

Proposed by Rules Committee

RULE 1-101: Definitions

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult; [e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.], ~~and who are eligible for services under the provisions of the ICJ.~~

Justification:

Deletion consistent with the Statute.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Billie Greer, IL

This definition needs clarity as to what defines a deprived child or an undisciplined child, etc. I suggest that this statement is deleted.

Alicia Ehlers, ID

Idaho's state council suggests striking everything past the word "adult" in this definition.

Anne Connor, West Region Representative

The West Region supports the proposed amendment to Rule 1-101: Adjudicated Status Offender as presented and voted on during the June 12, 2013 Western Region Meeting.

Gladys Carrion, NY

Recommend NYS Support Concept. While the proposed change conforms with the definition found in the Interstate Compact on Juveniles (ICJ), our state's definition of a PINS is broader and may also include a youth who violates a specified marijuana offense or prostitution offense

(Comments for Rule 1-101: Adjudicated Status Offender cont.)

as well a youth who appears to be a sexually exploited child if the child consents to the filing of a petition. Any adjudicated youth who fall outside this narrow statutory definition yet are under supervision as a status offender need to be recognized as eligible for Compact supervision and therefore it is suggested that Rule 4-101(2)(b) be modified to be inclusive of these youth. Suggestions are provided in our comments to proposed rule amendments of Rule 4-101.

Proposed by Rules Committee

RULE 1-101: Definitions

~~Aftercare (temporary community placement): a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).~~

Justification:

Rescinding this definition; not used in the Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Anne Connor, West Region Representative

The Western Region supports rescinding this definition per the proposed amendment to Rule 1-101: Aftercare as presented and voted upon during the Western Region Meeting on 6/12/2013.

Pat Pendergast, AL

I am hoping that we leave this alone. We still have aftercare and not parole in Alabama.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee***RULE 1-101: Definitions***

Custody: the status created by legal authorities for placement of a juvenile in a secure staff-secured or locked facility approved for the detention of juveniles.

Justification:

Changes recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:***Comments*****Daryl Liedেকে, TX**

Since we talk about "custodial parents" in the rules, should we maybe not change this whole term to "secure custody" as well as clarifying the definition?

The idea of "custody" of a juvenile comes up regularly in regards to parents and legal guardians, and is a common definition for the term. Our use of the term only applies to their being in secure detention, per our definition. Would it not define our usage better to have the term itself be more specific?

Judy Miller, AR

I agree with Daryl Liedেকে, the Definition of Custody needs to be re-written. The definition was to address the issue of holding/housing juveniles. I think of custody as it pertains to a person who has custody of a juvenile.

Alicia Ehlers, ID

This definition is actually referring to detaining juveniles. Suggest adding "detain" to the list of definitions and using variations of the word "detain" rather than "custody" for rules referring to juveniles placed in secure confinement.

(Comments for Rule 1-101: Custody cont.)

Anne Connor, West Region Representative

The West Region supports maintaining the current Rule 1-101: Definitions - Custody and opposes the proposed amendment as presented and voted upon during the Western Region Meeting on June 12, 2013.

Gladys Carrion, NY

Recommend NYS Oppose. In NYS, runaways and PINS are detained in non-secure facilities and cannot be placed in secure facilities (see Family Court Act §720[2]). Overall, in most instances in upstate NYS (outside of NYC) other juveniles involved in the juvenile justice system (i.e. alleged juvenile delinquents) are detained in non-secure facilities. As the Interstate regulatory language recognizes that the state approves detention facilities, it is therefore recommended that the word “secure” be stricken to afford greater flexibility to states so that they will be in compliance with their state laws in this area.

Proposed by Rules Committee***RULE 1-101: Definitions***

Home Evaluation/Investigation: ~~an legal and social~~ evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

Justification:

Changes recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:***Comments*****Anne Connor, West Region Representative**

The Western Region supports the changes as recommended for clarity per the proposed amendment to Rule 1-101: Home Evaluation/Investigation as presented and voted upon during the Western Region Meeting on 6/12/2013.

Gladys Carrion, NY

Recommend NYS Oppose. A home evaluation to determine suitable placement should evaluate pertinent legal and social history. It is recommended that the existing wording be retained as the word “legal” in this rule provides the authority by which criminal history checks can be conducted as necessary on the youth and/or family member or legal guardian, where applicable, in which to evaluate the placement. The word “social” guides the report preparer of what else should be examined. These two words better describe the scope or parameter of the evaluation and are already contained in a Compact form in this area. Legal and social history is also mentioned in Rule 4-102. The removal of this language does not provide clarity and will likely lead to confusion surrounding the extent of the evaluation.

Proposed by Rules Committee

RULE 1-101: Definitions

Juvenile ~~Who Sexually Harms Sex Offender~~: a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

Justification:

Change addresses state's concerns of labeling juveniles as sex offenders.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

If passed, "juvenile sex offender" will change to "juvenile who sexually harms" in the following rules: Rule 4-103, Rule 4-104(1).

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Dale Dodd, NM

I support this change to get away from labeling juveniles as sex offenders but the use of the word "harm" in the new label may be interpreted to preclude juveniles who commit a sexual offense that is victimless but may still require registration.

Mike Reddish, NE

I support this definition, rule change. Even though "Juvenile Who Sexually Harms" seems awkward it is a better descriptor than Juvenile Sex Offender. Also I like the language "as determined by the sending state". I am glad to see that we are recognizing with this language change that there are a number of states that do not adjudicate juveniles as sex offenders or sexual perpetrators. Good work Rules Committee.

Billie Greer, IL

I do not agree that the term “juvenile sex offender” should be changed; however, the term Juvenile Who Sexually Harms is vague and should not replace JSO. Since JSO terminology is worded with numerous states compiled statutes, i.e., sex offender registration and Adam Walsh it
(Comments for Rule 1-101: Juvenile Sex Offender cont.)

should remain uniformed. The term “Juvenile Sex Offender” is separated by the word juvenile from “adult sex offender” and it is worded throughout the ICJ and JIDS. Nevertheless a cost factor to change it.

Daryl Liedecke, TX

"Juvenile who sexually harms" is still vague and I am not sure it is less of a loaded term than juvenile sex offender.

If we are the only ones out there using this new term, as opposed to "juvenile sex offender" are we opening ourselves up to problems?

Rose Ann Bisch, MN

The Minnesota State Council had an extensive discussion about this rule and the council was split on whether or not they supported this change.

Summer Foxworth, CO

I do not agree with changing Juvenile Sex Offender to Juveniles who Sexually Harm. Juvenile Sex Offender is a universal term regardless of whether all States label/adjudicate juveniles as Sex Offenders.

Anne Connor, West Region Representative

The West Region supports maintaining the current Rule 1-101: Definition - Juvenile Sex Offender and opposes the proposed amendment as presented and voted upon during the West Region Meeting on 6/12/2013.

Alicia Ehlers, ID

Idaho's state council recognizes that sex offenders should not be labeled but would like to see this this change of definition explored to provide more consistency nationwide.

Damian Seymour, DE

We are opposed to changing Juvenile Sex Offender to Juvenile Who Sexually Harms. We are opposed to changing this definition as per Delaware Code and with numerous other states the term sex offender is complying with statute.

We are agreement with the addition, as determined by the sending state.

