsequent concurrent action of the respective legislatures of the member states.

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

21 1. Each member state represented at a meeting of the Interstate Commission is entitled  
22 to one vote.

23 2. A majority of the member states shall constitute a quorum for the transaction of  
24 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

25 3. A representative shall not delegate a vote to another member state.

26 4. A representative may delegate voting authority to another person from their state for  
27 a specified meeting.

28 C. Includes, in addition to the commissioners of each member state, persons who are  
29 members of interested organizations as defined in the bylaws or rules of the Interstate  
30 Commission. Such members are ex officio and are not entitled to vote on any matter before  
31 the Interstate Commission.

32 D. Shall establish an executive committee that has the authority to administer the day-  
33 to-day operations and administration of the Interstate Commission. The executive committee  
34 does not have the power to engage in rulemaking.

35  
36 **ARTICLE IX. POWERS AND DUTIES**  
37 **OF THE INTERSTATE COMMISSION**  
38

39 The Interstate Commission shall have the following powers:

40 A. To promulgate rules and take all necessary actions to effect the goals, purposes and  
41 obligations as enumerated in this compact.

42 B. To provide for dispute resolution among member states.

43 C. To issue, upon request of a member state, advisory opinions concerning the meaning  
44 or interpretation of this compact, its bylaws, rules or actions.

45 D. To enforce compliance with this compact or the bylaws or rules of the Interstate

1 Commission pursuant to Article XII of this compact.

2 E. To collect standardized data concerning the interstate placement of children subject  
3 to this compact as directed through the Interstate Commission's rules, which shall specify  
4 the data to be collected, the means of collection and data exchange and reporting require-  
5 ments.

6 F. To establish and maintain offices as may be necessary for the transacting of the  
7 Interstate Commission's business.

8 G. To purchase and maintain insurance and bonds.

9 H. To hire or contract for services of personnel or consultants as necessary to carry out  
10 the Interstate Commission's functions under this compact and establish personnel qualifica-  
11 tion policies and rates of compensation.

12 I. To establish and appoint committees and officers including, but not limited to, an  
13 executive committee as required by Article VIII(D) of this compact.

14 J. To accept, receive, utilize and dispose of any donations and grants of money, equip-  
15 ment, supplies, materials and services.

16 K. To lease, purchase or accept contributions or donations of, or otherwise to own, hold,  
17 improve or use any property, real, personal or mixed.

18 L. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
19 any property, real, personal or mixed.

20 M. To establish a budget and make expenditures.

21 N. To adopt a seal and bylaws governing the management and operation of the Interstate  
22 Commission.

23 O. To report annually to the legislatures, the governors, the judiciary and the state ad-  
24 visory councils of the member states concerning the activities of the Interstate Commission  
25 during the preceding year. Such reports shall also include any recommendations that may  
26 have been adopted by the Interstate Commission.

27 P. To coordinate and provide education, training and public awareness regarding the  
28 interstate movement of children for officials involved in such activity.

29 Q. To maintain books and records in accordance with the bylaws of the Interstate Com-  
30 mission.

31 R. To perform such functions as may be necessary or appropriate to achieve the purposes  
32 of this compact.

33  
34 **ARTICLE X. ORGANIZATION AND OPERATION**  
35 **OF THE INTERSTATE COMMISSION**  
36

37 **A. Bylaws**

38 1. Within 12 months after the first Interstate Commission meeting, the Interstate Com-  
39 mission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry  
40 out the purposes of this compact.

41 2. The Interstate Commission's bylaws and rules shall establish conditions and proce-  
42 dures under which the Interstate Commission makes its information and official records  
43 available to the public for inspection or copying. The Interstate Commission may exempt  
44 from disclosure information or official records to the extent they would adversely affect  
45 personal privacy rights or proprietary interests.

