

#	Rule #	Page #	2015 Amendments	Proposed By:	Recommend for Adoption	Total Comments Received	Face to Face Meeting Actions
	<b>SCT 100</b>		<b>DEFINITIONS</b>				
1	1-101	1	Demanding State	Rules Committee	Yes	1	
2	1-101	3	Detainer	Rules Committee	Yes	1	
3	1-101	5	Detention Order	Rules Committee	Yes	1	
4	1-101	7	Emancipation	Rules Committee	Yes	2	
5	1-101	9	Escapee	Rules Committee	Yes	1	
6	1-101	11	Good Faith Effort	Rules Committee	Yes	1	
7	1-101	13	Guardian Ad Litem	Rules Committee	Yes	1	
8	1-101	15	Holding State	Rules Committee	Yes	1	
9	1-101	17	Home Evaluation/Investigation	Rules Committee	Yes	4	
10	1-101	19	Home State	Rules Committee	Yes	1	
11	1-101	21	Interstate Compact for Juveniles (ICJ)	Rules Committee	Yes	2	
12	1-101	23	Juvenile	Rules Committee	Yes	2	
13	1-101	25	Legal Custodian	Rules Committee	Yes	1	
14	1-101	27	Legal Guardian	Rules Committee	Yes	2	
15	1-101	29	Legal Jurisdiction	Rules Committee	Yes	1	
16	1-101	31	Non-Compacting State	Rules Committee	Yes	1	
17	1-101	33	Peace Officer	Rules Committee	Yes	1	
18	1-101	35	Pick-Up Order	Rules Committee	Yes	1	
19	1-101	37	Private Provider	Rules Committee	Yes	1	
20	1-101	39	Residence	Rules Committee	Yes	2	
21	1-101	41	Rule	Rules Committee	Yes	1	
22	1-101	43	Runaway	Rules Committee	Yes	3	
23	1-101	45	Status Offense	Rules Committee	Yes	2	
24	1-101	47	Travel Permit	Rules Committee	Yes	1	
	<b>SCT 200</b>		<b>GENERAL PROVISIONS</b>				
25	2-104	49	Communication Requirements Between States	Rules Committee	Yes	4	
26	2-105	51	Victim Notification	Rules Committee	Yes	2	
	<b>SCT 400</b>		<b>TRANSFER OF SUPERVISION</b>				
27	4-101	53	Eligibility Requirements for the Transfer of Supervision	Rules Committee	Yes	4	
28	4-101	56	Eligibility Requirements for the Transfer of Supervision	South Region	No	10	
29	4-102	60	Sending and Receiving Referrals	Rules Committee	Yes	4	
30	4-102	64	Sending and Receiving Referrals	South Region	No	7	
31	4-103	69	Transfer of Supervision Procedures for Juvenile Sex Offenders	Rules Committee	Yes	4	
32	4-104	72	Authority to Accept/Deny Supervision	Rules Committee	Yes	4	

\*Please note that the final rule proposals are subject to change per the Rules Committee.

#	Rule #		2015 Amendments	Proposed By:	Recommend for Adoption	Total Comments Received	Face to Face Meeting Actions
	<b>SCT 500</b>		<b>SUPERVISION IN RECEIVING STATE</b>				
33	5-101	75	Supervision/Services Requirements	Rules Committee	Yes	6	
34	5-102	78	Absconder Under ICJ Supervision	<i>West Region</i>	No	3	
35	5-103	81	Reporting Juvenile Non-Compliance, Failed Placement and Retaking	Rules Committee	Yes	6	
36	5-104	85	Closure of Cases	Rules Committee	Yes	5	
	<b>SCT 600</b>		<b>VOLUNTARY and NON-VOLUNTARY RETURN OF JUVENILES/RUNAWAYS</b>				
37	6-101	88	Release of Runaways to Parent or Legal Guardian	Rules Committee	Yes	0	
38	6-102	91	Voluntary Return of Out-of-State Juveniles	Rules Committee	Yes	3	
39	6-103	94	Non-Voluntary Return of Non-Delinq Runaways / Accused Status Offenders	Rules Committee	Yes	4	
40	6-103A	98	Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent	Rules Committee	Yes	0	
	<b>SCT 700</b>		<b>ADDITIONAL RETURN REQUIREMENTS FOR SCTS 500 and 600</b>				
41	7-101	102	Financial Responsibility	Rules Committee	Yes	2	
42	7-102	104	Public Safety	Rules Committee	Yes	1	
43	7-104	106	Warrants	Rules Committee	Yes	3	
44	7-105	108	Custodial Detention	Rules Committee	Yes	4	
45	7-106	110	Transportation	Rules Committee	Yes	4	
46	7-107	113	Airport Supervision	Rules Committee	Yes	2	
	<b>SCT 800</b>		<b>TRAVEL PERMITS</b>				
47	8-101	115	Travel Permits	Rules Committee	Yes	3	
	<b>SCT 900</b>		<b>DISPUTE RESOLUTION, ENFORCEMENT, WITHDRAWAL, AND DISSOLUTION</b>				
48	9-103	118	Enforcement Actions Against a Defaulting State	Rules Committee	Yes	1	
	<b>NEW</b>		<b>PROPOSED RULES</b>				
49	new # propose	121	Probable Cause Hearing in the Receiving State or Adjudication/ Conviction for a New Offense	Rules Committee	Yes	14	
50	6-105	129	Return of Juveniles when Abuse or Neglect is Reported	Rules Committee	Yes	4	

\*Please note that the final rule proposals are subject to change per the Rules Committee.

**Proposed by Rules Committee – 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

Language condensed for clarity.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Proposed amendment and recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Demanding State)*

1. **Kelly Palmateer, NY:** NYS Probation believes the proposed wording is more subject to interpretation as while it appears intended to refer to a Sending State, a Receiving State could also be seeking the return of a juvenile. It might be preferable to modify language to refer to the state with the responsibility to return the juvenile with or without delinquency charges.



## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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.

---

#### **Justification:**

This term is not used in the ICJ Rules.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 4-0-1 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Detainer)*

1. **Kelly Palmateer, NY:** While NYS Probation recognizes that neither term is used in the Rules, there is used “detained” or similar language in a few rules, and therefore consideration of defining the term and indicating that a detainer warrant is necessary.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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

---

**Justification:**

This term is not used in the rules.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

3/4/15 – Recommended for adoption by a 4-0-1 vote.

**Effective Date:**

*(Comments for Rule 1-101: Detention Order)*

1. **Kelly Palmateer, NY:** While NYS Probation recognizes that neither term is used in the Rules, there is used “detained” or similar language in a few rules, and therefore consideration of defining the term and indicating that a detainer warrant is necessary.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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.

---

**Justification:**

This term is not used in the rules and is commonly misunderstood.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Emancipation)*

1. **Shelley Hagan, WI:** The phrase "emancipated minor" is used several times in Rule 6-103, pertaining to non-voluntary return of runaways and accused status offenders.
2. **Kelly Palmateer, NY:** NYS Probation takes no position in striking this term.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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.

---

#### **Justification:**

Amended to remove the language “*or agency's custody*” to avoid any confusion with the term absconder and the language *flight from a facility* is sufficient.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Escapee)*

1. **Kelly Palmateer, NY:** NYS Probation is concerned that this definition does not include those juveniles who may be detained temporarily and not committed to a facility by the court ( i.e. runaways who are picked up and detained).



**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

The ambiguous term is not referenced in the Rules and not necessary to define.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Good Faith Effort)*

1. **Kelly Palmateer, NY:** NYS Probation supports striking this definition as it is not used in the Compact or any Rules.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

The term is not used in the rules. Usage on any forms is understood.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Guardian Ad Litem)*

1. **Kelly Palmateer, NY:** NYS Probation believes that this definition should remain in the ICJ Rules. The term is used in Rule 6.102 and is not a term that all may be familiar with and therefore is helpful.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

The term addresses runaways. Amended language proposed for clarity.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Holding State)*

1. **Kelly Palmateer, NY:** NYS Probation believes this term addresses all juveniles covered under the ICJ Rule not just runaways as expressed in the justification for the change. This term is used in Rules 7-104: Warrants and 7-105 : Custodial Detention which pertains to all juveniles.

## **Proposed by Rules Committee - 2015**

### ***Rule 1:101: Definitions***

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

---

#### **Justification:**

The word Investigation removed from the title as the term Home Evaluation/ Investigation is not used in the ICJ Rules.  
Language amended to incorporate the West Region's proposal to eliminate placement within the rules.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

Edit to e-form VIII: Home Evaluation Report Form

#### **Forms Impact:**

Edit to Form VIII: Home Evaluation Report Form – replace “Placement” with “Residence” on page 1; replace “Investigated” with “Evaluated” on page 1; replace “Investigating” with “Evaluating” on page 3; replace “Placement” with “Supervision” on page 3

#### **Fiscal Impact:**

\$125 (1 service hour)

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.  
4/1/15 – Amended and recommended for adoption by a 7-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Home Evaluation/Investigation)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee amendment for adoption.
2. **Alicia Ehlers, ID:** Idaho supports the Rules Committee proposal because the use of the word investigation is preventing some states from completing a Home Evaluation because their local workers are not licensed nor have the proper credentials in their state to conduct an investigation.
3. **Damian Seymour, DE:** The Delaware Office agrees with this change as we are determining if supervision in a proposed residence is approved. During the home evaluation states make sure supervision is being provided by the placement resource and the juvenile is not in violation of their court order. The Probation Department in the receiving state then determines if they may provide supervision that is in the best interest of the juvenile and community. The change to supervision just makes more sense. We are approving supervision when determining if the juvenile may reside in the receiving state. Thank you!!
4. **Kelly Palmateer, NY:** NYS Probation agrees with this change as long as conforming changes are made to Rule 4.102.



## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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

---

#### **Justification:**

Language amended for clarity and uniformity throughout the rules to identify the person with whom the juvenile is residing.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Home State)*

1. **Kelly Palmateer, NY:** NYS Probation does not support this change. The proposed wording change does not achieve that listed in the justification. The proposed definition identifies where the juvenile's legal guardian resides, not that the juvenile resides with the legal guardian. Recommend changing the definition to; *Home State: the state where the juvenile is or will be residing with his/her legal guardian.* As there is already a demanding state definition, this additional term appears unnecessary.

## Proposed by Rules Committee – 2015

### *Rule 1:101: Definitions*

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. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

---

#### **Justification:**

Language added to clarify the ICJ does not transfer jurisdiction.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

2/4/15 – Proposed amendment and recommended for adoption by a 6-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Interstate Compact for Juveniles)*

1. **Alicia Ehlers, ID:** Idaho opposes the added language because the receiving/holding state has some limited jurisdiction to enforce the conditions of probation supervision imposed by the sending state. Article I (E) of the Compact states: provide for the **effective** tracking and supervision of the juveniles. The ability of a state to govern a juvenile pursuant to the Compact by the same standards of supervision that prevail for its own juveniles, including sanctions, is effective supervision.
2. **Kelly Palmateer, NY:** NYS Probation supports the proposed change to this definition.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

Juvenile: a **any** 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.~~

---

#### **Justification:**

Amended to reflect the ICJ Statute language defining a juvenile and for clarity.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Juvenile)*

1. **Maria Genca, CT:** CT ICJ State Council/CT ICJ proposes: Juvenile- any person defined as a juvenile or “child” in any member state or by the rules of the Interstate Commission.

