

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

December 18, 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. Judy Miller (AR), Designee
3. Howard Wykes (AZ), Designee
4. Tracy Hudrlik (MN), Commissioner
5. Caitlyn Bickford (NH), Commissioner
6. Natalie Dalton (VA), Commissioner
7. Trissie Casanova (VT), Designee
8. Dawn Bailey (WA), Designee
9. Casey Gerber (WI), Commissioner

Non-Voting Members in Attendance:

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

Members Not in Attendance:

1. Stephen Horton (NC), Commissioner, Vice Chair
2. Dr. Jennifer LeBaron (NJ), Commissioner
3. Edwin Lee JR. (NJ), Designee
4. 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. Amanee Cabbagestalk, Training and Administrative Specialist
4. Kirsten Wade, Logistics and Administrative Specialist
5. Thomas Travis, Legal Counsel

Agenda

C. Bickford (NH) made a motion to approve the agenda as presented. T. Hudrlik (MN) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the minutes of the meeting on November 14, 2024. D. Bailey (WA) seconded. The motion passed by unanimous consent.

Check-ins

Chair J. Hawkins (MO) opened the meeting by sharing the following quote with members: “Stand before the people you fear and speak your mind – even if your voice shakes” - Maggie Kuhn

Unfinished Business

Review Proposed Amendments

- Rule 8-101(5) Travel Permits
 - Chair J. Hawkins (MO) shared that at the previous meeting the committee talked about sex offender requirements when youth are on travel permits and visiting other states.
 - C. Gerber (WI) explained that a subcommittee decided to recommend adding the following statement to the rule: “Juvenile sex offenders who are issued a travel permit shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.” She stated that this addition is consistent with other rules.
 - T. Hudrlik (MN) stated that the new language addresses the concerns that were discussed at the last Rules Committee meeting related to whether states could comply with the proposed amendment if a travel permit was submitted on a Friday afternoon for the weekend.
 - Chair J. Hawkins (MO) shared about two recent travel permit cases involving juvenile sex offenders. One case had a prompt in UNITY to indicate whether sex offender registration was required in the home state; however, the other case did not have a prompt.
 - Chair J. Hawkins explained that if the sending state initiated a Request for Sex Offender Registration Requirement event, then the receiving state was prompted to add information about sex offender registration requirements in the receiving state. However, this did not happen in the other case.
 - Chair J. Hawkins (MO) shared that the Travel Permit Rule sets an expectation that the juveniles who are visiting another state are responsible for abiding by the laws of that receiving state. She raised concerns about how these young people would know about the laws of the receiving state and whether the proposed rule would solve the problem.
 - C. Gerber (WI) stated that she would prefer an automated prompt in UNITY but acknowledged that there might be issues with this.
 - T. Hudrlik (MN) emphasized that the rule is about following State and Federal laws, and that the agents supervising these offenders are already telling them to call local law enforcement at their destination.
 - Chair J. Hawkins (MO) shared that in order to make the prompt in UNITY automatic for all travel permit cases, the rule would have to be amended to require the receiving state to notify the sending state of any sex offender registry instructions. If not, the process would continue to be manual in some cases in UNITY, but training could be provided to make users aware of the distinction.
 - T. Hudrlik (MN) stated she is opposed to creating a rule-based requirement in order to create a process in UNITY.
 - Chair J. Hawkins (MO) stated that a sex offender registry prompt would not be required based upon the current proposal.
 - J. Miller (AR) asked for more information about the UNITY sex offender registration prompt.
 - Chair J. Hawkins (MO) answered that currently a UNITY user must manually create an event in UNITY to request sex offender registration requirements in some cases. An automatic prompt would ensure the event was automatically created
 - C. Bickford (NH) asked whether the committee can request creation of an event in UNITY to automatically initiate a Request for Sex Offender Registration Requirements event without changing the proposed amendment.

