

INTERSTATE COMPACT FOR JUVENILES

INTERSTATE COMMISSION MEETING

December 15-17, 2008
The JW Marriott Hotel
Las Vegas, NV

Monday – Dec. 15, 2008

- 4:30pm **Registration**
Palms Tower Lobby, 1st Floor
- 6:00pm - 7:00pm **Welcome Reception**
Parian Room, Palms Tower, 1st Floor

Tuesday – Dec. 16, 2008

- 7:30am **Continental Breakfast**
Grand Ballroom AB, Conference Center, 1st Floor
- 8:00am **Welcome**
Grand Ballroom AB, Conference Center, 1st Floor
- 8:20am **Call to Order**
Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Kentucky House of Representatives
Chair, Interstate Commission
- Roll Call
 - Instructions to Commissioners
 - Overview of Agenda
- 8:30am **Interstate Compact for Juveniles: Context and Background**
Grand Ballroom AB, Conference Center, 1st Floor
John Mountjoy, Director, Policy & Research
The Council of State Governments

- 8:45am **Role of Interstate Commission and Compact Commissioners**
Grand Ballroom AB, Conference Center, 1st Floor
Mike McCabe, Director, Midwest Region
The Council of State Governments
- 9:00am **Commission Administration & Operation: Session #1**
Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Chair, Interstate Commission
Rick Masters, Special Counsel
The Council of State Governments
- Approval of Interim Chair
 - Adoption of Commission Bylaws
 - Nominating Process for Officers
 - Other Business Items
- 10:00am **Break**
- 10:15am **Regional Meetings - Breakout Sessions (4 regions)**
Andalucia – Eastern Region—~~Eastern Region~~
Murcia – Midwestern Region
Cataluna A – Western Region
Cataluna B – Southern Region
CSG staff to facilitate
- Discussion of Commission: *Hopes & Questions*
 - Elect Regional Representative to Executive Committee
- 11:45am **Regional Representative Reports**
Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Chair, Interstate Commission
- Noon **Lunch**
Grand Ballroom C, Conference Center, 1st Floor
- 1:30pm **Committee Structure and Function**
Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Chair, Interstate Commission
Mike McCabe, Director, CSG-Midwest

- Overview of Committee Process & Requirements
- Introduction of Potential Working Committees
 - Executive Committee
 - Finance Committee
 - Information Technology Committee
 - Rules & Compliance Committee
 - Training, Education & PR Committee
 - Other Committees
- Adoption of Committees and Structure
- Committee Membership Selection

2:30pm

Break

2:45pm

Rules & Transition Issues

Grand Ballroom AB, Conference Center, 1st Floor
Rick Masters, Special Counsel, CSG

- Identify and Discuss Transition Issues
- Consensus on Transition Issues & How to Handle
- Adoption of Transition Rules

4:30

Public Comment From Non-Commissioner Attendees

Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Chair, Interstate Commission

5:00pm

Adjournment of General Session

5:05pm

Regional Representatives/Nominations Committee Meeting

Grand Ballroom AB, Conference Center, 1st Floor
Mike McCabe, Director, CSG- Midwest
Rick Masters, Special Counsel, CSG
Regional Representatives

7:00pm

Compact Commissioner Dinner (invitation only)
Pinot Brasserie, Venetian Resort

Wednesday – Dec. 17, 2008

7:30am

Continental Breakfast

Grand Ballroom AB, Conference Center, 1st Floor

8:00am

Call to Order

Grand Ballroom AB, Conference Center, 1st Floor

Rep. Bob Damron, Chair, Interstate Commission

- Overview of Agenda
- Roll Call

8:15am

Election of Officers

Grand Ballroom AB, Conference Center, 1st Floor

Rep. Bob Damron, Chair, Interstate Commission

- Regional Representatives/Nominating Committee Report
- Election of Officers (by Office)

9:15am

Break

9:30am

Commission Administration & Operation: Session #2

Grand Ballroom AB, Conference Center, 1st Floor

Rep. Bob Damron, Chair, Interstate Commission

Rick Masters, Special Counsel, CSG

John Mountjoy, Director, Policy & Research, CSG

- Ratify Interim Budget
- Adopt Transition Timeline and Plan
- Adopt Dues Formula and State Fee Assessment
(with FY '09 expenditure plan)
- Location of Commission Headquarters
- Other Administrative & Fiscal Issues

11:00am

Break

- 11:15am **State Council Development**
Grand Ballroom AB, Conference Center, 1st Floor
*Harry Hageman, Executive Director, Interstate Compact for Adult
Offender Supervision (ICAOS)*
Ashley Hassan, Deputy Executive Director, ICAOS
Rick Masters, Special Counsel, The Council of State Governments
- Discussion of State Council Formation
 - Discussion of CSG role in state formation of State Councils
 - Discussion of State Council Experiences
- 12:15pm **Lunch**
Grand Ballroom C, Conference Center, 1st Floor
- 1:30pm **National Information & Data Sharing System**
Grand Ballroom AB, Conference Center, 1st Floor
Harry Hageman, Executive Director, ICAOS
Ashley Hassan, Assistant Executive Director, ICAOS
Rick Masters, Special Counsel, CSG
- 2:30pm **Public Comment from Non-Commissioner Attendees**
Grand Ballroom AB, Conference Center, 1st Floor
Rep. Bob Damron, Chair, Interstate Commission
- 2:45pm **Meeting Summary & Next Steps**
Grand Ballroom AB, Conference Center, 1st Floor
Keith A. Scott, Director, National Center for Interstate Compacts
The Council of State Governments
- 3:00pm **Final Adjournment**

ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS

RULES AND REGULATIONS FOR ADMINISTRATION OF THE INTERSTATE COMPACT ON JUVENILES

FOREWORD

This document is designed to provide Interstate Compact on Juveniles administrators and decision-makers with Rules and Regulations for the administration of the Uniform Interstate Compact on Juveniles. These Rules and Regulations as adopted by the Association of Juvenile Compact Administrators are the product of members who have shared their knowledge, experience, and concerns for promoting effective and uniform administration by Interstate Compact on Juveniles signatory states and territories. It is the position of the Association that Compact administrators shall allocate resources necessary for compliance with these Rules and Regulations.

