

Proposed by Rules Committee

***RULE 4-102: Sending and Receiving Referrals***

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  - a. State Committed (Parole) Cases – When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state’s request for transfer of supervision has been approved, except as described in 4-102(2)(a)(ii).
    - i. The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile’s anticipated arrival. The referral shall contain: Form IV, Parole or Probation Investigation Request; Form VI, Application for Services and Waiver; and ~~Order of C~~commitment. The sending state shall also provide copies (if available) of the ~~P~~petition and/or ~~A~~arrest ~~R~~report(s); ~~L~~egal and ~~S~~social ~~H~~history; supervision summary if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded; photograph, and any other pertinent information deemed to be of benefit to the receiving state. 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.
    - 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 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.~~

- b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. The referral shall contain: Form IV, Parole or Probation Investigation Request; Form VI, Application for Services and Waiver; ~~O~~rders of ~~A~~ddjudication and ~~D~~isposition; ~~C~~onditions of ~~P~~robation; and ~~P~~etition and/or ~~A~~rrest ~~R~~eport(s). The sending state shall also provide (if available) ~~L~~egal and ~~S~~ocial ~~H~~istory; supervision summary, if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded; photograph, and any other pertinent information. 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 the juvenile is not already residing in the receiving state.
3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile’s signature on the Form VI, Application for Service and Waiver.
4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision ~~or provide an explanation of the delay to the sending state.~~

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022*

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Justification:

In 2024, Rule 8-101 was amended to clarify that travel permits are required for all pending transfer requests. The current language in Rule 4-102(2)(a)(ii-iii) could create confusion in that it appears to allow the option of sending a travel permit for a parolee who must relocate prior to the acceptance of supervision. The proposed edits clarify the requirement of a travel permit for this unique situation.

The language also mirrors the proposed edits to Rule 4-103(3). Because the sections in Rules 4-102(2)(a)(ii-iii) and 4-103(3) speak to the same process, but for different populations, the language should be as similar as possible to eliminate confusion and inconsistencies between the two rules.

The language regarding “expediting” the process in Rule 4-102(2)(a)(iii) is stricken, as the receiving state has the discretion to expedite the home evaluation. Since it is not a requirement, and there is no timeframe or mechanism to track this, the language should be removed.

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.

Effect on Other Rules or Advisory Opinions:

**Administrative Updates: Advisory Opinions**

- [Advisory Opinion 02-2015: Signatures on the Form VI](#). The rule is quoted in entirety in the advisory opinion and will require administrative updates to reflect new language. However, the summary and findings are not affected by the proposed language.

UNITY Impact: Yes. The current due date for submitting the full referral after submitting a travel permit is currently calculated according to 10 business days after "arrival date." The calculation would need to be adjusted to 10 business days after submission date.

Forms Impact: None

Fiscal Impact: Given the impact on UNITY, there would be a fiscal impact. Cost estimates will be provided in the final rule amendment proposal posting on July 28, 2025.

Effective Date: #/1/2026

Rules Committee Action: Click on meeting date to view approved minutes.

[2/21/2024](#) – Rules Committee voted 6-5-1 to recommend rule amendment.

[6/13/2024](#) – Rules Committee voted 10-0-0 to recommend rule amendment.

2/19/2025 – Rules Committee voted 6-0-0 to edit language in paragraph 2(a)(ii) to clarify that the written explanation is to be submitted “along with” the Form VII, Travel Permit.