



2017 ICJ Approved Rule Amendments

Effective March 1, 2018

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Proposed by Rules Committee

Rule 1:101: Definitions

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

Justification:

Rule amended for clarity to better define the term as it applies to ICJ.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

Rule 1:101: Definitions

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

Justification:

Definition recommended for *deletion* from the ICJ Rules in its entirety. Defining the term indicates non-adjudicated juveniles are eligible for ICJ supervision and non-adjudicated juveniles are not subject to the Compact under the ICJ Rules Section 400; therefore, defining the term is not necessary.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

Rule 1-101: Definitions

Runaways: persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency but who may or may not have been adjudicated.

Justification:

To clarify that runaways can include non-adjudicated and non-status offender juveniles.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 2-103: Adoption of Rules and Amendments

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

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

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule or amendment is one that ~~must~~ shall be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds; or
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; ~~or~~ .
 - d. ~~Protect human health and the environment.~~

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

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

Justification:

Rule amended for clarity and consistency.

- Paragraph 10 – *shall* is the appropriate term rather than *must*.
- Paragraph 10(d) – Deleted item (d) as it is repetitive with the language in item (a).

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

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. A summary of communication ~~must~~ **shall** be provided to the ICJ Office and documented in the electronic data system.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

History: Adopted December 2, 2009, effective March 1, 2010; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 2 – *shall* is the appropriate term rather than *must*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

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~~ shall be received.
3. Throughout the duration of the supervision period, the receiving state shall, to the extent possible, provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of the sending state.
4. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

History: Adopted December 2, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 2 – *shall* is the appropriate term rather than *must*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

New Rule 2-106: Request for Juvenile Information

Upon request by a member state ICJ Office, other member state ICJ Offices may share information regarding a juvenile who crosses state lines to determine if they are or may be subject to the ICJ.

Justification:

A new rule proposed to address requests for information regarding a juvenile who may be subject to the compact.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 4-102: Sending and Receiving Referrals

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
 - a. State Committed (Parole) Cases – When transferring a juvenile parolee, 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, except as described in 4-102(2)(a)(ii).
 - i. The sending state shall ensure the following referral 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 Order of Commitment. The sending state shall 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 the receiving state.
 - ii. When it is necessary for a State Committed (parole) juvenile to relocate 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 the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. 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.
 - iii. If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether or not it will expedite the referral.
 - b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. Form IV Parole or Probation Investigation Request, Form IA/VI Application for Services and Waiver, Order of Adjudication and Disposition,

Conditions of Probation and Petition and/or Arrest Report(s). The sending state should also provide Legal and Social History, and any other pertinent information (if available). Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to relocating if the juvenile is not already residing in the receiving state.

3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile's signature on the Form IA/VI Application for Services and Waiver.
4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

- Clarify the expectation that supervision has been approved prior to arrival.
- Clarify what constitutes the completion of the Form IA/VI by adding exception language in the rules that the juvenile's signature may be left blank when the juvenile has already relocated.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The 2012 Best Practice document and the Advisory Opinion #02-2015 would need to be updated upon passage.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized ICJ Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized ICJ Office staff's signature is required on or with the Form VIII Home Evaluation that accepts or denies 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 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 legal guardian remaining in the sending state and the juvenile does have a 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 the transfer of supervision in the receiving state is denied, the sending state shall ~~make transportation arrangements for the return of it's~~ the juvenile within five (5) business days. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended August 26, 2015, effective February 1, 2016

Justification:

Clarity and consistency regarding the notification and return within five business days and to clarify that the time frame refers to the return not the arranging of travel.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 5-103: Reporting Juvenile Non-Compliance, Failed 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 Form IX Quarterly Progress, Violation or Absconder Report, which shall contain:
 - a. the date of the new citation or technical violation that forms the basis of the violation;
 - b. description of the new citation or technical violation;
 - c. status and disposition, if any;
 - d. supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
 - e. efforts or interventions made to redirect the behavior;
 - f. sanctions if they apply;
 - g. receiving state recommendations.
2. The sending state shall respond to a violation report in which a revocation or discharge is recommended ~~of a violation made~~ by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
3. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
 - a. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
 - b. The Form IA/VI Application for Services and Waiver 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 up to an additional five (5) business days with the approval from 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. 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 supervision in the receiving state fails 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 his/her home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
 - c. A juvenile student transfer of supervision fails.

History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

Clarity and consistency with other rules:

7/13/16

- Paragraph 2 – provide a response when revocation/action is requested
- Paragraph 4 – consistent with the language as proposed in Rule 4-104; to clarify the time frame refers to the return not the travel arrangements.

10/5/16

- Paragraphs 3(d) and 4(b) – consistent with the return within five business day's language in other sections of the rules.

11/2/16

- Paragraph 3(e) – move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This

action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

Edit to Violation Report and Reply Workflow and corresponding custom report to no longer track 10 business day response requirement if “continue supervision” is recommended on a violation report.

Forms Impact:

None

Fiscal Impact:

\$ 875 – 7 InStream service hours

Effective Date:

March 1, 2018

Proposed by Rules Committee

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 within ninety (90) calendar days. If the juvenile does not relocate within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. The receiving state may submit to the sending state a request for the early discharge/termination 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 written explanation within sixty (60) calendar days as to why the juvenile cannot be discharged/terminated 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 close the case when the sole purpose of supervision is collecting restitution and/or court fines.

