



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

2011 Docket Book

Table of Contents

Click on an item to jump to that section.

- [Agenda](#)
- [2010 Annual Business Meeting Minutes](#)
- [ICJ Statute](#)
- [Current By-Laws](#)
- [Current Rules](#)
- [Current Forms](#)
- [Proposed By-Laws](#)
- [Proposed Rule Amendments](#)
- [Proposed Form Amendments](#)
- [Budget](#)
- [AAICPC/ICJ Memorandum of Understanding](#)



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

AGENDA



Interstate Commission for Juveniles
2011 Annual Business Meeting
October 24 - 26, 2011
Norfolk Waterside Marriott
235 East Main Street
Norfolk, VA 23510
Eastern Standard Time

MONDAY, OCTOBER 24, 2011

- | | |
|-----------------------|--|
| 1:00 p.m. | Executive Committee Meeting
<i>4th Floor James I and II</i> |
| 4:00 p.m. – 6:00 p.m. | Public Hearing
<i>4th Floor Marriott Ballroom V</i> |
| 6:00 p.m. | Welcoming Reception
<i>6th Floor Pool Terrace (weather permitting)</i>
<i>Plan B: 4th Floor Marriott Ballrooms I, II, and III</i> |

TUESDAY, OCTOBER 25, 2011

- | | |
|-------------------------|--|
| 8:00 a.m. – 10:00 a.m. | Training I: Working with Member States to Devise Practical Solutions
<i>4th Floor Marriott Ballroom IV</i> |
| 10:30 a.m. – 12:00 p.m. | Training II: Georgia and the Legal Effects
<i>4th Floor Marriott Ballroom IV</i> |
| 12:00 p.m. – 1:30 p.m. | Lunch |
| 1:30 p.m. – 3:00 p.m. | Training III: Commissioner/Designee Responsibilities
<i>4th Floor Marriott Ballroom IV</i> |
| 1:30 p.m. – 3:00 p.m. | Training IV: Ex-Officio Membership within the ICJ
<i>4th Floor James III</i> |
| 3:00 p.m. | Break |
| 3:30 p.m. – 5:00 p.m. | Region Meetings - 4th Floor <ul style="list-style-type: none">• East Region – <i>Marriott Ballroom V</i>• Midwest Region – <i>Marriott Ballroom VI</i>• South Region – <i>Marriott Ballroom VII</i>• West Region – <i>Marriott Ballroom III</i> |



Interstate Commission for Juveniles
2011 Annual Business Meeting
October 24 - 26, 2011
Norfolk Waterside Marriott
235 East Main Street
Norfolk, VA 23510
Eastern Standard Time

WEDNESDAY, OCTOBER 26, 2011

- 8:00 a.m. **General Session**
Marriott Ballrooms IV, V, VI, VII
- **Call to Order**
 - **Flag Presentation**
 - **Roll Call**
 - **Approval of Agenda**
 - **Approval of Minutes** - September 15, 2010
 - **Opening Remarks**
- 8:15 a.m. **Welcome**
- 8:30 a.m. **Executive Committee Report**
Terry Clark, Chair
- 8:45 a.m. **Training, Education and Public Relations Committee Report**
Jean Hall, Chair
- 9:00 a.m. **Compliance Committee Report**
Dale Dodd, Chair
- 9:15 a.m. **Legal Counsel Report**
Rick Masters, Legal Counsel
- 9:30 a.m. **Information and Technology Committee Report**
Clarence Powell, Chair
- 10:00 a.m. **Finance Committee Report**
Lisa Bjergaard, Chair
- 10:15 a.m. **Break**
- 10:30 a.m. **Regional and Ad Hoc Committee Reports**
- *West*
 - *Midwest and ICJ / AAICPC MOU Work Group*
 - *East*
 - *South*
 - *Victim Notification Ad Hoc Committee*
- 11:15 a.m. **Rules Committee Report**
Gary Hartman, Chair

12:00 p.m.	Lunch
1:30 p.m.	Rules Committee Report Cont.
3:15 p.m.	Break
3:30 p.m.	Old Business
3:45 p.m.	New Business
4:30 p.m.	Elections <ul style="list-style-type: none"> • Nominees Address Commission • Vote for Officers • Oath of Office
5:15 p.m.	Adjourn
5:30 p.m.	Executive Committee Meeting <i>(Meeting for new Officers and Region Chairs)</i> <i>4th Floor James I</i>



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

2010 Annual Business Meeting Minutes



**INTERSTATE COMMISSION FOR JUVENILES
ANNUAL BUSINESS MEETING
September 15, 2010
MINUTES
Crowne Plaza - San Antonio, TX**

Call to Order

The meeting was called to order by Chair D. Bonner (TX) at 8:00 a.m. CST. The United States Air Force Color Guard presented the flags.

Roll Call

A. Lippert, Executive Director, called the roll. Forty-five of the forty-six members were represented; forty *voting* members were present establishing a quorum.

Members

1. Alabama	Patrick Pendergast, Designee
2. Alaska	Barbara Murray, Commissioner
3. Arizona	Pablo Sedillo*
4. Arkansas	Judy Miller, Designee
5. California	Marlon Yarber*
6. Colorado	Summer Foxworth, Commissioner
7. Connecticut	Maria Genca, Designee
8. Delaware	Damian Seymour, Designee
9. Florida	Jean Hall, Commissioner
10. Hawaii	Wendell Kikuchi, Commissioner
11. Idaho	Sharon Harrigfeld, Commissioner
12. Illinois	Billie Greer, Designee
13. Iowa	Gerry Prine, Designee
14. Kansas	Dennis Casarona, Commissioner - Treasurer
15. Kentucky	Paul Gibson, Commissioner
16. Louisiana	Suzie Durrett*
17. Maine	Mark Boger, Commissioner
18. Maryland	Sherry Jones, Commissioner
19. Massachusetts	Fred White*
20. Michigan	Michael Ruedisale, Commissioner
21. Minnesota	Rose Ann Bisch, Commissioner
22. Mississippi	Clarence Powell, Designee
23. Missouri	Julie Hawkins, Commissioner
24. Montana	Gloria Soja, Designee

25. Nebraska	Michael Reddish, Commissioner
26. Nevada	Fernando Serrano, Commissioner
27. New Jersey	Robert Mercado, Designee
28. New Mexico	Dale Dodd, Commissioner
29. North Carolina	Traci Marchand, Commissioner
30. North Dakota	Lisa Bjergaard, Commissioner
31. Oklahoma	Helen Killian, Designee
32. Oregon	Philip Cox, Commissioner
33. Pennsylvania	Terry Clark, Designee
34. Rhode Island	Joe Clifford, Designee
35. South Carolina	Dawne Gannon, Commissioner
36. South Dakota	Nancy Allard, Commissioner
37. Tennessee	<i>Not in attendance</i>
38. Texas	Donna Bonner, Commissioner - Chair
39. Utah	Ray Wahl, Commissioner – Vice Chair
40. Vermont	Tom Krug*
41. Virginia	Sam Abed, Commissioner
42. Virgin Islands	B. Patricia Welcome, Commissioner
43. Washington	Cheryl Sullivan-Colglazier, Commissioner
44. West Virginia	Michael Lacy, Commissioner
45. Wisconsin	Shelley Hagan, Commissioner
46. Wyoming	Gary Hartman, Commissioner

*non-voting designee

Ex-Officios:

1. American Probation and Parole Association (APPA) – Susan Burke
2. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Jean Taylor
3. Association of Juvenile Compact Administrators (AJCA) – Ron Leffler
4. Council of Juvenile Correctional Administrators (CJCA) – Cherie Townsend
5. Conference of State Court Administrators (COSCA) - *Not in attendance*
6. International Association of Chiefs of Police (IACP) – *Not in attendance*
7. Interstate Commission for Adult Offender Supervision (ICAOS) – Harry Hageman
8. National Association of Attorneys General (NAAG) - *Not in attendance*
9. National Conference of State Legislatures (NCSL) - *Not in attendance*
10. National Council of Juvenile and Family Court Judges (NCJFCJ) – Judge David Stucki
11. National Center for Victims of Crime (NCVC) - *Not in attendance*
12. National Juvenile Detention Association (NJDA) - *Not in attendance*
13. National Runaway Switchboard (NRS) - *Not in attendance*
14. National Sheriffs' Association (NSA) - *Not in attendance*

Agenda

Chair Bonner asked for a motion to approve the agenda. **G. Hartman (WY) moved to approve the agenda as presented. J. Hall (FL) seconded. The motion passed by a majority vote.**

Minutes

Chair Bonner asked for a motion to approve the minutes from the previous Annual Business Meeting on December 2 - 3, 2009. **S. Foxworth (CO) made the motion to approve the minutes as presented. T. Clark (PA) seconded. The motion passed by a majority vote.**

Welcome & Overview

Chair Bonner welcomed everyone to the 3rd Annual Business Meeting of the Interstate Commission for Juveniles and introduced the guest speaker, Cherie Townsend, Texas Youth Commission Executive Director and Compact Administrator. Cherie Townsend articulated a warm Texas welcome and addressed changes and new challenges in serving youth and families today.

Executive Committee Report by Chair D. Bonner (TX)

- Chair Bonner reported the Executive Committee met six times via teleconference and twice in person and provided an overview of the Executive Committee's goals and accomplishments.
- Chair Bonner reported the transition rule enacted at the last annual business meeting will expire on December 3, 2010. The Executive Committee recognizes the challenges and public safety issues in working with non-member states after said date. Therefore, the Committee recommends that the Commission exercise Article VI and Rule 7-101 to invoke the emergency rule making procedures and discuss extending the transition rule as it relates to non-member states.
- R. Masters, Legal Counsel, advised the Commission's actions are warranted.
- Chair Bonner reported the Executive Committee voted to recommend a six month extension to non-member states based on a good faith effort to pass legislation which must be supported with a bill number and a copy of the legislation and further request that non-member states consider the bill as emergency legislation.
- **D. Bonner (TX) made the motion to invoke Article VI and Rule 7-101 for emergency rule making procedures regarding the Transition Rule which will expire on December 3, 2010. R. Wahl (UT) seconded. The motion passed by a 39 - 1 majority vote.**
- The Commission agreed to extend the transition period up to six months to non-member states who provide supportive documentation, including a bill number and a copy of the legislation.
- **D. Bonner (TX) made the motion to extend Rule 9-101: Transition Rule from December 3, 2010 through June 30, 2011 to states who provide documentation of Compact legislation introduced with a bill number, and further consider treating as emergency legislation if possible. R. Wahl (UT) seconded. The motion passed by a 38 - 2 majority vote.**
- Chair Bonner detailed positive partnership projects and presentations with the following Ex-Officio member organizations: American Probation and Parole Association (APPA), Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), Association of Juvenile Compact Administrators (AJCA), Council of Juvenile Correctional Administrators (CJCA), Interstate Compact for Adult Offender Supervision (ICAOS), National Council of Juvenile and Family Court Judges (NCJFCJ), National Juvenile Detention Association (NJDA), and National Association of Crime Victims (NACV); and affiliated federal agencies: Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Bureau of Justice Assistance (BJA). Chair Bonner advised that she would be presenting a workshop at the 16th Annual National Symposium in San Antonio in October 2010. The symposium is co-sponsored by the National Juvenile Detention Association (NJDA). In addition, Vice-Chair Wahl will present a workshop at the National Conference on Juvenile and Family Law in Reno, NV in March 2011. This conference is

co-sponsored by our Ex-Officio member, the National Council on Juvenile and Family Court Judges (NCJFCJ).

- Chair Bonner reported the Committee approved the addition of a new information technology position to the National Office staff.
- Chair Bonner noted that the the Fiscal Year 2010 Annual Report was mailed out shortly before the meeting and commented on the professional image of the report.
- **M. Lacy (WV) made the motion to accept the Executive Committee Report as presented. P. Gibson (KY) seconded.**
The motion passed by a majority vote.

Training, Education and Public Relations Committee Report by Chair J. Hall (FL)

- Chair Hall recognized the members of the Training Committee.
- Chair Hall reported the Training Committee met nine times resulting in the following successes:
 - Updated training curriculums for Compact Offices and Field Staff, State Councils, Commissioners, in addition to a Quick Reference trifold brochure;
 - Developed an Executive Committee Orientation Manual and Commissioner Handbook;
 - Launched the ICJ State Office Staffing and Procedures Survey;
 - Approved a Training and Technical Assistance Policy; and
 - Initiated National Trainings facilitated through WebEx.
 - The Commission trained a total of 1,593 people.
- **S. Foxworth (CO) made the motion to accept the Training, Education and Public Relations Committee Report as presented. S. Hagan (WI) seconded.**
The motion passed by a majority vote.

Compliance Committee Report by Chair S. Foxworth (CO)

- Chair Foxworth recognized the members of the Compliance Committee.
- Chair Foxworth reported the Compliance Committee met eight times and made recommendations for the following states found to be in default: Maryland, Virginia, and Rhode Island. The Maryland and Virginia defaults have been resolved. The Rhode Island default resulted in legal action to be included in the Legal Counsel's report.
- **R. Wahl (UT) made the motion to accept the Compliance Committee Report as presented. C. Powell (MS) seconded.**
The motion passed by a majority vote.

Legal Report by R. Masters, Legal Counsel

- R. Masters, Legal Counsel, expressed his gratitude to the dedicated service of the membership and the opportunity to advise the Commission.
- R. Masters, Legal Counsel, reported he advised the Commission's Committees throughout the year, submitted five legal opinions, settled one litigation matter, and is drafting the ICJ Bench Book.
- R. Masters, Legal Counsel, advised going into Executive Session to discuss litigation matters.
- **R. Wahl (UT) made the motion to move into Executive Session per Article III(I) to discuss litigation. B. Greer (IL) seconded.**
The motion passed by a 37 - 0 majority vote.

[Note: All guests left the room during Executive Session.]

- **R. Wahl (UT) made the motion to move out of Executive Session. R. Mercado (NJ) seconded.**
The motion passed by a majority vote.
- **R. Wahl (UT) made the motion to accept the Legal Counsel Report as presented. M. Boger (ME) seconded.**
The motion passed by a majority vote.

Technology Committee Report by C. Powell (MS)

- Chair Powell acknowledged the members of the Technology Committee, the Joint Application Development (JAD) team, and the National Office staff for their contribution to the following achievements:
 - Launched first independent website; currently 1,000 registered users.
 - Drafted a rule for the collection of standardized data relative to the interstate movement of juveniles.
 - Conducted two JAD Sessions to define the functional requirements for a national system.
 - Signed off on the Functional Requirements Document (summary provided in the docket book).
 - Solicited requests for proposals from qualified vendors.
- Chair Powell offered an overview and progression of the Technology Committee's recommendations and decisions regarding the national system.
- Chair Powell addressed questions from the floor relative to: timelines, costs, data collection, reports, software/hardware requirements, speed, confidentiality, accessibility to local staff, and vendor selection.
- H. Hageman, ICAOS Executive Director, responded to questions regarding the Adult Compact's system and stressed the importance of the functional requirements document.
- **P. Pendergast (AL) made the motion to accept the Technology Committee Report as presented. M. Ruedisale (MI) seconded.**
The motion passed by a majority vote.

Finance Committee Report by Chair L. Bjergaard and Treasurer D. Casarona

- Chair Bjergaard thanked the members of the Finance Committee for their time and due diligence with the Commission's finances.
- Chair Bjergaard reported a healthy FY 2010 year end budget; updated the Commission on the FY 2011 revised budget line items; and introduced the proposed FY 2012 budget. The Finance Committee will review the dues formula after the 2010 census numbers are released.
- Treasurer D. Casarona (KS) commended A. Lippert, Executive Director, and the National Office staff on their stewardship and the detailed budget reports submitted monthly by A. Lippert and CSG. He noted the ICJ budget meets the CSG recommended reserve guidelines. The unknown major expense is the national system's development and implementation.
- H. Hageman responded to questions regarding the Adult Compact's development and implementation costs advising that estimating costs is premature until vendor bids are reviewed and matrixed.
- **L. Bjergaard (ND) made the motion to approve the FY 2012 Budget and accept the Finance Committee Report as presented. S. Foxworth (CO) seconded.**
The motion passed by a majority vote.

Region Reports

East Region by Rep. T. Clark (PA)

- Rep. Clark reported the East Region communicated often to discuss rule amendments. As a result, twelve proposed rule amendments were brought forth by the East Region.
- The East Region nominated candidates for Commission officer elections and elected M. Boger (ME) as the new East Regional Representative.

Regions Representative by Chair T. Clark (PA)

- Chair Clark reported the four Region Chairs met routinely, conducted a State Council survey, and accomplished the following strategic goals:
 - Supported member states in developing state councils.
 - Assisted non-member states in moving forward with legislation backed by the aid of the National Office.
 - Provided feedback relative to the Commission's mission, vision, and value statements.
- **C. Powell (MS) made the motion to accept the East Region Report and the Regions Representative Report as presented. R. Mercado (NJ) seconded. The motion passed by a majority vote.**

South Region by Rep. J. Miller (AR)

- Rep. Miller reported that during Tuesday's meeting, the region discussed airport security, airline/ground transportation supervision, and proposed rule amendment 6-108. Rep. Miller reported five of the South Region states have established state councils.
- The South Region nominated candidates for Commission officer elections and re-elected Judy Miller (AR) as the South Regional Representative.
- **R. Wahl (UT) made the motion to accept the South Region Report as presented. M. Ruedisale (MI) seconded. The motion passed by a majority vote.**

Midwest Region by Rep. M. Reddish (NE)

- Rep. Reddish reported that during Tuesday's meeting, the region discussed the number of Midwest Region states with active state councils and how those states can assist other states.
- Rep. Reddish announced the results of the nominations for Commission officer elections and elected Rose Ann Bisch (MN) as the Midwest Regional Representative.
- **S. Hagan (WI) made the motion to accept the Midwest Region Report as presented. C. Powell (MS) seconded. The motion passed by a majority vote.**

ICPC Ad Hoc Committee by Chair M. Reddish (NE)

- Chair Reddish complimented the members of the ICPC Ad Hoc Committee on their work and reported on the Committee's activities after meeting four times in the past year.
- Chair Reddish reported the results of a survey issued to both ICJ and ICPC offices which concluded a lack of communication and understanding between the two Compacts. The Committee proposed entering into a Memorandum of Understanding (MOU) agreement between the two parties. The MOU has been revised and approved by the ICJ Executive Committee and forwarded to ICPC for approval and is now in negotiation on several details.

- Once the MOU is final and signed by both parties, copies will be circulated to Commission members.
- **M. Boger (ME) made the motion to accept the ICPC Ad Hoc Committee Report as presented. S. Jones (MD) seconded.**
The motion passed by a majority vote.

West Region by Rep. D. Dodd (NM)

- Rep. Dodd reported the West Region met twice. All thirteen West Region states are members of the Commission and seven states have established state councils.
- Rep. Dodd reported two areas of concern within the West Region to be Native American issues and human trafficking. The West Region recommends an ad hoc committee to study Native American issues.
- The West Region nominated candidates for Commission officer elections and elected S. Foxworth (CO) as the new West Regional Representative.
- **P. Pendergast (AL) made the motion to accept the West Region Report as presented. G. Prine (IA) seconded.**
The motion passed by a majority vote.

