



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE

#### *Minutes*

**October 27, 2014**

**2:00 p.m. EDT**

The Francis Marion Hotel

Charleston, SC

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#### **Committee Members in Attendance:**

1. Patrick J. Pendergast (AL) Chair
2. Anne Connor (NV) Vice Chair, Technology Chair
3. Phil Cox (OR) Treasurer
4. Terry Clark (PA) Past Chair
5. Judy Miller (AR) South Region Representative
6. Summer Foxworth (CO) West Region Representative
7. Rose Ann Bisch (MN) Rules Committee Chair, AAICPC/ICJ Work Group Co-Chair
8. Kari Rumbaugh (NE) Midwest Region Representative
9. Traci Marchand (NC) Training Committee Chair
10. Patricia Welcome (VI) East Region Representative
11. Michael Lacy (WV) Compliance Committee Chair
12. Shelley Hagan (WI) Finance Committee Chair
13. Trudy Gregorie, Victims Representative, Ex-Officio
14. Rick Masters, Legal Counsel

#### **Committee Members Not in Attendance:**

None

#### **Guests in Attendance:**

None

#### **ICJ National Office Staff in Attendance:**

1. Ashley Lippert, Executive Director
  2. Jenny Adkins, Project Manager
  3. Morgan Rhodes, Training and Administrative Coordinator
  4. Emma Goode, Administrative and Logistics Coordinator
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#### **Call to Order**

Chair Pendergast called the meeting to order at 2:13 p.m. EDT.

#### **Roll Call**

A. Lippert called the roll. Fourteen of the fourteen members were present, establishing a quorum.

## Agenda

**A. Connor (NV) made a motion to approve the agenda. T. Clark (PA) seconded. The motion passed.**

## Minutes

**J. Miller (AR) made a motion to approve the September 18, 2014 meeting minutes. S. Hagan (WI) seconded. The motion passed.**

## Executive Director Report (presented by Ashley Lippert)

### 2014 Annual Business Meeting

- A. Lippert reported that all but one state (New Hampshire) will be represented at the 2014 Annual Business Meeting and all attending Commissioners/Designees are approved to vote. The committee sign up process will be modified this year. At the conclusion of the meeting, a survey link will be emailed to the full Commission allowing individuals both attending and not attending the annual meeting to select their preference for committee membership.

### 2015 Dues Update

- A. Lippert reported that only one state, operating on an October 1 – September 30 fiscal year, needs to pay dues for fiscal year 2015.

### MN vs. NE

- A. Lippert reported that Minnesota requested assistance in a supervision case with Nebraska. R. Bisch (MN) commented that a civil rights action was filed by the family on behalf of the juvenile. K. Rumbaugh (NE) updated on the involvement by the Nebraska State Attorney General's office and the likelihood of a resolution in the near future to avoid further legal action. R. Masters voiced concern regarding the matter referencing the ICJ's authority under Article VII, Section A (2) of the ICJ Statute. Legal Counsel recommended intervening and filing appropriate legal documents on behalf of the Compact to the extent that may be necessary.
- **P. Welcome (VI) made a motion to authorize legal counsel to file a motion to intervene and file legal briefs to the extent necessary in the matter between Nebraska and Minnesota. M. Lacy (WV) seconded. The motion passed.**

### Advisory Opinion Request from the West Region Work Group

- A. Lippert reported receiving an advisory opinion request on October 24 from Idaho, Nevada, and Montana. The West Region Sub-Workgroup is requesting clarification on ICJ's authority and limitations to approve or deny placement and/or supervision and the difference between the two terms.
- R. Masters commented that a rules amendment may be a better resolution than an advisory opinion. A legal recommendation will be submitted to the Executive Committee at the next meeting.

