

Proposed by Rules Committee

***RULE 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders***

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. Probation/parole absconders, escapees or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate.
3. The holding state's ICJ Office shall be advised that the juvenile is being detained. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
4. The home/demanding state's ICJ Office shall immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state.
5. At a court hearing (physical or electronic), the court in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile.
6. If in agreement with the voluntary return, the juvenile shall sign the Form III, Consent for Voluntary Return of Out-of-State Juveniles, in the presence (physical or electronic) of the court. The Form III, Consent for Voluntary Return of Out-of-State Juveniles, shall be signed by the court.
7. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III, Consent for Voluntary Return of Out-of-State Juveniles, provided the waiver is signed by the juvenile and the court.
8. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's ICJ Office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.

## Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

9. ~~The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles.~~ Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
10. Juveniles shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III Consent for Voluntary Return of Out-of-State Juveniles or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

*History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020*

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### Justification:

Deleting this sentence from the Rule helps clarify who is responsible for making return arrangements for a juvenile. This Rule is contradictory to other Rules, such as, Rule 7-102: Public Safety, which states: "The home/demanding/sending state's ICJ Office shall determine appropriate measures and arrangements," and Rule 7-106: Transportation, which states: "Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state....".

It should be the decision of the Home/Demanding State to determine the method of transportation to return the juvenile.

Effect on Other Rules or Advisory Opinions: None

UNITY Impact: None

Forms Impact: None

Fiscal Impact: None

Effective Date: #/1/2026

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

[2/21/2024](#) – Rules Committee voted 12-0-0 to recommend rule amendment.