

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

June 1, 2022
2:00 p.m. ET
Via Zoom



Voting Members in Attendance:

1. Stephen Horton (NC), Commissioner, Chair
2. Judy Miller (AR), Designee
3. Mary Kay Hudson (IN), Commissioner
4. Tracy Hudrlik (MN), Commissioner
5. Julie Hawkins (MO), Commissioner
6. Edwin Lee, Jr. (NJ), Designee

Non-Voting Members in Attendance:

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

Members Not in Attendance:

1. Caitlyn Bickford (NH), Commissioner, Vice Chair
2. Michael Farmer (CA), Commissioner
3. Jennifer LeBaron (NJ), Commissioner

Guest in Attendance:

None

National Office Staff & Legal Counsel in Attendance:

1. Emma Goode, Logistics and Administrative Specialist
2. Jenny Adkins, Operations and Policy Specialist
3. Amanee Cabbagestalk, Training and Administrative Specialist
4. Joe Johnson, Project Manager
5. Rick Masters, Legal Counsel

Call to Order

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

Roll Call

Jenny Adkins, National Office Staff, called the roll and acknowledged that a quorum was established.

Agenda

T. Hudrlik (MN) made a motion to approve the agenda as presented. E. Lee, Jr. (NJ) seconded. The motion carried.

Minutes

M. K. Hudson (IN) made a motion to approve the April 6, 2022 meeting minutes as presented. T. Hudrlik (MN) seconded. The motion carried.

Discussion

Recommendations from Subcommittee on “Relocate”

- Chair Horton (NC) recognized the work of the members of the Subcommittee on Relocate:
 1. Caitlyn Bickford (NH)
 2. Judy Miller (AR)
 3. Julie Hawkins (MO)
 4. Kelly Palmateer (NY)
 5. Michael Farmer (CO)
 6. Michael Tymkew (MI)
- J. Hawkins (MO) updated that the Rules Subcommittee on Relocate reconvened for further discussion on the proposed rule amendments related to the term “relocate.” There was much discussion of concerns and potential unintended consequences of the proposed changes. In summary, the Subcommittee reached a consensus to move forward with a bundle of three proposals with strengthened justifications, plus one separate proposal addressing travel permits.

Proposed Amendments to Rules 1-101, 4-101, and 4-103

- J. Hawkins (MO) presented the first recommendation of the Subcommittee to amend Rules 1-101, 4-101, and 4-103, and that the three proposals be presented for a single vote **as a bundle** by the full Commission.
- In summary, Rule 1-101 proposes to eliminate the term “relocate.” Rules 4-101 and 4-103 propose to replace “relocate” with “reside.” The elimination of the definition of “relocate” allows for the term used in any other rules to be interpreted in the traditional sense of the word “to move from one place to another.” Additionally, the justifications for the proposals were enhanced for clarity.
- **J. Hawkins (MO) made a motion to recommend for adoption, as a bundle, proposed amendments to Rules 4-101, 4-103, and 1-101 as presented; and that the proposed amendment to Rule 8-101 be considered separately. J. Miller (AR) seconded. The motion passed by unanimously.**

Proposed Amendment to Rule 8-101: Travel Permits

- J. Hawkins (MO) presented the recommendation of the Subcommittee to remove the word “relocating” in Rule 8-101(1)(b)(ii). Should the bundled proposals recommended above be adopted and the proposal related to Rule 8-101 not be adopted, “relocating” would remain in Rule 8-101 and be used in the traditional sense of the term, i.e. “to move from one place to another.”
- S. Horton (NC) suggested discussing the next agenda item “exploring state practices related to travel permits” before making a decision on the proposal. J. Hawkins (MO) advocated for voting on the proposal first, with the understanding that the motion could come back for reconsideration and further recommendations after the discussion.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed**

amendment to Rule 8-101(1)(b)(ii) as presented. J. Miller (AR) seconded. The motion passed by unanimously.

