## Interstate Compact for the Placement of Children; HB 2557

**HB 2557** enacts the Interstate Compact for the Placement of Children (ICPC or Compact) and repeals the current ICPC codified at KSA 38-1201 through KSA 38-1206.

### *Findings and Declarations*

The bill makes the following findings and declarations:

- That finding suitable homes for children who have lost or never had homes requires the full attention and resources of the state of Kansas;

- That the needs of children and adults cannot be met by restricting child placement services and supervision to the state of Kansas;

- That would-be parents and children have a need for love, security, and fulfillment that can be met only when children in need of placement are matched with adults who can care for them; and

- A variety of circumstances makes interstate placements of children essential and offers compelling reasons for an interstate compact under which the jurisdictional, administrative, and human rights and obligations involved can be protected.

The bill declares that it shall be the policy of this state, in adopting the ICPC, to cooperate fully with other states in providing that no children shall be sent or brought into any other party state for placement in foster care or as a preliminary to a possible adoption unless the sending state complies with each and every requirement in this interstate compact.

### *Enactment of Compact*

*Article I, Purpose and Policy*

The purpose of the Compact is to:

- Provide a process through which children subject to the Compact are placed in safe and suitable homes in a timely manner;

- Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states;

- Provide operating procedures that ensure children are placed in safe and suitable homes in a timely manner;

- Provide for the promulgation and enforcement of administrative rules implementing the provisions of the Compact and regulating the covered activities of the member states;

- Provide for uniform data collection and information sharing between member states under the Compact;

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

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

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

*Article II, Definitions*

The Compact defines various terms used throughout the Compact, including:

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

- "Placement" means the act by a public or private CPA intended to arrange for the care or custody of a child in another state;

- "Receiving state" means the state to where a child is sent, brought, or caused to be sent or brought; and

- "Sending state" means the state from where the placement of a child is initiated.

*Article III, Applicability*

**When the Compact applies.** The provisions of the Compact will apply to 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, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement;

- Adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:
    - The child is being placed in a residential facility in another member state and is not covered under another compact; or
    - 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; or
- By a public or private CPA as a preliminary step to a possible adoption.

**When the Compact does not apply.** The provisions of the Compact do not apply to the interstate placement of a child:

- In a custody proceeding when a public CPA is not a party, provided the placement is not intended to effectuate an adoption;
- With a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, the placement is not intended to effectuate an adoption; or
- By one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

The Compact also does not apply to the placement of a child:

- Into a residential facility by their parent;
- With a non-custodial parent, provided that:
    - The non-custodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child;
    - The court in the sending state makes a written finding that placement with the non-custodial parent is in the best interests of the child; and
    - The court in the sending state dismisses its jurisdiction in interstate placements when the public CPA is a party to the proceeding.

The Compact also does not apply to:

- 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;
- Cases when a U.S. citizen child living overseas with their family, at least one of whom is in the U.S. Armed Services and who is stationed overseas, is removed and placed in a state; or

- The sending of a child by a public or private CPA for a visit as defined by the rules of the Interstate Commission for the Placement of Children (Commission).

**Applicability to child with family in the armed services.** For purposes of determining the applicability of the Compact to the placement of a child with a family in the armed services, the Compact will specify the public or private CPA may choose the state of the service member's permanent duty station or the service member's declared legal residence.

**Concurrent application with other applicable interstate compacts.** The Compact specifies nothing in the Compact shall be construed to prohibit the concurrent application of the provisions of the Compact with other applicable interstate compacts.

The Compact provides that the Commission may, in cooperation with other 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*

**Sending state retains jurisdiction.** Except in the case of private and independent adoptions and in interstate placements when the public CPA is not a party to a custody proceeding, the Compact provides that 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.

**Conference between sending state court and receiving state court.** When an issue of child protection or custody is brought before a court in the receiving state, the Compact requires the receiving state court to confer with the court of the sending state to determine the most appropriate forum for adjudication.

**Testimony.** The Compact provides, in cases that are before courts and subject to the Compact, the taking of testimony for hearings before any judicial officer may occur in person, telephone, audio-video conference, or other such means as approved by the rules of the Commission. The Compact further provides that judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their canons of judicial conduct and any rules promulgated by the Commission.

**Termination of jurisdiction.** The court in the sending state has authority to terminate its jurisdiction if:

- The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public CPA in the receiving state;

- The child is adopted;

- The child reaches the age of majority under the laws of the sending state;

- The child achieves legal independence pursuant to the laws of the sending state;

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

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

- The public CPA of the sending state requests termination and has obtained the concurrence of the public CPA in the receiving the state.

The bill requires the receiving state CPA to be notified when a sending state court terminates its jurisdiction.

