



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

2015 ANNUAL BUSINESS MEETING

Docket Book

August 24-26
Madison, Wisconsin
The Madison Concourse Hotel and Governor's Club



**Interstate Commission for Juveniles
2015 ANNUAL BUSINESS MEETING AGENDA**

The Madison Concourse Hotel and Governor's Club
One West Dayton Street ~ Madison, WI 53703

AUGUST 24-26, 2015
Central Daylight Savings Time

MONDAY, AUGUST 24, 2015

- 2:00 PM **2015 Executive Committee Members Meeting**
University Rooms A-B, 2nd Floor
- 5:00 PM **Public Hearing**
University Rooms C-D, 2nd Floor

TUESDAY, AUGUST 25, 2015

- 7:00 AM – 8:00 AM **Breakfast {provided}**
Madison Ballroom, 2nd Floor
- 8:00 AM - 12:00 PM **Training Session I: Rule Proposals Discussion**
Ballrooms Wisconsin/Capitol A-B, 2nd Floor
- 12:00 PM - 1:15 PM **Lunch {on own}**
- 1:15 PM - 2:15 PM **Region Meetings – 2nd floor**
 - **East** ~ *Conference Room III*
 - **Midwest** ~ *Conference Room II*
 - **South** ~ *University Room A-B*
 - **West** ~ *University Room C-D*
- 2:30 PM - 4:00 PM **Training Session II: LGBTQ Juveniles Panel Discussion**
Ballrooms Wisconsin/Capitol A-B, 2nd Floor
- 4:00 PM - 6:00 PM **Tour of Wisconsin State Capitol or Grow Academy
Juvenile Facility**
- 5:00 PM **JIDS Clinic Optional**
Conference Room I, 2nd Floor
- 6:00 PM **Reception**
University Rooms A-D, 2nd Floor



**Interstate Commission for Juveniles
2015 ANNUAL BUSINESS MEETING AGENDA**

The Madison Concourse Hotel and Governor's Club
One West Dayton Street ~ Madison, WI 53703

AUGUST 24-26, 2015
Central Daylight Savings Time

WEDNESDAY, AUGUST 26, 2015

7:00 AM **Breakfast {provided}**
Madison Ballroom, 2nd Floor

GENERAL SESSION - *Ballrooms Wisconsin/Capitol A-B, 2nd Floor*

8:00 AM **Call to Order**
Flag Presentation
Roll Call

Approval of Agenda

Approval of Minutes – *October 29, 2014*

Welcome and Opening Remarks

- *Patrick Pendergast (AL) Chair*

9:00 AM

Committee Reports

- **Executive Committee**
- *Patrick J. Pendergast (AL) Chair*
- **Finance Committee**
- *Philip Cox (OR) Chair*
- **Compliance Committee**
- *Michael Lacy (WV) Chair*
- **Information and Technology Committee**
- *Shelley Hagan (WI) Chair*
- **Training, Education and Public Relations Committee**
- *Traci Marchand (NC) Chair*

10:00 AM

Break

- **Legal Counsel Report**
 - *Rick Masters, Legal Counsel*
 - **Rules Committee**
 - *Rose Ann Bisch (MN) Chair*
- 11:30 AM **Lunch {on own}**
- 1:00 PM **Committee Reports (cont.)**
- **Rules Committee**
 - *Rose Ann Bisch (MN) Chair*
- 2:45 PM **Break**
- 3:00 PM **Regional and Work Group Reports**
- **East Region**
 - *Patricia Welcome (VI) Representative*
 - **Midwest Region**
 - *Nina Belli (OH) Representative*
 - **South Region**
 - *Mia Pressley (SC) Representative*
 - **West Region**
 - *Dale Dodd (NM) Representative*
 - **AAICPC/ICJ MOU Work Group**
 - *Rose Ann Bisch (MN) Co-Chair*
- 3:30 PM **Old Business / New Business / Election of Officers**
- 4:30 PM **Call to the Public**
- 4:45 PM **Adjourn**
- 4:45 PM **Newly Elected Officers and Region Representatives Meeting**
Conference Room IV, 2nd Floor

This meeting is recorded.

For those unable to attend the meeting, an interactive live stream option is available for the training presentations and a live feed option is available during the general session. Information is available on the [Commission's website](#).



**INTERSTATE COMMISSION FOR JUVENILES
2014 ANNUAL BUSINESS MEETING**

October 29, 2014

General Session Minutes

The Francis Marion Hotel – Charleston, South Carolina

Call to Order

The meeting was called to order by Chairman Patrick J. Pendergast at 8:00 a.m. EDT. The Junior Reserve Officers' Training Corps of Birchwood High School at the South Carolina Department of Juvenile Justice presented the flags and Sean Wilson, South Carolina Department of Juvenile Justice Prevention Specialist, sang the National Anthem.

Roll Call

A. Lippert, Executive Director, called the roll. Fifty-one of the fifty-two member states and territories were in attendance, establishing a quorum.

Members:

- | | |
|-------------------------|----------------------------------|
| 1. Alabama | Patrick J. Pendergast, Designee |
| 2. Alaska | Barbara Murray, Commissioner |
| 3. Arizona | John Crabtree, Designee |
| 4. Arkansas | Judy Miller, Designee |
| 5. California | Michael Farmer, Designee |
| 6. Colorado | Summer Foxworth, Commissioner |
| 7. Connecticut | Maria Genca, Designee |
| 8. Delaware | Damian Seymour, Designee |
| 9. District of Columbia | Bruce Wright, Commissioner |
| 10. Florida | Agnes Denson, Commissioner |
| 11. Georgia | Avery Niles, Commissioner |
| 12. Hawaii | Linda Kiyotoki, Designee |
| 13. Idaho | Alicia Ehlers, Designee |
| 14. Illinois | Eva Moore, Designee |
| 15. Indiana | Jane Seigel, Commissioner |
| 16. Iowa | Wendy Sheetz, Designee |
| 17. Kansas | Jeff Cowger, Commissioner |
| 18. Kentucky | Karen King-Jones, Commissioner |
| 19. Louisiana | Angela Bridgewater, Commissioner |
| 20. Maine | Mark Boger, Commissioner |
| 21. Maryland | Sherry Jones, Commissioner |
| 22. Massachusetts | Rebecca Moore, Designee |

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23. Michigan	Dale Murray, Commissioner
24. Minnesota	Rose Ann Bisch, Commissioner
25. Mississippi	Melonie Taylor-Gore, Designee
26. Missouri	Julie Hawkins, Commissioner
27. Montana	Cindy McKenzie, Commissioner
28. Nebraska	Kari Rumbaugh, Commissioner
29. Nevada	Anne Connor, Commissioner
30. New Hampshire	<i>Not in attendance</i>
31. New Jersey	Kevin Brown, Commissioner
32. New Mexico	Dale Dodd, Commissioner
33. New York	Paul Ottati, Designee
34. North Carolina	Traci Marchand, Commissioner
35. North Dakota	Lisa Bjergaard, Commissioner
36. Ohio	Nina Belli, Commissioner
37. Oklahoma	Robert Hendryx, Designee
38. Oregon	Philip Cox, Commissioner
39. Pennsylvania	Terry L. Clark, Commissioner
40. Rhode Island	JoAnn Niksa, Designee
41. South Carolina	Mia Pressley, Commissioner
42. South Dakota	Nancy Allard, Commissioner
43. Tennessee	Cathlyn Samuel, Commissioner
44. Texas	Daryl Liedecke, Commissioner
45. Utah	Dawn Marie Rubio, Commissioner
46. Vermont	Gillie Hopkins, Designee
47. Virginia	Natalie Dalton, Designee
48. Virgin Islands	Patricia Welcome, Commissioner
49. Washington	Jeff Patnode, Commissioner
50. West Virginia	Michael Lacy, Commissioner
51. Wisconsin	Shelley Hagan, Commissioner
52. Wyoming	Gary Hartman, Commissioner

Ex-Officios:

1. American Probation and Parole Association (APPA) – Les Schultz
2. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Jean Taylor
3. National Children’s Advocacy Center (NCAC) – Chris Newlin
4. National Council of Juvenile and Family Court Judges (NCJFCJ) – Judge Peggy Walker
5. National Juvenile Detention Association (NJDA) – Steven Jett
6. National Runaway Switchboard (NRS) – Maureen Blaha
7. National Association for Crime Victims [Justice Solutions] - Trudy Gregorie

Compact Office Staff and Others in Attendance:

1. Arizona Stephanie Perales
2. District of Columbia Carla Fults
3. District of Columbia Vivian Fulbright-Brock
4. District of Columbia Kathy Holiday-Crawford
5. District of Columbia Jefferson Regis
6. Georgia Phyllis Hall
7. Georgia John Smith
8. Idaho Shawn Hill

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9. Indiana	Robert Champion
10. Indiana	Laura Hausladen
11. Kentucky	John Fitzpatrick
12. Kentucky	Amy Howell
13. Louisiana	Katina Broden
14. Maryland	Yolanda Kennard
15. Mississippi	Maxine Baggett
16. New York	Kelly Palmateer
17. North Carolina	Stephen Horton
18. North Dakota	Lea Quam
19. Oregon	Carol Gillespie
20. South Carolina	Angie Rita
21. South Carolina	Felisa Dauway
22. South Dakota	Cheryl Frost
23. Utah	Jessica Eldredge
24. West Virginia	Randall Wagner
25. Wyoming	Maureen Clifton

Agenda

- **P. Cox (OR) made a motion to approve the agenda. M. Lacy (WV) seconded. The motion passed by a majority vote.**

Minutes

- **J. Miller (AR) made a motion to approve the October 9, 2013 Annual Business Meeting Minutes. A. Niles (GA) seconded. The motion passed by a majority vote.**

Opening Remarks

- Chair Pendergast welcomed the attendees to the 7th Annual Business Meeting of the Interstate Commission for Juveniles.
- Chair Pendergast introduced Angie Rita, Deputy Director of the Community Services Division for South Carolina Department of Juvenile Justice, who delivered an opening welcome.

Welcome Address

- Angie Rita welcomed the Commission and attendees to South Carolina and to the historic city of Charleston, South Carolina. Ms. Rita acknowledged the work of the Compact and applauded the dedicated staff for making a difference in the lives of juveniles.