Jason McCrea, PA

Pennsylvania is not in support of this amendment. The term Juvenile Sex Offender could potential be modified to represent those juveniles that meet registration requirements in the sending or receiving state. A second term could be proposed for juveniles with sexual-based charges, but that do not meet registration requirements.

Jane Seigel, IN

Indiana does not support the proposed change to the definition of "juvenile sex offender".

(Comments for Rule 1-101: Juvenile Sex Offender cont.)

Pat Pendergast, AL

Our legislation refers to these youngsters as Juvenile sex offenders. Across the country we have laws making the same reference, both at the state level and national level. This new terminology "juveniles who sexually harm" may eventually replace the previous term in the vernacular, but I would prefer for ICJ to wait until the term becomes more prevalent. It seems premature to make such a change in our definitions.

Gladys Carrion, NY

Recommend NYS OPPOSE. NYS believes that the currently terminology "juvenile sex offender" is more commonly used nationwide when referring to juveniles who are adjudicated of a sex offenses and that the proposed terminology would not necessarily cover a youth adjudicated of a pornography or prostitution offense. It is speculative that this proposed wording change would result in less labeling of such youth. However, if there is a decision to eliminate existing terminology, the Commission may wish to consider replacing the terminology with "juvenile under supervision for a sex-related offense" as Rule 5-102 governing travel permits refers to "sex-related offense".

Proposed by Rules Committee

RULE 1-101: Definitions

Residential Facility: a staffed program that provides custodial care and supervision to juveniles.

Justification:

Adding definition for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rule 4-101(f)(2) contains “residential facilities” and 5-102(2) contains “residential treatment facility.” Form VII contains “residential treatment facilities.”

JIDS’ Impact:

Strike language in header of Form VII.

Fiscal Impact:

Cost estimate \$150 (1 service hour).

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Billie Greer, IL

The American Association of Children’s Residential Centers defined a residential treatment center as “an organization whose primary purpose is the provision of individually planned program . . . treatments, other than acute inpatient care, in conjunction with residential care for seriously emotionally disturbed children and youth, ages 17 and younger” (AACRC 1999).

Anne Connor, West Region Representative

The West Region did not reach a consensus on this proposed rule amendment during our West Region Meeting on 6/12/2013. Members were encouraged to post comments individually if so inclined.

Alicia Ehlers, ID

Idaho's state council suggests that this definition be changed to: a staffed program that provides full-time custodial care and supervision to juveniles, or a staffed program that provides 24-7 custodial care and supervision to juveniles. It was felt that the definition being considered could include day programs.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

RULE 2-102: Data Collection

1. As required by Article III (K) of the compact, member states shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away. Each member state shall report annually by July 31st.
2. Runaways, escapees, absconders and accused delinquents:
 - a. The total number of runaways, escapees, absconders and accused delinquents located in and located out of the reporting state processed during the reporting period.
 - b. The total number of Requisitions (Form I and Form II) sent from and received by the reporting state during the reporting period.
 - c. The total number of juveniles who were not returned per Requisition (Form I and Form II) by or to the reporting state during the reporting period.
 - d. The reason(s) the juvenile was not returned per Requisition (Form I and II) by or to the reporting state during the reporting period.
3. Airport Supervision:
 - a. The total number of airport supervision requests met during the reporting period.
4. Parole Supervision:
 - a. The total number of incoming parole cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing parole cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming parole cases terminated during the reporting period.
 - d. The total number of outgoing parole cases terminated during the reporting period.
 - e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
 - f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
5. Probation Supervision:
 - a. The total number of incoming probation cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing probation cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming probation cases terminated during the reporting period.
 - d. The total number of outgoing probation cases terminated during the reporting period.

****Please note that the final rule proposals are subject to change per the Rules Committee.***

- e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
- f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.

~~6. Institutionalization:~~

- ~~a. The total number of juveniles from their state who are institutionalized in a public facility in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states who are institutionalized in a public facility in their state during the reporting period.~~

~~7. Out of State Confinement:~~

- ~~a. The total number of juveniles from the reporting state confined in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states confined in the reporting state during the reporting period.~~

6. -8. This Rule will not expire until the Electronic Information System approved by the Commission is fully implemented and functional.

Justification:

Deleted language was relevant to Article X of old Compact and is no longer needed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Anne Connor, West Region Representative

The West Region supports the proposed amendment to Rule 2-101: Data Collection as presented and voted upon during the West Region meeting on 6/12/2013.

Gladys Carrion, NY

Recommend NYS support.

Proposed by Rules Committee

RULE 4-101: ~~Processing Referrals~~ Eligibility Requirements for the Transfer of Supervision

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this compact to relocate to another state ~~the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules. A sending state shall request transfer of a juvenile, who is eligible for transfer of supervision to a receiving state under the compact. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:~~
 - a. is classified as a juvenile in the sending state; and
 - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
 - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
 - d. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
 - f.
 1. Will reside with a parent, legal guardian, relative, non-relative or independently, excluding residential facilities; or
 2. Is a full time student at a ~~secondary school~~, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. ~~All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.~~ If a child is placed pursuant to the ICJ and is also subject to the ICPC, placement and supervision through the ICPC would not be precluded.
4. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

Justification:

Title change for consistency with rule.

(2) Language change to clarify that the juvenile, not the supervision, is transferring.

(2)(f)(2) Removed language to clarify full-time student enrollment status as post-secondary.

- (3) Amended language to provide clarity for cases with concurrent jurisdiction with the ICPC.
(4) Moved from 3.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Shelley Hagan, WI

Wisconsin's State Advisory Board voted today in favor of the change to 4-101-3.

My personal comment: Why remove secondary schools? We occasionally send youth out of state to boarding schools, usually Native American youth going to culturally-appropriate facilities.

Anne Connor, West Region Representative

The West Region discussed this proposed amendment at length during our meeting on 6/12/2013 with particular attention to the elimination of the term "Secondary Schools". As presented and voted upon during that same meeting, the Western Region supports this proposed rule amendment.

Alicia Ehlers, ID

Idaho's state council does not support the exclusion of secondary schools.

Gladys Carrion, NY

Recommend NYS Support Concept. The elimination of the word "secondary school" may present problems as some juveniles may be attending or planning to attend out-of-state boarding or military high schools for sound reasons. The proposed rule change should be assessed to address this concern. Additionally, to resolve issues earlier raised regarding the narrow definition of "Adjudicated Status Offenders", it is suggested that between Rule 4-101(2) (b) be changed to read as follows:

"b. is an adjudicated delinquent, adjudicated status offender, any other adjudicated offender under supervision, or has a deferred adjudication in the sending state; and"

Proposed by Rules Committee***RULE 4-101A: Transfer of Students Rescind***

1. Juveniles as defined in Rule 1-101, eligible for transfer as defined by Rule 4-101, who have been accepted as full-time students at a secondary school, or accredited university/college, or state licensed specialized training program and can provide proof of enrollment, shall be considered for supervision by the receiving state.
2. Supervision shall be provided the juvenile according to Rule 4-104.
3. If the juvenile's placement fails, procedures to return the juvenile shall be made by the sending state according to Rule 6-104.

