



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

2012 ICJ Annual Business Meeting
October 15 – 17, 2012
Kansas City, MO

Docket Book

(Click on an item below to jump to that selection)

- Detailed Agenda
- Minutes
- ICJ Statute
- ICJ By-laws
- ICJ Rules
- Proposed Rule Amendments
- Finance
- Committee Reports



**Interstate Commission for Juveniles
2012 Annual Business Meeting
October 15 - 17**

The InterContinental Hotel, Kansas City, Missouri
Central Standard Time

MONDAY, OCTOBER 15, 2012

2:00 p.m. **Executive Committee Meeting**
Pavilion I

6:00 p.m. **Welcoming Reception**
Rooftop Ballroom

TUESDAY, OCTOBER 16, 2012

*7:00 a.m. - 8:00 a.m. **Breakfast**, provided
Ballroom, Salon III

8:00 a.m. – 10:00 a.m. **Training I: The Interaction of ICPC and ICJ**
Ballroom, Salon II

10:30 a.m. – 12:00 p.m. **Training II: Juvenile Sex Offenders in the ICJ**
Ballroom, Salon II

*12:00 p.m. – 1:30 p.m. **Lunch**, *on own*

1:30 p.m. – 3:00 p.m. **Training III: JIDS Demonstration and Overview**
Ballroom, Salon II

*3:00 p.m. – 5:00 p.m. **Region Meetings -**

- **East Region** – *Pavilion III*
- **Midwest Region** – *Pavilion I*
- **South Region** – *Pavilion VI*
- **West Region** – *Ballroom, Salon II*

*5:00 p.m. – 6:00 p.m. **Public Hearing**
Ballroom, Salon IB

* InStream available in Pavilion VII to preview JIDS



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WEDNESDAY, OCTOBER 17, 2012

- *7:00 a.m. **Breakfast**, provided - *Ballroom Foyer*
- 8:00 a.m. **General Session** - *Ballroom, Salon IA, IB*
- **Call to Order**
 - **Flag Presentation**
 - **Roll Call**
 - **Approval of Agenda**
 - **Approval of Minutes**
 - **Opening Remarks**
- 8:15 a.m. **Welcome**
- 8:30 a.m. **Executive Committee Report**
Terry Clark, Chair
- 9:00 a.m. **Training, Education and Public Relations Committee Report**
Jean Hall, Chair
- 9:15 a.m. **Compliance Committee Report**
Dale Dodd, Chair
- 9:30 a.m. **Information and Technology Committee Report**
Traci Marchand, Chair
- 10:30 a.m. **Break**
- 10:45 a.m. **Finance Committee Report**
Lisa Bjergaard, Chair
- 11:15 a.m. **Legal Counsel Report**
Rick Masters, Legal Counsel
- 11:30 a.m. **Regional and Work Group Committee Reports**
- *South*
 - *Midwest and ICJ/ AAICPC MOU Work Group*
 - *East*
 - *West*



**Interstate Commission for Juveniles
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The InterContinental Hotel | Kansas City, Missouri
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WEDNESDAY, OCTOBER 17, 2012 CONTINUED

- | | |
|-------------|---|
| *12:00 p.m. | Lunch , <i>on own</i> |
| 1:30 p.m. | Rules Committee Report
<i>Gary Hartman, Chair</i> |
| 3:00 p.m. | Break |
| 3:15 p.m. | Old Business |
| 3:30 p.m. | New Business |
| 4:15 p.m. | Officer Elections <ul style="list-style-type: none">• Nominees Address Commission• Vote for Officers• Oath of Office |
| 5:00 p.m. | Adjourn |
| 5:30 p.m. | Newly Elected Officers and Region Chairs Meeting
<i>Pavilion II</i> |



INTERSTATE COMMISSION FOR JUVENILES
ANNUAL BUSINESS MEETING
October 26, 2011
MINUTES
Marriott Riverside – Norfolk, VA

Call to Order

The meeting was called to order by Chair Clark (PA) at 8:00 a.m. EDT. The AFJROTC Color Guard at Lakeland High School in Suffolk, Virginia presented the flags.

Roll Call

A. Lippert, Executive Director, called the roll. Of the 51 member states and territories, 47 were in attendance, 45 *voting* members were present, establishing a quorum.

Members

- | | |
|-------------------------|----------------------------------|
| 1. Alabama | Patrick Pendergast, Designee |
| 2. Alaska | Barbara Murray, Commissioner |
| 3. Arizona | Scott Fried, Designee |
| 4. Arkansas | Judy Miller, Designee |
| 5. California | Michael Farmer* |
| 6. Colorado | Summer Foxworth, Commissioner |
| 7. Connecticut | Maria Genca, Designee |
| 8. Delaware | Damian Seymour, Designee |
| 9. District of Columbia | Michael Umpierre, Commissioner |
| 10. Florida | Jean Hall, Commissioner |
| 11. Hawaii | Janice Yamada, Commissioner |
| 12. Idaho | Sharon Harrigfeld, Commissioner |
| 13. Illinois | Billie Greer, Designee |
| 14. Indiana | Jane Seigel, Commissioner |
| 15. Iowa | Gerry Prine, Designee |
| 16. Kansas | Brad Burke, Commissioner |
| 17. Kentucky | Paul Gibson, Commissioner |
| 18. Louisiana | Angela Bridgewater, Commissioner |
| 19. Maine | Mark Boger, Commissioner |
| 20. Maryland | Sherry Jones, Commissioner |
| 21. Massachusetts | Fred White, Designee |
| 22. Michigan | Ted Forrest, Commissioner |
| 23. Minnesota | Rose Ann Bisch, Commissioner |
| 24. Mississippi | Clarence Powell, Designee |
| 25. Missouri | Julie Hawkins, Commissioner |
| 26. Montana | Cindy McKenzie, Commissioner |

27. Nebraska	Michael Reddish, Commissioner
28. Nevada	Fernando Serrano, Commissioner
29. New Hampshire	<i>Not in attendance</i>
30. New Jersey	Robert Mercado, Designee
31. New Mexico	Dale Dodd, Commissioner
32. New York	<i>Not in attendance</i>
33. North Carolina	Traci Marchand, Commissioner
34. North Dakota	Lisa Bjergaard, Commissioner
35. Ohio	Robyn Peterson, Commissioner
36. Oklahoma	Robert Hendryx*
37. Oregon	Philip Cox, Commissioner
38. Pennsylvania	Terry Clark, Designee
39. Rhode Island	<i>Not in attendance</i>
40. South Carolina	Dawne Gannon, Commissioner
41. South Dakota	Nancy Allard, Commissioner
42. Tennessee	Sherry Bolden-Rivers, Commissioner
43. Texas	Donna Bonner, Commissioner
44. Utah	Lisa Michele Church, Commissioner
45. Vermont	<i>Not in attendance</i>
46. Virginia	Mark Gooch, Commissioner
47. Virgin Islands	B. Patricia Welcome, Commissioner
48. Washington	Don Jones, Designee
49. West Virginia	Michael Lacy, Commissioner
50. Wisconsin	Shelley Hagan, Commissioner
51. Wyoming	Gary Hartman, Commissioner

*non-voting representative

Ex-Officios:

1. American Probation and Parole Association (APPA) – Carl Wicklund
2. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Jean Taylor
3. Council of Juvenile Correctional Administrators (CJCA) – Helivi Holland
4. Conference of State Court Administrators (COSCA) – Sally Holewa
5. International Association of Chiefs of Police (IACP) – *Not in attendance*
6. Interstate Commission for Adult Offender Supervision (ICAOS) – John Rubitschun
7. National Association of Attorneys General (NAAG) - *Not in attendance*
8. National Children’s Advocacy Center (NCAC) – Chris Newlin
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 Juvenile Detention Association (NJDA) – Steven Jett
12. National Runaway Switchboard (NRS) – Maureen Blaha
13. National Sheriffs’ Association (NSA) - *Not in attendance*
14. National Association for Crime Victims [Justice Solutions] - Trudy Gregorie

Agenda

S. Foxworth (CO) made a motion to approve the agenda as presented. D. Bonner (TX) seconded. The motion passed by a majority vote.

Minutes

D. Bonner (TX) made a motion to approve the 2010 Annual Business Meeting September 15, 2010 minutes as presented. S. Foxworth (CO) seconded. The motion passed by a majority vote.

Opening Remarks

Chair Clark welcomed everyone to the 4th Annual Business Meeting of the Interstate Commission for Juveniles and introduced the guest speaker, Helivi Holland, Director of the Virginia Department of Juvenile Justice.

Welcome

Director Holland provided a warm welcome to the Commonwealth of Virginia acknowledging many of the state's attributes. She recognized the seven cadets from the Lakeland High School AFJROTC Color Guard with a plaque of appreciation on behalf of the Virginia Department of Juvenile Justice.

