



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Thursday, August 25, 2011

11:00 a.m. EDT

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Judy Miller (AR) Designee
4. Jean Hall (FL) Commissioner
5. Mark Boger (ME) Commissioner
6. Rose Ann Bisch (MN) Commissioner
7. Clarence Powell (MS) Designee
8. Lisa Bjergaard (ND) Commissioner
9. Dale Dodd (NM) Commissioner
10. Gary Hartman (WY) Commissioner
11. Donna Bonner (TX) Past Chair Ex Officio
12. Trudy Gregorie (DC) Victims Ex-Officio

Committee Members Not in Attendance:

None

Staff in Attendance:

1. Ashley Lippert, ICJ Executive Director
 2. Jack Branum, Project Manager
 3. Jimmy Frazier, MIS Project Manager
 4. Emma Goode, Administrative and Logistics Coordinator
 5. Rick Masters, Legal Counsel
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Call to Order

Chair Clark called the meeting to order at 11:09 a.m. EDT.

Roll Call

A. Lippert called the roll. Twelve of twelve members were present. Ten of the ten *voting* members were present, establishing a quorum.

Agenda

Chair Clark asked for a motion to approve the agenda. **S. Foxworth (CO) moved to approve the agenda as presented. J. Hall (FL) seconded. The motion passed.**

Minutes

Chair Clark asked for a motion to approve the minutes from the previous meeting.

J. Miller (AR) moved to approve the minutes of the July 28, 2011 meeting. M. Boger (ME) seconded. The motion passed.

Executive Director Report (presented by Ashley Lippert)

Commissioner Updates

- New Commissioner Appointments were made for Delaware (Karen Triolo) and Ohio (Robyn Peterson).
- States awaiting Commissioner Appointments include the District of Columbia, New Hampshire, and New York. Letters went to the Governors of these states and A. Lippert will continue to follow-up.

AJCA Update

- A. Lippert reported that an agreement between ICJ and AJCA was forwarded to Ron Lefler (IN), AJCA Past President. The agreement was drafted by R. Masters, Legal Counsel, addressing the dissolution of AJCA and use of the remaining funds. ICJ awaits a response from AJCA.
- Chair Clark agreed to contact Mr. Lefler on behalf of the Commission to request an update on the approval of the agreement.

Joint Training ND and MN

A. Lippert updated the Committee that Commissioner Bjergaard (ND) requested technical and training assistance for border training with Minnesota. She reported the training was well received by both states.

Annual Report Update

- A. Lippert updated the Committee that all states have submitted their annual statistics which were incorporated into the annual report. It was forwarded to the designer to finalize the layout.
- The National Office will forward the proof to the Executive Committee for review and approval via email before final print.

Rules Infraction

- A. Lippert updated the Committee that the first rules infraction report was received from Texas against Illinois. She understands the two states are communicating; however, the National Office has not received a response from Illinois.
- At the request of Chair Clark, D. Bonner (TX) summarized the infraction which involved the return of a juvenile due to a violation; however, rather than return, the sending state closed the case.
- Chair Clark emphasized the importance of infraction reports as an informal process to resolve conflicts in an effort to avoid filing a formal complaint.

Dues Update

- A. Lippert updated the Executive Committee that per the ICJ Dues Enforcement Policy, states operating on a July 1 - June 30 fiscal year received a thirty day notice for the non-payment of dues.
- To date, payment has not been received from five states. A. Lippert will continue to follow up in an effort to avoid further action.

Advisory Opinion 04-2011: West Region

- A. Lippert reported that the West Region requested an advisory opinion regarding non-adjudicated juveniles held in secure detention for a failed placement. She presented Advisory Opinion 04-2011 prepared by R. Masters.
- R. Masters summarized the advisory opinion.
- J. Miller (AR) questioned the type of non-adjudicated juveniles eligible for supervision.
- The Committee discussed and clarified the type of non-adjudicated cases for which this opinion addressed.
- At the request of the Executive Committee, R. Masters agreed to amend Advisory Opinion 04-2011 to include the term *deferred adjudication*.

State Guidance: Georgia

- A. Lippert reported that the Regional Representatives met and discussed state's requests for guidance regarding Georgia. To assist member states, the 2011 Annual Business Meeting Training Session II was modified to focus solely on Georgia.
- A. Lippert reported communication with Judge David Stucki, NCJFCJ Ex-Officio representative. Judge Stucki volunteered to reach out to colleagues in Georgia regarding Compact legislation.
- R. Masters updated the Committee of his recent communication with Tina Piper, Legal Counsel - Georgia Department of Juvenile Justice. He rallied support for Ms. Piper to participate at the ICJ Annual Business Meeting in Norfolk. The Committee discussed the value of her attendance and reimbursement costs.
- **S. Foxworth (CO) made the motion to invite Tina Piper, Legal Counsel - Georgia Department of Juvenile Justice, to the 2011 ICJ Annual Business Meeting, and to cover any necessary costs associated with flight, hotel, and per diem. J. Miller (AR) seconded. The motion passed.**
- R. Masters agreed to extend the invitation to Ms. Piper.

2011 Annual Business Meeting

- A. Lippert reported 30 Commissioners/Designees, 4 Ex-Officios, and 7 additional state attendees have completed registration to attend the 2011 Annual Business Meeting in Norfolk, Virginia, in October.
- A. Lippert updated that an invitation was again extended to Kathi Grasso to attend the annual business meeting on behalf of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- The deadline to register online is September 19, 2011.

Committee Reports

Executive Committee (presented by Terry Clark)

Chair Clark advised the Committee of his interest in serving as Chair for another term.