By the authority of Article XII, Compact Administrators, of the Uniform Interstate Compact on Juveniles, these Rules and Regulations are adopted. Article XII states *"That the Governor of each state party to this Compact shall designate an officer who, acting jointly with the officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this Compact."*

It shall be the responsibility of the Compact Administrator (or designee) of every state and territory party to the Interstate Compact on Juveniles to promulgate these Rules and Regulations to all juvenile justice officials in their individual states.

Adopted this the 9th day of August, 2006.

SECTION 100 DEFINITIONS

RULE 1-101: DEFINITIONS**As used in these rules, unless the context clearly requires a different construction:**

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

Adjudged Delinquent: means a minor who has been classified as such through court proceedings in a properly constituted court of law.

Adjudicate: means the exercise of judicial authority to decide a legal controversy in a court of competent jurisdiction.

Adjudicated Juveniles: means juveniles adjudicated delinquent and placed on probation, and committed juveniles who are paroled or on aftercare, are eligible for supervision and services under the Interstate Compact on Juveniles. An individual's status as a juvenile depends on the law in the sending state, and shall be provided supervision by the appropriate juvenile authority in the receiving state.

Affidavit: means 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: means a juvenile who has been committed in the sending state who is residing and being supervised in the community. (for purpose of ICJ, see Parole.)

Asylum State: means, for purposes of the ICJ Return Articles, the state to which a juvenile flees seeking immunity or protection from arrest or extradition.

Board: means the elected officers and board members of the AJCA.

Commitment: means an order by the 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: means a person designated by statute or appointed by the Governor of each state who is responsible for coordinating the operations of the Interstate Compact on Juveniles.

Conditional Release: means the release of a juvenile under special terms or conditions as specified by the court or agency of jurisdiction.

Cooperative Supervision: means supervision provided by the receiving state as requested by the sending state (pursuant to Article VII).

Correspondent: means a person responsible for handling specific duties relating to the Compact and under the supervision of the Compact Administrator or Deputy Compact Administrator.

Counsel (Legal): means 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: means any state judicial entity which is constitutionally established and vested with jurisdiction over dependent, neglected children, delinquent juveniles, and/or status offenders.

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

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

Delinquent Juvenile: means any juvenile who has been adjudged delinquent and who, at the time the provisions of the Interstate Compact on Juveniles are invoked, is still subject to the jurisdiction of the court which has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

Demanding State: means, for purposes of the ICJ Return Articles, the state having jurisdiction over a juvenile seeking the return the juvenile either with or without pending delinquency charges.

Detainer: means a writ or instrument, issued or made by a legally empowered officer of the court authorizing the proper agency to keep in its custody a person named therein.

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

Due Process: means legal proceeding(s) conducted in a manner consistent with the requirements of the 5th and 14th Amendments to the Constitution of the United States.

Emancipation: means the legal status in which a minor has achieved independence from parents or legal guardians, whether by reaching the age of adulthood, marriage before reaching the age of adulthood, by becoming fully self-supporting, or by order of the court.

Emancipated Juvenile: means a juvenile who is not eligible for services pursuant to the provisions of the Interstate Compact on Juveniles, with the exception of an emancipated juvenile who leaves the state of emancipation, goes to another state, is placed on juvenile probation/parole, and the parent lives in the state of emancipation and chooses to accept the juvenile back into the home in which case the home state of emancipation must accept supervision.

Escapee: means a juvenile who has made an unauthorized flight from a facility to which he has been committed by the court.

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

Guardian: means a person who legally has 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.

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

Hearing: means a proceeding in which issues of fact or of 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.

Home State: means, for purposes of the ICJ Return Articles, the state of residence or origin.

Holding State: means, for purposes of the ICJ Return Articles, the state having physical possession of a juvenile.

Interstate Compact on Juveniles: means 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 who have enacted legislation in substantially the same language.

Investigation: means a legal and social evaluation to determine if placement in a proposed and specified resource home/place is in the best interest of the child/juvenile and the community.

Juvenile: means any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care or community supervision of the juvenile authority.

Juvenile Sex Offender: means a juvenile under the jurisdiction of a court or agency for an offense involving sex or of a sexual nature.

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

Legal Jurisdiction: means the court which has the legal authority 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: means 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 on Juveniles.

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

Non-Party State: means a state which has not adopted the amendments relating to the Interstate Compact on Juveniles.

Optional Runaway Article: means the amendment which makes it mandatory for the home state to authorize the return of a juvenile within five (5) working days after being advised that he has been found in another state and which applies only to non-delinquents.

Out-of-State Confinement Amendment: means the amendment which permits states to make agreements for out-of-state confinement of juveniles such as parole and probation violators, escapees, and absconders.

Parole: means any committed juvenile conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

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

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

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

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

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

Probation: means a sentence disposition available to the courts which allows the offender to remain in the community under the supervision of a court directed person or agency. This is an alternative to commitment to a correctional facility.

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

Reasonable Time: means, for the purpose of testing the legality of requisition proceedings, a maximum of fourteen (14) working days.

