



WEST REGION MEETING

Annual Business Meeting

SEPTEMBER 23-25, 2024

SEPTEMBER 24, 2024, 3:45 PM CT
RENAISSANCE MOBILE RIVERVIEW PLAZA, MOBILE, ALABAMA
RIVERBOAT SUITE

PRELIMINARY BUSINESS

CALL TO ORDER

Representative H. Wykes (AZ) called the meeting to order at 3:45 pm CT.

ROLL CALL

National Training and Administrative Specialist A. Cabbagestalk called the roll and quorum was established.

VOTING COMMISSIONERS/DESIGNEES IN ATTENDANCE:

1. Howard Wykes (AZ), Designee, West Regional Representative
2. Maureen Clifton (WY), Commissioner, Alternate West Regional Representative
3. Antonio DeJesus (CA), Designee
4. Brooke Montelongo (CO), Commissioner
5. Kristin Davidson (HI), Commissioner
6. Anne Connor (ID), Commissioner
7. Mike Barthel (MT), Commissioner
8. Dale Dodd (NM), Commissioner
9. Nina Belli (OR), Commissioner
10. Raymundo Gallardo (UT), Commissioner's Voting Designee
11. Dawn Bailey (WA), Commissioner's Voting Designee

NON-VOTING MEMBERS IN ATTENDANCE:

1. Shirleen Cadiz (HI), Deputy Compact Administrator

GUESTS:

1. Rick Masters, ICJ Legal Counsel
2. Carla Fults, Director of Interstate Affairs and Compact Operations, Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC)
3. Shannon Freeman, President, AAICPC



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NATIONAL OFFICE STAFF:

1. Amanee Cabbagestalk, National Training and Administrative Specialist

APPROVAL OF AGENDA

A. Connor (ID) made a motion to approve the agenda as presented. N. Belli (OR) seconded. Representative Wykes (AZ) indicated the agenda was approved by unanimous consent without objection.

APPROVAL OF MINUTES

A. Connor (ID) made a motion to approve the minutes of the meeting on July 10, 2024. D. Dodd (NM) seconded. Representative Wykes (AZ) indicated the minutes were approved by unanimous consent without objection.

CHECK-INS *by Representative Howard Wykes (AZ)*

- Representative Wykes (AZ) reported that despite the weather forecast, the second day of the 2024 Annual Business Meeting (ABM) would still be moving forward as planned. He added that anyone needing to change plans or leave early should do so, as safety is the top priority.
- N. Belli (OR) added that the Commission's officers would meet after the region meetings to discuss plans for the next day's meeting and requested that anyone planning to leave early advise her.

EXECUTIVE COMMITTEE REPORT *by Representative Howard Wykes (AZ)*

- Representative Wykes (AZ) reported the Executive Committee met on August 22, 2024 and September 23, 2024. In addition to preparing for the 2024 ABM, they worked on strategic planning, approval of the Commission's 2024 Annual Report, fiscal year 2024 financial audit, contract for continued operation of UNITY, and fiscal year 2026 budget.
- The 2026 budget will be presented on September 25, 2024, during the Finance Committee report.
- Commission Chair N. Belli (OR) added that the Executive Committee also outlined the activities for next year, approved the work group for non-delinquent returns, and reviewed the [Top Concerns for Returning Non-Delinquent Runaways Survey Report](#) and recommendations. She applauded the West Region for their assistance in creating the [Returns and Child Welfare Toolkit](#). The Executive Committee will discuss how to rebrand, advertise, and utilize the toolkit.
- A. Connor (ID) asked if a breakdown for technology was provided in the budget. She noted there is a substantial difference in the cost of maintaining UNITY, as compared to JIDS (the previous national electronic information system).
- Finance Committee Chair D. Dodd (NM) stated that everything was included in one line item.