Justification:

Rescinding this rule; redundant and unnecessary to distinguish full-time students from other eligible juveniles in a separate rule. Rule 4-101(f) addresses full-time students.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:***Comments*****Anne Connor, West Region Representative**

The West Region supports the rescinding of this Rule 4-101A: Transfer of Students as proposed and voted upon during the West Region Meeting on 6/12/2013.

Gladys Carrion, NY

Recommend NYS Support should other aforementioned rule be adopted with our aforementioned concerns addressed.

Proposed by Rules Committee

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) business days of receipt. Each ICJ Office shall adhere to the following screening process when sending and receiving referrals. Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
 - a. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state forty five (45) calendar days prior to the juvenile's anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V shall be forwarded prior to placement in the receiving state.

When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state, it shall provide the receiving state with the approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.

The sending state ICJ Office shall provide the complete ICJ referral to the receiving state ICJ office within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether or not it will expedite the ICJ referral.

- b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state within five (5) business days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V

shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.

4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state, but will not delay the investigation.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, forward to the sending state the ~~h~~Home ~~e~~Evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

Justification:

- (4) Recommended to promote timely acquisition of documents.
- (6) Home Evaluation capitalized because it is the name of a form.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Daryl Liedেকে, TX

"The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state, but will not delay the investigation."

The phrase in red makes me think the rule is stating that the sending state will not delay the investigation. However, I believe the rule is stating that the receiving state will not delay the investigation pending receipt of this "additional documentation," which I would recommend adding in here.

(Comments for Rule 4-102 cont.)

Anne Connor, West Region Representative

The West Region did not reach a consensus on this proposed rule amendment during our West Region Meeting on 6/12/2013. Members were encouraged to post comments individually if so inclined.

Alicia Ehlers, ID

Rule 4-102.4 appears to be missing some wording. It should read: The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state, but *the receiving state* will not delay the investigation.

Damian Seymour, DE

When reading the proposed amendment change, **but will not delay the investigation**, it is unclear who will not delay the investigation. We are proposing, **but the receiving state will not delay the investigation**. This makes it clear the receiving state will not delay the investigation while waiting on additional documentation.

Gladys Carrion, NY

Recommend NYS Support Concept, however it is recommended that the proposed amendment ensure that in probation cases, the order and conditions are promptly forwarded prior to the juvenile's arrival in the receiving state and to clarify whether additional documentation includes certain documents not completed which are required to be forwarded.

Proposed by Rules Committee

RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(2) is applicable.
2. When it is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, and there is no custodial parent or legal guardian in the sending state, ~~under the provision of Rule 5-101(4)~~, the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state's ICJ Office, the following procedures shall be initiated:
 - a. Upon notification, the sending state shall provide the receiving state with an approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - b. The sending state shall transmit a complete ICJ referral to the receiving state within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether it will expedite the ICJ referral or process the referral according to Rule 4-102.
 - c. Within five (5) business days of receipt of the travel permit, the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.
 - d. The sending state shall maintain responsibility until supervision is accepted in the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions ~~from the receiving state~~. issued under 4-103(2)(c).
3. When transferring a juvenile sex offender, documentation should be provided to the receiving state: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.

4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws ~~when~~ to issuing reporting instructions. If the proposed ~~residence~~ placement is unsuitable, the receiving state may deny acceptance referred to in Rule 5-101(4).
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

Justification:

- (2) Inserted language from Rule 5-101(4) for clarity.
- (2)(d) Recommended for clarity.
- (4) Recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:**Comments****Anne Connor, West Region Representative**

The West Region supports maintaining the current Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders and does not support the proposed rule amendment as presented and voted upon during our 6/12/2013 West Region Meeting.

Gladys Carrion, NY

Recommend NYS Oppose. It is recommended that this current rule governing transfer of juvenile sex offenders be revised to address several concerns. Subdivision two only applies when it is necessary to place such a youth out-of-state with a custodial parent or legal guardian prior to supervision acceptance and there is no custodial parent or guardian in the sending state. It should be broader in recognition that at times a juvenile may be residing with someone other than a custodial parent or legal guardian (i.e. grandparent or another relative because parent/guardian incarcerated or because the victim lives with such parent/guardian and would be

(Comments for Rule 4-103 cont.)

adversely affected). In such cases, an expedited transfer might be still appropriate and in the best interests of the child and to safeguard others from harm. Should a travel permit be issued, the decision of whether a receiving state will expedite the transfer should be removed as the juvenile likely will be in the receiving state and for it to be regularly processed does not promote offender accountability as a travel permit can be issued up to 30 days and there is a regular 45 day investigatory process. This is far too long a time for a juvenile sex offender to have no meaningful supervision in the receiving state.

Conditions of probation should be forwarded when a travel permit is issued. No travel permit should be issued until reporting instructions are issued by the receiving state and there should be the advance ability of the receiving state to review the proposed residence as to suitability and compliance with any applicable laws or policies and to deny reporting until an alternative placement is arranged if necessary. Rule language should be clear that once reporting instructions are issued and the youth arrives in the receiving state, the receiving state assumes supervision. Information on applicable registration requirements also should be determined in advance of a travel permit being issued. Additional details surrounding the juvenile should be supplied and requiring that the receiving state assume supervision upon arrival (See ICAOS Rule 3.101-3 for possible model language in this area).

Proposed by Rules Committee

RULE 4-104: Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of ~~visitation and~~ supervision over any juvenile, ~~including juvenile sex offenders~~, and in exercise of those duties will be governed by the same standards of ~~visitation and~~ supervision that prevails for its own juveniles released on probation or parole.
2. ~~Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state.~~ Both the sending and receiving state shall have the authority to impose sanctions to enforce the terms of probation/parole, which may include the imposition of detention time if legally authorized in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
3. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
5. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

Justification:

Recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:***Comments*****Anne Connor, West Region Representative**

The West Region supports the proposed amendment to Rule 4-104: Supervision/Service Requirements as voted on during the 6/12/2013 meeting.

Mark Boger, ME

The Maine State Council has expressed some concerns around this rule. The term "sanctions" is not defined in the rules so it is unclear what "sanctions" may be imposed in the receiving state. Also, the imposition of "detention" as a sanction is not clearly defined, nor who in the receiving state may order it. How much detention time may be imposed by a receiving state and what are the due process requirements for the juvenile when a sanction of detention is imposed in the receiving state? Since the receiving state's court has no jurisdiction of a case transferred under the compact, unless there are new charges in the receiving state, what then is the mechanism for a review of the juvenile's due process rights in the receiving state when placed in detention?

Alicia Ehlers, ID

Idaho first proposed this rule a few years ago because Idaho's Council believes that the Compact lacks a method for the receiving state to hold the juveniles accountable and if the sending state isn't going to take action "what's to be done?"

Idaho's Council which includes judges, prosecutors and attorneys recognized the Article IV of the US Constitution gives full faith and credit in each state to recognize the public Acts, Records and Judicial Proceedings of every other state. Based on this and the Compact rule which states that the receiving state must treat the sending state's juveniles as their own and the legal opinion of Rick Masters stating receiving states can sanction the sending state's juveniles, Idaho has sanctioned juveniles including the use of detention time. (With the other state's approval.)

(Comments for Rule 4-104 cont.)