**B. Meetings**

1           **1. The Interstate Commission shall meet at least once each calendar year. The chair-**  
 2 **person may call additional meetings and upon the request of a simple majority of the member**  
 3 **states shall call additional meetings.**

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

9           **a. Relate solely to the Interstate Commission’s internal personnel practices and proce-**  
 10 **dures;**

11           **b. Disclose matters specifically exempted from disclosure by federal law;**

12           **c. Disclose financial or commercial information which is privileged, proprietary or confi-**  
 13 **dential in nature;**

14           **d. Involve accusing a person of a crime, or formally censuring a person;**

15           **e. Disclose information of a personal nature where disclosure would constitute a clearly**  
 16 **unwarranted invasion of personal privacy or physically endanger one or more persons;**

17           **f. Disclose investigative records compiled for law enforcement purposes; or**

18           **g. Specifically relate to the Interstate Commission’s participation in a civil action or**  
 19 **other legal proceeding.**

20           **3. For a meeting, or portion of a meeting, closed pursuant to this provision, the Inter-**  
 21 **state Commission’s legal counsel or designee shall certify that the meeting may be closed**  
 22 **and shall reference each relevant exemption provision. The Interstate Commission shall keep**  
 23 **minutes, which shall fully and clearly describe all matters discussed in a meeting and shall**  
 24 **provide a full and accurate summary of actions taken, and the reasons therefore, including**  
 25 **a description of the views expressed and the record of a roll call vote. All documents con-**  
 26 **sidered in connection with an action shall be identified in the minutes. All minutes and doc-**  
 27 **uments of a closed meeting shall remain under seal, subject to release by a majority vote**  
 28 **of the Interstate Commission or by court order.**

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

31           **C. Officers and Staff**

32           **1. The Interstate Commission may, through its executive committee, appoint or retain**  
 33 **a staff director for such period, upon such terms and conditions and for such compensation**  
 34 **as the Interstate Commission may deem appropriate. The staff director serves as secretary**  
 35 **to the Interstate Commission, but does not have a vote. The staff director may hire and**  
 36 **supervise such other staff as may be authorized by the Interstate Commission.**

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

40           **D. Qualified Immunity, Defense and Indemnification**

41           **1. The Interstate Commission’s staff director, its employees and other representatives**  
 42 **of the Interstate Commission acting within the scope of their employment, duties or re-**  
 43 **sponsibilities shall be immune from suit and liability, either personally or in their official**  
 44 **capacity, for a claim for damage to or loss of property or personal injury or other civil li-**  
 45

1 ability caused, arising out of or relating to an actual or alleged act, error or omission that  
 2 occurred, or that the staff director, employee or representative had a reasonable basis for  
 3 believing occurred, within the scope of that person’s employment, duties or responsibilities,  
 4 provided that the staff director, employee or representative is not protected from suit or li-  
 5 ability for damage, loss, injury or liability caused by a criminal act or the intentional or  
 6 willful and wanton misconduct of the staff director, employee or representative.

7 a. The liability of the staff director, employee or representative, acting within the scope  
 8 of that person’s employment, duties or responsibilities for acts, errors or omissions occur-  
 9 ring within that person’s state may not exceed the limits of liability set forth under the  
 10 Constitution and laws of that state for state officials, employees and agents. The Interstate  
 11 Commission is considered to be an instrumentality of the states for the purposes of any such  
 12 action. Nothing in this subsection shall be construed to protect the staff director, employee  
 13 or representative from suit or liability for damage, loss, injury, or liability caused by a  
 14 criminal act or the intentional or willful and wanton misconduct of that person.

15 b. The Interstate Commission shall defend the staff director, employee or representative  
 16 and, subject to the approval of the Attorney General or other appropriate legal counsel of  
 17 the member state, shall defend the commissioner of a member state in a civil action seeking  
 18 to impose liability arising out of an actual or alleged act, error or omission that occurred  
 19 within the scope of that person’s employment, duties or responsibilities, or that the person  
 20 had a reasonable basis for believing occurred within the scope of the person’s employment,  
 21 duties or responsibilities, provided that the actual or alleged act, error or omission did not  
 22 result from intentional or willful and wanton misconduct on the part of that person.

23 c. To the extent that a settlement or judgment is not covered by the state involved, an-  
 24 other member state or the Interstate Commission, the staff director, employee or represen-  
 25 tative or the commissioner shall be held harmless for the amount of the settlement or  
 26 judgment, including attorney fees and costs, obtained against that person arising out of an  
 27 actual or alleged act, error or omission that occurred within the scope of the person’s em-  
 28 ployment, duties or responsibilities, or that the person had a reasonable basis for believing  
 29 occurred within the scope of Interstate Commission employment, duties or responsibilities,  
 30 provided that the actual or alleged act, error or omission did not result from intentional or  
 31 willful and wanton misconduct on the part of that person.