Receiving State: means a state to which a juvenile is sent for supervision under provision of the Interstate Compact on Juveniles.

Rendition Amendment: means the amendment which permits a state in which a juvenile is found to return to a state other than his home state in which he is charged with being delinquent for violation of any criminal law.

Renunciation: means the act by which a state can formally withdraw from the Interstate Compact on Juveniles by having the same authority which executed the Interstate Compact on Juveniles send six month's notice in writing of its intentions to withdraw to the other member states. (See Article XIV.)

Requisition: means a demand in writing or formal request under Article IV or V sent to the Interstate Compact on Juveniles Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, or escapee. (See Interstate Compact on Juveniles Forms I and II.)

Residence: means 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, or agency entitled to his legal supervision. The state where the parent, guardian, person, or agency having legal custody of the juvenile is residing or undertakes to reside.

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

Secure Facility: means, for the purposes of Rules 6-102 and 6-113, a secure facility is one 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: means a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.

Sex Offender: means an offender who has committed a criminal offense which is classified as a sex crime in the state in which it is committed.

State: means any state, territory, or possession of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the Northern Marianas.

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

Status Offenders: means all juveniles who have been adjudicated status offenders, who are under juvenile jurisdiction as defined by the sending state, and who are under court-ordered supervision, but legally remaining non-delinquent, [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.

Termination: means the relinquishment of wardship of a juvenile probationer or parolee by the proper authority in the sending state following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Voluntary Return: means the return of the juvenile runaway, escapee, or absconder (under Article VI) to his home state and denotes that he consents to return there voluntarily. (See Interstate Compact on Juveniles Form III.)

Ward of Court: means a person placed by authority of law under the care and supervision of the court.

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

SECTION 200 GENERAL PROVISIONS

RULE 2-100: ICJ AUTHORITY

The Interstate Compact on Juveniles supercedes the Uniform Juvenile Court Act and all border agreements of juvenile probation and parole departments that conflict with the compact.

RULE 2-101: APPOINTMENT

Each state that is a party to the Interstate Compact on Juveniles shall assign an adequate number of staff to effectively administer the provisions of the Interstate Compact on Juveniles.

RULE 2-102: QUALIFICATIONS

Each state that is a party to the Interstate Compact for Juveniles shall assign staff who possess a working knowledge of the juvenile justice system and who are professionally competent and qualified.

RULE 2-103: ATTENDANCE

Each compact administrator, or designee, shall attend and/or permit staff to attend the annual meeting of the Association of Juvenile Compact Administrators to be eligible to vote on compact matters considered at such meeting. Each Interstate Compact on Juveniles administrator shall encourage and permit staff to attend & participate in state, regional and national professional conferences and meetings including the AJCA mid-year meeting.

RULE 2-104: STATE LEVEL TRAINING

Each state that is a party to the compact shall ensure that at least one staff member who administers the compact in that state has attended national training sponsored by the Association of Juvenile Compact Administrators.

RULE 2-105: LOCAL PROVIDER TRAINING

Each state that is a party to the compact shall provide training for that state's local professional juvenile justice providers/field staff. Training shall be provided by persons who have completed national training sponsored by the Association of Juvenile Compact Administrators.

RULE 2-106: AGENCY SUPPORT

The Interstate Compact Administrator or designee shall explain and discuss the content and intent of the Interstate Compact on Juveniles to local judges, probation and parole officers, law enforcement officials, prosecutors, defense attorneys and other youth-serving professionals and agencies.

RULE 2-107: STAFF ACCESSIBILITY

Each state that is a party to the Interstate Compact on Juveniles shall ensure that staff assigned to administer the Interstate Compact on Juveniles shall be accessible by telephone during normal business hours.

RULE 2-108: STATISTICS

Each ICJ office shall compile and report statistics on an annual basis using the AJCA Annual Report Form. This form shall be submitted to the AJCA Secretary by August 1st.

RULE 2-109 INFORMATION MANAGEMENT

1. With the advancement of modern technology, it is the position of the Association of Juvenile Compact Administrators that Interstate Compact on Juveniles offices shall be equipped with fax machines and computers to facilitate communication.
2. Further, Interstate Compact on Juveniles offices shall be equipped with the capability to conduct Interstate Compact business through use of the ICJ/AJCA web site located at www.ajca.us.

SECTION 300 FORMS

RULE 3-101: APPROVED FORMS

The following forms have been approved and adopted by the Association of Juvenile Compact Administrators, and shall be used as appropriate in all cases processed through the Interstate Compact on Juveniles:

- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- 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)
- Out-of-State-Travel Permit and Agreement to Return
- AJCA Annual Report Form

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

RULE 3-102: OPTIONAL FORMS

Although home evaluations, quarterly progress reports and Requisition Forms I & II are mandatory, use of the following forms is optional:

- Home Evaluation Report
- Quarterly Progress Report
- Form A (Petition for Requisition to Return a Runaway Juvenile)

RULE 3-103: REVISION/MODIFICATION OF FORMS

1. Forms approved and adopted by the Association of Juvenile Compact Administrators may not be changed, altered or otherwise modified except upon approval of the Association of Juvenile Compact Administrators. No state or other governmental entity party to the Interstate Compact on Juveniles may change, alter or otherwise modify any form that has been approved and adopted for use by the Association of Juvenile Compact Administrators.
2. No other forms may be substituted as Approved Forms.

<p>SECTION 400 TRANSFER OF SUPERVISION</p>
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RULE 4-101: PROCESSING REFERRALS

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

RULE 4-102: SENDING AND RECEIVING REFERRALS

Based on staff availability, each Interstate Compact on Juveniles office shall forward all its cases within five (5) working days of receipt.

