

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

April 6, 2022
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. Michael Farmer (CA), Commissioner
5. Mary Kay Hudson (IN), Commissioner
6. Tracy Hudrlik (MN), Commissioner
7. Julie Hawkins (MO), Commissioner
8. Edwin Lee, Jr. (NJ), Designee

Non-Voting Members in Attendance:

1. Nita Wright (IN)
2. Michael Tymkew (MI)
3. Kelly Palmateer (NY)
4. Raymundo Gallardo (UT)
5. Dawn Bailey (WA)

Members Not in Attendance:

1. Jennifer LeBaron (NJ), Commissioner
2. Anna Butler (KY)

Guest in Attendance:

None

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. Rick Masters, Legal Counsel

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 a quorum was established.

Agenda

T. Hudrlik (MN) made a motion to approve the agenda as presented. C. Bickford (NH) seconded. The motion carried.

Minutes

J. Miller (AR) made a motion to approve the February 2, 2022 meeting minutes as presented. M. Farmer (CA) seconded. The motion carried.

Discussion

Rules Promulgation Training LMS Course

- Jenny Adkins, National Office, updated on recent completions of ICJ Rules training courses now available on the ICJ.TalentLMS. To date, 19 people completed the ICJ Rules Promulgation Training and 86 completed the ICJ 2022 Rule Amendments recorded training session. T. Hudrlik (MN) noted these completions to be in addition to the attendees during the live training sessions.
- J. Miller (AR) asked if the completion of these courses is mandatory. Director Underwood affirmed that completion is not mandatory.

Old Business

Relocate Rule Proposals: 1-101, 4-101, 4-103, and 8-101

- Chair Horton (NC) opened the floor for discussing rule amendments related to the proposed removal of the term “relocate” from the ICJ Rules and its impact on additional rules.
- Director Underwood provided an update from the discussion in the last meeting. The members discussed proposed amendments to Rules 1-101, 4-101, 4-103, and 8-101 and a method to present all for vote as a package. The package was well received with the exception of the amendment to Rule 8-101 regarding travel permits.
- J. Hawkins (MO) updated that the subcommittee was tasked with looking at the term “relocate” throughout the rules. They determined that the term as currently defined comes from the eligibility rule (4-101). In other instances, in the rules, the term “relocate” is used in a manner that is not unique to ICJ, but is consistent with the dictionary definition, which leads to confusion. The subcommittee’s recommendation included:
 - removing the term “relocate” from the ICJ Rule 1-101: Definitions;
 - amending Rule 4-101 to replace “*relocate*” with “*reside*,” and
 - amending Rule 4-103 to include “*relocate and/or reside*.”
- J. Hawkins (MO) recommended that Rule 8-101 not be included in the packet, but rather be presented independently of the others. There are varying opinions across the nation regarding Rule 8-101 as to whether an ICJ Travel Permit must be issued for juveniles already residing in the receiving state pending the request for supervision. She proposed amended language in Rule 8-101(2) b.ii. to add “Already residing or . . .”
- M. K. Hudson (IN) asked if the modification would impact the timeframe. J. Hawkins (MO) replied the rules retain the language which states the 90-day timeframe in Rule 4-101.
- M. Farmer (CA) supports the addition of “residing in” and deleting “relocate to”. He shared a recent incident regarding a full-time student. The 90-day timeframe and “relocate” syntax caused an assumption that the juvenile had to reside there 90 consecutive days.
- J. Hawkins (MO) added that defining the term “reside” was considered.
- Chair Horton (NC) cautioned to considering Rule 8-101 separate of the other

rules noting that states have different laws regarding sex offender registration. One state in the South requires registration based on the time in the state, not necessarily related to residency or relocation.