32  
 33 **ARTICLE XI. RULEMAKING FUNCTIONS**  
 34 **OF THE INTERSTATE COMMISSION**  
 35

36 **A. The Interstate Commission shall promulgate and publish rules in order to effectively**  
 37 **and efficiently achieve the purposes of this compact.**

38 **B. Rulemaking shall occur pursuant to the criteria set forth in this Article and the by-**  
 39 **laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to**  
 40 **the principles of the “Model State Administrative Procedures Act,” 1981 Act, Uniform Laws**  
 41 **Annotated, volume 15, page 1 (2000), or such other administrative procedure acts as the**  
 42 **Interstate Commission deems appropriate consistent with due process requirements under**  
 43 **the United States Constitution as now or hereafter interpreted by the United States Supreme**  
 44 **Court. All rules and amendments shall become binding as of the date specified, as published**  
 45 **with the final version of the rule as approved by the Interstate Commission.**

1       **C. When promulgating a rule, the Interstate Commission shall, at a minimum:**

2           **1. Publish the proposed rule’s entire text, stating the reason(s) for that proposed rule;**

3           **2. Allow and invite any and all persons to submit written data, facts, opinions and argu-**  
 4 **ments, which information shall be added to the record and be made publicly available; and**

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

7       **D. Rules promulgated by the Interstate Commission shall have the force and effect of**  
 8 **administrative rules and shall be binding in the member states to the extent and in the**  
 9 **manner provided for in this compact.**

10       **E. Not later than 60 days after a rule is promulgated, an interested person may file a**  
 11 **petition in the United States District Court for the District of Columbia or in the United**  
 12 **States District Court for the district where the Interstate Commission’s principal office is**  
 13 **located for judicial review of such rule. If the court finds that the Interstate Commission’s**  
 14 **action is not supported by substantial evidence in the rulemaking record, the court shall hold**  
 15 **the rule unlawful and set it aside.**

16       **F. If a majority of the legislatures of the member states rejects a rule, those states may**  
 17 **by enactment of a statute or resolution in the same manner used to adopt this compact**  
 18 **cause that such rule shall have no further force and effect in any member state.**

19       **G. The existing rules governing the operation of the Interstate Compact on the Place-**  
 20 **ment of Children superseded by this compact shall be null and void no earlier than 12 but**  
 21 **no later than 24 months after the first meeting of the Interstate Commission created here-**  
 22 **under, as determined by the members during the first meeting.**

23       **H. Within the first 12 months of operation, the Interstate Commission shall promulgate**  
 24 **rules addressing the following:**

25           **1. Transition rules.**

26           **2. Forms and procedures.**

27           **3. Timelines.**

28           **4. Data collection and reporting.**

29           **5. Rulemaking.**

30           **6. Visitation.**

31           **7. Progress reports and supervision.**

32           **8. Sharing of information and confidentiality.**

33           **9. Financing of the Interstate Commission.**

34           **10. Mediation, arbitration and dispute resolution.**

35           **11. Education, training and technical assistance.**

36           **12. Enforcement.**

37           **13. Coordination with other interstate compacts.**

38       **I. Upon determination by a majority of the members of the Interstate Commission that**  
 39 **an emergency exists:**

40           **1. The Interstate Commission may promulgate an emergency rule only if it is required**  
 41 **to:**

42           **a. Protect the children covered by this compact from an imminent threat to their health,**  
 43 **safety and well-being;**

44           **b. Prevent loss of federal or state funds; or**

45           **c. Meet a deadline for the promulgation of an administrative rule required by federal law.**

1       **2. An emergency rule becomes effective immediately upon adoption, provided that the**  
2 **usual rulemaking procedures are retroactively applied to the emergency rule as soon as**  
3 **reasonably possible, but no later than 90 days after the effective date of the emergency rule.**

4       **3. An emergency rule must be promulgated as provided for in the rules of the Interstate**  
5 **Commission.**

6  
7                                   **ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION,**  
8                                   **ENFORCEMENT**  
9