Executive Committee Report by Patrick L. Pendergast (AL)

- Chair Pendergast reported the Commission's accomplishments over the year highlighting each of the items below:
 - Approved Legal Advisory Opinions on Health Insurance Portability and Accountability Act (HIPAA); Whether the term 'sanctions' used in ICJ rules includes detention time; and Provisions for cooperative detention within ICJ
 - Georgia becoming a member to the Compact and letters that went to the nine states encouraging them to repeal the old Compact
 - Published the 2014 Annual Report
 - Approved a States-in-Transition Best Practice, a Forms Management Policy, and a legal white paper regarding Out-of-State Detention
 - Began appropriating reserve funds into a long-term investment account

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- Proposed two By-law Amendments
- Chair Pendergast reported the following activities were conducted in accordance with the goals set forth in the ICJ Strategic Plan.
 - Goal #1 Enhance compliance and enforcement*
 - Developed an audit policy and standards based on the ICJ Rules.
 - Goal #2 Minimize changes to the rules and increase their understanding*
 - The Rules Committee is finalizing their review of the rules.
 - Goal #3 Stabilize rules and forms, along with enhance features of JIDS*
 - The Technology Committee looked at unlocking required fields in JIDS and focused on JIDS' training.
 - Goal #4 Enhance staff participation*
 - Conducted a staff participation survey.
 - Implemented a process to recognize staff.
 - Encouraged staff participation at regional teleconference meetings.
 - Approved the live stream for the 2014 Annual Business Meeting.
 - Goal #5 Enhance training and promote awareness of ICJ*
 - The Training Committee developed and revised training materials for Commissioners/Designees, JIDS, and Rules.
- Chair Pendergast reported the following ex-officio participation during the past year.
 - Interstate Compact on the Placement of Children (ICPC)
 - The AAICPC/ICJ MOU Work Group finalized best practices for dual involvement cases, which were presented at the AAICPC 2014 Annual Conference.
 - National Partnership for Juvenile Services (NPJS)
 - Attended the NPJS 2013 Annual Meeting.
 - American Probation and Parole Association (APPA)
 - Attended and presented at the 2014 APPA Winter and Summer Institutes.
 - Interstate Commission for Adult Offender Supervision (ICAOS)
 - Attended the ICAOS 2014 Annual Business Meeting and continued resource sharing.
 - Association of Juvenile Compact Administrators (AJCA)
 - AJCA dissolved and the remaining funds were transferred to ICJ in the amount of \$9,700.
- Chair Pendergast presented the first proposed By-laws amendment to update the language regarding the ICJ Ex-Officio Organizations in Article III. R. Masters, Legal Counsel, advised the amendment of the By-laws to be consistent with the ICJ Statute.
- **M. Lacy (WV) made a motion to approve the proposed amendment to the By-laws Article III to delete National Institute of Corrections (NIC) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) and add American Probation and Parole Association (APPA), Conference of State Court Administrators (COSCA), International Association of Chiefs of Police (IACP), National Children's Advocacy Center (NCAC), National Council of Juvenile and Family Court Judges (NCJFCJ), National Sheriff's Association (NSA), and National Runaway Safeline. T. Clark (PA) seconded. The motion passed by 46 – 4 vote.**
- Chair Pendergast presented the second proposed By-laws amendment to delete Article II in its entirety. R. Masters, Legal Counsel, advised that the intent of the language is understood and not necessary to include in the By-laws.

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- **A. Niles (GA) made a motion to delete from the ICJ By-laws 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. S. Foxworth (CO) seconded. The motion passed by a 46 – 4 vote.**
- **A. Connor (NV) made a motion to approve the Executive Committee Report as presented. A. Ehlers (ID) seconded. The motion passed by majority vote.**

Finance Committee Report by Shelley Hagan (WI)

- Chair Hagan acknowledged the members and the work of the Finance Committee.
- Chair Hagan reported the fiscal year 2014 budget finished \$232,000 under budget and the total reserve fund balance to be \$1.3 million. As of December 2014, the Commission began contributing to the CSG approved long-term investment account.
- The Finance Committee considered the suggestion to fund (annually or biannually) an additional person from each state to attend the ICJ Annual Business Meetings. Due to the heightened potential of a dues increase long term, the Finance and Executive Committees rejected the suggestion; however, approved live streaming the 2014 Annual Business Meeting.
- Chair Hagan presented the current ICJ Dues Structure, detailing the formula, ratios, and tiers. Chair Hagan presented a proposed restructure as recommended by the Finance and Executive Committees.
- **S. Hagan (WI) made a motion to modify the ICJ Dues Structure as follows: to use the most recent available three years of JIDS transactions data and the most recent U. S. Census population estimates; to restructure the dues tiers based on calculated dues ratios, placing each compacting entity in the appropriate dues tier; to begin with FY 14, FY 15 and FY 16 data to determine tier placement for FY 18 dues; and to perform the recalculation and restructuring every five years. P. Cox (OR) seconded. The motion passed by 47 – 3 vote.**
- Chair Hagan presented the proposed fiscal year 2016 budget comparing the similarities to the fiscal years 2014 and 2015.
- **P. Welcome (VI) made a motion to approve the fiscal year 2016 budget as presented. P. Cox (OR) seconded. The motion passed by a 49 – 1 vote.**
- **P. Pendergast (AL) made a motion to approve the Finance Committee Report as presented. A. Connor (NV) seconded. The motion passed by a majority vote.**

Compliance Committee Report by Michael Lacy (WV)

- Chair Lacy recognized the members of the Compliance Committee and acknowledged their contributions.
- Chair Lacy reported that the Compliance Committee found two states in non-compliance during the year for failing to fulfill their responsibilities under the Compact. Both states satisfactorily and expediently addressed the situations and reached resolution. The non-compliance issue sparked discussion regarding states undergoing administrative transitions, which led to the formation of an Ad Hoc Work Group. As a result, the Compliance and Executive Committees approved a States-in-Transition Best Practice. Chair Lacy referenced the publication in the Docket Book and acknowledged the Compliance Committee Ad Hoc members.
- Chair Lacy updated on the task ahead for the Compliance Committee to provide oversight of the audit policy and standards.

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- **M. Lacy (WV) made a motion to accept the Compliance Committee Report as presented. J. Patnode (WA) seconded. The motion passed by a majority vote.**

Legal Report by Rick Masters, Legal Counsel

- R. Masters presented a written Legal Report highlighting the legal publications approved and referenced during the Executive Committee Report and reported there to be no litigation matters before the Commission at this time.
- R. Masters commented to the confusion in some states by retaining both the new and the old Compact Statutes. A letter was issued to the remaining nine states recommending the repeal of the old Compact. L. Kiyotoki (HI) advised that Hawaii will not repeal due to continued interaction with Guam and questioned the status of outreach to Guam. R. Masters advised Guam is eligible to join the Compact; however, has shown little interest in the outreach by the Commission primarily due to economic issues.
- **P. Welcome (VI) made a motion to approve the Legal Counsel Report as presented. S. Jones (MD) seconded. The motion passed by a majority vote.**

Information Technology Committee Report by Anne Connor (NV)

- Chair Connor recognized the present and past members of the Technology Committee and expressed her gratitude for their contributions throughout the year.
- Chair Connor reported a total of 605 participants completed JIDS training via WebEx; 317 participants completed the on-demand training; and that the customized state specific trainings were well received.
- Chair Connor reported JIDS was modified during the year due to the 2013 rule amendments, the addition of Georgia, edits to the e-forms, and approved enhancements. The 2014 rule amendments proposed will not require modifications to JIDS.
- Helpdesk statistics reported were: 95 remote support sessions, 1,256 tickets submitted, and 1,252 tickets resolved (99.7%). InStream is working to optimize the JIDS database and evaluate functionality by monitoring performance and applying fixes. Chair Connor recommended optimizing the performance of JIDS and stabilizing the system in 2015 by limiting enhancements.
- Chair Connor reported updates to the website, which included a redesign of the training resource page, the addition of two new forms, an increase in website users, an increase in mobile usage, and a decrease in annual hosting fees.
- **A. Niles (GA) made a motion to approve the Information Technology Committee Report as presented. D. Dodd (NM) seconded. The motion passed by a majority vote.**

Rules Committee by Rose Ann Bisch (MN)

- Chair Bisch acknowledged the past and present members of the Rules Committee and provided an overview of the work completed to date during ten teleconference meetings and one face-to-face meeting. Chair Bisch updated on the 2015 proposals received to date and highlighted pertinent Rules Committee deadlines in 2015.
- Chair Bisch presented five rule proposals providing a brief synopsis on each. The decisions for adoption were made as follows:

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1-101: Definitions *Sanction* submitted by the West Region

- **P. Cox (OR) made a motion to approve for adoption as presented the proposed amendment to Rule 1-101: Definitions *Sanction* submitted by the West Region and recommended by the Rules Committee. D. Dodd (NM) seconded. The motion passed by a 26 - 25 vote.**

2-101: Data Collection submitted by the Rules Committee

- **M. Lacy (WV) made a motion to approve for adoption as presented the proposed amendment to Rule 2-102: Data Collection submitted and recommended by the Rules Committee. S. Hagan (WI) seconded. The motion passed by a 49 - 2 vote.**

3-101: Forms submitted by the Rules Committee

- **P. Cox (OR) made a motion to approve for adoption as presented the proposed amendment to Rule 3-101: Forms submitted and recommended by the Rules Committee. P. Pendergast (AL) seconded. The motion passed by a 37 - 14 vote.**

3-102: Optional Forms submitted by the Rules Committee

- **M. Lacy (WV) made a motion to approve for adoption as presented the proposed amendment to Rule 3-102: Optional Forms submitted and recommended by the Rules Committee. M. Pressley (SC) seconded. The motion passed by a 40 - 10 vote.**

5-101: Supervision/Service Requirements submitted by the West Region

- J. Seigel (IN) opposed the proposed amendment to Rule 5-101. A definition of the term *sanction* was approved previously and repeating the definition within the context of the rule is not necessary.
- **M. Lacy (WV) made a motion to approve for adoption as presented the proposed amendment to Rule 5-101: Supervision/Service Requirements submitted by the West Region without a recommendation from the Rules Committee. P. Cox (OR) seconded. The motion failed by an 18 - 33 vote.**
- Chair Bisch proposed effective dates for the adopted rule amendments.
- **D. Dodd (NM) made a motion that adopted Rule 2-101 become effective immediately and adopted Rules 1-101, 3-101, and 3-102 become effective January 1, 2015. S. Jones (MD) seconded. The motion passed by a 50 - 1 vote.**
- Chair Bisch commended the Commission for the seamless rule adoption process this year and contributed the success in part to discussing the rule proposals during Tuesday's training session and in region meetings. P. Cox (OR) recommended adopting this process every annual business meeting when rule proposals are being considered. Chair Bisch reported the Rules Committee would continue to focus on clarity, consistency, and continuity of the rules when preparing the 2015 rule amendment proposals.