Note: Child is also used in the definition of "runaway". The term “juvenile” is not defined in CT statutes.

2. **Kelly Palmateer, NY:** NYS Probation does not support the proposed wording. Would recommend changing the definition to; *Juvenile: any person defined as a juvenile in any member state and who is subject to the Compact and the rules of the Interstate Commission.*

## Proposed by Rules Committee – 2015

### *Rule 1:101: Definitions*

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

---

#### **Justification:**

Language amended for clarity and uniformity of terminology throughout the rules to identify the court appointed agencies.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

The term “Custodial Agency” will be substituted throughout the rules for “Legal Custodian” and derivatives of appropriate authorities or agencies where applicable contingent upon approval of the proposed amendment.

#### **JIDS Impact:**

Edit to e-form III: Consent for Voluntary Return of Out of State Juvenile

#### **Forms Impact:**

Edit to Form III: Consent for Voluntary Return of Out of State Juvenile – replace “Name of Legal Guardian/Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian /Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian or Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return”

#### **Fiscal Impact:**

\$125 (1 service hour)

#### **Rules Committee Action:**

7/10/14 – Proposed amendment and recommended for adoption by a 5-0-1 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Legal Custodian)*

1. **Kelly Palmateer, NY:** NYS Probation supports the proposed rule definition change.



## Proposed by Rules Committee – 2015 Proposal

### *Rule 1:101: Definitions*

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

---

#### **Justification:**

Language amended for clarity and uniformity of terminology throughout the rules to identify the person(s) legally responsible. The term embraces any person legally responsible for a child including the biological parent.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

The term “Legal Guardian” will be substituted throughout the rules for the term “parent” and derivatives of “parent” contingent upon approval of the proposed amendment.

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

7/10/14 – Proposed amendment and recommended for adoption by a 5-0-1 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Legal Guardian)*

1. **Judy Miller, AR:** Under Justification for this Definition is says: The term embraces any person legally responsible for a child including the biological parent.

A biological parent is not always a legal parent, I understand that this is not in the definition and a biological parent should not be included.

2. **Kelly Palmateer, NY:** NYS Probation supports the proposed rule definition change.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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.

---

#### **Justification:**

Amended to remove “*Legal* as the ICJ Rules state “jurisdiction” rather than “legal jurisdiction”.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Legal Jurisdiction)*

1. **Kelly Palmateer, NY:** NYS Probation supports striking the word “Legal” with respect to this definition.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

The term is no longer applicable.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Non Compacting State)*

1. **Kelly Palmateer, NY:** NYS Probation does not support striking this definition from the rules. What if a compact state withdraws from the compact? What about territories that are not compacting states? This term is used in section 900 so it is applicable.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

A definition is not required as the term is understood and not used outside of the ICJ Rules. – Section 100 Definitions.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Peace Officer)*

1. **Kelly Palmateer, NY:** As this term is defined by each state, NYS Probation supports striking the definition.



**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

A definition is not required as the term is understood and not used in the ICJ Rules

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Pick Up Order)*

1. **Kelly Palmateer, NY:** NYS Probation supports striking this rule definition.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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

---

**Justification:**

The term is not used in the Rules.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Private Provider)*

1. **Kelly Palmateer, NY:** NYS Probation supports striking this rule definition.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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

---

#### **Justification:**

Usage of the term in the rules is understood and not necessary to define.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Residence)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee's proposal for the definition of Residence.
2. **Kelly Palmateer, NY:** NYS Probation does not support striking this definition as it is used in the Compact itself and throughout the rules.

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

Rule: 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.

---

#### **Justification:**

Amended to mirror the ICJ Statute language.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 1-101: Rule)*

1. **Kelly Palmateer, NY:** NYS Probation recognizes that this proposed rule change conforms with the Compact term definition.



## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

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

---

#### **Justification:**

Language amended to clarify age limit and person or agency responsible for the child.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

Edits to e-forms A: Petition for Requisition to Return a Runaway Juvenile, I: Requisition for Runaway Juvenile, III: Consent for Voluntary Return of Out of State Juvenile, and Petition for Hearing on Requisition for Runaway Juvenile

#### **Forms Impact:**

Edits to e-form A: Petition for Requisition to Return a Runaway Juvenile - replace “Name of Parent or Guardian” with “Legal Guardian or Custodial Agency” ; replace “Parent or Guardian” with “Legal Guardian or Custodial Agency”

Edit to Form I: Requisition for Runaway Juvenile - replace “Parent, Guardian, or Agency” with “Legal Guardian or Custodial Agency”

Edits to Form III: Consent for Voluntary Return of Out of State Juvenile - replace “Name of Legal Guardian/Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian /Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian or Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return”

Edit to Petition for Hearing on Requisition for Runaway Juvenile – replace “custodial parent/legal guardian” with “legal guardian or custodial agency”

#### **Fiscal Impact:**

\$500 (4 service hours)

#### **Rules Committee Action:**

7/10/14 – Recommended for adoption by a 5-0-1 vote.

#### **Effective Date:**

\*Please note that the final rule proposals are subject to change per the Rules Committee.

*(Comments for Rule 1-101: Runaway)*

1. **Molli Davis, NV:** Nevada ICJ supports the amendment to Rule 1-101 Runaway.
2. **Jane Seigel, ID:** The Indiana State Council is concerned with this definition because the Indiana runaway statute was recently amended to use a much broader term than “place of residence” (Indiana’s new definition of runaway uses “the child leaves home or a specific location previously designated by the child's parent, guardian, or custodian”).
3. **Kelly Palmateer, NY:** NYS Probation does not support the proposed wording. The proposed definition does not indicate which state determines the jurisdictional age limit of a juvenile. Would recommend changing the definition to ; *Runaway: a child under the juvenile jurisdictional age limit established by the demanding state, who has run away from his/her residence, without the consent of the legal guardian or custodial agency.*

## Proposed by Rules Committee - 2015

### *Rule 1:101: Definitions*

~~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.~~

---

**Justification:**

The term is not used in the Rules.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 5-1-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Status Offense)*

1. **Shelley Hagan, WI:** The phrase "status offender" is used in the definition of "juvenile" in Rule 101-1 and throughout Rule 6-103.
2. **Kelly Palmateer, NY:** NYS Probation does not support striking this definition, unless it is to modify to refer to the term Status Offender which is used throughout the Compact rules. The term "Status Offender" can be found in other definitions, Rule 4-101 and Rule 6-103.

**Proposed by Rules Committee - 2015**

***Rule 1:101: Definitions***

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

---

**Justification:**

Amended to clarify travel permits can be used for all types of travel (temporary, transfer of supervision, or testing placement).

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

3/4/15 – Recommended for adoption by a 5-0-0 vote.

**Effective Date:**

*(Comments for Rule 1-101: Travel Permit)*

1. **Kelly Palmateer, NY:** NYS Probation is recommending changing the proposed definition to *“Travel Permit: written permission granted to a juvenile authorizing travel from one state to another.”* This definition clarifies what a travel permit means as it pertains to the ICJ rules. ICJ Rule 8.101 explains that all travel permits are temporary. It is not necessary to declare that in the definition.

**Proposed by Rules Committee - 2015**

***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.
- 

**Justification:**

Language no longer applicable in paragraph 2 as information is shared via the electronic data system.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 2-104: Communication Requirements between States)*

1. **Shelley Hagan, WI:** It is not true that all communication between local agencies and ICJ offices, and between local agencies in different states, is shared via the electronic data system. JIDS is not rolled out to local users everywhere. I support retaining the provision regarding e-mail documentation of local-to-local contact.
2. **Jacey Nordmeyer, NE:** I **oppose** this change given that the only means for direct communication in JIDS is via communications requests which is meant for Compact Offices and not field staff. If direct communications between field staff is approved, the communication occurs outside of JIDS, thus making the need for a copy to be provided to the ICJ office necessary.
3. **Mia Pressley, SC:** South Region Comments: JIDS has not been rolled out in every state therefore all communication/information cannot be shared via the electronic date system (JIDS).

South Region Proposed Wording: Communication may occur between local jurisdictions with prior approval of the ICJ Offices in both states. **Copies of any correspondence or documentation of verbal contact between the local jurisdictions must be provided to the ICJ Offices in both states.**

4. **Kelly Palmateer, NY:** NYS Probation does not support this change. JIDS does not allow for direct communication between line staff. If direct communication does occur the Interstate Compact Offices should be apprised of what has occurred in a case. This will ensure that line staff remain compliant with ICJ Rules and procedures.



## Proposed by Rules Committee - 2015

### ***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 Supplement Form. The Victim Notification Supplement 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.

#### **Justification:**

Paragraph 2 – added full name of form for clarity and consistency.

Paragraph 3 – Language amended for clarity and syntax.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

\$ 0

#### **Fiscal Impact:**

None

#### **Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 6-1-0 vote.

#### **Effective Date:**

*(Comments for Rule 2-105: Victim Notification)*

1. **Alicia Ehlers, ID:** Idaho opposes the stricken wording in Paragraph 3 because the person who is actually supervising the juvenile would be more knowledgeable of the juvenile's movements.
2. **Kelly Palmateer, NY:** NYS Probation supports the proposed rule change.

## Proposed by Rules Committee - 2015

### *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.
    - i. Will reside with a ~~parent~~, legal guardian, relative, non-relative or independently, excluding residential facilities; or
    - ii. 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 request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not justifiable.
- 5.4. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

---

#### **Justification:**

Paragraph 2(f)(1) – Contingent upon the passage of amendment to the terms Legal Guardian and Custodial Agency.

Paragraph 4 – Inserted new paragraph from the language in Rule 5-101(9) and amended for clarity.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

4/9/14 – Recommended for adoption of paragraph 4 by 6-0-0 vote.

7/10/14 – Amended and recommended for adoption by 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 4-101: Eligibility Requirements for the Transfer of Supervision, Rules Committee Proposal)*

1. **Alicia Ehlers, ID:** Idaho supports combining Rule 4-101 as submitted by both the Rules Committee and the South Region.
2. **Jacey Nordmeyer, NE:** I **support** this addition to the existing rule.
3. **Damian Seymour, DE:** Delaware supports this change as now if the juvenile just owes court costs supervision does not need to be requested. Thank you!
4. **Kelly Palmateer, NY:** NYS Probation supports this proposed rule change.

**Proposed by the South Region (6/25/2014)**

***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. i. Will reside with a parent, legal guardian, relative, non-relative or independently, excluding residential facilities; or ii. 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 state may request a home evaluation for a juvenile pending adjudication for charges in the sending state, provided petitions have been filed on those charges and the sending state can provide, at a minimum, petitions and offense information in the ICJ packet. The receiving state can complete the home evaluation with a recommendation for acceptance or denial of the proposed placement based on this information and the results of the home evaluation.
- 5.4. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

---

**Justification:**

ICJ referrals are intended for youth that we are requesting supervision, and youth that are not yet adjudicated may not be eligible for supervision at that point in time. However, in practice the home evaluation is a distinct step in the ICJ process. To complete a home evaluation with sufficient information about the nature of the youth's offense and history should provide the receiving state with information to make an accurate assessment about the proposed placement's viability to meet youth needs. It would also preclude a situation where a youth may already move to the receiving state, only to then find that the placement is not suitable and create a situation that needs to be addressed.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

A new two-step workflow for Pre-adjudicated Home Evaluation requests. This process would be distinct from the home evaluation required for Transfer of Supervision cases because there would be no time frames to track in JIDS. A separate workflow would keep the statistical data clean by separating these requests from standard Transfer requests which require that the home evaluations are returned within 45 calendar days.

