

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

November 14, 2024

2:00 p.m. EDT

Via Zoom



Preliminary Business

Call to Order

Rules Committee Chair J. Hawkins (MO) called the meeting to order at 2:01 p.m. ET.

Roll Call

Director Underwood called the roll, and a quorum was established.

Voting Commissioners/Designees in Attendance:

1. Julie Hawkins (MO), Commissioner, Chair
2. Stephen Horton (NC), Commissioner, Vice Chair
3. Tracy Hudrlik (MN), Commissioner
4. Caitlyn Bickford (NH), Commissioner
5. Trissie Casanova (VT), Designee
6. Dawn Bailey (WA), Designee
7. Casey Gerber (WI), Commissioner

Non-Voting Members in Attendance:

1. Rebecca Hillestead (MN)
2. Nita Wright (IN)

Members Not in Attendance:

1. Judy Miller (AR), Designee
2. Howard Wykes (AZ), Designee
3. Dr. Jennifer LeBaron (NJ), Commissioner
4. Natalie Dalton (VA), Commissioner
5. Jedd Pelander (WA), Commissioner

National Office and Legal Counsel Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Joe Johnson, Systems Project Manager
4. Amanee Cabbagestalk, Training and Administrative Specialist
5. Kirsten Wade, Logistics and Administrative Specialist
6. Thomas Travis, Legal Counsel

Agenda

C. Gerber (WI) made a motion to approve the agenda with a modification to discuss the Juvenile Rights Form and Right to Counsel before discussing the proposed amendment to Rule 8-101(5): Travel Permits during the meeting. T. Hudrlik (MN) seconded. The motion passed.

Minutes

S. Horton (NC) made a motion to approve the minutes of the meeting on July 17, 2024. T. Casanova (VT) seconded. The motion passed by unanimous consent.

Check-ins

Chair J. Hawkins (MO) opened the meeting by sharing the following quotes with members:

- “Strive not to be a success, but rather to be of value.” - Albert Einstein
- “There’s an enormous number of managers who have retired on the job.” - Peter Drucker
- “I think Smithers picked me because of my motivational skills. Everyone says they have to work a lot harder when I’m around.” - Homer Simpson

Reports

▪ Chair Report

- Rules Committee Chair Julie Hawkins (MO) thanked S. Horton (NC) for his leadership during the past three years as the Rules Committee Chair. She thanked S. Horton (NC) for agreeing to be Vice Chair for the Rules Committee for the year ahead.
- Chair J. Hawkins (MO) thanked members for their willingness to serve on the Rules Committee.
- Chair J. Hawkins (MO) shared that Glenn Tapia with the Alliance for Community Justice Innovation (ACJI) has trained Commission members about concepts related to Implementation Science and how to use these concepts to better achieve the outcomes that the Commission seeks. At the Annual Business Meeting (ABM), Mr. Tapia discussed how to identify and address “adaptive” challenges, which are complex and cannot be resolved solely through “technical” changes, which are relatively simple. Amendments to ICJ rules are considered technical changes.
- Chair J. Hawkins (MO) shared that Implementation Science highlights the importance of slowing down and doing deep-dive assessments to clearly define challenges, explore how the Commission has tried to solve them, and determine if there are more comprehensive ways to do so.
- Chair J. Hawkins (MO) encouraged Rules Committee members to keep these principles in mind as issues and rule amendment proposals are presented. The committee should consider whether challenges represent isolated situations, state-based issues, or issues that impact many states that have adopted the compact. They should also discuss whether proposed amendments would bring about the desired change and whether other strategies would more effectively address concerns.
- Director Underwood shared that learning and applying Implementation Science requires time and practice. The Commission will provide training for additional ICJ personnel that are in leadership roles through enrollment in the ACJI's Implementation Leadership Academy. Interested committee members should reach out to Chair J. Hawkins (MO) or the National Office.