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- **P. Welcome (VI) made a motion to approve the Rules Committee Report as presented. A. Niles (GA) seconded. The motion passed by a majority vote.**

Training, Education and Public Relations Committee Report by Traci Marchand (NC)

- Chair Marchand recognized the members of the Training Committee and acknowledged their contributions. The Training Committee updated all training materials to reflect the rule amendments approved at the 2013 Annual Business Meeting and provided rules and rule amendments trainings. In addition to the WebEx and online trainings, thirteen states utilized the state specific training in accordance with the Training and Technical Assistance Policy. The new training materials developed and published during the year included:
 - Workflow Guides
 - Best Practices
 - JIDS Shortcut Sheets
 - Training Bulletin
 - New Commissioner/Designee Orientation
- Chair Marchand reported ICJ participation at the following national conferences:
 - 2013 National Partnership for Juvenile Services
 - 2014 Association of Administrators for the Interstate Compact on the Placement of Children
 - 2014 American Probation and Parole Association Winter and Summer Institutes
 - 2014 Interstate Commission for Adult Offender Supervision Annual Business Meeting
- Chair Marchand commended the preparation for and acknowledged the presenters of the 2014 Annual Business Meeting Training Sessions and Human Trafficking Panel.
- **M. Boger (ME) made a motion to approve the Training, Education and Public Relations Committee Report as presented. M. Pressley (SC) seconded. The motion passed by a majority vote.**

East Region by Patricia Welcome (VI)

- Representative Welcome acknowledged the support of the East Region and announced she was re-elected as the East Region Representative.
- Representative Welcome reported the East Region met quarterly discussing regional and national issues. The Region members shared suggestions related to State Councils and recommended a human trafficking presentation during the annual meeting.
- **J. Niksa (RI) made a motion to approve the East Region Report as presented. P. Ottati (NY) seconded. The motion passed by a majority vote.**

Midwest Region by Kari Rumbaugh (NE)

- Representative Rumbaugh reported the Midwest Region met four times. Representative Rumbaugh acknowledged the work of the Midwest Region Commissioners and the increased region meeting attendance and involvement by Compact office staff. The Midwest discussed “*failed placement*” and reached a consensus to propose a rule amendment in 2015. The Region recognized that JIDS is working and echoed support to the earlier recommendation to optimize the performance of JIDS and stabilize the system in 2015.

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- Representative Rumbaugh announced the election of Nina Belli (OH) as the Midwest Representative for the next two-year term.
- **S. Hagan (WI) made a motion to accept the Midwest Region Report as presented. L. Bjergaard (ND) seconded. The motion passed by a majority vote.**

South Region by Judy Miller (AR)

- Representative Miller reported all seventeen South Region States are now members of the Compact. New Commissioners were appointed in Tennessee, Florida, and Georgia. The South Region held two teleconference meetings and one face-to-face meeting onsite yesterday. Topics of discussion included reporting annual statistics, human trafficking, and housing victims. The South Region is considering a legal advisory opinion request for a process on how receiving states may sanction and detain juveniles and questioned the authority of ICJ to perform a records check. To date, the South Region has proposed two rule amendments for 2015 regarding ICJ eligibility and E-form IA/VI signatures.
- Representative Miller announced she was re-elected as the South Region Representative for another 2-year term.
- **M. Taylor-Gore (MS) made a motion to accept the South Region Report as presented. R. Hendryx (OK) seconded. The motion passed by a majority vote.**

West Region by Summer Foxworth (CO)

- Representative Foxworth reported the West Region met four times and thanked the Commission for their vote earlier on the two 2014 rule amendments proposed by the West Region. Region meeting discussion topics have included: funding for non-delinquent runaways, juvenile detention challenges, requests for home evaluation for pre-adjudicated juveniles, and the need for an airport supervision matrix.
- Representative Foxworth acknowledged the members of the West Region's Sub-Workgroup tasked to develop guidelines for sending and receiving states when placing sex offenders in the homes of victims. The Sub-Workgroup is in the process of acquiring a legal opinion for a clarification of *supervision* and *placement* relative to ICJ and ICPC.
- Representative Foxworth announced she was re-elected as the West Region Representative for another 2-year term.
- **G. Hartman (WY) made a motion to accept the West Region Report as presented. P. Cox (OR) seconded. The motion passed by a majority vote.**

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

- Co-Chair Bisch acknowledged the AAICPC/ICJ MOU Work Group membership consisting of seven members from both ICJ and ICPC.
- Co-Chair Bisch reported the Work Group serves as a foundation to the AAICPC/ICJ Memorandum of Understanding with three common goals: communication, cooperation, and collaboration. Over the years legal opinions have been acquired and ICJ Rule Amendments implemented. Guidelines are in the process of being finalized containing workflow charts when ICJ and ICPC have cases of mutual interest.
- Co-Chair Bisch recommends that the AAICPC/ICJ MOU Work Group continue in 2015 to finalize the guidelines and best practices and serve as a resource for states.
- **P. Pendergast (AL) made a motion to approve the AAICPC/ICJ MOU Work Group Report as presented. J. Hawkins (MO) seconded. The motion passed by a majority vote.**

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Old Business

- Chair Pendergast opened the floor for old business. There was no old business.

New Business

- Chair Pendergast opened the floor for new business and comments from the public. There was no new business or comments from the public.

Panel Session: Human Trafficking and the ICJ

- Training Committee Chair Marchand welcomed and introduced the panelists for the Human Trafficking Panel Session:
 - Chris Newlin, Executive Director, National Children's Advocacy Center (ICJ Ex-Officio)
 - Maureen Blaha, Executive Director, National Runaway Safeline (ICJ Ex-Officio)
 - Robert Bittner, Detective, Charleston County Sheriff's Office
 - Pamela Gregory, Victim's Specialist for the Federal Bureau of Investigation
 - Brad Myles, Executive Director, Polaris Project
 - Judge William Voy, Clark County District Court, Family Division
- The panelists spoke on the issue of human trafficking, shared case scenarios, answered questions, and referenced available resources.

2015 Annual Business Meeting

- Chair Pendergast announced the ICJ 2015 Annual Business Meeting is August 24-26, 2015 in Madison, Wisconsin.

Recognition

- Chair Pendergast acknowledged and expressed his gratitude to each of the 2014 ICJ Officers, Committee Chairs, and Regional Representatives for their contributions and dedication throughout the year.
- Chair Pendergast introduced the first newly implemented Staff Recognition honor where individuals are nominated by their peers for going above and beyond the general call of duty. Chair Pendergast recognized each person nominated in 2014 and asked those in attendance to stand:
 - Chase Breitbach, Field Staff Officer, North Dakota
 - Anne Connor, Commissioner, Nevada
 - Roxi Erickson, Attorney, North Dakota
 - Phyllis Hall, Deputy Compact Administrator, Georgia
 - Laura Hausladen, Compact Specialist, Indiana
 - Kami Larsen, Probation Office Staff, Idaho
 - Richard Mann, Compact Office, Texas
 - Miranda McDaniel, Field Staff Officer, Idaho
 - Holly Reuter, Compact Administrator, Illinois
 - Sandra Spence, Compact Office, Illinois
 - Jeremy Ward, Field Staff Officer, North Dakota
 - Craig Wysk, Field Staff Officer, North Dakota
- Chair Pendergast recognized the ICJ National Office Staff and Richard Masters, Legal Counsel.
- Vice Chair Connor recognized Chair Pendergast for his leadership, dedication, and commitment to ICJ.

2015 Officer Elections

- West Region Representative Foxworth presented the 2015 officers' slate from the four regions as follows:

Treasurer -

Philip Cox (OR)

Vice Chair -

Anne Connor (NV)

Chair -

Patrick Pendergast (AL)

Dale Dodd (NM)

Treasurer -

- Representative Foxworth presented Philip Cox (OR) for Treasurer and asked for nominations from the floor. There were none. S. Foxworth (CO) closed nominations by acclamation. P. Cox (OR) accepted the nomination and addressed the Commission. The Commission voted privately by electronic ballot. Representative Foxworth announced the Commission elected Philip Cox (OR) as Treasurer.

Vice Chair -

- Representative Foxworth presented Anne Connor (NV) for Vice Chair and asked for nominations from the floor. There were none. S. Foxworth (CO) closed nominations by acclamation. A. Connor (NV) accepted the nomination and addressed the Commission. The Commission voted privately by electronic ballot. Representative Foxworth announced the Commission elected Anne Connor (NV) as Vice Chair.

Chair -

- Representative Foxworth presented Patrick Pendergast (AL) and Dale Dodd (NM) as nominees for Chair and asked for nominations from the floor. There were none. S. Foxworth (CO) closed nominations by acclamation. D. Dodd (NM) and P. Pendergast (AL) accepted the nomination and addressed the Commission. The Commission voted privately by electronic ballot. Representative Foxworth announced the Commission elected Patrick Pendergast (AL) as Chair.

Oath of Office

- Judge Peggy Walker, National Council of Juvenile and Family Court Judges (NCJFCJ) Ex-Officio, delivered the oath of office to the following 2015 Commission Officers and Regional Representatives:

Chair: Patrick Pendergast (AL)

Vice Chair: Anne Connor (NV)

Treasurer: Philip Cox (OR)

East: Patricia Welcome (VI)

Midwest: Nina Belli (OH)

South: Judy Miller (AR)

West: Summer Foxworth (CO)

Adjourn

- **S. Foxworth (CO) made a motion to adjourn. M. Lacy (WV) seconded. Chairman Pendergast adjourned the meeting by acclamation at 3:34 p.m. EDT.**



EXECUTIVE COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Patrick J. Pendergast, Chair, Executive Committee, Designee, State of Alabama

Keeping the Commission's Strategic Initiatives in mind, the Executive Committee continued making strides to achieve those objectives. At their spring 2016 meeting, the Executive Committee will update the strategic plan and set new goals for 2016-2018. With the goal of enhancing compliance and enforcement, the Executive Committee implemented the first ICJ Performance Measurement Plan and began its assessment, set to complete in December of 2015. Results and conclusions from the assessment will not only ensure states are operating according to ICJ policies and procedures, but help identify the Commission's strengths and weaknesses.