Executive Committee Report by Terry L. Clark (PA)

- Chair Clark updated that the current Compact membership includes 49 states and 2 territories. To assist states with non-member state Georgia, the Executive Committee approved the following initiatives: survey to determine state's cases with Georgia, legal memorandum advising member states on doing business with Georgia, letters to Georgia's border state Governors, and an invitation to Georgia's Department of Juvenile Justice to attend the 2011 Annual Business meeting.
- Chair Clark provided an overview of the Executive Committee's work which resulted in the following accomplishments:
 - Developed, published, and distributed a Bench Book for Judges and Court Personnel;
 - Enacted policies for State Council Enforcement and Media Requests;
 - Initiated a rule infraction reporting process;
 - Approved and posted four legal advisory opinions;
 - Filled immediate vacancies with interim appointments for Vice Chair (Summer Foxworth) and Treasurer (Lisa Bjergaard); and
 - Published fiscal year 2011 Semi-Annual and Annual Reports.
- Chair Clark presented the Executive Committee's recommendation to amend the ICJ By-laws to allow the immediate past-chairperson voting privileges during their one year term of service to the Executive Committee.
- The Commission questioned and debated the purpose of expanding the role of the immediate past-chairperson for one year and making the position an officer position. R. Masters clarified the proposed language.
- **P. Cox (OR) made a motion to adopt the amendment to the By-laws in Article IV Sections 1 and 2 to include the immediate past-chairperson as a voting officer for one year. M. Reddish (NE) seconded. The motion passed by a 39 - 5 majority vote.**
- Chair Clark updated on the following Ex-Officio Activity:
 - National Organization for Victims of Crime
Victims' Representative, Trudy Gregorie, became a member of the Executive Committee.
 - National Child Advocacy Center
Chris Newlin accepted an invitation to become an Ex-Officio member.
 - Interstate Compact on the Placement of Children (ICPC)
R. Bisch (MN) Co-Chaired the AAICPC/ICJ Work Group created to refine the Memorandum of Understanding (MOU) document.

- American Probation and Parole Association (APPA)
B. Greer (IL) and J. Hall (FL) presented at the 2011 APPA Winter and Summer Institutes respectively.
- National Juvenile Detention Association (NJDA)
- D. Bonner (TX) presented at the Annual National Symposium on Juvenile Justice in San Antonio, TX in October 2010.
- National Council of Juvenile and Family Court Judges (NCJFCJ)
D. Dodd (NM) presented at the National Conference on Juvenile and Family Law in Reno, NV in March 2011.
- Interstate Commission for Adult Offender Supervision (ICAOS)
D. Dodd (NM), ICAOS Ex-Officio, attended the ICAOS 2010 and 2011 Annual Business Meetings. The ICJ and the ICAOS National Offices continue sharing resources.
- Association of Juvenile Compact Administrators (AJCA)
An agreement was proposed between AJCA and ICJ for the transfer of AJCA's remaining funds upon the dissolution of AJCA.
- **G. Prine (IA) made a motion to accept the Executive Committee Report as presented. J. Hall (FL) seconded. The motion passed by a majority vote.**

Training, Education and Public Relations Committee Report by Jean Hall (FL)

- Chair Hall recognized the members of the Training Committee.
- Chair Hall reported the Training Committee met five times resulting in the following successes:
 - Updated Quick Reference Guide
 - Provided Rule amendment training after the 2010 Annual Business meeting
 - Developed a Commissioner Handbook
 - Developed a Judicial Training Curriculum to compliment the ICJ *Bench Book for Judges and Court Personnel*.
 - Conducted sixteen rules training sessions via WebEx.
 - Received training and technical assistance requests from: Alabama, Idaho, Illinois, North Carolina; and Minnesota/North Dakota border training.
 - Published two training bulletins: 01-2011: Training and Technical Assistance: Putting the Policy to Work for You and 02-2011: Juveniles and Unarmed Escorts in Air Travel.
 - Presented on ICJ at the following National Conferences:
 - 2010 National Symposium on Juvenile Services
 - 2011 American Probation and Parole Association Winter Institute
 - 2011 National Conference on Juvenile and Family Law
 - Made a recorded training available online which was accessed by 600+ people for a record annual training of 3,371.
 - Proposed Training Committee projects are: 2011 Rule Amendment Training for Compact Offices and the implementation of interactive, self-paced training programs.
 - Chair Hall noted that training resources are available 24/7 on the ICJ website.
- **R. Mercado (NJ) made a motion to accept the Training, Education and Public Relations Committee Report as presented. M. Boger (ME) seconded. The motion passed by a majority vote.**

Compliance Committee Report by Dale Dodd (NM)

- Chair Dodd recognized the members of the Compliance Committee.
- Chair Dodd reported that the Compliance Committee met twice resulting in the following recommendations and results:
 - Four states were found to be in non-compliance for the non-payment of dues. The Committee authorized ICJ General Counsel to send default letters. Within 30 days all four states remitted payment and no further action was taken.
 - Three dispute resolution requests were received and resolved prior to the Committee's involvement.
- **P. Pendergast (AL) made a motion to accept the Compliance Committee Report as presented. R. Peterson (OH) seconded. The motion passed by a majority vote.**

Legal Report by R. Masters, Legal Counsel

- R. Masters, Legal Counsel, referenced his written report included in the Docket Book highlighting:
 - the development and positive feedback of the Bench Book;
 - the usage of and protocol for legal opinions;
 - border state training for Minnesota and North Dakota and the opportunity to request technical and training assistance; and
 - tools available to avoid legal actions.
- There were no legal recommendations included in the report; therefore, a motion to accept the Legal Report was not necessary.

Technology Committee Report by Clarence Powell (MS)

- Chair Powell acknowledged the members of the Technology Committee and the National Office for their contributions. He highlighted the following resources currently available on the ICJ Website:
 - Airline Matrix
 - Sex Offender Matrix
 - Interactive Directory Map
 - Electronic Training Report Form
 - ICJ Rules in HTML Format
- Chair Powell encouraged the usage of the ICJ Website and reported the following statistics between July 1, 2010 and June 30, 2011:
 - Total Visits = 32,149
 - Total Page Views = 161,522
 - Average visits per day = 88
 - Total Number of Registered Users = 2,389
- Regarding a National System, Chair Powell reported the sequence of events leading up to the recommendation from The National Consortium for Justice Information and Statistics (SEARCH). He reported that SEARCH recommended a Request for Information (RFI) be issued to qualified vendors. The Technology Committee will meet in November to review the vendor responses. He projected a vendor to be selected in December and development to begin January 2012.

- Chair Powell addressed questions from the floor regarding SEARCH, HIPAA, a web base, and the national system.
- **M. Boger (ME) made a motion to accept the Technology Committee Report as presented. F. Serrano (NV) seconded. The motion passed by a majority vote.**

Finance Committee Report by Lisa Bjergaard (ND)

- Treasurer Bjergaard acknowledged the members of the Finance Committee and the National Office for their due diligence and stewardship with the Commission's finances.
- Treasurer Bjergaard reported the Finance Committee met nine times to review monthly budget expenditures, draft the Fiscal Year 2013 Budget, and to discuss the reserve funds for a national system and investment opportunities.
- Treasurer Bjergaard reported that the Fiscal Year 2011 Budget finished eight percent under budget. She presented Budgets for fiscal year 2012 and 2013 highlighting appropriations for new member states, the reserve fund, and the anticipated costs to develop a national system. Treasurer Bjergaard encouraged members to join the Finance or other ICJ Committees.
- **P. Cox (OR) made a motion to accept the Finance Committee Report as presented. J. Hall (FL) seconded. The motion passed by a majority vote.**
- M. Lacy (WV) questioned when the Fiscal Year 2013 Budget was to be approved. Chair Clark advised that acceptance of the Committee report included the approval of the budget.
- **M. Lacy (WV) made a motion to review and vote to adopt the Fiscal Year 2013 Budget separate of the Finance Committee Report. S. Jones (MD) seconded. The motion passed by a majority vote.**
- Treasurer Bjergaard expanded on the Fiscal Year 2013 Budget. F. White (MA) questioned Line Item 30 *Consulting Services*. A. Lippert clarified the amount appropriated by the Executive Committee for technical and training assistance. M. Gooch (VA) questioned the formal restrictions and unrestricted cash amounts taxable for non-profit organizations in reserves. A. Lippert clarified the reserves percentage to be in accordance with the recommendation by the Council of State Governments (CSG). She will research and report to the Finance Committee a response to IRS taxable unrestricted cash reserves for non-profit organizations. D. Bonner (TX) questioned the CSG indirect costs. A. Lippert clarified the percentages in FY '12 and FY '13 Budgets reflect a decrease over the next two years.
- **M. Lacy (WV) made a motion to approve the Fiscal Year 2013 Budget as presented. P. Cox (OR) seconded. The motion passed by a majority vote.**

Region Reports

Regional Representatives by Summer Foxworth (CO)

Representative Foxworth reported the regional representatives met quarterly and discussed topics of regional interest. The Regional Representatives relayed their meeting discussions to the regions for consideration and pertinent action which was reported out by each Region's Representative.