### Audit Standards

- A. Lippert presented the results of the Executive Committee's survey ranking all auditable standards and reported the following to have received the highest ranking:
  1. **Rule 5-101: Supervision/Services Requirements.** (a) Receiving States shall furnish written progress reports to the sending state on no less than a quarterly basis.
  2. **Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders.** (a) States shall not allow juvenile sex offenders to leave the sending state until the sending

- state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. *Rule 4-103(2) does not apply.*
3. **Rule 4-104: Authority to Accept/Deny Supervision.** (a) The Receiving State's ICJ Administrator or authorized agent shall sign the Home Evaluation approving or denying supervision.
  4. **Rule 5-102: Absconder Under ICJ Supervision.** (a) Receiving States shall submit a Violation Report for juvenile absconders that include the juvenile's last known address and phone number, date of the juvenile's last personal contact with the supervising agent, details regarding how the supervising agent determined the juvenile to be an absconder, and any pending charges in the receiving state.
  5. **Rule 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking.** (a) As it applies to Rule 5-103, when a juvenile is out of compliance with conditions of supervision, Receiving States shall submit a Violation Report that contains the date and description of the new citation or technical violation, the status and disposition (if any), supporting documentation regarding the violation, efforts or interventions made to redirect the behavior, sanctions if they apply and receiving state recommendations.
  6. **Rule 6-102: Voluntary Return of Out-of-State Juveniles.** (c) Home/demanding States, shall return juveniles within five (5) business days of receiving a completed Form III or adult waiver.
- In accordance with the approved 2014 ICJ Strategic Plan, A. Lippert proposed an Audit Plan to commence in 2015 outlining processes in the follow areas:
    - Informing the Commission
    - Schedule
    - Date Range
    - Results
    - Enforcement
  - M. Lacy (WV) voiced anticipated concerns from states regarding the audit. R. Masters advised that the ICJ has a duty to uphold compliance and enforcement noting that penalties may be assessed and may be excused. P. Cox (OR) commented that an audit is an evaluation of processes for improvement, not an evaluation of individual shortcomings. K. Rumbaugh (NE) recommended that although there will be no sanctions imposed the first year, states found non-compliant should present a plan of action for resolution.
  - The Executive Committee concurred with the Nebraska recommendation and reached a consensus to move forward with the information as outlined with the understanding that specifics will be addressed as the process commences. What constitutes an audit failure and penalties will be handled through the Compliance Committee.
  - **M. Lacy (WV) made a motion to approve the Performance Management System as presented to begin January 2015, auditing 13 states at random quarterly beginning with the top six ranked standards. P. Cox (OR) seconded. The motion passed.**
  - **S. Hagan (WI) made a motion to approve the process presented in the *date range for audit period - option 2*: to use a 12-month period prior to the state's scheduled audit start date. M. Lacy (WV) seconded. The motion passed.**

#### Training 2.0

- A. Lippert updated that the National Office is researching training software programs that provide more interaction with a "storyline" scenario driven curriculum that could incorporate JIDS.
- P. Cox (OR) recommended that ICJ contract a professional curriculum developer to review and offer recommendations. The National Office will research and report findings to the Executive Committee.

## JIDS 2.0

- A. Lippert updated on the success of recent JIDS improvements and reported that the National Office continually works with InStream to pinpoint and resolve reported JIDS issues.
- A. Lippert shared her communications with Technology Chair Connor regarding continuing modifications to JIDS. Technology Chair Connor commented that historically modifications to JIDS have resulted in unintended consequences in other areas. She supports a recommendation to cease any additional modifications/enhancements for the next year.
- T. Clark (PA) and R. Bisch (MN) spoke on the advantages of a case management system compared to a forms management system. A. Lippert noted that ICJ has the funds to develop a content management system; however, hosting and maintaining the system annually would not be possible without increasing annual dues. P. Cox (OR) commented on the cost effectiveness of a case management system for the number of users and transactions. S. Foxworth (CO) questioned other options. The National Office will investigate and present findings to the committee.

## **Committee Reports**

### **Executive Committee** (presented by Patrick Pendergast)

- Chair Pendergast thanked all chairs for their contributions and acknowledged the accomplishments for the year.

### **Finance Committee** (presented by Shelley Hagan)

- Chair Hagan reported the Finance Committee has not met since the last meeting and had nothing new to report.

### **Training, Education & Public Relations Committee** (presented by Traci Marchand)

- Chair Marchand reported that the Training Committee met in September to finalize the 2014 Annual Business Meeting Trainings. Chair Marchand recognized the expertise of the presenters and interesting session topics planned.

### **Compliance Committee** (presented by Mike Lacy)

- Chair Lacy reported the Compliance Committee has not met since the last meeting and had nothing new to report.

### **Technology Committee** (presented by Anne Connor)

- Chair Connor acknowledged the members of the Technology Committee for their contributions during the year. She referenced the recommendation discussed earlier to cease any modifications/enhancements to focus on maximizing JIDS performance and training.

