

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes



February 1, 2023
2:00 p.m. ET
Via Zoom

Voting Members in Attendance:

1. Stephen Horton (NC), Commissioner, Chair
2. Caitlyn Bickford (NH), Commissioner, Vice Chair
3. Judy Miller (AR), Designee
4. Howard Wykes (AZ), Designee
5. Michael Tymkew (MI), Commissioner
6. Julie Hawkins (MO), Commissioner
7. Edwin Lee, Jr. (NJ), Designee (representing Commissioner Jennifer LeBaron)
8. Trissie Casanova (VT), Designee
9. Dawn Bailey (WA), Designee (representing Commissioner Jedd Pelander)

Non-Voting Members in Attendance:

1. Michael Farmer (CA)
2. Nita Wright (IN)
3. Kelly Palmateer (NY)
4. Raymundo Gallardo (UT)

Voting Members not in Attendance:

1. Tracy Hudrik (MN)

Guest in Attendance:

1. Sherri L Springate (KY)

National Office Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Amanee Cabbagestalk, Training and Administrative Specialist

Call to Order

Chair Horton (NC) called the meeting to order at 2:00 p.m. ET.

Roll Call

Director Underwood called the roll and acknowledged that a quorum was established.

Agenda

C. Bickford (NH) made a motion to approve the agenda. M. Tymkew (MI) seconded. The motion was approved by acclamation without objection.

Minutes

J. Miller (AR) made a motion to approve the November 2, 2022 meeting minutes as presented. E. Lee, Jr. (NJ) seconded. The motion passed.

Discussion

- Chair Horton (NC) begin the discussion by sharing the ICJ Rule Proposal Guide and summarizing the charge of the Rules Committee with regards to proposed rules and rule amendments.

Proposed Amendment to Rule 7-107: Airport Supervision by the South Region

- Chair Horton (NC) updated that he was involved in drafting the proposal from the South Region for Rule 7-107: Airport Supervision and requested that Rules Committee Vice Chair Bickford (NH) lead the discussion.
- Vice Chair Bickford (NH) highlighted the proposed language in Rule 7-107(3) and the justification.
- M. Farmer (CA) commented he did not object to the intent of the proposal, noting the language appeared vague. D. Bailey (WA) commented that the term “emergency” suggests a connection between paragraphs 3 and 4.
- Chair Horton (NC) explained that the language was intentionally vague. All emergency situations could not be mentioned specifically in the rules.
- J. Miller (AR) recalled the intent of the proposed amendment was to address instances when states could not provide the 48-hour notice, and that the change would ensure that states would not be considered non-compliant in those instances.
- **J. Hawkins (MO) made a motion that the proposal be returned to the South Region with the suggestion to remove the phrase “unless an emergency occurs.” J. Miller (AR) seconded.** M. Farmer (CA) suggested using language from Rule 7-106(2) in place of “emergency.” J. Hawkins (MO) withdrew the motion and J. Miller (AR) agreed.
- **J. Hawkins (MO) made a motion that the proposed amendment to Rule 7-107 by the South Region be returned to the South Region with the suggestion to remove the phrase “unless an emergency occurs” and replace with “exceptions may be approved by the intermediate airport state.” T. Casanova (VT) seconded. The motion passed by a 7-0-0 vote.**

Proposed Amendment to Rule 8-101: Travel Permits by the East Region

- Chair Horton (NC) highlighted the proposed amendments to Rule 8-101(1) (a) and the justification.
- M. Farmer (CA) noted discussions by the Rules Committee in previous meetings.
- Chair Horton (NC) noted that the ICJ Rules defined “Deferred Adjudication” and the proposal presented is not in conflict. The Rules Committee discussed the proposal and referenced Section 3.4 of ICJ Bench Book for Judges which includes deferred adjudication.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 8-101 as submitted by the East Region. C. Bickford (NH) seconded. The motion passed by a 7-0-0 vote.**

Two additional voting members joined the meeting.