In my state the probation officer files the other state's court order along with an affidavit of the juvenile's probation violation and any other supporting documents with the court clerk and asks for a hearing. The filing of the documents generates a juvenile file number, and the judge in my state determines any sanctions or allows the use of any sanction noted in the other state's court order. Some court orders allow a certain number of discretionary days to be used at the discretion of the probation officer. As long as the juvenile wouldn't be treated any differently than any other juvenile in our state with the same issues, we are allowed by the compact to sanction. It is very effective on the juveniles and the parents of the juveniles.

Gladys Carrion, NY

Recommend NYS Support Concept. However, it is suggested that subdivision two more clearly recognize the ability of a receiving state to impose conditions upon a juvenile at the time of acceptance or during the term of supervision similar to conditions imposed on such a juvenile if the disposition had been imposed in the receiving state. Imposing additional sanctions without the involvement or, or access to the courts would be problematic. There should be articulated procedures to be followed. It is suggested that ICAOS Rule 4.103 be examined as a model in terms of specificity. While this appears to be the intent from the content of the Application itself, it is not clearly articulated in the existing rule as it refers to enforcing terms of probation/parole and although it mentions imposition of detention time, it is not clear how this would be imposed. The proposed rule language refers to sanctions which often are viewed in terms of violative behavior.

Proposed by Rules Committee

RULE 5-102: Travel Permits

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
2. ~~A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.~~
Youth placed in residential facilities through ICPC shall be excluded from this rule.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
 - a. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.
5. If a travel permit is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

Justification:

(2) Amended to exclude ICPC cases from mandatory Travel Permits.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

Strike language in Form VII header; removal of “Travel Permit – RTF Notification” workflow; changes to 2 reports.

Fiscal Impact:

Cost estimate \$825 (5.5 service hours).

Rules Committee Action:

Recommended for adoption.

Effective Date:**Comments****Dale Dodd, NM**

My state council and this Commissioner do not agree with this change. This rule needs to left alone as was passed last year to continue to enhance public safety. This change will decrease public safety in each and every state where delinquent juveniles are being placed in residential facilities. Any juvenile who is on probation or parole needs a travel permit issued to leave their home state and travel to the state where they are being placed. States deserve the right to be notified of any delinquent youth entering their state and it is the legal right under this compact to notify states of this travel. This change will go against the mission of this compact of public safety.

There have been far too many serious incidents and criminal activity in the community before this rule was passed and to go backwards is a serious mistake and leaves this compact open to legal litigation.

Mike Reddish, NE

5-102 #2 states that a travel permit "may" be used as a notification of juveniles traveling to out-of-state private residential facilities. I do not see anything mandatory about the word "may". Some states want travel permit notification for high-risk delinquent juveniles going to private residential facilities in their state. It is a public safety issue for them. The rule as it stands allows for that to happen but does not mandate it happen, so why are we making this change? Also, I am concerned about the new language that talks about juveniles placed through ICPC shall be excluded from the rule. We have worked years to develop a MOU between ICJ and ICPC for the purpose of bridging these two compacts to find ways we can work together. Then we put in new language that reverts back to the 'silo' mentality of two separate compacts.

(Comments for Rule 5-102 [Rules Committee proposal] cont.)

Shelley Hagan, WI

Wisconsin's State Advisory Board voted today to retain the current language on discretionary travel permits for youth going to residential placements, agreeing with the change the Commission made last year to allow for notification when sending and receiving states agree that a permit is necessary.

Judy Miller, AR

My suggestion is to change the proposal to read:
Juveniles placed in residential treatment facilities shall be excluded from this rule; however, states may elect to use the Travel Permit Form for notification purposes.

Anne Connor, West Region Representative

The West Region does not support the Rule Amendment Proposed for Rule 5-102: Travel Permits as proposed by the Rules Committee but rather the amendment proposed by the West Region which would add item "i - Juveniles who are subject to probation supervision". Members were encouraged to post additional comments individually.

Jason McCrea, PA

Pennsylvania does not support this amendment. The rule was change at the last business meeting; we are continuing to assess its current impact. Further the current language leaves the use of travel permits open but not required, allowing probation/parole officers to determine if the permit would address any safety concerns a juvenile may cause to the community.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by West Region

RULE 5-102: Travel Permits

2. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
 - i. Juveniles who are subject to probation supervision.
2. A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
 - a. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.
5. If a travel permit is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

Justification:

New language added to include juveniles on probation supervision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Not recommended for adoption.

Effective Date:***Comments*****Dale Dodd, NM**

I am in total agreement with this addition to this rule due to the fact the change to this rule last year has created a potential public safety crisis in all 49 states. Plus the way our rule is currently written each and every state is in violation of their own policies and procedures and state statutes regarding travel out of state for all delinquent youth. I do not understand how the Rules Committee cannot support the adoption of this rule if the function of this committee is to enhance public safety, which is the driving mission of our compact? Any delinquent juvenile who leaves their home state to travel to another state regardless of the underlying delinquent charge they were adjudicated of must have travel permit issued. The way our current rule is written a youth adjudicated for an offense for burglary, criminal damage, auto theft, etc. would no longer be required to have a travel permit issued to leave their home state under our compact, but our own state policies and procedures and I would venture to guess all 49 states in this compact require an issuance of a travel permit for all offenses.

Daryl Liedecke, TX

Our state has never stopped requiring travel permits for our juveniles on probation, regardless of type or severity of offense. I don't think I even realized that the change had actually been made. I can't imagine not requiring it.

We make a point to go after the more serious offenders, but we have probation youth of all types that are at various stages of compliance with their probation compliance. Any of them could be involved in new offenses in the receiving state. They could be on a travel permit for 90 days with no further requirements than calling their JPO every once in a while, if that. That is plenty of time for hijinks with little or no compliance.

This needs to go back into the rules.

(Comments for Rule 5-102 [West Region proposal] cont.)

Shelley Hagan, WI

Shouldn't we have had this discussion at the 2012 ABM when the change was made? As I recall, the intent was to focus state/local resources on youth most likely to come to the attention of local authorities or whose characteristics suggested higher risk to reoffend. To this end, the time period was shortened from 48 to 24 hours, and the permit requirement was limited to certain types of youth. Has the change had an impact on public safety or our ICJ agency operations? It's only been in effect for 11 weeks, so probably too soon to know.

I recommend that if we discuss adding back all probation youth, we also discuss returning the eligible minimum travel period to 48 hours, since those two changes were made in one amendment.

Wisconsin's State Advisory Board voted today to retain the current language and reject the amendment. They noted the value of focusing scarce resources on higher-risk youth and youth whose travel has ICJ implications.

Judy Miller, AR

It was my understanding that the Rules Committee was trying to limit the number of Travel Permits that were required and concentrate on the more serious offenders. Leaving out the 'probation youth' in this Rule does not prohibit a State from sending a Travel Permit on any of their probationers or parolees.

Changing the timeframe to 24 hours and including all juvenile probationers would be an overwhelming task for any ICJ Office.

Anne Connor, West Region Representative

The West Region does not support the Rule Amendment Proposed for Rule 5-102: Travel Permits as proposed by the Rules Committee but rather the amendment proposed by the West Region which would add item "i - Juveniles who are subject to probation supervision". Members were encouraged to post additional comments individually.

Damian Seymour, DE

Delaware is opposed to the addition, **Juveniles who are subject to probation supervision**. This proposal would make every juvenile placed on probation and residing in another state to have a travel permit. We do not believe having a travel permit has any impact on the juvenile or the community.

