BILL ANALYSIS

C.S.H.B. 141
By: Manuel
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the American Public Human Services Association (APHSA), the Interstate Compact on the Placement of Children (ICPC), of which Texas is a member, was established in the 1960s to create uniform guidelines and procedures for placing children across state lines. However, according to APHSA, some member states and stakeholders have expressed dissatisfaction with the current ICPC framework, noting that it has become outdated and inefficient, which leads to delays in placements and challenges in interstate coordination.

In response, APHSA facilitated the creation of the revised Interstate Compact for the Placement of Children to modernize the compact's legal framework, streamline processes, and improve accountability between states in child placement cases. Under the terms of the revised ICPC, the compact takes effect after the 35th state enacts the enabling statute, and—according to APHSA—18 states have already done so, including Texas' neighboring states of New Mexico, Oklahoma, and Louisiana. The bill author informed the committee that those first 35 states will have further input on rules promulgated under the compact. C.S.H.B. 141 seeks to give Texas greater input in the revised ICPC's regulatory framework by setting a timeframe for Texas to join the revised ICPC as one of the founding 35 states without affecting the validity of the ICPC as adopted under current law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 141 amends the Family Code to provide for the state's adoption of the revised Interstate Compact for the Placement of Children. The bill repeals provisions setting out the text of the Interstate Compact on the Placement of Children, as adopted by the state under current law, and adopts and enters into the revised Interstate Compact for the Placement of Children with all other jurisdictions that adopt and enter into the compact in a form substantially as provided by the bill's provisions. The bill sets out the revised compact's provisions, including provisions that relate to the following:

- the compact's purposes;
- definitions applicable to the compact;
- the circumstances under which the compact's provisions providing for the interstate placement of a child apply and the circumstances under which those provisions expressly do not apply;

- the jurisdiction of the state from which the placement of a child is initiated regarding the custody and disposition of the child and the termination of that jurisdiction, the process for determining an appropriate forum for adjudication of child protection and custody matters, and the means for taking testimony in cases that are before courts and subject to the compact;
- processes regarding the interstate placement of a child, including the processes for requesting, approving, and assessing the safety and suitability of such a placement;
- the prohibition against placing a child into a receiving state until the requisite approval is obtained and the administrative review process for cases of non-approval;
- the responsibilities of a public or private child placing agency and the receiving state for the interstate placement of a child, including certain financial responsibilities, and the duty of member states to establish a central state compact office responsible for compact compliance;
- the establishment of the Interstate Commission for the Placement of Children as a joint commission of the member states and the interstate commission's governance structure;
- the powers and duties of the interstate commission, including those that relate to the promulgation of rules, dispute resolution, enforcement, data collection, office organization, insurance and bonds, service contracts and hiring, the appointment of committees and officers, acceptance of donations and grants, property purchases and leases, property disposal, budgeting, the adoption of a seal and bylaws, required reporting, education and training, bookkeeping and recordkeeping, and the performance of other functions;
- the organization and operation of the interstate commission with respect to bylaws, meetings, officers and staff, qualified immunity and defense of liability claims, and indemnification;
- the rulemaking functions of the interstate commission, the binding effect of the interstate commission's rules, and the process for the promulgation, judicial review, and rejection of those rules;
- the expiration of existing rules governing the operation of the Interstate Compact on the Placement of Children;
- oversight, dispute resolution, and enforcement of the compact by the interstate commission or, as applicable, by the executive, legislative, and judicial branches of state government in member states;
- the financing of the interstate commission, including through the levy and collection of an annual assessment from each member state and the management of funds;
- the eligibility for state membership in, the effective date of, and the process for amending the compact;
- the manner by which a member state may withdraw from the compact and the dissolution of the compact;
- the construction and severability of the compact's provisions, as well as the binding effect of the compact and the enforcement of member states' other laws; and
- the authority of the interstate commission to promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the compact's purposes.

The revised compact takes effect and becomes binding on the enactment of the compact into law by at least 35 states, and these bill provisions providing for the state's adoption of the revised compact and setting out the revised compact provisions take effect on the day on which the compact is enacted into law by a 33rd state.

C.S.H.B. 141 updates the following references in provisions providing for the state's implementation of the compact to reflect the revised compact language:

- replaces references to "appropriate public authorities" and "appropriate authority" with references to "public child placing agency";
- replaces a reference to "executive head" with a reference to "executive head of the state human services administration"; and
- replaces references to "an institution" with references to "a residential facility."

C.S.H.B. 141 repeals provisions that establish the Class B misdemeanor offense for an individual, agency, corporation, child-care facility, or general residential operation in Texas that violates certain compact provisions by placing a child in violation of the compact's terms and that require the revocation of any applicable license or certification on conviction of that offense.

C.S.H.B. 141 repeals Sections 162.102 and 162.107(b), Family Code.

EFFECTIVE DATE

Except as otherwise provided, on the day on which the Interstate Compact for the Placement of Children takes effect, which according to the terms of the compact is the date on which the compact is enacted into law by the 35th state, as defined by the compact.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 141 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute replace a reference to "executive head" with a reference to "executive head of the state human services administration." However, the introduced also changed the definition of that term, with reference to the state, from the governor to the executive commissioner of the Health and Human Services Commission, whereas the substitute does not.

The substitute changes the bill's effective date from September 1, 2025, as in the introduced, to the day on which the Interstate Compact for the Placement of Children takes effect, except for the bill's provisions providing for the state's adoption of the compact and setting out the compact's provisions, which take effect on the day on which the compact is enacted into law by a 33rd state.