

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

June 13, 2024

2:00 p.m. EDT

Via Zoom



Preliminary Business

Call to Order

Rules Committee Chair S. 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.

Voting Commissioners/Designees 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. Jean Hall (FL), Commissioner
6. Tracy Hudrlik (MN), Commissioner
7. Julie Hawkins (MO), Commissioner
8. Sasaun Lane (OH), Commissioner
9. Trissie Casanova (VT), Designee
10. Dawn Bailey (WA), Designee
11. Casey Gerber (WI), Commissioner

Non-Voting Members in Attendance:

1. Jen Baer (ID)

Members Not in Attendance:

1. Jennifer LaBaron (NJ), Commissioner
2. Edwin Lee, Jr. (NJ), Designee
3. Jedd Pelander (WA), Commissioner

National Office Staff in Attendance:

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

Agenda

S. Horton (NC) approved the June 13, 2024 agenda by acclamation without objection.

Minutes

S. Horton (NC) approved the April 17, 2024 meeting minutes by acclamation without objection.

Check-ins

Rules Committee Chair Horton (NC) welcomed everyone to the meeting and shared the following quotes by Colin Powell: "Leadership is solving problems. The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help or concluded you do not care. Either case is a failure of leadership." and "My own

experience is use the tools that are out there. Use the digital world. But never lose sight of the need to reach out and talk to other people who don't share your view. Listen to them and see if you can find a way to compromise."

Unfinished Business

Review and Approve Justifications to Rule Amendment Proposals

▪ Rule 4-102(4)

- Chair Horton (NC) reviewed the justification for Rule 4-102(4) and thanked T. Hudrlik (MN) for bringing it forward. The justification states:

The language that is suggested to be removed from Rule 4-104(4) creates confusion with this rule. The rule clearly states that a receiving state has 45 days to forward the home evaluation with the final approval or disapproval. It should end at that to lessen confusion and keep the rule to its intended purpose. No other rule allows for the ambiguity presented with this language that implies that states do not have to comply with the 45-day timeframe if an explanation is provided. This creates unnecessary confusion and frustration. The timeframe should be maintained just as it is in any other rule without the ambiguity of language to suggest otherwise.

- J. Miller (AR) asked for clarification that the proposal included striking the phrase "or provide an explanation of the delay to the sending state."
- Chair Horton (NC) confirmed that the previously approved proposal includes striking that phrase from paragraph 4.
- **T. Hudrlik (MN) made a motion to accept the justification for the proposed amendment to Rule 4-102(4) as written. C. Bickford (NH) seconded the motion. The motion passed.**

▪ Rule 6-102(9)

- Chair Horton (NC) presented the justification to remove the first sentence from paragraph 9 which states, "The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles." He thanked J. Miller (AR) and C. Bickford (NH) for their contributions. The justification states:

Deleting this sentence from the Rule helps clarify who is responsible for making return arrangements for a juvenile. This Rule is contradictory to other Rules, such as, Rule 7-102: Public Safety, which states: "The home/demanding/sending state's ICJ Office shall determine appropriate measures and arrangements," and Rule 7-106: Transportation, which states: "Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state..." It should be the decision of the Home/Demanding State to determine the method of transportation to return the juvenile.

- **J. Miller (AR) made a motion to accept the justification for proposed amendment to Rule 6-102(9) as written. H. Wykes (AZ) seconded the motion. The motion passed.**

New Business

Review Proposed Amendments

▪ Rule 4-102

- Chair Horton (NC) stated that the proposed amendments to paragraphs 2(a)(ii) and (iii) are intended to provide clarity and avoid confusion.
- J. Hawkins (MO) noted reservations about the amendment. She suggested it is unnecessary because it appears to be a rewording of the existing rule. She stated that adding “or reside with a legal guardian” would not apply in parole cases.
- Director Underwood noted that the phrase “determine if the circumstances of the juvenile’s immediate location justify the use of a Form VII, Out-of-State Travel Permit...” conflicts with Rule 8-101, which requires issuance of travel permits whenever a juvenile relocates prior to acceptance of supervision.
- Chair Horton (NC) added that he believes the amended language provides uniformity with other rules.
- J. Miller (AR) stated that she has a problem with using the phrase “prior to” in the rule because she often finds out juveniles have relocated after the fact.
- Chair Horton (NC) asked if there was a word she felt worked better and added that the phrase is used throughout the ICJ Rules. For consistency, he recommended keeping the phrase.
- C. Bickford (NH) agreed that she likes the language as it stands, noting that it establishes the requirement for local authorities. T. Cassanova (VT) concurred.
- H. Wykes (AZ) added that the proposal maintains the provision that directs sending states to provide “a written explanation as to why ICJ procedures for submitting the referral could not be followed.” He suggested this covers situations when states are unaware of the juvenile’s movement prior to the juvenile relocating.
- J. Hawkins (MO) stated that she supports the proposed amendments after the discussion.
- **H. Wykes (AZ) made a motion to accept the proposed amendments to Rule 4-102(2)(a)(ii) and (iii) as written:**

