

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

July 17, 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 2:01 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. Judy Miller (AR), Designee
3. Howard Wykes (AZ), Designee
4. Tracy Hudrlik (MN), Commissioner
5. Julie Hawkins (MO), Commissioner
6. Sasaun Lane (OH), Commissioner
7. Trissie Casanova (VT), Designee
8. Dawn Bailey (WA), Designee

Members Not in Attendance:

1. Caitlyn Bickford (NH) Commissioner, Vice Chair
2. Jean Hall (FL), Commissioner
3. Jennifer LaBaron (NJ), Commissioner
4. Edwin Lee, Jr. (NJ), Designee
5. Jedd Pelander (WA), Commissioner
6. Casey Gerber (WI), Commissioner
7. Jen Baer (ID)

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
5. Kirsten Wade, Logistics and Administrative Specialist

Agenda

S. Horton (NC) approved the July 17, 2024 agenda by acclamation without objection.

Minutes

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

Reports

- Chair Report
 - Rules Committee Chair Horton (NC) welcomed everyone to the meeting and shared the following quotes by Dietrich Bonhoeffer: "Time is the most valuable thing that we have, because it is the most irrevocable" and "In normal life we hardly realize how much more we receive than we give, and life cannot be rich without such gratitude. It is so easy to

overestimate the importance of our own achievements compared with what we owe to the help of others.”

Unfinished Business

Review Proposed Amendments

▪ Rule 8-101(5) Travel Permits

- Chair Horton (NC) reminded the Rules Committee that the discussion of the proposed amendment to Rule 8-101(5) was carried over from the previous month’s meeting. He stated that the requirements of ICJ Rule 4-103(3)(c) to provide information regarding sex offender registration and/or reporting instructions only apply to transfer of supervision cases. There are no similar requirements if the juvenile is visiting on a travel permit.
- Chair Horton (NC) added that he strongly believes the sending and/or receiving state should be required to provide the juvenile and/or family with information if there are sex offender registration requirements and/or reporting instructions when they are visiting the state. However, he welcomed suggestions regarding details of a proposed amendment.
- J. Hawkins (MO) expressed concerns about the feasibility of consistently accomplishing the proposed requirements. She wondered how many states have reporting requirements for sex offenders for visiting purposes.
- Chair Horton (NC) stated that he believes requirements are based on offenses.
- D. Bailey (WA) added that she routinely advises youths and families to check in with local law enforcement officials, as the laws vary drastically from state-to-state. She also educates local officials on the rules and processes of other states.
- T. Hudrlik (MN) added that it is almost impossible to know what each municipality, agency, or location does for guidance. Some states have statewide policies or local ordinances, but others do not. She questioned how much responsibility should be put on youths and/or families, as compared to the ICJ offices.
- D. Bailey (WA) stated that the Commission’s online [Sex Offender Matrix](#) can be confusing. Chair Horton (NC) agreed.
- Executive Director Underwood added that the Sex Offender Matrix is updated as states send information into the National Office.
- J. Hawkins (MO) added that the matrix does not include any information about requirements for visiting, but only relocating for residency.
- T. Hudrlik (MN) questioned how the process would work.
- D. Bailey (WA) indicated that the UNITY travel permit process currently includes an event to be used by the sending state to request sex offender registration requirements and/or reporting instructions.
- Executive Director Underwood suggested considering the question from a public safety perspective. She also noted that strategies other than rule amendments could be considered, such as a best practice guide or training.
- J. Hawkins (MO) asked if the UNITY event within a travel permit for a visit was available for the receiving state to initiate the sex offender registration requirements and/or reporting instructions.
- D. Bailey (WA) said she was unsure whether receiving state could initiate the event, but that other options exist to clarify requirements, such as Case Communications.
- Chair Horton (NC) addressed Director Underwood’s concern about public safety and highlighted the importance of advising families about requirements in advance so that that can make informed decisions.
- T. Hudrlik (MN) observed that it appears states already provide sex offender registration requirements and/or reporting instructions in practice, using a UNITY event. She agreed that this is a public safety issue, for juveniles and communities. She noted that juveniles who does not comply with registration laws could be committing felonies.

