

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

March 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. Tracy Hudrlik (MN), Commissioner
8. Edwin Lee, Jr. (NJ), Designee
9. Dawn Bailey (WA), Designee

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. Trissie Casanova (VT)

Guest in Attendance:

1. Sherri L Springate (KY)

National Office Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Jenny Adkins, Operations and Policy Specialist
4. Amanee Cabbagestalk, Training and Administrative Specialist
5. Joe Johnson, Project Manager

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

J. Hawkins (MO) made a motion to approve the agenda. C. Bickford (NH) seconded. Chair Horton indicated the agenda was approved by acclamation without objection.

Minutes

J. Miller (AR) made a motion to approve the February 1, 2023 meeting minutes as presented. D. Bailey (WA) seconded. Chair Horton indicated the minutes were approved by acclamation without objection.

Discussion

Review Proposed Rules and Amendments from Standing Committees, Regions, and Commissioners/Designees

Proposed Amendment to Rule 4-104: Authority to Accept/Deny Supervision by the West Region

- The Rules Committee discussed the proposed amendment to Rule 4-104: Authority to Accept/Deny Supervision submitted by the West Region. The proposal adds a specific reference to the ICJ Form V: Notification of Sending State Upon Parolee or Probationer Proceeding to the Receiving State in paragraph 5 for clarity on how to submit a written notification.
- Chair Horton asked if the proposal would warrant the addition of a check box to the Form V. Committee members discussed and agreed the addition would not be necessary as the information is included on the home evaluation.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 4-104: Authority to Accept/Deny Supervision by the West Region as presented. C. Bickford (NH) seconded. The motion passed by a 9-0-0 vote.**

Proposed Amendment to Rule 4-104: Authority to Accept/Deny Supervision by the Delaware and Maryland Commissioners

- The Rules Committee discussed the proposed amendment to Rule 4-104: Authority to Accept/Deny Supervision submitted by the Delaware and Maryland Commissioners.
- J. Hawkins (MO) shared concerns about the proposed new paragraph 5(b)(ii). The proposed amendment would require the receiving state to accept supervision even when the alternative residence may be deemed inappropriate.
- D. Bailey (WA) shared similar concerns and shared a case example that involved three states.
- T. Hudrlik (MN) appreciated the detailed justification and the complexity of cases; however, she does not view the proposal as an improvement of the current rule. She suggested training on the topic of mandatory acceptance would be more appropriate. M. Farmer (CA) agreed and added there appears to be mixed interpretations of Rule 4-104(4). New Jersey, Arkansas, and Missouri agreed a modification to the rule would not resolve the issue and suggested training.
- **T. Hudrlik (MN) made a motion not to recommend for adoption the proposed amendment to Rule 4-104: Accept/Deny Supervision by the Delaware and Maryland Commissioners as presented. J. Miller (AR) seconded. The motion passed by a 9-0-0 vote.**
- Director Underwood updated that the Racial Diversity, Equity, and Inclusion (DEI) Committee initially drafted the proposal due to concerns about mandatory acceptance when legal guardians are not able to care for juveniles. Additionally, a Best Practice was being discussed in the West Region on the issue of child welfare agency involvement.
- **T. Hudrlik (MN) made motion to recommend to the submitters that the issue be addressed through a Best Practice and/or training. E. Lee, Jr. (NJ)**

seconded. The motion passed by a 9-0-0 vote.

Proposed Amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking by the West Region

- The Rules Committee discussed the proposed amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking submitted by the West Region.
- M. Farmer (CA) commented on a previous rule amendment whereby “*of the conditions violated within ten (10) business days of the discovery*” was removed. J. Hawkins (MO) commented that providing a violation report for every violation every 10 days could be overwhelming to local authorities. C. Bickford (NH) commented that the 10-day time frame is more relevant when retaking is recommended than when continued supervision is recommended. T. Hudrlik (MN) suggested being more specific in the rule as to why a violation report is being requested, perhaps distinguishing that the requirement only pertains to violation reports in which the receiving state recommends revocation or discharge.
- The Rules Committee discussed and agreed with the concept; however, not the proposal as written. T. Hudrlik (MN) suggested recommending to the West Region that the language in paragraph 1 be amended for consistency with paragraph 2; and add “..., if a violation results in recommendation for revocation or discharge request, the violation must be reported within 10 days of becoming aware of the violation, which shall contain: . . .” or a similar requirement.
- **J. Miller (AR) made a motion not to recommend for adoption the proposed amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking by the West Region as presented. J. Hawkins (MO) seconded. The motion passed by a 9-0-0 vote.**
- West Region members in the meeting agreed to update the West Region at the next West Region meeting of the discussion and recommendations of Rules Committee members.