West Region by Summer Foxworth (CO)

- Representative Foxworth reported holding six West Region meetings. Discussion included the proposed AAICPC/ICJ MOU document, proposed rule and form amendments, and advisory opinion requests.

- Two advisory opinions were requested and issued:
 - # 02-2011 The placement of juveniles in residential treatment centers
 - # 03-2011 Eligibility of juveniles with abeyance pleas
- **J. Hall (FL) made a motion to accept the West Region Report and the Regional Representatives Report as presented. M. Boger (ME) seconded. The motion passed by a majority vote.**

Midwest Region by Rose Ann Bisch (MN)

- Representative Bisch (MN) reported the Midwest Region welcomed new member states and convened for five meetings. Items discussed included the proposed AAICPC/ICJ MOU, proposed rule and form amendments, warrants as detainers, types of status offenders eligible for ICJ, and venue transfers when parents/legal guardians do not reside in the dispositional state.
- **R. Peterson (OH) made a motion to accept the Midwest Region Report as presented. M. Reddish (NE) seconded. The motion passed by a majority vote.**

AAICPC/ICJ MOU Work Group by Rose Ann Bisch (MN)

- Co-Chair Bisch recognized the ICJ members, the AAICPC members, and the ICJ National Office for their work. She summarized the history of the Work Group to date.
- Co-Chair Bisch presented a Memorandum of Understanding document between AAICPC and ICJ. The MOU document is presented as a broad general frame work for collaboration between the two parties. Further, the Work Group recommends moving forward with a Phase II and Phase III to develop addendums to the MOU detailing the types of overlapping cases.
- At the request of Chair Clark, Carla Fults of AAICPC clarified the process of obtaining signature and approval from AAICPC. The Commission considered and agreed with the recommendations of the Work Group.
- **D. Bonner (TX) made a motion to accept the Memorandum of Understanding (MOU) between the Interstate Commission for Juveniles (ICJ) and the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) as presented. M. Reddish (NE) seconded. The motion passed by a majority vote.**
- **P. Pendergast (AL) made a motion that the Executive Committee be approved to modify the document on behalf of the Commission for non-substantial changes, if necessary, after review by AAICPC. G. Prine (IA) seconded. The motion passed by a majority vote.**

East Region by Mark Boger (ME)

- Representative Boger reported that the East Region welcomed new member states. The East Region met four out of five times without a quorum. He reported that meetings were well attended and the areas discussed were: state councils, ICJ visibility, Bench Book distribution, the proposed AAICPC/ICJ MOU, proposed rule and form amendments, non-members Georgia and Puerto Rico, airport/airline issues, legal opinions, and the dues structure.
- **R. Mercado (NJ) made a motion to accept the East Region Report as presented. C. Powell (MS) seconded. The motion passed by a majority vote.**

South Region by Judy Miller (AR)

- Representative Miller reported that the South Region welcomed the District of Columbia. The South Region met twice prior to the 2011 Annual Business Meeting. Items discussed included the proposed AAICPC/ICJ MOU, proposed rule and form amendments, state councils, the national data system, and non-member state Georgia.
- **J. Hall (FL) made a motion to accept the South Region Report as presented. C. Powell (MS) seconded. The motion passed by a majority vote.**

Victims Notification Ad Hoc Committee by Philip Cox (OR)

- P. Cox (OR) presented the Victims Notification Ad Hoc Committee Report. He commended Chair Cheryl Sullivan-Colglazier, the Commission members, and the Ex-Officio members for their dedicated service.
- The Victims Notification Ad Hoc Committee completed their scope of work. To ensure responsibility by states to satisfy victim notification requirements, the following recommendations were proposed:
 - an amendment to Rule 4-107;
 - an amendment to Rule 5-102;
 - a Victim Notification Supplemental Form; and
 - proposed training
- **B. Burke (KS) made a motion to accept the report of the Victims Notification Ad Hoc Committee as presented. M. Lacy (WV) seconded. The motion passed by a majority vote.**

Rules Committee by Chair G. Hartman (WY)

- Chair Hartman acknowledged the members of the Rules Committee and their contributions.
- R. Masters reviewed the voting procedures in accordance with Roberts Rules of Order.
- **G. Hartman (WY) made a motion to limit the debate on rule amendments to 45 minutes for Sections 400 and 500, to 30 minutes for Section 600 and Forms, and to 45 minutes for Sections 200 and 100. B. Greer (IL) seconded. The motion passed by a majority vote.**

Rules Section 400

4-101: Processing Referrals

- J. Hawkins supported the rule amendment to Rule 4-101 and proposed additional language to include full time students and include who the juvenile will reside with. The Commission agreed to the proposed language as a new paragraph 2.e. to Rule 4-101.
- **J. Hawkins (MO) made the motion to add a new paragraph 2.e. to the proposed amendment to Rule 4-101: Processing Referrals. D. Bonner (TX) seconded. The motion passed by a majority vote.**
- D. Bonner (TX) proposed inserting the language *overlapping issues arise* after *concurrent jurisdiction* in paragraph 3 to be consistent with the law.
- R. Masters ruled the proposal to be out of order.
- **M. Lacy (WV) made a motion to adopt the amended proposal to Rule 4-101: Processing Referrals recommended by the Rules Committee. P. Cox (OR) seconded. The motion passed by a 42 - 1 vote.**

4-102: Sending and Receiving Referrals

- B. Burke (KS) spoke against the proposed language in Rule 4-102, paragraph 3(a) *release from a facility* and recommended reinserting the original language *arrival*
- J. Hawkins (MO) spoke in favor of the proposed language to assist states in complying with the time frame.
- B. Burke (KS) explained the change would create the opposite effect. Additional states spoke in favor of reverting back to the original language citing that the majority of placements are in community settings and emergency provisions could be exercised for release from facilities if necessary.
- **B. Burke (KS) made a motion to strike the proposed language *release from a facility* and revert back to the original language *arrival* in Rule 4-102(3) (a). D. Dodd (NM) seconded. The motion passed by a 30 -13 vote.**
- J. Seigel (IN) voiced concern that *expedited transfer* is not defined in the rules.
- **P. Cox (OR) made a motion to adopt the amended proposal to Rule 4-102: Sending and Receiving Referrals recommended by the Rules Committee. J. Hall (FL) seconded. The motion passed by a 40 - 4 vote.**

4-103: Transfer of Supervision Procedures

- **M. Lacy (WV) made a motion to adopt the proposed amendment to Rule 4-103: Transfer of Supervision Procedures as recommended by the Rules Committee. B. Greer (IL) seconded. The motion failed by a 19 - 25 vote.**
- D. Dodd (NM) recommended reinserting the word *juvenile* preceding sex offenders. He referenced Adam Walsh Act which requires delineation between juveniles and sex offenders and defines sex offender as a convicted person. Chair Hartman clarified that *juvenile* was deleted to be consistent with Rule 1-101 Sex Offender.
- **D. Dodd (NM) made a motion to revert back to the original language and reinsert *juvenile* sex offender in all instances within the proposed amendment to Rule 4-103: Transfer of Supervision Procedures. D. Bonner (TX) seconded. The motion passed by a 43 - 1 vote.**
- J. Seigel (IN) again voiced concern that *expedited transfer* is not defined in the rules.
- **M. Lacy (WV) made a motion to adopt the amended proposal to Rule 4-103: Transfer of Supervision Procedures as recommended by the Rules Committee. P. Cox (OR) seconded. The motion passed by a 43 - 1 vote.**

4-104: Cooperative Supervision/Services Requirements

- B. Burke (KS) recommended inserting *or other* appropriate authority. As written, the court appears not be an appropriate authority.
- **B. Burke (KS) made a motion to insert the word *other* in front of appropriate in the proposed amendment to Rule 4-104(5). M. Boger (ME) seconded.**
 - **P. Cox (OR) made a friendly amendment to strike the words *either court or paroling*. B Burke (KS) and M. Boger (ME) agreed. The motion passed by a 36 -7 vote.**
- **S. Harrigfeld (ID) made a motion to adopt the amended proposal to Rule 4-104: Cooperative Supervision/Services Requirements recommended by the Rules Committee. B. Greer (IL) seconded. The motion passed by a 39 - 5 vote.**