Unfinished Business

Juvenile Rights Form and Right to Counsel

- T. Casanova (VT) shared concerns regarding two forms: the Juvenile Rights Form (JRC) and the Form III: Consent for Voluntary Return of Out of State Juvenile. She stated that VT uses both forms during the same hearings. The Juvenile Rights Form provides an option for denoting which state the child will be returned to, which is particularly important if the youth is not being returned to their home state. Form III does not include such an option. S. Horton (NC) expressed an additional concern regarding the Juvenile Rights Form. The form states: “You have the right to legal counsel...” Pursuant to the ICJ Rules, judges may appoint counsel but are not required to do so in all cases. [No recommendations were made related to the Juvenile Rights Form.]
- T. Casanova (VT) also stated the Form III, Consent for Voluntarily Return of Out of State Juvenile, includes the phrase “and in the best interest of said juvenile” to return as a required finding for the judge. The relevant section of the form states: “. . . prior to the

execution of the foregoing consent, (I) do hereby find that the voluntary return of said juvenile to: _____ is appropriate and in the best interest of said juvenile, and do so order such return.”

- T. Casanova (VT) proposed deleting “and in the best interest of said juvenile” because it is inconsistent with the ICJ rules.
- Chair J. Hawkins (MO) indicated the Rules Committee previously discussed the issue and decided to defer action until 2026.
- T. Casanova (VT) indicated she believed the decision was for the “best interest language” issue to be reviewed during the current rulemaking cycle.
- Chair J. Hawkins (MO) asked members for ideas on how this could be addressed. She stated there are two issues to consider regarding the Form III: the “best interest” language and the fact that the form does not allow for a third state to be indicated.
- S. Horton (NC) stated that holding states should not determine what is in “best interest” of the youth, instead such decisions should be made by the home state.
- T. Casanova (VT) stated that the ICJ rules do not address “best interest,” but the phrase is addressed in the *ICJ Bench Book for Judges and Court Personnel*. She asserted the Form III should be amended for consistency with the ICJ rules.
- Chair J. Hawkins (MO) questioned whether the Rules Committee should refer the proposed amendment to the Form III to the Information Technology Committee, which is responsible for changes to ICJ forms.
- T. Casanova (VT) advised she previously submitted the proposal to the Information Technology Committee but was not sure what happened after that.
- Executive Director Underwood advised that the Information Technology Committee discussed the matter and deferred to the Rules Committee to determine what is most consistent with the ICJ rules.
- Chair J. Hawkins (MO) recommended referring the proposal back to the Information Technology Committee.
- N. Wright (IN) shared that Indiana has also had issues with the language as well.
- The members discussed how the Form III should be modified, including whether “is appropriate” should be deleted
- Legal Counsel T. Travis stated that “is appropriate” in a critical section on Form III, as it is necessary for a judge/court to make a “finding” that supports their decision. A judicial finding that it “is appropriate . . .” is consistent with the judge executing the document is an appropriate exercise of their discretion as a judge.
- T. Casanova (VT) stated that sometimes judges only receive the Form III without other documentation and questioned whether judges can determine what is “appropriate” based off such limited information.
- Director Underwood indicated it would be appropriate for a judge to refuse to sign off on a Form III if they could not determine who the guardian was based on the evidence presented.
- **T. Casanova (VT) made a motion to send the Form III back to the Information Technology Committee to remove the language “and in the best interest of said juvenile” so that it is consistent with the rules. S. Horton (NC) seconded. The motion passed.**

Review Proposed Amendments

▪ Rule 8-101(5) Travel Permits

- Chair Hawkins (MO) reminded the Rules Committee of the previous discussions about the proposed amendment to Rule 8-101(5). Along with some grammatical changes, the proposal included the following addition:

The receiving state is responsible for communicating sex offender registration and/or reporting instructions to the sending state in accordance with the laws, policies, and practices of the receiving state, regardless of whether the juvenile is required to register and/or report in the sending state. The sending and receiving

states shall collaborate to ensure the juvenile is aware of registration requirements and/or reporting instructions.