**Forms Impact:**

None

**Fiscal Impact:**

\$500 (4 service hours)

**Rules Committee Action:**

1/7/15 – Not recommended for adoption by a 6-0-0 vote.

**Effective Date:**

1. **Shelley Hagan, WI:** Personally, I am in favor of the South Region's suggestion. This addition would codify and standardize a process that is now undefined and hit-or-miss. We all have workers/courts that ask for a home evaluation prior to the court deciding on where a youth will be placed. Some states go along with those requests and some do not. The requests can cause problems in JIDS if made before there's a court order with an end date. This rule addition and the JIDS fix remove the inconsistencies and problems.
2. **Alicia Elhers, ID:** Idaho supports combining Rule 4-101 as submitted by both the South Region and the Rules Committee.
3. **Rose Ann Bisch, MN:** The first concern regarding this proposal is that it does not comply with the structure of the ICJ rules, it is listed under the Eligibility Rule however, it does not pertain to eligibility, and this is in conflict with the efforts of this Commission to organize the rules to allow legal counsel to respond to advisory opinions. The bigger issue however is all the questions this proposal would raise: What is the purpose of this home evaluation, does it mean if the state doing the home evaluation does not approve the sending state will then change their disposition to circumvent the rules of the compact? What does this home evaluation include? Is it the exact same investigation the receiving state will have to do once the disposition has occurred? The proposal indicates that that receiving state can complete the home evaluation with a recommendation to accept or reject but I am not sure who a state can validly do that if they do not even know what the juveniles conditions of supervision will be? If the case is not a mandatory acceptance under the transfer rules why would a state agree prior to disposition occurring? What impact does the recommendation from the state doing the investigation have, if denied can the sending state still place the juvenile in that state under the compact without another investigation? How does this relate to the mandatory acceptance criteria the compact already has in place? This just a few of the questions this proposal raises. It would seem that if the South wants to pursue this they should develop this further and propose a new section to include other functions outside the transfer and return processes such as the request for a criminal history which is not currently allowed under the rules.
4. **Judy Miller, AR:** I agree that this category should be included in the cases eligible for an ICJ transfer. My suggestion to the proposal would be to add "pending adjudicated" cases to current Rule 4-101, 2, b.,: ***is an adjudicated delinquent, adjudicated status offender, has a deferred or pending adjudication in the sending state.....***
5. **Shelley Hagan, WI:** On 5-29-15, the WI state advisory board voted to support this rule change. Our judicial and district attorney members in particular recognized the need for local agencies and courts to have information on the safety and suitability of a potential placement before a court's final decision on whether to authorize ICJ transfer to another state.



6. **Jane Seigel, IN:** The Indiana State Council supports the South Region's proposed language in Rule 4-101 to authorize a sending state to request a home evaluation for a juvenile with pending charges. Indiana judges routinely request home evaluations for juveniles as part of the Predisposition Report process and use this information to make placement decisions.
7. **John Gusz, NJ:** NJ as a bifurcated state objects to the proposed home evaluation requests for juveniles not currently eligible for transfer of supervision under the ICJ as this has the potential to significantly increase the number of home evaluation requests for youth who may not transfer to the possible receiving state.
8. **Damian Seymour, DE:** Delaware does not support this change. Many parents/guardians will not want an officer to come into their home before their child has been adjudicated. The parent would feel this is intrusive. We all have to remember the juvenile has yet to be adjudicated so entering a home before adjudicated is extremely intrusive. Thank you!
9. **Mia Pressley, SC:** South Region Comments: The South Region wishes to retain the language proposed in new paragraph 4 Rule 4-101 but seeks the guidance of the Rules Committee to determine the most applicable location to insert the language.
10. **Kelly Palmateer, NY:** NYS Probation does not support this proposed change as it would allow States to request home evaluations prior to adjudication. There should be clearer language that a receiving state may deny the request. It is foreseeable that there may be pressure on a receiving state to conduct a home evaluation and the potential volume of such requests may prove costly in some jurisdictions. Additionally, the juvenile may not ultimately meet eligibility criteria and which would prove a waste of the receiving state's time and resources. At a minimum a sending state should review to determine whether preliminarily the juvenile would satisfy certain mandatory criteria.

## Proposed by Rules Committee - 2015

### *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~~ its state.
2. ~~Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.~~
- 2.3. The sending state shall maintain responsibility until supervision is accepted by the receiving state. ~~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~~ is complete and forwarded to the receiving state forty five (45) calendar days prior to the juvenile's anticipated arrival: Form IV Parole or Probation Investigation Request, Form IA/VI Application for Services and Waiver and Memorandum of Understanding and Waiver 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 Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to the juvenile relocating to ~~placement in~~ the receiving state.

When it is necessary ~~for to place~~ a State Committed (parole) juvenile to relocate ~~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 relocation justifies ~~placement justify~~ the use of a Form VII Out of State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence placement. If approved by the sending state, it shall provide the receiving state with the approved Form VII Out of State Travel Permit and Agreement to Return 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 is complete and forwarded to the receiving state. ~~within five (5) business days of receipt:~~ Form IV Parole and Probation Investigation Request, Form IA/VI Application for Services and Waiver and Memorandum of Understanding Waiver, 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 (if available) ~~deemed to be of benefit to the receiving state.~~ Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to relocating placement if the juvenile is not already residing in the receiving state.
- 3.4. The sending state shall ~~be responsive and timely in forwarding~~ forward additional documentation, if available, 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.~~
4. 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.

**Justification:**

Removed unnecessary language and amended for clarity and syntax.

Introductory Paragraph – deleted

Paragraph 1 – Amended for clarity

Paragraph 2 – Removed term ‘ICJ Office’ and ‘ICJ’ before referral for consistency

Paragraph 3(a)(b) – incorporated the West Region’s proposal to eliminate placement.

Paragraph 3(b) – Deleted time frame, it is an internal state guideline rather than ICJ rule.

Paragraph 4 – Deleted undefined timeline, the sentence reworded to clarify additional documentation should be forwarded if available.

Paragraph 5 – Deleted paragraph 5. The 30-day time frame is an internal state guideline rather than an ICJ rule.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

2/5/14 – Recommended for adoption by a 4-0-0 vote.

7/10/14 – Amended and recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 7-0-0 vote; Form name and number revisions recommended by a 6-1-0 vote.

**Effective Date:**

*(Comments for Rule 4-102: Sending and Receiving Referrals, Rules Committee Proposal)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rule Committee's Amendment Proposal for Rule 4-102.
2. **Julie Hawkins, MO:** It's my recommendation that we add, "If not already submitted", to the beginning of the 3rd paragraph in 2A.
3. **Judy Miller, AR:** have a concern regarding Proposed #4, a., which says: Form V shall be forwarded prior to the juvenile re-locating to the receiving state.

It is not always known in advance when the parole youth is going to be placed out of state. My suggestion for this would be:

Form V shall be included in the referral packet if it is known when the juvenile will be placed out of state or submitted at the time the placement date is known.

4. **Kelly Palmateer, NY:** NYS Probation supports these changes as long as conforming changes are made to Rule 4-102 (3). NYS Probation further recommends serious consideration of changing the language in revised Rule 4-102 (2) to read that "The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state." This additional recommended change is similar to language found in rules governing the Interstate Compact for Adult Offender Supervision and better holds juvenile's accountable and promotes public safety.

## **Proposed by the South Region (6/25/2014)**

### ***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

- c. 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. In the event that the ICJ Form IA/VI does not have the signature of the juvenile and/or placement resource at the time the referral is made, the receiving state will obtain those signatures at the time the home evaluation is done. In the event that the Form IA/VI does not have the signature of the Judge or Compact Official in the sending state at the time the referral is made, the sending state will obtain those signatures upon receipt of the approved home evaluation. A copy of the signed IA/VI will be routed to the receiving state as soon as signatures are obtained.
  5. 6. 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. 7. 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.

**Justification:**

The definition of “complete” for the IA/VI has been construed to include ALL signatures being present at the time of the initial referral. Some ICJ offices are refusing to accept the packet when the IA/VI is lacking at least some signatures. ICJ best practices contraindicate waiting for signatures to be obtained to complete the home evaluation and process a referral. There are logistical reasons why the IA/VI in the initial referral may not contain the juvenile and/or placement resource signature. These signatures can be easily obtained when completing the home evaluation. As some judges interpret that signing the IA/VI is equivalent to approving placement, they do not agree to sign until they know that the other state has accepted supervision. The Judge’s signature can be obtained once the receiving state has accepted supervision and can be forwarded back to the receiving state when obtained. If the juvenile is already in the receiving state, it is against public safety and best practice to delay processing the ICJ referral waiting for this signature.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

2/4/15 – Not recommended for adoption by a 6-0-0 vote.

**Effective Date:**



*(Comments for Rule 4-102: Sending and Receiving Referrals, South Region Proposal)*

1. **Shelley Hagan, WI:** I support the South Region's proposal. We have a few judges that will not sign the Form IA/VI until the receiving state has approved supervision and the HER demonstrates an appropriate home environment. Agree that in such cases the referral should not be delayed.
2. **Jacey Nordmeyer, NE:** We believe it is best practice to allow the receiving state to assist in order to avoid increasing the time it takes to process the transfer while waiting for the signatures if youth is already in the receiving state. We also agree with the comments made by Wisconsin as Nebraska also has members of the Judiciary who like placement options to be explored prior to approval of the actual relocation of a youth. In these instances, the Nebraska Judge does not want to sign the IA/VI until the completed home evaluation is received and approved to help determine the appropriateness of the placement.
3. **Judy Miller, AR:** I agree that this information should be added to the Rules so a delay will not occur in completing the requested home evaluation.

Since there has been a change to the ICJ IA-VI Form eliminating the signature of the parent/legal guardian, I would suggest the following amendment:

***In the event that the ICJ Form IA-VI does not have the signature of the juvenile at the time the referral is made, the receiving state will obtain this signature at the time the home evaluation is done. In the event that Form IA-VI does not have the signature of the Judge or Compact Official in the sending state .....***

4. **Shelley Hagan, WI:** On 5-29-15, the WI state advisory board voted to support this rule change. In order to address concerns about judge's signatures not being received timely, could the proposal be amended to include a deadline by which the signed Form IA/VI must be sent to the receiving state, maybe within a month after supervision is accepted?
5. **Jane Seigel, IN:** The Indiana State Council does not support the South Region's proposed language which would authorize a compact office to send a case without the signature of a judge. The State Council believes a referral is incomplete without the signature of a judge authorizing it.
6. **John Gusz, NJ:** South Region Rule Proposal: NJ as a bifurcated state objects to the possibility of the receiving state being held responsible for obtaining required signatures for transfer packets forwarded by the sending state.