4-106: Closure of Cases

- **J. Seigel (IN) made a motion to insert the word *supervision* after *discharge/terminate* in paragraph 1 of the proposed amendment to Rule 4-106: Closure of Cases recommended by the Rules Committee. G. Prine (IA) seconded. The motion passed by a 43 - 1 vote.**
- J. Hawkins (MO), R. Peterson (OH), and B. Burke (KS) spoke against the proposed amendment in paragraph 1 as recommended by the Rules Committee and suggested reverting back to the original language.
- **R. Peterson (OH) made a motion to revert back to the original language with the exception of maintaining the word *supervision* in Rule 4-106(1). D. Bonner (TX) seconded. The motion passed by a 41 - 3 vote.**
- **P. Gibson (KY) made a motion to adopt the amended proposal to Rule 4-106: Closure of Cases recommended by the Rules Committee. S. Hagan (WI) seconded. The motion failed by a 22 - 22 vote.**
- C. Wicklund, Ex-Officio questioned the term adult court for juveniles.
- **D. Bonner (TX) made a motion to amend the language from *adult court* to *criminal court* in Rule 4-106 (1) (a). J. Hall (FL) seconded. The motion failed by a 7 - 37 vote.**
- The Commission debated the blended sentencing for adjudicated juveniles in adult criminal court.
- **B. Burke (KS) made a motion to table consideration of the proposed amendment to Rule 4:106 and refer back to the Rules Committee. R. Mercado (NJ) seconded. The motion failed by a 14 - 30 vote.**
- S. Foxworth (CO) recommended maintaining the adult court language. J. Hawkins (MO) agreed and noted substantial language within other paragraphs of the proposed amendment. R. Masters made a point of order that the rule amendment was voted down and would need a vote to re-consider.
- **J. Seigel (IN) made a motion to reconsider the proposed amendment to Rule 4-106: Closure of Cases as recommended by the Rules Committee. B. Greer (IL) seconded. The motion passed by a 36 - 7 vote.**
- **J. Hawkins (MO) made a motion to accept the previously approved amendment to paragraph 1 and adopt the amended proposal to Rule 4-106: Closure of Cases recommended by Rules Committee. C. Powell (MS) seconded. The motion passed by a 41 - 2 vote.**

4-107: Victim Notification

- D. Bonner (TX) noted the terms *supervising officer* and *supervising worker* are not defined within the rules.
- **P. Cox (OR) made a motion to replace the term *supervising officer* with *supervising person* in the proposed Rule 4-107: Victim Notification. D. Bonner (TX) seconded. The motion passed by a 31 - 13 vote.**
- S. Hagan (WI), Victims Ad Hoc Committee member, clarified the intent of the proposed language and rule.

- **R. Peterson (OH) made a motion to insert the language *to the extent possible* after *sending state* in proposed Rule 4-107(3). P. Welcome (VI) seconded. The motion passed by a 40 - 4 vote.**
- **B. Burke (KS) made a motion to replace the word *their* with *receiving* in the first location and replace with *sending* in the second location of the proposed amendment to Rule 4-107(3). S. Jones (MD) seconded. The motion passed by a 44 - 0 vote.**
- **B. Burke (KS) made a motion to adopt the amended proposed new Rule 4-107: Victim Notification. M. Lacy (WV) seconded. The motion passed by a 41 - 2 vote.**

Rules Sections 500 and 600

5-101: Authority to Accept/Deny Supervision

- **M. Lacy (WV) made a motion to adopt the proposed amendment to Rule 5-101: Authority to Accept/Deny Supervision as recommended by the Rules Committee. R. Mercado (NJ) seconded. The motion passed by a 41 - 0 vote.**

5-102: Travel Permits

- Chair Hartman presented two proposed amendments to Rule 5-102: Travel Permits, one proposed by the Rules Committee and one from the Victims Ad Hoc Committee.
- B. Burke (KS) noted the use of the undefined term *appropriate authority* throughout both proposals. P. Cox (OR) noted use of the term *supervising officer*.
- **J. Hawkins (MO) made a motion to strike *in the sending state* in Rule 5-101(4) in both proposals. R. Bisch (MN) seconded. The motion passed by a 38 - 7 vote.**
- **S. Harrigfeld (ID) made a motion to move forward with the proposed amendment to Rule 5-102: Travel Permits recommended by the Rules Committee. C. Powell (MS) seconded. The motion passed by a 36 - 9 vote.**
- The Commission discussed and agreed to include the language in paragraph 6 of the Victims Ad Hoc Committee proposal.
- **B. Burke (KS) made a motion to insert paragraph 6 as proposed by the Victims Ad Hoc Committee and to adopt the amended proposal to Rule 5-102: Travel Permits recommended by the Rules Committee. P. Cox (OR) seconded. The motion passed by a 33 - 12 vote.**

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

- **D. Bonner (TX) made a motion to insert the language *in accordance with Rule 6-103* in the proposed amendment to Rule 6-101(6). P. Welcome (VI) seconded. The motion passed by a 43 - 2 vote.**
- **M. Lacy (WV) made a motion to accept the amended title to Rule 6-101: *Release of Runaways to Parent or Legal Guardian* as proposed by the Rules Committee. B. Greer (IL) seconded. The motion passed by a 44 - 1 vote.**
- **G. Prine (IA) made a motion to strike *non-delinquent juvenile* and insert *runaway* in Rule 6-101(1) a and (2). P. Pendergast (AL) seconded. The motion passed by a 42 - 3 vote.**

- **R. Mercado (NJ) made a motion to accept the proposed amendment to Rule 6-101(3) as recommended by the Rules Committee. P. Pendergast (AL) seconded. The motion passed by a 44 - 1 vote.**
- **M. Lacy (WV) made a motion to accept the proposed amendment to Rule 6-101(4) as recommended by the Rules Committee. J. Hawkins (MO) seconded. The motion passed by a 41 - 4 vote.**
- **D. Bonner (TX) questioned the consistency of the terms juvenile and runaway juvenile.**
- **F. Serrano (NV) made a motion to accept the proposed amendment to Rule 6-101(5) as recommended by the Rules Committee. M. Reddish (NE) seconded. The motion passed by a 33 - 12 vote.**
- **M. Farmer (CA) questioned the inclusion of Form III in Rule 6-101 rather than 6-102.**
- **F. Serrano (NV) made a motion to accept the proposed amendment to Rule 6-101(6). M. Reddish (NE) seconded. The motion passed by a 33 - 12 vote.**
- **J. Miller (AR) noted not all ICJ compact offices issue requisitions.**
- **D. Bonner (TX) made a motion to strike the language *if permissible under the home/demanding state's laws* in the proposed amendment to Rule 6-101(6). R. Peterson (OH) seconded. The motion passed by a 26 - 19 vote.**
- **P. Gibson (KY) made a motion to accept all amendments and adopt the amended proposal to Rule 6-101: Release of Runaways to Parent or Legal Guardian. J. Hall (FL) seconded. The motion passed by a 40 - 5 vote.**

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

- **M. Boger (ME) made a motion to adopt the proposed amendment to Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles as recommended by the Rules Committee. M. Lacy (WV) seconded. The motion passed by a 44 - 1 vote.**

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

- **B. Burke (KS) made a motion to adopt the proposed amendment to Rule 6-104: Return of Juveniles Whose ICJ Placement Has Failed as recommended by the Rules Committee. G. Prine (IA) seconded. The motion passed by a 44 - 1 vote.**

6-111: Airport Supervision

- **M. Genca (CT) made a motion to delete the term *housing* and insert *appropriate living arrangements* in the proposed amendment to Rule 6-111(4). F. White (MA) seconded.**
 - **J. Hawkins (MO) made a friendly amendment to replace the word *living* with *shelter*. M. Genca (CT) and F. White (MA) agreed. The motion passed by a 39 - 6 vote.**
- **S. Harrigfeld (ID) spoke to the airport supervision rule not addressing ground transportation in correlation with flight changes, cancellations, and inclement weather.**
- **R. Masters noted that Rules 6-111 and 6-112 will merge upon adoption of the amended Rule 6-111.**

- P. Pendergast (AL) made a motion to adopt the amended proposal to Rule 6-111: Airport Supervision recommended by the Rules Committee. P. Cox (OR) seconded. The motion passed by a 41 - 4 vote.

Mandatory Forms

Form I: Requisition for a Runaway Juvenile

- P. Cox (OR) made a motion to strike *court or* in the first line of the proposed amendment to Form I. B. Burke (KS) seconded. The motion passed by a 37 - 8 vote.
- G. Prine (IA) made a motion to adopt the amended proposal to Form I: Requisition for a Runaway Juvenile. P. Cox (OR) seconded. The motion passed by a 36 - 9 vote.

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

- P. Cox (OR) made a motion to strike *appropriate court or* in the first line of the proposed amendment to Form II. B. Burke (KS) seconded. The motion passed by a 36 - 9 vote.
- M. Lacy (WV) made a motion to adopt the amended proposal to Form II: Requisition for Escapee or Absconder, Requisition Juvenile Charged with Being Delinquent. S. Jones (MD) seconded. The motion passed by a 43 - 2 vote.