- S. Horton (NC) shared that the ICJ rules do not specify requirements for sex offender registration for juveniles who are issued a travel permit for a visit.
- T. Hudrlik (MN) asked if a time frame would be associated with the proposed amendment.
- J. Hawkins (MO) stated no time frame was associated.
- C. Gerber (WI) expressed concerns that states could not comply with the proposed amendment because determining whether sex offender registration laws apply often takes time and assistance from other authorities, such as agency attorneys. However, travel permits must be processed quickly in most cases.
- S. Horton (NC) noted all states have different reporting requirements and agreed that no time frame should be added to the proposed amendment.
- T. Hudrlik (MN) agreed that determining whether sex offender registration requirements apply to specific cases can take weeks.
- J. Hawkins (MO) shared concerns about adding a time frame because the rigidity could be problematic.
- S. Horton (NC) asked whether the proposed amendment would require changes to UNITY.
- J. Johnson (National Office) replied that changes would be required to have the Travel Permit Event triggered automatically, as it is in some transfer of supervision cases.
- R. Hillestead (MN) shared concerns about creating an automatic trigger in UNITY. She said that it would require a response from the receiving state that they might not be able to provide, especially if the sex offender travel permit is not accompanied by the criminal complaint and the adjudication order.
- J. Hawkins (MO) agreed with concerns expressed about the delivery and application of the proposed rule amendment.
- S. Horton (NC) suggested recommending the proposed rule amendment for adoption and developing a best practice resource to highlight the importance of including criminal complaints and adjudication orders.
- R. Hillestead (MN) responded that having additional information upfront would be beneficial, but it would not resolve concerns about being able to respond in a timely manner.
- J. Johnson (National Office) shared that he downloaded travel permit data from UNITY for the dates January 1, 2023 to November 14, 2024. He stated there are 2,355 travel permits that include sex-related offenses, out of 10,678 cases.
- C. Gerber (WI) referred to the sex offender matrix on the Commission's website. She noted several states require registration for certain adjudicated youth who visit a specified number of times per month or year.
- Legal Counsel T. Travis asked how the proposed rule amendment to Rule 8-101 was different from Rule 4-103(3)(c).
- C. Gerber (WI) responded that Rule 8-101 addresses travel permits for short term visits, while Rule 4-103(3)(c) addresses juveniles whose supervision is being transferred.
- J. Hawkins (MO) called for a motion and noted a subcommittee could be convened to make a recommendation.
- S. Horton (NC) made a motion to recommend the proposed rule amendment. The motion died for lack of a second.
- J. Hawkins (MO) asked if the members would like to put a small group together to discuss the proposed rule amendment further.
- T. Hudrlik (MN), R. Hillestead (MN), C. Gerber (WI), and S. Horton (NC) volunteered to spearhead the group and prepare recommendations to be presented to the Rules Committee by the end of December.

- C. Gerber (WI) stated she would support the proposed amendment, if it were changed to say:

The receiving state is responsible for communicating sex offender registration and/or reporting instructions to the sending state in accordance with the laws, policies, and practices of the receiving state, regardless of whether the juvenile is required to register and/or report in the sending state. The sending and receiving states shall collaborate to ensure the juvenile is aware of registration requirements and/or reporting instructions.
- J. Hawkins (MO) recommended the group discuss the proposed change prior to the next Rules Committee meeting.

New Business

Region Proposals

- Chair J. Hawkins (MO) advised that the committee will discuss proposed amendment to Rule 4-104 from the Midwest Region at the next Rules Committee meeting.

Next Steps

- Chair J. Hawkins (MO) reminded members that December 31, 2024 is the last date on which new rule proposals can be submitted.
- The next Rules Committee meeting was scheduled for December 18, 2024.

Adjourn

Rules Committee Chair Hawkins (MO) adjourned the meeting by acclamation without objection at 3:06 p.m. EDT.