



## ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

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PO Box 11910

Lexington, KY 40578-1910

Phone: 859-244-8029 / Fax: 859-244-8001

[www.juvenilecompact.org](http://www.juvenilecompact.org)

Email: [icj@csg.org](mailto:icj@csg.org)

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## **Section 100 Definitions**

### ***RULE 1-101: Definitions***

As used in these rules, unless the context clearly requires a different construction:

Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense.

Accused Status Offender: a person charged with an offense that would not be a criminal offense if committed by an adult.

Adjudicated: a judicial finding, subsequent to proper judicial process, that a juvenile is a status offender or delinquent.

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult; [e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.], and who are eligible for services under the provisions of the ICJ.

Affidavit: a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

Aftercare (temporary community placement): a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).

By-laws: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

Commission: a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

Commissioner: the voting representative of each compacting state appointed pursuant to Article III of this Compact.

Commitment: an order by a court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: the individual in each compacting state appointed pursuant to the terms of this Compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Compacting State: any state which has enacted the enabling legislation for this Compact.

Cooperative Supervision: supervision provided by a receiving state as requested by a sending state.

Counsel (Legal): a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this Compact.

Court: any court having jurisdiction over delinquent, neglected, or dependent children.

Court Order: an authorized order by a court of competent jurisdiction.

Custody: the status created by legal authorities for placement of a juvenile in a staff-secured or locked facility approved for the detention of juveniles.

Defaulting State: any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

Demanding State: the state having jurisdiction over a juvenile seeking the return of the juvenile either with or without pending delinquency charges.

Deputy Compact Administrator: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Designee: a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.

Detainer: a document issued or made by a legally empowered officer of a court or other legal authority authorizing the proper agency to keep in its custody a person named therein.

Detention Order: an order entered by a court to detain a specified juvenile pending further orders or action by the court.

Emancipation: the legal status in which a minor has achieved independence from parents or legal guardians as determined by the laws of the home state.

Escapee: a juvenile who has made an unauthorized flight from a facility or agency's custody to which he has been committed by the court.

Executive Director: the Commission's principal administrator (as defined in the Compact).

Good Faith Effort: reasonable communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

Guardian ad litem: a person appointed by a court to look after the best interest of the juvenile.

Hearing: a court proceeding in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Holding State: the state having physical possession of a juvenile.

Home Evaluation/Investigation: a legal and social evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

Home State: the state where the parent(s), guardian(s), person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Interstate Commission: the Interstate Commission for Juveniles created by Article III of this Compact.

Interstate Compact for Juveniles (ICJ): the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language.

Juvenile: a person defined as a juvenile in any member state or by the rules of the Interstate Commission, including accused juvenile delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, non-offenders, non-adjudicated juveniles, and non-delinquent juveniles.

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature.

Legal Custodian: the agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

Legal Guardian: a person legally responsible for the care and management of the person, or the estate, or both, of a child during minority or for the purpose and duration expressed in the order of guardianship.

Legal Jurisdiction: the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

Non-Adjudicated Juveniles: all juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision and are eligible for services pursuant to the provisions of the Interstate Compact for Juveniles.

Non-Compacting state: any state which has not enacted the enabling legislation for this compact.

Non-Delinquent Juvenile: any person who has not been adjudged or adjudicated delinquent.

Non-Offender: a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

Notice: Advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

Peace Officer: sheriffs, deputies, constables, marshals, police officers, and other officers whose duty is to enforce and preserve public safety.

Petition: an application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: the detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: an order authorizing law enforcement officials to apprehend a specified person.

Private Provider: any person or organization contracted by the sending or receiving state to provide supervision and/or services to juveniles.

Probation: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

Promulgate: to put a law or regulation into effect by formal public announcement and publication.

Receiving State: a state to which a juvenile is sent for supervision under provision of the ICJ.

Requisition: a demand in writing or formal request sent to the ICJ Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, escapee, or juvenile charged as delinquent.