Also a first for ICJ, the Executive Committee implemented two programs to recognize outstanding performances by individuals directly involved with ICJ. The ICJ Leadership Award is presented at the Annual Business Meeting to recognize an individual who exhibits outstanding leadership and dedication to ICJ. The Staff Recognition program is designed to recognize individuals involved in the day-to-day work of the Compact who surpass expectations to provide assistance.

Further enhancing ICJ Compact office and staff participation, the Executive Committee called for a full Commission vote to decide the location of the 2016 Annual Business Meeting. Additionally, the Committee voted to continue offering a live stream of the training day and general session of this year's meeting.

The Executive Committee also considered various matters of importance to the Commission, including RealID requirements for juvenile travel and the Commission's affiliation with the Council of State Governments to receive direct and indirect administrative support services. Additionally, the Committee approved Legal Advisory Opinions on approving 'placement' or 'supervision' and ICJ's authority to conduct records checks for another state on juveniles not subject to the ICJ.



FINANCE COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Philip Cox, Treasurer and Chair, Finance Committee, Commissioner, State of Oregon

The Commission finished fiscal year 2015 with sufficient funds to pay its expenses and contribute to its reserves. With the assistance of the National Office, the Finance Committee continued its ongoing oversight of the budget. The Commission finished fiscal year 2015 nine percent under budget with a reserve fund of \$1,494,165.

The investment account sponsored by the Council of State Governments sustained growth over FY 2015 with an average 4.83 percent gain. The total value of the account is \$400,250.

After the Commission voted to hold the 2016 Annual Business Meeting in Boston, Massachusetts, the Committee approved reallocating funds due to increased costs associated with the meeting. Additionally, the Council of State Governments reduced their indirect fee by 17.5 percent in FY16 and 17.5 percent in FY17 for a total reduction of percent.



COMPLIANCE COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Mike Lacy, Chair, Compliance Committee, Commissioner, State of West Virginia

Compliance Committee members:

Mike Lacy (WV), Commissioner, Chair
Summer Foxworth (CO), Commissioner
Jane Seigel (IN), Commissioner
Karen-King-Jones (KY), Commissioner
Angela Bridgewater (LA) Commissioner
Cindy McKenzie, (MT), Commissioner
Mia Richardson-Pressley (SC), Commissioner
Gloria Soja (MT), Designee
Abbie Christian (NE), Ex Officio

The Compliance Committee is tasked with the responsibility of monitoring member states' compliance with the terms of the Compact and the Commission's Rules. The Committee is further responsible for developing appropriate enforcement procedures for the Commission's consideration.

Thankfully, only a few matters were referred to the Compliance Committee this past year. Hopefully, this is indicative of member states settling more into a routine practice of, and familiarity with, the requirements and operations of administering the Interstate Compact for Juveniles. Most matters referred to the Compliance Committee were easily rectifiable. However, one state in particular failed to fulfill its responsibilities and obligations under the Compact. A corrective action plan was adopted by the Executive Committee as recommended by the Compliance Committee. The defaulting state took the necessary steps as outlined in the corrective action plan to cure the default within the time period established by the Executive Committee. Being satisfied with the actions of the defaulting state to fulfil the terms of the corrective action plan, the Executive Committee abated the \$25,000 fine assessed against the state.

As in my report to you last year regarding non-compliance matters, it was determined again this year that a significant factor contributing to this state's non-compliance centered around staffing issues. The Compliance Committee again acknowledges that this issue is not likely going to go away as staff changes are made in Compact offices across the nation. We would, therefore, direct your attention to the "Best Practice Protocol" for 'States in Transition' that was presented to you last year. The protocol was designed to offer guidance and direction to states undergoing administrative/staff changes that have the potential of impacting the daily operation of a state's Compact office, resulting in a state failing to perform its statutory obligations under the Compact.

As I reported last year, the Compliance Committee will oversee the implementation of the Performance Policy and Standards for the Commission adopted by the Executive Committee. The Performance Policies and Standards will give the Commission objective and factual information about state's compliance with Commission rules, policies and procedures. Covering thirteen states quarterly, the staff of the Interstate Commission evaluated the following standards:

1. Rule 5-101: Supervision/Services Requirements
 - (a) Receiving States shall furnish written progress reports to the sending state on no less than a quarterly basis.
2. Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders
 - (a) States shall not allow juvenile sex offenders to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. Rule 4-103(2) does not apply.
3. Rule 4-104: Authority to Accept/Deny Supervision
 - (a) The Receiving State's ICJ Administrator or authorized agent shall sign the Home Evaluation approving or denying supervision.
4. Rule 5-102: Absconder Under ICJ Supervision
 - (a) Receiving States shall submit a Violation Report for juvenile absconders that include the juvenile's last known address and phone number, date of the juvenile's last personal contact with the supervising agent, details regarding how the supervising agent determined the juvenile to be an absconder, and any pending charges in the receiving state.
5. Rule 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking
 - (a) As it applies to Rule 5-103, when a juvenile is out of compliance with conditions of supervision, Receiving States shall submit a Violation Report that contains the date and description of the new citation or technical violation, the status and disposition (if any), supporting documentation regarding the violation, efforts or interventions made to redirect the behavior, sanctions if they apply and receiving state recommendations.
6. Rule 6-102: Voluntary Return of Out-of-State Juveniles
 - (c) Home/demanding States, shall return juveniles within five (5) business days of receiving a completed Form III or adult waiver.

It might be of interest to note that of the six measures that were evaluated, only quarterly progress reports were found to be sub-standard for most of the states. This is likely due to state's reliance upon field staff to provide the reports. To put minds at ease, the performance measurement

evaluations are intended to identify weaknesses in compliance with the Compact and to be used as an educational tool to improve proficiencies rather than impose punitive enforcement.

Finally, I would thank each member of the Compliance Committee for their commitment to making things work well. They have given their time and effort to being fair, but also being tough when necessary. The result of each members work on the committee speaks of a job well done.



INFORMATION TECHNOLOGY COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Shelley Hagan, Chair, Information Technology Committee, Commissioner, State of Wisconsin

JIDS

The Information Technology Committee focused on forms improvement this year. The Committee approved 4 e-form changes in FY2015: Form IA/VI, Form X, Juvenile Rights Form, and the Final Travel Plan. In addition the Committee approved edits to the Communication Request workflow. Over 600 users participated in 23 live JIDS trainings, and over 820 completed a JIDS On Demand module, up 173 percent from FY2014. The helpdesk conducted 116 remote support sessions and responded to 657 tickets, with a resolution rate of 99.4%.

The Committee received a preliminary briefing on a possible JIDS replacement data system. The National Office had been approached by the technology company responsible for the development of the management information system (MIS) being piloted in several state ICPC offices, known as NEICE. The developers were looking for partners interested in building their organization MIS based on the NEICE model. This possibility was seen as potentially responsive to some states' interest in a case management data system to replace the JIDS document management system.

Website Statistics

Total number of registered users: 9,012 – 6% increase from FY 14

Total number of sessions conducted on desktop computer: 37,395

Total number of sessions conducted on mobile device: 963

Total number of sessions conducted on tablet: 318

Total number of: Weekly Updates (51)

Spotlight on JIDS (47)

ICJ Emergency Notification (33)

Total Newsletters = 131



TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

**From: Traci Marchand, Chair, Training, Education and Public Relations Committee,
Commissioner, State of North Carolina**

The Training, Education and Public Relations Committee met 10 times over the course of the year and took several steps to enhance ICJ training opportunities. In addition to updating training materials to reflect the 2014 rule changes, the Committee approved the training curriculum for the 2015 Annual Business Meeting, including training on the topics of rule proposals and ICJ and LGBTQ juveniles. The Committee also offered topic specific Compact office training for a more specialized learning experience.

To expand training and improve educational opportunities, the Committee proposed, and the Executive Committee approved, the purchase of new interactive software to enrich self-paced learning courses for more effective training on rules and JIDS. The new software will be used to develop future On Demand training courses with rules effective in 2016. Additionally, the Committee approved a new Toolkit for Judges located on the ICJ website. This toolkit allows quick and easy access to resources and information needed by judges, attorneys and other legal professionals.

The Committee also established a Work Group to discuss issues arising in cases of human trafficking. The Work Group developed a Best Practice to assist states in dealing with cases involving victims of human trafficking and compiled a comprehensive list of resources.

In an active year for ICJ public relations, the Committee hosted workshops at American Probation and Parole Association conferences, the Interstate Compact on the Placement of Children Annual Meeting, the Georgia Judicial Conference, and the National Council of Juvenile and Family Court Judges.

With extensive changes expected, the Training, Education and Public Relations Committee anticipate a busy upcoming year for rule amendment training and training material development and updates. The Committee will also continue its efforts to promote ICJ and provide technical and training assistance.



RULES COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Rose Ann Bisch, Chair, Rules Committee, Commissioner, State of Minnesota

Committee Members:

East Region

Kevin Brown (NJ), Commissioner

Midwest Region

Chair: Rose Ann Bisch (MN), Commissioner
Jeff Cowger (KS), Commissioner

South Region

Julie Hawkins (MO), Commissioner
Mike Lacy (WV), Commissioner

West Region

Alicia Ehlers (ID), Designee
Philip Cox (OR), Commissioner

Ex-Officios

Dawn Bailey (WA)
Paul Ottati (NY)
Steve Jett (NJDA)

Richard L. Masters, General Counsel

With the process to clean up the ICJ Rules well underway, the Rules Committee worked diligently over the last year to continue efforts to ensure consistency between Rules and processes. After seven teleconferences and two days of face-to-face meetings, the Rules Committee is proposing a total of 50 rule amendments.

Taking into consideration the input of other committees and regions, the Rules Committee incorporated several suggestions into its proposals, as well as sending forth two proposals from the South Region and one proposal from the West Region.



MIDWEST REGION REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Nina Belli, Regional Representative, Midwest Region, Commissioner, State of Ohio

The Midwest Region met three times over the course of the fiscal year in October, February and May. At those meetings, the Region discussed various topics, including our collaborative efforts in the field of ICJ and Human Trafficking, our involvement in participating and conducting trainings on ICJ, JIDS and Human Trafficking and state updates.

Additionally, the Midwest Region submitted a rule proposal on *"failed placements,"* which was adopted and added to the Rules Committee's proposal for Rule 5-103. This proposal will be voted on at the 2015 Annual Business Meeting.



