

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

January 15, 2025

2:00 p.m. EDT

Via Zoom



Preliminary Business

Call to Order

Rules Committee Chair J. Hawkins (MO) called the meeting to order at 2:00 p.m. ET.

Roll Call

Director Underwood called the roll, and a quorum was established.

Voting Commissioners/Designees in Attendance:

1. Julie Hawkins (MO), Commissioner, Chair
2. Stephen Horton (NC), Commissioner, Vice Chair
3. Judy Miller (AR), Designee
4. Howard Wykes (AZ), Designee
5. Tracy Hudrlik (MN), Commissioner
6. Caitlyn Bickford (NH), Commissioner
7. Edwin Lee JR. (NJ), Designee
8. Natalie Dalton (VA), Commissioner
9. Trissie Casanova (VT), Designee
10. Dawn Bailey (WA), Designee
11. Casey Gerber (WI), Commissioner

Non-Voting Members in Attendance:

1. Rebecca Hillestead (MN)
2. Nita Wright (IN)

Members Not in Attendance:

1. Dr. Jennifer LeBaron (NJ), Commissioner
2. Jedd Pelander (WA), Commissioner

National Office and Legal Counsel Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Amanee Cabbagestalk, Training and Administrative Specialist
4. Kirsten Wade, Logistics and Administrative Specialist
5. Thomas Travis, Legal Counsel

Agenda

T. Hudrlik (MN) made a motion to approve the agenda as presented. T. Casanova (VT) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the minutes of the meeting on December 18, 2024. C. Bickford (NH) seconded. The motion passed by unanimous consent.

Check-ins

N. Wright (IN) opened the meeting by sharing the following quote proved by N. Wright with members: “You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement. You are here to enrich the world.” - Woodrow Wilson

Unfinished Business

Referral from Executive Committee

- Review Questions on Rule 5-103A: Failed Supervision Determined by Receiving State
 - Chair J. Hawkins (MO) stated that the National Office received a request for a rule interpretation from Nevada. Nevada raised questions regarding Rule 5-103A: Failed Supervision Determined by Receiving State.
 - Director Underwood reported that the national office received a request for an interpretation of rules in accordance with Rule 9-101. The request described scenarios that do not meet the criteria for “failed supervision” established in Rule 5-103A, but that one might think indicate supervision has failed. The national office prepared a memorandum addressing the questions raised, which was provided to the committee prior to the meeting.
 - Scenarios focused on the meaning of the phrase “not detained,” which was added to Rule 5-103A when the relevant section was separated from Rule 5-103. Director Underwood noted questions have also be raised about the terms “detained” and “in custody.”
 - The request suggested receiving states generally have more authority over closure of cases and be able to trigger the process for requiring the return of youths in more situations.
 - Chair J. Hawkins (MO) stated the request for interpretation drew light to some unintended consequences of adding the phrase “is not detained.”
 - She presented a proposal to amend Rule 5-103A, as follows:
 - Rename the rule to *Rule 5-103A: Mandatory Relocation Determined by Receiving State* to clarify that mandatory action is required by the sending state.
 - Chair J. Hawkins (MO) stated the term “failed supervision” implies supervision failed because of a failure by the youth, but it can be the result of circumstances beyond their control. She proposed deleting the phrase “supervision has failed when a juvenile is not detained and” and inserting “the receiving state may determine relocation is mandatory when one of the following circumstances applies. . .”
 - In section 2, delete the phrase “Upon a determination of failed supervision” and replacing it with, “The receiving state shall notify the sending state using Form IX, Mandatory Relocation Report, which shall contain the following information:”
 - In section 2(a), replace “how” with “why” and replace “supervision in the receiving state failed” with “relocation is mandatory”
 - Editing the name of the Form IX in paragraph 3 and 3(b) to “Mandatory Relocation Report.”
 - J. Miller (AR) stated that she agreed with deleting “not detained.” She stated there are circumstances where the juvenile is detained but still eligible to be returned under Rule 5-103A.
 - J. Miller (AR) asked if the title of the rule would remain as presented because she wondered if “determined by the receiving state” was needed.
 - C. Bickford (NH) stated she believed the title should remain as presented since the receiving state is responsible for the supervision of the juvenile.
 - Chair J. Hawkins (MO) stated that the memorandum provides justification for the change and potential impacts on UNITY and Form IX. Potential impacts include:
 - UNITY Impact: The “Failed Supervision Event” will need to be modified in language and functionality to conform with the proposed amendments.