### **Rules Committee and AAICPC/ICJ Work Group** (presented by Rose Ann Bisch)

#### Rules Committee

- Chair Bisch reported there are five rule proposals going forward at the 2014 General Session. The proposals will be discussed during Training Session III on Tuesday.
- Chair Bisch commented on the short turn around for 2015 rules proposals, noting the Rules Committee's meeting calendar will be distributed in the region meetings on Tuesday. Chair Bisch reported to date there are thirty plus rule proposals going forward

in 2015 and acknowledged the work of the National Office with regards to tracking the work of the Rules Committee.

#### AAICPC/ICJ MOU Work Group

- Co-Chair Bisch reported that the AAICPC/ICJ MOU Work Group did not meet; however approved additional language to one of the Family Setting Case Scenarios via email. Co-Chair Bisch presented the previously approved ICPC/ICJ Family Setting Case Scenario A: Dual Jurisdiction and clarified the scenario was amended to include: *\*Placement for this scenario includes the categories of parent, relative, foster care, adoption, or non-relative; it excludes residential treatment facilities.* The Executive Committee reviewed and agreed to the modification.
- **P. Welcome (VI) made a motion to approve the modification to ICPC/ICJ Family Setting Case Scenario A: Dual Jurisdiction as presented. P. Cox (OR) seconded. The motion passed.**
- M. Lacy (WV) questioned Step 2.2 in Family Setting Case Scenario A. Co-Chair Bisch clarified the intent of the broad scenario steps to incorporate areas of overlap between the two Compacts.
- Co-Chair Bisch will update ICPC of the ICJ Executive Committee's approval and Carla Fults will present the case scenarios to the AAICPC Executive Committee for approval.

#### Region Reports

##### **East Region** (presented by Patricia Welcome)

- Representative Welcome reported the East Region has not met since the last Executive Committee meeting and had nothing new to report.

##### **Midwest Region**

- Representative Rumbaugh reported the region meetings have been well attended by Compact office staff; however, the Midwest failed to achieve a quorum during the last two meetings. The Midwest Region is proposing a failed placement rule for consideration in 2015.
- Representative Rumbaugh said farewell to ICJ as she has accepted a new position in Nebraska and will be replaced as the ICJ Commissioner.

##### **South Region** (presented by Judy Miller)

- Representative Miller reported the South Region now has seventeen states in the South Region with the addition of Georgia. Florida, Georgia, and Tennessee have appointed new Commissioners all of which will attend the 2014 Annual Business Meeting. Over the year the South Region held two teleconference meetings, submitted two rule proposals, discussed data collection, and an Oklahoma issue involving the housing of underage refugees.

##### **West Region** (presented by Summer Foxworth)

- Representative Foxworth reported the West Region has not met since the last Executive Committee meeting and had nothing new to report.

##### **Victim's Representative** (presented by Trudy Gregorie)

- T. Gregorie welcomed the ICJ Annual Business Meeting to her hometown of Charleston and had nothing new to report.

## **Legal Counsel Report**

- R. Masters commented that ICJ is now one of only four Compacts whereby all 50 states are members.
- R. Master updated on the Amicus Brief filed in the Michigan Supreme Court on behalf of ICJ and clarified that an additional filing may be required. The Michigan Legislature is attempting to unilaterally amend membership in a Compact (not ICJ) retroactive to 2008.

## **Old Business**

### Puerto Rico

- R. Bisch (MN) updated that Minnesota deferred repealing the old Compact to confirm the status of Puerto Rico. J. Miller (AR) recalled Puerto Rico attending past AJCA meetings. R. Masters noted the past AJCA status would need to be confirmed.
- A. Lippert shared the numerous outreach attempts with Puerto Rico. T. Gregorie commented that NCJA is active in Puerto Rico and she would reach out to NCJA for a solid contact.

### Probable Cause Work Group

- S. Hagan (WI) questioned the progress of the Probable Cause Work Group. R. Bisch (MN) updated that the group met several times and have proposed a probable cause rule, which will be reviewed by the Rules Committee at its next meeting.

## **New Business**

There was no new business.

## **Adjourn**

- **S. Foxworth (CO) made a motion to adjourn. A. Connor (NV) seconded. Chair Pendergast adjourned the meeting by acclamation at 4:20 p.m. EDT.**