WEST REGION REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Dale Dodd, Regional Representative, West Region, Commissioner, State of New Mexico

The West Region met four times over the last fiscal year in November, January, February and May. Over the course of those meetings:

- Summer Foxworth (CO) stepped down as Regional Representative due to new duties assigned in Colorado.
- Dale Dodd (NM) was elected as the West Region Representative.
- The West Region approved 11 rule proposals from the Region's subgroup.
- The West Region withdrew 10 rule proposals in lieu of the Rules Committee incorporating the West Region's proposals into proposals already going forward.
- Hawaii requested an airline matrix for the Commission's website. The National Office conducted a survey and posted the matrix.
- The Region discussed the Performance Measurement Plan, ICJ Rules and Advisory Opinion 01-2015.
- The West Region held a lengthy discussion of rule proposals going forward in 2015.
- Nominated officers for voting at the 2015 Annual Business Meeting.



AAICPC/ICJ MOU WORKGROUP REPORT

Interstate Commission for Juveniles

**Annual Business Meeting
Madison, Wisconsin
August 26, 2015**

To: Commissioners and Designees of the Interstate Commission for Juveniles

From: Rose Ann Bisch, Co-Chair, AAICPC/ICJ MOU Workgroup, Commissioner, State of Minnesota

ICJ Members:

Co-Chair: Rose Ann Bisch (MN)
Judy Miller (AR)
Gillie Hopkins (VT)
Maria Genca (CT)
Wendy Sheetz (IA)
Karen King-Jones (KY)
Jessica Eldredge (UT)

AAICPC Members:

Co-Chair: Bruce Rudberg (CA)
Rose Marie Holmquist (DE)
Susan Nelson (IL)
Jason McCrea (PA)
Dale Murray (MI)
Patricia Welcome (VI)
Migdalia Crego (NY)
Mical Peterson (MN), Ex Officio
Carla Fults (DC), Ex-Officio

The MOU Work Group was tasked with writing an MOU between ICJ and AAICPC to create a foundation upon which ICJ and AAICPC could work together. The goals of the MOU are: communication, cooperation and collaboration.

The Work Group was established with 14 voting members, seven from ICJ and seven from ICPC. The MOU was approved at the 2011 ICJ Annual Business Meeting in October and the 2012 AAICPC Annual Business Meeting in May.

The last year was spent developing a Best Practice Guide to help states understand how the two compacts can work together with juveniles of mutual interest. This guide features eight best practices detailing dual involvement cases and can be found on both Compact websites. Training was provided at the 2014 ICJ Annual Business Meeting and the 2015 AAICPC Annual Business Meeting.

Moving forward, the Work Group will develop a 'Frequently Asked Questions' section in the Best Practice Guide and determine the best methods to deliver ongoing training and serve as a resource for states.

ICJ
Working Budget
Fiscal Years 2015-2017

	A	R	S	U	V
1					FY17
2		FY15	FY15	FY16	Proposed
3		Budget	Actual	Budget	Budget
4	REVENUE				
5	DUE ASSESSMENT	958,000.00	958,000.00	958,000.00	958,000.00
6	Carried Over Reserves	240,000.00	240,000.00	240,000.00	240,000.00
7	Contributions (AJCA)				
8	Refunds		163.75		
9	Dividend Income		3,528.23		
10	INTEREST INCOME	4,000.00	5,221.59	4,000.00	4,000.00
11	Total Administration Revenue	1,202,000.00	1,206,913.57	1,202,000.00	1,202,000.00
12					
13	EXPENSE				
14	60000 SALARIES & WAGES	238,000.00	238,763.25	251,000.00	262,000.00
15	61000 EMPLOYEE BENEFITS	143,000.00	143,194.30	146,000.00	153,000.00
16	CSG CONTRACT STAFF				
17	61079 EDUCATION, ACCREDITATION	1,800.00		2,000.00	2,000.00
18	61089 PROFESSIONAL MEMBERSHIP FEES	500.00	500.00	300.00	500.00
19	62000 SUPPLIES	3,000.00	2,331.92	5,000.00	5,000.00
20	62010 POSTAGE	1,000.00	387.87	1,000.00	1,000.00
21	62090 COMPUTER SERVICES/SUPPORT	14,000.00	4,516.46	14,000.00	12,000.00
22	62130 OUTSIDE WEB SUPPORT				
23	62140 SOFTWARE PURCHASE	1,600.00	774.85	1,600.00	1,600.00
24	62280 INSURANCE	8,754.00	5,246.00	5,304.00	5,304.00
25	62310 PHOTOCOPY	1,000.00	398.22	1,000.00	1,000.00
26	62360 DIRECT TELEPHONE EXPENSE	3,600.00	3,191.72	3,600.00	3,600.00
27	62370 CELL PHONE EXPENSE	1,500.00	1,223.14	1,500.00	1,500.00
28	62410 MARKETING/ADVERTISING	500.00		500.00	500.00
29	66000 EQUIPMENT PURCHASE	10,000.00	6,264.92	12,000.00	12,000.00
30	68200 WEB/VIDEO CONFERENCE (WebEx)	14,000.00	12,694.45	14,450.00	14,450.00
31	68230 MEETING EXPENSE	1,000.00	362.84	1,000.00	1,000.00
32	72000 CONSULTANT SERVICES	20,000.00	9,233.35	25,000.00	20,000.00
33	74000 STAFF TRAVEL	10,000.00	4,382.05	10,000.00	9,000.00
34	78050 PRINTING	3,000.00	2,065.37	4,000.00	4,000.00
35	78130 BENCHBOOK PRODUCTION				
36	80000 LEGAL SERVICES	35,000.00	31,250.00	35,000.00	35,000.00
37	80030 DEFENSE LITIGATION				
38	85000 RENT	23,150.00	23,100.24	23,841.00	24,500.00
39	91010 INDIRECT COST	61,456.46	56,336.31	52,907.41	42,557.76
40	Total Administration Expenditures	595,860.46	546,217.26	611,002.41	611,511.76
41					
42	OTHER EXPENSE				
43	Executive Committee Meetings	15,000.00	15,399.55	15,000.00	15,000.00
44	Annual Meeting	107,000.00	104,900.39	97,500.00	149,000.00
45	Finance Committee	1,000.00	66.78	1,000.00	1,000.00
46	Compliance Committee	1,000.00	113.20	1,000.00	1,000.00
47	Rules Committee	24,500.00	21,984.20	15,000.00	15,000.00
48	Technology Committee	15,000.00	3,726.87	15,000.00	11,000.00
49	Training/Education Committee	15,000.00	5,515.99	15,000.00	13,000.00
50	ICPC Workgroup	2,000.00	453.30	2,000.00	2,000.00
51	Executive Director Search				
52	JAD Sessions/Function Req				
53	JIDS	93,000.00	65,027.24	75,000.00	74,000.00
54	Long-Term Investment Fund	240,000.00	240,000.00	240,000.00	240,000.00
55	Other Indirect Cost	31,452.50	24,976.56	22,420.20	21,018.80
56	Total Other Expense	544,952.50	482,164.08	498,920.20	542,018.80
57					
58	Total Commission Expenses	1,140,812.96	1,028,381.34	1,109,922.61	1,153,530.56
59					
60	Over/Under Budget	61,187.04	178,532.23	92,077.39	48,469.44

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 noncompliance; (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 nonvoting 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 bylaws 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 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 American Probation and Parole Association, Conference of State Court Administrators, International Association of Chiefs of Police, National Children's Advocacy Center, National Council of Juvenile and Family Court Judges, National Runaway Safeline, and National Sheriffs' Association shall be ex-officio members of the Commission.

Article III 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 IV 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 V
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 VI 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:

History: Adopted December 16, 2008; amended December 1, 2009; amended October 26, 2011; amended October 29, 2014

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 VII 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 VIII
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.

History: Adopted December 16, 2008; amended December 1, 2009; amended October 26, 2011; amended October 29, 2014

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 IX
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 X
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 XI
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.

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.

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.

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: an 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 as determined by the sending state 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.

Residential Facility: a staffed program that provides custodial care and supervision to juveniles.

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.

Sanction: Requirement, including but not limited to detention time, imposed upon a juvenile for non-compliance with terms of supervision.

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: 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.

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; “Substantial Compliance” amended October 17, 2012, effective April 1, 2013; “Adjudicated Status Offender” amended October 9, 2013, effective April 1, 2014; “Aftercare(temporary community placement)” rescinded October 9, 2013, effective April 1, 2014; “Custody” rescinded October 9, 2013, effective April 1, 2014; “Home Evaluation/Investigation” amended October 9, 2013, effective April 1, 2014; “Juvenile Sex Offender” amended October 9, 2013, effective April 1, 2014; “Residential Facility” adopted October 9, 2013, effective April 1, 2014; “Sanction” adopted October 9, 2013, effective April 1, 2014; “Sanction” amended October 29, 2014, effective January 1, 2015

Section 200 General Provisions

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 thirty (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, the Interstate Commission 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.

History: Adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014; amended October 29, 2014, effective October 29, 2014

RULE 2-103: 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 falling in an odd-numbered year.
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 website 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 website 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; amended October 9, 2013, effective April 1, 2014

RULE 2-104: 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 2-105: 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; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012

Section 300 Forms

RULE 3-101: Forms

States shall use the electronic information system approved by the Commission for e-forms processed through the Interstate Compact for Juveniles.

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; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended October 29, 2014, effective January 1, 2015

RULE 3-102: Optional Forms [Rescinded; See history]

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
- Victim Notification Supplement Form

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; amended October 17, 2012, effective November 1, 2012; rescinded on October 29, 2014, effective January 1, 2015

RULE 3-103: Form Modifications or Revisions [Rescinded; See history]

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; rescinded on October 17, 2012, effective November 1, 2012

Section 400 Transfer of Supervision

RULE 4-101: Eligibility Requirements for the Transfer of Supervision

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 a juvenile who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules. 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 an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. If a child is placed pursuant to the ICJ and is also subject to the Interstate Compact on the Placement of Children (ICPC), placement and supervision through the ICPC would not be precluded.
4. 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; amended October 9, 2013, effective April 1, 2014

RULE 4-101A: Transfer of Students [Rescinded; See history]

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; the Commission approved merging Rule 4-101A into 4-101(f) and ordered to rescind this rule effective April 1, 2014

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 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 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 4-104(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 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 copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.

4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state. The receiving state will not delay the investigation pending receipt of the additional documentation.
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, 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.

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; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014

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 is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, and there is no custodial parent or legal guardian in the sending state, 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. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued under Rule 4-103(2)(c).
3. When transferring a juvenile sex offender, documentation should be provided to the receiving state: 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.
4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed placement is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).

