

Proposed by Midwest Region

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation Report that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision shall be accepted unless the home evaluation reveals that the proposed residence is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state. Supervision shall also be accepted as provided in Rule 4-104(5). When supervision is not recommended, the Form VIII, Home Evaluation Report, shall include a detailed justification to include why the proposed residence is not safe and/or suitable.
5. Supervision shall be accepted when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
6. A receiving state that is unable to enforce any condition of supervision imposed by the sending state shall notify the sending state of its inability to enforce the condition(s) by documenting the conditions which cannot be enforced on the Form VIII, Home Evaluation Report.
7. Upon receipt of acceptance of supervision from the receiving state, and prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide a Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, to the receiving state.
8. If the transfer of supervision is denied by the receiving state and the juvenile is already residing in the receiving state, the sending state shall, within five (5) business days, secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 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; amended September 27, 2023, effective April 1, 2024

Comment: Rule 4-104 was originally titled "Supervision/Services Requirements," adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 5-101, effective April 1, 2014

Justification:

Problem Statement

The ICJ Rules do not currently require a receiving state to notify the sending state if any condition of supervision cannot be enforced. As a result, the sending state may assume all conditions will be enforced upon acceptance of supervision and oftentimes do not learn of the receiving state's inability to enforce conditions until a Form IX-Quarterly Progress Report or Form IX-Violation Report is submitted by the receiving state. Consequently, the current process lacks the transparency needed for the sending state to determine whether the best interests of the youth can be served in the receiving state as the ability of the receiving state to enforce certain conditions may directly affect decisions made by the sending state regarding the proposed transfer of supervision. Additionally, the sending state authority does not have the opportunity to determine if a condition may be removed from the order.

Success Statement

The receiving state will document in the Form VIII-Home Evaluation any conditions of supervision that cannot be enforced, resulting in the sending state having the ability to make informed decisions regarding the youth. The sending state will be able to more easily determine whether the best interests of the youth can be served in the receiving state and take such actions as: waiving certain conditions if deemed non-essential, assuming financial responsibility for non-treatment services if payment is a barrier or deciding to not allow the proposed relocation. The Commission could assess the overall success of the amendment through a qualitative analysis.

Effect on Other Rules or Advisory Opinions:

Administrative Updates: Advisory Opinions

- [Advisory Opinion 03-2011: Plea and Abeyance Order](#) – Administrative edits only to renumber rule references affected by paragraph numbering change. The summary and findings are not affected by the proposed language.

Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

UNITY Impact: Yes. The Home Evaluation Information tasks will need an additional field for the receiving state to indicate which conditions cannot be enforced.

Forms Impact: Yes. The Form VIII, Home Evaluation Report, will need an additional field for the receiving state to indicate which conditions cannot be enforced.

Fiscal Impact: Given the impact on UNITY and ICJ Forms, 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

Region Action:

[11/12/2024](#) – Region referred proposal to Rules Committee.

1/28/2025 – Region approved editing the proposal to clarify what is to be documented.

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

[12/18/2024](#) – Rules Committee voted 8-0-1 to support the proposal with a recommendation to clarify what is documented on the form: “[by documenting \[insert word here\] on the Form VIII, Home Evaluation Report.](#)”