Jason McCrea, PA

Pennsylvania does not support this amendment. This rule was change at the last business meeting; we are continuing to assess its impact before recommending further changes.

Jane Seigel, IN

Indiana supports the amendment to Rule 5-102, as proposed by the West Region.

(Comments for Rule 5-102 [West Region proposal] cont.)

Gladys Carrion, NY

Recommend NYS Oppose. Including non-Compact juveniles who are subject to probation supervision under this Travel Permits rule appears outside the traditional jurisdiction of this Compact and would place a significant burden upon large state's and their probation departments to comply with and enforce. For example, NYS has over 10,000 adjudicated juveniles under probation supervision. It would also create confusion as to what should be done with this knowledge and what information could be shared with others (i.e. law enforcement). It is recommended that there be further discussion by Commission members as to the utility and feasibility of such a change and whether this can be readily implemented. While JID impact is reported as none, it would appear that the inclusion of travel permits of all non-Compact probationers would impact JIDS to distinguish these from Compact probationers.

Proposed by Rules Committee

Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways
Return of Juveniles

This section covers juveniles found in one state that need to be returned to another state and have not been transferred through the compact under Section 400. The home/demanding state's ICJ Office shall return all of its juveniles according to one of the following methods.

Justification:

New title and subheading due to reorganization of Section 600.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Billie Greer, IL

IL ICJ does not concur with "This section covers juveniles found in one state that need to be returned to another state and have not been transferred through the compact under Section 400"

I suggest approved language remain.

Anne Connor, West Region Representative

The West Region supports the proposed amendment to Section 600 as voted on during the 6/12/2013 meeting.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles (Replacing entire rule 6-103)

The home/demanding state may Requisition a juvenile that has refused to consent to voluntarily return by using either the ICJ Requisition Form I or Form II process. The same process may be used to request that a juvenile who is not in custody be detained pending return to the home/demanding state.

Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.

Form I - Return of Non-Delinquent Runaways and/or Accused Status Offenders

1. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within 60 calendar days of notification of the youth's refusal to voluntarily return.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 1. The petition shall be verified by affidavit.
 2. The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 3. Other affidavits and other documents may be submitted with such petition.
 - b. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
 1. The judge in the home/demanding state shall determine if:
 2. The petitioner is entitled to legal custody of the juvenile;

3. The juvenile ran away without consent;
 4. The juvenile is an emancipated minor; and
 5. It is in the best interest of the juvenile to compel his/her return to the state.
- c. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, Requisition for Runaway Juvenile.
 - d. The Form I accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.

Form II - Requisition for Escapee, Absconder or Accused Delinquent.

- 1A. When the juvenile is an Escapee, Absconder or Accused Delinquent the Requisitioner in the home/demanding state shall present to the court or appropriate authority a Requisition Form II, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within 60 calendar days of notification of the youth's refusal to voluntarily return.
 - a. The requisition shall be verified by affidavit and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
 1. Judgment
 2. Order of Adjudication
 3. Order of Commitment
 4. Petition Alleging Delinquency
 5. Other affidavits and documents may be submitted with such requisition.
 - b. When it is determined that the juvenile should be returned, the judge or the appropriate authority in the home/demanding state shall sign the Form II, Requisition for Absconder, Escapee or Accused Delinquent.
 - c. The Form II accompanied by the supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
2. Upon receipt of either Requisition Form I or Form II, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.

3. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I or Form II to the appropriate court and request that a hearing be held within (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
4. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the Requisition Form I or Form II is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
5. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.
6. Requisitioned juveniles shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
7. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

Justification:

This replaces the previous Rule 6-103. The intent of this proposal is to provide clarity in the returns processes.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

New escalation email in the “Non-voluntary Return” workflow.

Fiscal Impact:

Cost estimate \$150-\$300 (1-2 service hours).

Rules Committee Action:

Recommended for adoption

Effective Date:

**Please note that the final rule proposals are subject to change per the Rules Committee.*

Comments for Rule 6-103

Billie Greer, IL

When the juvenile is already in custody, this shall be done within 60 calendar days of notification of the youth's refusal to voluntarily return. *(This should remain 90 days if I am requesting certified documents from Cook County this could take longer the usual and many times I have to send the documents back because I did not get what I requested).*

to the ICJ Office in the state where the juvenile is located *(This is inconsistent with the terminology used throughout ICJ Home/Demanding state, Holding/Receiving state).*_

3. The ICJ Office in the state where the juvenile is located *(This is inconsistent with the terminology used through ICJ Home/Demanding state, Holding/Receiving state)* will forward the Requisition Form I or Form II to the appropriate court and request that a hearing be held within (30) calendar days of the receipt of the requisition *This is only pursuant that there are no charges in holding state (this statement should be deleted).*

Shelley Hagan, WI

Wisconsin's State Advisory Board voted in favor of the reorganized rule today.

Anne Connor, West Region Representative

The West Region supports maintaining the current Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles and does not support this rule amendment as written per our discussion held 6/12/2013 during the West Region Meeting.

Mark Boger, ME

The Maine State Council believes the 60 days allowed for filing the Requisition is excessive. When a juvenile is in detention in another state, processing of the case should be expedited as much as possible. The State Council believes a 30 working day time frame would generally be achievable and much more appropriate.

Alicia Ehlers, ID

Idaho's state Council does not recommend holding status offenders or runaways as long as 60 days. When you look at the rule, 60 days are allowed to petition the court of jurisdiction under 1, and then there is an additional 30 days in 3 for the ICJ office in the holding state to obtain a court hearing. Together this adds up to 90 days, and the time can be extended with the approval of both ICJ offices.

Idaho's Council suggested that the rules could be less confusing by stating the form number at the end of the "Headings" rather than the beginning.

Damian Seymour, DE

Delaware suggests the following on Rule 103: #6

6. Requisitioned juveniles ~~shall~~ be accompanied in their return.

(Comments for Rule 6-103 cont.)

6. Requisitioned juveniles may be accompanied in their return

Delaware's justification for this is during parental requisitions a state cannot compel parents who requisition their child to escort he or she on their return flight. If the state has no legal relationship to the child, it is not the custodian, nor is the child delinquent, then the parent is free to provide transportation as he or she sees fit.

Jane Seigel, IN

Indiana supports the old version of Rule 6-103 and does not support the proposed amendment.

Gladys Carrion, NY

Recommend NYS Support. However, it is suggested that the first paragraph be clearer as to the applicability of this rule to the category of juveniles encompassed by this rule. The Form headings indicate applicability to non-delinquent runaways, accused status offenders, escapees, absconders, or accused delinquents who with the exception of absconders are those not under Compact supervision. As there is an existing rule governing absconders previously transferred and under the supervision of the Compact, whether there should be modification should be considered. Additionally, there is some omitted existing language in this proposed rule amendment (i.e. See reference to Form II and 1A).

Proposed by Rules Committee

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed **[Rescind]**

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures, no further court procedures will be required for the juvenile's return.
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

Justification:

Rescinding this rule, to replace with proposed Rule: *Reporting Juvenile Non-Compliance, Failed Placement and Retaking* (new violations rule) recommended placing in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Dependent upon approval of new violations rule.

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments for Rule 6-104

Billie Greer, IL

IL ICJ does not concur on rescinding this rule.