Residence: in general, a place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, person or agency entitled to his legal

custody. A parent, guardian, person, or agency's state of residency is where that person or agency resides or undertakes to reside.

Runaway: a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody.

Rule: a written statement by the Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

Secure Facility: a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

Sending State: a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

State Committed (Parole): Any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Status Offense: conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Termination: the discharge from supervision of a juvenile probationer or parolee by the proper authority in the sending state upon expiration of a court order or upon expiration of the period of probation/parole or following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Travel Permit: written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.

Voluntary Return: the return of the juvenile runaway, escapee, absconder, or juvenile charged as a delinquent to his home state and denotes that he consents to return there voluntarily.

Warrant: an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

*History: Adopted December 2, 2009, effective March 1, 2010*

## **Section 200 Dues Formula**

### ***RULE 2-101: Dues Formula***

- (1) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (2) The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
- (3) The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
- (4) The dues formula shall be— (Population of the state / Population of the United States) plus (Number of juveniles sent from and received by a state / total number of offenders sent from and received by all states) divided by two.

***History: Adopted December 2, 2009, effective March 1, 2010***

## **Section 300 Forms**

### ***RULE 3-101: Approved Forms***

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI A& B (Application for Compact Services/Memorandum of Understanding and Waiver)
- ICJ Travel Permit
- ICJ Home Evaluation
- IX (Quarterly Progress Report)
- X (Interstate Compact for Juveniles Commission Annual Report)

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at:

[www.juvenilecompact.org](http://www.juvenilecompact.org)

***History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim***

***RULE 3-102: Optional Forms***

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for Runaway Juvenile
- Petition for Requisition to Return Juvenile
- Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent
- Order Setting Hearing for Escapee Absconder, or Juvenile Charged as Delinquent
- Juvenile Rights
- Case Closure

***History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim***

## **Section 400 Transfer of Supervision**

### ***RULE 4-101: Processing Referrals***

Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.

No state shall permit the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules.

All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

***History: Adopted December 2, 2009, effective March 1, 2010***

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

Each ICJ Office shall forward all its cases within five (5) working days of receipt. If standard is not attainable, said ICJ Office shall work with the ICJ Commission to develop a plan of compliance.

Each ICJ Office shall adhere to the following screening process when sending and receiving referrals:

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
  - a) State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state, in duplicate 45 days prior to the juvenile’s anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide duplicate copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole Conditions shall be forwarded to the receiving state upon the juvenile’s release from an institution.
  - b) Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state, in duplicate, within five (5) working days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, make every effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for cooperative supervision.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 4-103: Transfer of Supervision Procedures***

1. Cooperative supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency.
3. When transferring a sex offender, additional documentation, if available, should be provided to the receiving state, including:
  - a. assessment information, including sex offender specific assessments;
  - b. information relevant to the sex offender's criminal sexual behavior;
  - c. victim information including sex, age, and relationship to the juvenile;
  - d. the sending state's current or recommended supervision and treatment plan.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 4-104: Cooperative Supervision/Services Requirements***

1. After accepting supervision, the receiving state will assume the duties of visitation and supervision over any juvenile, including juvenile sex offenders, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
2. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
3. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
4. The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
5. The age majority and duration of supervision are determined by the sending state.
6. In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case. Cases currently under supervision cannot be closed without the consent of the sending state prior to the termination date.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 4-105: Communication Requirements Between States***

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.
2. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. An e-mail copy of the correspondence must be sent to the ICJ Administrator's Office in both states.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 4-106: Closure of Cases***

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. Cases which terminate due to expiration of a court order or upon expiration of the period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) working days.
4. The receiving state may submit to the sending state a request for release from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within 60 days, as to why the juvenile cannot be released from probation/parole. Failure by the sending state to respond within 60 days may allow the receiving state to close the ICJ case.
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 4-107: Victim Notification***

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.

