



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Wednesday, March 31, 2010 · 8:00 a.m. EST
Lexington, Kentucky

Committee Members in Attendance

1. Donna Bonner (TX) Commissioner, Chair
2. Ray Wahl (UT) Commissioner, Vice Chair
3. Dennis Casarona (KS) Commissioner, Treasurer
4. Lisa Bjergaard (ND) Commissioner
5. Mike Reddish (NE) Commissioner
6. Gary Hartman (WY) Commissioner
7. Terry Clark (PA) Commissioner
8. Judy Miller (AR) Designee
9. Dale Dodd (NM) Commissioner
10. Clarence Powell (MS) Designee

Committee Members Not in Attendance

1. Summer Foxworth (CO) Commissioner
2. Jean Hall (FL) Commissioner
3. Mary McGhee, Victims Ex-Officio

Guests in Attendance

None

ICJ Staff in Attendance:

1. Ashley Lippert, Executive Director
 2. Jack Branum, Project Manager
 3. Emma Davis, Executive Assistant
 4. Rick Masters, Legal Counsel
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Call to Order

Chair D. Bonner called the meeting to order at 8:00 a.m. EST.

Roll Call

A. Lippert (ICJ) called the roll. Ten of the thirteen members were present. Ten of the twelve *voting* members were present. A quorum was established.

Agenda

Chair Bonner asked for a motion to approve the agenda. **R. Wahl (UT) moved to approve the agenda, M. Reddish (NE) seconded. The agenda was approved as presented.**

Minutes

Chair Bonner asked for a motion to approve the minutes from the last meeting. **T. Clark (PA) moved to approve the minutes of February 25, 2010, D. Dodd (NM) seconded. The minutes were approved as amended.**

Committee Reports

➤ **Executive Committee** (*presented by Donna Bonner*)

Personnel

- Chair D. Bonner (TX) requested to speak of personnel issues.
- **R. Wahl (UT) made the motion to move into Executive Session to discuss personnel issues. G. Hartman (WY) seconded the motion. Motion passed.**
- **R. Wahl (UT) made the motion to end the Executive Session. D. Dodd (NM) seconded the motion. Motion passed.**
- D. Bonner noted legal counsel approved moving into Executive Session.
- **G. Hartman (WY) referenced an email vote relative to the performance and salary increase for ICJ Executive Director, A. Lippert, and made a motion to approve a 5% salary increase effective April 1, 2010. M. Reddish (NE) seconded. Motion passed without objection.**
- **R. Wahl (UT) made a motion to approve a 5% salary increase for Jack Branum, ICJ Project Manager, effective July 1, 2010. G. Hartman (WY) seconded. Motion passed without objection.**
- A. Lippert expressed her sincere appreciation on behalf of herself and the National Office staff.

Travel Approval

- Chair D. Bonner informed the Committee she was invited by the Juvenile Detention Association to present at their annual meeting in October in San Antonio, TX and opened the floor to discuss travel requests.
- A. Lippert reminded the committee the budget currently has allocated funding for technical and training assistance travel and clarified the current travel policy does not require approval

by the Executive Committee. Current speaking and training requests are coordinated between the National Office and the Training Education and Public Relations Committee.

- A. Lippert noted travel requests are updated and reported out in the Training Education and Public Relations Committee monthly report to the Executive Committee.
- D. Casarona, Treasurer, noted travel expenses are also reported in the monthly budget report.
- The Committee agreed to continue with the current travel policy with a common sense understanding that unusual trips and resort locations such as the Virgin Islands or Hawaii should be brought before the Executive Committee.

Youth Today Magazine

- Chair D. Bonner referenced a juvenile compact related article from 1998 and requested the National Office to contact Youth Today Magazine for an updated article.