Sex Offender Ad Hoc Committee by Chair D. Dodd (NM)

- Chair Dodd acknowledged the members of the Sex Offender Ad Hoc Committee.
- Chair Dodd reported the Committee issued a survey to identify sex offender requirements for each state and developed a matrix to report the results which is available on the ICJ website.
- The Committee approved and forwarded a proposed amendment to Rule 4-103: Transfer of Supervision to the Rules Committee. The Rules Committee recommended for adoption with comments.
- **R. Wahl (UT) made the motion to accept the Sex Offender Ad Hoc Committee Report as presented. J. Hall (FL) seconded.**
The motion passed by a majority vote.

Probable Cause Ad Hoc Committee by Chair M. Boger (ME)

- Chair Boger recognized the members of the Probable Cause Ad Hoc Committee. He summarized the purpose of the Probable Cause Ad Hoc Committee and the proposed Probable Cause Rule.
- R. Masters, Legal Counsel, referenced the Supreme Court decisions regarding probable cause hearings and the importance of a rule addressing an offender's entitlement to a due process hearing when their liberty is threatened.
- Chair Boger acknowledged the comments and concerns of the Commission relative to the proposed new rule.
- Chair Boger reported on the development of a hearing officer's guide to help train states on conducting probable cause hearings which is waiting to be finalized upon the passage of the rule.
- **M. Ruedisale (MI) made the motion to accept the Probable Cause Ad Hoc Committee Report as presented. S. Foxworth (CO) seconded.**
The motion passed by a majority vote.

Rules Committee by Chair G. Hartman (WY)

- Chair Hartman acknowledged the contributions of the 23 members of the Rules Committee. The Committee met telephonically twelve times and in person once in Lexington, Kentucky.
- Chair Hartman advised on the procedure for voting in the instances where two amendments are proposed for the same rule.
- Chair Hartman recommended that a time limit be established to debate the rule amendments.
- R. Masters, Legal Counsel, described said action to be a “call to question” in advance.

**G. Hartman (WY) made the motion to limit the debate on rule amendments in sections 100, 200, 300, 500, 700, and forms to 45 minutes. P. Cox (OR) seconded.
Motion passed by a 34 - 5 super-majority vote.**

Rules Section 100

Chair Hartman opened the floor to discuss amendments to the rules in section 100.

**J. Hawkins (MO) made the motion to defer consideration of the amendments to definitions in Section 100 until after the rule amendments have been considered.
C. Powell (MS) seconded.
The motion passed by a majority vote.**

Rules Section 200

Chair Hartman opened the floor to discuss amendments to the rules in section 200.

Rule 2-202: Data Collection

**S. Abed (VA) made the motion to consider the proposed amendment to Rule 2-102 as recommended by the Rules Committee. R. Wahl (UT) seconded.
The motion passed by a majority vote.**

**M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 2-102 as recommended by the Rules Committee. P. Pendergast (AL) seconded.
The motion passed by a 35 - 3 vote.**

Rules Section 500

Chair Hartman opened the floor to discuss amendments to the rules in section 500.

Rule 5-101: Authority to Accept/Deny Supervision

P. Cox (OR) made the motion to consider the proposed amendment to Rule 5-101 as recommended by the Rules Committee. J. Hawkins (MO) seconded.

- S. Abed (VA) questioned the difference between the two versions.
- S. Hagan (WI) clarified the East Region version continues to allow the receiving state to deny supervision.
- T. Clark (PA) agreed the East Region version does not allow for the override.

The motion passed by a majority vote.

D. Gannon (SC) made the motion to amend the language in paragraph 5 to read:

Supervision shall be accepted by a receiving state when a juvenile has no custodial parent or legal

guardian remaining in the sending state and the juvenile does have a custodial parent or legal guardian residing in the receiving state. P. Cox (OR) seconded.

The motion passed by a majority vote.

S. Hagan (WI) made the motion to amend the language in paragraph 5 to include *under the age 18.*

The motion died for lack of a second.

J. Miller (AR) made the motion to amend the language in Rule 5-101 paragraph 4 to read: *Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable.* P. Welcome (VI) seconded. M. Lacy (WV) opposed.

The motion passed by a majority vote.

D. Dodd (NM) made the motion to accept Rule 5-101 for adoption as amended by the Commission. P. Cox (OR) seconded.

The motion passed by a 29 - 9 majority vote.

R. Masters, Legal Counsel, advised the Commission that according to the Roberts Rules of Order, to reconsider the adoption of a rule amendment, the motion to reconsider must be initiated by a member who voted in favor of the original motion.

C. Sullivan-Colglazier (WA) made the motion to re-consider the amendment to Rule 5-101, paragraph 4. S. Foxworth (CO) seconded.

The motion passed by a 21 - 18 majority vote.

C. Sullivan-Colglazier (WA) made the motion to amend Rule 5-101, paragraph 4 to re-insert the original language to read: *Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.* S. Foxworth (CO) seconded.

The motion passed by a 21 - 18 majority vote.

D. Dodd (NM) made the motion to accept Rule 5-101 for adoption as amended by the Commission. P. Cox (OR) seconded.

The motion passed by a 30 - 10 majority vote.

The Commission recessed for lunch.

Rule 5-102: Travel Permits

G. Prine (IA) made the motion to accept Rule 5-102 for adoption as recommended by the Rules Committee. M. Boger (ME) seconded.

The motion passed by a 33 - 2 majority vote.

Rules Section 100

Chair Hartman opened the floor to discuss the amendments to the definitions in section 100.

- Chair Bonner requested a motion to approve Section 100.
- D. Dodd (NM) made the motion. B. Greer (IL) seconded. The motion was not recognized by the Chair.??

- T. Clark (PA) on behalf of the East Region suggested the terms Parole and Probation be defined separately.

Rule 1-101 Definitions: Probation/Parole

T. Clark (PA) made the motion to amend the definitions of Probation and Parole separately and submitted new language for each. B. Greer (IL) seconded.

- P. Pendergast (AL) made a friendly amendment to the definition of probation to delete the word *sentence*. T. Clark (PA) and B. Greer (IL) accepted.
- C. Sullivan-Colglazier (WA) made a friendly amendment to the definition of probation to delete the last sentence. T. Clark (PA) and B. Greer (IL) accepted.

The motion passed by a 27 - 13 majority vote.

Rule 1-101 Definitions: Deferred Adjudication

C. Sullivan-Colglazier (WA) made the motion to adopt the definition of deferred adjudication. R. Mercado (NJ) seconded.

The motion passed by a 21 - 17 vote.

S. Jones (MD) made the motion to amend the timeframe to debate on rule amendments in sections 100, 200, 300, 500, 700, and forms an additional 30 minutes. C. Powell (MS) seconded.

The motion passed by a 24 - 15 majority vote.

Rule 1-101 Definitions: Relocate

T. Clark (PA) made the motion to adopt the definition of relocate as proposed by East Region. R. Mercado (NJ) seconded.

The motion passed by a 36 - 4 majority vote.

Rule 1-101 Definitions: Retaking

P. Pendergast (AL) made the motion to adopt the definition of retaking. M. Boger (ME) seconded.

The motion passed by a 39 - 1 majority vote.

Rule 1-101 Definitions: Substantial Compliance

P. Cox (OR) made the motion to consider the definition of substantial compliance as recommended by the Rules Committee. C. Sullivan-Colglazier (WA) seconded.

The motion passed by a 36 - 4 majority vote.

Rule 1-101 Definitions: Substantial Compliance

S. Abed (VA) made the motion to adopt the definition of substantial compliance as recommended by the Rules Committee. P. Gibson (KY) seconded.

The motion passed by a 32 - 7 majority vote.

Rule 1-101 Definitions: Victim Sensitive

T. Clark (PA) made the motion to adopt the definition of victim sensitive as recommended by the East Region. R. Mercado (NJ) seconded.

The motion failed by a 13 - 27 majority vote.

Rule 1-101 Definitions: Probation and Parole

- **J. Miller (AR) made the motion to return to the original definitions for the terms Probation and Parole as presented by the Rules Committee. J. Hall (FL) seconded.**
- **R. Masters, Legal Counsel, advised tabling the issue and introducing during old business.**

Rules Section 300

Chair Hartman opened the floor to discuss Section 300 Forms.

Rule 3-101: Approved Forms

M. Lacy (WV) made the motion to adopt the Rules Committee's recommendations to Forms II, III, IV, V, IA/VI, VII, VIII, and IX and designate as mandatory forms. P. Cox (OR) seconded.

Chair Bonner clarified the motion included any corresponding form instruction sheets.
The motion passed by a 38 - 1 majority vote.

Rule 3-102: Optional Forms

P. Pendergast (AL) made the motion to adopt the Rules Committee's recommendations to Form A (Petition for Requisition to Return Runaway Juvenile), Rights for Voluntary Return of Runaway, Absconder, Escapee or Juvenile Being Charged as Delinquent, and Case Closure and designate as optional forms. M. Lacy (WV) seconded.

The motion passed by a 40 - 0 majority vote.

Rule 3-101, 3-102, and 3-103

B. Greer (IL) made the motion to adopt Rules 3-101, 3-102, and 3-103 as recommended by the Rules Committee. D. Dodd (NM) seconded.

The motion passed by a 39 - 0 majority vote.

Rules Section 700

Chair Hartman opened the floor to discuss Section 700.

Rule 7-101: Adoption of Rules and Amendments

M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 7-101. P. Cox (OR) seconded.

The motion passed by a 39 - 0 majority vote.

R. Wahl (UT) made the motion to limit the debate on rule amendments in section 400 to 45 minutes. R. Mercado (NJ) seconded.

Motion passed by a 35 - 5 super-majority vote.

Rules Section 400

Chair Hartman opened the floor to discuss Section 400.

Rule 4-101: Processing Referrals

P. Cox (OR) made the motion to consider the Rules Committee's proposed amendment to Rule 4-101. S. Hagan (WI) seconded.

T. Clark (PA) clarified the proposal made by the East Region.

The motion passed by a 32 - 7 majority vote.

C. Sullivan-Colglazier (WA) made the motion to adopt the Rules Committee's proposed amendment to Rule 4-101. M. Lacy (WV) seconded.
The motion passed by a 31 - 8 majority vote.

Rule 4-101A: Transfer of Students

G. Prine (IA) made the motion to adopt the East Region's proposed new rule regarding the Transfer of Students. M. Ruedisale (MI) seconded.

- D. Gannon (SC) made a friendly amendment to insert the language *and can provide proof of enrollment* after the word program. G. Prine (IA) and M. Ruedisale (MI) accepted the friendly amendment.

S. Hagan (WI) and S. Harrigfeld (ID) spoke against the rule amendment.
The motion passed by a 31 - 8 majority vote.

Rule 4-102: Sending and Receiving Referrals

M. Boger (ME) made the motion to adopt the proposed amendment to Rule 4-102. J. Hall (FL) seconded.

- J. Hawkins (MO) made a friendly amendment to insert the following language *or electronic transfer if mutually agreed upon* before the word duplicate in section 3(a).
- M. Boger (ME) and J. Hall (FL) agreed to the amendment.

The motion passed by a 38 - 2 majority vote.

Rule 4-103: Transfer of Supervision Procedures

C. Sullivan-Colglazier (WA) made the motion to adopt the proposed amendment by the Sex Offender Ad Hoc Committee to Rule 4-103. T. Clark (PA) seconded.

- M. Genca (CT) made a friendly amendment to change the wording of *juvenile sex offender* to *juvenile who is adjudicated of a sexual offense*.
- C. Sullivan-Colglazier (WA) declined the amendment.

The motion passed by a 35 - 4 majority vote.

Rule 4-104: Cooperative Supervision/Services Requirements

J. Hawkins (MO) made the motion to adopt the proposed amendment to Rule 4-104. R. Wahl (UT) seconded.

- The Commission discussed the ability to sanction juveniles and impose detention time.
- Chair Bonner referenced the legal opinion by R. Masters, Legal Counsel.
- C. Sullivan-Colglazier (WA) spoke in support of the rule.
- D. Gannon (SC) spoke against the rule relative to secure confinement.
- R. Wahl (UT) called the question.

The motion passed by a 32 - 8 majority vote.

Rule 4-106: Closure of Cases

R. Mercado (NJ) made the motion to adopt the proposed amendment to Rule 4-106. S. Jones (MD) seconded.

The motion passed by a 36 - 4 majority vote.

Rule 4-107: Victim Notification

- T. Clark (PA) made the motion to adopt the amendment to Rule 4-107 as proposed by the East Region. R. Mercado (NJ) seconded.**
- D. Gannon (SC) proposed that the rule be amended to address the victims’ rights in more detail and requested input for language.
 - **T. Clark (PA) and R. Mercado (NJ) agreed and offered supplemental language to Rule 4-107 to be inserted as a new sub-section to paragraph 1.**
 - R. Masters, Legal Counsel, advised the Chair that consideration for the proposed amendment to be out of order as it presents an entirely new rule. He advised the Commission to vote Rule 4-107 up or down and address the need for alternative language during old business.
 - C. Sullivan-Colglazier (WA), G. Prine (IA), and D. Dodd (NM) spoke against the rule.
- The motion failed by a 2 - 38 majority vote.**

R. Wahl (UT) made the motion to limit the debate on rule amendments in section 600 to 75 minutes. P. Cox (OR) seconded.
The motion passed by a 35 - 4 super-majority vote.

Rules Section 600

Chair Hartman opened the floor to discuss Section 600.

Rule 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian

On behalf of the East Region, Rep. T. Clark (PA), withdrew the proposed amendment as a result of the recent OJJDP opinion.

Rule 6-102: Voluntary Return of Out-of-State Juveniles

M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 6-102. R. Wahl (UT) seconded.
The motion passed by a 39 - 1 majority vote.

Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles

S. Foxworth (CO) made the motion to adopt the proposed amendment to Rule 6-103. P. Pendergast (AL) seconded.
The motion passed by a 40 - 0 majority vote.

Rule 6-104: Return of Juveniles Whose Placement Has Failed

P. Cox (OR) made the motion to consider the Rules Committee’s proposed amendment to Rule 6-104. D. Dodd (NM) seconded.
The motion passed by a 38 - 2 majority vote.

R. Wahl (UT) made the motion to adopt the Rules Committee’s proposed amendment to Rule 6-104. P. Cox (OR) seconded.
The motion passed by a 39 - 1 majority vote.

Rule 6-104A: Probable Cause Hearing in the Receiving State

- S. Foxworth (CO) made the motion to adopt the new rule proposed by the Probable Cause Ad Hoc Committee. R. Mercado (NJ) seconded.**
- R. Wahl (UT) questioned why the Rules Committee did not offer a recommendation.

- Chair Hartman responded the Rules Committee could not reach a consensus.
 - **J. Miller (AR) proposed a friendly amendment to strike paragraph (b) in its entirety.**
 - **S. Foxworth (CO) and R. Mercado (NJ) accepted the amendment.**
 - Several states spoke in opposition to the rule.
 - R. Masters, Legal Counsel, addressed legal questions relative to the adjudicated juvenile, due process, and Supreme Court rulings.
- The motion failed by a 12 - 27 majority vote.**

Rule 6-106: Public Safety

T. Clark (PA) made the motion to consider the amendment to Rule 6-106 as proposed by the East Region. R. Mercado (NJ) seconded.

- T. Marchand (NC) and M. Reddish (NE) spoke in favor of the Rules Committee proposal.

The motion failed by a 4 - 35 majority vote.

R. Wahl (UT) made the motion to adopt the amendment to Rule 6-106 as proposed by the Rules Committee. M. Reddish (NE) seconded.

The motion passed by a 39 - 1 majority vote.

Rule 6-108: Warrants

S. Hagan (WI) made the motion to consider the amendment to Rule 6-108 as proposed by the Rules Committee. B. Greer (IL) seconded.

The motion passed by a 35 - 4 majority vote.

R. Wahl (UT) made the motion to adopt the amendment to Rule 6-108 as proposed by the Rules Committee. M. Ruedisale (MI) seconded.

- **D. Dodd (NM) proposed a friendly amendment to paragraph 1 to strike *immediately* and insert the words *shall reasonably*.**
- R. Wahl (UT) declined the friendly amendment.

- **D. Dodd (NM) made the motion to amend paragraph 1 to strike the word *immediately* and insert the words *within a reasonable time*. P. Cox (OR) seconded.**

- G. Prine (IA) made a friendly amendment to replace the words *within a reasonable time* to *within the next business day*.

- **D. Dodd (NM) and P. Cox (OR) agreed to the amendment.**

- J. Clifford (RI) made a friendly amendment to add the language at the end of the sentence *upon the ICJ office being notified*.

- **D. Dodd (NM) and P. Cox (OR) agreed to the amendment.**

- MO, IL, IA, and NE spoke against the last friendly amendment.

- **The motion to the amendment(s) failed by an 11 - 26 majority vote.**

- **J. Miller (AR) made the motion to amend paragraph 1 to strike the word *immediately*. J. Hall (FL) seconded.**

- J. Hawkins (MO) made a friendly amendment to replace the word *immediately* with *within a reasonable time*.

- **J. Miller (AR) and J. Hall (FL) agreed to the friendly amendment.**

- The motion to the amendment passed by a 30 - 5 majority vote.

The motion to adopt Rule 6-108 as amended passed by a 35 - 1 majority vote.

Rule 6-109: Custodial Detention

M. Boger (ME) made the motion to adopt the amendment to Rule 6-109 as proposed by the Rules Committee. S. Jones (MD) seconded.

The motion passed by a 34 - 1 majority vote.

Rule 6-110: Transportation

S. Foxworth (CO) made the motion to adopt the amendment to Rule 6-110 as proposed by the Rules Committee. P. Pendergast (AL) seconded.

The motion passed by a 37 - 0 majority vote.

- **G. Hartman (WY) made the motion to make the adopted rule amendments effective January 1, 2011. B. Greer (IL) seconded. Motion passed by a 35 - 0 majority vote.**

Old Business

- **J. Hall (FL) made the motion to re-consider the amendments to Forms II and IV. J. Miller (AR) seconded. The motion failed by a 16 - 19 vote.**
 - R. Masters, Legal Counsel, reminded the Commission a majority vote is more than half of the quorum.
- Chair Bonner acknowledged the tabled motion by J. Miller (AR) relative to the definitions of Probation and Parole as previously stated:
 - **J. Miller (AR) made the motion to keep the definition Probation/Parole and return to the original language in Rule 1-101: Definitions Probation/Parole as recommended by the Rules Committee. S. Foxworth seconded.**
 - R. Masters, Legal Counsel, advised that the original language to define Probation/Parole is consistent with the language used in the Compact Statute.
 - **The motion passed by a 37 - 1 majority vote.**
- **J. Hall (FL) made the motion to change the language in Rule 4-102 3(b) to be consistent with the adopted changes in Rule 4-102 3(a). B. Greer (IL) seconded. The motion passed by a 38 - 0 majority vote.**
- **D. Seymour (DE) made the motion to re-consider the amendment to Rule 4-106. J. Hall (FL) seconded. The motion failed by a 20 - 18 vote.**
 - R. Masters, Legal Counsel, reminded the Commission a majority vote is more than half of the quorum.

