

## Fact Sheet on ICJ Returns and Non-Delinquent Runaways

1) When do the ICJ runaway rules apply?

- As a preliminary matter, the youth must be considered a “runaway” as defined in the ICJ Rules:

Runaways: persons within the juvenile jurisdictional age limit established by the home state who (1) have voluntarily left their residence without permission of their legal guardian or custodial agency or (2) refuse to return to their residence as directed by their legal guardian or custodial agency, but who may or may not have been adjudicated.

2) If a youth has been told to leave or not allowed to come home, do the ICJ Rules require that they be returned to their parent or guardian?

- No, the ICJ’s runaway rules only apply to youths who voluntarily left their residence without permission or refused to return. As discussed in the National Runaway Safeline’s [2022 Crisis Services and Prevention Report](#), many youths are told to leave or are not allowed in the home by their legal guardians. The youth may be better supported by other resources, such as programs for runaway and homeless youth. In some cases, child welfare agencies may determine the legal guardian has “abandoned” the youth and provide related services.

3) Does the ICJ require law enforcement officials to pick-up and/or detain out-of-state youths?

- The ICJ does not require that all runaways be picked-up or detained.
- Instead, if an out-of-state “runaway” is detained beyond 24 hours (excluding weekends and holidays), the ICJ Rules must be applied.

4) When are law enforcement officers required to pick-up and/or detain runaways?

- The ICJ Rules require law enforcement to pick-up runaways when their whereabouts are known, and their home state court has entered a requisition order for their return.
- Law enforcement officials may also be required to pick-up and detain juveniles based on NCIC entries. Youths who are detained more than 24 hours must be returned pursuant to the Compact.

5) Does the ICJ require that runaways be detained in secure facilities?

- Holding states have discretion to hold runaways and accused status offenders as they deem appropriate.
- Runaways must be detained in secure facilities when they are a “danger to themselves or others.”
- JJDPA includes an [ICJ exemption](#) that permits detention of *juveniles held in accordance with the ICJ*.

6) Under what circumstances can a non-delinquent runaway be released without being formally returned pursuant to the Compact?

- Except in cases where abuse or neglect is suspect, a non-delinquent runaway may be released to their legal guardian/custodial agency within the first 24 hours of detainment (excluding weekends and holidays).
- Due to the correlations between abuse/neglect, running away, and human trafficking, law enforcement agencies should proceed carefully when considering the release of youths taken into custody.

- 7) What should be done if abuse or neglect is suspected?
- The holding state must advise the home state ICJ Office of the suspected abuse/neglect.
  - The abuse/neglect must be reported to authorities in the home state, in accordance with their laws and/or policies.
  - The home state ICJ Office, court, child welfare agency, and other authorities must work together to ensure the youth is returned to a safe environment. This may require prompt assessment, safety planning, emergency guardianship, or other measures.
  - However, allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the rules. ICJ Rule 6-105.
- 8) Should the holding state court determine what is in the "best interest" of the juvenile?
- The ICJ Rules are silent regarding whether the "best interest" standard should be applied.
  - If the youth does not agree to return voluntarily, a home state court may issue a Requisition to Return a Runaway Juvenile based on a petition that shows the juvenile is endangering their own welfare and or that of others. Though not referred to as a "best interest" standard, home state courts should consider all available information.
  - If a requisition is issued by the home state court, the holding state schedules a hearing in which the court must inform the youth of the demand and may appoint a *guardian ad litem*. By definition, the role of the guardian ad litem is to advocate the best interest of the juvenile.
  - The ICJ Rules do not address what the holding state court should do when concerns regarding abuse/neglect are raised. Therefore, courts have discretion on how to address these concerns.
- 9) Which ICJ Rules regulate non-delinquent returns?
- [Rule 1-101: Definitions](#)
  - [Rule 6-101: Release of Non-delinquent Runaways](#)
  - [Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders](#)
  - [Rule 6-103: Non-voluntary Return of Runaways and/or Accused Status Offenders](#)
  - [Rule 6-105: Return of Juveniles when Abuse or Neglect is Reported](#)
  - [Rule 7-101: Financial Responsibility](#)
  - [Rule 7-102: Public Safety](#)
  - [Rule 7-105: Detention and Hearing on Failure to Return](#)
  - [Rule 7-106: Transportation](#)
  - [Rule 7-107: Airport Supervision](#)