Finance Committee (presented by Lisa Bjergaard)

- Chair Bjergaard, Treasurer, reported that the Finance Committee met August 23, 2011 to review the budget.
- Fiscal year 2011 completed eight percent under budget. The surplus combined with the current reserves totals \$474,380. Chair Bjergaard noted the total amount comprises the 25 percent recommended reserve by the Council of State Governments plus the savings earmarked for the development of a national data system.

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

- Chair Hall reported that the Training Committee did not meet in August. The Annual Business Meeting trainers are working with the National Office to prepare for their respective training sessions.
- Chair Hall explained that one of the training sessions at the Annual Business Meeting was changed to include: Georgia and the Legal Effects.
- The next Training Committee Meeting is September 8, 2011 at 2:00 p.m. EDT.

Rules Committee (presented by Gary Hartman)

- Chair Hartman reported that the Rules Committee met face to face in Lexington, Kentucky on August 4 to review all comments to the proposed rule and form amendments. The Rules Committee held a teleconference on August 22 to complete all proposals. All proposed rule and form amendments going forward will be posted on or before September 23, 2011. He reminded the Committee of the Public Hearing in Norfolk, Virginia on October 24, 2011.
- Chair Hartman reported that the Rules Committee will recommend to the full Commission in October the creation of an ad hoc committee to review Rule 5-102 Travel Permits.

Compliance Committee (presented by Dale Dodd)

Chair Dodd reported that the Compliance Committee had no issues for consideration.

Technology Committee

Chair Powell reported that the Technology Committee will meet to review all vendor submissions to the Requests for Information (RFI) after the September 28 deadline.

Region Reports

Regional Representatives (presented by Summer Foxworth)

- Regional Representative Chair Foxworth (CO) reported that the four regional representatives met on August 18. The representatives discussed the 2012 Officer Slate, the impact of the rule amendments on a national data system, and interaction with Georgia.
- Chair Foxworth expressed her interest in seeking the nomination for Vice Chair.

West Region (presented by Summer Foxworth)

- Regional Representative Foxworth (CO) reported that the West Region will meet August 30, 2011. R. Masters has been invited to attend the meeting to discuss interaction with Georgia.
- Other items for discussion will include the 2012 Officer Slate, rule and form amendments proposed for adoption and their impact to a national data system.

East Region (presented by Mark Boger)

- Regional Representative Boger (ME) reported the East Region met August 24, 2011.
- R. Masters was in attendance to discuss legal liabilities related to Georgia. Additionally, the East Region discussed the status of State Council development, the ICJ/AAICPC Memorandum of Understanding, 2012 Officer Slate, rule and form amendments and their

impact to a national data system. The next meeting of the East Region is October 25, 2011 at 3:30 p.m. in Norfolk, Virginia.

Midwest Region (presented by Rose Ann Bisch)

- Regional Representative Bisch (MN) reiterated her appreciation for the Minnesota-North Dakota training conducted by R. Masters and J. Branum.
- The Midwest Region will meet September 6, 2011 at 10:00 a.m. EDT. An invitation will be extended to R. Masters to discuss interaction with Georgia.
- Other items for discussion will include the ICJ/AAICPC MOU Work Group update, National Office updates, State Council updates, the 2012 Officer Slate, rule and form amendments and their impact to a national data system.

ICJ/AAICPC Work Group

- The ICJ/AAICPC Work Group Co-Chair R. Bisch (MN) reported that the work group met August 3 and August 24. She reported positive progress developing a broader MOU document.
- The work group will meet September 9, 2011 at 2:00 p.m. EDT for 2 hours. She anticipates a final draft for consideration prior to the Annual Business Meeting.

South Region (presented by Judy Miller)

- Regional Representative J. Miller (AR) reported the South Region will meet September 28, 2011. An invitation will be extended to R. Masters to discuss interaction with Georgia.
- Other items for discussion will include the 2012 Officer Slate, rule and form amendments and their impact to a national data system.

Victim's Representative (presented by Trudy Gregorie)

There was no report.

Legal Counsel Report

R. Masters, Legal Counsel, reported all legal items were previously discussed; however he did elaborate on Article VII of the ICJ Statute authorizing the Commission to enforce the Compact between member states and non-compacting states.

Old Business

There was no old business.

New Business

By-laws Article VIII, Section I. Executive Committee

- L. Bjergaard (ND) proposed amending the ICJ By-laws Article VIII, Section I to allow the immediate past chair to serve on the Executive Committee as a *voting* member rather than a *non-voting* ex-officio member.
- R. Masters noted a change to Article VII would also require a change to Article IV. He clarified that an amendment to the ICJ By-laws requires a vote of the full Commission. If the amendment is posted 30-days prior to the annual meeting, passage requires a simple majority vote. If the amendment is presented from the floor, passage requires a two-thirds majority vote.

- The Committee agreed to the intent of the proposed amendment. The Committee reviewed proposed language and determined to adequately state the intent would require amending multiple sections of the By-laws.
- **G. Hartman (WY) made the motion to amend the necessary sections in the ICJ By-laws to allow the Past Chair the ability to participate in the Executive Committee meetings as a voting member, and to approve Legal Counsel and the National Office to draft the necessary language and present to the Executive Committee for approval. J. Hall (FL). The motion passed.**
- At the request of the Committee, Legal Counsel and the National Office will develop the amended language and forward to the Executive Committee for approval via email to allow a 30-days posting period prior to the Annual Business Meeting.

Adjourn

- The next meeting of the Executive Committee is September 22, 2011 at 11:00 a.m. EDT.
- **D. Dodd (NM) made the motion to adjourn the meeting. M. Boger (ME) seconded. The meeting adjourned at 12:30 p.m. EDT.**