➤ **Rules Committee** *(presented by Gary Hartman)*

Updates

- Chair G. Hartman (WY) reported the Rules Committee has held three telephonic meetings in 2010 and has two meetings scheduled in April. When the Rules Committee met in 2009, some of the proposed forms were combined which met with serious objections so most action to date has centered on breaking those forms back out. The Committee has discussed and made significant progress with changes and recommendations to the following forms:

Form I	Requisition for Runaway Juvenile
Form II	Requisition for Escapee or Absconder
Form III	Requisition for Juvenile Charged with being Delinquent Consent for Voluntary Return by Runaway, Escapee or Absconder or Juvenile Charged as Delinquent
Form IV	Parole or Probation Investigation Request Instructions for completing Form IV
Form V	Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State Instructions for completing Form V
Form IA/VI	Application for Compact Services/Memorandum of Understanding and Waiver Instructions for completing Form IA/VI
Travel Permit	Out of State Travel Permit and Agreement to Return
Form A	Petition for Requisition to Return a Runaway Juvenile
Case Closure Form	
	Order Setting Hearing for Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent
	Order Setting Hearing for Requisition for a Runaway Juvenile
	Petition for Hearing on Requisition to Escapee, Absconder, or Juvenile Charged as Delinquent
	Home Evaluation
Form IX	Quarterly Progress Report
	Rights for Voluntary Return of Runaway, Absconder, Escapee, or Juvenile Being Charged as Delinquent

- Chair Hartman reported the Home Evaluation Report and Form IX in addition to three to five rules will be discussed in the April meetings and all changes and recommendations will be reported to the entire Commission in the May posting of the proposed Rules.
- A. Lippert requested clarification as to the *optional forms*. The ICJ website posts the Home Evaluation and Progress Report as optional forms in accordance with AJCA. Chair Hartman clarified that the Rules Committee will push these forward to the Commission in September with a recommendation to make them mandatory.

➤ **Compliance Committee** (*prepared by Summer Foxworth*)

- A. Lippert presented the written Committee report on behalf of Chair Foxworth.

Virginia and Maryland

- Based on the responses of both Virginia and Maryland, the Compliance Committee determined the field staff in Maryland and Virginia communicated directly without going through their respective Compact Offices.
- R. Masters, Legal Counsel, stated that the Virginia and Maryland issue was brought to our attention by the media and not through a dispute.
- **D. Casarona (KS) as a standing member of the Compliance Committee made a motion to approve the determination by the Compliance Committee that Maryland and Virginia defaulted on the performance of their responsibilities under the Compact and impose a penalty of remedial training and technical assistance per Compact Article XI, Section B(1) (a). Based on this determination, the Chair of the Compliance Committee will correspond with Maryland and Virginia to inform them that the matter will be remedied by their conducting statewide training on communication requirements (Rule 4-105) and Travel Permits (Rule 5-102) within 90 days. L. Bjergaard (ND) seconded. Motion passed.**
- The Committee agreed the 90 days infers from receipt of the notification.
- At the request of the Compliance Committee, A. Lippert will draft letters to both Virginia and Maryland for approval and signature of Chair Foxworth. The National Office will report to the Compliance Committee when training is completed.
- D. Casarona (KS) noted the next Compliance Committee Meeting is scheduled for April 21, 2010.

➤ **Legal Counsel** (*presented by Rick Masters*)

Rhode Island Litigation

- R. Masters, Legal Counsel, advised the Committee to go into Executive Session to discuss Rhode Island Litigation.

- **R. Wahl (UT) made the motion to move into Executive Session. T. Clark (PA) seconded the motion. Motion passed without objection.**
- **R. Wahl (UT) made the motion to end the Executive Session. G. Hartman (WY) seconded the motion. Motion passed without objection.**

ICJ Advisory Opinion 03-2010

- R. Masters, Legal Counsel, presented written Opinion #03-2010 relative to the authority surrounding Rule 5-101 and its affect on the Adam Walsh Act.
- Chair Bonner presented written comments on parental rights as submitted by R. Mann (TX).
- R. Wahl (UT) stated parental rights are protected unless a court has determined the dependent to be abused or neglected.
- The Committee discussed Rule 5-101, supervision in the sending state/receiving state, parental rights, and the definition of unsuitable.
- G. Hartman (TX) noted Judges are required to communicate between states under the Uniform Child Custody Jurisdiction Act.
- R. Masters, Legal Counsel, advised the purpose of the Advisory Opinion is to assist in interpreting the rule as it is currently written and not to be all inclusive or an endorsement of the rule. The Committee asked that clarifying language be sent out with the Opinion stating that opinions are drafted based on how the rule is currently written.
- **D. Dodd (NM) made a motion to approve Advisory Opinion #3-2010 to assist Compact Offices with the interpretation of the current Rule 5-101. C. Powell (MS) seconded. Motion passed.**

➤ **Training, Education & Public Relations Committee** (*prepared by Jean Hall*)

- A. Lippert reported to the Committee in the absence of Chair Hall.