Proposed Amendment to Rule 6-102: Voluntary Return of Runaways, Probation/ Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders by the East Region

- Chair Horton (NC) highlighted the proposed amendment to Rule 6-102 (9) and the justification.
- H. Wykes (AZ) asked for clarity on “if available.” Chair Horton (NC) responded that the Rules Committee has previously steered away from using “if available” in the rules.
- C. Bickford responded that the proposal was submitted by the East Region. She explained the rationale for developing the proposal. J. Hawkins (MO) noted that law enforcement agencies in her state are trained to contact local juvenile justice agencies within their county. Therefore, it would not be feasible to have a single point of conflict.
- T. Casanova (VT) explained that the proposal was developed because some juveniles have been released by law enforcement officials who were frustrated by not knowing who to contact.
- D. Bailey (WA) added that her state has a county-based response with several county agencies which would be impossible to list, and the law enforcement would not look on the Commission’s website. The better option is to train detention and county agencies about the ICJ.
- J. Hawkins (MO) suggested that the East Region consider developing an online matrix, rather than creating a rule. J. Miller (AR) supported the suggestion to circulate the information rather than using the website.
- **J. Miller (AR) made motion not to recommend for adoption the proposed amendment to Rule 6-102 by the East Region. D. Bailey (WA) seconded. Six members voted in favor. Three members voted against. The motion carried by a 6-3-0 vote.**
- C. Bickford (NH) commented that the intent is not to post Compact office contact information, rather to post information of agencies to contact after normal Compact office business hours.
- **T. Casanova (VT) made motion to request that the Executive Committee consider developing a matrix for after-hours instructions for each state. C. Bickford (NH) seconded the motion. The motion carried 9-0-0 vote.**

Proposed Amendment to Rule 4-102: Sending and Receiving Referrals by the Midwest Region

- Chair Horton (NC) highlighted the proposed language to Rule 4-102 (2) and the justification submitted by the Midwest Region.
- K. Palmateer (NY) reported that the East Region previously developed a proposal intended to have essentially the same impact, but the previous proposal was related to a different rule.
- N. Wright (IN) supported the proposal stating it would benefit the juvenile to start the necessary processes/services as soon as they were in the receiving state. With a travel permit, conditions and reporting instructions could be submitted to provide guidance.
- C. Bickford (NH) appreciated the value of the proposal related to juveniles who already reside in the state; however, she noted there was no time frame around receipt of the packet.
- J. Hawkins (MO), Chair Horton (ND), D. Bailey (WA), and J. Miller (AR) did not support the proposal citing the current rule to be more appropriate and pointed out that the receiving state does not have authority to supervise until the supervision is accepted through an approved home evaluation.
- M. Tymkew (MI) added that the last sentence of the proposal was added by the Midwest Region to provide preliminary authority. K. Palmateer (NY) commented

that once the proposed amendment is adopted and in the ICJ Rules, the rules provide the authority.

- J. Hawkins (MO) responded that she disagrees. She believes it is better for local personnel to have the opportunity to review related matters first and that states have that authority already to reach out to juveniles in their state and offer services without specific reporting instructions. Therefore, it is unnecessary to mandate such a process.
- M. Farmer (CA) commented that providing reporting instructions undermines the current referral process.
- Chair Horton (NC) suggested changing “supervise” to “monitor” in the last sentence. J. Hawkins (MO) disagreed.
- **J. Miller (AR) made a motion not to recommend for adoption the proposed amendment to Rule 4-102 by the Midwest Region. J. Hawkins (MO) seconded. The motion passed by a 9-0-0 vote.**

May 2023 Face-to-Face Meeting in Lexington

- The Rules Committee members discussed the May 16 face-to-face meeting in Lexington, Kentucky to determine whether the one-day meeting should be extended to two-days.
- Due to limited availability of committee members, the meeting will remain as a one-day meeting on May 16 with May 15 and 17 slated as travel days. A teleconference meeting will be conducted if additional time is needed to discuss the rule proposals and comments.

Old Business

There was no old business.

New Business

- J. Miller (AR) updated that she and J. Hawkins (MO) will be submitting a proposal to Rule 7-106 based on discussions in a South Region work group.

Adjourn

- Chair Horton advised that the March 1 and April 5 meetings would be extended to two hours.
- **Chair Horton adjourned the meeting by acclamation without objection at 3:30 p.m. ET.**