

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

April 25, 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. Julie Hawkins (MO), Commissioner
6. Tracy Hudrlik (MN), Commissioner
7. Edwin Lee, Jr. (NJ), Designee
8. Trissie Casanova (VT), 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. Michael Tymkew (MI), Commissioner
2. Dawn Bailey (WA), Designee
3. Jedd Pelander (WA), Commissioner

Guest in Attendance:

1. Francis "Mike" Casey (DE), Racial DEI Committee Vice Chair
2. Jessica Wald (ND), Racial DEI Committee member
3. Kellianne Torres (IA), Technology Committee Chair
4. Roy Curtis (ME), Technology Committee Vice Chair
5. 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
4. 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

T. Casanova (VT) made a motion to approve the agenda. C. Bickford (NH) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the March 1, 2023 meeting minutes as presented. J. Hawkins (MO) seconded. The motion passed.

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 Delaware and Maryland Commissioners

- Chair Horton (NC) reminded members that the Rules Committee previously voted to “not support the proposal for adoption.” The Racial Diversity, Equity, and Inclusion (DEI) Committee met March 28. The proposal was re-submitted to the Rules Committee for consideration after modifying the proposal to read:
 5. Supervision shall be accepted when:
 - a. There is no legal guardian remaining in the sending state who is able to provide a suitable and safe living environment for the juvenile as determined by the sending state, and
 - b. One of the following applies:
 - i. There is a legal guardian residing in the receiving state with whom the juvenile may reside, or
 - ii. An alternative residence has been identified and approved in the receiving state.
- J. Hawkins (MO) stated that the proposal was unclear regarding who would be responsible for approving the residence, as such approvals are not necessary in mandatory acceptance cases.
- J. Wald (ND) addressed the concern explaining that a large percentage of the Native American and black/brown juvenile population reside with family members other than the legal guardians. She provided examples of how that is often a better option for the juvenile.
- M. Casey (DE) added that the intent of the proposal is to recognize the parental rights and empower the family to make the decision about what is in the best interest of their child.
- T. Hudrlik (MN) agreed with the concept; however, questioned the language “shall be accepted.” She noted that the receiving state’s probation/parole officer conducting a home evaluation determines that the residence is unsuitable based on information the parents/guardians may not be aware of. She suggested re-wording the justification to address that there is a presumption of acceptance, unless the state finds a “real issue” with the placement.
- T. Casanova (VT) shared concerns about instances when services are requested in the receiving state, but acquiring the services would require approval by the legal guardian. She suggested assessing the residence prior to the juvenile arriving in the receiving state.
- J. Hawkins (MO) commented while she supports the intent of the proposal, she suggested addressing the issue in a best practice focused on changing the culture rather than a rule proposal. As the proposal is written, it could be interpreted that the cases are mandatory acceptance cases, which the receiving state must accept.

- Chair Horton summarized the comments and shared his respect for the preparers of the proposal and their representation in the meeting.
- R. Gallardo (UT) commented that the ICJ Rules currently allow legal guardians to place youth in locations of their choice. He suggested the committee focus on why requests for transfers of supervision are being denied at a higher rate for juveniles identified as Native American, Black, or other minorities. He shared that the proposal stemmed from the ICJ Data Walk Report which statistically indicated that certain racial groups were more often denied. He concurred with J. Hawkins (MO) that perhaps the better method to effect change would be a Best Practice which would include cultural competencies.
- M. Casey (DE) acknowledged the Rules Committee's comments and responded. When parents decide what is in the best interest of their child, they are expected to maintain their parental rights and responsibilities; such as, assistance with obtaining the required services in another state. Additionally, the home/sending state has an established relationship with the youth to determine what is in their best interest, not the receiving state.
- M. Casey (DE) clarified that the proposal stemmed from the statistics and the proposal was a proactive decision for systemic change to address inequities.
- There was no new motion by the Rules Committee. The original recommendation not to support adoption stands.