Form III: Consent for Voluntary Return of Out of State Juvenile(s)

- M. Gooch (VA) made a motion to adopt the proposed amendment to Form III: Consent for Voluntary Return of Out of State Juvenile as recommended by the Rules Committee. S. Harrigfeld (ID) seconded. The motion passed by a 44 - 0 vote.

Form IV: Parole or Probation Investigation Request

- J. Seigel (IN) made a motion to insert *attach photograph if available* in the first section of the proposed Form IV. R. Bisch (MN) seconded. The motion passed by a 36 - 9 vote.
- D. Bonner (TX) made a motion to adopt the amended proposal to Form IV: Parole or Probation Investigation Request. S. Hagan (WI) seconded. The motion passed by a 43 - 2 vote.

Form IA/VI: Application for Services and Waiver

- P. Cox (OR) made a motion to adopt the proposed amendment to Form IA/VI: Application for Services and Wavier as recommended by the Rules Committee. F. Serrano (NV) seconded. The motion passed by a 45 - 0 vote.

Optional Forms

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

- R. Peterson (OH) made a motion to adopt the proposed amendment to the optional form title: *Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged Delinquent* to *Petition for Hearing on Requisition for Escapee, Absconder, or Accused Delinquent* as recommended by the Rules Committee. M. Lacy (WV) seconded. The motion passed by a 45 - 0 vote.

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

- P. Pendergast (AL) made a motion to adopt the proposed amendment to the optional form title: *Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent* to *Petition for Hearing on Requisition for Escapee, Absconder, or Accused Delinquent* as recommended by the Rules Committee. M. Gooch (VA) seconded. The motion passed by a 45 - 0 vote.

Rights for Voluntary Return of Runaway, Escapee, Absconder, or Juvenile Being Charged as Delinquent

- D. Dodd (NM) noted the form as optional for a required court action.
- G. Prine (IA) made a motion to adopt the proposed amendment to the optional form title: *Rights for Voluntary Return of Runaway, Escapee, Absconder, or Juvenile Being Charged as Delinquent* to *Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile* as recommended by the Rules Committee. J. Hall (FL) seconded. The motion passed by a 43 - 2 vote.

Victim Notification Supplement Form

- B. Burke (KS) noted the validity of the confidential notation for an open records disclosure case.
- M. Reddish (NE) made a motion to adopt the proposed Victim Notification Supplement Form as recommended by the Victims Ad Hoc Committee. P. Cox (OR) seconded. The motion passed by a 40 - 5 vote.

Rules Section 200

2-102: Data Collection

- M. Lacy (WV) made a motion to adopt the proposed amendment to Rule 2-102: *Data Collection* to change the term *juveniles charged as delinquent* to *accused delinquent* as recommended by the Rules Committee. B. Greer (IL) seconded. The motion passed by a 44 - 0 vote.

3-101: Approved Forms

- D. Bonner (TX) made a motion to adopt the proposed amendment to Rule 3-101: Approved Forms to coincide to the amended mandatory form titles as recommended by the Rules Committee. R. Peterson (OH) seconded. The motion passed by a 44 - 0 vote.

3-102: Optional Forms

- J. Hall (FL) made a motion to include the language *official forms may be found at www.juvenilecompact.org* on the bottom of the proposed amendment to Rule 3-102. S. Jones (MD) seconded. The motion passed 43 - 1 vote.
- P. Pendergast (AL) made a motion to accept and adopt the proposed amendment to Rule 3-101: Optional Forms to coincide with the amended optional form titles as recommended by the Rules Committee. R. Peterson (OH) seconded. The motion passed by a 43 - 1 vote.

Rule 1-101 Definitions:

1-101: Definitions Adjudicated

- B. Burke (KS) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Adjudicated as recommended by the Rules Committee. S. Harrigfeld (ID) seconded. The motion passed by a 42 -1 vote.

1-101: Definitions Appropriate Authority

- B. Burke (KS) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Appropriate Authority as recommended by the Rules Committee. B. Greer (IL) seconded.
 - D. Bonner (TX) made a friendly amendment to insert the word *court* after *agency*. B. Burke (KS) and B. Greer (IL) agreed.The motion passed by a 39 - 3 vote.

1-101: Definitions Commitment

- B. Burke (KS) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Commitment as recommended by the Rules Committee. F. Serrano (NV) seconded. The motion passed by a 42 - 1 vote.

1-101: Definitions Cooperative Supervision

- D. Bonner (TX) spoke against removing the word *cooperative*.
- M. Lacy (WV) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Supervision as recommended by the Rules Committee. J. Seigel (IN) seconded. The motion passed by a 36 - 8 vote.

1-101: Definitions Detainer

- **B. Burke (KS) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Detainer as recommended by the Rules Committee. B. Greer (IL) seconded. The motion passed by a 38 - 6 vote.**

1-101: Definitions Hearing

- **P. Welcome (VI) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Hearing as recommended by the Rules Committee. S. Hagan (WI) seconded. The motion passed by a 43 - 1 vote.**

1-101: Definitions Holding State

- The Commission debated the applicability of physical custody as it relates to each the receiving state, sending state, and holding state.
- **S. Harrigfeld (ID) made a motion to insert the language *and where the juvenile is located* after the term *juvenile* the proposed amendment to Rule 1-101: Definitions Hearing as recommended by the Rules Committee. F. White (MA) seconded. The motion passed by a 23 - 20 vote.**
- **S. Harrigfeld (ID) made a motion to accept and adopt the proposed amendment to Rule 1-101: Definitions Hearing as recommended by the Rules Committee. F. White (MA) seconded. The motion passed by a 43 - 1 vote.**

1-101: Definitions Judgment

- Chair Hartman presented the definition for Judgment recommended by the West Region which was not recommended by the Rules Committee.
- **P. Cox (OR) made a motion to adopt the amendment to Rule 1-101: Definitions Judgment as proposed by the West Region. S. Foxworth (CO) seconded. The motion failed by a 22 - 22 vote.**

1-101: Definitions Petition

- Chair Hartman presented two proposed definitions for Petition. One proposed by the West Region and not recommended by the Rules Committee, the other proposed and recommended by the Rules Committee.
- **P. Welcome (VI) made a motion to consider and adopt the amendment to Rule 1-101: Definitions Petition as proposed by the West Region. P. Cox (OR) seconded. The motion passed by a 33 - 11 vote.**

1-101: Definitions Requisition

- **S. Harrigfeld (ID) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Requisition as recommended by Rules Committee. M. Boger (ME) seconded. The motion passed by a 44 - 0 vote.**

1-101: Definitions Residence

- M. Gooch (VA) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Residence as recommended by Rules Committee. M. Lacy, (WV) seconded. The motion passed by a 43 - 1 vote.

1-101: Definitions Status Offense

- B. Burke (KS) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Status Offense as recommended by Rules Committee. F. White (MA) seconded.
 - M. Genca (CT) made a friendly amendment, F. White (MA) seconded to insert *or defined by state's laws* at the end of the sentence.
 - B. Burke (KS) did not accept the amendment.The motion passed by a 40 - 4 vote.

1-101: Definitions Termination

- R. Peterson (OH) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Termination as recommended by West Region. S. Harrigfeld (ID) seconded. The motion passed by a 42 - 1 vote.

1-101: Definitions Voluntary Return

- G. Prine (IA) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Voluntary Return as recommended by the Rules Committee. J. Hall (FL) seconded. The motion passed by a 44 - 0 vote.

1-101: Definitions Voluntary Return

- G. Prine (IA) made a motion to adopt the proposed amendment to Rule 1-101: Definitions Voluntary Return as recommended by the Rules Committee. J. Hall (FL) seconded. The motion passed by a 44 - 0 vote.

1-101: Definitions Juvenile Sex Offender

- B. Burke (KS) made a motion to amend the proposed amendment to Rule 1-101: Juvenile Sex Offender to keep the term *juvenile* sex offender, to strike *and*, to insert *or* after the word *nature*. T. Marchand (NC) seconded. The motion passed by a 37 - 7 vote.
- R. Mercado (NJ) made a motion to adopt the amended proposal to Rule 1-101: Juvenile Sex Offender recommended by the Rules Committee. P. Pendergast (AL) seconded. The motion passed by a 39 - 5 vote.
- P. Cox (OR) made the motion to make the adopted rule and form amendments effective March 1, 2012. D. Jones (WA) seconded. Motion passed by a 41 - 0 majority vote.

Old Business

- Chair Clark opened the floor to the public to address the Commission. There were no comments.
- D. Gannon (SC) urged states to advise personnel to use the ICJ terminology, forms, and letterhead.