10       **A. Oversight**

11       **1. The Interstate Commission shall oversee the administration and operation of this**  
12 **compact.**

13       **2. The executive, legislative and judicial branches of state government in each member**  
14 **state shall enforce this compact and the rules of the Interstate Commission and shall take**  
15 **all actions necessary and appropriate to effectuate the purposes and intent of this compact.**  
16 **This compact and its rules shall be binding in the member states to the extent and in the**  
17 **manner provided for in this compact.**

18       **3. All courts shall take judicial notice of this compact and the rules in any judicial or**  
19 **administrative proceeding in a member state pertaining to the subject matter of this com-**  
20 **pact.**

21       **4. The Interstate Commission is entitled to receive service of process in any action in**  
22 **which the validity of a compact provision or rule is the issue for which a judicial determi-**  
23 **nation has been sought and has standing to intervene in any proceedings. Failure to provide**  
24 **service of process to the Interstate Commission shall render any judgment, order or other**  
25 **determination, however captioned or classified, void as to the Interstate Commission, this**  
26 **compact, its bylaws or rules of the Interstate Commission.**

27       **B. Dispute Resolution**

28       **1. The Interstate Commission shall attempt, upon the request of a member state, to re-**  
29 **solve disputes that are subject to this compact and that may arise among member states and**  
30 **between member and nonmember states.**

31       **2. The Interstate Commission shall promulgate a rule providing for both mediation and**  
32 **binding dispute resolution for disputes among member states. The costs of the mediation or**  
33 **dispute resolution are the responsibility of the parties to the dispute.**

34       **C. Enforcement**

35       **1. If the Interstate Commission determines that a member state has defaulted in the**  
36 **performance of its obligations or responsibilities under this compact or its bylaws or rules,**  
37 **the Interstate Commission may:**

38       **a. Provide remedial training and specific technical assistance;**

39       **b. Provide written notice to the defaulting state and other member states of the nature**  
40 **of the default and the means of curing the default. The Interstate Commission shall specify**  
41 **the conditions by which the defaulting state must cure its default; or**

42       **c. By majority vote of the members, initiate against a defaulting member state legal**  
43 **action in the United State District Court for the District of Columbia or, at the discretion**  
44 **of the Interstate Commission, in the United States District Court for the district where the**  
45 **Interstate Commission has its principal office to enforce compliance with the provisions of**

1 this compact or its bylaws or rules. The relief sought may include both injunctive relief and  
 2 damages. In the event judicial enforcement is necessary the prevailing party shall be awarded  
 3 all costs of such litigation including reasonable attorney fees; or

4 d. Avail itself of any other remedies available under state law or regulations of official  
 5 or professional conduct.

6  
 7 **ARTICLE XIII. FINANCING OF THE COMMISSION**

8  
 9 **A. The Interstate Commission shall pay or provide for the payment of the reasonable  
 10 expenses of its establishment, organization and ongoing activities.**

11 **B. The Interstate Commission may levy on and collect an annual assessment from each  
 12 member state to cover the cost of the operations and activities of the Interstate Commission  
 13 and its staff. The assessment must be in a total amount sufficient to cover the Interstate  
 14 Commission's annual budget as approved by its members each year. The aggregate annual  
 15 assessment amount shall be allocated based upon a formula to be determined by the Inter-  
 16 state Commission, which shall promulgate a rule binding upon all member states.**

17 **C. The Interstate Commission may not incur obligations of any kind prior to securing the  
 18 funds adequate to meet those obligations. The Interstate Commission may not pledge the  
 19 credit of any of the member states, except by and with the authority of the member state.**

20 **D. The Interstate Commission shall keep accurate accounts of all receipts and disburse-  
 21 ments. The receipts and disbursements of the Interstate Commission shall be subject to the  
 22 audit and accounting procedures established under its bylaws. However, all receipts and dis-  
 23 bursements of funds handled by the Interstate Commission shall be audited yearly by a cer-  
 24 tified or licensed public accountant, and the report of the audit shall be included in and  
 25 become part of the annual report of the Interstate Commission.**