Each Interstate Compact on Juveniles office shall adhere to the following screening process when sending and receiving referrals:

1. Each Interstate Compact on Juveniles office shall ensure all referrals and correspondence between states originate from the Interstate Compact on Juveniles office in the sending state.
2. The Interstate Compact on Juveniles office in the sending state shall ensure that the following referral documents are complete and forwarded to the receiving state in duplicate: Form IA/VI, Form IV, Order of Adjudication and Disposition, Conditions of Probation, Legal and Social History (if available), Petition and/or Arrest Report, and any other pertinent information deemed to be of benefit to the receiving state. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
3. The sending state shall be responsive in forwarding additional documentation at the request of the receiving state
4. The receiving state's Interstate Compact on Juveniles office shall request its local offices to complete a home evaluation within twenty (20) working days after the local office has received the request.

5. The receiving state's Interstate Compact on Juveniles office shall, within thirty (30) working days of receipt of the referral, make every effort to forward to the sending state the home study report along with the final approval or disapproval of the request for cooperative supervision.

RULE 4-103: TRANSFER OF SUPERVISION PROCEDURES

1. Supervision shall not transfer to another state without verbal or written approval from the Interstate Compact on Juveniles office in the receiving state. All verbal approvals shall be followed-up with written approval within ten (10) working days after the date the verbal approval was granted.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's Interstate Compact on Juveniles office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's Interstate Compact on Juveniles office as expeditiously as possible, along with an explanation of the nature of the emergency.

RULE 4-104: COOPERATIVE SUPERVISION/SERVICES REQUIREMENTS

1. Each receiving state will assume the duties of visitation and of supervision over any delinquent juvenile, including juvenile sex offenders who it has accepted for cooperative supervision, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own delinquent juveniles released on probation or parole.
2. Each state that is a party to the Interstate Compact on Juveniles, when it is determined to be in the best interest of the public and the juvenile under supervision, may enter into an agreement with adult probation/parole or a private provider in its respective jurisdiction in order to provide the level of supervision and services that is intended by the sending state.
3. The receiving state shall furnish written progress reports on a quarterly basis.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the Interstate Compact on Juveniles.
5. The sending state shall be financially responsible for the treatment services required by the sending state. The initial referral shall clearly state who will be responsible for purchasing treatment services for the juvenile sex offender.
6. The receiving state determines the type and quality of supervision.
7. The age of majority and duration of supervision are determined by the sending state.
8. Juvenile restitution payments or court fines are to be paid directly from the juvenile/family to the sending court or agency. 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.

RULE 4-105: ARTICLE X: SUPPLEMENTARY AGREEMENTS

1. Interstate Compact on Juveniles Administrators in both the sending and receiving states must approve all Interstate Compact on Juveniles placements in public institutions.
2. Supervision of juveniles placed in private facilities will not be administered through the Interstate Compact on Juveniles.
3. A state that is a party to the Interstate Compact on Juveniles shall formulate written agreements with another state when placing juveniles in public institutions in that state.
4. Article X applies to the placement of delinquent juveniles in public institutions. When a state wishes to enter into care, treatment and rehabilitation with another state for the purpose of an institutional placement of a delinquent juvenile, there shall be an individual agreement between said states. Written details must be provided for as specified in Article X through a supplementary agreement. In order to invoke the provisions of Article X, the juvenile must be in the home state/state of jurisdiction.

RULE 4-106: COMMUNICATION REQUIREMENTS BETWEEN STATES

1. All communications between states, whether verbal or written, on Interstate Compact on Juveniles issues shall be transmitted between the respective Interstate Compact on Juveniles offices.
2. Communication may occur between local jurisdictions with the approval of the Interstate Compact on Juveniles offices in both states.
3. Communication regarding Interstate Compact on Juveniles business shall respect the confidentiality rules of the receiving state unless otherwise requested by the sending state.

RULE 4-107: 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 in 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 or 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 time frame, 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 time frame, 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 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.
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 an explanation why the juvenile cannot be released from probation/parole.
5. Supervision for the sole purpose of collecting restitution is not a justifiable reason to continue to maintain an open ICJ case when all other terms and conditions of probation/parole have been completed.
6. Files of closed cases shall be maintained in the Interstate Compact on Juveniles office for one (1) year after closure before they can be destroyed.

RULE 4-108: 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.

SECTION 500 SUPERVISION IN RECEIVING STATE

RULE 5-101: AUTHORITY TO ACCEPT/DENY SUPERVISION

1. Only the receiving state's Interstate Compact on Juveniles administrator or designee authorizes or rejects (denies) supervision of a juvenile by that state.
2. The receiving state Interstate Compact on Juveniles Administrator or designee'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 or disapproved based solely on the juvenile's age or the offense.
4. Supervision cannot be denied or disapproved when the juvenile will reside in the state where the parent, guardian or person entitled to legal custody resides according to Article VII.

5. Supervision may be denied when the home evaluation of a non-custodial persons reveals that the proposed placement is unsuitable and the juvenile will reside with a non-custodial person, and the parent, guardian or person entitled to legal custody does not reside in that state according to Article VII.
6. If the receiving state requires the proposed non-custodial placement to obtain guardianship or licensure and the proposed placement refuses to comply with said requirements, then supervision may be denied.
7. Upon receipt of an acceptance from the receiving state, and within five (5) working days prior to the juvenile's departure, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.