New Business

- **P. Cox (OR) made a motion that the Rules Committee considers amending Rule 5-102: Travel Permits in 2012. D. Jones (WA) seconded. The motion passed.**
- **M. Boger (ME) made a motion that the current dues structure be reviewed in 2012. P. Welcome (VI) seconded. The motion passed.**
- Chair Clark recognized the 2011 Officers and Committee Chairs for their dedication and contributions to the Compact.
- On behalf of the Commission, Vice Chair Foxworth recognized Chair Clark for his leadership and professionalism during the year.
- **J. Hall (FL) made a motion to reconsider the amendment to the By-laws in Article IV Sections 1 and 2 to include the immediate past-chairperson as a voting officer position for one year. S. Jones (MD) seconded. The motion failed by an 11 - 31 vote.**
- D. Bonner (TX) recognized the dedication and contributions to AJCA and ICJ by Beth Meng who passed away in 2011. J. Hall (FL) and M. Genca (CT) recognized the dedication and contributions to AJCA by Pat Burt who passed in 2011. Posthumous Resolutions will be presented to their families on behalf of the Commission.
- Chair Clark thanked and recognized the work of the ICJ Executive Director and National Office Staff.
- D. Gannon (SC) requested the Commission consider providing continental breakfast, snacks, and lunch during the annual business meeting.

Officer Elections

Treasurer -

Robyn Peterson (OH)

Philip Cox (OR)

- Midwest Region Representative R. Bisch (MN) presented the slate for Treasurer and opened the floor for additional nominations. Nominations closed as there were no additional nominees or objections.
- The candidates addressed the Commission prior to vote.
- Representative Bisch announced the Commission elected P. Cox (OR) as Treasurer.

Vice Chair -

- Summer Foxworth (CO)
- East Region Representative M. Boger (ME) presented the slate for Vice Chair and opened the floor for additional nominations. Nominations closed as there were no additional nominees or objections.
- The candidate addressed the Commission prior to vote.
- Representative Bisch announced the Commission elected S. Foxworth (CO) as Vice Chair.

Chair -

Terry L. Clark (PA)

- Midwest Region Representative R. Bisch (MN) presented the slate for Chair and opened the floor for additional nominations. Nominations closed as there were no additional nominees or objections.
- The candidate addressed the Commission prior to vote.
- Representative Bisch announced the Commission elected T. Clark (PA) as Chair.

Oath of Office

Judge David Stucki, National Council of Juvenile and Family Court Judges Ex-Officio, delivered the Oath of Office to the 2012 Commission Officers:

Chair: Terry L. Clark (PA)
Vice Chair: Summer Foxworth (CO)
Treasurer: Philip Cox (OR)

Adjourn

- Chair T. Clark announced the next ICJ Annual Business Meeting will be October 15 - 17, 2012 at the Intercontinental Hotel in Kansas City, Missouri.
- **S. Foxworth (CO) made the motion to adjourn. Chair Clark adjourned the meeting by acclamation at 5:00 p.m. EDT.**

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

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 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 ex-officio victims' representative 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.



ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

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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 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).

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

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 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.

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 appropriate 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: 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.

Holding State: the state having physical custody of a juvenile and where the juvenile is located.

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 or who may be required to register as a sex offender in the sending or receiving state.

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: 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 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 written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee, or accused delinquent.

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.

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, including but not limited to incorrigibility, curfew violations, running away, disobeying parents, or truancy.

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.

Supervision: 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.

Termination: the discharge from ICJ supervision of a juvenile probationer or parolee by the appropriate authority.

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

Voluntary Return: the return of a juvenile runaway, escapee, absconder, or accused delinquent who has consented to voluntarily return to the home/demanding state.

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; “Adjudicated” amended October 26, 2011, effective March 1, 2012; “Appropriate Authority” adopted October 26, 2011, effective March 1, 2012; “Commitment” amended October 26, 2011, effective March 1, 2012; “Cooperative Supervision” amended October 26, 2011, effective March 1, 2012; “Detainer” amended October 26, 2011, effective March 1, 2012; “Hearing” amended October 26, 2011, effective March 1, 2012; “Holding State” amended October 26, 2011, effective March 1, 2012; “Juvenile Sex Offender” amended October 26, 2011, effective March 1, 2012; “Petition” amended October 26, 2011, effective March 1, 2012; “Requisition” amended October 26, 2011, effective March 1, 2012; “Residence” amended October 26, 2011, effective March 1, 2012; “Status Offense” amended October 26, 2011, effective March 1, 2012; “Termination” amended October 26, 2011, effective March 1, 2012; “Voluntary Return” amended October 26, 2011, effective March 1, 2012

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 accused delinquents:
 - a. The total number of runaways, escapees, absconders and accused 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.

History: Adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012

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/Accused Delinquent)
- Form III (Consent for Voluntary Return 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

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; amended October 26, 2011, effective March 1, 2012

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 Accused Delinquent
- Order Setting Hearing for Requisition for Escapee, Absconder, or Accused Delinquent
- Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile
- Case Closure Notification
- Victim Notification Supplement Form

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; amended October 26, 2011, effective March 1, 2012

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. 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. 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. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
 - f.
 1. Will reside with a parent, legal guardian, relative, non-relative or independently, excluding residential facilities; or
 2. Is a full time student at a secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
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.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012

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. 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: 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 supervision.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012

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

1. When transferring a juvenile sex offender, 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 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. 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 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 expedited transfers. 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; amended October 26, 2011, effective March 1, 2012

RULE 4-104: 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 by the 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. 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.
8. 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; amended October 26, 2011, effective March 1, 2012

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 supervision of its juveniles with the exception of:
 - a. 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; 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. 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. 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; amended October 26, 2011, effective March 1, 2012

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.
2. When the sending state will require the assistance of the supervising person 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 person through the receiving state's ICJ office shall, to the extent possible, provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of the sending state.
4. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

History: Adopted December 2, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012

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, except 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.
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.
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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012

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 supervising person. 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.
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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012

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 Runaways 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 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. 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 in accordance with Rule 6-103.

History: Adopted December 3, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; amended April 18, 2012, effective May 31, 2012

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 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 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 Accused 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; amended October 26, 2011, effective March 1, 2012

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.
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; amended October 26, 2011, effective March 1, 2012

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.
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 appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed

History: Adopted December 3, 2009, effective March 1, 2010; amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012

RULE 6-112: Provision of Emergency Services [Rescinded; See history]

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; On October 26, 2011, the Commission approved merging Rule 6-112 into 6-111 and ordered to rescind this rule, effective March 1, 2012.

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 [Expired]

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; Expired on June 30, 2011

Proposed by Rules Committee

RULE 1-101: Definitions

Substantial Compliance: ~~a juvenile who is sufficiently in compliance~~ Sufficient compliance by a juvenile 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.

Justification:

Change provides clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Executive Committee

RULE 3-101: Approved Forms

States shall use the electronic information system approved by the Commission for ~~The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases~~ forms processed through the Interstate Compact for Juveniles.

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Accused Delinquent)
- Form III (Consent for Voluntary Return 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 amendments to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Executive 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 Accused Delinquent
- Order Setting Hearing for Requisition for Escapee, Absconder, or Accused Delinquent
- Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile
- Case Closure Notification
- Victim Notification Supplement Form

~~Official forms may be found at:~~

~~www.juvenilecompact.org~~

Justification:

Changes to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Executive Committee

RULE 3-103: Form Modifications or Revisions - RESCIND

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.

Justification:

Rescinding this rule is a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by 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: 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.

When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state, it shall provide the receiving state with the approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.

The sending state ICJ Office shall provide the complete ICJ referral to the receiving state ICJ office within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether or not it will expedite the ICJ referral.

- 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.

- e. ~~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 supervision or provide an explanation of the delay to the sending state.

Justification:

Rule 4-102(3)(a): Changes to this section remove the requirement of sending referrals in duplicate due to the implementation of JIDS. Additionally, the proposed language defines a procedure for placing a juvenile parolee across state lines prior to formal acceptance under the provision of Rule 5-101(4).

Rule 4-102(3)(b): Changes to this section remove the requirement of sending referrals in duplicate due to the implementation of JIDS.