**Limitations on jurisdiction.** The bill states nothing shall defeat a claim of jurisdiction by a receiving state court that is sufficient to deal with an act of truancy, delinquency, crime, or behavior involving the child in the receiving state that would be a violation of its laws.

The bill states nothing in its provisions could limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

**Adoptions.** The substantive laws of the state where an adoption will be finalized will solely govern all issues relating to the adoption of the child, and the court where the adoption proceeding is filed will have subject matter jurisdiction regarding all substantive issues relating to the adoption, except when:

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

- The child is in the legal custody of a public agency in the sending state; or

- When 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.

The Compact prohibits a final decree of adoption from being entered in any jurisdiction until the placement is authorized as an approved placement by the public CPA in the receiving state.

*Article V, Placement Evaluation*

**Public CPA assessment.** The Compact requires the public CPA to provide a written request for assessment to the receiving state prior to sending, bringing, or causing a child to be sent or brought (sending) into a receiving state.

**Private CPA request for approval.** For placements by a private CPA, the Compact provides that a child may be sent 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 CPA. The Compact requires content to accompany a request for approval to include:

- A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval;

- The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state or, where permitted, the laws of the state where the adoption will be finalized;

- 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, the laws of the state where finalization of the adoption will occur;

- A home study; and

- An acknowledgment of legal risk signed by the prospective adoptive parents.

**Additional information.** The Compact provides that the sending state and the receiving state may request additional information or documents prior to the finalization of an approved placement, but they cannot 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 CPA in both the sending state and the receiving state.

**Approval from public CPA.** The Compact requires approval from the public CPA in the receiving state for a provisional or approved placement as provided for in the rules of the Commission.

**Procedure for assessment.** The procedures for making the request for an assessment are required to contain all information and be in such form as provided for in the rules of the Commission.

Upon receipt of a request from the public CPA of the sending state, the receiving state is required to 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 CPA of the sending state may request a determination for a provisional placement.

The public CPA in the receiving state can request from the public or private CPA in the sending state the supporting or additional information necessary to complete the assessment or approve the placement.

The public CPA in the receiving state will be required to approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Commission.

For a placement by a private CPA, the Compact prohibits the sending state from imposing 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.

The Commission is authorized to develop uniform standards for the assessment of the safety and suitability of interstate placements.

*Article VI, Placement Authority*

Except as otherwise provided in the Compact, no child subject to the Compact can be placed into a receiving state until approval for such placement is obtained.

If the public CPA in the receiving state does not approve the proposed placement, the Compact prohibits the child from being placed. The receiving state is required to provide written documentation of any such determination in accordance with the rules promulgated by the Commission. Such determination will not be subject to judicial review in the sending state.

**Administrative and judicial review.** The Compact provides that if the proposed placement is not approved, any interested party will have standing to seek an administrative review of the receiving state's determination.

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

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

*Article VII, Placing Agency Responsibility*

The bill outlines the responsibilities for the interstate placement of a child made by a public CPA or state court:

- The public CPA in the sending state has financial responsibility for:
    - The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and
    - As determined by the public CPA in the sending state, services for the child beyond the public services that the child is eligible for in the receiving state; and
- The receiving state has financial responsibility only for:

- Any assessment conducted by the receiving state; and
- Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public CPAs of the receiving and sending state.

Nothing in the Compact can prohibit public CPAs in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

The bill also outlines responsibilities for the placement of a child by a private CPA preliminary to a possible adoption, stating the private CPA is required to be:

- 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

- Financially responsible for the child absent a contractual agreement to the contrary.

The public CPA in the receiving state is required to provide timely assessments, as provided for in the rules of the Commission, and provide for the supervision and services for the child, including timely reports, during the period of the placement.

Nothing in the Compact can be construed as to limit the authority of the public CPA 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.

**Advisory council.** Each member state is required to provide for coordination among its branches of government concerning the state's participation in, and compliance with, the Compact and Commission activities, through the creation of an advisory council or use of an existing body or board.

**Central Compact office.** Each member state is required to establish a central state compact office that will be responsible for state compliance with the Compact and the rules of the Commission.

**Compliance with Indian Child Welfare Act.** The public CPA in the sending state is required to oversee compliance with the provisions of the Indian Child Welfare Act, 25 USC 1901 *et seq*., for placements subject to the provisions of the Compact, prior to placement.

**Limited agreements between states.** With the consent of the Commission, states will have authority to enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under the Compact.

*Article VIII, Commission for the Placement of Children*

**Establishment.** The member states of the Compact will establish the Commission, which will be a joint commission of the member states and have the responsibilities, powers,

and duties set forth in the Compact, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

**Members.** The Commission consists of one commissioner from each member state, appointed by the executive head of the state human services administration with the ultimate responsibility for the child welfare program. The appointed commissioner has the legal authority to vote on policy-related matters governed by the Compact binding the state.