26  
 27 **ARTICLE XIV. MEMBER STATES,  
 28 EFFECTIVE DATE AND AMENDMENT**

29  
 30 **A. Any state is eligible to become a member state.**

31 **B. This compact becomes effective and binding upon legislative enactment of this com-  
 32 pact into law by no fewer than 35 states. The effective date is the later of July 1, 2007, or the  
 33 date of enactment of this compact into law by the 35th state. Thereafter it becomes effective  
 34 and binding as to any other member state upon enactment of this compact into law by that  
 35 state. The executive head of the state human services administration with ultimate respon-  
 36 sibility for the child welfare program of a nonmember state or the designee of the executive  
 37 head must be invited to participate in the activities of the Interstate Commission on a non-  
 38 voting basis.**

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

42  
 43 **ARTICLE XV. WITHDRAWAL AND DISSOLUTION**

44  
 45 **A. Withdrawal**

1       **1. Once effective, this compact shall continue in force and remain binding upon every**  
2 **member state, but a member state may withdraw from this compact.**

3       **2. Withdrawal from this compact requires the enactment of a statute repealing the**  
4 **statute that enacted this compact into law. The effective date of withdrawal is the effective**  
5 **date of the repeal of the statute.**

6       **3. The withdrawing state shall immediately notify the Interstate Commission in writing**  
7 **upon the introduction of legislation repealing this compact in the withdrawing state. The**  
8 **Interstate Commission shall then notify the other member states of the withdrawing state's**  
9 **intent to withdraw.**

10       **4. The withdrawing state is responsible for all assessments, obligations and liabilities in-**  
11 **curred through the effective date of withdrawal.**

12       **5. Reinstatement following withdrawal of a member state shall occur upon the with-**  
13 **drawing state reenacting this compact or upon such later date as determined by the mem-**  
14 **bers of the Interstate Commission.**

15       **B. Dissolution of Compact**

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

18       **2. Upon the dissolution of this compact, this compact becomes null and void and is of no**  
19 **further force or effect, and the business and affairs of the Interstate Commission shall be**  
20 **concluded and surplus funds shall be distributed in accordance with the bylaws.**

21  
22                   **ARTICLE XVI. SEVERABILITY AND CONSTRUCTION**  
23

24       **A. The provisions of this compact are severable, and if any phrase, clause, sentence or**  
25 **provision is deemed unenforceable, the remaining provisions of this compact are enforceable.**

26       **B. The provisions of this compact shall be liberally construed to effectuate its purposes.**

27       **C. Nothing in this compact shall be construed to prohibit the concurrent applicability of**  
28 **other interstate compacts to which the states are members.**

29  
30                   **ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS**  
31

32       **A. Other Laws**

33       **Nothing herein prevents the enforcement of any other law of a member state that is not**  
34 **inconsistent with this compact.**

35       **B. Binding Effect of Compact**

36       **1. All lawful actions of the Interstate Commission, including all rules and bylaws**  
37 **promulgated by the Interstate Commission, are binding upon the member states.**

38       **2. All agreements between the Interstate Commission and the member states are binding**  
39 **in accordance with their terms.**

40       **3. In the event any provision of this compact exceeds the constitutional limits imposed**  
41 **on the legislature of any member state, such provision shall be ineffective to the extent of**  
42 **the conflict with the constitutional provision in question in that member state.**

43       **4. The State of Oregon is bound by the bylaws and rules promulgated under this compact**  
44 **only to the extent that the operation of the bylaws and rules does not impose an obligation**  
45 **exceeding any limitation on state power or authority contained in the Oregon Constitution**

1 as interpreted by the state courts of Oregon.

2  
3 **ARTICLE XVIII. INDIAN TRIBES**  
4

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

10  
11  
12 **SECTION 2. (1) Wherever reference is made in the Interstate Compact for the Placement**  
13 **of Children to “the executive head of the state human services administration with ultimate**  
14 **responsibility for the child welfare program,” the reference means the Director of Human**  
15 **Services or the director’s designee.**

16 **(2) To the extent an advisory council or existing body or board is created or utilized un-**  
17 **der Article VII of the compact, the Director of Human Services or the director’s designee**  
18 **shall serve as the chairperson or person of similar designation with leadership authority of**  
19 **any such council, body or board.**