- J. Hawkins (MO) questioned whether a rule amendment would create liability if the youth traveled prior to receiving required information, especially in cases where travel permits are received after a juvenile has left the sending state. A rule amendment would require information be provided for all travel permits for visits, when only a few states require that such notice be given.
- S. Horton (NC) said that UNITY could handle the nuances of travel permit cases that do require such requirements, instead of mandating that information be provided for all cases. He said that the “what” needs to be determined before the “how” is explored.
- D. Bailey (WA) said the task is simple in UNITY, only requiring that one data field be completed. She asked whether a receiving state would be liable if they received a travel permit after the fact and did not have time to submit sex offender registration requirements and/or reporting instructions.
- J. Hawkins (MO) responded that adding the language to the rule puts the liability on the sending state.
- D. Bailey (WA) said that it is important to include this information because some staff and youth do not understand that requirements vary by state.
- Chair Horton (NC) suggested that liability may be greater if the issue is not addressed in the rule and that the committee must determine where the liability should fall. He said that now that the concern has been identified, the committee needs to determine the best way to move forward, with a rule amendment or a best practice.
- J. Miller (AR) suggested the proposed rule amendment would be difficult to accomplish on every case because state ICJ offices often have little or no notice prior to juveniles departing pursuant to travel permits. She suggested developing a best practice guide, rather than a rule amendment.
- T. Hudrlik (MN) noted the importance of providing states with supportive resources regarding sex offender registration requirements and/or reporting instructions requirements specific to visits.
- T. Casanova (VT) shared that she usually researches sex offender registration requirements and/or reporting instructions for local authorities in her state. She expressed concern regarding whether she would be able to do this consistently and with a short turnaround time. At the same time, she believes it is helpful for all requirements to be contained in the ICJ Rules. She added that people do not always read the best practice guides. Also, front line workers assume things operate the same way in all states. They go to the ICJ Rules to look for clear information and instructions.
- Chair Horton (NC) reminded the group that the ICJ Rules are mandates for the entire state and not just requirements for the ICJ Offices. Clarifying the requirements for sex offender registration requirements and/or reporting instructions for travel permits will be instructive for local authorities, whether it is a best practice guide or a rule amendment.
- J. Hawkins (MO) suggested putting more responsibility on receiving states. She suggested the sending state should send a travel permit notice, and then the receiving state should have the responsibility to let the sending state know about requirements.
- T. Casanova (VT) added that she liked J. Hawkins’ (MO) suggestion about putting the responsibility on the receiving state and wondered if the proposed language could be amended to reflect that the receiving state will communicate with the sending state if there are sex offender registration requirements and/or reporting instructions for a visit versus residence testing.
- **T. Hudrlik (MN) made a motion to table the matter to draft a revised proposal related to Rule 8-101(5)(b) to put the responsibility on the receiving state to advise the sending state if sex offender registration requirements and/or reporting instructions are required. J. Hawkins (MO) seconded. The motion passed.**
- Chair Horton (NC) requested T. Casanova (VT) email the revised proposal to J. Adkins (National Office).

New Business

- **East Region Recommendation to Review Form III and “Best Interest” Language**
 - T. Casanova (VT) stated that the East Region discussed amending the Form III, as it is not consistent with the ICJ Rules. The form is set up so that the judge must sign under a statement indicating that returning the juvenile to the identified party is in the “best interest” of the juvenile. This phrase raised concerns in Vermont when a judge questioned how this finding could be made when no assessment had been made.
 - T. Casanova (VT) suggested removing “is appropriate and in the best interest of said juvenile” from the Form III.
 - J. Hawkins (MO) supported the change and asked if a Rules Committee recommendation would be referred to the Information Technology Committee.
 - Executive Director Underwood added that the recommendation was previously referred to the Information Technology Committee, but they did not take action. Instead, they determined it should be addressed by the Rules Committee.
 - Executive Director Underwood agreed the ICJ Rules and forms should be consistent. However, she suggested concerns about how ensure the “best interest” of the juvenile should be explored further before action is taken on the Form, because it is important to ensure juveniles are returned to safe places and situations.
 - T. Casanova (VT) added that she completely agrees with Director Underwood’s statement.
 - Executive Director Underwood added that the changes have been made to hold changes to UNITY and ICJ Forms until the next set of rule amendments goes into effect in 2026, in order to minimize costs associated with modifications.
 - **T. Casanova (VT) made a motion to table discussion of edits to the Form III so that it can be included in the next rule amendment cycle review and discussion can be continued regarding a possible rule amendment. T. Hudrlik seconded. The motion passed.**

- **Juvenile Rights Form and Right to Counsel**
 - **T. Casanova (VT) made a motion to table the discussion about the Juvenile Rights Form reference to a right to counsel until the next Rules Committee meeting. T. Hudrlik seconded. The motion passed.**

Next Steps

- Chair Horton (NC) thanked the Rules Committee for their participation in today’s discussion.
- The Committee is to review the topics and prepare for the discussion of how to address the “best interest” of juveniles and the Juvenile Rights Form reference to a right to counsel.
- H. Wykes (AZ) volunteered to provide the quote for the next meeting.
- The next Rules Committee meeting will be scheduled for November 20, 2024.

Adjourn

Rules Committee Chair Horton (NC) adjourned the meeting by acclamation without objection at 3:24 p.m. EDT.