***History: Adopted December 2, 2009, effective March 1, 2010***

## **Section 500 Supervision in Receiving State**

### ***RULE 5-101: Authority to Accept/Deny Supervision***

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or authorized agent's signature is required on or with the home evaluation form that approved or denied supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed placement 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.
5. When placement of a youth with a person entitled to legal custody is not recommended in the receiving state, the sending state shall review the concerns of the receiving state, including any home study or evaluation conducted by the receiving state within ten (10) calendar days after receipt of the receiving state's recommendation. If the judge or other appropriate authority in the sending state decides to proceed with the placement despite the concerns of the receiving state, the sending state shall submit a Court order or written justification of an authorized official containing the reason(s) for the decision to proceed with the placement before supervision will be accepted in the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) working days 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 written notification of the juvenile's departure to the receiving state.
7. **Juveniles Who Have Legal Custodian(s) Remaining in the Sending State:** When the placement of juveniles in receiving states is not successful, the sending state shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with these rules.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 5-102: Travel Permits***

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. Travel Permits and Agreement to Return shall be issued for the purpose of testing a proposed placement. The permit shall not exceed ninety days (90), with a referral packet to be received by the receiving state's ICJ Office within thirty (30) days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
  - a. The maximum length of stay under these conditions shall not exceed ninety (90) days.
  - b. When a Travel Permit exceeds thirty (30) days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes any of the following:
  - a. Sex-related offenses;
  - b. Violent offenses that have resulted in personal injury or death;
  - c. Offenses committed with a weapon; or
  - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

***History: Adopted December 3, 2009, effective March 1, 2010***

## **Section 600 Return of Juveniles**

The home state's ICJ Office shall return all of its juveniles according to one of the following methods.

### ***RULE 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian***

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
  - a. Juvenile authorities may release a non-delinquent juvenile to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detainment without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
  - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. Non-delinquent juveniles who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home state.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-102: Voluntary Return of Out-of-State Juveniles***

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

1. The holding state's ICJ Office shall be advised of juvenile detainment. The holding state's ICJ Office shall contact the home state's ICJ Office advising them of case specifics.
2. The home state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her rights under the compact using the ICJ Juvenile Rights Forms or an alternate, comparable procedure. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the return, the juvenile will sign the approved ICJ Form III, consenting to voluntarily return.
5. 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 Compact office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home state.
6. The home 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.
7. Juveniles are to be returned to the home state in a safe manner and within five (5) working days of receiving a completed Form III. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles***

The following shall apply to all juveniles who refuse to voluntarily be returned to their home state or whose whereabouts are known, but are not in custody:

1. The appropriate person or authority in the home/demanding state shall prepare a written requisition within sixty (60) days of notification of refusal of the juvenile to sign the consent form for the return of a juvenile who has refused to voluntarily return or to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. If the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home state for a requisition.
  - a. The judge in the home state shall determine if:
    - i. the petitioner is entitled to legal custody of the juvenile;
    - ii. the juvenile ran away without consent;
    - iii. the juvenile is an emancipated minor; and
    - iv. it is in the best interest of the juvenile to compel his/her return to the state.
  - b. If it is determined that the juvenile should be returned the judge in the home state shall sign the requisition.
4. The requisition shall be addressed to the juvenile court in the holding state. The requisition shall be verified by affidavit, executed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile. Examples may include:
  - a. Judgment
  - b. Order of Adjudication
  - c. Petition Alleging Delinquency
  - d. Birth Certificate
  - e. Custody Decree
  - f. Letter of guardianship