**Voting.** Each member state represented at a meeting of the Commission is entitled to one vote. A majority of the member states will constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Commission. A representative cannot delegate a vote to another member state, but a representative can delegate voting authority to another person from their state for a specified meeting. In addition to the commissioners of each member state, the Commission is required to include persons who are members of interested organizations as defined in the bylaws or rules of the Commission. Such members are ex officio and not entitled to vote on any matter before the Commission.

**Executive committee.** The Commission is also required to establish an executive committee that has the authority to administer the day-to-day operations and administration of the Commission, but it will not have the power to engage in rulemaking.

*Article IX, Powers and Duties of the Commission*

The Commission has the power to:

- Promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact;
- Provide for dispute resolution among member states;
- Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, or actions;
- Enforce compliance with the Compact or the bylaws or rules of the Commission;
- Collect standardized data concerning the interstate placement of children subject to the Compact as directed through its rules that must specify the data to be collected, the means of collection, and data exchange and reporting requirements;
- Establish and maintain offices as may be necessary for the transacting of its business;
- Purchase and maintain insurance and bonds;

- Hire or contract for services of personnel or consultants as necessary to carry out its functions under the Compact and establish personnel qualification policies and rates of compensation;

- Establish and appoint committees and officers, including, but not limited to, an executive committee;

- Accept any and all donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose thereof;

- Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

- Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

- Establish a budget and make expenditures;

- Adopt a seal and bylaws governing the management and operation of the Commission;

- Report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Commission during the preceding year. The Compact requires such reports to include any recommendations that may have been adopted by the Commission;

- Coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity;

- Maintain books and records in accordance with the bylaws of the Commission; and

- Perform such functions as may be necessary or appropriate to achieve the purposes of the Compact.

*Article X, Organization and Operation of the Commission*

**Bylaws.** Within 12 months after the first Commission meeting, the Commission is required to adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact. The Compact will require its bylaws and rules to establish procedures on making Commission information and official records available to the public.

**Meetings.** The Compact outlines meeting requirements of the Commission, including, but not limited to, meeting once per calendar year. The Compact provides that meetings that are likely to disclose protected information can be closed by a 2/3 vote. The bylaws can provide for meetings to be conducted by telecommunication or other electronic communication.

**Officers and staff.** The Compact describes the officers and staff to be selected or appointed by the Commission's executive committee.

**Qualified immunity, defense, and indemnification.** The Commission's staff director and its employees are immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of 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. The Compact prohibits protection for a person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

The Commission is required to defend the staff director and employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state, to defend the 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 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

To the extent not covered by the state involved, member state, or the Commission, the representatives or employees of the Commission will be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties or responsibilities. The actual or alleged act, error or omission cannot have resulted from intentional or willful and wanton misconduct on the part of such persons.

*Article XI, Rulemaking Functions of the Commission*

**Principles of rulemaking.** The Commission is required to promulgate and publish rules in order to effectively and efficiently achieve the purposes of the Compact. Such rulemaking must conform to administrative procedure acts the Commission deems consistent with due process requirements under the *U.S. Constitution*.

When promulgating a rule, the Commission is required, at a minimum, to:

- Publish the entire text of the proposed rule, stating the reason or reasons for that proposed rule;

- Allow and invite any and all persons to submit written data, facts, opinions, and arguments, and such information shall be added to the record and be made publicly available; and

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

**Rules binding as administrative rules.** Rules promulgated by the Commission will have the force and effect of administrative rules and will be binding in the compacting states.

**Judicial review.** No later than 60 days after a rule is promulgated, an interested person can file a petition in the U.S. District Court for the District of Columbia or in the federal district court where the Commission's principal office is located for judicial review of such rule. If the court finds that the Commission's action is not supported by substantial evidence in the rulemaking record, the court must hold the rule unlawful and set it aside.

**Rejection.** If a majority of the legislatures of the member states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the Compact, cause such rule to have no further force and effect in any member state.

**Effect on existing rules.** The existing rules governing the operation of the ICPC superseded by the Compact will be null and void no less than 12, but not more than 24, months after the first meeting of the Commission, as determined by the members during the first meeting.

**First rules of the Commission.** Within the first 12 months of operation, the Commission is required to promulgate rules addressing the following:

- Transition rules;
- Forms and procedures;
- Timelines;
- Data collection and reporting;
- Rulemaking;
- Visitation;
- Progress reports and supervision;
- Sharing of information and confidentiality;
- Financing of the Commission;
- Mediation, arbitration, and dispute resolution;
- Education, training, and technical assistance;
- Enforcement; and
- Coordination with other interstate compacts.