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 forty-five (45) days, with a referral packet to be received by the receiving state's Interstate Compact on Juveniles office within thirty (30) days of the effective date of the Travel Permit.
2. Travel Permits and Agreements to Return shall be issued to all juveniles subject to the terms of the Interstate Compact on Juveniles for visits, vacations, and all other referrals in all 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
3. Travel Permits shall be issued for the purpose of visit/vacation only if a visit will exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile subject to the terms of the Interstate Compact on Juveniles 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.
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 through the normal Interstate Compact on Juveniles channels prior to the juvenile's movement.
5. The receiving state's Interstate Compact Office shall forward the Travel Permit to the jurisdiction of residency/visit/vacation.

RULE 5-103: SEX OFFENDER NOTIFICATION AND SUPERVISION

1. When a juvenile is under the jurisdiction of a court for a sex-related offense and an interstate referral is made, the sending state shall include a copy of the juvenile's current risk assessment and other pertinent information, if available.
2. If the sending state has statutorily-mandated progress reporting requirements for juvenile sex offenders that exceed AJCA Rule 4-104.3 [quarterly reports], the receiving state shall comply with the more stringent rule to the extent possible.

SECTION 600 RETURNS AND RENDITION OF JUVENILES

RULE 6-101: ARTICLE II: EXISTING RIGHTS AND REMEDIES

Article II may be used prior to initiation of formal court proceedings.

RULE 6-102: ARTICLE IV: RETURN OF RUNAWAYS

1. Article IV(a) of the Interstate Compact on Juveniles provides a requisition procedure for the return of non-delinquent runaways who are found in states other than their home state. The home state's Interstate Compact on Juveniles office will contact the appropriate authorities in the home state to qualify their runaways for return.
2. Non-delinquent runaways who are endangering themselves or others shall be held in secure facilities until returned by the home states.

RULE 6-103: ARTICLE V: RETURN OF ESCAPEES AND ABSCONDERS

The home state's Interstate Compact on Juveniles office shall ensure the accurate preparation and timely delivery of requisitions to return all its absconders and escapees who refuse to voluntarily return.

RULE 6-104: ARTICLE VI: VOLUNTARY RETURN PROCEDURE

The home state's Interstate Compact on Juveniles office shall return all of its runaways, absconders, and escapees who have legally consented to voluntarily return to the home state.

1. The home state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each Interstate Compact on Juveniles office shall have policies in place involving the return of non-delinquent and delinquent juveniles that will ensure the safety of the public and juveniles.
2. Juveniles are to be returned to the home/demanding state in a safe and expedient manner.

RULE 6-105: ARTICLE VII: COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

1. Article VII(c) of the Interstate Compact on Juveniles provides the procedure for return to the sending states of juveniles who are on cooperative supervision in other states. Interstate Compact on Juveniles Form IA/VI provides due process - requirements for this return.
2. Sending states' Interstate Compact on Juveniles offices shall ensure that their juveniles' probation/parole agreement provisions are enforced for individual accountability and public protection.
3. Juveniles and Legal Custodian(s) Who Have Left the Sending State: In the event new charges occur, receiving states shall endeavor to assume jurisdiction over juveniles whose legal custodian (s) move to those states.
4. Juveniles Who Have Legal Custodian(s) Remaining in the Sending State: When placement of juveniles in receiving states is not successful, sending states' Interstate Compact on Juveniles offices shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with this Article.

RULE 6-106: RUNAWAY AMENDMENT

1. The Runaway Amendment shall be binding only between those states which have executed the same. All provisions of Articles IV and VI shall apply.
2. The home state's Interstate Compact on Juveniles office shall immediately initiate proceedings to determine juveniles' residency and jurisdictional facts in that state. Home states shall return juveniles when it is determined that said juveniles are residents of that state.
3. Due process shall be afforded to juveniles who are returned pursuant to this amendment/article. The home states' Interstate Compact on Juveniles office shall initiate the requisition process when juveniles refuse to voluntarily return, and parents refuse to initiate the requisition process.

RULE 6-107: RENDITION AMENDMENT

The Rendition Amendment shall be binding only between and among those states that have executed the same. All provisions and procedures of Articles V and VI shall apply.

RULE 6-108: OUT-OF-STATE CONFINEMENT AMENDMENT

1. The Out-of-State Confinement Amendment is operative only between those states that have executed the same.

2. This amendment applies to juveniles who are on probation or parole or who have absconded or escaped and are located in the receiving or holding states. The sending/receiving or home/holding states must contractually agree to confine juveniles in a designated institution in receiving or holding states.

RULE 6-109: FINANCIAL RESPONSIBILITY

1. The home/demanding states' Interstate Compact on Juveniles office 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 Interstate Compact on Juveniles 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.)
2. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULES 6-110: PUBLIC SAFETY

1. The home/demanding state's Interstate Compact on Juveniles 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/demanding states' assessments of the juvenile.
2. Juveniles who are requisitioned under Article V and the Rendition Amendment or who are considered a risk to harm themselves and/or others shall be accompanied on the return to the home/demanding state.
3. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-111: CHARGES PENDING IN HOLDING/RECEIVING STATES

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. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-112: WARRANTS

1. The demanding state's Interstate Compact on Juveniles office shall, within two (2) working days, determine if warrants will be honored, and notify the holding states' Interstate Compact on Juveniles office accordingly.
2. When the demanding 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 hearing as provided in Rule 6-113 (3).