Update

- The Committee continues to offer monthly Rules trainings via WebEx and is developing supplemental and advanced training options.
- The Quick Reference Guide is updated and posted on the website. The printed tri-fold brochure is being printed and will be mailed to Commission members upon request.
- J. Miller (AR) inquired as to the continuation of *Newsletters*. The national office sends a newsletter update every Wednesday via the ICJ website. Registered members receive immediate notifications of updates and changes. Urgent notices are emailed directly.
- Next meeting is scheduled for May 6, 2010.

➤ **Technology Committee** *(presented by Clarence Powell)*

- Chair Powell reported that the Committee held three telephonic meetings and the National Office launched the new informative interactive professional website.
- The first of two Joint Application Development (JAD) sessions are now complete. Session I consisted of two full days acquiring input from various state compact offices by software designers, APPRISS, for the development of functional requirements for a national system.
- D. Dodd (NM) commented that ICAOS staff also attended the JAD Session and shared experiences and screens derived from developing the ICAOS national data base.
- T. Clark (PA) detailed advantages of using Wizard technology to assist inputting data in the procedural order.
- A. Lippert added that APPRISS could develop a system tailored to individual states and various levels of administration and security rights before sharing any information with the other state(s). The JAD Group decided to develop comprehensive functional requirements and scale back based on cost.
- Chair Powell announced that the second JAD Session is scheduled for April 26-27, 2010 at the Marriott Griffin Gate in Lexington, Kentucky, and the next Committee meeting is April 7, 2010.

➤ **Finance Committee** *(presented by Lisa Bjergaard)*

- Chair Bjergaard reported that the Committee met three times this year. During the March 23, 2010 meeting, the Finance Committee approved the revised FY '11 Budget and the proposed FY '12 Budget with the addition of staff as presented.
- Chair Bjergaard asked A. Lippert to present a current budget update.
- M. Reddish (NE) questioned the annual audit process. D. Casarona (KS) clarified that the Council of State Governments (CSG) prepares the audit as Secretariat to the ICJ through the Memorandum of Understanding (MOU).
- R. Wahl (UT) asked about investment options. A. Lippert agreed to contact the Council of State Government's CFO to discuss options and report to the Executive Committee.
- D. Casarona (KS) questioned the indirect costs percentage. A. Lippert clarified the percentage to CSG is based on actual expenditures.
- **R. Wahl (UT) made the motion to approve the FY '11 Budget changes as presented. M. Reddish (NE) seconded. Motion passed.**
- **R. Wahl (UT) made the motion to approve the FY '12 Budget with the addition of staff as presented. C. Powell (MS) seconded. Motion passed.**

- M. Reddish (NE) questioned the competitiveness of the salary range for the new staff position against the skill set desired. A. Lippert derived the salary range by populating the project manager criteria into the CSG jobs evaluator program. The Committee discussed the importance of the new position, job specific skill set, and expeditious need to develop the national data base project.
- **R. Wahl (UT) made the motion to approve the addition of a new technical project manager position to the National Office Staff; to fill this position immediately within an annual salary range of \$40,000 - \$45,000 with the assistance of a qualified recruiter. G. Hartman (WY) seconded. Motion passed.**

Region Reports

➤ **Regional Representatives** *(presented by Terry Clark)*

- Chair Clark reported the regional representatives held a conference call the first of March and discussed ways to better support and assist new member's State Councils.

➤ **EAST Region** *(presented by Terry Clark)*

- Chair Clark reported the next scheduled WebEx meeting is April 9, 2010, 11:00 a.m. EST to discuss rule amendments, from Definitions through Rule 6-108.
- T. Clark (PA) informed the Committee of his intention to request technical and training assistance for WebEx training for PA Judges.

➤ **SOUTH Region** *(presented by Judy Miller)*

- Chair Miller reported that she recently offered technical assistance to MS and OK. Several of the seventeen states in the South Region have requested clarity on the rules.
- J. Miller (AR) questioned a single region member proposing an amendment.
- A. Lippert responded to the question that proposed changes to rules and amendments occur one of three ways: Majority vote of a standing committee, majority vote of a Region, or on the Commission Floor.