West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.

**\*Please note that the final rule proposals are subject to change per the Rules Committee.**

*(Comments for Rule 4-102: Sending and Receiving Referrals, South Region Proposal)*

7. **Kelly Palmateer, NY:** NYS Probation does not support this proposal. This proposed change would place the onus on the receiving state to assist in the completion of the Form IA/VI. The Form IA/VI not only acts as the sending states means to retake a juvenile it also serves as the juvenile's application for transfer to the receiving state. The sending state should have this form completed prior to a juvenile leaving the sending state as it is a required completed form under Rule 4-102 (3) (a) & (b). Should the form not be completed as required prior to transfer, the receiving state should have the discretion to assist in it completion. Should this proposed rule change go forward with or without such proposed modification, NYS Probation further recommends serious consideration of changing the language in the first paragraph of Rule 4-102 to read that "The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state." This additional recommended change is similar to language found in rules governing the Interstate Compact for Adult Offender Supervision and better holds juvenile's accountable and promotes public safety.

## Proposed by Rules Committee - 2015

### *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 ~~relocates~~ ~~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 ~~relocation justifies~~ ~~placement~~ justify the use of a travel permit, including consideration of the appropriateness of the ~~residence~~ ~~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 4-103(2)(c).
3. When transferring a juvenile sex offender, ~~the referral documentation should~~ shall consist of ~~be provided to the receiving state:~~ Form IA/VI Application for Services and Waiver and Memorandum of Understanding and Waiver, Form IV Parole and Probation Investigation Request, Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State, Order of Adjudication and Disposition, Conditions of ~~Probation Supervision~~, Petition and/or Arrest Report. The sending state should also provide : ~~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 juvenile offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials (if available). ~~NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.~~

Parole conditions, if not already included, 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 residence 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.

---

**Justification:**

Amended for clarity and consistency.

Paragraph 2 – The proposed amendment to custodial parent contingent upon the passage of the proposed definitions for Legal Guardian and Custodial Agency.

Paragraph 3 – The proposed amendment due to standardizing the term *referral* in lieu of referral documents or referral packets and syntax modifications.

Paragraphs 3 and 4 – amended to incorporate the West Region's proposal to eliminate placement.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 7-0-0 vote; Form name and number revisions recommended by a 6-1-0 vote.

**Effective Date:**

*(Comments for Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rule Committee's Proposal for Rule 4-103.
2. **Alicia Ehlers, ID:** The wording "Upon Notification" in Paragraph 2(a) doesn't seem necessary.
3. **John Gusz, NJ:** West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.
4. **Kelly Palmateer, NY:** NYS Probation recommends that the language be changed under Rule 4-103 (2) to read, *"When a juvenile sex offender needs to relocate with..."* The proposed wording implies that the juvenile already left the sending state. NYS probation also recommends that the language under Rule 4-103 (2) (d) be changed to reflect, *"The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state."* This additional recommended change is similar to language found in rules governing the Interstate Compact for Adult Offender Supervision and better holds juvenile's accountable and promotes public safety.

Finally, NYS Probation suggests changing the wording under Rule 4-103 (3) to remove Form V from the list of required documents. There are instances where it is necessary for the juvenile to relocate prior to acceptance in which case Form V is not applicable.

## Proposed by Rules Committee - 2015

### *RULE 4-104: Authority to Accept/Deny Supervision*

1. Only the receiving state's authorized Compact Office staff ~~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 authorized Compact Office staff's ~~ICJ Administrator's or authorized agent~~ signature is required on or with the Form VIII 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 residence ~~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.~~
6. If the transfer of supervision in the receiving state is validly denied, the sending state must make transportation arrangements for the return of their juvenile within five (5) business days.

#### **Justification:**

Paragraphs 1 and 2 – ICJ Administrator is not defined and the term designee as defined is not the intent; therefore, changed to authorized Compact Office staff for clarity and consistency.

Paragraph 4 – The proposed deletion of custodial parent is contingent upon the passage of the proposed amendment for the definition of Legal Guardian. The proposed residence to replace placement is an incorporation of the West Region's proposal to eliminate "placement" within the rules.

Paragraph 6 – The original language of 4-104(6) was moved and modified into Rule 5-103 new 4(b). April 1 new language was proposed.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Edit to e-form VIII: Home Evaluation Report Form

**Forms Impact:**

Edit to Form VIII: Home Evaluation Report Form - replace “Placement” with “Residence” on page 1 ; replace “Placement” with “Supervision” on page 3

**Fiscal Impact:**

\$125 (1 service hour)

**Rules Committee Action:**

3/5/14 – Recommended for adoption by a 6-0-0 vote.

7/10/14 – Amended and recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adopting by a 7-0-0 vote.

**Effective Date:**

*(Comments for Rule 4-104: Authority to Accept/Deny Supervision)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rule Committee's proposal for Rule 4-104: Authority to Accept/Deny.
2. **Shelley Hagan, WI:** I suggest adding the phrase "or electronically-signed affirmation" after the word "signature" in provision 2 since the e-Form III isn't really "signed".
3. **John Gusz, NJ:** West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.
4. **Kelly Palmateer, NY:** NYS Probation is not recommending this proposal for adoption. The term "validly denied" is subjective and not defined by the Compact or any proposed rule. This terminology would allow for debate when it comes to a sending state having to return their juvenile after supervision has been denied. Additionally reference to "authorize" under Rule 4-104(1) should be replaced with "accept".



## Proposed by Rules Committee - 2015

### *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 detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
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 residence 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~~ secure facility 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 or court fines is not a justifiable reason to ~~open~~ continue or extend supervision of a case. The receiving state may initiate the case closure request once all the other terms of supervision have been met.

---

**Justification:**

Amended for clarity and consistency.

Paragraph 4 – Amended to incorporate the West Region’s proposal to eliminate placement.

Paragraph 7 – Changed “incarceration” to “secure facility” for clarity and consistency.

Paragraph 9 – Amended and added to Rule 4-101 for organizational purposes and clarity.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

4/9/14 – Recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 7-0-0 vote.

**Effective Date:**

*(Comments for Rule 5-101: Supervision/Services Requirements)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee's amendment to Rule 5-101: Supervision/Services Requirements.
2. **Alicia Ehlers, ID:** Idaho continues to support striking Paragraph 5 to eliminate the conflict with Paragraph 1 as some local probation/parole offices charge their own juveniles a cost of supervision fee and are not governing the other states' juvenile by the same standards of supervision that prevails for their own juveniles on probation or parole.
3. **John Gusz, NJ:** Rules Committee Rule Proposal: NJ as a bifurcated state objects to the possibility of youth who are at no risk of detention based on their offense in the sending state being exposed to the possibility of detention in the receiving state. NJ offers compromise language whereby the receiving state shall have the authority to impose detention time if approved by the sending state.

West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.

4. **Damian Seymour, DE:** Delaware supports this change as it now allows the receiving state to initiate closure once all other terms of supervision have been completed and a sending state cannot extend supervision for the sole purpose of collecting restitution or court costs. Thank you!
5. **Mia Pressley, SC:** The South Region fully supports the proposed language in paragraph 9 of Rule 5-101.
6. **Kelly Palmateer, NY:** NYS Probation is not supporting this proposal. The wording in Rule 5-101(7) appears contradictory and does not provide clarity. If the age of majority in the receiving state determines the type of facility in which a juvenile is held, a juvenile may be held in a secured facility (as defined by the Compact) or the age may require detaining the individual in a local correctional facility , the latter which does not meet the Compact rule definition of a secured facility.

## Proposed by West Region – 2015

### *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~~ employer, if applicable; and
  - c. Contacting known family members and collateral contacts.
2. If the juvenile is not located, the receiving state shall submit a violation report to the sending state's ICJ office which shall include the following information:
  - a. The juvenile's last known address and telephone number,
  - b. Date of the juvenile's last personal contact with the supervising agent,
  - c. Details regarding how the supervising agent determined the juvenile to be an absconder, and
  - d. Any pending charges in the receiving state.
3. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
4. Upon finding or apprehending the juvenile, the sending state shall make a determination if the juvenile shall return to the sending state or if the sending state will request supervision resume in the receiving state.

---

#### **Justification:**

The West Region recommends this change for consistency and clarity, using the term, "residence and employer" versus place of employment language. Our recommended terminology is used throughout our rules and is more consistent and lends to improved clarity.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\*Please note that the final rule proposals are subject to change per the Rules Committee.

\$0

**Rules Committee Action:**

3/19/15 – Not recommended for adoption by a 0-6-0 vote.

**Effective Date:**

*(Comments for Rule 5-102: Absconder Under ICJ Supervision, West Region Proposal)*

1. **Molli Davis, NV:** Nevada ICJ supports the West Region's proposal for amendment to Rule 5-102: Absconder Under ICJ Supervision.
2. **John Gusz, NJ:** NJ as a bifurcated state objects to the proposed change as it is unnecessary and does not significantly change the intent of the rule.
3. **Kelly Palmateer, NY:** NYS Probation supports this proposed rule change.

## Proposed by Rules Committee - 2015

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

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision the receiving state shall notify the sending state using a Form IX Quarterly Progress, Violation or Absconder Report, which shall contain: ~~of the conditions violated within ten (10) business days of the discovery.~~
2. ~~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. 3. 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. 4. 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 Form IA/VI Application for Services and Waiver and Memorandum of Understanding and Waiver ~~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 consistent with probable cause requirements, if any. 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. ~~5.~~ Upon request from the receiving state, ~~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~~ supervision in the receiving state fails; ~~or~~ as evidenced by:
    - i. When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; OR
    - ii. When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; OR
    - iii. When an immediate, serious threat to the health and safety of the juvenile, and/or others in the residence or community is identified; and
    - iv. The receiving state has documented efforts or interventions to redirect the behavior.
  - b. The juvenile is not residing with a legal guardian and that person requests the juvenile be removed from their home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned.
  - ~~c.~~ b. A juvenile student transfer ~~placement~~ of supervision fails.

**Justification:**

Amended for clarity and consistency.

Paragraphs 1 and 2 – Amended language in paragraph 1 and combined paragraphs 1 and 2 for clarity.

Term “placement” amended throughout to clarify that ICJ deals with “supervision”, as recommended by the West Region.

Renumbered effected paragraphs accordingly.

Paragraph 4 – Introductory language added for clarity that the receiving state authorized.

Paragraph 4(a) – language added to clarify requirements for a failed placement as proposed by Midwest Region.

Paragraph 4(b) – new sub-section proposed for clarity. Language moved here from current Rule 5-103 (6) and modified.

Paragraph 4(c) – Amended language to include supervision rather than placement.



**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Edit “Return for Failed Placement” workflow title to “Return for Failed Transfer of Supervision”.

Edit e-form process from "Failed Plcmt. Packet" to "Failed Transfer Packet"

**Forms Impact:**

None

**Fiscal Impact:**

\$375 (3 service hours)

**Rules Committee Action:**

6/4/14 – Recommended for adoption by a 5-0-0 vote.

2/4/15 – Modified new paragraph 3(c) and recommended for adoption by a 6-0-0 vote.

3/18/15 – Modified new paragraph 4 to incorporate the Midwest and West Region Proposals. Recommended for adoption by a 6-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 6-1-0 vote.