- J. Adkins, National Office, clarified that the Information Technology Committee only considers changes that require specific actions in UNITY when they are updating the system for consistency with rule amendments.
- Director Underwood encouraged members to think about what problem they want to solve and if this proposal will solve the problem.
- N. Dalton (VA) stated that the proposed rule amendment would not create an obligation for the sending state or the receiving state. Instead, the obligation would be on the juvenile. She stated the issue could be solved by creating a trigger in UNITY. She recommended requesting a UNITY enhancement instead of a rule change
- T. Casanova (VT) recommended adding the proposed new text to the Travel Permit Form, instead of adding it to the Travel Permit Rule.
- Chair J. Hawkins (MO) agreed that she would support a recommendation to the Technology Committee to clarify the Travel Permit language on the form.
- T. Casanova (VT) suggested also recommending the Training Committee take action to ensure staff members are properly trained regarding how to fill out the Travel Permit and reviewing the form with the youth.
- H. Wykes (AZ) asked if the recommendation would be to add the suggested rule amendment language to the Travel Permit Form. The suggested language is: “Juvenile sex offenders who are issued a travel permit shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification, or DNA testing.”
- J. Adkins, National Office, stated that in UNITY, the Court Case section has a section to indicate if the offense is sex related. She shared that an enhancement could be proposed that would automatically trigger the Request for Sex Offender Registration Requirements event if that option were selected, which would then prompt the receiving state to provide reporting instructions.
- C. Gerber (WI) asked what would happen if a Travel Permit were closed, and then the sending state received information about the requirement for the youth to register as a sex offender.
- D. Bailey (WA) recommended that states should still document the request in UNITY, so that they are in the timeline. This would document that the request was received late.
- N. Wright (IN) stated that when Indiana receives the sex offender registration requirement information late, Indiana forwards it along with the communication that was received, and then has the family follow up. The responsibility still falls on the juvenile if they are under adjudication for a sex offense to proactively check the requirements in the receiving state.
- R. Hillestead (MN) shared that she is worried that adding a prompt will create a requirement to respond within 5 days.
- Chair J. Hawkins (MO) suggested revising the proposal to ensure compliance and enforceability. She asked if any committee members were also on the Technology Committee and could explain the process for making the suggestion as an enhancement request.
- N. Dalton (VA) answered the Technology Committee will review the enhancement request and decide if the request is a priority or necessity within UNITY.
- **T. Hudrlik (MN) made a motion to send an enhancement request to the Technology Committee to add the recommended language to the Travel Permit form regarding checking registration requirements. C. Gerber (WI) seconded. The motion passed by a 9-0-0 vote.**
- Chair J. Hawkins (MO) shared that there are some language and grammar corrections to Rule 8-101(5), and that the committee needs to update the justification on the rule amendment form, but this will be discussed in the next Rules Committee meeting.

New Business

Regional Rule Proposals

- East Region: Rule 1-101: Definitions “Human Trafficking”
 - T. Casanova (VT) shared that last year the East Region created a subcommittee to discuss non-delinquent runaways. She stated the subcommittee determined there is a need for a definition of “Human Trafficking” in the Commission’s rules, as some states have different definitions than the federal one.
 - T. Hudrlik (MN) stated that the Commission only adds definitions in the rules if they are specific to the Commission rules or different from the common definition.
 - T. Casanova (VT) shared that the challenge is that states have different definitions of human trafficking.
 - T. Travis, Legal Counsel, asked where the federal definition comes from, as there are many criminal statutes. He explained that terms are typically only defined in legal documents if used somewhere else in the document.
 - T. Casanova (VT) shared that the rules do not specifically use the phrase “Human Trafficking,” but they do state that the child cannot be returned within 24 hours if abuse or neglect is suspected. She added that human trafficking is a form of child abuse.
 - Chair J. Hawkins (MO) stated in 2015, the Rules Committee took up an initiative to remove all definitions of terms that were not used in the rules themselves.
 - **J. Miller (AR) made a motion for the Rules Committee to not support the proposal to add the definition of Human Trafficking to the Commission's Rules. C. Gerber (WI) seconded. New Hampshire and Vermont opposed the motion. The motion passed by a 7-2-0 vote.**