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

- Chair Horton (NC) reminded members that the Rules Committee previously voted to “not support the proposals for adoption.” The Technology Committee met, revised the proposal and the justification, and resubmitted it for consideration.
- J. Miller (AR) asked what changed. Technology Committee Chair K. Torres (IA) explained that in the new proposal related to Rule 5-103A, the title was revised for clarity and now reads: “Failed Supervision Determined by Receiving State.” Additionally, the justification was enhanced to include a better explanation of the proposal. N. Wright (IN) commented that the updated justification provides clarity from the previous discussion, and indicated she supports the proposed new rule.
- J. Hawkins (MO) supported the separation of Rule 5-103 and 5-103A; however, she expressed concern about introducing another new form requirement. She requested information as to what tools will be provided to Model 3 states (where local authorities do not use the UNITY data management system) to ensure they have what they need.
- Chair Horton (NC) reported that a live training will be offered to all members on the rule amendments after passage and prior to their effective date. T. Hudrlik (MN) added that state ICJ Office personnel may attend the live training and obtain access to the materials and recording to conduct intrastate training.
- J. Miller (AR) responded that as a Model 3 state, she advises local authorities which form to use. Her issue is how to properly determine whether the case should be processed using a failed supervision form or a violation report form based on the information received from the field.
- K. Torres (IA) added that the first notification generally should not be a failed supervision, it should be a violation. During the evaluation of the violation, the

receiving state may determine it is failed supervision and recommend to the sending state a return or alternate residence.

- J. Miller (AR) suggested modifying the current Quarterly Progress Report (QPR) or the Violation Report (VR) to include a box to check either return to the sending state or locate an alternate placement.
- K. Torres (IA) explained the Technology Committee considered that option; however, a new form requires the specific information needed rather than the current form's open-ended responses.
- J. Hawkins (MO) again expressed her reservations about the impact of the rule proposals for the Model 3 states' field staff. N. Wright (IN) chatted: "I think the follow-up training and explanations will help the end users in the Model 3 states."
- K. Palmateer (NY) chatted "...if there is violation behavior, but your local is willing to continue to work with the youth, then you would use the violation report. If you are requesting the return of the youth, then you would use the failed placement."
- R. Curtis (ME) supported the proposals, noting that it originated from the Compliance Committee's recommendation after the 2022 National UNITY Data Assessment, which indicates clarification of the failed supervision option is warranted.
- **T. Hudrlik (MN) made a motion to recommend for adoption the proposed amendment to Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking; and to recommend for adoption the proposed new Rule 5-103A Failed Supervision as presented. C. Bickford (NH) seconded. J. Miller (AR) opposed. The motion passed by a 7-1-0 vote.**

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

- Chair Horton (NC) reminded members that the Rules Committee previously voted not to support the proposal for adoption and provided a recommendation to amend the language. The South Region met and revised the proposal with the recommended changes.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 7-107: Airport Supervision as presented submitted by the South Region. E. Lee, Jr. (NJ) seconded. The motion passed by an 8-0-0 vote.**

Review Technology Committee Assessment of Form and System Impact

- The Rules Committee reviewed a spreadsheet of the proposed rule amendments that indicated which would require modifications to the UNITY data management system, if passed. The Technology Committee reviewed the information and will take a deeper dive once the fiscal impact statements have been received from the vendor.
- Director Underwood added that the Technology Committee will work with the vendor to have all estimates included in the proposals 30-days prior to the Annual Business Meeting vote.

Prepare Proposed Rules and Amendments for Commenting Period

- The Rules Committee completed a final review of the justifications for their proposed amendments: Rule 1-101; Rule 4-101; Rule 4-103; Rule 8-101; and Rule 7-106. There were no changes.
- Chair Horton (NC) reported that the proposed rule amendments comment period runs April 6 – May 8, 2023.

Old Business

- Chair Horton (NC) reminded the members that the Rules Committee will meet in Lexington, Kentucky, to review all the rule proposals and comments on May 16. Travel days are May 15 and 17. Airline tickets should be purchased and the itinerary shared with Emma Goode by April 14.

New Business

There was no new business.

Adjourn

- **Chair Horton adjourned the meeting by acclamation without objection at 3:09 p.m. ET.**