6. The receiving state may close the supervision case upon notification that the juvenile has been admitted to a residential facility for a planned stay in excess of ninety (90) calendar days. Upon release from the facility, if the juvenile remains on supervision within the sending state and meets eligibility requirements, the sending state shall submit a new referral.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016

Justification:

12/7/16 – Paragraph 6

Added a new paragraph (#6) to clarify that receiving states may close a supervision case when the juvenile is admitted for a long term stay in a residential facility and how to handle upon the juvenile’s release.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None. States can use the “Other or additional information:” comment box on the Form X: Case Closure Notification to note that juvenile was admitted to a residential facility.

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 6-103: Non-Voluntary Return of 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 to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Runaways and accused status offenders in custody who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. The home/demanding state's ICJ 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 runaway and/or an accused status offender, the legal guardian or custodial agency ~~must~~ **shall** 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 juvenile'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 shall 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 other facts showing that the juvenile 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. 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.
 - c. 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.
4. Upon receipt of the 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.

5. The ICJ Office in the state where the juvenile is located will forward the 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.
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 proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
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.
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.
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) business days with approval from both ICJ Offices.
- ~~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.~~
- 10.** ~~11.~~ If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, 37 effective November 1, 2012, the Commission approved replacing the entire Rule 6-103 on October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

3/2/16

- Rule amended for clarity and consistency. Paragraph 2 – *shall* is the appropriate term rather than *must*.

11/2/16

- Paragraph 10 – move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This

action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

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 to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Probation/parole escapees, absconders or accused delinquents who have been taken into custody on a warrant shall be detained in secure facilities until returned by the demanding state.
2. The demanding state's ICJ 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. The demanding state shall present to the court or appropriate authority a 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 juvenile'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 demanding state shall sign the Form II Requisition for Escapee, Absconder, or Accused Delinquent.
 - c. The Form II Requisition for Escapee, Absconder, or Accused Delinquent accompanied by the supporting documentation shall be forwarded to the demanding state's ICJ Office.
4. Upon receipt of Form II Requisition for Escapee, Absconder, or Accused Delinquent, the 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.

5. The ICJ Office in the state where the juvenile is located will forward the 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.
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 proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
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 demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
9. Requisitioned juveniles shall be accompanied in their return to the demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the 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) business days with approval from both ICJ Offices.
- ~~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.~~

History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

10/5/16

- Paragraph 9 consistent with the return within five business days language in other sections of the rules

11/2/16

- Paragraph 10 - move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

Rule 7-101: Financial Responsibility

1. The home/demanding/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. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
2. The holding state shall not be reimbursed for detaining or transporting juveniles unless the home/demanding/sending state fails to effect the return of its juveniles accordance with these rules.

History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

5/4/16

- Paragraph 2 - clarity that the holding states are not eligible for reimbursement for the cost of transporting juveniles.

10/5/16

- Paragraph 1 - consistent with the return within five business days language in other sections of the rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

RULE 7-103: Charges Pending in Holding/Receiving State

Juveniles shall be returned only after charges are resolved when pending charges exist in the holding/receiving states unless ~~with the consent~~ is given by ~~of the holding/receiving and demanding/sending states' courts and ICJ Offices.~~ ~~or after charges are resolved when pending charges exist in the holding/receiving states.~~

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

Justification:

To provide that charges be resolved unless both states' courts and ICJ Offices consent to the return.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

Rule 7-104: Warrants

1. All warrants issued for juveniles subject to the Compact ~~under ICJ jurisdiction~~ shall be entered into the National Crime Information Center (NCIC) with a nationwide pickup radius with no bond amount set.
2. Holding states shall honor all lawful warrants as entered by other states and shall, no later than ~~within~~ the next business day, notify the ICJ Office in the home/demanding/sending state that the juvenile has been placed in custody pursuant to the warrant. Upon notification, the home/demanding/sending state shall issue a detainer or provide a copy of the warrant to the holding state.
3. Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to withdraw the warrant ~~have the juvenile returned~~. Withdrawal of the warrant does not negate the home/demanding/sending state's responsibility to return the juvenile under other applicable rules.
4. The holding state shall not release the juvenile in custody on bond.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended August 26, 2015, effective February 1, 2016

Justification:

Paragraphs 1 and 2 - amended for clarity regarding the jurisdiction and location.

Paragraph 3 – amended to clarify misleading language regarding the return of a juvenile when a warrant is issued.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

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 shall 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 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/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult.
7. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this Compact, without interference.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended August 26, 2015, effective February 1, 2016

Justification:

Paragraph 7 – The information moved here from Sections 500 and 600 regarding of the *authority to transport juveniles through any and all states party to this Compact without interference*. This action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018

Proposed by Rules Committee

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 who meet the criteria set forth in 1(a) or 1(b):
 - a. Juveniles who have been adjudicated and are on supervision for one of the following:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death; or
 - iii. offenses committed with a weapon;
 - b. Juveniles who are one of the following:
 - i. state committed;
 - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to placed in a residential facilities for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral 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 the juvenile 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 juvenile's travel.
5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to

comply with the legal requirements of victim notification through the timely exchange of required information.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 1 – to clarify the juvenile has to meet either (a) or (b); not both.
- Paragraph 2 – to clarify the juvenile is going to a residential facility.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Effective Date:

March 1, 2018