➤ **MID-WEST Region / ICPC Ad Hoc Committee** *(presented by Mike Reddish)*

- Chair Reddish reported as of December, 2009 of the eleven states in the Mid-West Region, currently four are non-member states, however, Minnesota and Iowa are close to enacting the Compact.
- Nebraska, Kansas and North Dakota have active state councils that meet regularly. Billie Greer (IL) and Nancy Allard (SD) are experiencing successful training programs for the field staff in their states.

- Chair Reddish expressed an interest in Missouri as a Mid-West Region state. A. Lippert and the National Office will extend the invitation on behalf of Chair Reddish for Missouri to participate on the Midwest Region as an ex-officio member.

ICPC Ad Hoc Committee

- Chair Reddish reported 25 responses to the ICPC survey. The results clearly indicate no formal channel of communication exists between ICJ and ICPC. The Committee agreed to propose a MOU with ICPC to formalize a channel of communication and education between the two Compacts.
- **M. Reddish made a motion to draft a Memorandum of Understanding (MOU) between ICJ and ICPC to be brought back to the Executive Committee for approval. D. Dodd (NM) seconded. Motion passed.**
- A. Lippert and Chair Reddish spoke to Carla Fults with the Interstate Compact of the Placement of Children. Carla Fults is amenable to entering into a Memorandum of Understanding. A. Lippert prepared a rough draft of an MOU and forwarded to R. Masters (Legal Counsel) for review.

➤ **WEST Region / Sex Offender Ad Hoc Committee** (*presented by Dale Dodd*)

- Chair Dodd reported that Idaho and Washington initiated rule recommendations requests through the region; however now it appears they will present their recommendations as members of the Rules Committee.
- Chair Dodd responds to the occasional Compact questions from the Western States.

Sex Offender Ad Hoc Committee

- Chair Dodd reported the Committee presented a rule to go forward to the Rules Committee that provides more in-depth requirements for transferring sex offenders.
- A. Lippert explained what happens if two rules are proposed to the Commission. Both go out for comment and the Commission decides at the Annual Meeting which rule to adopt.
- R. Masters, Legal Counsel, confirmed a blend of the rules from the floor is acceptable but not advised. Rules must be approved by the majority of the full commission for adoption. When the Rules Committee receives a rule from a standing committee, the Rules Committee can write a justification or get a justification for the rule, make editorial changes, recommend against, recommend for, or take no stand.
- Chair Dodd (NM) reported on the Sex Offender Survey. Current responses include 30 out of 41 current member states. The complete sex offender matrix should include all 50 states and include additional information such as DNA data.
- The National Office will ensure the remaining 11 states complete the survey in addition to forwarding the survey to the 9 non-member states.

- The Committee discussed the Sex Offender survey as presented.
- A. Lippert suggested the National Office update the survey annually in the summer as part of the National Office initiatives.

➤ **Victims Representative Report**

- The Victims Representative was not in attendance and no report was given.

➤ **Executive Director's Report** (*presented by Ashley Lippert*)

Probable Cause Ad Hoc Committee Report

- A. Lippert reported on behalf of the Probable Cause Ad Hoc Committee. The Committee approved a Probable Cause Rule and definition for “retaking” to go forward to the Rules Committee. In addition, the Committee is drafting a Hearing Officer’s Guide for training officers on how to conduct a probable cause hearing. Chair Boger is currently reviewing the draft.
- The Committee discussed the circumstances and reasoning for the Probable Cause Rule. R. Wahl (UT) and G. Hartman (WY) clarified when freedoms are removed or rights violated, the juvenile is entitled to a due process hearing. ICAOS changed to the Probable Cause Hearing about 10 years ago as a result of Supreme Court Cases.

Outreach Updates with Non-Member States

- OHIO has started moving legislation through this session.
- VERMONT has had several committee sessions one in which R. Masters (Legal Counsel) testified telephonically.
- MINNESOTA moved through Senate, but may stall due to funding.
- IOWA is considering as an attachment to an appropriations bill.
- INDIANA on short session and Governor promised to veto anything with fiscal impact.
- MASSACHUSETTS has had no movement.
- DISTRICT of COLUMBIA is drafting legislation.
- VIRGIN ISLANDS is likely to pass through second committee.

OJJDP Letter

- A. Lippert discussed corresponding with OJJDP regarding their policies on secure detention for runaways. The Committee discussed the legalities involved with secure detention for runaways and G. Hartman (WY) suggested contacting Melodie Haynes with OJJDP to obtain further information and clarification.