- Commission Chair Bonner recognized the following individuals for their commitment and service to the Interstate Commission for Juveniles:

Officers

- R. Wahl (UT) - Vice Chair
- D. Casarona (KS) - Treasurer

Region Chairs

- T. Clark (PA) - East Region Representative and Chair of the Region Representatives
- J. Miller (AR) - South Region Representative
- M. Reddish (NE) - Midwest Region Representative and ICPC Ad Hoc Committee Chair
- D. Dodd (NM) - West Region Representative and Sex Offender Ad Hoc Committee Chair

Committee Chairs

- G. Hartman (WY) - Rules Committee Chair
- L. Bjergaard (ND) - Finance Committee Chair
- S. Foxworth (CO) - Compliance Committee Chair
- J. Hall (FL) - Training, Education, and Public Relations Committee Chair
- C. Powell (MS) - Technology Committee Chair
- M. Boger (ME) - Probable Cause Ad Hoc Committee Chair

- Vice Chair Wahl recognized Commission Chair Bonner for her allegiance and leadership since the inception of the Interstate Commission for Juveniles.
- Chair Bonner expressed her appreciation to the Commission for their support and confidence.

New Business

- S. Jones (MD) suggested the Commission consider inviting the National Child Advocacy Center to serve as an Ex-Officio member to the Commission.
- C. Sullivan-Colglazier (WA) recommended the Commission create a Victims Ad Hoc Committee to develop guidelines and protocols for the Commission.
 - T. Clark (PA) spoke in favor of creating a Victims Ad Hoc Committee.
- F. White (MA) recommended the Commission provide updates/training on FAA and TSA Standards.

Officer Elections

- R. Bisch (MN) presented the slate of officers nominated from the Regions:
 - Chair - T. Clark (PA)
 - Vice Chair - R. Wahl (UT)
 - Treasurer - D. Casarona (KS)
- R. Bisch (MN) asked for nominations from the floor for Commission Chair.
 - M. Ruedisale (MI) nominated P. Gibson (KY) for Chair. P. Gibson (KY) accepted.
 - C. Powell (MS) nominated M. Lacy (WV) for Chair. M. Lacy (WV) accepted.

- **R. Mercado (NJ) made the motion to close nominations from the floor. S. Jones (MD) seconded. The motion passed.**
- The three candidates for Chair addressed the Commission.
- The Commission voted electronically by secret ballot.
- R. Bisch (MN) announced the Commission elected T. Clark (PA) as the 2011 Chair.
- R. Bisch (MN) asked for nominations from the floor for Commission Vice Chair.
- **G. Hartman (WY) made the motion that nominations cease and the Commission cast a unanimous ballot to elect R. Wahl (UT) for the Commission Vice Chair. M. Lacy (WV) seconded. The motion passed.**
- R. Bisch (MN) announced the Commission elected R. Wahl (UT) as the 2011 Vice Chair.
- R. Bisch (MN) asked for nominations from the floor for Commission Treasurer.
- **R. Wahl (UT) made the motion that nominations cease. J. Hall (FL) seconded. The motion passed.**
- **M. Ruedisale (MI) made the motion to elect D. Casarona (KS) as Treasurer. J. Hawkins (MO) seconded. The motion passed.**
- R. Bisch (MN) announced the Commission elected D. Casarona (KS) as the 2011 Treasurer.

Oath of Office

Judge David Stucki, National Council of Juvenile and Family Court Judges, delivered the Oath of Office to the newly elected leadership:

Commission Officers

Chair - T. Clark (PA)

Vice Chair - R. Wahl (UT)

Treasurer - D. Casarona (KS)

Regional Representatives

West Region - S. Foxworth (CO)

East Region - M. Boger (ME)

Midwest Region - R. Bisch (MN)

South Region - J. Miller (AR)

Adjourn

Chair T. Clark announced the next ICJ Annual Business Meeting will be held at the Norfolk Marriott in Norfolk, Virginia, October 24 - 26, 2011.

Chair T. Clark requested a motion to adjourn. **S. Jones (MD) made the motion to adjourn. J. Clifford (RI) seconded. The Commission adjourned at 5:07 p.m. CST.**



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

ICJ STATUTE

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- A. "By –laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.
- B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

- C. "Compacting State" means: any state which has enacted the enabling legislation for this compact.
- D. "Commissioner" means: the voting representative of each compacting state appointed pursuant to Article III of this compact.
- E. "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.
- F. "Deputy Compact Administrator" means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- G. "Interstate Commission" means: the Interstate Commission for Juveniles created by Article III of this compact.
- H. "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:
 - (1) Accused Delinquent – a person charged with an offense that, if committed by an adult, would be a criminal offense;
 - (2) Adjudicated Delinquent – a person found to have committed an offense that, if committed by an adult, would be a criminal offense;
 - (3) Accused Status Offender – a person charged with an offense that would not be a criminal offense if committed by an adult;
 - (4) Adjudicated Status Offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and
 - (5) Non-Offender – a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.
- I. "Non-Compacting state" means: any state which has not enacted the enabling legislation for this compact.

- J. "Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.
- K. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.
- L. "State" means: a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

- A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
- B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.
- C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are

- members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.
- D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.
- E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.
- F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.
- G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote

to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

- H. The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
- I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:
 - 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
 - 2. Disclose matters specifically exempted from disclosure by statute;
 - 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 - 4. Involve accusing any person of a crime, or formally censuring any person;
 - 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - 6. Disclose investigative records compiled for law enforcement purposes;
 - 7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.
- J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.
- K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.
2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules promulgated by the Interstate Commission.
4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.
5. To establish and maintain offices which shall be located within one or more of the compacting states.
6. To purchase and maintain insurance and bonds.
7. To borrow, accept, hire or contract for services of personnel.
8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.
14. To sue and be sued.

15. To adopt a seal and by-laws governing the management and operation of the Interstate Commission.
16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.
19. To establish uniform standards of the reporting, collecting and exchanging of data.
20. The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

1. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
 - a. Establishing the fiscal year of the Interstate Commission;
 - b. Establishing an executive committee and such other committees as may be necessary;
 - c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;
 - d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

- e. Establishing the titles and responsibilities of the officers of the Interstate Commission;
- f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.
- g. Providing "start-up" rules for initial administration of the compact; and
- h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.
2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of

property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or

responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.
- B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.
- C. When promulgating a rule, the Interstate Commission shall, at a minimum:
 - 1. publish the proposed rule's entire text stating the reason(s) for that proposed rule;
 - 2. allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;
 - 3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and
 - 4. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

- D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.
- E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.
- F. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.
- G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

- 1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE

- A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

- B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.
- C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties

as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

- A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.
- B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.
- C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

- 1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.
- 2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.
4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.
5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission

Section B. Technical Assistance, Fines, Suspension, Termination and Default

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:
 - a. Remedial training and technical assistance as directed by the Interstate Commission;
 - b. Alternative Dispute Resolution;
 - c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
 - d. Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform

such obligations or responsibilities imposed upon it by this compact, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within sixty days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.
3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce

compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.
2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.
2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.
3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.
4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

CURRENT BY-LAWS



INTERSTATE COMMISSION FOR JUVENILES

By-laws

Article I

Commission Purpose, Function and By-laws

Section 1. Purpose.

Pursuant to the terms of the Interstate Compact for Juveniles , (the “Compact”), the Interstate Commission for Juveniles (the “Commission”) is established as a body corporate to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims and the public by governing the compacting states’ transfer of supervision of juveniles, temporary travel of defined offenders and return of juveniles who have absconded, escaped , fled to avoid prosecution or run away.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact. The provisions of the Compact shall be reasonably and liberally construed to accomplish the purposes and policies of the Compact.

Section 3. By-laws.

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Article II Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

Article III Membership

Section 1. Commissioners

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Juvenile Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Section 2. Ex-Officio Members

The Commission Membership shall also include individuals who are not commissioners, and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. In addition, representatives of the National Institute of Corrections and the Office of Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Commission.

Article IV Officers

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are

elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Section 4. Vacancies

Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.

Article V Commission Personnel

Section 1. Commission Staff and Offices.

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission's financial account(s);
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article IV herein.

Article VI
Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense.

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or -employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VII
Meetings of the Commission

Section 1. Meetings and Notice.

History: Adopted December 16, 2008; amended December 1, 2009

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote on such member's own behalf and shall not delegate such vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

Article VIII Committees

History: Adopted December 16, 2008; amended December 1, 2009

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons of each committee, the regional representatives, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of one year. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, Information Technology Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Section 3. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected every two years by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

Article IX Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

History: Adopted December 16, 2008; amended December 1, 2009

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: i) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules, and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

Article X Withdrawal, Default, and Termination

History: Adopted December 16, 2008; amended December 1, 2009

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

Article XI
Adoption and Amendment of By-laws

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

Article XII
Dissolution of the Compact

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

CURRENT RULES



ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

Published by:

Interstate Commission for Juveniles

PO Box 11910

Lexington, KY 40578-1910

Phone: 859-244-8029 / Fax: 859-244-8001

www.juvenilecompact.org

Email: icj@csg.org

Updated: February 4, 2011

Table of Contents

Section 100 Definitions	4
<i>RULE 1-101: Definitions</i>	4
Section 200 Dues Formula and Data Collection.....	10
<i>RULE 2-101: Dues Formula</i>	10
<i>RULE 2-102: Data Collection</i>	11
Section 300 Forms.....	13
<i>RULE 3-101: Approved Forms</i>	13
<i>RULE 3-102: Optional Forms</i>	14
<i>RULE 3-103: Form Modifications or Revisions</i>	15
Section 400 Transfer of Supervision	16
<i>RULE 4-101: Processing Referrals</i>	16
<i>RULE 4-101A: Transfer of Students</i>	17
<i>RULE 4-102: Sending and Receiving Referrals</i>	18
<i>RULE 4-103: Transfer of Supervision Procedures</i>	19
<i>RULE 4-104: Cooperative Supervision/Services Requirements</i>	20
<i>RULE 4-105: Communication Requirements Between States</i>	22
<i>RULE 4-106: Closure of Cases</i>	23
<i>RULE 4-107: Victim Notification</i>	24
Section 500 Supervision in Receiving State	25
<i>RULE 5-101: Authority to Accept/Deny Supervision</i>	25
<i>RULE 5-102: Travel Permits</i>	26
Section 600 Return of Juveniles.....	27
<i>RULE 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian</i>	27
<i>RULE 6-102: Voluntary Return of Out-of-State Juveniles</i>	28
<i>RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles</i>	29
<i>RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed</i>	32
<i>RULE 6-105: Financial Responsibility</i>	33
<i>RULE 6-106: Public Safety</i>	34
<i>RULE 6-107: Charges Pending in Holding/Receiving State</i>	35

<i>RULE 6-108: Warrants</i>	36
<i>RULE 6-109: Custodial Detention</i>	37
<i>RULE 6-110: Transportation</i>	38
<i>RULE 6-111: Airport Supervision</i>	39
<i>RULE 6-112: Provision of Emergency Services</i>	40
Section 700 Adoption and Amendment of Rules.....	41
<i>RULE 7-101: Adoption of Rules and Amendments</i>	41
Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution	44
<i>RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules</i>	44
<i>RULE 8-102: Formal Resolution of Disputes and Controversies</i>	46
<i>RULE 8-103: Enforcement Actions Against a Defaulting State</i>	47
<i>RULE 8-104: Judicial Enforcement</i>	49
<i>RULE 8-105: Dissolution and Withdrawal</i>	50
Section 900 Transition Rule	51
<i>RULE 9-101: Transition Rule</i>	51

Section 100 Definitions

RULE 1-101: Definitions

As used in these rules, unless the context clearly requires a different construction:

Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense.

Accused Status Offender: a person charged with an offense that would not be a criminal offense if committed by an adult.

Adjudicated: a judicial finding, subsequent to proper judicial process, that a juvenile is a status offender or delinquent.

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult; [e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.], and who are eligible for services under the provisions of the ICJ.

Affidavit: a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

Aftercare (temporary community placement): a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).

By-laws: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

Commission: a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

Commissioner: the voting representative of each compacting state appointed pursuant to Article III of this Compact.

Commitment: an order by a court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: the individual in each compacting state appointed pursuant to the terms of this Compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Compacting State: any state which has enacted the enabling legislation for this Compact.

Cooperative Supervision: supervision provided by a receiving state as requested by a sending state.

Counsel (Legal): a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this Compact.

Court: any court having jurisdiction over delinquent, neglected, or dependent children.

Court Order: an authorized order by a court of competent jurisdiction.

Custody: the status created by legal authorities for placement of a juvenile in a staff-secured or locked facility approved for the detention of juveniles.

Defaulting State: any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

Deferred Adjudication: a court decision at any point after the filing of a juvenile delinquency or status complaint that withholds or defers formal judgment and stipulates terms and/or conditions of supervision and are eligible for transfer.

Demanding State: the state having jurisdiction over a juvenile seeking the return of the juvenile either with or without pending delinquency charges.

Deputy Compact Administrator: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Designee: a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.

Detainer: a document issued or made by a legally empowered officer of a court or other legal authority authorizing the proper agency to keep in its custody a person named therein.

Detention Order: an order entered by a court to detain a specified juvenile pending further orders or action by the court.

Emancipation: the legal status in which a minor has achieved independence from parents or legal guardians as determined by the laws of the home state.

Escapee: a juvenile who has made an unauthorized flight from a facility or agency's custody to which he has been committed by the court.

Executive Director: the Commission's principal administrator (as defined in the Compact).

Good Faith Effort: reasonable communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

Guardian ad litem: a person appointed by a court to look after the best interest of the juvenile.

Hearing: a court proceeding in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Holding State: the state having physical possession of a juvenile.

Home Evaluation/Investigation: a legal and social evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

Home State: the state where the parent(s), guardian(s), person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Interstate Commission: the Interstate Commission for Juveniles created by Article III of this Compact.

Interstate Compact for Juveniles (ICJ): the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language.

Juvenile: a person defined as a juvenile in any member state or by the rules of the Interstate Commission, including accused juvenile delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, non-offenders, non-adjudicated juveniles, and non-delinquent juveniles.

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature.

Legal Custodian: the agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

Legal Guardian: a person legally responsible for the care and management of the person, or the estate, or both, of a child during minority or for the purpose and duration expressed in the order of guardianship.

Legal Jurisdiction: the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

Non-Adjudicated Juveniles: all juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision and are eligible for services pursuant to the provisions of the Interstate Compact for Juveniles.

Non-Compacting state: any state which has not enacted the enabling legislation for this compact.

Non-Delinquent Juvenile: any person who has not been adjudged or adjudicated delinquent.

Non-Offender: a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

Notice: Advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

Peace Officer: sheriffs, deputies, constables, marshals, police officers, and other officers whose duty is to enforce and preserve public safety.

Petition: an application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: the detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: an order authorizing law enforcement officials to apprehend a specified person.

Private Provider: any person or organization contracted by the sending or receiving state to provide supervision and/or services to juveniles.

Probation/Parole: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

Promulgate: to put a law or regulation into effect by formal public announcement and publication.

Receiving State: a state to which a juvenile is sent for supervision under provision of the ICJ.

Relocate: when a juvenile remains in another state for more than 90 consecutive days in any 12 month period.

Requisition: a demand in writing or formal request sent to the ICJ Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, escapee, or juvenile charged as delinquent.

Residence: in general, a place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, person or agency entitled to his legal custody. A parent, guardian, person, or agency's state of residency is where that person or agency resides or undertakes to reside.

Retaking: the act of a sending state physically removing a juvenile, or causing to have a juvenile removed, from a receiving state.

Runaway: a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody.

Rule: a written statement by the Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

Secure Facility: a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

Sending State: a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

State Committed (Parole): Any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Status Offense: conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Substantial Compliance: a juvenile who is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.

Termination: the discharge from supervision of a juvenile probationer or parolee by the proper authority in the sending state upon expiration of a court order or upon expiration of the period of probation/parole or following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Travel Permit: written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.

Voluntary Return: the return of the juvenile runaway, escapee, absconder, or juvenile charged as a delinquent to his home state and denotes that he consents to return there voluntarily.

Warrant: an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

History: Adopted December 2, 2009, effective March 1, 2010; “Deferred Adjudication” adopted September 15, 2010, effective January 1, 2011; “Probation/Parole” amended September 15, 2010, effective January 1, 2011; “Relocate” adopted September 15, 2010, effective January 1, 2011; “Retaking” adopted September 15, 2010, effective January 1, 2011; “Substantial Compliance” adopted September 15, 2010, effective January 1, 2011.

Section 200 Dues Formula and Data Collection

RULE 2-101: Dues Formula

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be— $(\text{Population of the state} / \text{Population of the United States})$ plus $(\text{Number of juveniles sent from and received by a state} / \text{total number of offenders sent from and received by all states})$ divided by two.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 2-102: Data Collection

1. As required by Article III (K) of the compact, member states shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away. Each member state shall report annually by July 31st.
2. Runaways, escapees, absconders and juveniles charged as delinquent:
 - a. The total number of runaways, escapees, absconders and juveniles charged as delinquent located in and located out of the reporting state processed during the reporting period.
 - b. The total number of Requisitions (Form I and Form II) sent from and received by the reporting state during the reporting period.
 - c. The total number of juveniles who were not returned per Requisition (Form I and Form II) by or to the reporting state during the reporting period.
 - d. The reason(s) the juvenile was not returned per Requisition (Form I and II) by or to the reporting state during the reporting period.
3. Airport Supervision:
 - a. The total number of airport supervision requests met during the reporting period.
4. Parole Supervision:
 - a. The total number of incoming parole cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing parole cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming parole cases terminated during the reporting period.
 - d. The total number of outgoing parole cases terminated during the reporting period.
 - e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
 - f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
5. Probation Supervision:
 - a. The total number of incoming probation cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing probation cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming probation cases terminated during the reporting period.
 - d. The total number of outgoing probation cases terminated during the reporting period.
 - e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.

- f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
6. Institutionalization:
 - a. The total number of juveniles from their state who are institutionalized in a public facility in other states during the reporting period.
 - b. The total number of juveniles from other states who are institutionalized in a public facility in their state during the reporting period.
 7. Out-of-State Confinement:
 - a. The total number of juveniles from the reporting state confined in other states during the reporting period.
 - b. The total number of juveniles from other states confined in the reporting state during the reporting period.
 8. This Rule will not expire until the Electronic Information System approved by the Commission is fully implemented and functional.

History: Adopted September 15, 2010, effective January 1, 2011

Section 300 Forms

RULE 3-101: Approved Forms

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form VII (Travel Permit)
- Form VIII (Home Evaluation)
- Form IX (Quarterly Progress or Violation Report)

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at:

www.juvenilecompact.org

History: Deferred adoption December 3, 2009, adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim; amended September 15, 2010, effective January 1, 2011

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for Runaway Juvenile
- Petition for Requisition to Return Juvenile (Form A)
- Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent
- Order Setting Hearing for Escapee Absconder, or Juvenile Charged as Delinquent
- Juvenile Rights
- Case Closure Notification

History: Deferred adoption December 3, 2009, adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim; amended September 15, 2010, effective January 1, 2011

RULE 3-103: Form Modifications or Revisions

1. Forms approved and adopted by the Interstate Commission for Juveniles may not be changed, altered or otherwise modified and no other forms may be substituted for approved forms.
2. Form revisions shall:
 - a. Be adopted by majority vote of the members of the Commission; and
 - b. Be submitted in the same manner as outlined in Rule 7-101 for the adoption of Rules and Amendments.