**Emergency rules.** Upon determination by a majority of the members of the Commission that an emergency exists, the Commission can promulgate an emergency rule only if it is required to:

- Protect the children covered by the Compact from an imminent threat to their health, safety, and well-being;

- Prevent loss of federal or state funds; or

- Meet a deadline for the promulgation of an administrative rule required by federal law.

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

The Compact requires an emergency rule to be promulgated as provided for in the rules of the Commission.

*Article XII, Oversight, Dispute Resolution, and Enforcement*

**Oversight.** The Commission is required to oversee the administration and operation of the Compact, while the executive, legislative, and judicial branches of state government in each member state are required to enforce the Compact and the rules of the Commission.

The Compact requires all courts to take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact.

The Commission is entitled to receive service of process in any action when the validity of a Compact provision or rule is the issue for which a judicial determination has been sought and has standing to intervene in any proceedings. Failure to provide service of process to the Commission will render any judgment, order, or other determination void as to the Commission, the Compact, its bylaws, or rules of the Commission.

**Dispute resolution.** The Commission is required to attempt, upon the request of a member state, to resolve disputes that are subject to the Compact and may arise among member states and between member and nonmember states.

The Commission is required to promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution are the responsibility of the parties to the dispute.

**Enforcement.** If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, its bylaws or rules, the Commission has the authority to:

- Provide remedial training and specific technical assistance;
- Provide written notice to the defaulting state and other member states of the nature of the default and the means of curing the default;
- Initiate, by majority vote of the members, against a defaulting member state legal action to enforce compliance with the provisions of the Compact, its bylaws, or rules; or
- Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

*Article XIII, Financing of the Commission*

The Commission is required to pay for the reasonable expenses of its establishment, organization, and ongoing activities.

The Commission is authorized to levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget as approved by its members each year.

The Compact requires annual audits of all receipts and disbursements of funds handled by the Commission by a certified or licensed public accountant.

*Article XIV, Member States, Effective Date, and Amendment.*

**Member states.** The Compact provides that any state is eligible to become a member state, and the Compact will be effective and binding upon legislative enactment of the compact into law by not less than 35 states.

**Effective date.** The effective date will be upon enactment of the compact into law by the 35th state. Thereafter it will be effective and binding as to any other member state upon enactment of the compact into law by that state.

**Amendments.** The Commission is authorized to propose amendments to the compact for enactment by the member states. No amendment will be 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*

**Withdrawal.** Once effective, the Compact will continue in force and remain binding upon each and every member state. A member state can withdraw from the Compact specifically repealing the statute that enacted the Compact into law. Reinstatement following withdrawal of a member state can occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the members of the Commission.

**Dissolution of Compact.** The Compact will dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the Compact to one member state. Upon the dissolution of the Compact, the Compact will be null and void and will be of no further force or effect, and the Compact requires the business and affairs of the Commission to be concluded and surplus funds to be distributed in accordance with the bylaws.

*Article XVI, Severability and Construction*

The provisions of the Compact are severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact will be enforceable. The Compact requires its provisions to be liberally construed to effectuate its

purposes. Nothing in the Compact can 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*

Nothing in the Compact can prevent the enforcement of any other law of a member state that is consistent with the Compact. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, will be binding upon the member states, and all agreements between the Commission and the member states will be binding in accordance with their terms. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision will be ineffective.

*Article XVIII, Indian Tribes*

Notwithstanding any other provision in the Compact, the Compact authorizes the Commission to promulgate guidelines to permit Indian tribes to utilize the Compact to achieve any or all of the purposes of the Compact. The Commission is required to make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

***Compact Administrator***

**Authorization**. The Compact authorizes the Governor to designate a Compact Administrator, who serves at the pleasure of the Governor. The Compact Administrator is required to adopt rules and regulations to effectively carry out terms of the Compact and is directed to cooperate with all agencies and officers of state government in facilitating the proper administration of the Compact or of any supplementary agreement or agreements entered into by the state pursuant to the Compact.

**Supplementary agreements.** The Compact Administrator is authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the Compact. In the event that a supplementary agreement requires or contemplates the use of any institution or facility of this state or requires or contemplates the provision of any service by this state, the supplementary agreement has no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of the service.

**Financial arrangements.** The Compact Administrator, subject to the approval of the State Director of Accounts and Reports, is authorized to make or arrange for any payments necessary to discharge any financial obligations imposed upon the State by the Compact or by any supplementary agreement entered into pursuant to the Compact.

**Enforcement; penalty for failure to comply with provisions of Compact.** The courts, departments, agencies, and officers of the State and its subdivisions are required to enforce this Compact and do all things appropriate to effectuate the Compact's purposes and intent that may be within their respective jurisdictions. Failure to comply with the provisions of the Compact by any professional providing services related to the placement of children will be a class C

misdemeanor. As used in this section, “professional” means any person who receives payment or compensation for providing services related to the placement of children for adoption.