**Effective Date:**

*(Comments for Rule 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee's proposal for amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking.
2. **Jacey Nordmeyer, NE:** We **support** this rule amendment as we believe it will increase stability and maintenance of community supports already established for juveniles in receiving states and clarify what qualifies as failed supervision.
3. **Shelley Hagan, WI:** On 5-29-15, the WI state advisory board voted to support this rule change. They asked if the rule amendment could be further amended to add the possibility of a 5 business day extension of the retaking deadline if both states agree, as is now in the rule for return of runaway youth.
4. **Jane Seigel, IN:** The Indiana State Council supports the proposed amendment regarding failed supervision.
5. **John Gusz, NJ:** Rules Committee: No objection

Midwest Region: This recommendation is included in the Rules Committee version of proposed changes to the rule.

West Region: This recommendation is included in the Rules Committee version of proposed changes to the rule.

6. **Kelly Palmateer, NY:** NYS Probation does not support this proposed rule change. It is unclear what is meant by the word "citation". This term could have different meanings in different states. Was it meant to imply a new criminal offense? Such wording is used in proposed Rule 5-103(3)(a) If so, then "offense" or "criminal offense" should be substituted. It is also not clear what the intentions were in proposed Rule 5-103(4)(c). What does "juvenile student transfer of supervision fails" mean? Does this mean the youth no longer meets the eligibility requirements under Rule 4-101(f)(2)? Does this mean the juvenile was kicked out or dropped out of school? NYS probation strongly recommends clarification of these points.

**\*Please note that the final rule proposals are subject to change per the Rules Committee.**

## Proposed by Rules Committee - 2015

### *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 juvenile shall relocate ~~the sending state shall complete placement~~ within ninety (90) calendar days. If the juvenile does not relocate ~~placement is not made in the receiving state~~ within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. The receiving state may submit to the sending state a request for the early discharge/termination ~~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/termination 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 discharged/terminated ~~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. The Sending State shall approve the case closure when the sole purpose of supervision is collecting restitution or court fines.
- ~~5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.~~

\*Please note that the final rule proposals are subject to change per the Rules Committee.

---

**Justification:**

Paragraph 2 – amended to incorporate the West Region’s proposal to eliminate placement.

Paragraph 3 – Amended to be consistent with term “discharge/termination” on 6/4/14.

Paragraph 5 – Deleted paragraph to remove timeline for maintaining closed files and added a new paragraph for clarification.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Edit to e-form X: Case Closure Notification

**Forms Impact:**

Edit to Form X: Case Closure Notification - replace “release” with “discharge/termination”

**Fiscal Impact:**

\$125 (1 service hour)

**Rules Committee Action:**

6/4/14 – Recommended for adoption by a 5-0-0 vote.

4/1/15 – Recommended for adoption by a 7-0-0 vote.

**Effective Date:**

*(Comments for Rule 5-104: Closure of Cases)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee's proposal for amendment to Rule 5-104: Closure of Cases.
2. **Alicia Ehlers, ID:** Idaho supports these rule changes but would encourage stronger language in Rule 5-104(5) to read: The sending state shall close the case when the sole purpose for continuing supervision is collecting restitution or court fines.
3. **John Gusz, NJ:** Rules Committee Rule Proposal: No objection

West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.

4. **Damian Seymour, DE:** Delaware supports this change as it allows the receiving state to initiate closure when restitution or court costs are the only thing owed and the sending state must approve. Thank you!
5. **Kelly Palmateer, NY:** NYS Probation supports this proposal, however would recommend consideration of adding new language regarding students who no longer meet the eligibility requirements under Rule 4-101(f)(2).

## Proposed by Rules Committee - 2015

### ***RULE 6-101: Release of Non-Delinquent 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. ~~1. Juvenile authorities may release a non-delinquent runaway to their parent/legal guardian or custodial agency within the first twenty-four (24) hours (excluding weekends and holidays) of detention without applying the Compact Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.~~
- b. ~~2. If the a non-delinquent runaway juvenile remains in custody beyond twenty-four (24) hours, the holding state's ICJ Office shall be contacted and the Compact shall be applied.~~
- ~~2. Runaways who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home/demanding state.~~
- ~~3. When a holding state has reason to suspect abuse or neglect by a parent/legal guardian or others in the home of a runaway juvenile the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect.~~
- ~~4. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of jurisdiction in the home/demanding state to effect the safe return of the juvenile.~~
- ~~5. Voluntary Return: of runaways who allege abuse or neglect:  
The Form III must indicate who will be assuming responsibility for the juvenile if the juvenile will not be returning to a parent or legal guardian.~~
- ~~6. Non-Voluntary Return: of runaways who allege abuse or neglect:  
If the appropriate authorities in the home/demanding state determine that the juvenile will not be returning to a parent or legal guardian, the requisition process shall be initiated by the home/demanding state's appropriate authority and/or court of jurisdiction in accordance with Rule 6-103.~~

---

### **Justification:**

Paragraph 1 – Proposed to delete as the language replicates the ICJ By-laws, Article II. Note the Article II language was removed from the ICJ By-laws at the 2014 ABM.

Paragraph 2 – Language moved to Rules 6-102 and 6-103 and amended as applicable.

Paragraphs 3-6 – Language moved and amended to new Rule 6-105 to clarify that abuse and neglect procedures apply to all returns.

**\*Please note that the final rule proposals are subject to change per the Rules Committee.**

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

The duplicate language in ICJ By-Laws Article II was deleted at the 2014 ABM and will no longer exist in By-laws or rules.

**JIDS Impact:**

Edits to e-forms A: Petition for Requisition to Return a Runaway Juvenile, I: Requisition for Runaway Juvenile, III: Consent for Voluntary Return of Out of State Juvenile, Petition for Hearing on Requisition for a Runaway Juvenile, and Order Setting Hearing for the Requisition of a Runaway Juvenile.

**Forms Impact:**

Edit to Form A: Petition for Requisition to Return a Runaway Juvenile - Add “NON-DELINQUENT” to title; replace “Name of Parent or Guardian” with “Legal Guardian or Custodial Agency”; replace “Parent or Guardian” with “Legal Guardian or Custodial Agency”

Edit to Form I: Requisition for Runaway Juvenile - Add “A NON-DELINQUENT” to title; replace “Parent, Guardian, or Agency” with “Legal Guardian or Custodial Agency”

Edits to Form III: Consent for Voluntary Return of Out of State Juvenile - replace “Name of Legal Guardian/Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian /Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return” ; replace “Legal Guardian or Custodian or agency seeking return” with “Legal Guardian or Custodial Agency seeking return”

Edit to Petition for Hearing on Requisition for Runaway Juvenile - Add “A NON-DELINQUENT” to title, subtitle, in paragraph, and footer; replace “custodial parent/legal guardian” with “legal guardian or custodial agency”

Edits to Order Setting Hearing for the Requisition for a Runaway Juvenile - Add “NON-DELINQUENT” to title and footer, and add “a Non-Delinquent” in two locations in paragraph.

**Fiscal Impact:**

\$625 (5 service hours)

**Rules Committee Action:**

1/7/15 – Recommended for adoption by a 6-0-1 vote.

**Effective Date:**

\*Please note that the final rule proposals are subject to change per the Rules Committee.

*(Comments for Rule 6-101: Release of Runaways to Parent or Legal Guardian)*

No comments received.



## Proposed by Rules Committee - 2015

### **RULE 6-102: Voluntary Return of Out-of-State Juveniles Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents**

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

1. Runaways who are a danger to endangering themselves or others, probation/parole absconders, escapees or accused delinquents ~~held beyond 24 hours~~ shall be ~~held~~ detained in secure facilities until returned by the home/demanding state.
2. The holding state's ICJ Office shall be advised of the juvenile's detention. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
3. The home/demanding state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
4. 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.
5. If in agreement with the voluntary return, the juvenile shall sign the approved ICJ Form III Consent for Voluntary Return of Out of State Juveniles in the presence (physical or electronic) of a judge. The ICJ Form III Consent for Voluntary Return of Out of State Juveniles shall be signed by a judge.
6. 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 Consent for Voluntary Return of Out of State Juveniles, provided the waiver is signed by the juvenile and the judge.
7. 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~~ ICJ Office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
8. 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.
9. Juveniles ~~are to~~ shall be returned by the home/demanding state in a safe manner and within

five (5) business days of receiving a completed Form III [Consent for Voluntary Return of Out of State Juveniles](#) or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

---

**Justification:**

Amended for clarity and consistency.

New Paragraph 1 – Language moved from the current Rule 6-101(2).

Paragraph 1– Language amended for clarity.

Paragraph 3 – Remove reference to Juvenile Rights Form based on proposal to delete the Juvenile Rights Form.

Paragraph 6 – “Compact office” amended to “ICJ Office” throughout the rules for consistency.

Paragraph 8 – language amended for consistency.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

Paragraph 3 – Remove reference to Juvenile Rights Form based on proposal to delete the Juvenile Rights Form.

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

1/7/15 – Recommended for adoption by a 6-0-1 vote.

4/1/15 – Amended and recommended for adoption by a 6-1-0 vote.

**Effective Date:**

*(Comments for Rule 6-102: Voluntary Return of Out-of-State Juveniles)*

1. **Jacey Nordmeyer, NE:** ***We oppose*** the removal of this form as it assists local Judges in ensuring advisement to juveniles are comprehensive during Court hearings. The passage of this rule would impact Nebraska as the Judiciary would no longer have a guide or reference for advising juveniles of their rights under the ICJ.
2. **Judy Miller, AR:** Under the proposed #4, I recommend that we include the language about the Juvenile Rights Form. The IT Committee has updated the Form. It is a useful document for some Juvenile Officers and Judges.
3. **John Gusz, NJ:** NJ as a bifurcated state objects to the comparison of runaway youth (status offenders) with absconders, escapees, and accused delinquents and advocates for a proposed Rule 6-102A similar to the distinction made in Rule 6-103 and Rule 6-103A. Further, NJ objects to the ability to detain runaway youth in secure facilities in violation of the pending Juvenile Justice Reauthorization Act of 2015 which removes the remaining exemption of “a danger to themselves or others” as a circumstance for detaining status offenders. ICJ defines secure facilities as ***“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.”***

## Proposed by Rules Committee - 2015

### ***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. Runaways and accused status offenders in custody who are a danger to ~~endangering~~ themselves or others and held beyond 24 hours shall be ~~held~~ detained in secure facilities until returned by the home/demanding state.
2. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. When the juvenile is a non-delinquent runaway 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.
    - i. The petition shall be verified by affidavit.
    - ii. 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.
    - iii. 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:
    - i. The petitioner is entitled to legal custody of the juvenile;
    - ii. The juvenile ran away without consent;
    - iii. The juvenile is an emancipated minor; and
    - iv. 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 Requisition for Runaway Juvenile accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. 4. Upon receipt of the ~~Requisition~~ Form I Requisition for Runaway Juvenile, 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. 5. The ICJ Office in the state where the juvenile is located will forward the ~~Requisition~~ Form I Requisition for Runaway Juvenile 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. 6. 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 Requisition for Runaway Juvenile 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. 7. 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. 8. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of ninety (90) calendar days.
8. 9. 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 up to an additional five (5) days with approval from both ICJ Offices.
9. 10. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

---

**Justification:**

Amended for clarity and consistency.

