

Proposed by Rules Committee

RULE 5-103A: ~~Failed Supervision~~ Mandatory Relocation Determined by Receiving State

1. The receiving state may determine relocation is mandatory when ~~supervision has failed when a juvenile is not detained and~~ one of the following circumstances applies:
 - a. A legal guardian remains in the sending state, the receiving state has documented efforts or interventions to redirect the behavior, and:
 - i. The juvenile no longer resides in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
 - ii. An alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives have been located in the receiving state; or
 - iii. An immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified.
 - b. The juvenile does not reside with a legal guardian and the person with whom the juvenile resides requests the juvenile be removed from his/her home.
 - c. The juvenile is a student or resides independently in the receiving state and the transfer of supervision fails due to documented instances of violations of conditions of supervision, and the receiving state has documented efforts or interventions to redirect the behavior.
2. ~~Upon a determination of failed supervision, The~~ the receiving state shall notify the sending state using Form IX, Mandatory Relocation ~~Failed Supervision~~ Report, which shall contain the following information:
 - a. Details regarding ~~why how~~ the supervising agent determined relocation is mandatory ~~supervision in the receiving state failed~~; and
 - b. Description of efforts or interventions to redirect behavior or maintain current residence; and
 - c. Any pending charges in the receiving state.
3. The sending state shall respond to the Form IX, Mandatory Relocation ~~Failed Supervision~~ Report, no later than ten (10) business days following receipt by the sending state.

- a. The response shall provide details of an alternative living arrangement secured by the sending state or provide notice that a decision has been made to return the juvenile.
- b. If an alternative living arrangement is not secured, the juvenile shall be returned no later than ten (10) business days following receipt of the Form IX, [Mandatory Relocation Failed Supervision](#) Report, by the sending state. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.

History: Adopted September 27, 2023, effective April 1, 2024

Summary of Proposed Amendment:

In [Rule 5-103A: Failed Supervision](#), the phrase “a juvenile is not detained and” should be deleted. Additionally, the proposal changes “failed supervision” to “mandatory relocation.”

History and Justification:

Removal of “a juvenile is not detained”

The [2022 National UNITY Data Assessment](#) identified concerns about implementation of the ‘failed supervision provisions’ in former Rule 5-103(4). The “new” Rule 5-103A was created to clarify requirements for a receiving state to initiate a ‘mandatory relocation due to failed supervision.’ The requirements for determining supervision has failed were ‘moved’ to the new, more focused Rule 5-103A. Also, a provision was added to specify the receiving state may only determine supervision has failed if the “juvenile is not detained.” This addition was intended to reduce potential conflicts between ICJ Rules, as other ICJ Rules may take precedence in cases where the youth is detained. For example, a receiving state should not initiate a ‘mandatory relocation for failed supervision’ if the youth is detained pursuant to a warrant, as required by ICJ [Rule 7-104](#).

Approximately six months after Rule 5-103A took effect, the Commission received a request for interpretation of Rule 5-103A focused on the meaning of “not detained.” In response, the Executive Committee recommended the Rules Committee determine whether an amendment should be made.

The Rules Committee recommends the phrase “a juvenile is not detained and” should be deleted. It is overly broad and unnecessarily constrains the states’ options for effective responses. In some cases, receiving states temporarily hold youths in detention because “supervision has failed” and there are no other viable options in the community. Most notably, [ICJ Rule 5-101\(3\)](#) authorizes receiving states to detain juveniles as a “[Sanction](#)” for “non-compliance with terms of supervision.” Such temporarily holds allow time for a “[Form IX: Failed Supervision Report](#)” to be issued, alternative living arrangements to be explored, and arrangements for the return to be made, if needed.

Receiving states should be permitted to initiate a ‘mandatory relocation’ in such cases, so long as all other requirements of Rule 5-103A(1) are applicable. Deleting “juvenile is not detained and” will enable receiving states to do so. This amendment will promote the intended purpose of Rule 5-103A by eliminating an unintended consequence of the current rule.

Changing “failed supervision” to “mandatory relocation”

One of the primary reasons for creating the new statute was to clarify that action was required by the sending state. The phrase “mandatory relocation” captures both the need for action and the type of action required. Also, the term “failed supervision” may lead to negative assumptions about the young person’s behavior. However, there the receiving state’s determination could be based on several factors that are not related to the youth’s behavior.

Effect on Other Rules or Advisory Opinions:

Administrative Updates: Other Rules

- [Rule 7-104: Warrants](#) – If the proposal to ICJ Rule 5-103A passes, ICJ Rule 7-104: Warrants, paragraph 3, will require an administrative consistency edit, per [Rule 2-103\(11\)](#), to replace "failed supervision" with "mandatory relocation."

Administrative Updates: Advisory Opinions

- [Advisory Opinion 03-2018: Whether ICJ Rule 7-104 Requires a Home/Demanding State to Return a Juvenile Being Held on a Warrant](#) – Administrative edits for consistency due to the required edit to Rule 7-104(3) as referenced in the preceding section.

UNITY Impact: Yes. The “Failed Supervision Event” will need to be modified in language and functionality to conform with the proposed amendments. The title will be renamed to “Mandatory Relocation Event.” Additionally, the event currently begins with “Is the juvenile detained?” If the UNITY user responds “yes,” the event will not proceed. This screening question will be removed from the process.

Forms Impact: Yes. The Form IX, Failed Supervision Report, will require a title change to “Mandatory Relocation Report,” as well as other text edits for conformity with the proposed amendments.

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

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

[1/15/2025](#) – The Rules Committee voted to recommend the proposed amendment to Rule 5-103A by a vote of 9-0-0.