

Proposed by Rules Committee

RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

1. When transferring a juvenile sex offender, 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, or reporting instructions have been issued by the receiving state unless Rule 4-103(3) is applicable.
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:~~ along with 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).~~
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification, or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving 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; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022; amended September 27, 2023, effective April 1, 2024

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(3) could create confusion in that it appears to allow the option of sending a travel permit for a sex offender 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 4-102(2)(a)(ii-iii). 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 second sentence in Rule 4-103(3)(d) regarding the receiving state having authority to supervise the juvenile prior to case acceptance based on reporting instructions is stricken as it conflicts with the previous sentence and other rules. Pursuant to Rules 4-104(1)-(2) and Rule 5-101(1), the receiving state does not have the authority to supervise the juvenile until supervision is accepted following the recommendation from the investigating officer.

Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

The language regarding “expediting” the process in Rule 4-103(3)(b) 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 in Paragraph 4 is edited to clarify that the receiving state will monitor the juvenile’s compliance with local policies and laws. The second sentence is stricken as unnecessary and redundant, as Rule 4-104 addresses home evaluation approvals and denials.

Effect on Other Rules or Advisory Opinions: None

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.

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

02/19/2025 – Rules Committee voted 6-0-0 to edit language in paragraph 3 to clarify that the written explanation is to be submitted “along with” the Form VII, Travel Permit.