Anne Connor, West Region Representative

During the West Region Meeting on 6/12/2013, it was noted that the proposal to rescind Rule 6-104 hinges on the passage of the proposed new rule Reporting Juvenile Non-Compliance, Failed Placement and Returns. The West Region could not reach consensus regarding this rule proposal. Members were encouraged to post comments individually if so inclined.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

RULE 6-106: Public Safety

1. The home/demanding state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.
2. If the home/demanding state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding state.
3. ~~Pursuant to ICJ Rule 6-103(12), requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise.~~

Justification:

Strike paragraph (3). The language was incorporated into the new Rule 6-103: *Non-Voluntary Return of Out-of-State Juveniles*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Dependent upon approval of proposed Rule 6-103. Recommend moving to section 700 (7-102).

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Anne Connor, West Region Representative

During our 6/12/2013 West Region Meeting, it was agreed that the West Region would not support the proposed amendment to Rule 6-106: Public Safety based on our opposition to the proposed amendment to Rule 6-103.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

Section 700 Additional Return Requirements for Sections 500 and 600
Adoption and Amendment of Rules

Justification:

New title due to reorganization of Section 700.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Daryl Liedেকে, TX

I'm confused. This rule proposes to rename Section 700 "Additional Return Requirements for Sections 500 and 600" and, on the paper version, strikes the old "Adoption and Amendment of Rules." This forum post does not show the strikeout.

However, we still have a proposal for alterations to Rule 7-101, regarding adoption and amendment of rules, that appears to be proposed to remain in Section 700? Did I miss something?

If I am reading it correctly, what is the purpose of making additional requirements for returns that are NOT then included in the sections regarding returns? Everything needs to be together.

I do not agree with changing Section 700 to include anything beyond Rule making requirements. Anything that might affect the rules for extraditions needs to remain the sections that specifically address it.

Anne Connor, West Region Representative

The West Region supports the proposed amendment to Section 700 as voted on during the 6/12/2013 meeting.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

RULE 7-101: Adoption of Rules and Amendments

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Commission in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
 - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official Web site of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
 - a. The place, time, and date of the scheduled public hearing;
 - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
 - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

****Please note that the final rule proposals are subject to change per the Rules Committee.***

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect human health and the environment.

11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission for Juveniles and in any other official publication that may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Justification:

The intent of this proposal is to eliminate confusion and unintended consequences resulting from amending rules from the floor of the Commission meeting, without properly vetting. This amendment limits the final vote of rule amendments to a simple yes or no vote; however, this amendment would not prohibit discussion prior to a vote. In Article VII, Section 4, the ICJ By-laws provide a mechanism for enacting Roberts Rules of Order for parliamentary procedures, allowing for the suspension of rules, requiring a second and a two-thirds vote. If a suspension of rules motion passed, provisions allow the proposal of amendments from the floor or annually, as needed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Shelley Hagan, WI

In the interest of stabilizing the rules, reducing the frequency of training and preventing poorly-thought-out rules from being passed via floor motion, the Wisconsin State Advisory Board voted today in favor of the proposed amendments.

(Comments for Rule 7-101 cont.)

Robert Hendryx, OK

I think that this should be done, yearly, not every-other-year.

Anne Connor, West Region Representative

The West Region settled on the following after a lengthy discussion during our 6/12/13 meeting: We support paragraph 2 to move to a two-year rule making cycle and oppose paragraph 8 which would eliminate additional rules or amendments from the floor.

Damian Seymour

Delaware is opposed to the proposed rule change, falling in an odd numbered year.

Delaware's justification is that if we only propose rule changes every two years the natural progression will be to have an annual meeting every two years. We are concerned this will lead to less communication, discussion and dialog, when in turn we need more.

Jason McCrea, PA

Pennsylvania supports this amendment. It would allow for more thorough and efficient changes to rules, without the potential confusion that submissions from the floor can cause. Further, with the implementation of JIDS and proposed change that is not vetted carefully could potential cost a large sum of money to make the necessary system changes to keep JIDS current and in compliance.

Jane Seigel, IN

Indiana supports Rule 7-101, which will provide stability to the Juvenile Compact.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee**NEW RULE: ICPC Recognition**

ICJ recognizes the authority of ICPC under, Article V of the Interstate Compact for the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state. To this end, the following rules shall apply:

- a. Juvenile authorities may release ICPC youth to the demanding agency without ICJ involvement if done within the first 24 hours (excluding weekends and holidays) and there are no new law violations in the holding state.
- b. The ICJ Office shall be contacted if the juvenile remains in custody beyond 24 hours and Rule 6-102 and 6-103 shall apply.

Justification:

There is a potential conflict between the Article V of the ICPC and Article I(C) of the ICJ. This rule recognizes the authority of ICPC under Article V, as well as ICJ's responsibility to ensure public safety and the safe return of runaways to the demanding state. Proposed to go in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:***Comments*****Mike Reddish, NE**

I compliment the Rules committee for proposing this new rule. I find the rule to be progressive and in-line with ICJs quest to interact with ICPC. My only criticism of the rule is the "if done within 24-hours". Unless the return is from a bordering state ICPC may have difficulty making

(Comments for NEW ICPC Recognition Rule cont.)

the 24-hour return time. In a way we are viewing this type of return as we would a non-ward being returned by a parent but in fact these are state wards being returned to a home state for relocation. Most of the time state agencies cannot make that happen in just 24-hours.

Shelley Hagan, WI

Wisconsin's State Advisory Board voted in favor of the proposed rule today, agreeing that an agency acting in place of a parent should be afforded the same opportunity to effect an informal return within the first 24 hours.

Rose Ann Bisch, MN

These comments are made on behalf of the Minnesota State Council. 1) a. The Council does not think 24 hours is sufficient to allow ICPC to return their own juvenile before the ICJ becomes mandatory. 2) The Council felt the whole rule should be more specific about which types of ICPC placements this would apply. 3) The Council does not support the rule as written.

Anne Connor, West Region Representative

The West Region supports the proposed ICPC recognition rule as voted on during the 6/12/13 meeting.

Jason McCrea, PA

Pennsylvania supports this amendment.

Gladys Carrion, NY

Recommend NYS Support.

Proposed by Rules Committee

NEW RULE: Reporting Juvenile Non-Compliance, Failed Placement and Retaking

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision the receiving state shall notify the sending state of the conditions violated.
 - a. The conditions violated shall be reported using the management system; and
 - b. The violations shall be reported within 30 calendar days of discovery.
2. A violation report shall contain:
 - a. The date of the new citation or technical violation that forms the basis of the violation;
 - b. Description of the new citation or technical violation;
 - c. Status and disposition, if any;
 - d. Supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation.
 - e. Efforts or interventions made to redirect the behavior;
 - f. Sanctions if they apply;
 - g. Recommendations by the receiving state that may include:
 1. Request for revocation;
 2. Request for warrant; or
 3. Request return to the sending state.
3. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following receipt by the sending state.
 - a. The sending state shall provide the following:
 - i. Anticipated date the action will occur; and
 - ii. Direction specific to the action or the sending state.
 - b. The sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules when:
 - i. A legal guardian remains in the sending state and the placement in the receiving state fails; or
 - ii. A juvenile student transfer placement fails.
 - c. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory under 3(b) the following shall be considered:
 - i. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
 - ii. The ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate

- signatures; no further court procedures will be required for the juvenile's return.
- iii. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
 - iv. The sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111 and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
 - v. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.
- d. If no action is taken by the sending state in regards to the violation the sending state shall consider terminating legal jurisdiction.