Rule 4-102(6): Proposed language provides clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

May effect travel permit Rule 5-102

JIDS' Impact:

\$3,300

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

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

1. When transferring a juvenile sex offender, 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 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.~~
2. When it is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state's ICJ Office, the following procedures shall be initiated:
 - a. Upon notification, the sending state shall provide the receiving state with an approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - b. The sending state shall transmit a complete ICJ referral to the receiving state within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether it will expedite the ICJ referral or process the referral according to Rule 4-102.
 - c. Within five (5) business days of receipt of the travel permit, the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.
 - d. The sending state shall maintain responsibility until supervision is accepted in the receiving state.
- ~~3. 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 in the receiving state.~~
- ~~4.~~ 3. 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.~~ 4. 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 5-101(4).
- ~~6.~~ 5. 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.~~ 6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.
- ~~8.~~ 7. ~~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 expedited transfers. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.~~

Justification:

Rule 4-103, as currently constructed, is prejudicial to the parent-child relationship in probation transfers of juvenile sex offenders. If a receiving state chooses not to agree that emergent circumstances exist, a juvenile sex offender that resides with the parent, legal guardian/custodian may potentially be required to remain in a sending state for a period up to forty-five (45) days. In this common set of circumstances, the juveniles' education and/or employment and/or court ordered treatment is interrupted and unnecessarily delayed. Additionally, there is potential interruption of the parent, legal guardian/custodian's employment and ability to provide care and custody to other siblings that may reside in the established residence in the receiving state. In congruence with ICJ Rule 5-101(4), interrupting the immediate proceeding of a juvenile and parent to their established residence serves no constructive purpose when considering such transfer will subsequently be a mandatory acceptance case under the except(ion) provision of Rule 5-101(4).

The proposed amendment language sets forth a prescribed process that will assist states in ensuring juvenile sex offenders are properly and timely advised of applicable registration requirement(s) in accordance with the laws, rules and/or regulations of the receiving state.

Rule 4-103(3): Changes to this section remove the requirement of sending referrals in duplicate due to the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:
Recommended for adoption

JIDS' Impact:
\$2,250

Effective Date:

Proposed by the Midwest Region

RULE 4-104: 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. ~~The Neither sending states nor receiving states shall~~ may impose a supervision fee on any juvenile who is supervised ~~under the provisions of the ICJ.~~ if the same supervision standards prevail for its own juveniles released on probation or parole. The sending state shall not impose a supervision fee on a juvenile who transfers to a receiving state.
5. The sending state shall be financially responsible for treatment services ordered by the 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. 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.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

Justification:

Proposed by the Midwest Region for consistency for states that may impose supervision fees.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Not recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of:
 - 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's ICJ office, in writing, and provided ~~the sending state~~ it 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. 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. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
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:

Strengthens the rule to allow states to close cases in a timely manner.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the Rules Committee

RULE 5-102: Travel Permits

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include 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;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
2. A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
 - a. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.
5. If a travel permit is issued, the sending state's supervising officer is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

Justification:

This amendment proposal strikes in its entirety effective date 3/1/12, Rule 5-102 Travel Permits. The amendment permits a greater concentration of resources on a specific population of higher risk juveniles when travel is appropriate. Additionally, it reduces the time a sending state is afforded to transfer a case, consequently resulting in a greater continuity of supervision among states. The amendment also seeks to provide a meaningful enhancement of community safety by applying a travel permit requirement to those juveniles presenting a higher risk based upon the nature of their adjudicated offenses.

Effect on other Rules:

Rule 1-101: Definitions - Relocate: when a juvenile remains in another state for more than 90 consecutive days in a 12 month period.

Rule 4-101: Processing Referrals

2.a. A plan inclusive of relocating to another state for a period exceeding (90) consecutive days in any twelve (12) month period;

JIDS' Impact:

\$1,800

Rules Committee Action:

Recommend for adoption

Effective Date:

Proposed by the Rules Committee

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 due process rights under the compact ~~using~~ and may use 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 voluntary return, the juvenile ~~will~~ shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. ~~consenting to voluntarily return. The ICJ Form III shall be signed by a judge.~~
5. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the ICJ Form III, provided the waiver is signed by the juvenile and the judge.
5. ~~6.~~ 6. 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. ~~7.~~ 7. 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. ~~8.~~ 8. 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 or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

Justification:

Proposed language clarifies the procedure of a juvenile consenting to a voluntary return to the home/demanding state, as well as clearly stating that the only parties that must sign the ICJ Form III are the judge and the juvenile.

Rule 6-102(5) and (8): Proposed language would allow a home/demanding state to accept a completed adult waiver as a substitute to a completed ICJ Form III.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by the South Region

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 due process rights under the compact ~~using~~ and may use 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 voluntary return, the juvenile ~~will~~ shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. ~~consenting to voluntarily return.~~ The ICJ Form III shall be signed by a judge and counsel or a guardian ad litem, if appointed.
5. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the ICJ Form III, provided the waiver is signed by the juvenile, the Judge, and counsel, if appointed.
5. ~~6.~~ 6. 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. ~~7.~~ 7. 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. ~~8.~~ 8. 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.

Justification:

Holding states often find that a defined juvenile from another state has reached the statutory age to be considered an adult in their state. In many cases, it is extremely difficult, if not impossible, to have someone who is being held in an adult jail to be taken before a juvenile court for a due process hearing. In these situations, the hearings are held in adult court and an adult waiver is

executed. Most ICJ Offices will accept adult waivers in lieu of the juvenile consent to return form, ICJ Form III. This practice needs to be recognized in the Rules.

The adult court due process hearing is more comprehensive than the hearing in juvenile court. As stated in the ICJ Bench Book, Chapter 2.1 – General Principles Affecting the Interstate Movement of Juveniles, “The Supreme Court has recognized that the right of interstate movement is a fundamental right protected by the constitution. . . However, juveniles enjoy reduced freedom of movement due to their legal status and the constitutionally protected interest of their parents in child rearing. The inherent differences between minors and adults, e.g., immaturity, vulnerability, need for parental guidance, have been recognized by the Supreme Court as sufficient to justify treating minors differently from adults under the U.S. Constitution.”

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS’ Impact:

None

Rules Committee Action:

Not recommended for adoption

Effective Date:

Proposed by the Rules Committee

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

Requisitions must be entered electronically in the electronic data system. The following requisition process 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 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 takes 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~~ a certified ~~copies~~ copy 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 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. Thee 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 Accused 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 is in order. The ICJ Office ~~retains one copy of the packet and forwards two copies of~~ will submit the requisition packets through the electronic data system 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 and supporting documents to the appropriate court.~~ The holding state may request and shall be entitled to receive originals or duly certified copies of any legal documents.
 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~~ shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles ~~are to~~ shall 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:

The amendments to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Proposed by Rules Committee

RULE 6-104A: Absconder under ICJ Supervision [NEW RULE]

1. If there is reason to believe that a juvenile being supervised under the terms of the Interstate Compact for Juveniles in the receiving state has absconded, the receiving state shall attempt to locate the juvenile. Such activities shall include, but are not limited to:
 - a. Conducting a field contact at the last known place of residence;
 - b. Contacting the last known school or place of employment, if applicable; and
 - c. Contacting known family members and collateral contacts.
2. If the juvenile is not located, the receiving state shall submit a violation report to the sending state's ICJ office which shall include the following information:
 - a. The juvenile's last known address and telephone number,
 - b. Date of the juvenile's last personal contact with the supervising agent,
 - c. Details regarding how the supervising agent determined the juvenile to be an absconder, and
 - d. Any pending charges in the receiving state.
3. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
4. Upon finding or apprehending the juvenile, the sending state shall make a determination if the juvenile shall return to the sending state or if the sending state will request supervision resume in the receiving state.

Justification:

New rule to address absconders and closure of cases

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

\$1,950

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

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. No additional rules or amendments shall be made at the time such action is taken. 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.

Justification:

The intent of this proposal is to eliminate confusion and unintended consequences resulting from amending rules from the floor of the Commission meeting, without properly vetting. This amendment limits the final vote of rule amendments to a simple yes or no vote; however, this amendment would not prohibit discussion prior to a vote.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

