



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Thursday, July 26, 2012

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Phil Cox (OR) Treasurer
4. Judy Miller (AR) Designee
5. Jean Hall (FL) Commissioner
6. Mark Boger (ME) Commissioner
7. Rose Ann Bisch (MN) Commissioner
8. Dale Dodd (NM) Commissioner
9. Traci Marchand (NC) Commissioner
10. Gary Hartman (WY) Commissioner
11. Trudy Gregorie (DC) Victims Ex-Officio
12. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Lisa Bjergaard (ND) Commissioner

Guests in Attendance:

None

Staff in Attendance:

1. Ashley Lippert, ICJ Executive Director
 2. Jack Branum, MIS Project Manager
 3. Emma Goode, Administrative and Logistics Coordinator
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Call to Order

Chair Clark called the meeting to order at 11:05 a.m. EDT.

Roll Call

A. Lippert called the roll. Twelve of the thirteen members were present; ten of the eleven voting members were present, establishing a quorum.

Agenda

J. Hall (FL) made a motion to approve the agenda, R. Bisch (MN) seconded. The motion passed to approve the agenda.

Minutes

J. Miller (AR) made a motion to approve the June 28, 2012 meeting minutes, P. Cox (OR) seconded. The motion passed to approve the minutes with clerical corrections.

- Chair Clark announced his Commissioner appointment for the State of Pennsylvania.

Executive Director Report (presented by Ashley Lippert)

Commissioner Vacancies

- A. Lippert updated on the Commissioner vacancies in Oklahoma, Texas, and the District of Columbia.
- A. Lippert recommended that a letter be drafted under the direction of legal counsel from Chair Clark to Oklahoma regarding the Commissioner appointment. Should Oklahoma not respond by the next meeting, she recommended the matter be forwarded to the Compliance Committee.
- The Executive Committee concurred with the recommendations.

2012 Annual Report

- A. Lippert updated that less than 50 percent of the member states have reported their annual statistical data for the 2012 Annual Report and reported reminders will be issued the first of August.
- A. Lippert updated the final budget figures will be inserted and the annual report finalized for print in mid-August.

NCJFCJ Legal Training

- A. Lippert reported following up with NCJFCJ to broadcast the ICJ on-demand legal training to their membership.

National Office

- A. Lippert reported and updated on following National Office activities since the last meeting.
 - The development of a motions database.
 - Receipt and review with Legal Counsel the clarification request from the District of Columbia on the use of Form II.
 - To date 20 persons (14 voting members) have registered to attend the 2012 Annual Business Meeting.
 - To date 20 of the states operating on a July 1 - June 30 fiscal year have not paid their FY 2013 dues. In accordance with the ICJ Policy for Dues Enforcement, 30-day notice letters will be issued on August 1.

Legal Opinion Requests

Advisory Opinion #03-2012 - age of majority (OH)

- A. Lippert presented the ICJ Advisory Opinion #03-2012 for reconsideration by R. Masters. The opinion was requested by R. Peterson (OH) seeking clarification to the laws that apply when a youth is “picked up” in another state, and has reached the age of majority in their state of residence, but not in the holding state.
- The Executive Committee debated scenarios regarding age of majority, warrants, and Rule 4-104(6). R. Bisch (MN) clarified that the reason for returning a juvenile triggers the ICJ rather than the location of a juvenile.
- R. Masters explained that advisory opinions are written to answer specific questions. He highlighted interpretations to the language “picked up” and the quandary to provide a specific answer to an evasive question.

- P. Cox (OR) recommended getting further clarification on the phrase “picked up” and the Executive Committee concurred. A. Lippert will reach out to Ohio for clarity and the Executive Committee will determine the best course of action at the next meeting.