{Tracy Hudrlik (MN) left the meeting, leaving 8 voting members.}

Proposed new Rule 5-103A: Failed Supervision AND Proposed Amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking by the Technology Committee

- The Rules Committee discussed the proposed new Rule 5-103A: Failed Supervision and the proposed amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking. The two proposals were submitted by the Technology Committee as a bundle; therefore, voting should apply to both proposals.
- J. Miller (AR) suggested first defining failed supervision and clarifying the difference between a failed supervision and a violation.
- J. Hawkins (MO) noted that the language removed from Rule 5-103 pertained to when a juvenile has a legal guardian remaining in the sending state.
- M. Farmer (CA) explained that currently in UNITY, a failed supervision event also populates a violation report and starts the clock for a 5-day return. It does not require a response, operating under the assumption there is no legal guardian in the receiving state.
- K. Palmateer (NY) summarized the difference in failed supervision and violation. A **failed supervision** requires retaking of the juvenile when non-compliance

occurs in the receiving state residence. When there is a legal guardian in the sending state, the sending state is obligated to retake. There is a choice with a **violation report**. When there is non-compliance, a violation report is submitted and the sending state is not under obligation to retake. In UNITY, a failed supervision event also creates a violation report.

- Director Underwood updated that the proposals were a result of collaboration with the Compliance and Technology Committees. This issue was raised as a result of the 2022 National UNITY Data System. Concerns were raised about inconsistencies that result from the many variations in practice.
- Joe Johnson, Project Manager, shared a draft version of the new Form IX: Failed Supervision Report that the Technology Committee proposes creating if this rule passes.
- J. Hawkins (MO) commented that the proposal would require a new form to be generated in UNITY. She questioned how non-UNITY users will be educated about completing the correct form.
- D. Bailey (WA) shared that in UNITY, a failed supervision event due to a violation directs the user to a violation report. If the placement resource is unable or unwilling to keep the youth, then the event leads to the Quarterly Progress Report. This suggests the mechanism is already in place without an additional form.
- **J. Miller (AR) made a motion not to recommend for adoption the proposed amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking; nor the proposed new Rule 5-103A Failed Supervision as presented by the Technology Committee. J. Hawkins (MO) seconded. S. Horton (NC) opposed. The motion passed by an 7-1-0 vote.**
- J. Hawkins suggested that if the rules pass, a resource should be developed for Model 2 and 3 states to explain the use and proper completion of the four different forms to assist field staff who do not use UNITY.
- **J. Hawkins (MO) made a motion to recommend that the Technology Committee consider editing the title of the proposed new Rule 5-103A to “Failed Supervision and Mandatory Retaking”; to re-consider the necessity of a new form and consider using the existing Form IX; and should a new form be created, develop a toolkit for Model 2 & 3 States about all versions of the Form IX. J. Miller (AR) seconded. S. Horton (NC) abstained. The motion passed by a 7-0-1.**

Proposed Amendment to Rule 7-106: Transportation by the Designee Judy Miller (AR) and Julie Hawkins (MO)

- The Rules Committee discussed the proposed amendment to Rule 7-106: Transportation as submitted by Designee Judy Miller (AR) and Commissioner Julie Hawkins (MO).
- J. Hawkins (MO) explained the intent and reasons to allow Compact offices discretion for communication regarding items being returned with the juvenile.
- Chair Horton (NC) shared his procedural concerns as a surveillance state particularly when returning absconders, escapees, or accused delinquents.
- J. Hawkins (MO) shared information about success with a juvenile traveling with her items due to the collaboration between the two states involved. The primary purpose of the proposal is to allow collaborative efforts. The collaboration with all states involved will determine the best options in each instance.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 7-106: Transportation as presented submitted by J.**

Miller (AR) and J. Hawkins (MO). M. Tymkew (MI) seconded. The motion passed by an 8-0-0 vote.

Recommendations

- The Rules Committee's recommendations as stated above under each proposal respectfully will be shared with those submitting the proposals by Chair Horton (NC).

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

- **Chair Horton adjourned the meeting by acclamation without objection at 3:55 p.m. ET.**