- ii. When it is necessary for a ~~S~~state ~~C~~committed (parole) juvenile to relocate prior to the acceptance of supervision, under the provision of Rule 4-104(5), the sending state shall ~~determine if the circumstances of the juvenile’s immediate relocation justify the use of~~ **provide to the receiving state** a Form VII, Out-of-State Travel Permit and Agreement to Return, **prior to the juvenile’s departure from the sending state,** including consideration of the appropriateness of the residence. If approved by the sending state, it shall provide the receiving state with the approved Form VII, Out-of-State Travel Permit and Agreement to Return, along with **which shall include** a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - iii. If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of **submitting** the Form VII, Out-of-State Travel Permit and Agreement to Return, ~~being issued~~. ~~The receiving state shall make the decision whether or not it will expedite the referral.~~

C. Bickford (NH) seconded. The motion passed.

▪ Rule 4-103

- Chair Horton (NC) stated that the proposed amendments to paragraphs (2), (3), and (4) are intended to ensure consistency and clarity. The committee reviewed the comments and questions submitted by J. Adkins (National Office).
- J. Hawkins (MO) added that she liked the proposed changes and supported striking the last sentence in Paragraph 4, as the matter is addressed in another rule.
- **J. Hawkins (MO) made a motion to accept the proposed amendments to Rule 4-103 as written:**

2. When transferring a juvenile sex offender, the referral shall consist of: Form VI, Application for Services and Waiver; Form IV, Parole or Probation Investigation Request; Order of Adjudication and Disposition; Conditions of Supervision; Petition and/or Arrest Report. The sending state shall also provide (if available): Safety Plan; Specific Assessments; Legal and Social History information pertaining to the criminal behavior; Victim Information, i.e., sex, age, relationship to the juvenile; sending state's current or recommended Supervision and Treatment Plan; photograph, and all other pertinent materials. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, shall be forwarded prior to or at the time the juvenile relocates to the receiving state, if unless the juvenile is ~~not~~ already residing in the receiving state pursuant to Rule 4-103(3).
3. When it is necessary for a juvenile sex offender to relocate or reside with a legal guardian prior to the acceptance of supervision, under the provision of Rule 4-104(5) and there is no legal guardian in the sending state, the sending state shall determine if the circumstances justify the use of provide to the receiving state a Form VII, Out-of-State Travel Permit and Agreement to Return, prior to the juvenile's departure from the sending state, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated: which shall include a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - a. ~~The sending state shall provide the receiving state with an approved Form VII Out of State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.~~
 - b. If not already submitted, the sending state shall ~~transmit~~ provide the a complete referral to the receiving state within ten (10) business days of submitting the Form VII, Out-of-State Travel Permit and Agreement to Return. The receiving state shall make the decision ~~whether it will expedite the referral or process the referral according to Rule 4-102.~~
 - c. Within five (5) business days of receipt of the Form VII, Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of any applicable registration requirements and/or reporting instructions, ~~if any~~. The sending state shall be ~~responsible for communicating~~ the registration requirements and/or reporting instructions to the juvenile and ~~his/her~~ their family in a timely manner.
 - d. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. ~~The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued under 4-103(3)(c).~~
4. In conducting home evaluations or when issuing reporting instructions for juvenile sex offenders, the receiving state shall monitor ensure the juvenile's compliance with local policies or laws ~~when issuing reporting instructions~~. ~~If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).~~

C. Gerber (WI) seconded the motion. The motion passed.

▪ **Rule 8-101**

- Chair Horton (NC) stated that initially, the form name was not mentioned in the rule until the second paragraph, therefore, the first proposed amendment to this rule is to add the form name to the first paragraph for clarification.
- J. Hawkins (MO) suggested amending Rule 8-101(5)(a) to replace "that state" with "the adjudicating state." The committee discussed whether the sending state should be required to make the juvenile aware of the victim notification laws of the adjudicating state or the sending state. No consensus was reached.
- J. Hawkins recommended that no change be made to the phrase, i.e. "that state" should be retained.

- Chair Horton (NC) added that the proposal included adding section (5)(b) to require the sending state to provide information regarding the receiving state’s sex offender registration and/or reporting instructions requirements for juveniles traveling out-of-state on travel permits.
- J. Hawkins (MO) asked if the addition of this language would require changes to UNITY. Chair Horton (NC) replied that he believes it will.
- **J. Hawkins (MO) made a motion to table the review and discussion of Rule 8-101 until the July 17, 2024 Rules Committee meeting. J. Miller (AR) seconded. The motion passed.**

Next Steps

- Chair Horton (NC) requested that members review the amendments to Rule 8-101 prior to the next committee meeting.
- The next Rules Committee meeting is scheduled for July 17, 2024 @ 2:00 p.m. EDT.

Adjourn

Rules Committee Chair Horton (NC) adjourned the meeting by acclamation without objection at 3:07 p.m. EDT.