RULES 6-113: CUSTODIAL DETENTION

1. The home/demanding state's Interstate Compact on Juveniles office shall effect the return of its juveniles within five (5) working days after confirmed notification from the holding state's Interstate Compact on Juveniles office that due process rights have been met.
2. Holding states shall not be reimbursed for detaining juveniles under the provisions of the Interstate Compact on Juveniles unless the home/demanding state's Interstate Compact on Juveniles office does not demonstrate a good faith effort to effect the return of its juveniles within five (5) working days.
3. Within ten (10) days after the failure of a demanding state to return the juvenile, a hearing shall be provided before a neutral and independent hearing officer to hear the grounds for the juvenile's detention. The hearing officer shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of this rule. A juvenile shall be discharged from custodial detention if the holding state has failed to provide such a hearing within the time provided in this rule.
4. Subject to the provisions of 6-113 (3), Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. The demanding state's compact 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.
5. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state.

RULE 6-114: AIR TRANSPORTATION

1. Holding states are responsible for transporting juveniles to local airports as arranged by the home/demanding state and maintaining security of the juveniles until departure.
2. Holding states shall not return to juveniles any personal belongings, which could jeopardize the health, safety, or security of the juveniles or aircraft (examples: weapon, cigarettes, lighters, or cell phone).
3. Holding states shall confiscate all questionable personal belongings and return those belongings to the juveniles by approved carrier (e.g., USPS, UPS, or Federal Express).
4. In cases where a juvenile subject to the Interstate Compact on Juveniles is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

RULE 6-115: AIRPORT SUPERVISION

1. States shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home state.

2. Staff shall supervise juveniles from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 24 hours advance notice.

RULE 6-116: PROVISION OF EMERGENCY SERVICES

In the event of an emergency situation that interrupts or changes established travel plans during a return transport, the ICJ member states will, if possible, provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

SECTION 700 ADOPTION AND AMENDMENT OF RULES
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RULE 7-101: ADOPTION OF RULES; AMENDMENT

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

1. Proposed new rules and amendments to existing rules shall be submitted to the AJCA office for referral to the Rules Committee in the following manner:
 - a. Any ICJ Compact Administrator may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual meeting of the AJCA. 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 AJCA members present at the meeting.
 - b. Standing ICJ Committees may propose rules or rule amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or rule amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Compact Administrators for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the AJCA's website upon receipt. Based on the comments made by the Compact Administrators the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the AJCA not later than the next annual meeting.
3. Prior to the AJCA voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which vote on the rule is scheduled, on the official web site of the AJCA and in any other official publication that may be designated by the AJCA 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 AJCA 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 guaranteeing 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 AJCA 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. Rules may be grouped for the convenience of the AJCA at public hearings required by this section.
7. Following the scheduled public hearing date, the AJCA shall consider all written and oral comments received.
8. The AJCA shall, by majority vote of a quorum of the compact administrators, take final action on the proposed rule or amendment by a vote of yes/no. A rule or rule 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 AJCA 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 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 AJCA's principal office is located. If the court finds that the AJCA'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 AJCA 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 AJCA may promulgate an emergency rule 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 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.

SECTION 800 DISPUTE RESOLUTION AND ENFORCEMENT

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 administrator states shall attempt to resolve disputes or controversies with each other by telephone, telefax, or electronic mail.

2. Failure to Resolve Dispute or Controversy

a. Following an unsuccessful attempt to resolve controversies or dispute arising under this compact, its bylaws or its rules as required under 8-101 (1), states shall pursue one or more of the informal dispute resolution processes in Rule 8-101 (2) (b) prior to resorting to formal dispute resolution.

b. Parties shall submit a written request to the President of AJCA for assistance in resolving the controversy or dispute. The President shall provide a written response to the parties within ten (10) business days and may, at the President's discretion, seek assistance of legal counsel or the Executive Board in resolving the dispute. The AJCA Board may authorize a standing or special committee or the President to assist in resolving the dispute or controversy.

3. Interpretation of the Rules

Any state may submit an informal written request to the President for assistance in interpreting the rules of this compact. The President may seek the assistance of legal counsel, the AJCA Executive Board, or both, in interpreting the rules. The executive board may authorize a standing or special committee to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the President or the AJCA Board and shall be circulated to all the states.

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

(1) A state that is party to a dispute may request, or the AJCA Board may require, the submission of a matter in controversy to mediation.

(2) Mediation shall be conducted by a mediation panel consisting of the President, Vice President, Secretary, and immediate Past President of the AJCA with the Vice President serving as chairperson. Any member of the AJCA Board may be appointed by the President as an alternate in the event that any of the panel members is unable or unwilling to serve on the panel. The Mediation Panel shall attempt to voluntarily resolve disputes submitted to the panel pursuant to procedures customarily used in mediation proceedings. In the event resolution is not achieved, a report of the attempted mediation shall be provided to the respective compact administrators, governors, and attorneys general of the states which are parties to the dispute within thirty (30) days following the mediation proceeding.

b. Arbitration

(1) Arbitration may be recommended by the AJCA Board in any dispute regardless of the parties' previous submission of the dispute to mediation.

(2) 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 AJCA.

(3) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(4) 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.

(5) (i) 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.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the association has its principal offices.

(6) Judgment on any award may be entered in any court having jurisdiction.

1. If the AJCA 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 bylaws or any duly promulgated rules the AJCA may impose any or all of the following penalties:
 - a. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the AJCA and approved by majority vote of the members of the ICJ;
 - b. Remedial training and technical assistance as directed by the AJCA;

RULE 8-104: JUDICIAL ENFORCEMENT

The AJCA, in consultation with legal counsel, may by majority vote of the states that are members of the ICJ, initiate legal action 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.