Justification:

To create a rule that deals with juvenile violations, non-compliance, failed placements and retaking. Recommended placing in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Paragraph (3)(c)(ii) is dependent upon approval of proposed form IA/VI. Rules 6-106 and 6-111 in paragraph (3)(c)(iv) are proposed to move to Section 700 and become Rules 7-102 and 7-107.

JIDS Impact:

Remove "Return – Failed Placement" as an option under Type in "Add Content;" add fields to Form IX; 2 workflow changes; 6 report changes.

Fiscal Impact:

Cost estimate \$3,150 (21 service hours).

Rules Committee Action:

Recommended for adoption

Effective Date:**Comments****Billie Greer, IL**

IL ICJ does not concur with this rule it is not necessary and should be rescinded.

Shelley Hagan, WI

Wisconsin's State Advisory Board voted in support of the new rule today. It made sense to them to have all the rules related to violations and responses in one place. It's also good to have standards for what a violation report should contain.

(Comments for New Violation Rule cont.)

Rose Ann Bisch, Midwest Region Representative

The Midwest Region reviewed this rule and made the following suggestions: 1) 1. where it uses the term management system change it to "electronic information system" be consistent with Rule 3-101. This should be done throughout the rules. 2) 2. g. add the language, "but not limited to". 3) 3.a. a rewrite was suggested to this section to indicate what if there is no action being taken. Also it should indicate that a response must be done. 4) d. The region had some concern about this language as it appears to give the sending state the suggestion to discharge. Recommended revise language such as, "If no sanction is considered necessary by the sending state in regards to the violation the sending state shall consider terminating legal jurisdiction.

Anne Connor, West Region Representative

The West Region did not reach a consensus on this proposed rule amendment during our West Region meeting on 6/12/13. Members were encouraged to post comments individually if so inclined. It was noted by several member states that there is a discrepancy between the reporting time frame of 30 days and the response time frame of 10 days.

Alicia Ehlers, ID

Idaho's Council suggests that this rule is still confusing and could use a little more work. The sanctions used should be considered in 2. e. Idaho would like to see "but not limited to" added after the word include in 2. g. Also, 3.d. needs to read "may consider terminating legal jurisdiction" rather than "shall."

Jane Seigel, IN

Indiana believes section 3(d) raises public safety concerns and suggests removing this section. Indiana also suggests changing "management system" in section 1 to "electronic management system" or JIDS.

Damian Seymour, DE

Delaware proposes the following to read as follows:

2.g. The numbers 1, 2, 3 should be changed to i,ii,iii to be consistent with the rule.

3.c. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. ~~If the sending state determines the violation requires retaking or retaking is mandatory under 3(b) the following shall be considered:~~

3.c. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable by the receiving state. The sending state must consider the following before determining the violation requires retaking or retaking is mandatory under 3(b):

i. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision.

ii. The ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/WI) has the appropriate signatures; no further court procedures will be required for the juvenile's return.

**Please note that the final rule proposals are subject to change per the Rules Committee.*

(Comments for New Violation Rule cont.)

d. The sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111 and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.

i. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.

ii. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

e. **After review, if the sending state decides to take action in regards to the violation, the sending state may consider terminating legal jurisdiction.**

Delaware's justification: The reason to change the wording in 3.c. was the second sentence is too vague. It could be construed that the receiving state is the one to consider the decision.

The reason to remove iii and iv under 3.c. is that those are irrelevant as 3.c. refers to things that need to be considered before retaking the juvenile whereas the options now under 3.d. refer to the action of retaking the juvenile.

Gladys Carrion, NY

Recommend NYS Oppose. While well-intended to create a rule with respect to handling violations, non-compliance, and retaking, this new rule presents several concerns. It is unclear what is meant by a “failed placement”; neither this term nor the term “placement” is defined in the definitional rule section. Further, there is no definition of “non-compliance” referenced in the rule heading and the rule itself refers to a juvenile who is “out of compliance” rather than using the heading’s wording. There is a rule definition of “substantial compliance”- sufficient compliance by a juvenile with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.” It would appear preferable to instead use language if a “juvenile is not in substantial compliance” as the standard for mandatory retaking. This change would help eliminate confusion and promote more consistency and equitable treatment as to which violations require retaking. The criteria of a mandatory retaking also appear too rigid and instead should provide greater flexibility to states. It would appear that a sending state would have to retake if the criteria was met even for any violation of terms and conditions of supervision. The requirement that a sending state facilitate return within 5 business days provides no reference as to when this time would commence. It would appear that it was intended to refer to the date of receipt of the violation. There is an additional reference to 5 business days as to returning a juvenile “in a safe manner” yet again no indication as to the event prompting the timeframe’s starting date. Finally, should no action be taken by the sending state as to a violation, it is not in the best interest of public safety and promoting juvenile accountability for the sending state to consider terminating legal jurisdiction as proposed in this new rule.



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on _____ in _____.
(probation/parole) (Receiving State)

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of _____ and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

1. That I will make my home with _____
(Name, Relationship, and Address)
until a change of residence is duly authorized by the proper authorities of the receiving state.
2. That I will obey and live up to the terms and conditions of _____ as fixed by both the sending and receiving states. I understand and accept that a failure to comply with these terms and conditions may result in sanctions in the sending or receiving state. See, Rule 4-104(1) and (2).
3. That I will return at any time to the sending state if asked to do so by the _____ authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state. I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date) (Witness' Signature) (Date)

I, in my capacity as the ~~placement resource~~ parent/legal guardian for _____ do approve and subscribe
(Juvenile's Name)

to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which ☐ he ☐ she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Placement resource's Parent/legal guardian's signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile to apply for, reside in, and be supervised by the State of _____ provided that the receiving state accepts supervision and the juvenile complies with the terms of supervision.
(Receiving State)

(Date) **SIGNED:** (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)

Proposed by Rules Committee**Justification:**

Recommended to ensure a parent or legal guardian is signing the waiver.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

Strike "placement resource" and replace with "parent/legal guardian" in Form IA/VI text.

Fiscal Impact:

Cost estimate \$150 (1 service hour).

Rules Committee Action:

Recommended for adoption.

Effective Date:**Comments****Daryl Liedেকে, TX**

What do we do when an actual parent or legal guardian is not available? Many kids have parents/guardians who are deceased, in jail, or otherwise AWOL. They will reside with the best available relative on ICJ supervision but that person may not have been legally given full guardianship by a court, so they don't fit what we are asking.

What about juveniles who are beyond the age of majority as defined by their home state?

I thought the signature on the Form VI was an acknowledgement by the placement resource that they had responsibilities for the act of supervision as well?

As we don't require a "legal guardian" to sign the Form III for purposes of extradition, does it matter if the Form VI is signed for purposes of extradition?

Billie Greer, IL

This form has always caused nothing but controversy, I suggest that it is merely deleted and a rule be proposed to return/order parolee/[probationer back to the sending/demanding state.