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.
6. A juvenile sex offender who fails to register when required will be subject to the laws of 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; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014

RULE 4-104: 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

Section 500 Supervision in Receiving State

RULE 5-101: Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of supervision over any juvenile, and in exercise of those duties will be governed by the same standards of supervision that prevails for its own juveniles released on probation or parole.
2. At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the interstate compact if that condition would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state.
3. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of sanctions. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
4. 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.
5. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
6. 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.
7. 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.
8. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
9. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

References

ICJ Advisory Opinion

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

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014

RULE 5-102: Absconder Under ICJ Supervision

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.

History: Adopted October 17, 2012, effective April 1, 2013

RULE 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking

At any time during supervision if a juvenile is out of compliance with conditions of supervision the receiving state shall notify the sending state of the conditions violated within ten (10) business days of the discovery.

1. A violation report shall contain:
 - a. The date of the new citation or technical violation that forms the basis of the violation;
 - b. Description of the new citation or technical violation;
 - c. Status and disposition, if any;
 - d. Supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation.
 - e. Efforts or interventions made to redirect the behavior;
 - f. Sanctions if they apply;
 - g. Receiving state recommendations.
2. The sending state shall respond to a report of a violation made by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
3. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
 - a. 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 retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
 - b. 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.
 - c. 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.
 - d. The sending state shall return the juvenile in a safe manner, pursuant to the ICJ Rules within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
 - e. 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.

4. 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 when:
 - a. A legal guardian remains in the sending state and the placement in the receiving state fails; or
 - b. A juvenile student transfer placement fails.

History: Adopted October 9, 2013, effective April 1, 2014

RULE 5-104: 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's ICJ office, in writing, and provided it with a copy of the adult court order.
 - 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 ninety (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 ninety (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.
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013

Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways

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 twenty-four (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 twenty-four (24) hours, the holding state's ICJ Office shall be contacted.
2. Runaways who are endangering themselves or others held beyond twenty-four (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; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; clerically 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 due process rights under the compact and may use the ICJ Juvenile Rights Form. 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 shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. 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.
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.
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.
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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 17, 2012, effective April 1, 2013

RULE 6-103: Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders

A requisition applies 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 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.
2. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
 - a. The petitioner may use Form A, Petition for Requisition to Return a 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 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.
 1. The petition shall be verified by affidavit.
 2. The petition is to be accompanied by a certified 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.
 3. Other affidavits and other documents may be submitted with such petition.
 - b. 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. The judge in the home/demanding state shall determine if:
 1. The petitioner is entitled to legal custody of the juvenile;
 2. The juvenile ran away without consent;
 3. The juvenile is an emancipated minor; and
 4. It is in the best interest of the juvenile to compel his/her return to the state.

- c. 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.
 - d. The Form I accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of the Requisition Form I, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
5. 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 Form I 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.
6. 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.
7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
8. Juveniles 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.
9. 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; amended October 17, 2012, effective November 1, 2012, the Commission approved replacing the entire Rule 6-103 on October 9, 2013, effective April 1, 2014

RULE 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent

A requisition applies 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 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.
2. When the juvenile is an Escapee, Absconder or Accused Delinquent the Requisitioner in the home/demanding state shall present to the court or appropriate authority a Requisition Form II, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
 - a. The requisition shall be verified by affidavit and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
 1. Judgment
 2. Order of Adjudication
 3. Order of Commitment
 4. Petition Alleging Delinquency
 5. Other affidavits and documents may be submitted with such requisition.
 - b. When it is determined that the juvenile should be returned, the judge or the appropriate authority in the home/demanding state shall sign the Form II, Requisition for Absconder, Escapee or Accused Delinquent.
 - c. The Form II accompanied by the supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of a Requisition Form II, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form II to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of

both ICJ Offices.

5. 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 Form II 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.
6. 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.
7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
8. Requisitioned juveniles shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles 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.
9. 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 October 9, 2013, effective April 1, 2014

RULE 6-104: ICPC Recognition

ICJ recognizes the authority of ICPC under Article V of the Interstate Compact on the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state. In the event a juvenile is held in a secure facility beyond twenty-four (24) hours (excluding weekends and holidays), the appropriate provisions of the ICJ rules shall apply.

History: Adopted October 9, 2013, effective April 1, 2014

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed [Rescinded; See history]

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; the Commission approved rescinding Rule 6-104 due to adoption of Rule 5-103 on October 9, 2013, effective April 1, 2014

Section 700 Additional Return Requirements for Sections 500 and 600

RULE 7-101: 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; clerically amended January 5, 2011, effective February 4, 2011

RULE 7-102: 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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 9, 2013, effective April 1, 2014

RULE 7-103: 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 7-104: 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 7-105.

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

RULE 7-105: 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 7-106: 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 7-107: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, en 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 forty-eight (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; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012

RULE 7-108: 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 800 Travel Permits

RULE 8-101: 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. Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Travel Permit Form for notification purposes.
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 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.

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; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014

Section 900 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 9-101: 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 9-101, Section 1., compacting states shall pursue informal dispute resolution processes prior to resorting to formal dispute resolution alternatives.
- b. 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.
- c. 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 9-102: 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 9-101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

1. Mediation and arbitration

a. Mediation

1. 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.
2. 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

1. Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
2. 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.
3. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
4. 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.
5. 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.
6. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.
7. Judgment on any arbitration award may be entered in any court having jurisdiction.

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

RULE 9-103: 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 9-104: 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 9-105: 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

Interstate Commission for Juveniles
Annual Data Collection Report
INTERSTATE MOVEMENT OF JUVENILES
July 1, 2014 - June 30, 2015

STATE	PAROLE SUPERVISION								PROBATION SUPERVISION							
	Inc	Sex Off	Inc Term	Out	Sex Off	Out Term	Failed Plcmt	Failed Plcmt - Violation	Inc	Sex Off	Inc Term	Out	Sex Off	Out Term	Failed Plcmt	Failed Plcmt - Violation
Alabama	16	2	7	8	3	3	1	0	119	8	43	63	5	21	1	0
Alaska	2	0	1	0	0	0	0	0	17	1	10	7	1	10	0	0
Arizona	13	7	12	11	0	7	0	0	170	31	89	169	11	79	11	11
Arkansas	11	2	5	24	2	7	0	0	81	9	26	96	10	33	0	0
California	38	8	16	11	2	4	1	1	311	41	99	393	34	190	0	0
Colorado	12	1	3	21	5	11	0	0	125	10	63	207	25	80	0	0
Connecticut	6	0	5	15	0	4	0	0	33	3	17	40	3	13	0	0
Delaware	5	0	3	23	7	8	0	0	51	2	27	84	9	45	1	1
District of Columbia	20	2	6	19	2	12	0	0	94	3	26	46	0	23	0	0
Florida	54	5	24	45	5	27	0	0	352	26	148	482	39	147	1	0
Georgia	50	3	21	76	11	15	1	0	341	24	58	295	29	50	0	0
Hawaii	0	0	0	0	0	1	0	0	14	0	4	15	0	6	1	0
Idaho	8	3	2	18	5	11	1	1	68	14	23	165	21	94	0	0
Illinois	24	1	10	57	4	24	0	0	158	19	75	441	29	147	2	0
Indiana	28	3	10	4	2	4	0	0	163	18	62	74	7	33	2	0
Iowa	9	0	6	1	0	0	0	0	110	6	46	33	6	12	0	0
Kansas	12	3	5	23	13	12	0	0	76	22	28	122	19	46	0	0
Kentucky	18	4	6	21	2	12	0	0	89	7	33	48	4	17	0	0
Louisiana	17	1	10	8	2	4	0	0	120	16	52	67	8	27	0	0
Maine	3	0	2	3	0	0	0	0	23	5	9	14	3	8	1	1
Maryland	37	8	22	47	7	10	0	0	196	18	92	202	19	69	0	0
Massachusetts	7	0	2	15	0	5	0	0	49	3	12	48	2	13	1	0
Michigan	18	2	8	0	0	0	0	0	122	9	41	17	4	11	0	0
Minnesota	14	2	2	1	0	0	1	1	133	9	55	72	11	26	0	0
Mississippi	19	0	7	4	0	5	0	0	102	9	46	77	1	42	0	0
Missouri	25	9	12	56	5	21	0	0	183	26	82	79	15	7	3	0
Montana	1	0	1	2	0	2	1	1	35	5	15	21	4	15	1	0
Nebraska	7	3	3	0	0	4	0	0	42	7	22	108	6	49	3	2
Nevada	12	3	6	17	2	9	0	0	163	11	71	143	20	61	1	1
New Hampshire	4	0	0	3	0	0	0	0	19	2	5	15	0	3	0	0
New Jersey	12	1	0	28	2	5	0	0	119	11	62	216	20	106	1	0
New Mexico	6	3	5	13	2	9	0	0	59	7	29	72	3	28	0	0
New York	36	4	17	27	3	9	0	0	215	20	92	89	11	38	3	2
North Carolina	38	13	22	10	3	3	0	0	230	27	101	114	15	70	0	0
North Dakota	8	0	2	13	1	3	0	0	52	3	29	83	6	33	0	0
Ohio	13	6	8	15	2	9	0	0	121	14	53	115	19	58	2	1
Oklahoma	21	4	9	6	1	3	1	0	125	16	55	69	11	25	0	0
Oregon	10	2	8	18	5	4	1	0	135	10	47	98	16	35	3	2
Pennsylvania	26	2	3	0	0	0	0	0	219	19	98	270	18	138	0	0
Rhode Island	8	0	0	0	0	0	0	0	25	2	2	9	1	4	0	0
South Carolina	11	2	5	7	1	8	0	0	122	10	45	106	6	40	1	0
South Dakota	2	0	0	18	0	9	0	0	35	3	14	42	1	15	0	0
Tennessee	15	5	2	60	4	28	0	0	150	18	72	176	10	54	0	0
Texas	56	8	30	16	3	12	0	0	355	42	132	299	38	155	6	3
Utah	7	3	7	1	1	1	1	1	66	13	31	52	13	24	1	1
Vermont	0	0	0	0	0	0	0	0	4	0	1	5	0	0	0	0
Virgin Islands	1	0	0	0	0	0	0	0	3	0	0	2	0	3	0	0
Virginia	29	3	14	32	9	20	0	0	149	18	80	247	35	112	1	1
Washington	19	2	9	24	14	16	0	0	181	16	82	212	40	70	1	1
West Virginia	5	0	1	0	0	0	1	0	54	8	22	28	3	11	0	0
Wisconsin	10	0	7	5	0	5	0	0	97	11	29	129	23	65	0	0
Wyoming	3	0	0	0	0	0	0	0	32	5	14	31	3	8	1	0
TOTAL	826	130	366	826	130	366	10	5	6107	637	2469	6107	637	2469	49	27