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UNFINISHED BUSINESS

- Research regarding state strategies for enrolling juveniles transferred through ICJ in school when they are not living with the legal guardian
 - Representative Wykes (AZ) asked if anyone had an opportunity to look into strategies for enrolling juveniles transferred through ICJ in school when they are not living with the legal guardian and how their states were impacted.
 - Representative Wykes (AZ) stated that he went to the Arizona Department of Education. What they told him did not align with what school districts told him. The Arizona Department of Education said that they are supportive, and these juveniles have every right to education in Arizona. However, he stated that dealing with the individual school districts is a challenge. He added that M. Clifton (WY) gave him the suggestion to start with the state department of education and asked others to share their findings and/or experiences.
 - A. Connor (ID) agreed with M. Clifton's (WY) suggestion to start with the state department of education. She stated that there are dramatic differences between school districts. She expressed concerns about requests for transfers being denied because of this issue.
 - M. Clifton (WY) also suggested contacting the state's office of attorney general.
 - A. DeJesus (CA) stated that California cannot deny enrollment due to this.
 - B. Montelongo (CO) added that no juveniles have been denied enrollment in the past year and seven months in Colorado, but juveniles transferring from Colorado have been denied in other states.
 - D. Bailey (WA) noted the importance of advocating for transferred youths.
 - B. Montelongo (CO) added that a lot of "poking and prodding" is required.
 - Representative Wykes (AZ) suggested continued monitoring to see whether concerns persist. He suggested this presents another opportunity for states to collaborate and co-elevate.
 - A. DeJesus (CA) noted the importance of the [McKinney Vento Act](#), which is a federal law that ensures homeless children and youth have the same access to free public education as other children.
- Discussion regarding each state's data collection for "non-delinquent runaways that are not held in detention"
 - Representative Wykes (AZ) asked whether everyone had a chance to respond to the data request form sent out by the National Office.
 - D. Bailey (WA) stated the question was not framed in a way that captured helpful information, as it focused on how many non-delinquents are placed in non-secure



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detention and not subsequently returned. She noted that the home state would not know this information.

- A. Connor (ID) and B. Montelongo (CO) agreed.
- Representative Wykes (AZ) suggested they reword the question and ask the National Office to send the form out again to see if it is a concern for the region.
- The discussion was tabled until the next West Region Meeting.

NEW BUSINESS

- Elect West Regional Representative
 - Representative Wykes (AZ) announced that the region will elect a Regional Representative.
 - The Regional Representative must be a person with full authority to vote on behalf of his or her state. This person will serve a two-year term, which includes service on the Executive Committee. The Executive Committee meets monthly, typically the 4th Thursday of each month and once in the spring face-to-face. Attendance by the regional representatives is extremely important for regional representation, as the Executive Committee acts on behalf of the full Commission throughout the year.
 - Representative Wykes (AZ) informed the region that Commissioner Nina Belli (OR) was the only advanced candidate nomination for West Regional Representative.
 - Representative Wykes (AZ) asked if there were any nominations from the floor for the position of Regional Representative. No additional nominations were made.
 - **A. Connor (ID) made a motion to close the floor nominations. D. Dodd (NM) seconded. Representative Wykes (AZ) indicated that the motion passed by unanimous consent without objection.**
 - Representative Wykes (AZ) announced that Nina Belli (OR) is the 2024-2026 West Regional Representative by acclamation.
- Discuss Work Group on Returning Non-Delinquent Runaways
 - Representative Wykes (AZ) noted that the Work Group on Returning Non-Delinquent Runaways would be formed to address several related issues. He added that the [Returns and Child Welfare Toolkit](#) is already in place. The next step should be educating people about it.
 - N. Belli (OR) added that anyone is welcome to sign up for the work group via the Yapp app. National Office also planned to send an email with the link after ABM. She said it was important to have good representation from all regions and all state sizes.
- Discuss additional concerns regarding ICJ and ICPC dual jurisdiction cases, including returns following disruption of an ICPC placement



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- Representative Wykes (AZ) stated that he put this topic on the agenda in case questions came up after the ABM training.
- ICJ Legal Counsel Rick Masters added that he was particularly impressed with what R. Gallardo (UT) shared about what they are doing in Utah with juveniles in residential treatment facilities (RTF). He asked if the Utah's Office of the Attorney General or any other lawyers expressed concern that this might violate the U.S. Constitution. R. Masters added any state law which impairs the obligation of contracts violates [Article 1, Section 10, Clause 1 of the U.S. Constitution](#).
- R. Gallardo (UT) responded that he is unsure if this has been challenged because it is such a big industry and money-maker. He believes that there is an interest in keeping the youth safe. The Office of Licensing under the Department of Health and Human Services has a responsibility to regulate these businesses to ensure that youth are safe and not abandoned in the receiving state. He suggested that it may not have been challenged because it promotes the safety of the youth.
- R. Masters added that there is no question that it is justifiable, but his concern is that if other states enact it, and somebody does challenge it, this could affect everybody.
- R. Gallardo (UT) added that he mentioned Paris Hilton because she's raising a huge light on topic by lobbying for it.
- C. Fults (AAICPC) asked for the specific statute. R. Gallardo (UT) responded that it is [Utah Code Section 26B-2-124](#).
- Representative Wykes (AZ) asked if anyone else is aware of any potential legislative changes within their states that may be similar.
- N. Belli (OR) added that in Oregon, juveniles involved with child welfare are not placed in out-of-state RTFs. As a result of lawsuits, Oregon passed a law that requires Oregon youth must be kept in state and prohibits contracting with out-of-state programs.
- A. Connor (ID) shared that Idaho makes the parent the placing agency for delinquent kids because Medicaid is typically the funding stream for out-of-state RTC placements. Therefore, the disruption agreement is an agreement between the parent and the RTC. When a youth runs away from an RTC, the parents go to probation for help. This triggers ICJ involvement and a return through the ICJ. It's a costly endeavor, as the typical return is between \$2,000-4,000. She has spoken to ICPC about the possibility of cost sharing.
- Representative Wykes (AZ) added that he appreciated the training session, particularly information about the ICPC timeframe.
- C. Fults (AAICPC) added members look up the ICPC statute. She said that ICPC has gotten a bad reputation for delays. However, it is not the ICPC administrative process causing the delays. Instead, it is criminal background checks and licensing, education, and training requirements. She said federal authorities were not clear about what is required