Shelley Hagan, WI

Agree that "placement resource" is the more appropriate wording for this form, as the form is signed by the person in the receiving state who is taking the juvenile into their home, which may or may not be a parent. I do not support the proposed change.

Julie Hawkins, MO

I suggest the commission consider doing away with the waiver portion of this form. The IA/VI continues to be a point of controversy within the commission. The new compact gives us the

(Comments for Form IA/VI – Application for Services and Waiver cont.)

authority to craft rules with the force and effect of statutory law. I think historically this form served a purpose, but presently it is no longer needed and may create more liability than it resolves. I would recommend deleting 6-104, #1 that makes reference to the IA/VI. Without the mention of the form in #1, #2 would give the sending states the authority to retake any juvenile placed out of state under the terms of the compact.

Robert Hendryx, OK

I would like to see the words "placement resource" remain on this form. It seems more appropriate for the large number of youths who are sent to live with individuals other than their parents -- especially when there is no known contact with the parents.

Summer Foxworth, CO

I agree with Daryl. I do not support this change.

Judy Miller, AR

I strongly disagree with changing this Form. It was decided (and voted on) a few years ago to change the Form from parent/legal guardian to Placement Resource so the Form would show the name of the person the juvenile would be residing with. To my understanding, the person signing the Form would be acknowledging that the juvenile could be removed from their home.

The other issue with this change is when the parent or legal guardian cannot be located or does not agree with the placement. This could cause many problems and delays in sending a referral.

If this Form is not legally sound with the current Signature Lines, I recommend that we delete the Form and use our Rules to return these juveniles.

Anne Connor, West Region Representative

The West Region did not reach a consensus on this proposed rule amendment to remove "placement resource" from the Form IA-VI and replace it with "parent/legal guardian" during our 6/12/13 meeting. Members were encouraged to post comments individually if so inclined.

Gladys Carrion, NY

NYS Supports Concept.



INTERSTATE COMPACT FOR JUVENILES

OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN

FORM VII

☐ VACATION/VISIT ONLY ☐ VISIT FOR TESTING PLACEMENT ☐ PLACEMENT IN PRIVATE RESIDENTIAL TREATMENT FACILITY

To: _____ From: _____
(Receiving State) (Sending State)

From: _____
(Name, Title) (Agency/Department) (Phone #)

Re: _____
(Juvenile's Name) (DOB) (Race/Sex)

*If known, *Ht: _____ *Wt: _____ *Eye Color: _____ *Hair Color: _____

_____ (Offense) _____ (Court/Agency #) _____ (Legal Status)

Current Placement

Name: _____ Relationship: _____

Address: _____ Phone: _____

Permission is granted to the above-named juvenile to visit the State of _____
from _____ until _____
(Date) (Date)

☐ He ☐ She will be staying with/at _____
(Name/Facility) (Relationship)

at _____
(Full Address) (City) (State) (Zip) (Phone #)

Reason for Visit: _____

Mode of Transportation: _____

Special Instructions: _____

Completed by: _____
(Name) (Title) (Date)

I, the undersigned, recognize that I am under the legal custody/jurisdiction of the State of _____,
Department/Court _____. I hereby agree that I will comply with the rules and regulations of my
state of jurisdiction and the State of _____ and with the above conditions and instructions. I will
return to the State of _____ on _____ voluntarily and without further formality. In signing this
agreement, I also understand that my failure to comply with the conditions may result in my being considered absent
without leave (AWOL), and a warrant and requisition may be issued for my apprehension and return to the State of
_____ for further disciplinary action.

☐ I have read the above OR ☐ I have had the above read and explained to me, and I understand the meaning of it and agree thereto.

(Juvenile's Signature) (Date)

Witnessed by: _____
(Signature of Caseworker or Probation/Parole Officer) (Title) (Date)

Approved by: _____
(Signature of Supervisor) (Title) (Date)

ICJ Travel Permit | Rev. 04-01-13

**Please note that the final rule proposals are subject to change per the Rules Committee.*

Proposed by West Region

Justification:

Recommended to provide physical description.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

Add four new fields to Form VII.

Fiscal Impact:

Cost estimate \$300 (2 service hours).

Rules Committee Action:

Not recommend for adoption.

Effective Date:

Comments

Judy Miller, AR

In my opinion, it is unnecessary to add a description to the Travel Permit Form.

Anne Connor, West Region Representative

The West Region supports the proposed amendment to add descriptors to the Form VII Travel Permit.

Gladys Carrion, NY

Recommend NYS Support.



INTERSTATE COMPACT FOR JUVENILES

Absconder From Supervision Violation Report

FORM XI

Sending State: _____ Receiving State: _____
 Case #: _____ Case #: _____
 Juvenile's Name: _____ DOB: _____

Absconder's Last Known Contact Information

(Street address)

(City)

(State)

(Zip)

Phone #: _____ Date of last contact with supervising agent: _____

Details of the juvenile's absconding:

Pending charges in the receiving state? ☐ YES ☐ NO If YES, please describe below:

(Name of Juvenile Worker)

(Date)

☐ By checking this box, I confirm the validity of the information contained within this form.

(Supervisor Name)

(Date)

☐ By checking this box, I confirm the validity of the information contained within this form.

Compact Administrator/Official Name

(Date)

☐ By checking this box, I confirm the validity of the information contained within this form.

Proposed by Rules Committee**Justification:**

Eliminate form as it was the intent of the Rules Committee when proposing Rule 6-104A: Absconder Under ICJ Supervision to use the Violation Report for this process.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

Delete Form XI and add 4 fields to Form IX; 2 report changes.

Fiscal Impact:

Cost estimate \$1200 (8 service hours).

Rules Committee Action:

Recommended for adoption.

Effective Date:***Comments*****Dale Dodd, NM**

I do not agree with the removal of this form, nor the workflow. This process was just put into practice on April 1 and all the compact staff and field users in the states have been trained on its use. Why rescind at the estimated cost associated with the removal for a process that just began and also place a re-training burden on the states and National Office? This makes no sense, fiscally or otherwise?

Daryl Liedেকে, TX

This form and workflow did not need to be created, as there is nothing here that the current progress report form and procedure couldn't already accommodate, and it was just created to collect some statistics anyway.

I don't really believe the Form IX needs changing but I support eliminating the Form XI and workflow as redundant.

Julie Hawkins, MO

I am in support of eliminating this form and work flow as it's a duplication of the progress/violation report form. I would further recommend that procedures be developed to ensure that any new work flow or form added to JIDS be properly vetted through another committee before changes or additions are made. All proposed changes to the rules are properly vetted multiple times before they are adopted by the commission. I believe similar consideration should be given when creating new documents or work flows in the JIDS system.

(Comments for Form XI – Absconder from Supervision Violation Report cont.)

Judy Miller, AR

This Form and new workflow are unnecessary. This information can be provided on the Progress Report/Violation Report Form. It is also unnecessary to add any new fields to the Form IX.

This Form and process should have been reviewed by the Rules Committee before it was placed in JIDS.

Anne Connor, West Region Representative

The West Region did not reach consensus on this proposal to eliminate the Absconder from Supervision Violation Report during our West Region Meeting on 6/12/13. Members were encouraged to post comments individually if so inclined.

Gladys Carrion, NY

Recommend NYS Oppose. NYS sees benefit in the additional detail provided in this form which may not always be captured in the Violation Report form.