History: Adopted September 15, 2010, effective January 1, 2011

Section 400 Transfer of Supervision

RULE 4-101: Processing Referrals

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules. A sending state shall request transfer of a juvenile, who is eligible for transfer of supervision to a receiving state under the compact. Terms of eligibility are defined as:
 - a. A plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - b. Who has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request.
3. All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 4-101A: Transfer of Students

1. Juveniles as defined in Rule 1-101, eligible for transfer as defined by Rule 4-101, who have been accepted as full-time students at a secondary school, or accredited university/college, or state licensed specialized training program and can provide proof of enrollment, shall be considered for supervision by the receiving state.
2. Supervision shall be provided the juvenile according to Rule 4-104.
3. If the juvenile's placement fails, procedures to return the juvenile shall be made by the sending state according to Rule 6-104.

History: Adopted September 15, 2010, effective January 1, 2011

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) business days of receipt. Each ICJ Office shall adhere to the following screening process when sending and receiving referrals:

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
 - a. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state or electronic transfer if mutually agreed upon, in duplicate forty five (45) calendar days prior to the juvenile’s anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide duplicate copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile’s release from an institution. Form V shall be forwarded prior to placement in the receiving state.
 - b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state or electronic transfer if mutually agreed upon, in duplicate, within five (5) business days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, make a reasonable effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for cooperative supervision.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 4-103: Transfer of Supervision Procedures

1. Cooperative supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency.
3. When transferring a juvenile sex offender who has been adjudicated of a sex related offense, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(2) is applicable.
4. When transferring a juvenile sex offender, documentation should be provided to the receiving state in duplicate: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
5. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104 (7).
6. A juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
7. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.
8. The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of emergency circumstances. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 4-104: Cooperative Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of visitation and supervision over any juvenile, including juvenile sex offenders, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
2. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
3. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
5. The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
7. In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.
8. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
9. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

References

ICJ Advisory Opinion

1-2010 A supervising state is permitted to impose graduated sanctions upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 4-105: Communication Requirements Between States

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.
2. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. An e-mail copy of the correspondence must be sent to the ICJ Administrator's Office in both states.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the supervision and administration of its ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. Cases which terminate due to expiration of a court order or upon expiration of the period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days.
4. The receiving state may submit to the sending state a request for the early release of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within sixty (60) calendar days as to why the juvenile cannot be released from probation/parole.
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 4-107: Victim Notification

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) business days.

History: Adopted December 2, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011

Section 500 Supervision in Receiving State

RULE 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or authorized agent's signature is required on or with the home evaluation form that approved or denied supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.
5. Supervision shall be accepted by a receiving state when a juvenile has no custodial parent or legal guardian remaining in the sending state and the juvenile does have a custodial parent or legal guardian residing in the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) business days prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
7. If a legal custodian remains in the sending state and the placement in the receiving state fails, the sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. An ICJ Travel Permit shall be issued for any appropriate purpose, including but not limited to testing a proposed placement. The permit shall not exceed ninety (90) calendar days, with a referral packet to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) calendar days.
 - b. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

Section 600 Return of Juveniles

The home/demanding state's ICJ Office shall return all of its juveniles according to one of the following methods.

RULE 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a non-delinquent juvenile to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detainment without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. Non-delinquent juveniles who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home/demanding state.

History: Adopted December 3, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011

RULE 6-102: Voluntary Return of Out-of-State Juveniles

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. The holding state's ICJ Office shall be advised of juvenile detainment. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
2. The home/demanding state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her rights under the compact using the ICJ Juvenile Rights Forms or an alternate, comparable procedure. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the return, the juvenile will sign the approved ICJ Form III, consenting to voluntarily return.
5. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's Compact office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
6. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
7. Juveniles are to be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended January 5, 2011, effective February 4, 2011

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles

The following shall apply to all juveniles in custody who refuse to voluntarily return to their home/demanding state; or juveniles whose whereabouts are known, but are not in custody:

1. The appropriate person or authority in the home/demanding state shall prepare a written requisition within sixty (60) calendar days of notification: (a) of refusal of the juvenile to voluntarily return as prescribed in Rule 6-102, or (b) to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. When the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - b. The petition shall be verified by affidavit and executed in duplicate.
 - c. The petition is to be accompanied by two certified copies of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - d. Other affidavits and other documents may be submitted with such petition.
4. The home/demanding state's appropriate state authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
5. The judge in the home/demanding state shall determine if:
 - a. The petitioner is entitled to legal custody of the juvenile;
 - b. The juvenile ran away without consent;
 - c. The juvenile is an emancipated minor; and

- d. It is in the best interest of the juvenile to compel his/her return to the state.
6. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, Requisition for Runaway Juvenile in duplicate.
7. When the juvenile is an absconder, escapee or accused of being delinquent, the appropriate authority shall present to the appropriate court Form II, Requisition for Escapee or Absconder or Juvenile Accused of Being Delinquent, where the juvenile is alleged to be located. The requisition shall be verified by affidavit, signed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile, for two complete, separate requisition packets. Examples may include:
 - a. Judgment
 - b. Order of Adjudication
 - c. Order of Commitment
 - d. Petition Alleging Delinquency
 - e. Other affidavits and documents may be submitted with such requisition.
8. Upon receipt of the requisition, the home/demanding state's ICJ Office shall ensure the requisition packets are in order. The ICJ Office retains one copy of the packet and forwards two copies of the requisition packets to the ICJ Office of the state where the juvenile is located. The ICJ Office of the state where the juvenile is located will forward one requisition packet which is accompanied by one certified copy of supporting documents to the appropriate court.
9. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition.
10. A hearing in the state where the juvenile is located shall occur within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the requisition is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
11. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.

12. Requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles are to be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
13. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirement for this return.
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 6-105: Financial Responsibility

The home/demanding state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) business days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored). This time period may be extended with the approval of both ICJ Offices.

History: Adopted December 3, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011

RULE 6-106: Public Safety

1. The home/demanding state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.
2. If the home/demanding state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding state.
3. Pursuant to ICJ Rule 6-103(12), requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended January 5, 2011, effective February 4, 2011

RULE 6-107: Charges Pending in Holding/Receiving State

Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-108: Warrants

1. All warrants under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state. Holding states shall honor all lawful warrants as entered by other states and within the next business day notify the ICJ office in the home/demanding state that the juvenile has been placed in custody pursuant to the warrant. Within two (2) business days of notification, the home/demanding state shall inform the holding state whether the home/demanding state intends to have the juvenile returned.
2. When the home/demanding state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing pursuant to ICJ Rule 6-109.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 6-109: Custodial Detention

1. The home/demanding state's ICJ Office shall effect the return of its juveniles within five (5) business days after confirmed notification from the holding state's ICJ Office that due process rights have been met. This time period may be extended with the approval of both ICJ Offices.
2. The holding state shall not be reimbursed for detaining juveniles under the provisions of the ICJ unless the home/demanding state fails to effect the return of its juveniles within the time period set forth in paragraph one (1) of this rule.
3. Within ten (10) business days after the failure of a home/demanding state to return the juvenile, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of these rules. A juvenile may be discharged from custodial detention to a parent or legal guardian or their designee if the holding state's court determines that further detention is not appropriate, or the holding state has failed to provide such a hearing within the time provided in this rule.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 6-110: Transportation

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state and maintaining security of the juveniles until departure.
2. Home/demanding states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding state.
3. Holding states shall not return to juveniles any-personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone).
4. Holding states shall confiscate all questionable personal belongings and return those belongings to the parents or legal guardians by approved carrier, COD or at the expense of the demanding state (e.g., United States Postal Service, United Parcel Service, or Federal Express).
5. In cases where a juvenile is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

RULE 6-111: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home/demanding state.
2. Juveniles shall be supervised from arrival until departure.
3. Home/demanding states shall give the states providing airport supervision a minimum of 48 hours advance notice.

History: Adopted December 3, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011

RULE 6-112: Provision of Emergency Services

In the event of an emergency situation (e.g. weather, delayed flight, missed flight, etc.) that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

History: Adopted December 3, 2009, effective March 1, 2010

Section 700 Adoption and Amendment of Rules

RULE 7-101: Adoption of Rules and Amendments

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Commission in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
 - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official Web site of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
 - a. The place, time, and date of the scheduled public hearing;
 - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
 - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect human health and the environment.

11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission for Juveniles and in any other official publication that may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011

Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution

The compacting states shall report to the Commission on all issues and activities necessary for the administration of the Compact as well as issues and activities pertaining to compliance with provisions of the Compact and its by-laws and rules.

The Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues, which are subject to the Compact and which may arise among compacting states and between compacting and non-compacting states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact using any or all means set forth in Article XI of the Compact.

RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules

1. Informal Communication

Through the office of a state's Compact Commissioner, states shall attempt to resolve disputes or controversies by communicating with each other directly.

2. Failure to resolve dispute or controversy

- a. Following a documented unsuccessful attempt to resolve controversies or disputes arising under this Compact, its by-laws or its rules as required under Rule 8-101, Section 1., compacting states shall pursue informal dispute resolution processes prior to resorting to formal dispute resolution alternatives.
- a. Parties shall submit a written request to the Executive Director for assistance in resolving the controversy or dispute. The Executive Director, or the Chair of the Commission in the Executive Director's absence, shall provide a written response to the parties within ten business days and may, at the Executive Director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the Executive Director to assist in resolving the dispute or controversy.
- b. In the event that a Commission officer(s) or member(s) of the Executive Committee or other committees authorized to process the dispute, is the Commissioner(s) or designee(s) of the state(s) which is a party(ies) to the dispute, such Commissioner(s) or designee(s) will refrain from participation in the dispute resolution decision making process

3. Interpretation of the rules

Any state may submit a written request to the Executive Director for assistance in interpreting the rules of this Compact. The Executive Director may seek the assistance of legal counsel, the Executive Committee, or both, in interpreting the rules. The Executive Committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the Executive Director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-102: Formal Resolution of Disputes and Controversies

1. Alternative dispute resolution

Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 8.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

2. Mediation and arbitration

a. Mediation

- i. A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the Commission or a national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

b. Arbitration

- i. Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- ii. Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission.
- iii. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- iv. Upon the demand of any party to a dispute arising under the Compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- v. The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- vi. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.
- vii. Judgment on any arbitration award may be entered in any court having jurisdiction.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-103: Enforcement Actions Against a Defaulting State

1. The Commission shall seek the minimum level of penalties necessary to ensure the defaulting state's performance of such obligations or responsibilities as imposed upon it by this compact
2. If the Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Commission may impose any or all of the following penalties.
 - a. Remedial training and technical assistance as directed by the Commission;
 - b. Alternative dispute resolution;
 - c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Commission;
 - d. Suspension and/or termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted, and the Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council.
3. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Commission by-laws, or duly promulgated rules, and any other grounds designating on Commission by-laws and rules. The Commission shall immediately notify the defaulting state in writing of the default and the time period in which the defaulting state must cure said default. The Commission shall also specify a potential penalty to be imposed on the defaulting state pending a failure to cure the default. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.
4. Within sixty (60) days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.
5. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

6. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
7. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-104: Judicial Enforcement

The Commission, in consultation with legal counsel, may by majority vote of the states that are members of the Compact, initiate legal action in the United States District Court in the District of Columbia or at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its office, as authorized under the Constitution and laws of the United States to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-105: Dissolution and Withdrawal

1. Dissolution

The Compact dissolves effective upon the date of the withdrawal or default of a compacting state, which reduces membership in the Compact to one compacting state.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

2. Withdrawal

Once effective the Compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the Compact by specifically repealing the statute, which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

History: Adopted December 3, 2009, effective March 1, 2010

Section 900 Transition Rule

RULE 9-101: Transition Rule

For a period of twelve (12) months from the adjournment of the 2nd Annual Meeting of the Interstate Commission for Juveniles, the following transition rules will remain in effect with respect to those jurisdictions which have not yet enacted the new Interstate Compact for Juveniles. Non-signatory states who present ICJ with legislation and a bill number relative to enacting the Compact will receive an extension from December 3, 2010 to June 30, 2011.

1. Transactions between signatory states to the new Compact will be governed by the rules adopted by the Interstate Commission for Juveniles;
2. Transactions between non-signatory states to the new Compact will be governed by the rules of the Association of Juvenile Compact Administrators which were in effect as of December 2008;
3. Transactions between signatory and non-signatory states will be governed by the rules of the home/demanding state;
4. All duties and obligations regarding investigations, transfers, supervision, travel, and return of non-delinquent runaways, absconders, escapees and juveniles charged with delinquency shall continue until the juvenile is returned or discharged by the sending/home/demanding state;
5. Conflicts or disputes between signatory and non-signatory states may be mediated by a neutral representative selected by the Interstate Commission for Juveniles and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective September 15, 2010



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

CURRENT FORMS



INTERSTATE COMPACT FOR JUVENILES

FORM I

REQUISITION FOR RUNAWAY JUVENILE

TO: _____ DATE: _____
(Court or Executive Authority in Holding State)

FROM: _____
(Requisitioning Court or Agency in Demanding State)

This court hereby requisitions the return of _____ in accordance with the provisions
(Name of Juvenile)

of the Interstate Compact for Juveniles. (Additional information to be attached if available.) On the basis of the evidence before it, this court finds said juvenile to be _____ years of age and to be of the following description:

Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eyes: _____ Hair: _____ DOB: _____

Other distinguishing features: _____

Juvenile is believed to be in your jurisdiction at: _____
(Address)

This court further finds said juvenile should legally be in the custody of _____ who
is/are _____ and who is/are located at _____
(Parent, Guardian or Agency) (Address)

within the territorial jurisdiction of this court; that said juvenile has run away; and that said juvenile's continued absence from legal custody and control is detrimental to the best interest of said juvenile and the public.

If Requisition is honored, please notify: _____
(Name, title, address, telephone #)

advising when juvenile will be available for transporting to the state of jurisdiction.

Signed: _____ (Judge) _____ (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM II

- REQUISITION FOR ESCAPEE OR ABSCONDER
- REQUISITION FOR JUVENILE CHARGED WITH BEING DELINQUENT

TO: _____ DATE: _____
(Appropriate Court or Executive Authority)

FROM: _____
(Name of Court or Agency)

I, _____ requisition the return of _____
born on _____ in accordance with the Interstate Compact for Juveniles, ICJ Rules Section 600, Return of Juveniles.

Said juvenile (check appropriate item):
 was paroled to the custody of: _____
 was placed on probation subject to the supervision of: _____
 was committed to: _____ (institution or agency)

OR
 has fled to avoid prosecution and, despite applicable provisions of law, has:
 escaped absconded fled

and is now believed to be in your jurisdiction at: _____
Juvenile's physical description: Ht: _____ Wt: _____ Eyes: _____ Hair: _____ Race: _____ Sex: _____
Identifying marks or scars: _____

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

1. Particulars of adjudication or allegations of delinquency: _____

2. Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: _____

Accordingly, the undersigned hereby requests the return of said juvenile as authorized by the Interstate Compact for Juveniles.
If Requisition is honored, please notify: _____
(Name, title, address, telephone no.)

Signed: _____ (Judge or Compact Official) _____ (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

(Signature of Requisitioner)

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____, _____.

NOTARY PUBLIC

Residing at: _____

My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

FORM III

CONSENT FOR VOLUNTARY RETURN OF OUT OF STATE JUVENILE(S)

I, _____, recognize that I legally belong with
 _____,
 (Juvenile's Name)
 _____ in _____
 (Name of Legal Guardian/Custodian or agency seeking return) (City/State)
 and I voluntarily consent to return there without further formality, either by myself or in the company of such person as the appropriate authority may appoint for that purpose.

 (Date) (Juvenile's Signature)

I, _____, Judge of _____
 (Judge's Name) (Court or Jurisdiction)
 having informed the juvenile named above of his her rights under the Interstate Compact for Juveniles prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ in _____
 (Legal Guardian/Custodian or agency seeking return) (Contact name & phone number) (City/State)
 is appropriate and in the best interest of said juvenile, and do so order such return.

 (Date) (Judge's Signature)

=====

TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED (Optional):

I, _____ being the Counsel Guardian *Ad Litem* of _____
 (Name of Juvenile)
 recognize and agree that I have consulted with the juvenile about his/her voluntary consent to return to:

_____ in _____
 (Legal Guardian or Custodian or agency seeking return) (City/State)

 (Date) (Signed – Counsel or Guardian *Ad Litem*)

(Form will be certified or authenticated in accordance with practice of the court.)
Original: Court file; 1 copy each: Juvenile, Holding State's Compact Administrator, Home/Demanding State's Compact Administrator, Local Court in Demanding State.

=====

DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE, & CONTACT INFORMATION

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____
 Hair color and style: _____
 Tattoos, scars, identifying marks: _____
 Clothing (including shoes): _____

Home/Demanding State's contact name and phone #: _____



INTERSTATE COMPACT FOR JUVENILES

FORM IV

PAROLE OR PROBATION INVESTIGATION REQUEST

DATE: _____

TO: _____
(Receiving State)

FROM: _____
(Sending State)

Name of Juvenile: _____ DOB: _____ Race: _____ Sex: _____

Status: Parole Probation Sending State File # _____

To reside with: **OR** Is residing with: _____
(Name)

Relationship: _____ Telephone: _____

Address: _____ City/State: _____ Zip: _____

Reason for Adjudication/Commitment: _____

Date of Adjudication: _____ Date of Commitment: _____

Minimum Parole/Probation Expiration Date: _____ Maximum Parole/Probation Expiration Date: _____

Anticipated Placement Date : _____ Present Location: _____

We desire to transfer this juvenile on parole probation to your state:
 Because his/her parent/legal guardian resides in your state.
 For the following reasons, with your consent: _____

Other Comments: _____

THE FOLLOWING MATERIALS ARE ENCLOSED:

- Cover letter
- IA/VI Application for Compact Services and Memorandum of Understanding and Waiver
- Petition(s)
- Order of Adjudication and Disposition
- Legal and Social History
- Parole/Probation Conditions (Agreement)
- School Transcript/Records
- Immunization Records
- Any other Pertinent Information

FOR ICJ USE ONLY

Signed: _____
(Compact Official/Designee)

Title: _____

Referred by: _____
(Name – Please Print)

Referring Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM IV

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE, AND IDENTICAL PACKETS FOR FORWARDING.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Status of juvenile: parole, probation or other; if other, please explain in space provided.

Sending state file #: the case number given in your office to the juvenile's file or case.

To reside with/is residing with: check one and insert name of person(s) with whom juvenile will reside or does reside in the receiving state. Complete information regarding full address including phone number with area code, and relationship to the juvenile.

Reason for adjudication/commitment: fill in adjudication or pending offenses for which juvenile is to be supervised.

Date of adjudication: insert date of court-ordered supervision of the juvenile.

Date of commitment: insert date of court-ordered commitment of the juvenile.

Minimum parole/probation period: earliest date juvenile could be released from supervision.

Maximum parole/probation period: latest date juvenile could be released from supervision.

Anticipated placement date: approximate date juvenile is anticipated to arrive in this proposed home.

Present location: insert current location of juvenile (at the time this request for supervision is being transmitted to the ICJ office).

(Why) we desire to transfer this juvenile...: if the juvenile's parent or legal guardian resides in the state, check the appropriate box; if the juvenile will be living with someone other than parent or legal guardian, complete the "for the following reasons" section.