Bench Book

- A. Lippert informed the Committee of the funding solicitation made to OJJDP through APPA to fund the development of a bench reference for Judges. The National Office is working on a cost analysis for developing if funding is not obtained.

California Dues Update

- A. Lippert informed the Committee that California has reached the 90 day deadline for paying dues. Should they not be received within 120 days, it will go to the Compliance Committee.

New Commissioner Update

- Angela Bridgewater replaced Beth Meng as Commissioner in Louisiana.

Dues

- Dues statements will be issued in two weeks. Payment is due 30 days from the start of the member state's fiscal year.

2011 Annual Meeting

Location and Date

- A. Lippert presented options for the 2011 Annual Meeting based on 50 member states and 8 ex-officios being paid to attend. The three locations presented were:
 1. Renaissance, Montgomery AL
 2. Marriott Waterside, Norfolk VA
 3. Sheraton, Norfolk, VA
- The dates presented were:
 - 1 Oct. 2-7
 2. Oct. 9-14
 3. Oct. 23-28
- The Committee discussed the locations and the estimated costs. A. Lippert asked the Committee to rank the locations in the event contract negotiations are not successful, the national office can go to the next location without coming back to the Committee.
- **R Wahl (UT) made a motion to approve Marriott Waterside, Norfolk, Virginia as option one and Norfolk Sheraton as option two with a date of October 23-27, 2011. J. Miller (AR) seconded. D. Casarona (KS) opposed. The motion carried.**

Agenda

- A. Lippert presented a draft agenda for the September 13-16, 2010 ICJ Annual Business Meeting at the Crowne Plaza Riverwalk in San Antonio, Texas.
- The Committee discussed the drafted agenda and agreed to make it available for the Commission. The Committee suggested training in the areas of: State Councils, Probable Cause, New Commissioners, ICPC-MOU, and Adam Walsh Act.

Reimbursement Expenses

- Commissioners and Compact Staff are required to attend all sessions to qualify for a reimbursement of expenses. Additional compact staffs are welcome and encouraged to attend training, however, they will not qualify for ICJ reimbursement.
- The Committee discussed providing food during the meetings and agreed to provide lunch on Tuesday and Wednesday and forego the Commissioner's Dinner.
- The Committee discussed ex-officio members attending and the reimbursement of ex-officio expenses.
- **G. Hartman (WY) made the motion to pay for the eight *standing* ex-officio members and any requests from others would require the completion of the scholarship application. L. Bjergaard seconded.**

T. Clark (PA) made a friendly amendment to include a Representative from the NCSL in the paid ex-officio group. G. Hartman (WY) and L. Bjergaard (ND) accepted the amendment to the motion.

D. Casarona (KS) made a friendly amendment to include the representative from CJCA in the paid ex-officio group. G. Hartman (WY) and L. Bjergaard (ND) accepted the amendment to the motion.

The motion passed.

Commissioner's Gifts

- The Committee discussed continuing the past practice of providing Commissioners a gift during the annual meeting.
- **C. Powell (MS) made a motion to purchase lapel pins for the Commissioners. J. Miller (AR) seconded. R. Wahl (UT) and D. Dodd (NM) opposed. The motion carried.**

OLD BUSINESS

There was no old business.

NEW BUSINESS

2010 Initiatives

- Chair Bonner presented to the Committee the FY '10 Initiatives undertaken by the Commission. The Committee reflected and agreed with the list.

2011 Initiatives

- Chair Bonner presented to the Committee the FY 2011 Initiatives to be implemented for FY '11, prepared by A. Lippert, and referred to as the “road map” for the National Office objectives for next year.
- The Committee discussed extending the transition rule for a third time to the non-member states.
- **G. Hartman (WY) made a motion that the Executive Committee recommend to the full body in September that there be no extension of the Transition Rule after the cutoff date of December 3, 2010 and to give notice now to the Governor, Attorney General, Speaker of the House, Senate President and Compact Administrator in the non-member states. R. Wahl (UT) seconded. J. Miller (AR) opposed. The motion carried.**
- Chair Bonner suggested various ex-officios who should also be notified.
- **Chair Powell made a motion to collect transfer data based on the data formerly reported through AJCA. M. Reddish (NE) seconded. Motion passed.**

Adjourn

The next meeting will be Thursday, April 22, 2010 at 11:00 a.m. EST. Chair Bonner adjourned the meeting at 5:00 p.m. EST.