



## INTERSTATE COMMISSION FOR JUVENILES

### RULES COMMITTEE

November 2, 2016

2:00 p.m. EDT

---

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

1. Julie Hawkins (MO) Chair
2. Judy Miller (AR) Designee
3. Alicia Ehlers (ID) Designee
4. Jeff Cowger (KS) Commissioner
5. Edwin Lee, Jr. (NY) Designee
6. Dale Dodd (NM) Commissioner
7. Daryl Liedecke (TX) Commissioner
8. Jessica Eldredge (UT) Designee
9. Michael Lacy (WV) Commissioner
10. Randall Wagner (WV) Designee
11. Rick Masters, Legal Counsel

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

1. Kevin Brown (NJ) Commissioner
2. Damian Seymour (DE) Ex Officio
3. Steve Jett (NPJS) Ex Officio

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

None

#### **ICJ Staff in Attendance:**

1. Ashley Lippert, Executive Director
  2. Emma Goode, Administrative and Logistics Coordinator
  3. Shawn Robinson, Administrative and Training Coordinator
  4. Jennifer Adkins, Project Manager
- 

#### **Call to Order**

Chair Hawkins called the meeting to order at 2:02 p.m. EDT.

#### **Roll Call**

A. Lippert called the roll and a quorum was established.

#### **Agenda**

**J. Eldredge (UT) made a motion to approve the agenda. D. Dodd (NM) seconded. The motion passed.**

#### **Minutes**

**J. Miller (AR) made a motion to approve the October 5, 2016 meeting minutes as clerically amended. M. Lacy (WV) seconded. The motion passed.**

---

## **Discussion**

### **Update from previous meeting**

#### **JIDS workflow for five (5) business days**

- Chair Hawkins updated that the National Office confirmed that the current JIDS workflows allow for the additional 5 business days.

#### **Five (5) business days for returns**

- Chair Hawkins updated that the National Office searched the full rules document for any additional locations whereby the five business days' language should be amended for consistency and affirmed that all other instances were either correct as written or not necessary to amend.

#### **Form IA/VI Application for Services and Waiver**

- Chair Hawkins updated that the National Office searched the full rules for references to the Form IA/VI Application for Services and Waiver regarding returns and reported no other incidents applicable to propose an amendment for consistency.

### **Form IA/VI and Absconder Violations**

- The Rules Committee continued discussion from the previous meeting regarding the length of time the Form IA/VI is valid for an absconder violation noting that states differ on what they will accept. Chair Hawkins recalled the general consensus from the previous meeting and Legal Counsel to be that the Form IA/VI is invalid once the supervision case is closed.
- A. Ehlers (ID) proposed eliminating the Form IA/VI and adding the Judge's signature to the Form III. If the form is not eliminated, she suggested clarifying that the Form III should be used for an absconder violation in a closed case.
- The Rules Committee shared experiences using the Form IA/VI and agreed that although the form has caused confusion, it works well. Chair Hawkins summarized that according to the current rules when an ICJ supervision case is closed the silence of the rules allows court discretion to accept the Form IA/VI.
- The Rules Committee agreed not to propose an amendment. A. Ehlers (ID) agreed that future incidents would be brought to the attention of the National Office.

### **ICPC – Detention**

- A. Ehlers (ID) shared details that led up to ICJ's involvement in the return of three juveniles placed in Idaho treatment facilities by ICPC and commented that she did not find an applicable scenario in the AAICPC /ICJ MOU Best Practice Guideline. D. Dodd (NM) commented that ICPC does not return non-dependent youth. J. Eldredge (UT) cited relevant ICPC Articles and ICJ Rule 6-104: ICPC Recognition.
- The Rules Committee agreed not to propose an amendment and recommended that the matter be referred to the AAICPC/ICJ MOU Workgroup. A. Lippert clarified that AAICPC and ICJ agreed to suspend the workgroup this year and will reconvene next year. J. Eldredge (UT) suggested that the issue be presented to the workgroup next year. A. Ehlers (ID) concurred.

### **Homeless Juveniles**

- A. Ehlers (ID) suggested addressing homeless juveniles in the ICJ Rules. A. Ehlers (ID) updated that since the item was submitted to the Rules Committee, the Training Committee published a Best Practice: Working with Homeless Juveniles.

- The Rules Committee discussed the numerous challenges and possible scenarios around the homeless population and agreed it would be difficult to address in the ICJ Rules.
- **D. Dodd (NM) made a motion that the Best Practice Working with Homeless Juveniles addresses the issue and developing or amending a rule is not necessary. D. Liedecke (TX) seconded. The motion passed by a 9-0-0 vote.**

### Conflicting Time Frames in Rules 5-103(2) and 5-104(3)

- Chair Hawkins questioned whether or not the proposed language “*discharge*” and the 10 day timeframe in Rule 5-103(2) conflicts with the current language “*discharge*” and the 60 day timeframe in Rule 5-104(3); and consequently impacts workflows in JIDS.
- The Rules Committee discussed Rule 5-103 regarding a violation and request for revocation or discharge versus Rule 5-104 regarding a discharge of supervision. The Rules Committee agreed that these are two separate matters and there is no conflict in the rules or in JIDS.

### Transporting Juveniles across State Lines

- D. Liedecke (TX) noted that language regarding the *authority to transport juveniles through any and all states party to this Compact without interference* is included in Rule 6-103 and questioned if it should be included in Rule 6-102.
- The Rules Committee discussed adding the language to Rule 6-102 which duplicates the language already included in 6-103, 6-103A, and similar language in Rule 5-103. J. Miller (AR) spoke in support of adding the language to 6-102 and retaining the information in each section for which it applies. Chair Hawkins commented to the reorganization of the rules in 2015 which developed Section 700 to house information applicable to both Section 500 and 600. A. Lippert added that a benefit of housing the information in one section avoids clean up throughout the rules when rules are amended. D. Liedecke (TX) agreed that it is the responsibility of the ICJ Compact offices to know where the information is located in rules and educate others.
- **D. Liedecke (TX) made a motion to insert the language: *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* into Section 700 and to remove similar language from Sections 500 and 600 of the ICJ Rules. J. Eldredge (UT) seconded. D. Dodd (NM) and J. Miller (AR) opposed. The motion passed by a 7-2-0 vote.**
- R. Masters advised that the justification should be clear that the intent of the amendments is not to modify the information, but merely to relocate the information into another section of the rules.
- The National Office will prepare the approved proposals and present to the Rules Committee at the next meeting.

### Old Business

- Chair Hawkins proposed June 13 for a one day face-to-face meeting in Lexington or Louisville Kentucky to review the proposed rule amendment comments. Travel days proposed are June 12 and 14.
- The Rules Committee agreed with the proposed date.
- The National Office will update the Rules Committee calendar.

## New Business

### New Discussion Items for the December Agenda

- Chair Hawkins requested adding language to Rule 5-104 Closure of Cases regarding juveniles placed in residential treatment facilities long term.
- Chair Hawkins suggested standardizing intrastate relocations. The process of internal transfers within the receiving state; required forms; and impact in JIDS.
- R. Masters shared a concern by Compliance Chair Mike Farmer (CA) regarding the non-voluntary return of a runaway. California attorneys and judges have questioned the authority of ICJ to file a petition for a requisition according to Rule 6-103(3). The language includes legal guardian and custodial agencies however does not specifically state ICJ.
- Chair Hawkins updated that M. Farmer (CA) brought the matter to her attention and it would be on the Rules Committee's agenda for the next meeting.

## Adjourn

- **Chair Hawkins adjourned the meeting without objection 3:32 p.m. EDT.**