Advisory Opinion #04-2012 - travel permits (WI)

- A. Lippert presented ICJ Advisory Opinion #04-2012 in response to Wisconsin’s questions regarding issuing a travel permit for a juvenile subject to a delinquency petition but who is not yet adjudicated.
- D. Dodd (NM) voiced concern to the opinion. The Executive Committee debated ICJ’s involvement to issue a travel permit for a non-adjudicated juvenile and the ICJ Rules inclusion of an accused delinquent.
- R. Masters referenced Rules 1-101, 4-103(1) (2), and Rule 5-102(2) illustrating the opinion interprets the ICJ Rules as currently written.
- J. Miller (AR) suggested incorporating “as currently written” in the opinion. A. Lippert noted that when rule amendments impact advisory opinions, the opinions are either re-written or rescinded.
- **P. Cox (OR) made a motion to approve Advisory Opinion #04-2012 as requested by Wisconsin regarding travel permits for non-adjudicated youth. J. Miller (AR) seconded. D. Dodd (NM) opposed. S. Foxworth (CO) and M. Boger (ME) abstained. The motion passed.**

Advisory Opinion #05-2012 - residential treatment facilities (HI)

- A. Lippert presented the ICJ Advisory Opinion #05-2012 in response to Hawaii’s question: Whether minors adjudicated juvenile delinquents in Hawaii and referred to residential treatment programs in Utah and California but who do not qualify for transfer under the ICPC, may be transferred under the ICJ?
- R. Masters highlighted the legal opinion which referenced Rule 4-101(2)(f) as amended last year. D. Dodd (NM) voiced concern to the opinion and Rule 4-101(2)(f) as it relates to his state’s operations. J. Miller (AR) questioned why and how ICJ would supervise juveniles in 24-hour residential treatment facilities. Chair Clark referenced the mental health compact as a resource noting supervision may be denied for numerous reasons. The Executive Committee discussed the two case scenarios presented in the advisory opinion.
- R. Bisch (MN) questioned the language in the last paragraph regarding the entitlement of Commissioners to propose amendments. R. Masters agreed said knowledge is implied and the last paragraph should be eliminated.
- **S. Foxworth (CO) made a motion to approve the Advisory Opinion #05-2012 as presented less the last paragraph in response to the request by Hawaii regarding adjudicated juvenile delinquents who do not qualify for transfer under the ICPC to be transferred under the ICJ. R. Bisch (MN) seconded. D. Dodd (NM) abstained. The motion passed.**

Committee Reports

Executive Committee (presented by Terry Clark)

National Juvenile Multi-Track Training Institute

- Chair Clark reported the expectations proposed by the National Juvenile Multi-Track Training Institute. The Executive Committee considered and agreed with Chair Clark's recommendation to delay ICJ involvement at this time.

Finance Committee (presented by Philip Cox)

- Treasurer Cox reported that the Finance Committee has not met since the last Executive Committee Meeting.

Training, Education & Public Relations Committee (presented by Jean Hall)

- Chair Hall reported the Training Committee met July 11, 2012 and highlighted the following accomplishments:

2012 Annual Business Meeting Training Sessions

- The three 2012 Annual Business Meeting Training Session topics and trainers have been finalized. A. Lippert reported that all trainers, with the exception of Thomas Brinton, have accepted the invitation.

Training Bulletin: Form IA/VI: Best Practice

- Chair Hall updated on the input from all four regions relative to acquiring signatures and processing the Form IA/VI. She reported the findings resulted in the development and approval of a new training bulletin. The Form IA/VI: Best Practice training bulletin is currently available on the Commission's website.

On-Demand Training

- Chair Hall reported a high volume of activity since the self-paced on-demand training launched on June 25, 2012. A. Lippert updated that 113 persons to date have completed 422 on-demand training sessions.

Rules Committee (presented by Ashley Lippert)

- A. Lippert updated that Chair Hartman exited the meeting and reported on his behalf that the Rules Committee will meet August 2 in Louisville, Kentucky to review the 118 comments to the 13 proposed rule amendments.

Compliance Committee (presented by Dale Dodd)

- Chair Dodd reported the Compliance Committee will meet in August.

Technology Committee (presented by Traci Marchand)

- Chair Marchand reported the Technology Committee met on July 24, 2012 and updated on the following items:

Newsletters

- Recent JIDS newsletter announced and explained the delayed launch date. The next JIDS newsletter will highlight User Acceptance Testing (UAT).

JIDS Development

- A. Lippert updated on the development of JIDS and functionality testing by the National Office. She reported positive progress highlighting the workflow processes and e-forms testing to be operational. The testing identified inconsistencies in formatting and business processes which the vendor is addressing.