SECTION 900 ICJ TRANSITION RULES

Upon adoption of the Interstate Compact for Juveniles by the 35th state, the following transition rules will take effect and shall continue in full force through and including adoption of said compact by the District of Columbia and all states and territories of the United States:

1. The existing articles, rules and variances governing the operation of the Interstate Compact on Juveniles, hereinafter "the old compact" shall remain in full force and effect for at least twelve (12) months after the first meeting of the Interstate Commission created under the Interstate Compact for Juveniles, hereinafter "the new compact."
2. Upon adoption of revised or new articles, rules and variances by the Interstate Commission to be effective on or after twelve (12) months from its first meeting:
 - a. Transactions between signatory states to the new compact will be governed by the Interstate Commission's articles, rules and variances.
 - b. Transactions between non-signatory states to the new compact will be governed by the Association of Juvenile Compact Administrators' articles, rules and variances.
 - c. Transactions between signatory and non-signatory states will be governed by the articles, rules and variances of the home/demanding state.
3. States that are signatory to both the new and old compacts will resolve any conflicts regarding articles, rules and variances in favor of the Interstate Commission's articles, rules and variances within the 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. All non-signatory states to the new compact will fully cooperate with the Interstate Commission and the signatory states to promote public safety by providing effective supervision of juvenile offenders.
6. Conflicts between signatory and non-signatory states shall be mediated by a representative selected by the Interstate Commission and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.
7. The Association of Juvenile Compact Administrators will retain its rulemaking authority for non-signatory states throughout the transition period.

FORMS

Form I - Requisition for Runaway Juveniles:

This form is used under Article IV when it becomes necessary for the court in the home state to take action in having a non-delinquent runaway juvenile returned. It is used only in cases where the youth refuses to return home or where there is some question of legality concerning the youth's return to his home state.

Form II - Requisition for Escapee or Absconder:

This form is used under Article V for the requisition of delinquent escapees and/or absconders from institutions, detention centers, reception and diagnostic centers, community treatment facilities, or from probation or parole placement. (Form II is used when exercising the Rendition Amendment.)

Form III - Consent for Voluntary Return by Runaway, Escapee or Absconder:

This form is used under Article VI in cases where a state is returning a juvenile to his home state and must be executed in the presence of a judge or authorized court master, referee, or hearing officer. Signing by the juvenile denotes that he consents to return home voluntarily.

Form IV - Parole or Probation Investigation Request:

This form is used in cases in which the home state requests an investigation for possible placement of a parolee or probationer in a home in another state. It should be accompanied with pertinent court orders, social summary, evaluation results, and court, school, and medical records.

Form V - Report of Sending State Upon Parole or Probationer Being Sent to Another Jurisdiction: This form is used to notify the state which has approved placement that a youth is being transferred to their jurisdiction for supervision. It provides information concerning travel.

Form IA-VI - Application for Compact Services & Memorandum of Understanding Waiver (Parolee or Probationer):

A two-part form which is used to make application for Compact services and also used to determine that the youth, parent, guardian, or agency understands the terms of his probation and parole and that he is to return to the sending state if he is recalled due to violation of probation, or some other reason.

**INTERSTATE COMMISSION
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

-Background & Development-

Following the initial success of revision to the Interstate Compact for the Supervision of Parolees and Probationers (revised into the Interstate Compact for Adult Offender Supervision or Adult Compact), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursued a similar rewrite of the Interstate Compact on Juveniles.

In 1999, OJJDP conducted a detailed survey of the states, uncovering many contentious issues within the current compact structure, and asked for recommendations to address these growing concerns. The Council of State Governments (CSG) and OJJDP then developed advisory and drafting groups that created the new Interstate Compact for Juveniles.

In 2000, a Compact Advisory Group was formed to assist staff in assessing interstate supervision options and alternatives, and to assist in identifying groups having an interest in effective interstate supervision. They identified a revision of the existing compact as the only option for long-term change.

In 2001, CSG worked with OJJDP and the Association of Juvenile Compact Administrators (AJCA) to develop and facilitate a drafting team of state officials to begin the design of a revised juvenile compact. Considering the suggestions of the Advisory Group as well as those comments generated from the field via the OJJDP survey, the drafting team developed, over a period of 12-months, the compact language.

In 2002, the compact language was finalized and an educational campaign was developed for the states to help policymakers better appreciate and understand the need for a new compact. In October, a “National Legislative Briefing” was held for some 150 state legislators and other officials on the compact.

In 2003, the Juvenile Compact was first available for introduction in the states. Throughout the year, CSG, OJJDP and members of AJCA provided on-site technical assistance to states considering the compact and maintained an extensive information clearinghouse on the project. During the year 12 states adopted the revised compact. In November, CSG hosted a 2nd “National Legislative Briefing” held with some 125 state officials.

In 2004, CSG continued its efforts on the initiative, securing at year-end 22 enactments in the states.

In 2005, the new Juvenile Compact picked up an additional 7 states, for a total of 29. Two more states enacted the new compact in 2006 and 2007 respectively, which brought the total membership to 33.

Finally, the compact reached critical mass when Tennessee and Illinois both enacted the new compact in 2008 and became active which allows transition and other operational activities to commence.

THE COUNCIL OF STATE GOVERNMENTS

-- Benefits Of Partnering With CSG --

The Council of State Governments offers national organizations and administrative bodies the opportunity to partner (short-term) and affiliate (long-term) with CSG to gain a range of benefits and services. Through partnering and affiliation with CSG, national organizations of state officials can share ideas and combine efforts to accomplish mutual goals. Partners/affiliates contribute specialized expertise, information, resources and issues to the overall mission of CSG. In turn, CSG offers a mechanism by which partners and affiliates may tap into CSG's products, services, and a forum for bringing issues to a broader, collective state audience.