Check the appropriate boxes as to the enclosures that are being submitted with the referral packet. All applications should have a cover letter. Include at the very minimum: ICJ Forms IV and IA/VI, Petition/s, Order/s of Adjudication and Disposition, and Parole/Probation Conditions (Agreement). If a social history is available, it must be included as well. All other items are helpful to the successful investigation and supervision of this case by the proposed new state of residency.

Referred by: Printed name of caseworker or officer making this request for supervision.

Referring Agency: Print name of requester's agency.

Signature: Form should be signed by an ICJ Compact Official or Designee



INTERSTATE COMPACT FOR JUVENILES

FORM V

REPORT OF SENDING STATE UPON PAROLEE OR PROBATIONER BEING SENT TO THE RECEIVING STATE

TO: _____ DATE: _____
(Receiving State)

FROM: _____
(Sending State) (County)

RE: _____
(Name of Juvenile) (Date of Birth) (Race) (Sex)

The above-named juvenile will depart **OR** has departed from sending state by _____
(Mode of Transportation)

on _____ and was instructed to report in person by telephone **OR** by letter, within 48 hours of
(Date)
arrival in the receiving state to:

Name: _____ Telephone: _____

Address: _____
(Street Address) (City) (State) (Zip)

Enclosed please find: (please check applicable items)

Parole or probation sanctions

Other material as follows:

Signed: _____

Title: _____

Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM V

PLEASE TYPE OR PRINT LEGIBLY.

When to complete this form: This form is to be completed if the juvenile is not already in the receiving state on all transfer of supervision cases. In the case of a juvenile probationer departing to the receiving state prior to the referral materials being sent to the receiving state's ICJ Office and the case is, therefore, unknown to the receiving state, the juvenile must be instructed to continue reporting to the sending state's probation officer. The "Out-of-State Travel Permit and Agreement to Return" form is used as a supplement to the Form V. It is the responsibility of the supervising probation officer to ensure that the juvenile receives a copy of the Travel Permit and that s/he is instructed to carry it on his/her person at all times until supervision is picked up in the receiving state.

Rule 4-103.1: Cooperative supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; state requesting cooperative supervision services.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Check the appropriate box: "plans to depart" OR "has departed" sending state; insert mode of transportation; insert date of departure; check one: "in person" OR "by telephone" OR "by letter."

Complete reporting instructions as indicated on receiving state's report.

Check as applicable any enclosures.

Signed: The form is to be signed by the sending state's case worker, parole/probation officer or ICJ official; insert title and agency of signer as requested.



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on parole probation in _____ (Receiving State).

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of parole probation and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

1. That I will make my home with _____ (Name, Relationship, and Address) until a change of residence is duly authorized by the proper authorities of the receiving state.
2. That I will obey and live up to the terms and conditions of parole probation as fixed by both the sending and receiving states.
3. That I will return at any time to the sending state if asked to do so by the parole probation authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state.

I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date) (Witness' Signature) (Date)

I, in my capacity as the placement resource for _____ (Juvenile's Name) do approve and subscribe to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which he she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Placement resource's signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile to apply for, reside in, and be supervised by the State of _____ (receiving state) provided that the receiving state accepts supervision and the juvenile complies with the terms of supervision.

(Receiving State)

(Date) **SIGNED:** (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)



INSTRUCTIONS FOR COMPLETING ICJ FORM IA/VI

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE AND IDENTICAL PACKETS FOR FORWARDING.

Form IA – Application for Compact Services

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

“I...” (blank): print juvenile's name here.

“In view of the above...”: Check either “parole” or “probation” and fill in the name of the receiving state.

Form VI – Memorandum of Understanding and Waiver

“I,...” (blank): insert juvenile's name, check “parole” or “probation,” fill in the name of the state under whose jurisdiction the juvenile is placed, and the name of the state in which the juvenile is residing or will reside.

“1”: insert name, relationship, and address of home offer wherein juvenile is residing or will reside.

“2”: check either “parole” or “probation.”

“3”: check either “parole” or “probation;” Juvenile must sign and date; Witness must sign and date.

“I, in my capacity as the Placement Resource for”: Insert the name of the juvenile. The Resource Placement in the Receiving State must sign and date the Form; a witness must sign and date the Form.

“Permission is hereby granted...”: insert name of state in which juvenile will reside and be supervised.

“Signature”: If the juvenile is on probation, the sending state's JUDGE or court designee signs here. If the juvenile is on parole, the sending state's Interstate Compact for Juveniles official or designee signs here.



INTERSTATE COMPACT FOR JUVENILES

FORM VII

OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN

VACATION/VISIT ONLY

VISIT FOR TESTING PLACEMENT

To: _____ (Receiving State) From: _____ (Sending State)

From: _____ (Name, Title) _____ (Agency/Department) _____ (Phone #)

Re: _____ (Juvenile's Name) _____ (DOB) _____ (Race/Sex)

_____ (Offense) _____ (Court/Agency #) _____ (Legal Status)

Current Placement

Name: _____

Relationship: _____

Address: _____ (Address)

Phone: _____

Permission is granted to the above-named juvenile to visit the State of _____

from _____ (Date) until _____ (Date)

He She will be staying with _____ (Name) _____ (Relationship)

at _____ (Full Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone #)

Reason for Visit: _____

Mode of Transportation: _____

Special Instructions: _____

Completed by: _____ (Name) _____ (Title) _____ (Date)

I, the undersigned, recognize that I am under the legal custody/jurisdiction of the State of _____, Department/Court _____. I hereby agree that I will comply with the rules and regulations of my state of jurisdiction and the State of _____ and with the above conditions and instructions. I will return to the State of _____ on _____ voluntarily and without further formality. In signing this agreement, I also understand that my failure to comply with the conditions may result in my being considered absent without leave (AWOL), and a warrant and requisition may be issued for my apprehension and return to the State of _____ for further disciplinary action.

I have read the above OR I have had the above read and explained to me, and I understand the meaning of it and agree thereto.

_____ (Juvenile's Signature) _____ (Date)

Witnessed by: _____ (Signature of Caseworker or Probation/Parole Officer) _____ (Title) _____ (Date)

Approved by: _____ (Signature of Supervisor) _____ (Title) _____ (Date)



INSTRUCTIONS FOR COMPLETING THE ICJ OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN FORM.

PLEASE TYPE OR PRINT LEGIBLY.

WHEN TO COMPLETE THIS FORM: This form is to be completed when a juvenile probationer or parolee is going to visit/vacation in another State or for the purpose of testing a proposed placement. Please refer to Rule 5-102.

Check the appropriate Box indicating the type of travel: VACATION/VISIT ONLY OR VISIT FOR TESTING PLACEMENT

TO: State in which the juvenile will be visiting.

FROM: State requesting the visit.

FROM: (Name, Title, Agency/Department, Phone #): List the Name, Title, Agency/Department, and the Telephone Number of the probation/parole officer requesting the visit.

RE: (Juvenile's Name, DOB, Race, and Sex): Insert the information regarding the juvenile who is traveling.

Offense/Court/Agency/Legal Status: Insert the information regarding the juvenile who is traveling.

Current Placement: Insert the Name, Relationship, Address, and Telephone Number in the Home/Sending State where the juvenile resides.

To visit the State of: Insert the name of the Receiving State where the juvenile will be visiting.

Date (of visit) "from/until": Insert the dates that the juvenile will be visiting in the Receiving State.

Check the box for "He or She".

Juvenile will be staying with: Insert the Name, Relationship, Address, and Telephone Number of the person the juvenile will be visiting.

Reason for visit: Explain the purpose of the visit.

Mode of Transportation: Explain how the juvenile will be traveling.

Special Instructions: Include any instructions for the juvenile while they are traveling; such as, to report to their Probation/Parole officer while they are traveling or when they return.

First Sentence: "recognize that I am under the legal custody/jurisdiction of the State of": Insert the name of the Home/Sending State and their Department and court.

Second Sentence: "I will comply with the rules of my State of jurisdiction and the State of": Insert the name of the Receiving State.

Third Sentence: "I will return to the State of": Insert the name of the Home/sending State and Insert the date of the juveniles return.

Fourth Sentence: "may be issued for my return to the State of": Insert the name of the Home/Sending State.

The Juvenile should Check the appropriate box showing that he understands the meaning of the Travel Permit.

Signatures: The form should be signed and dated by the juvenile, who is traveling, their probation/parole officer, and the probation/parole officer's supervisor.



INTERSTATE COMPACT FOR JUVENILES

FORM VIII

Home Evaluation Report Form

Sending State: _____ Receiving State: _____

Juvenile's Name: _____ DOB: _____ Case # _____

Placement recommended

Placement not recommended

PROPOSED PLACEMENT INVESTIGATED:

Name: _____ Relationship: _____

Address: _____

Home Phone #: _____ Work Phone #: _____

HOME/NEIGHBORHOOD/PEERS (physical description, criminal/gang activity, etc.):

FAMILY STATUS (composition, interactions, at-risk family members, attitude, support capabilities, etc.):

FAMILY EMPLOYMENT/FINANCIAL RESOURCES (If proposed placement resource works, who will supervise the juvenile):

LEGAL HISTORY OF FAMILY (current charges, probation or parole status):

PROPOSED PLAN (school/employment, court-ordered conditions, treatment needs):

OTHER COMMENTS (recommendations, questions, concerns):

REPORTING INSTRUCTIONS:

Name: _____

Agency: _____

Address: _____

Telephone # _____

(Investigating worker – printed name)

(Supervisor – printed name)

(Investigating worker - signature)

(Date)

(Supervisor - signature)

(Date)

For ICJ Official use only:

Placement approved

Placement denied

(Date)

(Compact Official signature)



INTERSTATE COMPACT FOR JUVENILES

Quarterly Progress or Violation Report

FORM IX

Quarterly Report Violation Report

Sending State: _____ Receiving State: _____

Case # _____ Case # _____

Juvenile's Name: _____ DOB: _____

Address: _____
(Street address) (City) (State) (Zip)

Phone # _____ Supervision Level: _____ Exp. Date: _____

Progress Topic	Excellent	Good	Fair	Poor	N/A
Adjustment in the home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School/Education performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family and peer relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Treatment/Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY OF PROGRESS SINCE LAST REPORT:

COURT APPEARANCES? YES NO If YES, provide certified court documents and a brief explanation of the current legal situation.

RECOMMENDATION: Continue Supervision Request Discharge Request Revocation

(Juvenile Worker) (Date)

(Supervisor) (Date)

(Compact Administrator/Official) (Date)



PETITION FOR HEARING ON REQUISITION FOR RUNAWAY JUVENILE

NO. _____
STATE OF _____ § COURT OF _____
COUNTY OF _____ §
IN THE MATTER OF _____ §
D.O.B. _____ §

PETITION FOR HEARING ON REQUISITION FOR RUNAWAY JUVENILE

TO THE HONORABLE _____ :
NOW COMES the State of _____ by and through the Compact Administrator
(holding state)
and moves this Court to set a hearing and enter an order for the apprehension and confinement of
(name of juvenile) pending his/her transfer to _____ pursuant to
(home state)
Interstate Compact for Juveniles ("ICJ"), and the _____, and would show as
(holding state's statute)
follows:

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of
(name of juvenile) to _____ pursuant to the Interstate Compact
(home state)
for Juveniles ("ICJ"), the _____, and Rule § _____ Chapter _____
(holding state's statute)
of the Administrative Code, _____ if applicable. The State by this Petition seeks the entry
(holding state's administrative code)
of a Court Order finding in favor of the Requisition for Runaway Juvenile filed by the State of
(home state) under the ICJ.

Venue is proper in this Court because the juvenile, _____ : check one) 1. has
(name of juvenile)
been found/located in _____ County/Parish with his/her _____,
(relationship)
or 2. has been picked up for his/her own protection and welfare and
(name)
is being held in secure detention in this county/parish pending receipt of this requisition from
(home state)

II.

SERVICE OF PROCESS

Defendant _____, a minor, can be served with citation by advising juvenile _____ and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

Both _____ and _____ have adopted the Interstate Compact on Juveniles ("ICJ"). See _____, and _____.

In the instant case, _____, a juvenile, was not given permission by his/her custodial parent/legal guardian to leave home. This Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from _____, is "in order." In the instant case, the legality of _____ request for the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of the juvenile, _____.

Respectfully submitted,

(Signature)

(Name)

(Title)



INTERSTATE COMPACT FOR JUVENILES

ORDER SETTING HEARING FOR THE REQUISITION FOR A RUNAWAY JUVENILE

NO. _____

STATE OF _____ § COURT OF _____

COUNTY OF _____ §

IN THE MATTER OF _____ §

_____ §

D.O.B. _____ §

ORDER SETTING HEARING

On this ____ day of _____, 20__, came on to be considered the State of _____ Requisition For Runaway Juvenile under the Interstate Compact (home state's) for Juveniles, and the Court is of the opinion that the same should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ (home state's) Requisition For Runaway Juvenile is set for hearing on the ____ day of _____, 20__ at _____ .M.

Signed this the ____ day of _____, 20__.

(Judge's Signature)

Honorable _____
JUDGE OF _____
(court)

cc: ICJ Office



INTERSTATE COMPACT FOR JUVENILES

FORM A

PETITION FOR REQUISITION TO RETURN A RUNAWAY JUVENILE

I, _____, being the _____
(Name of Parent or Guardian) (Relationship)

of _____ born on _____,
(Name of Juvenile) (Date of Birth) (Race/Sex)

do hereby petition _____ for the issuance of a requisition for the return of said
(Name of Court)
juvenile from _____ or any other place in which he/she may be found.
(Location of juvenile, if known)

By reason of said juvenile's age, such return is essential. (Attach additional information if necessary.) In support of this petition and in order that the court may have necessary information, be it known that said juvenile should legally be in my custody and control for the reasons set forth on the attached certified document(s). To the best of my knowledge, said juvenile has not been adjudicated delinquent, but has run away under the following circumstances and/or for the following reasons:

Attached hereto and in support hereof, I offer the following:

I have read the foregoing Petition and the contents of said Petition are true and correct to the best of my knowledge.

Signed: _____
(Parent or Guardian) (Date)

Address: _____

It is essential that the above petition be verified by affidavit, executed in duplicate, and be accompanied by two certified copies of supporting documents.

AFFIDAVIT OF VERIFICATION

On this _____ day of _____, _____, personally appeared before me _____,
proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and
acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____,

NOTARY PUBLIC

Residing at: _____

My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____
 COUNTY OF _____ §
 _____ §
 IN THE MATTER OF _____ §
 _____ §
 D.O.B. _____ §

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

TO THE HONORABLE _____ :

NOW COMES the State of _____ by and through the Compact Administrator
(holding state)
and moves this Court to set a hearing and enter an order for the apprehension and confinement of

_____ pending his/her transfer to _____ pursuant to
(name of juvenile) (home/demanding state)
the Interstate Compact for Juveniles ("ICJ"), and the

_____ and would show as follows:
(holding state's statute)

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of
_____ to _____ pursuant to the
(name of juvenile) (home/demanding state)
of the Interstate Compact for Juveniles ("ICJ"), the _____ and Rule § _____,
(holding/ state's statute)
Chapter _____ of the _____ Administrative Code, if applicable.
(holding/ state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee, Absconder or Juvenile Charged as Delinquent filed by the State of _____ under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, _____ : _____ (check one) 1. has been
(name of juvenile)
found/located in _____ County/Parish with his/her _____
(relationship)

or 2. is being held in secure detention in this county/parish pending receipt of this requisition from

(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant _____, _____ a juvenile, can be served with citation by advising juvenile and
(name of juvenile)
guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of _____ acting through the Compact Administrator,¹
(holding/ state)
and arises out of the prescriptions of the Interstate Compact for Juveniles, ("ICJ"),
which requires the Court to enter an Order to apprehend and later surrender

_____ in _____ to local representatives of the ICJ
(name of juvenile) (holding city, state)
Office in _____
(home/demanding state).

This action originated in _____ when (add particulars as necessary):
(home/ demanding state)

On _____, _____ a Warrant of Apprehension was issued by the (check one) court or
(date)
 agency in _____ Since _____ was: (check one) 1. now
(home/demanding state) (name of juvenile)
residing in _____ 2. was found/located in this jurisdiction, a
(city/state)

Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under

the ICJ, was issued by the _____ authorities, seeking the
(home/demanding state)
return of _____ to serve out the terms of his/her (check one) probation,
(name of juvenile)
 parole, commitment, or to have a hearing regarding the pending charges.

¹The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. *Terrazas v. Ramirez*, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both _____ and _____ have adopted the Interstate Compact for
(holding/ state) (home/demanding state)
Juveniles ("ICJ"). See _____ ; _____ and _____
(holding/ state's statute) (home/demanding state's statute)

Under the authority of the ICJ, a state from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped...shall present to the appropriate court ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate person directing him to take into custody and detain such delinquent juvenile...If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Under the ICJ, all provisions and procedures of Article I of the ICJ shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law...Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state where the juvenile may be found...A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed...The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition...The requisition shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, _____, _____ a juvenile: (check one) was not given permission to
(name of juvenile)
leave _____ by his/her (check one) probation, parole officer, or agency, or is
(home/demanding state)
alleged to have committed a criminal act in the State of _____ and fled the state. This
(home/demanding state)
Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

_____ is "in order". In the instant case, the legality of _____ request for
(home/demanding state) (home/demanding state's)
the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of
the juvenile-without regard to the wishes of the managing conservator or any parent of the juvenile.

Respectfully submitted,

(Signature)

(Name)

(Title)



INTERSTATE COMPACT FOR JUVENILES

ORDER SETTING HEARING FOR REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____
 COUNTY OF _____ §
 IN THE MATTER OF _____ §
 D.O.B. _____ §

ORDER SETTING HEARING

On this ____ day of _____, 20__, came on to be considered the State of _____
(home/demanding state's) Requisition For Escapee, Absconder or Juvenile Charged as
 Delinquent under the Interstate Compact for Juveniles, and the Court is of the opinion that the
 same should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ Requisition For
(home/demanding state's)
 Escapee, Absconder or Juvenile Charged as Delinquent is set for hearing on the ____ day
 of _____, 20__ at _____ .M.

Signed this the ____ day of _____, 20__.

(Judge's Signature)

Honorable _____
 JUDGE OF _____
(court)

cc: ICJ Office



STATE OF _____

COUNTY OF _____

IN THE INTEREST OF

JUVENILE DIVISION

DOB: _____

SEX: _____ RACE: _____

**INTERSTATE COMPACT FOR JUVENILES
RIGHTS FOR VOLUNTARY RETURN OF RUNAWAY, ESCAPEE,
ABSCONDER, OR JUVENILE BEING CHARGED AS DELINQUENT**

1. Based on reasonable information, you have been taken into protective custody as a runaway from the State of _____ and the State of _____ has requested your return.
2. You have the right to legal counsel/guardian ad litem.
3. Should you desire to have legal counsel and cannot afford to retain legal counsel, this court will appoint legal counsel for you free of charge.
4. You have the right to have a court hearing to determine whether sufficient cause exists to hold you until such time that a requisition or official request for your return has been received from the State of _____, the demanding state.
5. Should this Court find sufficient cause to hold you pending receipt of this requisition, you can be held for a period of time not to exceed ninety (90) calendar days.
6. Upon receipt of the requisition, you have the right to a court hearing to determine whether the requisition is in order.
7. **You have the right to waive or give up the above described rights and to voluntarily Consent to return to the State of _____.**
8. If there are pending charges in the demanding state, that voluntary consent to return is made Without reference to guilt or innocence and is not in any way prejudicial to your case and is not an admission of guilt of any crimes.