**Interstate Commission for Juveniles
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INTERSTATE MOVEMENT OF JUVENILES
July 1, 2014 - June 30, 2015**

STATE	From Your State Returned							From Other States Returned							Airport Sup Req Met
	Run	Esc	Absc	Acc Del	Total	Total Voluntary	Total Non- Voluntary	Run	Esc	Absc	Acc Del	Total	Total Voluntary	Total Non- Voluntary	
Alabama	3	0	3	1	7	7	0	11	1	10	2	24	23	1	0
Alaska	0	1	1	0	2	2	0	0	0	0	0	0	0	0	0
Arizona	24	0	18	5	47	43	4	19	1	15	8	43	36	7	8
Arkansas	16	0	8	3	27	23	4	24	0	8	2	34	33	1	0
California	57	0	64	9	130	125	5	55	0	70	11	136	127	9	3
Colorado	39	0	18	14	71	68	3	20	0	28	4	52	49	3	2
Connecticut	7	2	7	4	20	15	5	4	1	2	0	7	4	3	0
Delaware	0	1	13	1	15	11	4	0	0	2	1	3	3	0	0
District of Columbia	14	1	52	10	77	76	1	6	0	14	35	55	53	2	0
Florida	61	3	34	20	118	111	7	47	0	12	9	68	64	4	0
Georgia	15	1	16	7	39	39	0	17	1	22	7	47	44	3	11
Hawaii	0	0	0	0	0	0	0	1	0	0	0	1	1	0	0
Idaho	13	1	40	7	61	56	6	11	2	12	2	27	25	2	0
Illinois PA	21	1	15	8	45	45	0	3	1	2	3	9	9	0	6
Illinois PR	1	0	10	2	13	11	2	2	0	12	2	16	16	0	0
Indiana	15	3	13	5	36	34	2	23	4	13	5	45	44	1	0
Iowa	23	0	13	4	40	40	0	17	2	28	3	50	50	0	0
Kansas	23	0	67	11	101	97	4	33	0	14	0	47	45	2	0
Kentucky	17	14	8	4	43	39	4	10	5	16	6	37	37	0	2
Louisiana	8	1	1	0	10	9	1	11	1	1	3	16	14	2	0
Maine	1	0	1	1	3	2	1	1	0	3	0	4	4	0	0
Maryland	9	0	24	25	58	55	3	18	3	60	3	84	81	3	1
Massachusetts	9	0	2	1	12	9	3	3	0	2	2	7	5	2	0
Michigan	23	0	19	3	45	37	8	8	0	5	2	15	12	3	10
Minnesota	9	0	21	9	39	37	2	8	1	13	10	32	30	2	4
Mississippi	2	0	1	4	7	7	0	12	1	3	1	17	17	0	0
Missouri	20	0	12	3	35	34	1	18	1	68	9	96	92	4	0
Montana	5	0	6	1	12	11	1	8	0	6	3	17	17	0	0
Nebraska	20	0	33	4	57	57	0	18	1	11	6	36	33	3	0
Nevada	16	0	33	3	52	49	3	23	0	50	3	76	76	0	1
New Hampshire	3	0	1	0	4	4	0	7	0	1	0	8	7	1	0
New Jersey PA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey PR	6	1	8	4	19	16	3	10	0	13	0	23	22	1	0
New Mexico	5	0	15	3	23	22	1	27	0	13	2	42	40	2	0
New York	16	1	8	0	25	24	1	7	1	14	2	24	14	10	0
North Carolina	10	0	4	3	17	15	2	29	0	11	5	45	44	1	24
North Dakota	5	0	9	7	21	21	0	13	1	7	8	29	28	1	0
Ohio	13	1	20	7	41	40	1	28	7	15	4	54	50	4	0
Oklahoma	23	0	8	0	31	30	1	18	0	22	12	52	47	5	0
Oregon	22	1	31	4	58	51	7	30	1	28	3	62	58	4	1
Pennsylvania	17	0	18	3	38	33	5	14	2	18	9	43	37	6	0
Rhode Island	2	0	1	0	3	1	2	1	1	0	1	3	2	1	0
South Carolina	10	1	5	0	16	16	0	11	0	9	2	22	20	2	0
South Dakota	5	3	14	0	22	21	0	3	0	11	0	14	14	0	0
Tennessee	28	1	11	4	44	44	0	29	1	16	6	52	47	5	0
Texas	50	0	14	9	73	67	6	47	0	40	12	99	95	4	48
Utah	13	0	14	1	28	27	1	26	0	8	8	42	40	2	7
Vermont	0	0	0	0	0	0	0	2	0	0	0	2	2	0	0
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	10	0	23	25	58	55	3	9	0	15	16	40	39	1	0
Washington	35	4	25	9	73	71	2	10	3	34	6	53	49	4	3
West Virginia	2	1	7	1	11	10	1	2	0	5	5	12	12	0	0
Wisconsin	15	1	13	3	32	27	5	6	1	14	6	27	24	3	0
Wyoming	5	0	5	1	11	11	0	6	0	11	4	21	20	1	0
Total	766	44	807	253	1870	1755	115	766	44	807	253	1870	1755	115	131



Advisory Opinions

#04-2014 Approving 'placement' or 'supervision' and ICJ authority in cases where placement may violate court orders – dated December 11, 2014.


#01-2015 ICJ authority to conduct records checks for another state on juveniles not subject to ICJ – dated February 24, 2015

Best Practice

Responding to Human Trafficking Victims Within ICJ

Policies

#02-2014 Performance Measurement Policy and Standards – dated October 27, 2014

 Interstate Commission for Juveniles	Opinion Number: 04-2014	Page Number: 1
ICJ Advisory Opinion Issued by: Executive Director: Ashley H. Lippert Chief Legal Counsel: Richard L. Masters		
Description: Approving ‘placement’ or ‘supervision’ and ICJ authority in cases where placement may violate court orders.	Dated: December 11, 2014	

Background:

Pursuant to Commission Rule 9-101(3), a West Region subgroup, consisting of Idaho, Montana, Nevada, and Oregon, is requesting an advisory opinion regarding the requirements of the Compact and ICJ Rules on the following issue(s):

Issues:

The language of the Interstate Compact for Juveniles uses the terms “placement” and “transfer” (of supervision). Most notably, this occurs on the home evaluation (ICJ Form VIII), which currently requires the receiving state to approve or deny **placement**. However, Rule Section 400 is titled “Transfer of Supervision.”

The rules require a receiving state to sign off as approving or denying placement on the Form VIII Home Evaluation. Rule 4-104(4), requires a receiving state to accept supervision in all cases where there is a custodial parent/legal guardian residing in the receiving state and no parent/legal guardian remains in the sending state, with no consideration of the legal ramifications for the youth, parent, victim, and receiving state when the resulting placement violates the youth’s court orders. The states in this workgroup are unwilling to sign off as approving a placement with a parent/legal guardian that would put the youth in violation of his/her court orders.


The West Region subgroup is requesting a legal opinion on the following:

1. Does the Interstate Compact for Juveniles provide states with the authority to approve or deny placement or is the authority limited to accepting or denying the transfer of supervision?
2. Under the current rules, can a receiving state legitimately accept supervision when the intended placement violates no contact orders or other court ordered conditions of supervision?

Applicable Compact Provisions and Rules:

Article I of the ICJ provides in Sections A and B that:

“It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

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- (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; and
- (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;”

ICJ Rule 1-101 in relevant part provides as follows:


“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.”

ICJ Rule 4-104(4) provides as follows:

“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.”

Analysis and Conclusions:

The opinion request assumes that the Interstate Compact for Juveniles (‘ICJ’) and the ICJ Rules make a legal distinction between the terms ‘transfer of supervision’ and ‘placement’ of a juvenile for purposes of interpreting and applying ICJ Rule 4-104(4). The West Region subgroup is understandably concerned about the potential for endangering the safety of a victim if a juvenile delinquent is transferred from a sending state to a receiving state when no custodial parent or legal guardian resides in the sending state, but such a parent or guardian does reside in the receiving state. Admittedly, there could be situations in which a supervision transfer violates existing ‘no contact’ orders or other legal requirements involving a previous victim, such as a sibling, or other family member. However, ICJ Rule 4-104(4) also recognizes the rights of a custodial parent or legal guardian, which must be considered in the determination of whether or not a proposed transfer of supervision is suitable or legally authorized.

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While the West Region divides its opinion request into two subparts, the first question is erroneously premised on the proposition that the ICJ differentiates between the authority to approve or deny placement and the authority to accept or deny the transfer of supervision. Neither the terms of the Compact nor ICJ Rules make such a legal distinction. However, the second question directly addresses a possible dichotomy created by the language of the existing provisions of ICJ Rule 4-101(4), namely, can a receiving state legitimately accept supervision when the intended placement violates ‘no contact orders’ or other court ordered conditions of supervision? Clearly, neither the provisions of the ICJ, nor the ICJ Rules contemplate, or should be interpreted to allow such a result.


Article I of the ICJ provides in Sections A and B that:

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; and
- (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;

Moreover, ICJ Rule 1-101 clearly defines ‘Supervision’ to mean the oversight exercised by the authorities of the sending and receiving states, during which time the juvenile is required to report or be monitored by appropriate authorities **and to comply with regulations and conditions as determined by a court or appropriate authority. (emphasis supplied).**

Based upon the plain meaning of both the above referenced provisions of the ICJ and the ICJ Rules, it is clear that a receiving state is not authorized to violate court ordered conditions of supervision. Article I, Section A of the Compact expressly requires that compact officials “ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision . . . in the receiving state **as ordered by the adjudicating judge or parole authority in the sending state.**” **(emphasis supplied).** As the Supreme Court has explained concerning the proper approach to interpretation of statutes or related regulations, “Our first step in interpreting a statute is to determine whether the language at issue has a plain and unambiguous meaning . . . [O]ur inquiry must cease if the statutory language is unambiguous and the statutory


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scheme is coherent and consistent.” *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997) (internal quotation marks omitted).