**2012 ICJ Annual Meeting
Budget Presentation
FY12, FY13, and FY14**

	A	B	C	D	E	F
1						FY14
2		FY10	FY11	FY12	FY13	Proposed
3		Actual	Actual	Actual	Budget	Budget
4	REVENUE					
5	DUE ASSESSMENT	743,500.00	825,583.33	937,982.08	937,000.00	937,000.00
6	Carried Over Reserves				49,296.00	
7	Refunds	1,545.00	9,300.00	16.10		
8	INTEREST INCOME	8,546.05	8,153.33	8,290.22	8,000.00	8,000.00
9	Total Administration Revenue	753,591.05	843,036.66	946,288.40	994,296.00	945,000.00
10						
11	EXPENSE					
12	60000 SALARIES & WAGES	124,812.33	207,457.70	185,937.41	228,000.00	240,000.00
13	61000 EMPLOYEE BENEFITS	30,355.82	80,945.59	77,106.28	105,000.00	110,000.00
14	CSG CONTRACT STAFF	34,281.53				
15	61079 EDUCATION, ACCREDITATION	30.00	1,522.81	322.00	2,000.00	2,000.00
16	61089 PROFESSIONAL MEMBERSHIP FEES				300.00	300.00
17	62000 SUPPLIES	4,606.04	2,566.39	1,655.25	5,000.00	5,000.00
18	62010 POSTAGE	629.95	1,068.24	816.17	1,000.00	1,000.00
19	62090 COMPUTER SERVICES/SUPPORT	4,336.53	8,297.45	8,271.62	14,000.00	14,000.00
20	62130 OUTSIDE WEB SUPPORT	6,508.06	1,874.05			
21	62140 SOFTWARE PURCHASE	863.25	627.76	1,730.58	1,600.00	1,600.00
22	62280 INSURANCE	987.00	1,884.00	1,686.00	2,304.00	2,304.00
23	62310 PHOTOCOPY	193.90	89.50	325.81	1,000.00	1,000.00
24	62360 DIRECT TELEPHONE EXPENSE	2,529.30	4,685.73	2,835.20	2,500.00	2,500.00
25	62370 CELL PHONE EXPENSE	1,234.45	1,725.93	1,291.69	1,500.00	1,500.00
26	62410 MARKETING/ADVERTISING	1,199.00	419.00	100.00	500.00	500.00
27	66000 EQUIPMENT PURCHASE	10,743.65	6,053.77	5,872.84	12,000.00	12,000.00
28	68200 WEB/VIDEO CONFERENCE (WebEx)	5,414.89	8,762.35	15,643.21	14,450.00	14,450.00
29	68230 MEETING EXPENSE	400.53	448.93	140.87	1,500.00	1,500.00
30	72000 CONSULTANT SERVICES	84.77	10,206.43	4,137.80	25,000.00	25,000.00
31	74000 STAFF TRAVEL	7,131.70	5,924.87	2,517.69	10,000.00	10,000.00
32	78050 PRINTING	742.63	2,420.19	2,073.26	5,000.00	5,000.00
33	78130 BENCHBOOK PRODUCTION		10,902.50			
34	80000 LEGAL SERVICES	40,575.00	31,275.00	27,425.00	35,000.00	35,000.00
35	80030 DEFENSE LITIGATION	7,983.72				
36	85000 RENT	7,554.11	20,619.13	20,097.00	21,818.00	22,475.00
37	91010 INDIRECT COST	58,639.63	55,319.94	43,198.28	56,289.28	58,319.84
38	Total Administration Expenditures	351,837.79	465,097.26	403,183.96	545,761.28	565,448.84
39						
40	OTHER EXPENSE					
41	Executive Committee Meetings	16,868.76	13,621.20	12,599.74	15,000.00	15,000.00
42	Annual Meeting	74,545.48	78,987.64	76,187.27	102,300.00	98,754.00
43	Finance Committee	61.19	103.29	129.14	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	11,609.69	15,000.00	15,000.00
46	Technology Committee	621.64	1,012.78	9,065.02	15,000.00	15,000.00
47	Training/Education Committee	1,674.33	7,199.23	2,195.33	15,000.00	15,000.00
48	ICPC Workgroup			486.37		
49	Executive Director Search	3,583.66				
50	JAD Sessions/Function Req	24,819.61	26,200.00			
51	JIDS			44,496.00	86,096.00	62,132.00
52	Other Indirect Cost	24,611.86	19,019.55	18,812.23	28,795.54	25,631.89
53	Total Other Expense	147,671.18	159,905.07	175,580.79	279,191.54	248,517.89
54						
55	Total Commission Expenses	499,508.98	625,002.32	578,764.75	824,952.82	813,966.73
56						
57	Over/Under Budget	254,082.07	218,034.34	367,523.65	169,343.18	131,033.28
58						
59	Fund Balance and Liabilities	256,345.64	474,380.00	841,829.40		

**Interstate Compact for Juveniles
State Dues Projection**

<u>State</u>	<u>Projected Dues per State</u> ¹	<u>State Dues Ratio</u> ²	<u>State Population</u> ³	<u>U.S. Population</u> ³	<u>State Juvenile Transactions</u> ⁴	<u>U.S. Juvenile Transactions</u> ⁴
Northern Marianas (a)	\$12,000	0.000133	43000	285230516	3	25821
American Samoa (a)	\$12,000	0.000139	46000	285230516	3	25821
U.S. Virgin Islands (a)	\$12,000	0.000314	102000	285230516	7	25821
Guam	\$12,000	0.000407	133000	285230516	9	25821
Wyoming (c)	\$12,000	0.001640	493782	285230516	40	25821
Alaska	\$12,000	0.002067	626932	285230516	50	25821
Vermont	\$12,000	0.002287	608827	285230516	63	25821
Hawaii	\$12,000	0.002782	1211537	285230516	34	25821
North Dakota	\$12,000	0.002869	642200	285230516	90	25821
Dist. of Columbia	\$12,000	0.003055	572059	285230516	106	25821
South Dakota	\$12,000	0.003608	754844	285230516	118	25821
Maine	\$12,000	0.004133	1274923	285230516	98	25821
Rhode Island	\$12,000	0.004200	1048319	285230516	122	25821
Delaware	\$12,000	0.004453	783600	285230516	159	25821
Nebraska (b)	\$12,000	0.005130	1711263	285230516	110	25821
New Hampshire	\$12,000	0.005206	1235786	285230516	157	25821
Montana	\$12,000	0.005435	902195	285230516	199	25821
West Virginia (c)	\$12,000	0.006036	1808344	285230516	148	25821
New Mexico (c)	\$12,000	0.006074	1819046	285230516	149	25821
Utah (c)	\$12,000	0.007458	2233169	285230516	183	25821
Connecticut	\$12,000	0.008119	3405565	285230516	111	25821
Idaho	\$12,000	0.008988	1293953	285230516	347	25821
Mississippi	\$12,000	0.009402	2844658	285230516	228	25821
Iowa	\$17,000	0.010300	2926324	285230516	267	25821
Nevada	\$17,000	0.011210	1998257	285230516	398	25821
Kansas (b)	\$17,000	0.011219	2688418	285230516	336	25821
Oklahoma (c)	\$17,000	0.011529	3450654	285230516	283	25821
Puerto Rico (a)	\$17,000	0.011672	3808610	285230516	258	25821
Arkansas	\$17,000	0.012684	2673400	285230516	413	25821
Kentucky	\$17,000	0.014463	4041769	285230516	381	25821
Louisiana	\$17,000	0.014631	4468976	285230516	351	25821
Alabama	\$17,000	0.016200	4447100	285230516	434	25821
Minnesota (c)	\$17,000	0.016427	4919479	285230516	403	25821
Massachusetts (b)	\$17,000	0.016513	6349097	285230516	278	25821
Wisconsin	\$17,000	0.016664	5363675	285230516	375	25821
South Carolina	\$17,000	0.017141	4012012	285230516	522	25821
Tennessee (c)	\$17,000	0.018997	5689283	285230516	466	25821
Missouri	\$17,000	0.020981	5595211	285230516	577	25821
Colorado	\$22,000	0.023147	4301261	285230516	806	25821
Indiana	\$22,000	0.023207	6080485	285230516	648	25821
Maryland	\$22,000	0.023401	5296486	285230516	729	25821
Arizona	\$22,000	0.025492	5130632	285230516	852	25821
Virginia	\$22,000	0.025595	7078515	285230516	681	25821

Oregon	\$22,000	0.027569	3421399	285230516	1114	25821
North Carolina	\$22,000	0.028323	8049313	285230516	734	25821
Washington	\$22,000	0.029251	5894121	285230516	977	25821
New Jersey (b)	\$22,000	0.030280	8414350	285230516	802	25821
Michigan (c)	\$27,000	0.033184	9938444	285230516	814	25821
Georgia	\$27,000	0.034199	8186453	285230516	1025	25821
Ohio	\$27,000	0.035567	11353140	285230516	809	25821
New York (b)	\$32,000	0.042579	18976457	285230516	481	25821
Pennsylvania	\$32,000	0.042693	12281054	285230516	1093	25821
Illinois (b)	\$32,000	0.042781	12419293	285230516	1085	25821
Florida	\$37,000	0.062020	15982378	285230516	1756	25821
Texas	\$37,000	0.065502	20851820	285230516	1495	25821
California	\$37,000	0.091210	33871648	285230516	1644	25821

\$1,017,000

1 - Based on total projected operating budget

2 - $(\text{State population} / \text{U.S. Population}) + (\text{State Offender Transactions} / \text{Total U.S. Offender Transactions}) / 2$

3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of June 30, 2002

(a) - Territory data is projected based on an average state offender transaction to population ratio (1:14,778)

(b) - Incomplete data provided; additional numbers projected based on all states

(c) - State data not available; projected based on an average state offender transaction to population ratio (1:12,207)

2012 ICJ Annual Business Meeting
October 15 – 17, 2012
Kansas City, MO

Docket Book

Committee Reports [reserved]