5. Upon receipt of the requisition, the home state's ICJ Office shall ensure the requisition is in order and forward two copies to the ICJ Office of the holding state.
6. The ICJ Office of the holding state shall forward a copy of the requisition to the court where the juvenile is believed to be located. If not already detained, the court shall order the juvenile be detained and held securely pending a hearing on the requisition.
7. A hearing shall be held within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem for the juvenile. A hearing shall be held and:
  - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home state.
  - b. If the requisition is not honored, the judge shall issue an order in writing advising why it was not honored.
8. The order to return the juvenile shall immediately be forwarded to the holding state's ICJ Office which shall forward the same to the home state's ICJ Office.
9. Requisitioned juveniles are to be accompanied in their return to the home state unless both ICJ Offices determine otherwise. Juveniles are to be returned within five (5) working days of the receipt of the order by the Demanding State's ICJ Office.
10. The home state's appropriate state authority shall initiate the requisition process upon notification by the ICJ Office when non-delinquent juveniles refuse to voluntarily return and the legal guardian refuses to initiate the requisition process.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed***

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirement for this return.
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner and within five (5) working days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state, unless the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state. In such case, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-105: Financial Responsibility***

The home state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) working days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored). This time period may be extended with the approval of both ICJ Offices.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-106: Public Safety***

1. The home state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home states' assessments of the juvenile.
2. Juveniles who are considered a risk to harm themselves and /or others shall be accompanied on the return to the home state.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-107: Charges Pending in Holding/Receiving State***

Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-108: Warrants***

- 1 All warrants under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state. Holding states shall honor all lawful warrants as entered by other states. Within two (2) working days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.
- 2 When the home state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-109: Custodial Detention***

- 1 The home state's ICJ Office shall effect the return of its juveniles within five (5) working days after confirmed notification from the holding state's ICJ Office that due process rights have been met. This time period may be extended with the approval of both ICJ Offices.
- 2 The holding state shall not be reimbursed for detaining juveniles under the provisions of the ICJ unless the home state is non-responsive and uncooperative in its efforts to effect the return of its juveniles within five (5) working days.
- 3 Within ten (10) days after the failure of a home state to return the juvenile, a judicial hearing shall be provided to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of this rule. A juvenile may be discharged from custodial detention to a parent or legal guardian if the holding state has failed to provide such a hearing within the time provided in this rule.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-110: Transportation***

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home state and maintaining security of the juveniles until departure.
2. Home states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding state.
3. Holding states shall not return to juveniles any-personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone).
4. Holding states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier by COD or at the expense of the demanding state (e.g., United States Postal Service, United Parcel Service, or Federal Express).
5. In cases where a juvenile is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-111: Airport Supervision***

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home state.
2. Juveniles shall be supervised from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 48 hours advance notice.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 6-112: Provision of Emergency Services***

In the event of an emergency situation (e.g. weather, delayed flight, missed flight, etc.) that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

***History: Adopted December 3, 2009, effective March 1, 2010***

## **Section 700 Adoption and Amendment of Rules**

### ***RULE 7-101: Adoption of Rules and Amendments***

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Commission in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
  - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
  - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
  - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official Web site of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
  - a. The place, time, and date of the scheduled public hearing;
  - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
  - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
  - a. Meet an imminent threat to public health, safety, or welfare;
  - b. Prevent a loss of federal or state funds;
  - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
  - d. Protect human health and the environment.

***History: Adopted December 3, 2009, effective March 1, 2010***

## **Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution**

The compacting states shall report to the Commission on all issues and activities necessary for the administration of the Compact as well as issues and activities pertaining to compliance with provisions of the Compact and its by-laws and rules.

The Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues, which are subject to the Compact and which may arise among compacting states and between compacting and non-compacting states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact using any or all means set forth in Article XI of the Compact.

### ***RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules***

#### **1. Informal Communication**

Through the office of a state's Compact Commissioner, states shall attempt to resolve disputes or controversies by communicating with each other directly.