It is equally clear that under Article I, Section B of the Compact, officials in compact member states are also unequivocally required to “adequately protect” the public safety interests of the citizens, “including the victims of juvenile offenders.” (emphasis supplied). It is axiomatic that administrative rules, such as the above ICJ Rule, promulgated by an administrative agency, such as the Interstate Commission for Juveniles, cannot exceed the delegated authority granted to it by the statute. See *Federal Power Commission v. Texaco, Inc.*, 417 U.S. 380, 394 (1974) (“It, [the applicable statute], does not authorize the Commission to set at naught an explicit provision of the Act.”) *Id.* at p. 394.

Summary:

In summary, based upon the terms of the Compact, the above referenced Compact provisions, ICJ Rules and the legal authorities cited herein, that ICJ Rule 4-104(4) does not authorize a receiving state to violate ‘no contact’ orders or other court ordered conditions of the adjudicating judge or parole authority in the sending state.

	Interstate Commission for Juveniles	Opinion Number: 01-2015	Page Number: 1
<p align="center"> ICJ Advisory Opinion Issued by: Executive Director: Ashley H. Lippert Chief Legal Counsel: Richard L. Masters </p>			
Description: ICJ authority to conduct records checks for another state on juveniles not subject to ICJ.		Dated: February 24, 2015	

Background:

Pursuant to Commission Rule 9-101(3), the ICJ Executive Committee has requested an advisory opinion regarding the requirements of the Compact and ICJ Rules on the following issue:

Issues:

ICJ member states are receiving occasional requests to conduct records checks on juveniles not currently involved in the ICJ process, but as a matter of courtesy. This has caused members of the ICJ Executive Committee, who have become aware of this practice, to pose a number of concerns related to the legal authority to conduct such records checks.

Applicable Compact Provisions and Rules:

ICJ Article I, § J.

ICJ Article I, § J. provides that:


“It is the purpose of this Compact, through means of joint and cooperative action among the Compacting states to: . . . (J) establish a system of uniform data collection **of information pertaining to juveniles subject to this Compact** that allows access by authorized juvenile justice and criminal justice officials;” (emphasis supplied).

ICJ Statute Article III, § K.

ICJ Article I, § K. provides that:

“**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 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.” (emphasis supplied).

ICJ RULE 2-102: Data Collection

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ICJ Rule 2-102-1. provides as follows:


“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.”

Analysis and Conclusions:

The above referenced provisions of the ICJ Compact Statute and ICJ Rules, clearly evince an intent to provide authority to the ICJ member states to collect, maintain, report, and exchange data ‘concerning’ or ‘pertaining’ to the “interstate movement of juveniles who are ‘subject to’ and ‘supervised under this Compact.’” These provisions further permit such data to be collected and exchanged with regard to “the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away.” See ICJ Art. III, §K and ICJ Rule 2-102-1.

Both the foregoing provisions of the ICJ and the ICJ Rules require the Compact member states to implement the law enforcement and public protection aspects of the Compact through “a system of uniform data collection,” (See Article I, §J) and shall be by means of, “[S]uch 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,” (See Article III, §K).

Consistent with these requirements, the Commission has developed the Juvenile Interstate Data System (JIDS), as referenced above. Because of the sensitive nature of this information, as was previously pointed out in ICJ Advisory Opinion 1-2014, the JIDS ‘application,’ as set forth in JIDS’ Security documentation, “. . . is an electronic workflow system that facilitates state-to-state transfers, returns and travel for juveniles.” Access to the system is required through a “secure web portal provides automation to paper-based processes and creates accountability through all steps in the process. InStream maintains Advanced Encryption Standards defined by the National Institute of Standards and Technology (NIST) for content storage and transmission.” (See ICJ Ad. Op. 1-2014 and the JIDS Security Newsletter, attached and incorporated by reference therein). Further, JIDS meets the criteria set forth by NLETS, the interstate justice and public safety network for the exchange of law enforcement, criminal justice, and public safety related information and is furnished through a web service which is

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utilized by the U.S. Department of the Treasury and the U.S. Department of State, among others, which require secure data exchange. Additionally, all information contained in JIDS is encrypted.

It is apparent that while collection and dissemination of data is authorized under the Compact provisions and ICJ Rules, this authority is limited by the terms of the Compact to *“data ‘concerning’ or ‘pertaining’ to the “interstate movement of juveniles who are ‘subject to’ and ‘supervised under this Compact.’”* See ICJ Art. III, §K and ICJ Rule 2-102-1. Additionally, the Commission has, as it is legally obligated to do, engaged in the ‘due diligence’ required to protect this information from both unauthorized access and disclosure by ICJ member states through the establishment and maintenance of the JIDS system as described above.

The information, about which the ICJ Executive Committee is concerned in making this opinion request, is described as “records checks on juveniles not currently involved in the ICJ process, but as a matter of courtesy.” Thus the express language of the foregoing Compact statute provisions in Article I §J and Article III §K as well as Rule 2-102-1 does not appear to authorize the collection or sharing of information concerning the interstate movement of juveniles who are not ‘subject to’ or ‘supervised under’ this Compact. As the U.S. Supreme Court has determined with respect to statutory construction, “Our first step in interpreting a statute is to determine whether the language at issue has a plain and unambiguous meaning ... [O]ur inquiry must cease if the statutory language is unambiguous and the statutory scheme is coherent and consistent.” See [Robinson v. Shell Oil Co., 519 U.S. 337, 340 \(1997\)](#).

Summary:

In sum, the express language of the foregoing Compact Statute provisions in Article I §J and Article III §K, as well as Rule 2-102-1, does not appear to authorize the collection or sharing of information concerning the interstate movement of juveniles who are not ‘subject to’ or ‘supervised under’ this Compact. However, these provisions do not preclude verification of whether a juvenile is subject to the ICJ.



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

Best Practice

Please note, this document is not a policy or procedure, but simply a reference to assist states when dealing with this type of case, and can not be used as a reason to reject a case.

Topic: Responding to Human Trafficking Victims Within ICJ


Despite increasing attention to the issue of human trafficking, knowledge and understanding about how best to serve victims moving through ICJ remains limited. This document provides states with guidelines and recommendations for processing returns of human trafficking victims.

First responders who discover a victim of human trafficking have an obligation to take action to ensure the victim's safety. The coordinated efforts of service providers, local and federal law enforcement, victim service providers, and others are needed to combat human trafficking.

The following are recommendations to assist states; however, compact offices should also be aware of or develop their own protocols for assuring safety and providing service to identified victims:

1. Assess the victim's immediate safety concerns and any immediate needs.
2. Determine what, if any, safe harbor laws are in effect in your state and identify your state's policies, procedures and safe harbor laws concerning treatment of victims and determine if the juvenile will be held in detention, a shelter or a secure facility.
3. Educate the victim about their rights, protections, and available services.
4. Consult your agency attorney and engage law enforcement. Local law enforcement agencies may act as the intermediary and notify federal law enforcement.
5. Collaborate, when necessary, with other agencies to ensure the victim is connected to services.
6. Develop protocols for processing cases of human trafficking victims identified, held and returned through ICJ.

“First responders who discover a victim of human trafficking have an obligation to take action to ensure the victim's safety.”

 Interstate Commission for Juveniles	Policy Number 02-2014	Page Number: 1
ICJ Administrative Policy Performance Measurement Policy and Standards		Dated: October 27,2014

I. Mission

To provide objective information about State’s adherence to Commission rules, policies and procedures.

II. Objectives

The objectives of the performance measurement plan are to provide analyses and assessments of data and business processes, as well as examine management controls to assess data integrity, management of risk, and achievement of the Commission’s goals.

III. Scope

The scope of the program is limited to State’s compliance with Commission rules, policies and procedures.

IV. Authority

A. Article I (K.) of the Compact Statute states, *“monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance.”*

B. Article IV (4.) of the Compact statute states, *“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.”*


C. Article VII (B.)(3.) of the Compact Statute states, *“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.”*

V. Access

The ICJ Compliance Committee and designated National Office staff are granted access to Compact records, files, and information. Member states are required to cooperate with the staff of the National Office in fulfilling their performance measurement functions and duties.

VI. Confidentiality

Information provided to the National Office or ICJ Compliance Committee shall be handled in a confidential manner. The Executive Director shall ensure that internal staff is instructed in the handling and safeguarding of confidential information.

 <p>Interstate Commission for Juveniles</p>	<p>Policy Number 02-2014</p>	<p>Page Number: 2</p>
<p>ICJ Administrative Policy Performance Measurement Policy and Standards</p>		<p>Dated: October 27,2014</p>

VII. Responsibility

States will be given thirty (30) business days to dispute, in writing, any findings of noncompliance. After thirty (30) days, the performance report will be finalized, and the State’s written response shall become part of the final report.

The ICJ Compliance Committee will review final reports.

If the report reveals areas of noncompliance, they will be addressed as outlined in the Commission policy titled, “Guidelines for Resolving Compliance Issues.”

The ICJ Compliance Committee will establish the standards, determine the schedule, conduct periodic reviews of the procedures, and recommend changes as needed.

The National Office will analyze the data for trends in both compliance and noncompliance.

VIII. Appendix: ICJ Audit Standards

A Motion Chart for Robert's Rules

When you're using Robert's Rules to help your meeting run well, the following chart can come in very handy when you're in the thick of debate on a main motion. It's designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can't be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider
SECONDARY MOTIONS	PRIVILEGED	Fix the Time to Which to Adjourn		S		A	M	R
		Adjourn		S			M	
		Recess		S		A	M	
		Raise a Question of Privilege	I				Chair decides	
		Call for Orders of the Day	I				Chair decides	
	SUBSIDIARY	Lay on the Table		S			M	Negative Only*
		Previous Question		S			2/3	R*
		Limit or Extend Limits of Debate		S		A	2/3	R*
		Postpone Definitely		S	D	A	M	R*
		Commit (or Refer)		S	D	A	M	R*
		Amend		S	D*	A*	M	R
		Postpone Indefinitely		S	D		M	Affirmative Only
	Main Motion			S	D	A	M	R
	* See text for exceptions							M = Majority vote

Consult a book on Robert's Rules for clarification on the exceptions.

Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."

Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair!
Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified



Staff Recognition

The Commission believes in recognizing individuals doing the day-to-day work of the Compact who surpass expectations to provide assistance. The following individuals were nominated for going above and beyond the general call of duty to reach a conclusion or solution that best serves public safety.

Jessica Eldredge, Deputy Compact Administrator, Utah

Anthony Ellis, Deputy Compact Administrator, Kansas

Michael Farmer, Deputy Compact Administrator, California

Carol Gillespie, Designee, Oregon

Wendi Hamilton, Field Staff, Oregon

Jovay Jackson, Compact Office Staff, Arizona

Dean Natwick, Field Staff, North Dakota