Currently, the workflow begins with “Is the juvenile detained?”. If the UNITY user responds “yes,” the workflow will not proceed. This screening question will be removed from the process.

- **Forms Impact:** Form title change and other text edits to the current form are required for conformity with the proposed amendments. The Form IX, Failed Supervision Report, does not include detention-related questions. However, the Information Technology Committee should consider whether detention-related questions should be added, given the importance of such information.
- **Fiscal Impact:** Given the impact on UNITY and ICJ Forms, there would be fiscal impact. Cost estimates will be provided in the final rule amendment proposal posting on July 28, 2025.
- N. Dalton (VA) stated that creating Rule 5-103A by removing the provisions from Rule 5-103 was intended to clarify that the process as a separate action based on distinct criteria and that action is required.
- N. Dalton (VA) stated that the Technology Committee would remove the initial question in the UNITY event that asks, “Is the Juvenile detained?”
- **S. Horton (NC) made a motion to recommend the adoption of the proposed amendment of Rule 5-103A. C. Bickford (NH) seconded. The motion passed.**

Determine Whether to Recommend Proposed Amendment to Rule 8-101: Travel Permits

- Chair J. Hawkins (MO) shared that the Rules Committee recommended adding “using the Form VII, Out-of-State Travel Permit and Agreement to Return” to paragraph 1, to clarify the form used, and to clean up grammar and vague language in paragraph 5.
- **H. Wykes (AZ) made a motion to recommend the Commission adopt the proposed amendment to Rule 8-101 to add the title of the form to paragraph 1, “Out-of-State Travel Permit and Agreement to Return,” and strike from section 5 “to the extent possible to” and “through the timely exchange of required information.” N. Dalton (VA) seconded. The motion passed.**

New Business

Determine whether to support rule amendment proposals submitted by Florida

- **Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders**
 - Chair J. Hawkins (MO) stated that the Commissioner from Florida has submitted two rule proposals for the Rules Committee to consider. She recommended reviewing what is proposed and deciding whether to modify the proposals, postpone the discussion, support the proposals, or reject the proposals.
 - Chair J. Hawkins (MO) shared that Florida recommended amending Rule 4-103(1) by adding: “including juvenile sex offender registration instructions.” Florida also recommended amending Rule 4-103(2) adding “any juvenile sex offender registration orders, findings, and/or signed sex offender registration notices.”
 - T. Hudrlik (NE) asked if the proposal would change timeframes for transfers of supervision.
 - Chair J. Hawkins (MO) responded that the proposal did not include any changes to the timeframe.
 - C. Bickford (NH) expressed concern that it would not be possible to meet this requirement because the necessary documents would not be readily available to include.
 - Chair J. Hawkins (MO) expressed concern about adding an expectation the sending state should know what the receiving state’s registration requirements are when the referral is made. The current process is the sending state sends the transfer of supervision packet, and then the receiving state updates the sending state on what the sex offender registration requirements are.