New Paragraph 1 – Language moved from current Rule 6-101(2) and amended for clarity.

Paragraphs 2 and 3 – Delete *parent*. The proposed new definition of *Legal Guardian* includes parent and therefore not necessary to include.

Paragraph 7 – Addition of ‘home/’ to demanding state for clarity and consistency throughout the rules.

Paragraph 8 – Addition of “up to an additional five (5) business days” for consistency with Rule 6-102(8).

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

Proposed Rule 1-101 Definitions Legal Guardian.

**JIDS Impact:**

Edit to e-form I: Requisition for Runaway Juvenile.

**Forms Impact:**

Edit to Form I: Requisition for Runaway Juvenile - requires addition of “Home/”.

**Fiscal Impact:**

\$125 (1 service hour)

**Rules Committee Action:**

1/7/15 – Recommended for adoption by a 6-0-1 vote.

4/1/15 – Amended and recommended for adoption by a 6-1-0 vote.

**Effective Date:**

*(Comments for Rule 6-103: Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders)*

1. **Alicia Ehlers, ID:** Idaho continues to believe that the 60-day time period for holding the juvenile in custody while waiting for a requisition is unconscionable. Especially, for a non-delinquent runaway.
2. **Jacey Nordmeyer, NE:** ***We support*** this proposal and clarification as it is consistent with Rule 6-102(8).
3. **John Gusz, NJ:** NJ as a bifurcated state objects to the proposed rule change not only for the above reason but also due to the fact that it broadens the scope to include all status offenders and not just runaways who are at risk of detention in the receiving state. Furthermore, if approved as is the receiving state can detain a status offender for a maximum of ninety (90) calendar days.
4. **Damian Seymour, DE:** Delaware supports this change when it comes to runaways. It is in the best interest of the juvenile to be detained rather than back on the street when they are a danger to themselves. We want to make sure the juvenile is returned in the safest manner possible so they are not harmful to themselves or the community. Thank you!

## Proposed by Rules Committee - 2015

### ***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 Requisition for Escapee, Absconder, or Accused Delinquent, 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, unless a judge is the requisitioner, and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
    - i. Judgment
    - ii. Order of Adjudication
    - iii. Order of Commitment
    - iv. Petition Alleging Delinquency
    - v. 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 Requisition for Escapee, Absconder, or Accused Delinquent accompanied by the supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of a ~~Requisition~~ Form II Requisition for Escapee, Absconder, or Accused Delinquent, 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 Requisition for Escapee, Absconder, or Accused Delinquent 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 Requisition for Escapee, Absconder, or Accused Delinquent 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 home/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.

**Justification:**

Amended for clarity and consistency.

Paragraph 2(a) – Addition of “unless a judge is the requisitioner” to clarify a judge does not need to verify his own signature.

Paragraph 7 – Addition of ‘home/’ to demanding state for clarity and consistency throughout the rules.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Edit to e-form II: Requisition for Escapee, Absconder, or Accused Delinquent

**Forms Impact:**

Edit to Form II: Requisition for Escapee, Absconder, or Accused Delinquent - language change above “Affidavit of Verification” section.

**Fiscal Impact:**

\$125 (1 service hour)

**Rules Committee Action:**

1/7/15 – Recommended for adoption by a 6-0-1 vote.

4/1/15 – Amended and recommended for adoption by a 6-1-0 vote.

**Effective Date:**

*(Comments for 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent)*

No comments received.

**Proposed by Rules Committee - 2015*****RULE 7-101: Financial Responsibility***

The home/demanding/~~signed~~sending 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.

The home/demanding/sending state shall not be responsible for the cost of ~~The holding state shall not be reimbursed for~~ detaining juveniles ~~under the provisions of the ICJ~~ unless the home/demanding/sending state fails to effect the return of its juveniles within the time period set forth in these rules. ~~paragraph one (1) of this rule.~~

---

**Justification:**

Added 'sending' to home/demanding state for consistency throughout the rules  
Delete necessary language.  
Language from Rule 7-105 inserted to clarify financial responsibility.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

8/6/14 – Recommended for adoption by a 5-0-0 vote.

**Effective Date:**

*(Comments for Rule 7-101: Financial Responsibility)*

1. **Shelley Hagan, WI:** By making this change, would it imply that an entity other than the home/demanding state could be charged, such as a youth's parents? Is that what we want? Maybe so, when a parent's lack of cooperation delays a runaway return. But to me this is more than a technical clarification.
2. **Kelly Palmateer, NY:** NYS Probation believes that reference to “home state” should be stricken as the proposed rule change of that term has the potential of there being more than one home state. Demanding state would appear to suffice.

## Proposed by Rules Committee - 2015

### *RULE 7-102: Public Safety*

1. The home/demanding/sending 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/sending states' assessments of the juvenile.
  2. If the home/demanding/sending 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/sending state.
- 

#### **Justification:**

Added 'sending' to home/demanding state.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

8/6/14 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 7-102: Public Safety)*

1. **Kelly Palmateer, NY:** While NYS Probation supports the proposed rule change, see above rationale [Rule 7-101 comments] for striking existing home state reference.

## Proposed by Rules Committee - 2015

### ***RULE 7-104: Warrants***

All warrants issued for juveniles under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) wanted person file with a nationwide pickup radius with no bond amount set. ~~by the appropriate local law enforcement agency or other authorized agency in the issuing state.~~

1. 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.
2. 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.
3. ~~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, t~~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.~~

#### **Justification:**

Added/removed language to clarify entering warrants into the NCIC and defining geographic limits.

Paragraph 3 – Deleted unnecessary language for clarity.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

8/6/14 – Recommended for adoption by a 5-0-0 vote.

#### **Effective Date:**



*(Comments for Rule 7-104: Warrants)*

1. **Jacey Nordmeyer, NE:** We support the clarification regarding the type of warrant to be issued.
2. **Judy Miller, AR:** The proposed rule says: All Warrants issued for juveniles under ICJ jurisdiction shall be entered into the NCIC wanted person file with a nationwide pickup radius with no long amount set.

Is the 'wanted person file' a category with NCIC? For clarification, I would recommend that these words be capitalized.

3. **Kelly Palmateer, NY:** NYS Probation recommends adding sending state to the demanding state wording for consistency and removing reference of home state.

## Proposed by Rules Committee - 2015

### *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/**sending** state to return the juvenile, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile 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 ~~eustodial~~ detention to a ~~parent or~~ legal guardian or their designee if the holding/**receiving** 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.~~

#### **Justification:**

Paragraphs 1 and 2 - deleted to redundancy on 8/6/14.

Remaining paragraph and the title amended for clarity and consistency on 4/1/15.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

8/6/14 – Recommended for adoption by a 5-0-0 vote.

4/1/15 – Amended and recommended for adoption by a 7-0-0 vote.

#### **Effective Date:**

*(Comments for Rule 7-105: Custodial Detention)*

1. **Julie Hawkins, MO:** Add language similar to 5-101#7 so it's clear the holding state's age of majority can determine where the juvenile is detained for return.
2. **Judy Miller, AR:** If this Rule includes both runaways and failed placements, I recommend that this be stated.
3. **Mia Pressley, SC:** South Region Comments: Due to the reorganization of the rules, this rule does not address the age of majority and where juveniles are to be held. It is recommended that the language in Rule 5-101 Paragraph 7 be mirrored in Rule 7-105.

Proposed wording: The type of secure facility shall be determined by the laws regarding the age of majority in the receiving state.

4. **Kelly Palmateer, NY:** NYS Probation is concerned with existing language which allows a juvenile to be discharged from detention without specific assurances that the individual remains under supervision of the receiving state. There should be an immediate notification provision to the Interstate Compact office so that appropriate supervision can be resumed.

## Proposed by Rules Committee - 2015

### *RULE 7-106: Transportation*

1. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure.
2. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding/receiving state.
3. Holding/receiving 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/receiving 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 home/demanding/sending 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/receiving 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.
6. The home/demanding state shall not use commercial ground transportation unless all other options are exhausted or the juvenile is accompanied by an adult.

#### **Justification:**

Deleted 'parent' per definition change.

Added 'home' to 'demanding state' for consistency.

Added 'receiving' to 'holding' for consistency.

Added 'sending' to 'home/demanding' for consistency.

Paragraph 6 – new paragraph not allowing for home/demanding state to use commercial ground transportation.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

7/10/14 – Recommended for adoption by a 5-0-1 vote.

9/3/14 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 7-106: Transpiration)*

1. **Shelley Hagan, WI:** What problem is being solved by the addition of provision 6? I can see much potential for disagreement about what the word "exhausted" means in this context. If the only thing a parent can afford is a bus ticket, and a youth is willing to come home, does that qualify as all other options having been exhausted? What about the bus tickets provided by our partner, the National Runaway Switchboard? I do not see the need to add this provision to the rule.
2. **Jacey Nordmeyer, NE:** We are strong advocates and **support** this proposal. We believe this is in the best interest of juveniles. Nebraska has not supported the utilization of commercial ground transportation for youth being returned to Nebraska and has strongly discouraged other states from returning juveniles in this manner whenever possible.
3. **Mia Pressley, SC:** South Region Comments: The proposed language ***all other options are exhausted or the juvenile is accompanied by an adult*** is crucial to the proposed language. This allows the continued use of 'commercial' ground transportation including the Home Free Program and contracted transporters when necessary.
4. **Kelly Palmateer, NY:** NYS Probation would recommend adding sending state to the demanding state wording for consistency with other rule changes and removing reference of home state.

## Proposed by Rules Committee - 2015

### *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/sending state.
  2. Juveniles shall be supervised from arrival until departure.
  3. Home/demanding/sending states shall give the states providing airport supervision a minimum of 48 hours advance notice.
  4. In the event of an emergency situation including but not limited to weather, delayed flight, or missed flight, that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed.
- 

#### **Justification:**

Added 'sending' to 'home/demanding' for consistency and clarity.

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

#### **JIDS Impact:**

None

#### **Forms Impact:**

None

#### **Fiscal Impact:**

\$ 0

#### **Rules Committee Action:**

4/1/15 – Recommended for adoption by a 7-0-0 vote.

#### **Effective Date:**

*(Comments for 7-107: Airport Supervision)*

1. **Alicia Ehlers, ID:** This rule should include other methods of travel besides air and should be titled to include all modes of transport. What would happen if a ground transport had an emergency situation?
2. **Kelly Palmateer, NY:** While NYS Probation supports the proposed rule change, for reasons stated earlier, it is recommended that reference to home state be deleted.



## Proposed by Rules Committee - 2015

### *RULE 8-101: Travel Permits*

1. All travel permits shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following 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 ease circumstances include any of the following:~~
  - a. Juveniles who have been adjudicated for:
    - i. Sex-related offenses;
    - ii. Violent offenses that have resulted in personal injury or death;
    - iii. Offenses committed with a weapon;
  - b. Juveniles who are:
    - i. ~~Juveniles who are~~ state committed;
    - ii. ~~Juveniles Testing placement,~~ relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
    - iii. ~~Juveniles~~ returning to the state from which they were transferred for the purposes of visitation;
    - iv. ~~Juveniles~~ transferring to a subsequent state(s) with the approval of the ~~initial~~ original sending state;
    - v. transferred ~~juveniles in which~~ and 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 Form VII Travel Permit ~~Form~~ for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence 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 instruct ~~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. Out of state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juveniles travel.