- R. Masters, Legal Counsel, shared the definition of “reside” from the Oxford Dictionary which includes: “...having one’s permanent home”. He advised using the term “reside” combined with the ICJ timeframe could avoid the need to propose a new ICJ definition.
- M. Farmer (CA) questioned the impact to full-time students who do not reside at a permanent residence and travel back and forth between school breaks. J. Hawkins (MO) suggested students are handled differently and stand on their own merit.
- The Rules Committee discussed and agreed the Commission supports juveniles attending an accredited school. They brainstormed proposed modifications to the structure of Rule 4-101, Paragraph 2 for clarity, but did not reach a consensus.
- J. Miller (AR) commented that Rule 4-101 is the “eligibility rule” and full-time students have been included in the ICJ Rules for many years. Full-time students are included because they are Compact-eligible. It is understood that full-time students are in the receiving state on a temporary residency basis. Director Underwood commented that changing “relocating” to “residing” may cause unintended consequences by introducing the concept of permanence, which is part of the definition of “reside”.
- M. Tymkew (MI) questioned the difference between a regular juvenile transferring versus a full-time student juvenile transfer. When supervision is accepted it is known they will be there more than 90 days and not pinpointing permanent residence at that time.
- The Rules Committee agreed additional discussion was necessary.
- **M. K. Hudson (IN) made a motion that the issue be re-submitted to the Rules Subcommittee on Relocate for further review and return to the Rules Committee for reconsideration at the next meeting. J. Miller (AR) seconded. The motion passed.**
- The *initial Subcommittee members agreed to reconvene and three additional members agreed to assist:
 1. Caitlyn Bickford (NH)*
 2. Judy Miller (AR)*
 3. Julie Hawkins (MO)*
 4. Kelly Palmateer (NY)
 5. Michael Farmer (CO)
 6. Michael Tymkew (MI)

Rule Proposal Guide

- Chair Horton presented proposed updates to the Rule Proposal Guide with suggestions from the last meeting.
- M. K. Hudson (IN) asked what constitutes a “full-time designee.” Director Underwood explained the difference between the full-time and part-time designees and the formal process. R. Masters, Legal Counsel, added that the appointment is made by the appointing authority of the state which varies from state-to-state.
- M. K. Hudson (IN) asked if designees must be a part of the state Compact staff. Director Underwood and Legal Counsel Master affirmed they do not; however, it

is encouraged.

- Jenny Adkins, National Office, chatted the ICJ definition of a designee, as established in the ICJ statute: “a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.”
- J. Miller (AR) suggested additional language for new rules in the template formatting section. The Rules Committee agreed to add: “If the proposal is for a new rule, all of the language should be added in red letters and underlined.”
- The Rules Committee reviewed and agreed with the new content at the end of the guide regarding: rules training, emergency rules, and corrections to the rules. The new language was suggested as it addresses the current operations.
- **J. Hawkins (MO) made a motion to approve the revised ICJ Rules Proposal Guide as presented. M. K. Hudson (IN) seconded. The motion passed.**

New Business

Travel Permit for Deferred Adjudication by Michael Farmer (CA)

- M. Farmer (CA) updated on his conversation with the National Office and Chair Horton (NC) regarding a case whereby a California attorney did see where an ICJ Travel Permit was required for a juvenile because it did not specify ‘deferred adjudication’. After discussions with Director Underwood, and sharing the ICJ Bench Book reference language whereby deferred adjudication should not be used as a means of notifying someone, the matter was resolved. However, he brings it to the attention to the Rules Committee for consideration for an amendment to the Travel Permit Rule.
- J. Hawkins (MO) commented that deferred adjudication could mean a lot of things, such as terms and conditions, and a rule amendment was not necessary.
- T. Hudrlik (MN) commented that ICJ defines supervision and whether it is deferred or called something else, it meets the criteria. Therefore, a proposal to the rule was not warranted.
- Jenny Adkins chatted ICJ defines supervision as: “the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.”
- The Rules Committee reached a consensus that no further action was necessary.

Ground Transportation Supervision

- J. Hawkins (MO) brought forth for consideration ICJ Rule 7-107(4) regarding airport supervision. The ICJ Rules speak to airport supervision emergencies, but not ground transportation emergencies. She provided examples of instances when interim assistance is needed during ground transports, such as if a vehicle breaks down or the transporter needs to rest to continue the trip. J. Miller (AR) and M. Farmer (CA) agreed with taking a look at the rule.
- T. Hudrlik (MN) commented that the home/demanding state is responsible for juveniles being escorted when using ground transportation. States they are driving through would not be liable for supervision.

- J. Hawkins (MO) shared that her intent is for ICJ to provide an emergency lifeline. Missouri recently provided respite care for a night for a juvenile transport, although the ICJ rules do not require.
- Jenny Adkins chatted Rule 7-106(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.”
- Chair Horton (NC) asked for volunteers to form a new subcommittee to provide a recommendation to the Rules Committee at the next meeting. The following members agreed to serve on the new Subcommittee on Ground Transport Supervision:
 1. Julie Hawkins (MO)
 2. Stephen Horton (NC)
 3. Mary Kay Hudson (IN)
 4. Nita Wright (IN)

Adjourn

T. Hudrlik (MN) made a motion to adjourn. Chair Horton adjourned the meeting by acclamation at 3:23 p.m. ET.