The above named juvenile has been advised of his/her rights existing under the Interstate Compact for Juveniles as of this date and time.

ENTERED: _____

(Signature of Judge)



INTERSTATE COMPACT FOR JUVENILES

CASE CLOSURE NOTIFICATION

Date: _____

To (State): _____

From (State): _____

(Name of Juvenile): _____

Date of birth: _____

Probation Parole
(check one)

*According to ICJ Rule 4-106. Please close the above referenced case due to:

- Case has expired
- Early release from supervision either satisfactory or unsatisfactory
- Unable to locate youth
- Youth has escaped/absconded
- Youth has moved or returned to another stat
- Youth has been revoked
- Youth has been adjudicated and is currently in custody
- Other, please specify: _____

*Please note that the sending state has sole authority to discharge/terminate its juveniles.

Cases which terminate due to expiration of a court order or upon expiration of the period of parole may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order.



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

PROPOSED BY-LAWS



INTERSTATE COMMISSION FOR JUVENILES

By-laws

Article I

Commission Purpose, Function and By-laws

Section 1. Purpose.

Pursuant to the terms of the Interstate Compact for Juveniles , (the “Compact”), the Interstate Commission for Juveniles (the “Commission”) is established as a body corporate to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims and the public by governing the compacting states’ transfer of supervision of juveniles, temporary travel of defined offenders and return of juveniles who have absconded, escaped , fled to avoid prosecution or run away.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact. The provisions of the Compact shall be reasonably and liberally construed to accomplish the purposes and policies of the Compact.

Section 3. By-laws.

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

**Article II
Existing Rights and Remedies**

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

**Article III
Membership**

Section 1. Commissioners

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Juvenile Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Section 2. Ex-Officio Members

The Commission Membership shall also include individuals who are not commissioners, and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. In addition, representatives of the National Institute of Corrections and the Office of Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Commission.

**Article IV
Officers**

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary, ~~and~~ treasurer and immediate past-chairperson. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director,

then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.
- e. *Immediate Past-Chairperson.* The immediate past-chairperson shall automatically succeed to the immediate past-chairperson position and provide continuity and leadership to the Executive Committee regarding past practices and other matters to assist the Committee in governing the Commission. The immediate past-chairperson supports the Chairperson on an as-needed basis and serves a term of one year.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Section 4. Vacancies

Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.

Article V
Commission Personnel

Section 1. Commission Staff and Offices.

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission's financial account(s);

- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article IV herein.

Article VI
Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense.

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or -employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that

such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VII Meetings of the Commission

Section 1. Meetings and Notice.

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote on such member's own behalf and shall not delegate such vote to another Member. Members may participate in meetings by

telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

**Article VIII
Committees**

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons of each committee, the regional representatives, and the ex-officio victims' representative to the Interstate Commission. ~~The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the immediate past chairperson and~~ ~~immediate past chairperson~~ ~~shall serve for a term of one year. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.~~ ~~and~~ ~~immediate past chairperson~~ ~~shall serve for a term of one year. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.~~ ~~and~~ ~~immediate past chairperson~~ shall serve for a term of one year. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, Information Technology Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Section 3. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected every two years by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

Article IX Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: i) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules, and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

**Article X
Withdrawal, Default, and Termination**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

**Article XI
Adoption and Amendment of By-laws**

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

**Article XII
Dissolution of the Compact**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

PROPOSED RULE AMENDMENTS

2011 Rules / Forms Amendments Proposed - ICJ Annual Business Meeting October 26, 2011

RULE No.	Description	Proposed by:	Rules Committee Recommendation(s)	Passed/Failed	Effective Date
Section 100 Definitions					
1-101	Adjudication	Rules Committee	Recommend adoption		
1-101	Appropriate Authority	Rules Committee	Recommend adoption		
1-101	Commitment	Rules Committee	Recommend adoption		
1-101	Cooperative Supervision	Rules Committee	Recommend adoption		
1-101	Detainer	Rules Committee	Recommend adoption		
1-101	Hearing	Rules Committee	Recommend adoption		
1-101	Holding State	Rules Committee	Recommend adoption		
1-101	Judgement	West Region	<i>Does not recommend adoption</i>		
1-101	Juvenile Sex Offender	Rules Committee	Recommend adoption		
1-101	Petition	Rules Committee	Recommend adoption		
1-101	Petition	West Region	<i>Does not recommend adoption</i>		
1-101	Requisition	Rules Committee	Recommend adoption		
1-101	Residence	Rules Committee	Recommend adoption		
1-101	Status Offense	Rules Committee	Recommend adoption		
1-101	Supervision	Rules Committee	Recommend adoption		
1-101	Termination	West Region	Recommend adoption		
1-101	Voluntary Return	Rules Committee	Recommend adoption		
Section 200 Dues Formula					
2-102	Data Collection	Rules Committee	Recommend adoption		
Section 300 Forms					
3-101	Approved Forms	Rules Committee	Recommend adoption		
3-102	Optional Forms	Rules Committee	Recommend adoption		
Section 400 Transfer of Supervision					
4-101	Processing Referrals	Rules Committee	Recommend adoption		
4-102	Send/Rec Referrals	Rules Committee	Recommend adoption		
4-103	Transfer of Supervision Procedures	Rules Committee	Recommend adoption		
4-104	Cooperative Supervision/Services Requirements	Rules Committee	Recommend adoption		
4-106	Closure of Cases	Rules Committee	Recommend adoption		
4-107	Victim Notification	Ad Hoc - Victims	Recommend adoption		
Section 500 Supervision in Receiving State					
5-101	Authority to Accept/Deny Supervision	Rules Committee	Recommend adoption		
5-102	Travel Permits	Rules Committee	Recommend adoption		
5-102	Travel Permits	Ad Hoc - Victims	Recommend adoption		
Section 600 Return of Juveniles					
6-101	Release of Non-delinquent Juveniles to Parent or Leg	Rules Committee	Recommend adoption		
6-103	Non-Voluntary Return of Out-of-State Juveniles	Rules Committee	Recommend adoption		
6-104	Return of Juveniles Whose ICJ Placement Has Failed	Rules Committee	Recommend adoption		
6-111	Airport Supervision	Rules Committee	Recommend adoption		

Proposed by the Rules Committee

Rule 1-101: Definitions

Adjudicated: a judicial finding, ~~subsequent to proper judicial process~~, that a juvenile is a status offender or delinquent.

Justification:

The current phrase “subsequent to proper judicial process” creates ambiguity in interpreting its usage within the context of the rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Appropriate Authority: the legally designated person, agency, or entity with the power to act, determine, or direct.

Justification:

This amendment provides a clear definition to this term that is used throughout the rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption.

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Commitment: an order by a court of ~~appropriate jurisdiction~~ ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Justification:

The current definition implies that someone during the transfer process can make a determination that a court was “inappropriate.” This is a determination that falls outside the purview of the compact process.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Cooperative Supervision: ~~supervision provided by a receiving state as requested by a sending state.~~ the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.

Justification:

The proposal clarifies the interpretation of the term used throughout the rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Detainer: a document issued or made by a legally empowered officer of a court or other ~~legal~~ appropriate authority authorizing the proper agency to keep in its custody a person named therein.

Justification:

To make the rules consistent, the term “appropriate authority” is used in this definition.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Hearing: ~~a court~~ **any** proceeding before a judge or other appropriate authority in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Justification:

As currently worded, only a court can hold a hearing. The proposal clarifies the term to include proceedings held before other designated authorities, such as a probation or parole authority.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Holding State: the state having physical ~~possession~~ custody of a juvenile.

Justification:

The proposal replaces the word “possession” with “custody.” The Thirteenth Amendment to the U.S Constitution prohibits an individual from being in the “possession” of another individual.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the West Region

Rule 1-101: Definitions

Judgment: any decree or order from a court or other appropriate authority establishing the terms and conditions of probation or supervision for a juvenile.

Justification:

A new definition incorporating “appropriate authority” as that is the proposed language from the Rules Committee to be included in the definition of “hearing”.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Not recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature and who may be required to register as a sex offender in the sending or receiving state.

Justification:

As defined in the current rules, there is no standard of who determines whether a juvenile is a sex offender.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Petition: a formal written request to the court for an order requiring that action be taken or a decision made regarding a juvenile. ~~an application in writing for an order of the court stating the circumstances upon which it is founded.~~

Justification:

This proposal provides clarification on the interpretation of this term and its application within the ICJ rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption.

Effective Date:

Proposed by the West Region

Rule 1-101: Definitions

Petition: a written request to the court or other appropriate authority for an order requiring that action be taken or a decision made regarding a juvenile ~~an application in writing for an order of the court~~ stating the circumstances upon which it is founded.

Justification:

The current definition is not clear on what the function or purpose of a petition is. Also, the word “petition” has many different uses and means. For example, in many jurisdictions, a petition is a charging document to initiate a juvenile criminal proceeding, while a motion is used to request the court for some type of action or decision. However, in administrative actions it may be the petition that is used to request to the court/hearing officer for action or a decision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Not recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Requisition: a written demand ~~in writing or formal request sent to the ICJ Administrator or Executive Authority~~ for the return of a non-delinquent runaway, probation or parole absconder, escapee, or juvenile accused ~~charged~~ as delinquent.

Justification:

The amendment clarifies the term and makes the definition consistent with the terms used within the Compact and the ICJ Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Residence: the home or regular place of abode as recognized by a state's law that is established by a parent, guardian, person, or agency having legal custody of a juvenile.

~~in general, a place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, person or agency entitled to his legal custody. A parent, guardian, person, or agency's state of residency is where that person or agency resides or undertakes to reside.~~

Justification:

The phrase "in general" is not appropriate in defining a statutory term because it makes the term vague. The term "residence" has a customary legal definition that should be followed. The current definition is convoluted because it contains a substantive provision of law by separately stating that the juvenile's state of residence is that of the parent, guardian, person, or agency's state of residency.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Status Offense: conduct which is illegal for juveniles but not illegal for adults, ~~such as~~ including but not limited to incorrigibility, breaking curfew violations, running away, disobeying parents, or truancy, ~~etc.~~

Justification:

A legal definition should never use the term “etc.”; it leaves too much room for inclusion of things that should be excluded.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the West Region

Rule 1-101: Definitions

Termination: the discharge from **ICJ** supervision of a juvenile probationer or parolee by the proper **appropriate** authority. ~~in the sending state upon expiration of a court order or upon expiration of the period of probation/parole or following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.~~

Justification:

Removed language that refers more to the process rather than what “termination” means. The removed language is part of the rule. Parties should refer to the actual rule for the specific details of who can authorize termination and under what circumstances. The term “ICJ” was added to clarify that “termination,” as used within the ICJ Rules, means the discharge of a juvenile from supervision services that are required by the Compact.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

Rule 1-101: Definitions

Voluntary Return: the return of a juvenile runaway, escapee, absconder, or juvenile accused ~~charged as a delinquent to his home state and denotes that he consents to return there voluntarily~~ who has consented to voluntarily return to the home/demanding state.

Justification:

The amendment makes the definition consistent with the terms used within the Compact and the ICJ Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 2-102: Data Collection

1. As required by Article III (K) of the compact, member states shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away. Each member state shall report annually by July 31st.
2. Runaways, escapees, absconders and juveniles ~~accused-charged as delinquents~~:
 - a. The total number of runaways, escapees, absconders and juveniles ~~accused~~ accused ~~charged as delinquents~~ located in and located out of the reporting state processed during the reporting period.
 - b. The total number of Requisitions (Form I and Form II) sent from and received by the reporting state during the reporting period.
 - c. The total number of juveniles who were not returned per Requisition (Form I and Form II) by or to the reporting state during the reporting period.
 - d. The reason(s) the juvenile was not returned per Requisition (Form I and II) by or to the reporting state during the reporting period.
3. Airport Supervision:
 - a. The total number of airport supervision requests met during the reporting period.
4. Parole Supervision:
 - a. The total number of incoming parole cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing parole cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming parole cases terminated during the reporting period.
 - d. The total number of outgoing parole cases terminated during the reporting period.
 - e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
 - f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
5. Probation Supervision:
 - a. The total number of incoming probation cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing probation cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming probation cases terminated during the reporting period.
 - d. The total number of outgoing probation cases terminated during the reporting period.

- e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
 - f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
6. Institutionalization:
- a. The total number of juveniles from their state who are institutionalized in a public facility in other states during the reporting period.
 - b. The total number of juveniles from other states who are institutionalized in a public facility in their state during the reporting period.
7. Out-of-State Confinement:
- a. The total number of juveniles from the reporting state confined in other states during the reporting period.
 - b. The total number of juveniles from other states confined in the reporting state during the reporting period.
8. This Rule will not expire until the Electronic Information System approved by the Commission is fully implemented and functional.

Justification:

The amendments to Paragraph #2 make the rule consistent with the terms used within the Compact and the ICJ Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 3-101: Approved Forms

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/~~Juvenile Charged with~~ Accused Being Delinquent)
- Form III (Consent for Voluntary Return by ~~Runaway, Escapee or Absconder~~ of Out of State Juvenile)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form VII (Out of State Travel Permit and Agreement to Return)
- Form VIII (Home Evaluation)
- Form IX (Quarterly Progress or Violation Report)

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at:

www.juvenilecompact.org

Justification:

The change to the title of Form II makes the name consistent with the terms used with the Compact and defined in the ICJ Rules. The change to the title of Form III and Form VII make the references match the titles of the actual forms.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for the Requisition for a Runaway Juvenile
- Petition for Requisition to Return a Runaway Juvenile (Form A)
- Petition for Hearing on Requisition for Escapee, Absconder, or ~~Juvenile Charged as~~ Accused Delinquent
- Order Setting Hearing for Requisition for Escapee, Absconder, or ~~Juvenile Charged as~~ Accused Delinquent
- Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile
- Case Closure Notification
- Victim Notification Supplement Form

Justification:

The change to the form names make their titles consistent with the actual forms and the terms used within the Compact and the ICJ Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-101: Processing Referrals

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules. A sending state shall request transfer of a juvenile, who is eligible for transfer of supervision to a receiving state under the compact. ~~Terms of eligibility are defined as~~ A juvenile shall be eligible for transfer under ICJ if the following conditions are met:
 - a. is classified as a juvenile in the sending state; and
 - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
 - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
 - d. ~~a.~~ has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - e. ~~b. who~~ has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request.
3. All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules. ~~and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.~~

Justification:

This proposal gives specific criteria for juveniles eligible for transfer under the ICJ.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) business days of receipt. Each ICJ Office shall adhere to the following screening process when sending and receiving referrals: Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
 - a. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state or electronic transfer if mutually agreed upon, in duplicate forty five (45) calendar days prior to the juvenile's anticipated arrival release from a facility: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide duplicate copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V shall be forwarded prior to placement in the receiving state.
 - b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state or electronic transfer if mutually agreed upon, in duplicate, within five (5) business days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.
 - c. When it appears necessary to request an expedited transfer of supervision, the sending state's ICJ Office is responsible for verifying that a justification for an expedited transfer actually exists subject to the agreement of the receiving state. If so, a travel permit may be issued until the referral information can be provided to the receiving state's ICJ Office.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.

5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, make a reasonable effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for ~~cooperative~~ cooperative supervision.

Justification:

Introductory Paragraph – This proposal clarifies that supervision is not fully transferred to the receiving state until the receiving state submit written approval to the sending state.

Paragraph 3a. - Clarifies the time frame for submitting referral documents for parole cases.

Paragraph 3c. – This proposal provides the procedure for expedited transfers of supervision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-103: Transfer of Supervision Procedures for Sex Offenders

1. ~~3.~~ When transferring a juvenile sex offender who has been adjudicated of a sex related offense, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(2) is applicable.
2. ~~When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency. When it appears necessary to request an expedited transfer of supervision, the sending state's ICJ Office is responsible for verifying that a justification for an expedited transfer actually exists subject to the agreement of the receiving state. If so, a travel permit may be issued until the referral information can be provided to the receiving state's ICJ Office.~~
3. ~~1.~~ Cooperative Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.
4. When transferring a juvenile sex offender, documentation should be provided to the receiving state in duplicate: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
5. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in ~~Rule 4-104 (7)~~ Rule 5-101(4).
6. A juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
7. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.
8. The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of ~~emergency circumstances~~ expedited transfers. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.

Justification:

This proposal distills all discussion of the transfer of supervision procedures for sex offenders from several rules into one location. Moreover, to match the proposal for *Rule 1-101: Sex Offender*, the term “juvenile sex offender” is replaced with “sex offender” throughout this rule.

Title – Changed to reflect that the transfer procedures for sex offenders are located within this rule.

Paragraph #2 – This proposal clarifies the procedure for the expedited transfer of supervision for sex offenders.

Paragraph #3 – This clerical change makes the term consistent with other proposals.

Paragraph #5 – References Rule 5-101(4) instead of Rule 4-104(7) regarding unsuitable placements.

Paragraph #7 – Clarifies that travel permits must be received for sex offenders no later than 48 hours before departure from the sending state except in circumstances where expedited transfers apply as outlined in 4-103(2).

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-104: Cooperative Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of visitation and supervision over any juvenile, including juvenile sex offenders, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
2. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
3. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
5. The sending state shall be financially responsible for treatment services ordered either by the court or ~~parole~~ appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
- ~~7. In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.~~
8. 7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
9. 8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

Justification:

The change to the title makes it consistent with term used throughout the rules.

Paragraph #4 – The term “appropriate authority” is used to ensure consistency throughout the ICJ rules.

Current Paragraph #7 – This paragraph references the discussion of home evaluations for juvenile sex offenders. This topic is addressed in the new proposal for *Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders*. Additionally, the “suitability” of home evaluations is already discussed in general in Rule 5-101(4). Therefore, Paragraph #7 is redundant.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-106: Closure of Cases

1. The sending state has sole authority to ~~discharge/~~terminate its juveniles, ~~with the exception of,~~ When the sending state and receiving state agree, the receiving state may terminate supervision as follows:
 - a. ~~When~~ when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence; ~~In~~ in such cases, the receiving state may close the supervision and administration of its ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order; ~~or~~
 - b. cases which terminate due to expiration of a court order or upon expiration of the maximum period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. ~~Cases which terminate due to expiration of a court order or upon expiration of the period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days.~~
3. 4. The receiving state may submit to the sending state a request for the early release of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within sixty (60) calendar days as to why the juvenile cannot be released from probation/parole.
4. ~~5.~~ Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

Justification:

The proposal clarifies the exceptions for closing a case. The proposal also avoids a practitioner having to bounce around various rules or provisions within a single rule to figure out the correct authority or order of procedures.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Victims Ad Hoc Committee

RULE 4-107: Victim Notification

1. Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. ~~The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.~~
2. When the sending state will require the assistance of the supervising officer in the receiving state to meet these requirements, the sending officer shall clearly document such in the initial packet using the Victim Notification Form. The Victim Notification Form shall include the specific information regarding what will be required and the timeframes for which it must be received.
3. Throughout the duration of the supervision period, the supervising officer through their state's ICJ office shall provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of their state.
4. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

Justification:

This proposal ensures that the local jurisdiction in the sending state responsible for meeting victim notification requirements takes responsibility for getting that information in collaboration with the receiving state. This process would respect victims' rights as well as allowing needed state flexibility.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or authorized agent's signature is required on or with the home evaluation form that approved or denied supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state-, except
- ~~5. Supervision shall be accepted by a receiving state~~ when a juvenile has no custodial parent or legal guardian remaining in the sending state and the juvenile does have a custodial parent or legal guardian residing in the receiving state.
- ~~6.~~ 5. Upon receipt of acceptance of supervision from the receiving state, and within five (5) business days prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
- ~~7.~~ 6. If a legal custodian remains in the sending state and the placement in the receiving state fails, the sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules.