~~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 **Form VII** 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.

**Justification:**

Amended for clarity and consistency.

Clarify the issuing of travel permits by sending, receiving, and subsequent states and clarifying title and number of form.

Paragraph 1 and 3 – Amended to incorporate the West Region's proposal to eliminate placement.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Edit workflow title “Travel Permit – Testing Placement” to “Travel Permit – Testing Residence”

Edits to e-form VII: Travel Permit

**Forms Impact:**

Edits to Form VII: Travel Permit - edit header from “Visit for Testing Placement” to “Visit for Testing Residence” ; replace “Placement” with “Residence”

**Fiscal Impact:**

\$500 (4 service hours)

**Rules Committee Action:**

12/3/14 – Amendments to paragraph 1 recommended for adoption by a 6-0-0 vote.

2/4/15 – Amendments to paragraphs 3 and 4 recommended for adoption by a 6-0-0 vote.

4/1/15 – Amendments recommended for adoption by a 7-0-0 vote; Form name and number revisions recommended by a 6-1-0 vote.

**Effective Date:**

\*Please note that the final rule proposals are subject to change per the Rules Committee.

*(Comments for Rule 8-101: Travel Permits)*

1. **Molli Davis, NV:** Nevada ICJ does not support the Rules Committee's proposal for amendment to Rule 8-101: Travel Permits.
2. **John Gusz, NJ:** West Region Rule Proposal: This recommendation is included in the Rules Committee version of proposed changes to the rule.
3. **Kelly Palmateer, NY:** NYS Probation does not support this proposal. Rule 8-101(4) contradicts Rule 5-101(1) which allows for a receiving state to supervise any juvenile accepted for supervision by the same standards of supervision that prevails for its own juveniles released on probation or parole. NYS Probation also recommends adding language to Rule 8-101(3) that specifies juvenile sex offenders are the exception to this rule and that travel permits issued to juvenile sex offender must be issued in accordance with Rule 4-103. Further, reference to “supervising person” should read “supervising entity” and reference to “supervising state” should be replaced with “receiving state”.

## Proposed by Rules Committee - 2015

### *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 ~~termination~~ 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.
- 

**Justification:**

Changed language from “suspension” to “termination” to be consistent with Compact Statute language.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

2/4/15 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

*(Comments for Rule 9-103: Enforcement Actions Against a Defaulting State)*

1. **Kelly Palmateer, NY:** NYS Probation supports the proposed change.

**Proposed by Rules Committee - 2015*****NEW RULE: Probable Cause Hearing in the Receiving State or Adjudication/Conviction for a New Offense.***

1. Probable Cause Hearing for an Alleged Violation of Conditions of Supervision. A juvenile subject to retaking for an alleged violation of conditions of supervision that may result in a revocation in the sending state shall be afforded the opportunity for a probable cause hearing in the receiving state within five (5) business days of the sending state's request. Upon request of a probable cause hearing, the sending state shall issue a warrant for the detention of the juvenile. The probable cause hearing will be held before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
2. Waiver of Probable Cause Hearing. A waiver of a probable cause hearing shall be accepted when accompanied by an admission of the juvenile to one or more violations of the terms or conditions of supervision.
3. The juvenile shall be entitled to the following rights at the probable cause hearing:
  - a. Written notice of the alleged violation(s). A copy shall also be provided to the parent or legal guardian;
  - b. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
  - c. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
  - d. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.
4. Upon a finding of probable cause, the receiving state shall hold the juvenile in custody. The receiving state shall prepare and submit to the sending state a written report within three (3) business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state. The sending state shall, within five (5) business days of receipt of the hearing officer's report, make arrangements to retake the juvenile.
5. ADJUDICATION/CONVICTION FOR A NEW OFFENSE. A copy of an Order of judgment of adjudication/conviction regarding the adjudication/conviction of a new offense by the juvenile shall be deemed conclusive proof that the juvenile may be retaken by the sending state without the need for further proceedings.
6. If probable cause is not established or an adjudication/conviction for a new offense, the receiving state shall:
  - a. Continue supervision if the juvenile is not in custody.
  - b. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.

**Justification:**

If there is any question regarding the intent of a sending state to revoke a juvenile's conditional release based on violations in the receiving state, the juvenile should be given a probable cause hearing in accordance with two Supreme Court opinions. Failure to do so may act to bar consideration of those violations in subsequent revocation proceedings in the sending state.

The proposed rule brings ICJ into compliance with the U.S. Supreme Court opinions in *Morrissey v. Brewer*, 408 U.S. 471 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) and is intended to address the fact that since 1972, offenders/juveniles have been entitled to probable cause hearings. The Supreme Court cases require that the hearing be conducted before a "neutral and detached hearing officer"; therefore, that language is included in the rule. The *Morrissey* case holds that the hearing must take place "in or reasonably near the place where the alleged violation occurred" so that the offender/juvenile will have the opportunity to confront witnesses and also present witnesses on his or her behalf. This is possible only if the hearing is held at or near the place where the witnesses are located; thus, this language is also proposed in the rule.

Juveniles are entitled to probable cause hearings. This rule specifies the process and conditions for a probable cause hearing in the receiving state. The IA/VI Application/Waiver Form, allows the juvenile to waive a formal process to be returned. The IA/VI Form does not however, take into consideration the fact that at the time a juvenile signs the IA/VI Application/Waiver Form, a future offense the juvenile may commit in the receiving state is unknown. Thus, a probable cause hearing is necessary if a future offense occurs in the receiving state and that offense may result in revocation or violations imposed upon an ICJ juvenile.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

None

**JIDS Impact:**

Violation Report and Reply workflow edit, edit to e-form IX: Quarterly Progress, Violation, or Absconder Report, new Probable Cause Hearing Report e-form.

**Forms Impact:**

Edit to Form IX: Quarterly Progress, Violation, or Absconder Report – add fields.  
New form: Probable Cause Hearing Report

**Fiscal Impact:**

\$2,250 (18 service hours)

**Rules Committee Action:**

2/4/15 – Recommended for adoption by a 6-0-0 vote.

**Effective Date:**

\*Please note that the final rule proposals are subject to change per the Rules Committee.



1. **Alicia Ehlers, ID:** The Compact is an agreement between states to supervise juveniles in respective states. While the proposed probable cause rule is a much needed step in the right direction, it fails to fully address the due process right of juveniles transferred under the Compact. The US Supreme Court, in *In re Gault*, determined the right to due process applies to juveniles. In *Morrissey v. Brewer* and *Gagnon v. Scarpelli*, the US Supreme Court has established a two-tiered process of adjudication in adult parole or probation revocation hearings. This process does not address the issue that probationers/parolees under the ICJ are juveniles. Under *Morrissey v. Brewer* and *Gagnon v. Scarpelli* rational, the juvenile should be advised at the probable cause hearing of the right to testify, call witnesses on the juvenile's own behalf including adverse witnesses, and upon a finding of probable cause, the juvenile may be retained in custody pending a full revocation hearing. The proposed rule allows a sending state to retake a juvenile after the probable cause hearing, prior to the juvenile's opportunity to have a full probation revocation hearing. Being retaken to the sending state from the receiving state will deny the juvenile's access to full due process. The retaking after the probable cause hearing prevents the juvenile from the opportunity to compel witnesses to testify where the subpoena power for each state is limited to its borders. It will prevent juveniles from the opportunity to cross examine adverse witnesses. Furthermore, it should be recognized that juveniles have a limited ability to represent themselves in these hearings which undoubtedly would be complex, and it is reasonable that the juvenile be afforded the right to counsel at these hearings. Especially, when the juvenile pleads not guilty to the violations of supervision or may have litigating factors. Compelling a juvenile to be retaken prior to the revocation hearing will deny a juvenile's access to full due process.

In paragraph one of this proposed rule, the requirement for a probable cause hearing is not based upon a request by the sending state. Probable cause is a due process right under the constitution and case law, and it is not based upon a request by a state.

In the third paragraph under (b.): What is confidential evidence, and how would a juvenile get it without an attorney? See 3 b. The juvenile has a right to see all evidence, unless excluded by a court order.

In the third paragraph under (d.): In all probability, the ability of a juvenile to confront and cross-examine adverse witnesses cannot occur without counsel.

The proposed rule allows the retaking of a juvenile by the sending state following a probable cause hearing. Retaking must await the adjudication of a probation violation hearing to adequately afford the juvenile due process under the law. If the juvenile is adjudicated guilty of the probation violation, then the sending state may retake the juvenile and proceed with the disposition in the sending state.

Judicial members of Idaho's state Council offer the following adaptation of the proposed rule:

**\*Please note that the final rule proposals are subject to change per the Rules Committee.**

**DRAFT New Rule: Probable Cause**

1. Except as hereinafter provided, requirements for probable cause findings in the juvenile criminal justice process shall be governed by the applicable statutes and rules of criminal procedure in the respective states.

**2. Probable Cause Hearing for an Alleged Violation of Conditions of Supervision.**

(a). When a juvenile probationer/parolee, residing in the receiving state under Compact transfer, is charged with violating conditions of supervision which could result in loss of liberty through retaking and revocation by the sending state, said juvenile shall be afforded the rights of due process.

(b). Adjudication of a probation violation shall occur in the state where the violation allegedly occurred, prior to retaking or revocation. If the juvenile is alleged to have violated probation in a state other than the sending or receiving state, adjudication shall occur in the state that authorized the travel permit, or if no travel permit was authorized, the state in which the juvenile resides.

(c). (1). Any juvenile who is detained, or faces loss of liberty through retaking or revocation, for alleged violations of conditions of supervision, is entitled to a probable cause hearing before the Court, or court-appointed and impartial designee, to determine whether there is reason to believe these violations occurred. The juvenile is entitled to receive written notice of the probable cause hearing which sets forth the specific allegations regarding violations of the conditions of supervision. The juvenile shall have the right to appear and present evidence, including the right to subpoena and call witnesses to testify and to confront adverse witnesses through cross-examination. If the juvenile is subject to possible loss of liberty through retaking or revocation, the juvenile shall have the right to counsel, court-appointed if necessary, at the probable cause hearing.

(2). If the hearing officer finds probable cause that the violations of probation occurred, the juvenile may be held in detention pending the final probation violation hearing. A written record of the probable cause hearing must be made by the hearing officer, either verbatim or in summary form.

(3). If the hearing officer finds no probable cause to believe violations occurred, the juvenile shall be returned to current placement under existing conditions of supervision.

(4). The final probation violation hearing shall be held before the Court within a reasonable time after the juvenile has been taken into custody. The juvenile is entitled to all due process rights set forth in Section 2 (c) (1) above. A verbatim record of the final hearing shall be maintained by the Court.