Exploring state practices related to travel permits

- Chair Horton (NC) presented an Eisenhower Matrix to guide a discussion around state practices related to travel permits and opened the floor for discussion of *scenarios where Receiving States benefit from notification that juveniles are traveling*. The following scenarios were identified:
 - Sex offender registration/reporting requirements.
 - Notification to other state pending transfer of supervision.
 - Substance abuse/treatment services.
 - All juveniles traveling over 24 hours, regardless of offense (to determine if juvenile returns when instructed).
 - As proof to law enforcement that the juvenile has permission to travel.
- A. Butler (KY) asked when are travel permits NOT beneficial, as Kentucky issues a travel permit for any youth traveling out of Kentucky.
- K. Palmateer (NY) suggested that there are two different types of travel permits in states. Each state probation department has policies regarding travel when a juvenile relocates from one location to another whether interstate or intrastate. The Rules Committee’s discussion is focused on when the ICJ Travel Permit is beneficial for another state to know that the juvenile is in their state.
- J. Hawkins (MO) agreed and added that issuing an ICJ Travel Permit for everything becomes overwhelming and hampers the ability of the Compact office to do transfer of supervision work, particularly for small offices. For that reason, the Rules Committee took action years ago to scale back ICJ Travel Permit requirements. However, she noted that states may send at their discretion. When Missouri receives an ICJ Travel Permit, if it does not meet the ICJ requirements, it is filed. If it does meet the ICJ requirements, the permit and information is forwarded to appropriate local state staff.
- Chair Horton noted that last year over 6,000 travel permits were issued versus the more than 4,000 transfers.
- M. K. Hudson (IN) commented that it appears the concern is redundancy of paper work when there are already other forms of authorization in place.
- A. Butler (KY) updated that Kentucky forwards only those that meet the ICJ criteria and those that raise a red flag such as multiple events for incoming juveniles. For outgoing juveniles, all are processed via an ICJ Travel Permit to the “travel to state” field on the form.
- J. Miller (AR) shared the incoming juvenile information is forwarded to field state staff; and she is not aware of what the local authorities do with the information. She agrees that notifications regarding sex offenders and pending transfers of supervision are important. She also supports issuing travel permits for youth going into residential treatment centers pursuant to the Interstate Compact of Placement of Children (ICPC).
- M. K. Hudson (IN) suggested stepping back to re-access the ICJ Travel Permit processes and redundancies to determine if the requirements advance the intended purpose. J. Miller (AR) suggested the National Office send questions to Rule Committee members to answer for the discussion at the next meeting. The Rules Committee developed the following questions to be forwarded to the Rules Committee:
 1. When are travel permits redundant?

2. What does your state do with travel permits from another state?
 3. When do you issue a travel permit when you think it is unnecessary?
 4. If you encounter an out-of-state youth, under what circumstances would you prefer they have a travel permit?
 5. When should a travel permit be required?
- J. Hawkins (MO) commented that the redundancies would primarily be related to a transfer of supervision. For instance, when the juvenile is already residing in the other state, the form is being prepared without a signature, while the Form IV and VI are in process and provide permission.
 - **J. Miller (AR) made a motion that the National Office poll the Rules Committee members regarding the five questions above and table the discussion to the next meeting. E. Lee, Jr. (NJ) seconded. The motion passed unanimously.**

Old Business

Issuance of bail based on state constitutions, despite ICJ Rule 7-104

- Chair Horton updated that Rick Masters was in attendance to provide an update on a previously discussed issue regarding the issuance of bail, based on state constitutions, despite the ICJ Rule 7-104: Warrants.
- R. Masters, Legal Counsel, updated that he has completed his research and believes to have discovered a balance to resolve a state Constitution and ICJ Rule 7-104 conflict. When considering whether or not to grant bail to a Compact juvenile already adjudicated, ICJ Rule 7-104 dictates that bail cannot be granted. However, state constitutions may require bail in some instances where accused juveniles have not yet been adjudicated.
- Regarding whether the holding state can order that bail be granted, both state and federal constitutional issues must be considered. While there may be a state constitution requirement that bail be granted, there is also the “Full Faith and Credit” Clause in the U.S. Constitution Article I., Section 6. This clause takes precedence over a state constitution. A juvenile in the holding state who is accused and not adjudicated cannot be granted bail. Where the state that has rendered a judicial decision or made a determination of a particular subject to state jurisdiction, other states must recognize all actions and public acts in every other state under the Full Faith and Credit Clause. In summary, if there has been an order previously issued in demanding state, a subsequent holding state is not permitted to issue bail.
- The legal findings will be documented and reported to the Executive Committee in June.

New Business

Violations in Residential Treatment Centers

- J. Miller (AR) requested a discussion of a reoccurring issue she is experiencing regarding procedures for juveniles placed in residential treatment centers who fail placement and whether the ICJ is applicable in those cases.
- J. Hawkins (MO) referenced the current best practice on the matter, and commented that perhaps it would be good to review and update.
- Chair Horton asked that Ms. Miller discuss the issue with him further after the

meeting to help ensure his understanding of the issue.

Years of Service

Chair Horton recognized Judy Miller for her years of service in Arkansas. A celebration was recently held in her honor in Arkansas for her 50 years of service in the Arkansas Department of Human Services.

Adjourn

Chair Horton adjourned the meeting by acclamation without objections at 3:15 p.m. ET.