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from the home assessments. She added that once the revised ICPC is adopted, they hope to have a uniform home study so their processes can be expedited.

- She also added that during the training session, ICPC Deputy Compact Administrator Niesha Robinson (GA) shared all of the requirements in Georgia. In addition to that, there have recently been changes to the kin guardianship licensing requirements and they limit what relatives or other kin must do to meet the licensing requirements. These changes are improving their processes.
 - R. Gallardo (UT) suggested the Commission needs to revisit the apparent discrepancies between the Compact statute's provisions related to runaways, ICJ Rule 1-101 definition of runaway in, and ICJ Rule 6-104 regarding ICPC Recognition. It is essential to determine what falls within the ICJ and what does not, and who should return youths who runaway from ICPC placements.
 - N. Belli (OR) added that the Executive Committee tabled this topic at their last meeting because they wanted to wait until they heard feedback from the training session to decide what the next steps will be. Options include referring the issue to the Rules Committee and amending the *Memorandum of Agreement (MOU) and Best Practice Guide*.
 - R. Masters noted that Director Underwood pointed out during the training session that in Article I of the Compact statute specifically states that it applies to juveniles who have run away from "their state of residence." Therefore, it appears the ICJ does not apply to intrastate runaways.
 - Representative Wykes (AZ) added that this was good discussion.
- Request for an Advisory Opinion regarding the California Law ([SB-135](#))
 - Representative Wykes (AZ) opened the floor for discussion of the new California law (effective January 1, 2024) that allows some incarcerated adults to have their cases review by juvenile courts. This could lead to resentencing under the juvenile code and potentially be given up to two years juvenile supervision. He added that there has been a lot of discussion about this topic, but there were no cases. Now Nevada has a case.
 - He advised that a very focused question must be developed for the West Region to a request for an advisory opinion from the Commission via the National Office.
 - D. Dodd (NM) suggested the question might be: "Does ICJ have to accept these cases?"
 - R. Masters suggested, "Does this constitute a material change to the requirements of the Compact?"
 - N. Belli (OR) suggested question should have to focus on how the law pertains to ICJ specifically.
 - Representative Wykes (AZ) invited A. DeJesus to share how these cases are handled in California.



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- A. DeJesus (CA) stated that they canvassed 12 of their largest counties regarding their supervision of Proposition 57 cases. Of the 12, nine responded:
 - San Joaquin County: Juvenile Probation Services/placed in Transitional Aged Offender Program
 - San Bernardino County: Adult Services
 - Riverside County: Assigned to armed juvenile PO's
 - Orange County: Juvenile Services – Unit 79
 - Fresno County: Adult Services
 - Santa Clara County: Judicial transfer hearing to determine if handled by juvenile or adult PO
 - Los Angeles County: Juvenile SYTF and Re-Entry PO's
 - San Francisco County: Juvenile
 - Sacramento, Alameda and San Diego Counties: N/A
 - Some cases are being terminated w/o supervision.
- He also shared that the California ICJ State Council meeting is in two weeks and they plan to discuss further.
- A. DeJesus (CA) also shared that Interstate Commission for Adult Offender Supervision (ICAOS) Director Lippert and she referred him to [ICAOS Rule 4.101: Manner and degree of supervision in receiving state](#):
 - *A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state.*
- R. Masters stated that the question is whether retroactively classifying convicted adults as juveniles would trigger ICJ eligibility criteria.
- A. Connor (ID) added that she and Rules Committee Chair S. Horton (NC) discussed options for halting this process and focused on review of eligibility criteria.
- She added that this does a disservice to the people being supervised because state juvenile probation and parole agencies do not have access to training, funding, and access to services that will help these individuals be successful in the community.
- R. Masters agreed it was an eligibility issue and expressed concerns that other states might make similar changes if the Commission does not act.
- C. Fults asked if there is some type of legal/administrative tool or provision that allows a youth to be transferred to adult services when they come of age, even though it is a juvenile crime.
- A. Connor (ID) added that the issue must be addressed at the national level.
- Representative Wykes (AZ) and N. Belli (OR) both added that there is no format in place to do this.
- D. Dodd (NM) asked if the Commission could enter an MOU with ICAOS.