Justification:

The proposal clarifies the procedure of mandatory acceptance of supervision by the receiving state in instances where the custodial parent or legal guardian moves to the receiving state and no custodial parent or legal guardian remains in the sending state.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. An ICJ Travel Permit shall be issued for any appropriate purpose, including but not limited to testing a proposed placement. The permit shall not exceed ninety (90) calendar days, with a referral packet to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) calendar days.
 - b. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the ~~probation officer, parole officer or court designee~~ supervising officer the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement or upon notification to the sending state's ICJ Office.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

Justification:

This proposal clearly identifies the individual in the sending state who is responsible for authorizing the travel permit for a juvenile.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:
None

Rules Committee Action:
Recommended for adoption

Effective Date:

Proposed by the Victims Ad Hoc Committee

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. An ICJ Travel Permit shall be issued for any appropriate purpose, including but not limited to testing a proposed placement. The permit shall not exceed ninety (90) calendar days, with a referral packet to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) calendar days.
 - b. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.
6. If a travel permit is being issued, the sending state's supervising officer is responsible for victim notification in accordance with the laws and policies of that state. The sending and receiving state will collaborate to assure that the legal requirements of victim notification are met and that the necessary information is exchanged to meet the sending state's obligation.

Justification:

Indicates that the sending state will work with the receiving state in satisfying victim notification requirements in circumstances where a juvenile wishes to travel across state lines using an ICJ travel permit.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 6-101: Release of ~~Non-delinquent~~ Runaways ~~Juveniles~~ to Parent or Legal Guardian

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a ~~non-delinquent juvenile~~ runaway to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detainment without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. ~~Non-delinquent juveniles~~ Runaways who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home/demanding state.
3. When a holding state has reason to suspect abuse or neglect by a parent/legal guardian or others in the home of a runaway juvenile, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect.
4. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of jurisdiction in the home/demanding state to effect the safe return of the juvenile.
5. Voluntary Return of runaways who allege abuse or neglect; The Form III must indicate who will be assuming responsibility for the juvenile if the juvenile will not be returning to a parent or legal guardian.
6. Non-voluntary Return of runaways who allege abuse or neglect; If the appropriate authorities in the home/demanding state determine that the juvenile will not be returning to a parent or legal guardian, the requisition process shall be initiated by the home/demanding state's appropriate authority and/or court of jurisdiction if permissible under the home/demanding state's laws.

Justification:

Throughout this rule, the term "non-delinquent juveniles" has been replaced with "runaways" to clarify that this rule specifies the procedures for returning runaways to the parent or legal guardian.

Paragraphs #3 – #6 – These amendments provide specific guidelines for ICJ offices when handling circumstances where the runaway alleges abuse or neglect by the custodial parent/legal guardian. Currently, the rules do not define such procedure.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles

The following shall apply to all juveniles in custody who refuse to voluntarily return to their home/demanding state; or juveniles whose whereabouts are known, but are not in custody:

1. The appropriate ~~person~~ or authority in the home/demanding state shall prepare a written requisition within sixty (60) calendar days of notification: (a) of refusal of the juvenile to voluntarily return as prescribed in Rule 6-102, or (b) to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. When the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - b. The petition shall be verified by affidavit and executed in duplicate.
 - c. The petition is to be accompanied by two certified copies of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - d. Other affidavits and other documents may be submitted with such petition.
4. The home/demanding state's appropriate ~~state~~ authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
5. The judge in the home/demanding state shall determine if:
 - a. The petitioner is entitled to legal custody of the juvenile;
 - b. The juvenile ran away without consent;

- c. The juvenile is an emancipated minor; and
 - d. It is in the best interest of the juvenile to compel his/her return to the state.
6. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, Requisition for Runaway Juvenile in duplicate.
7. When the juvenile is an absconder, escapee or accused of being delinquent, the appropriate authority shall present to the appropriate court Form II, Requisition for Escapee or Absconder or Juvenile Accused of Being Delinquent, where the juvenile is alleged to be located. The requisition shall be verified by affidavit, signed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile, for two complete, separate requisition packets. Examples may include:
 - a. Judgment
 - b. Order of Adjudication
 - c. Order of Commitment
 - d. Petition Alleging Delinquency
 - e. Other affidavits and documents may be submitted with such requisition.
8. Upon receipt of the requisition, the home/demanding state's ICJ Office shall ensure the requisition packets are in order. The ICJ Office retains one copy of the packet and forwards two copies of the requisition packets to the ICJ Office of the state where the juvenile is located. The ICJ Office of the state where the juvenile is located will forward one requisition packet which is accompanied by one certified copy of supporting documents to the appropriate court.
9. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition.
10. A hearing in the state where the juvenile is located shall occur within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the requisition is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
11. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.

12. Requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles are to be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
13. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

Justification:

Paragraphs #1 and #4 – To make the rules consistent, the term “appropriate authority” is used in this definition.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures; no further court procedures will be required for the juvenile's return. ~~The ICJ pre-signed voluntary waiver provides the due process requirement for this return.~~
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

Justification:

The last sentence in the current version of Rule 6-104(1) makes a legal declaration that is beyond the authority of the Commission. Only a judicial officer can determine with finality whether due process rights have been properly determined and adjudicated.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 6-111: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home state.
2. Juveniles shall be supervised from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 48 hours advance notice.
4. In the event of an emergency situation including but not limited to weather, delayed flight, or missed flight, that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

Justification:

The Rules Committee recommends merging Rule 6-111 and Rule 6-112. Rule 6-112 is entitled “Emergency Services” but then speaks to problems with transportation. The title “Emergency Services” is confusing because it conveys something far broader than what is stated in the rule.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

This proposal would merge the language from current Rule 6-112 into the current version of Rule 6-111. If the Commission adopts this proposal, Rule 6-112 would be rescinded.

Rules Committee Action:

Recommended for adoption

Effective Date:



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

PROPOSED FORM AMENDMENTS

2011 Rules / Forms Amendments Proposed - ICJ Annual Business Meeting October 26, 2011

RULE No.	Description	Proposed by:	Rules Committee Recommendation(s)	Passed/Failed	Effective Date
Mandatory Forms					
Form I	Requisition for a Runaway Juvenile	Rules Committee	Recommend adoption		
Form II	Requisition for Escapee or Absconder/Accused Delinq	Rules Committee	Recommend adoption		
Form III	Consent for voluntary Return of Out of State Juvenile	Rules Committee	Recommend adoption		
Form IV	Parole or Probation Investigation Request	Rules Committee	Recommend adoption		
Form IA-VI	Application for Compact Services	Rules Committee	Recommend adoption		
Optional Forms					
	Petition for Hearing on Requisition for Escapee, Absconder, or Juv	Rules Committee	Recommend adoption		
	Order Setting Hearing for Requisition for Escapee, Absconder, or J	Rules Committee	Recommend adoption		
	Juvenile Rights Form	Rules Committee	Recommend adoption		
	Victims Notification supplemental form	Rules Committee	Recommend adoption		
	Instructions to the form above	Rules Committee	Recommend adoption		

ICJ Rules Committee Action
Form Change Descriptions/Justifications 2011

Mandatory Forms:

Form I: Requisition for a Runaway Juvenile

- Replaced “Executive Authority” with “appropriate authority” to make the form consistent with terms used within the ICJ Rules

Form II: Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent

- In each instance of “juvenile charged as delinquent” changed to “accused delinquent” for consistency to correspond with the term defined
- Replaced “Executive Authority” with “appropriate authority” to make the form consistent with terms used within the ICJ Rules
- Title changed to correspond with proposed amendments to Rule 3-101

Form III: Consent for Voluntary Return by Runaway, Escapee or Absconder

- Title changed to correspond with proposed amendments to Rule 3-101

Form IV: Parole or Probation Investigation Request

- Included juvenile description: height, weight, eye color and hair color

Form IA/VI: Application for Compact Services/Memorandum of Understanding and Waiver

- Added wording to clarify a state’s ability to impose sanctions

Optional Forms:

Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent

- In each instance of “juvenile charged as delinquent” changed to “accused delinquent” for consistency to correspond with the term defined
- Replaced “appropriate person” with “appropriate authority” to make the form consistent with terms used within the ICJ Rules
- Title changed to correspond with proposed amendments to Rule 3-102

Order Setting Hearing for Escapee, Absconder, or Juvenile Charged as Delinquent

- In each instance of “juvenile charged as delinquent” changed to “accused delinquent” for consistency to correspond with the term defined
- Title changed to correspond with proposed amendments to Rule 3-102

Juvenile Rights Form

- In each instance of “juvenile charged as delinquent” changed to “accused delinquent” for consistency to correspond with the term defined
- Title changed to correspond with proposed amendments to Rule 3-102

Victim Notification Supplement Form

- New form presented by the Victims Ad Hoc Committee to assist states when victim notification requirements are necessary



INTERSTATE COMPACT FOR JUVENILES

FORM I

REQUISITION FOR RUNAWAY JUVENILE

TO: _____ DATE: _____
(Court or ~~Executive~~ Appropriate Authority in Holding State)

FROM: _____
(Requisitioning Court or Agency in Demanding State)

This court hereby requisitions the return of _____ in accordance with the provisions
(Name of Juvenile)

of the Interstate Compact for Juveniles. (Additional information to be attached if available.) On the basis of the evidence before it, this court finds said juvenile to be _____ years of age and to be of the following description:

Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eyes: _____ Hair: _____ DOB: _____

Other distinguishing features: _____

Juvenile is believed to be in your jurisdiction at: _____
(Address)

This court further finds said juvenile should legally be in the custody of _____ who
is/are _____ and who is/are located at _____
(Parent, Guardian or Agency) (Address)

within the territorial jurisdiction of this court; that said juvenile has run away; and that said juvenile's continued absence from legal custody and control is detrimental to the best interest of said juvenile and the public.

If Requisition is honored, please notify: _____
(Name, title, address, telephone #)

advising when juvenile will be available for transporting to the state of jurisdiction.

Signed: _____
(Judge) (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM II

- REQUISITION FOR ESCAPEE OR ABSCONDER
- REQUISITION FOR JUVENILE CHARGED WITH **ACCUSED** BEING DELINQUENT

TO: _____ DATE: _____
(Appropriate Court or ~~Executive~~ **Appropriate** Authority)

FROM: _____
(Name of Court or Agency)

I, _____ requisition the return of _____
born on _____ in accordance with the Interstate Compact for Juveniles, ICJ Rules Section 600, Return of Juveniles.

Said juvenile (check appropriate item):
 was paroled to the custody of: _____
 was placed on probation subject to the supervision of: _____
 was committed to: _____ (institution or agency)

OR
 has fled to avoid prosecution and, despite applicable provisions of law, has:
 escaped absconded fled

and is now believed to be in your jurisdiction at: _____
Juvenile's physical description: Ht: _____ Wt: _____ Eyes: _____ Hair: _____ Race: _____ Sex: _____
Identifying marks or scars: _____

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

1. Particulars of adjudication or allegations of delinquency: _____
2. Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: _____

Accordingly, the undersigned hereby requests the return of said juvenile as authorized by the Interstate Compact for Juveniles.
If Requisition is honored, please notify: _____
(Name, title, address, telephone no.)

Signed: _____ (Judge or Compact Official) _____ (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

(Signature of Requisitioner)

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____, _____.

NOTARY PUBLIC

Residing at: _____

My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

FORM III

CONSENT FOR VOLUNTARY RETURN OF OUT OF STATE JUVENILE(S)

I, _____, recognize that I legally belong with
 _____,
 (Juvenile's Name)
 _____ in _____
 (Name of Legal Guardian/Custodian or agency seeking return) (City/State)
 and I voluntarily consent to return there without further formality, either by myself or in the company of such person as the appropriate authority may appoint for that purpose.

 (Date) (Juvenile's Signature)

I, _____, Judge of _____
 (Judge's Name) (Court or Jurisdiction)
 having informed the juvenile named above of his her rights under the Interstate Compact for Juveniles prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ in _____
 (Legal Guardian/Custodian or agency seeking return) (Contact name & phone number) (City/State)
 is appropriate and in the best interest of said juvenile, and do so order such return.

 (Date) (Judge's Signature)

=====

TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED (Optional):

I, _____ being the Counsel Guardian *Ad Litem* of _____
 (Name of Juvenile)
 recognize and agree that I have consulted with the juvenile about his/her voluntary consent to return to:

_____ in _____
 (Legal Guardian or Custodian or agency seeking return) (City/State)

 (Date) (Signed – Counsel or Guardian *Ad Litem*)

(Form will be certified or authenticated in accordance with practice of the court.)
Original: Court file; 1 copy each: Juvenile, Holding State's Compact Administrator, Home/Demanding State's Compact Administrator, Local Court in Demanding State.

=====

DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE, & CONTACT INFORMATION

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____
 Hair color and style: _____
 Tattoos, scars, identifying marks: _____
 Clothing (including shoes): _____

Home/Demanding State's contact name and phone #: _____



INTERSTATE COMPACT FOR JUVENILES

FORM IV

PAROLE OR PROBATION INVESTIGATION REQUEST

DATE: _____

TO: _____ (Receiving State) FROM: _____ (Sending State)

Name of Juvenile: _____ DOB: _____ Race: _____ Sex: _____

*If known, *Ht: _____ *Wt: _____ *Eye Color: _____ *Hair Color: _____

Status: Parole Probation Sending State File # _____

To reside with: **OR** Is residing with: _____ (Name)

Relationship: _____ Telephone: _____

Address: _____ City/State: _____ Zip: _____

Reason for Adjudication/Commitment: _____

Date of Adjudication: _____ Date of Commitment: _____

Minimum Parole/Probation Expiration Date: _____ Maximum Parole/Probation Expiration Date: _____

Anticipated Placement Date : _____ Present Location: _____

We desire to transfer this juvenile on parole probation to your state:
 Because his/her parent/legal guardian resides in your state.
 For the following reasons, with your consent: _____

Other Comments: _____

THE FOLLOWING MATERIALS ARE ENCLOSED:

- Cover letter
- IA/VI Application for Compact Services and Memorandum of Understanding and Waiver
- Petition(s)
- Order of Adjudication and Disposition
- Legal and Social History
- Parole/Probation Conditions (Agreement)
- School Transcript/Records
- Immunization Records
- Any other Pertinent Information

FOR ICJ USE ONLY

Signed: _____ (Compact Official/Designee)

Title: _____

Referred by: _____ (Name – Please Print)

Referring Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM IV

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE, AND IDENTICAL PACKETS FOR FORWARDING.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Weight, Height, Eye Color, and Hair Color: provide this information if known.

Status of juvenile: parole, probation or other; if other, please explain in space provided.

Sending state file #: the case number given in your office to the juvenile's file or case.

To reside with/is residing with: check one and insert name of person(s) with whom juvenile will reside or does reside in the receiving state. Complete information regarding full address including phone number with area code, and relationship to the juvenile.

Reason for adjudication/commitment: fill in adjudication or pending offenses for which juvenile is to be supervised.

Date of adjudication: insert date of court-ordered supervision of the juvenile.

Date of commitment: insert date of court-ordered commitment of the juvenile.

Minimum parole/probation period: earliest date juvenile could be released from supervision.

Maximum parole/probation period: latest date juvenile could be released from supervision.

Anticipated placement date: approximate date juvenile is anticipated to arrive in this proposed home.

Present location: insert current location of juvenile (at the time this request for supervision is being transmitted to the ICJ office).

(Why) we desire to transfer this juvenile...: if the juvenile's parent or legal guardian resides in the state, check the appropriate box; if the juvenile will be living with someone other than parent or legal guardian, complete the "for the following reasons" section.

Check the appropriate boxes as to the enclosures that are being submitted with the referral packet.

All applications should have a cover letter. Include at the very minimum: ICJ Forms IV and IA/VI, Petition/s, Order/s of Adjudication and Disposition, and Parole/Probation Conditions (Agreement).

If a social history is available, it must be included as well. All other items are helpful to the successful investigation and supervision of this case by the proposed new state of residency.

Referred by: Printed name of caseworker or officer making this request for supervision.

Referring Agency: Print name of requester's agency.

Signature: Form should be signed by an ICJ Compact Official or Designee



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on parole probation in _____ (Receiving State)

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of parole probation and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

- That I will make my home with _____ (Name, Relationship, and Address) until a change of residence is duly authorized by the proper authorities of the receiving state.
- That I will obey and live up to the terms and conditions of parole probation as fixed by both the sending and receiving states. I understand and accept that a failure to comply with these terms and conditions may result in sanctions in the sending or receiving state. See, Rule 4-104(1) and (2).
- That I will return at any time to the sending state if asked to do so by the parole probation authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state. I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date) (Witness' Signature) (Date)

I, in my capacity as the placement resource for _____ (Juvenile's Name) do approve and subscribe to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which he she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Placement resource's signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile to apply for, reside in, and be supervised by the State of _____ provided that the receiving state accepts supervision and the juvenile complies with the terms of supervision.

(Date) **SIGNED:** (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)



INSTRUCTIONS FOR COMPLETING ICJ FORM IA/VI

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE AND IDENTICAL PACKETS FOR FORWARDING.

Form IA – Application for Compact Services

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

“I...” (blank): print juvenile's name here.

“In view of the above...”: Check either “parole” or “probation” and fill in the name of the receiving state.

Form VI – Memorandum of Understanding and Waiver

“I,...” (blank): insert juvenile's name, check “parole” or “probation,” fill in the name of the state under whose jurisdiction the juvenile is placed, and the name of the state in which the juvenile is residing or will reside.

“1”: insert name, relationship, and address of home offer wherein juvenile is residing or will reside.

“2”: check either “parole” or “probation.”

“3”: check either “parole” or “probation;” Juvenile must sign and date; Witness must sign and date.

“I, in my capacity as the Placement Resource for”: Insert the name of the juvenile. The Resource Placement in the Receiving State must sign and date the Form; a witness must sign and date the Form.

“Permission is hereby granted...”: insert name of state in which juvenile will reside and be supervised.

“Signature”: If the juvenile is on probation, the sending state's JUDGE or court designee signs here. If the juvenile is on parole, the sending state's Interstate Compact for Juveniles official or designee signs here.



INTERSTATE COMPACT FOR JUVENILES

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE **ACCUSED** CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____

COUNTY OF _____ §

IN THE MATTER OF _____ §

D.O.B. _____ §

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE **ACCUSED** CHARGED AS DELINQUENT

TO THE HONORABLE _____ :

NOW COMES the State of _____ by and through the Compact Administrator
(holding state)

and moves this Court to set a hearing and enter an order for the apprehension and confinement of

_____ pending his/her transfer to _____ pursuant to
(name of juvenile) (home/demanding state)

the Interstate Compact for Juveniles ("ICJ"), and the

_____ and would show as follows:
(holding state's statute)

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of

_____ to _____ pursuant to the
(name of juvenile) (home/demanding state)

of the Interstate Compact for Juveniles ("ICJ"), the _____ and Rule § _____,
(holding/ state's statute)

Chapter _____ of the _____ Administrative Code, if applicable.
(holding/ state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee,

Absconder or Juvenile **Accused** Charged as Delinquent filed by the State of _____ under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, _____ : _____ (check one) 1. has been
(name of juvenile)

found/located in _____ County/Parish with his/her _____
(relationship)

or 2. is being held in secure detention in this county/parish pending receipt of this requisition from

_____ (home/ demanding state)

II.