- Midwest Region: Rule 4-104: Authority to Accept/Deny Supervision
 - T. Hudrlik (MN) shared that the Midwest Region proposed to add the following statement to Rule 4-104: “A receiving state that is unable to enforce any condition of supervision imposed by the sending state shall notify the sending state of its inability to enforce the condition(s) by documenting on the Form VIII, Home Evaluation Report.”
 - T. Casanova (VT) asked if this amendment would create a new section to Form VIII, Home Evaluation Report.
 - T. Hudrlik (MN) stated that in the Justification of the rule amendment proposal, the Midwest Region suggested having the information entered into UNITY.
 - Chair J. Hawkins (MO) shared there could be a prompt within UNITY.
 - The Justification states:
 - Problem Statement: The ICJ Rules do not currently require a receiving state to notify the sending state if any condition of supervision cannot be enforced. As a result, the sending state may assume all conditions will be enforced upon acceptance of supervision, and oftentimes do not learn of the receiving state’s inability to enforce conditions until a Form IX-Quarterly Progress Report or Form IX-Violation Report is submitted by the receiving state. Consequently, the current process lacks the transparency needed for the sending state to determine whether the best interests of the youth can be served in the receiving state as the ability of the receiving state to enforce certain conditions may directly affect decisions made by the sending state regarding the proposed transfer of supervision. Additionally, the sending state authority does not have the opportunity to determine if a condition may be removed from the order.
 - Success Statement: The receiving state will document in the Form VIII-Home Evaluation any conditions of supervision that cannot be enforced, resulting in the sending state having the ability to make informed decisions regarding the youth. The sending state will be able to more easily determine whether the best interests of the youth can be served in the receiving state and take such actions as: waiving certain conditions if deemed non-essential, assuming financial responsibility for non-treatment services if payment is a barrier or deciding to not allow the proposed relocation. The Commission could assess the overall success of the amendment through qualitative analysis.

- J. Miller (AR) noted the receiving state can already notify the sending state at the beginning of the case regarding which conditions can or cannot be met.
- C. Gerber (WI) answered that the proposed amendment is intended to ensure that information is shared as soon as the receiving state knows whether conditions can be met.
- T. Casanova (VT) stated that if information is shared on the Form VIII, Home Evaluation Report, at the beginning of the process, then the sending state has the opportunity to advise the court and have conditions amended to be reflective of what the receiving state can do.
- **C. Gerber (WI) made a motion to support the Midwest Region's proposal to amend Rule 4-104, with a recommendation to the Midwest Region that they clarify the following phrase in the proposal: "by documenting [insert word here] on the Form VIII, Home Evaluation Report." T. Casanova (VT) seconded. AR abstained. The motion passed by an 8-0-1 vote.**

Referral from Executive Committee

- Nevada Rule Interpretation Request: Rule 5-103A: Failed Supervision Determined by Receiving State
 - This discussion was postponed until the January 15, 2025, meeting.

Next Steps

- Chair J. Hawkins (MO) stated she will work on a recommendation to send to the Technology Committee regarding UNITY enhancements related to travel permits.
- Director Underwood provided an update on the changes to Medicaid regulations concerning juveniles who are incarcerated. She explained that each state must submit a plan to the Center for Medicare and Medicaid Services on how they intend to offer services to juveniles through Medicaid, including providing services 30 days prior to and after release.
 - Director Underwood also mentioned that the plans are due on January 1st, but implementation may not begin at that time. She shared that she is consulting with national experts to understand the implications of these changes, particularly regarding interstate cases.
- The next Rules Committee meeting was scheduled for January 15, 2025.

Adjourn

Rules Committee Chair Hawkins (MO) adjourned the meeting by acclamation without objection at 3:09 p.m. EDT.