



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

Best Practice

Please note, this document is not a policy or procedure, but simply a reference to assist states when dealing with this type of case.

TOPIC:

Bail/Bond for Adult Charges in the Holding State with Juvenile Warrant in the Demanding State

Issue

ICJ Rule 7-104(4) states: “When a juvenile is in custody pursuant to a warrant issued by a juvenile court, the holding state shall not release the juvenile in custody on bond.” While this Rule seems very clear at first glance, issues arise regarding how the rule should be applied when the juvenile is subject to ICJ due to a pending out-of-state juvenile warrant, but also has pending charges in the holding state issued by an adult court.

Given that adult matters often take longer to resolve, denying such juveniles the ability to post bail/bond may subject them to long periods of detainment. This is of particular concern when the adult charges are for a non-violent, non-sexual matter. State and local stakeholders must be mindful of the potential impact of long periods of detainment on juveniles, and work together toward timely resolution.

In addition, all parties must take note of ICJ Rule 7-103, which states: “Juveniles shall be returned only after charges are resolved when pending charges exist in the holding/receiving states unless consent is given by the holding/receiving and demanding/sending states’ courts and ICJ Offices.”

Guidance

To promote timely resolution, the holding state ICJ Office and demanding state ICJ Office must communicate often and effectively. A juvenile may not be returned prior to the resolution of charges in the holding state unless both states’ ICJ Offices and courts to give their consent.

The holding state ICJ Office must also maintain communication with the holding state adult authorities, including the prosecutor, jail, and court. It is important to ensure adult authorities are aware of the pending juvenile matter, and the ICJ Office is informed of all proceedings related to the adult matter.

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In some states, the ICJ Office may not routinely communicate with adult authorities. In such cases, the holding state's Interstate Commission for Adult Offender Supervision (ICAOS) Office may be able to assist by providing contact information for prosecutors, jail personnel, or other adult system stakeholders. Information about state ICAOS offices is available at www.InterstateCompact.org.

If both states' ICJ Offices and courts agree, and the holding state adult authorities give consent to release the juvenile from custody, ICJ return procedures should be followed.

Considerations for ICJ Offices and Courts

- Does the juvenile and their family have the financial means/resources to come back for future court hearings in the holding state?
- What is the likelihood that the juvenile will be facing detention or commitment time upon their return to the home/demanding state? Could that prevent the juvenile from attending future court hearings in the holding state on their adult charge(s)?
- If the juvenile returns to the home/demanding state, and especially if the juvenile will be serving detention or commitment time in the home/demanding state, will the juvenile have access to their attorney in the holding state regarding the pending adult case?