(5). If a juvenile is adjudicated guilty of a probation violation by the Court in the receiving state, a copy of the judgment and verbatim record of the hearing shall be forwarded through the ICJ offices to the sending state within \_\_\_\_ business days. Within \_\_\_\_ business days of receipt, the sending state shall notify the receiving state, through the ICJ offices, whether the sending state intends to issue a detention warrant and initiate retaking and revocation procedures. If not, the receiving state

shall proceed to a dispositional hearing on the adjudicated probation violation, including whether return to the sending state is appropriate for violation of the conditions of supervision in the receiving state, per Rule 5-103.

(6). If a juvenile is adjudicated not guilty of a probation violation, the juvenile shall be returned to continued supervision in the receiving state, and the sending state shall be so notified through the ICJ offices.

(7). If a juvenile is adjudicated in the sending state for an alleged probation violation occurring in that state, the sending state shall notify the receiving state, through the ICJ offices, within \_\_\_ business days regarding its dispositional intentions.

3. **Waiver of a Probable Cause Hearing.** A waiver of a probable cause hearing on an alleged violation of the conditions of supervision may be accepted by the hearing officer; provided that:

- (a). the juvenile is apprised of the right to a probable cause hearing;
- (b). the juvenile is apprised of the specific allegations supporting the alleged violations of conditions of supervision;
- (c). the juvenile is apprised of the right to counsel;
- (d). the juvenile is apprised in writing that by admitting to one or more of the alleged violations, retaking and revocation of supervised release may be initiated by the appropriate authority;
- (e). the juvenile, knowingly and intelligently, admits to one or more of the alleged probation violations.

2. **Dale Dodd, NM:** I do not agree or support this rule in any, way shape or form. There is no legal mechanism for an attorney in the receiving state to represent a client from a sending state. The Form IA/VI is the legal mechanism used for returning a juvenile if that is the final decision. My state would not accept a finding of probable cause from another state anyway and it would be a waste of time on the receiving state's part. I do not feel this commission needs this rule and it will create a huge compliance issue around the country.

3. **Dale Dodd, NM:** I do not support this rule proposal, do not think it is legally necessary and is not legally needed. Most courts would not accept a finding from another court outside of their state anyway.

4. **Shelley Hagan, WI:** I am opposed to this rule.

The underlying rationale -- compliance with constitutional law -- does not hold up to scrutiny, in my opinion. Neither the Gagnon nor Morrissey decision was about delinquent juveniles. In neither case was the Supreme Court asked to decide whether a probable cause hearing was a

necessary part of juvenile due process. Constitutional law pertaining to adult offenders cannot be applied to delinquent juveniles simply because we think it should be.

Unlike adult offenders, very few juveniles on probation whose community placement is revoked are at risk of being ordered to confinement. If the Commission intends to create a new right to a probable cause hearing before a juvenile's ICJ placement is revoked, this right should be limited to youth who would be facing incarceration in the sending state; i.e., parole youth and youth with a stayed order for correctional placement. If the effect of a revocation is not potentially a significant curtailment of individual liberty, the logic of Gagnon and Morrissey is not applicable.

In Wisconsin, state law provides a right to a revocation hearing (and the right to representation by an attorney) to a youth on aftercare (juvenile parole) status facing reconfinement. Hearings are held by a state-employed administrative law judge. County agencies, which in WI supervise about a third of our ICJ and aftercare youth, do not use revocation and have no experience with the process. Training them to use the system for their ICJ cases only would require a large resource investment for little, if any, benefit. I agree with Dale that the question of who would be responsible for providing an attorney to assist a youth in a PC hearing in the receiving state could prove very contentious.

I should also note that WI law provides for a juvenile to be securely detained during the time after s/he is served with the revocation notice, and may be held for up to 30 days before the hearing is convened. So unless the right to a probable cause hearing is limited to those youth facing incarceration if revoked, the wait for a PC hearing could be a negative consequence in itself for an ICJ probation youth.

In the 40+ years since Morrissey and Gagnon were decided, it would be interesting to know if an ICJ revocation decision was ever successfully challenged on the basis that a youth had not had a probable cause hearing prior to her/his retaking and revocation by the sending state. My guess is that it has not. I see no reason to create an unwieldy solution to a non-existent problem.

Despite my disagreement, I do appreciate the time and effort that the Rules and PC committees put into developing the proposal. I understand that this issue has been of great concern to some people in the ICJ community for many years. It's good to have the opportunity to discuss it in the context of a well-thought-out rule proposal.

5. **Shelley Hagan, WI:** One other point worth noting: the WI process for revoking a juvenile's community aftercare placement is just one step, the actual revocation hearing. There is no probable cause step (because there's no constitutional right to one for delinquent youth, unlike adult offenders). So if this new rule were to go into effect, we would have to work with the state Division of Hearings and Appeals to create an entirely new set of policies and procedures to implement it.

**\*Please note that the final rule proposals are subject to change per the Rules Committee.**

6. **Nina Belli, OH:** The Midwest Region's recommendation is that this rule be revised to better clarify and identify that the rule applies only to a juvenile who under the laws of the sending state is subject to secure detention or incarceration as a result of the revocation or retaking.
  
7. **Rose Ann Bisch, MN:** These comments are being submitted on behalf of the MN State Council and Department of Corrections. MN is in agreement that a juvenile is entitled to a hearing in the receiving state if a violation occurring in that state will result in revocation or specifically the juvenile being placed into a secure facility as a result of the violation. MN does question if the way the rule is written it is clear when this rule will be used and that the sending state should not be requesting probable cause on a case if they do not intend to place the juvenile in a secure facility. The second issue is the timeline proposed in this rule, it may not always be possible for a state to get a hearing scheduled and get a hearing officer to that location within 5 days. Is there a reason that time line is not left up to the state that is holding the juvenile and paying the cost of holding that juvenile? Finally, the MN State Council proposes the following language change to the last sentence of number 1 so it would read: The probable cause hearing will be held before a neutral and detached hearing officer, **who need not be a judge**, in or reasonably near the place where the alleged violation occurred.
  
8. **Judy Miller, AR:** The rule needs to clarify which juveniles are covered by a probable cause hearing - parolees? probationers? I suggest that the paragraphs of the proposed rule be moved as follows:
  1. remains the same
  3. becomes #2
  4. becomes #3
  2. becomes #4
  - 5 & 6 remain the same

I also suggest that the Receiving State use their procedures for a probable cause hearing when the Sending State requests one.
  
9. **Shelley Hagan, WI:** On 5-29-15, the WI state advisory board voted against the proposed new rule. Members saw the rule as creating a right for ICJ youth that youth under the supervision of WI courts do not have, potentially raising equal protection issues. Our judicial member pointed out that not every provision of adult due process has been applied by the Supreme Court to juveniles, most notably the right to a jury trial.
  
10. **Jane Seigel, IN:** The Indiana State Council supports the general premise of the new probable cause rule which is to give juveniles more rights. The State Council supports a better defined target population for the rule (juveniles on probation are typically with parents and not likely to be retaken by the sending state or have liberty affected) and suggests adding the right to an attorney. The State Council also recommends changing the word "offender" to "juvenile" in Section 6(b).

**11. Maria Genca, CT:** CT ICJ State Council/CT ICJ:

1. (Part of 1 of rule) If the sending state has probable cause for the warrant, why is a probable cause hearing needed in receiving state? Probable cause would have been found in order for the warrant to be signed.
2. For purposes of such a probable cause hearing, since the youth's liberty is in questions, the youth should have a right to legal counsel and have counsel appointment if indigent.
3. (Part 3B) Except for good cause shown, if the judge considers the evidence, even it is "privileged" or "confidential" the youth should know about it as a matter of fundamental fairness or due process.
4. Under probable cause, doesn't youth have a right to call witnesses?
5. CT proposes to make this an administrative hearing process for violations that are not offenses. Both states should participate in the hearing process.

**12. Damian Seymour, DE:** Delaware is in agreement with this rule but some changes need to be made. Upon finding of probable cause the sending state is being made to retake the juvenile. The sending state should not be made to retake the juvenile. The sending state may make arrangements to retake the juvenile. Also, the juvenile needs representation by legal counsel during these probable cause hearings. If these two changes can be met than Delaware would be in favor of these probable cause hearings. Thank you!

**13. Mia Pressley, SC:** The South Region is not in agreement with this proposed rule as written.

**14. Kelly Palmateer, NY:** NYS Probation does not support the proposed wording of this rule for several reasons. It is unclear why the proposal requires upon issuance of a warrant that detention of a juvenile must occur. Should the juvenile sign a waiver of probable cause or if probable cause is found based on the hearing, this proposed rule also requires detention which may not be necessary. Retaking should further not be required as it may be too severe and there may no longer be a legal guardian in the sending state; The sending state may ultimately decide after reviewing the hearing report to instead modify the sentence or extend its term and/or impose another graduated sanction upon the juvenile. The time frame for conducting the probable cause hearing also may prove unrealistic to both sides. Further, the time period for the receiving state to prepare and submit a hearing report is also too short in duration. Finally, the rule does not address the issue of legal counsel.

**Proposed by Rules Committee - 2015**

***NEW: Rule 6-105: Return of Juveniles when Abuse or Neglect is Reported***

When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile. The home/demanding state is responsible for the safe return of the juvenile within five (5) days unless an extension is mutually agreed upon. The allegations of abuse or neglect can be further investigated by the home/demanding state upon the juveniles return.

---

**Justification:**

New rule created which applies to all returns when suspected abuse or neglect is reported. Language moved from the current Rule 6-101(3) and (4) and amended with additional language for clarity and emphasis to the responsibility of the home/demanding state to safely return the juvenile.

**Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

Approval associated with the approval of the proposed Rule 6-101.

**JIDS Impact:**

None

**Forms Impact:**

None

**Fiscal Impact:**

\$ 0

**Rules Committee Action:**

1/7/15 – Recommended for adoption by a 6-0-1 vote.

**Effective Date:**

*(Comments for NEW Rule 6-105: Return of Juveniles when Abuse or Neglect is Reported)*

1. **Jane Seigel, IN:** The Indiana State Council supports new rule 6-105. The State Council suggests the following: add language that requires the home/demanding state to follow state procedures for investigating reports of abuse and neglect of juveniles; change “can” to “shall” in the last sentence; specify the meaning of "safe return" in the rule; specify where the juvenile is to be placed pending investigation of the alleged abuse/neglect to ensure the safe return of the juvenile to the home/demanding state. The State Council also notes that the abuse or neglect may not be in the home or demanding state in border situations.
2. **Damian Seymour, DE:** Delaware supports this change. Changing this rule to its own makes for clarity when there is abuse or neglect reported and the responsibility of the home state to safely return the juvenile. Thank you!
3. **Mia Pressley, SC:** South Region Comments: The proposed rule does not clarify time frames for the return of the juvenile.

Proposed Language: The home/demanding state is responsible for the safe return of the juvenile within *five (5) business days of the receipt of the Form I, II or III* unless an extension is mutually agreed upon.

4. **Kelly Palmateer, NY:** NYS Probation does not support this new rule as written as it requires in all instances that a juvenile be returned to the sending state regardless whether the abuse or neglect occurred in the residence of where the juvenile was living with a legal guardian or should there no longer be a legal guardian in the sending state. A juvenile should not be punished for being a victim of abuse and instead the receiving and sending states should be collaborating to determine another alternative living arrangement, if any, in the receiving state.

*\*Please note that the final rule proposals are subject to change per the Rules Committee.*