20 **SECTION 3. Wherever reference is made in the Interstate Compact for the Placement**  
21 **of Children to any of the following, the reference means the Department of Human Services:**

- 22 **(1) Public child-placing agency.**
- 23 **(2) Government child welfare agency.**
- 24 **(3) Child protection agency.**
- 25 **(4) Central state compact office.**

26 **SECTION 4. (1) The Interstate Compact for the Placement of Children Fund is estab-**  
27 **lished, separate and distinct from the General Fund. The fund consists of moneys deposited**  
28 **in the fund by the Department of Human Services and other moneys as may be appropriated**  
29 **to the fund by law. All moneys in the fund are continuously appropriated to the department**  
30 **to be used for the purposes of meeting financial obligations imposed on the State of Oregon**  
31 **as a result of the state’s participation in the Interstate Compact for the Placement of Chil-**  
32 **dren.**

33 **(2) An assessment levied or any other financial obligation imposed under the compact is**  
34 **effective against the State of Oregon only to the extent that moneys to pay the assessment**  
35 **or meet the financial obligation have been appropriated and deposited in the Interstate**  
36 **Compact for the Placement of Children Fund.**

37 **SECTION 5. ORS 417.210 is amended to read:**

38 **417.210. [(1)] Financial responsibility for any child placed pursuant to the provisions of the**  
39 **Interstate Compact [on] for the Placement of Children shall be determined in accordance with the**  
40 **provisions of [Article V thereof in the first instance] Article VII of the compact. However, in the**  
41 **event of partial or complete default of performance [thereunder] under the compact, the provisions**  
42 **of ORS chapter 110 and any other applicable laws [also] may be invoked.**

43 **[(2) The “appropriate public authorities” as used in Article III of the Interstate Compact on the**  
44 **Placement of Children shall, with reference to this state, mean the Department of Human Services and**  
45 **the department shall receive and act with reference to notices required by Article III thereof.]**

1        [(3) As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children,  
 2        the phrase “appropriate authority in the receiving state” with reference to this state shall mean the  
 3        Department of Human Services.]

4        **SECTION 6.** ORS 417.220 is amended to read:

5        417.220. The officers and agencies of this state and its subdivisions having authority to place  
 6        children are authorized to enter into agreements with appropriate officers or agencies of [or in other  
 7        party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of  
 8        Children] **other member states under Article VII(A)(3) of the Interstate Compact for the**  
 9        **Placement of Children.** Any [such] agreement [which] **that** contains a financial commitment or  
 10        imposes a financial obligation on this state or [subdivision or agency thereof shall not be] **any of its**  
 11        **subdivisions or agencies is not** binding unless it has the approval in writing of the State Treasurer  
 12        in the case of the state and of the chief local fiscal officer in the case of a subdivision **or agency**  
 13        of the state.

14        **SECTION 7.** ORS 417.230 is amended to read:

15        417.230. Any requirements for visitation, inspection or supervision of children, homes, insti-  
 16        tutions or other agencies in another [party] **member** state [which may apply] under ORS 418.250,  
 17        418.255 and 418.260 [shall be considered to be] **are** met if performed pursuant to an agreement en-  
 18        tered into by appropriate officers or agencies of this state or [a subdivision thereof as contemplated  
 19        by paragraph (b) of Article V of the Interstate Compact on the Placement of Children] **any of its**  
 20        **subdivisions as provided in Article VII(A)(3) of the Interstate Compact for the Placement of**  
 21        **Children.**

22        **SECTION 8.** ORS 417.990 is amended to read:

23        417.990. The sending, bringing, or causing to be sent or brought into any receiving state of a  
 24        child in violation of the terms of the Interstate Compact [on] **for** the Placement of Children is a  
 25        Class A misdemeanor.

26        **SECTION 9.** ORS 417.240, 417.250 and 417.260 are repealed.

27        **SECTION 10.** Notwithstanding the amendments to ORS 417.200 by section 1 of this 2011  
 28        Act, ORS 417.200 (2009 Edition) applies to nonmember states as defined in Article II of the  
 29        Interstate Compact for the Placement of Children.

30        **SECTION 11.** This 2011 Act being necessary for the immediate preservation of the public  
 31        peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
 32        on its passage.

33        \_\_\_\_\_