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- R. Masters suggested California’s law could have the effect of changing the eligibility criteria for transferring supervision of juveniles. Compact statute does not include such classification. It would be a material change to include something that is not originally included.
- R. Masters noted that, because ICJ received the consent of Congress, it carries the weight of federal law and not just state law. Therefore, the Compact cannot be changed by California or any other state.
- Representative Wykes (AZ) asked a clarifying question about [Rule 4-101 \(2\)\(a\)](#), which states, in relevant part:
 - No state shall permit a juvenile who is eligible for transfer under this compact to reside in another state except as provided by the Compact and these rules. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:*
 - a. *is classified as a juvenile in the sending state;*
 - ...
- Representative Wykes (AZ) asked if that classification is based on the jurisdiction of the juvenile court or whether the person is under the state’s legal age of majority.
- R. Masters responded that “juvenile” is defined by state law and it may be a different age requirement in each state.
- Representative Wykes (AZ) posed the question: “If California’s age of majority is 25 and they’re sending a 40-year-old, would that negate the eligibility?”
- R. Masters responded that he thinks it would negate eligibility, because it would have the impact of changing the statute that has been accepted when they enacted the Compact.
- N. Belli (OR) referenced Rule 4-104(3), which says, “Supervision cannot be denied solely on the juvenile’s age or the offense” and question how that impacts the discussion.
- A. Connor (ID) responded that the difference is that this population is coming out of adult prison. She added that juvenile probation and parole agencies simply don’t have the capacity to supervise such individuals safely.
- R. Masters stated he would like to take a close look at the Compact provisions to assess whether something has been overlooked.
- Representative Wykes (AZ) asked the committee to develop a specific question to be submitted to request an advisory opinion.
- A. DeJesus suggested “How do we supervise the individuals who are clearly of age of adulthood or of a risk level of adult probation or parole supervision, yet are under juvenile jurisdiction, by a juvenile probation officer who may or may not be armed or trained to supervise an individual?”
- N. Belli (OR) and A. Connor (ID) suggested focusing on the eligibility rule.
- **A. Connor (ID) made a motion for the West Region to request an advisory opinion on whether the California legislation is a material change to the ICJ Rules or Compact. B.**



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Montelongo seconded. Representative Wykes (AZ) indicated that the motion passed by unanimous consent without objection.

- The specific question is: “Is the legislation in California a material change to the ICJ Rules or Statute concerning eligibility?”
- A. DeJesus (CA) and A. Connor (ID) will take responsibility for filling out the advisory opinion request form.

HOT TOPICS FROM “ICJ UPDATES”

- Wednesday Workshop Live Training Session
 - Best Practices for the “Final Travel Plan” in UNITY on August 28, 2024
 - Representative Wykes (AZ) noted that this session was recorded and is available on the LMS. He added that R. Gallardo (UT) provided some great input. There was a lot of discussion about the importance of communication.
- Distribution of *2024 Annual Report*
 - Representative Wykes (AZ) noted that physical copies were available at the ABM. If anyone would like additional copies, they can request them from National Office.
- Committee sign-ups for 2024-2025 (Using Yapp App)
 - Representative Wykes (AZ) reminded everyone that they can sign up for committees via the Yapp App. N. Belli (OR) added that an email will also go out after ABM.

NEXT STEPS

- Representative Wykes (AZ) noted that the state data collection on non-delinquent runaways will be added to unfinished business.
- A. DeJesus (CA) reported that Deputy Compact Administrator (DCA) Bryan Stephens will officially retire on November 1, 2024. CA’s new DCA should be announced at the next meeting.

RECOGNITIONS

- Representative Wykes (AZ) wrapped up the meeting by thanking the West Region for their support over the past two years. He added that he appreciated the opportunity and enjoyed getting to know and talking to everyone.
- He stated that N. Belli (OR) will do a great job as the next West Regional Representative.
- He also added that although they joke with the Midwest Region by saying “How can you be the best when you have *mid* in your name?” He knows the West is the best.
- The West Region thanked Representative Wykes (AZ) for his service.

ADJOURN



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Representative Wykes (AZ) adjourned the meeting by acclamation without objection at 4:51 pm CT.