- A. Lippert highlighted complex ICJ requirements and technical issues resulting in the delay which is typical to software development.
- A. Lippert reported the remaining components of JIDS to be tested by the National Office are: four e-forms, reports, and user administration.

User Load and Legacy Load

- Chair Marchand reported that 40 states submitted user load information and 20 states submitted legacy load information to date. Due to the delayed launch date, new user load and legacy load dates will be established closer to the date JIDS goes live.
- J. Miller (AR) questioned the process for states who have not yet submitted. R. Bisch (MN) questioned the impact for states who have submitted information. Chair Marchand clarified that states who have not submitted are to wait and for states who have submitted the National Office will return the information to be updated and re-submitted. A. Lippert encouraged states to continue compiling and preparing information for the new dates.

User Acceptance Testing (UAT)

- Chair Marchand reported as the National Office testing nears completion, plans for the User Acceptance Testing (UAT) have begun on the heels of the Annual Business Meeting. Chair Marchand stressed firm dates will not be published until UAT is complete and outlined the *tentative* time frame below:
 - August, National Office testing completed
 - Mid-September, UAT completed and discovery issues addressed
 - October - Training for 2 weeks
 - October 16 - Annual Business Meeting JIDS Training Session
 - Post Annual Business Meeting - Launch JIDS

JIDS Reports

- Chair Marchand reported the Technology Committee agreed to limited access to Compact offices only for JIDS custom reports.

JIDS Costs - Rule Changes

- A. Lippert updated that InStream will provide costs to make changes to JIDS due to the 2012 proposed rule amendments prior to the Annual Business Meeting.
- Chair Marchand reported the next Technology Committee meeting is August 28, 2012.

Region Reports

Region Representatives (presented by Judy Miller)

- Representative Miller reported the Region Representatives would meet in September in preparation for the 2012 Annual Business Meeting.

South Region (presented by Judy Miller)

- Representative Miller reported the South Region met June 21 to discuss the proposed rule amendments and the processing of Form IA/VI. The South Region appreciated the JIDS update by Chair Marchand.

East Region (presented by Mark Boger)

- Representative Boger reported the East Region has not met since the last Executive Committee meeting.

Midwest Region and AAICPC/ICJ Work Group (presented by Rose Ann Bisch)

- Representative Bisch reported the Midwest Region has not met since the last Executive Committee meeting.

AAICPC/ICJ Work Group

- Co-Chair Bisch reported the AAICPC/ICJ Work Group met July 12. The Work Group has submitted questions to Rick Masters requesting two legal advisory opinions regarding runaways. Family settings scenarios will be considered at the next Work Group meeting on August 9.

West Region (presented by Summer Foxworth)

- Representative Foxworth reported the West Region has not met since the last Executive Committee meeting. The next West Region meeting is September 18, 2012.

Victim's Representative (presented by Trudy Gregorie)

- T. Gregorie reported a positive response from a victims committee meeting during the American Correctional Association (ACA) conference regarding her participation as an ex-officio member of the ICJ Executive Committee.

Legal Counsel Report (presented by Rick Masters)

- R. Masters acknowledged the feedback regarding the proposed advisory opinions and receipt of the AAICPC/ICJ MOU Work Group questions.
- R. Masters updated that the California Court of Appeals ruled in favor of the amicus brief he filed upholding Compact rules in a California case.

Old Business

There was no old business.

New Business

Sex Offender Ad Hoc Committee

- R. Bisch (MN) expressed concern to the inconsistencies regarding ICJ Rules and juvenile sex offenders. She proposed reconvening the sex offender ad hoc committee. The Executive Committee considered the proposal without a definite consensus.
- A. Lippert updated on her attempts to obtain a spokesperson from the Center for Sex Offender Management (CSOM) to lead the 2012 Training Session on Juvenile Sex Offenders in the ICJ. A. Lippert recommended including CSOM as a member of the ad hoc committee should it reconvene. The Executive Committee concurred with the idea.

Adjourn

- **S. Foxworth (CO) made a motion to adjourn. P. Cox (OR) seconded. The motion passed, Chair Clark adjourned the meeting at 1:11 p.m. EDT.**