- J. Miller (AR) added the sending state could not include sex offender registration instructions with prior communications with the receiving state. She suggested the proposal only require the documents be provided “if available.”
 - H. Wykes (AZ) asked if the committee could amend the proposed rule amendment.
 - Chair J. Hawkins (MO) answered “yes.” Since the proposal was submitted to the Rules Committee directly from a state, the Rules Committee has full authority to edit.
 - T. Hudrlik (NE) asked if edits to the proposal would need to be approved by Florida.
 - Chair J. Hawkins (MO) responded edits may be shared with Florida as a courtesy, but their approval is not required.
 - Chair J. Hawkins (MO) shared that the proposed amendment was brought forth by Florida following a Florida State Council discussion.
 - H. Wykes (AZ) stated he does not support changing a rule to meet one state’s requirements.
 - Vice Chair S. Horton (NC) suggested the Rules Committee should not recommend the proposal for adoption.
 - T. Hudrlik (NE) asked whether Florida could take the proposed amendment to the South Region meeting support, if the Rules Committee did not support it.
 - Chair J. Hawkins (MO) responded that Florida could present the proposed amendment for discussion in the South Region meeting and resubmit it in 2027 rule cycle.
 - **J. Miller (AR) made a motion to communicate to Florida that the Rules Committee does not support the proposed amendment of Rule 4-103 that would add requirements that juvenile sex offender registration instructions and other related information be submitted as part of the referral process. S. Horton (NC) seconded. The motion passed.**
- Rule 8-101: Travel Permits
 - Chair J. Hawkins (MO) shared that Florida recommended adding the following additions to Rule 8-101:
 - New paragraph 2, to read, “Travel permits for juvenile sexual offenders shall be provided at least 14 days prior to their travel. Any travel that is not known by the juvenile sexual offender shall be reported 48 hours before travel to the receiving state. The travel permit shall contain: Order of Adjudication and Disposition; Conditions of Probation; Petition and/or Arrest Report(s); any juvenile sexual offender registration orders/findings, and/or signed sexual offender registration notices.”
 - New paragraph 3 (a), to read, “Juveniles sexual offenders traveling to a residential facility for placement shall provide a travel permit at least 14 days prior to their travel for placement in a residential facility. Any emergency placement to a residential facility must be reported 48 hours before travel to receiving state. States may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.”
 - T. Hudrlik (NE) noted that some travel permits are generated very close to the time of travel due to emergencies, deaths in the family, or other situations that would not allow the ICJ Offices to provide 14 days' notice.
 - C. Bickford (NH) stated that not every state requires an order of adjudication, disposition, or conditions of probation for a travel permit for a juvenile sex offender. She also expressed concerns about travel permits being required for juveniles placed in residential facilities.
 - Chair J. Hawkins (MO) shared concerns about requiring states to submit orders of disposition, conditions of probation, arrest reports, and sex offender documents to states that has no laws requiring such information. She questions whether it would be a violation of the juvenile's rights to share information that is not required by any law.
 - J. Miller (AR) noted the proposed new paragraph 3(a) contradicts section 3, which indicates travel permits are optional for young people going to residential facilities.

- Chair J. Hawkins (MO) shared the proposed amendments to Rule 8-101(7) and (8).
 - New paragraph 7 would include: “Juvenile sex offenders shall abide by the juvenile sex offender registration laws in the receiving state, i.e., felony or sexual offender registration, notification or DNA testing.”
 - New paragraph 8 would include “A juvenile sex offender who fails to properly register as required will be subject to the laws of the receiving state.”
- **H. Wykes (AZ) made a motion to communicate to Florida that the Rules Committee does not support their proposed amendment of Rule 8-101, Travel Permits, which would expand requirements for issuance of travel permits for juvenile sex offenders and would establish that juvenile sex offenders must abide by JSO registration laws in the receiving state. C. Gerber (WI) seconded.**

Select Presenters for February 26 Wednesday Workshop: Rule Amendment Proposal Commenting and Review Period

- Chair J. Hawkins (MO) asked for volunteers to serve as presenters for the *Wednesday Workshop* session on February 26. The topic will be “Rule Amendment Proposal Commenting and Review Period.”
- No members volunteered. Chair J. Hawkins (MO) stated she will help present the workshop.

Next Steps

- Chair J. Hawkins (MO) asked if members had any new business to discuss at the next meeting.
- Chair J. Hawkins (MO) stated that at the next Rules Committee meeting on February 19, 2025, the committee will review the justifications for the rule proposals that are moving forward.
- Chair J. Hawkins (MO) reminded members that the Comment Review Meeting would be held in Lexington, Kentucky April 7-10, 2025.

Adjourn

Rules Committee Chair Hawkins (MO) adjourned the meeting by acclamation without objection at 3:02 p.m. EDT.