#### **2. Failure to resolve dispute or controversy**

- a. Following a documented unsuccessful attempt to resolve controversies or disputes arising under this Compact, its by-laws or its rules as required under Rule 8-101, Section 1., compacting states shall pursue informal dispute resolution processes prior to resorting to formal dispute resolution alternatives.
- b. Parties shall submit a written request to the Executive Director for assistance in resolving the controversy or dispute. The Executive Director, or the Chair of the Commission in the Executive Director's absence, shall provide a written response to the parties within ten business days and may, at the Executive Director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the Executive Director to assist in resolving the dispute or controversy.
- c. In the event that a Commission officer(s) or member(s) of the Executive Committee or other committees authorized to process the dispute, is the Commissioner(s) or designee(s) of the state(s) which is a party(ies) to the dispute, such Commissioner(s) or designee(s) will refrain from participation in the dispute resolution decision making process

### 3. Interpretation of the rules

Any state may submit a written request to the Executive Director for assistance in interpreting the rules of this Compact. The Executive Director may seek the assistance of legal counsel, the Executive Committee, or both, in interpreting the rules. The Executive Committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the Executive Director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

*History: Adopted December 3, 2009, effective March 1, 2010*

***RULE 8-102: Formal Resolution of Disputes and Controversies***

1. Alternative dispute resolution

Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 8.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

2. Mediation and arbitration

a. Mediation

- i. A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the Commission or a national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

b. Arbitration

- i. Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- ii. Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission.
- iii. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- iv. Upon the demand of any party to a dispute arising under the Compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- v. The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- vi. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.
- vii. Judgment on any arbitration award may be entered in any court having jurisdiction.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 8-103: Enforcement Actions Against a Defaulting State***

1. The Commission shall seek the minimum level of penalties necessary to ensure the defaulting state's performance of such obligations or responsibilities as imposed upon it by this compact
2. If the Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Commission may impose any or all of the following penalties.
  - a. Remedial training and technical assistance as directed by the Commission;
  - b. Alternative dispute resolution;
  - c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Commission;
  - d. Suspension and/or termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted, and the Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council.
3. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Commission by-laws, or duly promulgated rules, and any other grounds designating on Commission by-laws and rules. The Commission shall immediately notify the defaulting state in writing of the default and the time period in which the defaulting state must cure said default. The Commission shall also specify a potential penalty to be imposed on the defaulting state pending a failure to cure the default. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.
4. Within sixty (60) days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.
5. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

6. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
7. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

*History: Adopted December 3, 2009, effective March 1, 2010*

***RULE 8-104: Judicial Enforcement***

The Commission, in consultation with legal counsel, may by majority vote of the states that are members of the Compact, initiate legal action in the United States District Court in the District of Columbia or at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its office, as authorized under the Constitution and laws of the United States to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

***History: Adopted December 3, 2009, effective March 1, 2010***

***RULE 8-105: Dissolution and Withdrawal***

1. Dissolution

The Compact dissolves effective upon the date of the withdrawal or default of a compacting state, which reduces membership in the Compact to one compacting state.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

2. Withdrawal

Once effective the Compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the Compact by specifically repealing the statute, which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

***History: Adopted December 3, 2009, effective March 1, 2010***

## **Section 900 Transition Rule**

### ***RULE 9-101: Transition Rule***

For a period of twelve (12) months from the adjournment of the 2<sup>nd</sup> Annual Meeting of the Interstate Commission for Juveniles, the following transition rules will remain in effect with respect to those jurisdictions which have not yet enacted the new Interstate Compact for Juveniles:

1. Transactions between signatory states to the new Compact will be governed by the rules adopted by the Interstate Commission for Juveniles;
2. Transactions between non-signatory states to the new Compact will be governed by the rules of the Association of Juvenile Compact Administrators which were in effect as of December 2008;
3. Transactions between signatory and non-signatory states will be governed by the rules of the home/demanding state;
4. All duties and obligations regarding investigations, transfers, supervision, travel, and return of non-delinquent runaways, absconders, escapees and juveniles charged with delinquency shall continue until the juvenile is returned or discharged by the sending/home/demanding state;
5. Conflicts or disputes between signatory and non-signatory states may be mediated by a neutral representative selected by the Interstate Commission for Juveniles and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.

***History: Adopted December 2, 2009, effective March 1, 2010***