SERVICE OF PROCESS

Defendant _____, _____ a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of _____ acting through the Compact Administrator,¹ and arises out of the prescriptions of the Interstate Compact for Juveniles, ("ICJ"), which requires the Court to enter an Order to apprehend and later surrender

_____ in _____ to local representatives of the ICJ

(name of juvenile)

(holding city, state)

Office in

_____ (home/demanding state).

This action originated in _____ when (add particulars as necessary):

(home/ demanding state)

On _____, _____ a Warrant of Apprehension was issued by the (check one) court or

(date)

agency in _____ Since _____ was: (check one) 1. now

(home/demanding state)

(name of juvenile)

residing in _____ 2. was found/located in this jurisdiction, a

(city/state)

Requisition for Escapee, Absconder or Juvenile ~~Charged as Delinquent~~ Accused Charged as Delinquent, issued under

the ICJ, was issued by the _____ authorities, seeking the

(home/demanding state)

return of _____ to serve out the terms of his/her (check one) probation,

(name of juvenile)

parole, commitment, or to have a hearing regarding the pending charges.

¹The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both _____ and _____ have adopted the Interstate Compact for
(holding/ state) (home/demanding state)
Juveniles ("ICJ"). See _____ ; _____ and _____
(holding/ state's statute) (home/demanding state's statute)

Under the authority of the ICJ, a state from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped...shall present to the appropriate court ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate ~~person~~ authority directing him to take into custody and detain such delinquent juvenile...If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate ~~person~~ authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Under the ICJ, all provisions and procedures of Article I of the ICJ shall be construed to apply to any juvenile accused ~~charged with being a delinquent by reason of a violation of any criminal law...~~ Any juvenile accused ~~charged with being a delinquent by reason of violating any criminal law~~ shall be returned to the requesting state where the juvenile may be found...A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed...The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition...The requisition shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, _____, _____ a juvenile: (check one) was not given permission to
(name of juvenile)
leave _____ by his/her (check one) probation, parole officer, or agency, or is
(home/demanding state)
alleged to have committed a criminal act in the State of _____ and fled the state. This
(home/demanding state)
Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

_____ is "in order". In the instant case, the legality of _____ request for
(home/demanding state) (home/demanding state's)
the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of

the juvenile-without regard to the wishes of the managing conservator or any parent of the juvenile.

Respectfully submitted,

(Signature)

(Name)

(Title)



INTERSTATE COMPACT FOR JUVENILES

ORDER SETTING HEARING FOR REQUISITION FOR ESCAPEE, ABSCONDER,
OR JUVENILE **ACCUSED** CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____
COUNTY OF _____ §

IN THE MATTER OF _____ §

D.O.B. _____ §

ORDER SETTING HEARING

On this ____ day of _____, 20__, came on to be considered the State of

_____ Requisition For Escapee, Absconder or Juvenile **Accused** Charged as
(home/demanding state's)

Delinquent under the Interstate Compact for Juveniles, and the Court is of the opinion that the same
should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ Requisition For
(home/demanding state's)

Escapee, Absconder or Juvenile **Accused** Charged as Delinquent is set for hearing on the ____ day
of _____, 20__ at _____ .M.

Signed this the ____ day of _____, 20__.

(Judge's Signature)

Honorable _____
JUDGE OF _____
(court)

cc: ICJ Office



STATE OF _____

COUNTY OF _____

IN THE INTEREST OF

JUVENILE DIVISION

DOB: _____

SEX: _____ RACE: _____

INTERSTATE COMPACT FOR JUVENILES

**JUVENILE RIGHTS FORM FOR CONSENT FOR VOLUNTARY RETURN OF ~~RUNAWAY, ESCAPEE,~~
~~ABSCONDER, OR JUVENILE BEING CHARGED AS DELINQUENT~~ OUT OF STATE JUVENILE**

1. Based on reasonable information, you have been taken into protective custody as a runaway from the State of _____ and the State of _____ has requested your return.
2. You have the right to legal counsel/guardian ad litem.
3. Should you desire to have legal counsel and cannot afford to retain legal counsel, this court will appoint legal counsel for you free of charge.
4. You have the right to have a court hearing to determine whether sufficient cause exists to hold you until such time that a requisition or official request for your return has been received from the State of _____, the demanding state.
5. Should this Court find sufficient cause to hold you pending receipt of this requisition, you can be held for a period of time not to exceed ninety (90) calendar days.
6. Upon receipt of the requisition, you have the right to a court hearing to determine whether the requisition is in order.
7. **You have the right to waive or give up the above described rights and to voluntarily Consent to return to the State of _____ .**
8. If there are pending charges in the demanding state, that voluntary consent to return is made without reference to guilt or innocence and is not in any way prejudicial to your case and is not an admission of guilt of any crimes.

The above named juvenile has been advised of his/her rights existing under the Interstate Compact for Juveniles as of this date and time.

ENTERED: _____

(Signature of Judge)



INTERSTATE COMPACT FOR JUVENILES

VICTIM NOTIFICATION SUPPLEMENT FORM

Sending state: _____ Receiving state: _____

Youth name: _____ DOB: _____ Probation Parole

The sending state requires the assistance of the receiving state to assure that legal requirements for victim notification in the sending state are met. Under Interstate Compact Rule #4-107, the sending state requests that the indicated information be transmitted by the receiving state **at least 5 business days** before victim notification is required.

Notice Required	Type Of Victim Notification	Point In Time At Which the Sending State Must Be Notified
<input type="checkbox"/>	Approval of a travel permit for juvenile to travel to home/committing state	<input type="checkbox"/> business <input type="checkbox"/> calendar days before travel begins
<input type="checkbox"/>	Other:	
<input type="checkbox"/>	Other:	

Notes and additional information:

**Victim notification information is confidential and shall not be provided to the juvenile, his/her family, or others unless legally authorized.*

Prepared by: _____

(print name)

(title)

(date)



INSTRUCTIONS FOR COMPLETING ICJ VICTIM NOTIFICATION SUPPLEMENT FORM

PLEASE TYPE OR PRINT LEGIBLY

When to complete this form: The sending state completes the form and includes it in the referral packet if victim notification requirements are known at the time the referral is made. If victim notification is established or modified at a later date, the person in the sending state completing the form should submit or resubmit the form to their state's ICJ office at that time. The sending state's ICJ office will forward the updated form to the receiving state's ICJ office.

Rule 4-107: When the sending state will require the assistance of the supervising officer in the receiving state to meet victim notification requirements, the sending officer shall clearly document such in the initial packet using the Victim Notification Form. The Victim Notification Form shall include the specific information regarding what will be required and the timeframes within which it must be received.

Sending state: State requesting courtesy supervision services

Receiving state: State in which juvenile will reside or is residing

Juvenile information: Insert information about the juvenile as indicated

Notice required: Check the box to indicate that a certain type of notice is required at a specific point in time

Type of victim notification: The form indicates one common type of notification – juvenile approved to travel to the state in which s/he committed an offense. Other types of notification required by the laws of the sending state or under a court order, should be explained in the lines reserved for “other”.

Point in time: The number of days for each type of notice is calculated by the sending state, based on required advance notice to victim PLUS at least 5 business days for notice to be processed in the sending state.

Notes: Use this section to indicate when a *revised* form is being sent. Other information may also be communicated here.

Signed: The person who prepared the form should print or type her/his name and title along with the date.

****Victim notification information is confidential and shall not be provided to the juvenile, his/her family, or others unless legally authorized.***



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

BUDGET

ICJ
Budget Presentation
Fiscal Years:
2010, 2011, 2012 and 2013

	A	C	E	G	J
1					FY13
2		FY10	FY11	FY12	Proposed
3		Actual	Actual	Budget	Budget
4	REVENUE				
5	DUE ASSESSMENT	743,500.00	825,583.33	937,000.00	937,000.00
6	Carried Over Reserves				
7	Refunds	1,545.00	9,300.00		
8	INTEREST INCOME	8,546.05	8,153.33	8,000.00	8,000.00
9	Total Administration Revenue	753,591.05	843,036.66	945,000.00	945,000.00
10					
11	EXPENSE				
12	60000 SALARIES & WAGES	124,812.33	207,457.70	225,000.00	241,000.00
13	61000 EMPLOYEE BENEFITS	30,355.82	80,945.59	105,000.00	110,328.00
14	CSG CONTRACT STAFF	34,281.53			
15	61079 EDUCATION, ACCREDITATION	30.00	1,522.81	2,000.00	2,000.00
16	61089 PROFESSIONAL MEMBERSHIP FEES			300.00	300.00
17	62000 SUPPLIES	4,606.04	2,566.39	5,000.00	5,000.00
18	62010 POSTAGE	629.95	1,068.24	1,000.00	1,000.00
19	62090 COMPUTER SERVICES/SUPPORT	4,336.53	8,297.45	9,000.00	9,000.00
20	62130 OUTSIDE WEB SUPPORT	6,508.06	1,874.05	5,000.00	5,000.00
21	62140 SOFTWARE PURCHASE	863.25	627.76	1,000.00	1,000.00
22	62280 INSURANCE	987.00	1,884.00	2,304.00	2,304.00
23	62310 PHOTOCOPIY	193.90	89.50	1,000.00	1,000.00
24	62360 DIRECT TELEPHONE EXPENSE	2,529.30	4,685.73		
25	62370 CELL PHONE EXPENSE	1,234.45	1,725.93	1,500.00	1,500.00
26	62410 MARKETING/ADVERTISING	1,199.00	419.00	500.00	500.00
27	66000 EQUIPMENT PURCHASE	10,743.65	6,053.77	12,000.00	12,000.00
28	68200 WEB/VIDEO CONFERENCE (WebEx)	5,414.89	8,762.35	12,000.00	12,000.00
29	68230 MEETING EXPENSE	400.53	448.93	1,500.00	1,500.00
30	72000 CONSULTANT SERVICES	84.77	10,206.43	25,000.00	25,000.00
31	74000 STAFF TRAVEL	7,131.70	5,924.87	10,000.00	10,000.00
32	78050 PRINTING	742.63	2,420.19	5,000.00	5,000.00
33	78130 BENCHBOOK PRODUCTION		10,902.50		
34	80000 LEGAL SERVICES	40,575.00	31,275.00	35,000.00	35,000.00
35	80030 DEFENSE LITIGATION	7,983.72			
36	85000 RENT	7,554.11	20,619.13	18,700.00	18,700.00
37	91010 INDIRECT COST	58,639.63	55,319.94	57,336.48	57,400.18
38	Total Administration Expenditures	351,837.79	465,097.26	535,140.48	556,532.18
39					
40	OTHER EXPENSE				
41	Executive Committee Meetings	16,868.76	13,621.20	15,000.00	15,000.00
42	Annual Meeting	74,545.48	78,987.64	94,200.00	98,900.00
43	Finance Committee	61.19	103.29	1,000.00	1,000.00
44	Compliance Committee	134.33	54.32	1,000.00	1,000.00
45	Rules Committee	750.32	13,707.06	15,000.00	15,000.00
46	Technology Committee	621.64	1,012.78	15,000.00	15,000.00
47	Training/Education Committee	1,674.33	7,199.23	15,000.00	15,000.00
48	Executive Director Search	3,583.66			
49	JAD Sessions/Function Req	24,819.61	26,200.00		
50	Other Indirect Cost	24,611.86	19,019.55	18,744.00	18,503.50
51	Total Other Expense	147,671.18	159,905.07	174,944.00	179,403.50
52					
53	Total Commission Expenses	499,508.98	625,002.32	710,084.48	735,935.68
54					
55	Over/Under Budget	254,082.07	218,034.34	234,915.52	209,064.32
56					
57	Fund Balance and Liabilities	256,345.64	474,380.00		



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

AAICPC/ICJ Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING (MOU)

Interstate Commission for Juveniles and Association of Administrators of the Interstate Compact on the Placement of Children

THIS MOU is made between the Interstate Commission for Juveniles (herein referred to as the “Commission,” the governing body of the Interstate Compact for Juveniles, herein referred to as the “ICJ”) and the Association of Administrators of the Interstate Compact on the Placement of Children (herein referred to as the “AAICPC,” the administrative body of the Interstate Compact on the Placement of Children, herein referred to as the “ICPC”) effective on the ___ day of _____, 2011.

I. Purpose of MOU

The purpose of this MOU is to foster communication, collaboration, education, and training to clarify issues and resolve confusion at the local, state and national levels in the handling of those cases when both compacts may apply or in other cases when only one compact is to be used. Further, this MOU is intended to coordinate, to the extent possible, the roles and responsibilities of each party at the local, state and national levels to determine: 1) the best plan of action regarding public safety and what is in the best interest and safety of the child or juvenile, and 2) when it may be necessary to modify rules, regulations, procedures and forms to further enhance communication and improve delivery of services.

II. Defining ICPC and ICJ

A. Interstate Compact for Juveniles: The ICJ preserves child welfare and promotes public safety interests of citizens, including victims of juvenile offenders. These objectives are accomplished by providing enhanced accountability, enforcement, visibility and communication in the return of juveniles who have left their state of residence without permission, and in the supervision of juveniles who travel or relocate across state lines. Additionally, ICJ has a provision to make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services (*See, ICJ Article I*).

1. Juveniles subject to ICJ for possible return are those who are located in a holding or asylum state and:
 - a. Are on probation, parole or court ordered supervision who have absconded, escaped or failed to appear; or
 - b. Are non-delinquent who have left their state of residence without permission, including those in the custody of the state (children in need of care); or
 - c. Are accused delinquent with an active warrant entered into the National Crime Information Center (NCIC); or

- d. Have failed in their ICJ placement, and the sending state has taken action for their return; or
 - e. Have run from an ICPC placement and the resource refuses to take the child or juvenile back, or the child or juvenile refuses to return.
2. Juveniles eligible for supervision under ICJ Article I (A) are those who are on probation, parole, or deferred adjudication and seek to travel or relocate to another state, including those:
 - a. In a home placement with a parent or legal guardian.
 - b. As full-time students at a secondary school, or accredited university, college, or state licensed specialized training program and can provide proof of acceptance and enrollment.
 - c. In other home situation placements excluding residential treatment facilities.

B. Interstate Compact on the Placement of Children: ICPC is an agreement between member states that governs the placement of abused, neglected or dependent children into another state. ICPC provides these children the same protection and services that would be provided to them if they remained in their home state. ICPC also governs children placed as a result of an independent or private adoption and all children (including delinquents) placed into residential treatment facilities. ICPC includes the return of the child to the original jurisdiction should the placement prove not to be in the best interest of the child.

ICPC defines four types of placement categories:

1. Adoptions: Placement preliminary to an adoption. (Independent, private or public Adoptions) *See, ICPC Article III (a).*
2. Licensed or Approved Foster Homes: Placement with related or unrelated caregivers. *See, ICPC Article III (a).*
3. Placements with parents and relatives when a parent or relative is not making the placement. *See, ICPC Article VIII (a) "Limitations."*
4. Group Homes or Residential Placement of all children, including accused or adjudicated delinquents in institutions in other states. *See, ICPC Article VI.*

C. Cases where both compacts may be involved:

1. Runaways as defined above in paragraph II(A)(1)(b) and (1)(e); or
2. Residential placements as defined in paragraphs II(A) and II(B)(4); or
3. Family settings as defined in paragraph II(B)(1), (2), and (3).

III. This collaboration includes:

A. Communication: Promoting Communication at the Local, State and National Levels.

1. Distributing this MOU to all member states.
2. Posting this MOU on both the AAICPC and the Commission websites.
3. Promoting inclusion of interested stakeholders in regional meetings.
4. Representation at national level business meetings, conferences or committees.
5. Facilitating joint participation on state councils or meetings.
6. Encouraging periodic meetings between ICPC and ICJ state offices.
7. Encouraging collaboration at a local level between probation and parole and child welfare staff involved in cases of mutual concern.

B. Education and Training: Promoting Education and Training at the Local, State and National Levels.

1. Utilizing this MOU and related documents as part of ICJ and ICPC education and training material.
2. Providing support and leadership to develop state and local trainers.
3. Promoting local, state and regional trainings which utilize a variety of formats.
4. Encouraging training events at the national meetings or conferences that would be open to both the Commission and the AAICPC membership.
5. Recognizing at the local and state level the importance of including judges, attorneys, court appointed special advocates, law enforcement or other interested parties in education and training efforts.

C. Collaboration in Specific Cases: Promoting Collaboration at the Local, State and National Levels, where Concurrent or Overlapping Responsibilities Exist:

1. Encouraging joint staffing between state and local parties in the handling of cases.
2. Examining more efficient and effective ways to share case sensitive information while complying with statutes and regulations that govern the sharing of such documents.
3. Working together to provide stability when a child or juvenile becomes involved in the abuse or delinquency system after having been placed through either compact in the receiving state.

IV. Implementation

The implementation of this MOU may be covered in existing documents. However, some areas may require further clarification. Such clarification may be developed through workgroups, meetings, establishing training curriculums and best practice guidelines, or, if necessary, modification of rules, regulations, procedures and forms.

V. Resolution

If through the education and communication listed above the involved parties are unable to reach an agreement on a specific issue they can attempt to resolve the issue at the local or state level. If the involved parties are unable to resolve it at either of those levels they may request assistance from their respective national office by contacting the following individual(s):

Executive Director
Interstate Commission for Juveniles
836 Euclid Avenue, Suite 322
Lexington, KY 40502
859-721-1062

Secretariat
Association of Administrators of
the Interstate Compact for the
Placement of Children
1133 Nineteenth Street, NW
Washington, DC 20036
202-682-0100

See below the national websites for additional information:

ICJ: <http://www.juvenilecompact.org/> ICPC: <http://icpc.aphsa.org/Home/resources.asp>

VI. Termination

If either party desires to terminate this MOU, it may do so by providing written notice to the other party through the Commission Chair or AAICPC President. Such termination shall be effective ninety (90) days following receipt of said notice unless otherwise rescinded.

VII. Modification

Modifications to this MOU may only be made with the written consent of both the Commission Chair and AAICPC President.

VIII. Applicable Law

Notwithstanding the terms of this MOU, all provisions governing placements subject to the Interstate Compact for Juveniles and the Interstate Compact on the Placement of Children, and the authorized rules and regulations under each Compact shall continue to apply.

All provisions concerning liability, immunity, and indemnification as provided in the Interstate Compact for Juveniles and the Interstate Compact on the Placement of Children, shall remain in effect and no provision of this MOU is intended to confer upon or authorize any individual right of action by any person to whom this MOU may apply.

IX. Effective Date and Signature

This MOU shall be effective upon the signature of the Commission and AAICPC authorized officials. It shall be in force from _____, _____ to _____, _____.

Interstate Commission for Juveniles
Commission Chair

Association of Administrators of the
Interstate Compact for the Placement of Children
Compact President

Signature

Signature

Date

Date