By partnering with CSG, the Interstate Commission on Juveniles receives several benefits:

Compact Expertise

Since it's founding in 1933, The Council of State Governments has played a key role in helping states develop, implement, and administer dozens of interstate compacts. Currently, CSG is the administrator of the *Emergency Management Assistance Compact*, and has worked with the National Institute of Corrections to ensure the successful enactment of the *Interstate Compact for Adult Offender Supervision*. CSG is also partnered with the US Department of Defense to develop the *Interstate Compact on Educational Opportunity for Military Children*. CSG's decades of experience with interstate compacts has produced a wealth of institutional knowledge about the elements that can help ensure prompt development, enactment, and effective operation and administration of interstate compacts.

Continuity of Service

Since 2000, The Council of State Governments, partnered with the Office of Juvenile Justice and Delinquency Prevention, has worked to facilitate the development, enactment, and effective operation of the Interstate Compact for Juveniles. With the enactment of the Compact in 35 jurisdictions, the Interstate Commission now convenes to conduct the business of the Compact. CSG, as the current project manager of the effort, understand the intricacies and political conditions in which the new Compact must operate. By partnering with CSG, the Interstate Commission receives uninterrupted services and staff support.

Accounting & Administrative Benefits

As a partner of The Council of State Governments, the Interstate Commission would enjoy several economic and financial benefits, including personalized accounting, administrative, legal, and technical support. CSG is able to provide the Commission accounting, human resources, and information technology services at significantly lower costs over what may be found in an autonomous scenario and the Commission would have no need to make large capital outlays for computer, phone or office equipment as

these could be provided by CSG at greatly reduced cost. A partnership allows the Interstate Commission to govern while CSG manages its administrative needs.

Specific benefits include, but are not limited to:

Accounting

- Set up and maintain a business bank account. This includes reconciling bank statements (and following up on all discrepancies), negotiating interest rates and service fees, buying checks, obtaining line of credit, monitoring and reconciling investment “sweep” accounts, review banks quarterly and annual financial statements to insure solvency of the bank, setup and maintain payroll direct deposits (and negotiate fees).
- Maintain a reconciling process for all electronic fund transfers, credit card transactions, merchant statements, and handle all inquiries.
- Prepare payroll, compute and make all withholding deposits and complete all related paperwork. File city, state and federal monthly tax returns. File unemployment insurance forms. File all year-end tax reports and issue W-2's before January 31 deadline.
- Design and implement accounting system according to GAAP, FASB and business objectives.
- Coordinate and assume cost of yearly financial audit, A-133 audit, and audit of internal accounting controls.
- Select and purchase accounting software and hardware to match system objectives. Upgrade software and hardware to remain current with latest industry developments and CSG policies.
- Monitor all grants to lend assurance that they are in compliance with federal regulations. Send staff to training and continuing education to stay current on financial accounting standards and Federal OMB circulars A-110, A-122 and A-133.
- Provide training and assistance in the budget process.
- File income tax returns.
- File sales tax returns.
- Apply for and maintain sales tax exemptions for all states.
- Review contracts. CSG in house legal review may be necessary for contracts meeting certain criteria. This process also limits CSG and affiliate organizations legal liability.
- Processing of credit card charges for everything from registration to pub sales. Negotiations with credit card companies on rates. Follow up on all discrepancies and inquiries. Maintenance of system and machines, including keeping loaner equipment up to date and in working order.
- Develop travel policies, expense forms, time sheets, and administer guidelines and procedures that must be maintained.
- Develop and maintain a financial disaster recovery plan.

- Maintain and operate accounts payable department for payment of all invoices and expense reimbursement. Implement internal controls to safeguard assets. Follow up on all discrepancies and inquiries.
- Receive and process all cash deposits. Code and maintain within the uniform accounting system.
- Point of contact for all IRS and other regulatory agencies. Negotiations and representation by licensed CPA's.
- Provide financial reports to all managers and leadership. Direct access to business office for all managers and leadership.
- Third Party supervision and oversight of all financial transactions and business policies.
- Support of meetings through contract review, insurance, and credit checks. Handling of increased volume of receivables, payables, and credit card registrations associated with the meeting.

Human Resources

- Administer and coordinate all health, life, ADD, disability, dental and vision plans for all employees
- Oversee and coordinate retirement plans for all employees
- Maintain records and monitor for compliance with all state and federal benefits laws (COBRA, HIPPA, ERGTA)
- Monitor safety for employees and compliance with OSHA rules and regulations
- Manage worker's compensation plan
- Administer and assist in all employment and recruitment activities from advertising, screening, hiring, orientation of new employees, and separations
- Maintain equity through administration of established compensation and classification systems
- Handle all status changes from classification to salary; monitor compliance
- Develop and administer personnel policies to insure compliance with federal and state employment laws (Fair Labor Standards Act and all non-discrimination and affirmative action laws and executive orders, FMLA, ADA)
- Maintain personnel files to comply with federal regulations
- Direct and monitor performance development activities so that processes and reviews are fair, equitable and compliant
- Provide employee relation resources; mediation, progressive discipline and guidance on all personnel matters
- Administer other workplace benefits; wellness programs, tuition reimbursement
- Manage COBRA plan for separated employees compliant with federal guidelines
- Provide yearly required EEOC reports to remain compliant

Additional Benefits

- Access to CSG library and research facilities.
- Free publications.
- Inclusion of web links on CSG web pages and related link maintenance.
- Opportunity for the Interstate Commission to publish articles related to its' mission in CSG magazines such as State Government News (14,000 circulation) and Spectrum (2,500 circulation).
- Legal review of contracts. Interaction with CSG general counsel to answer legal questions at no additional charge.
- Direct access by managers and leadership to interact face to face on a daily basis with the employees in Executive Management, Accounting, Human Resources, Sales and Marketing, etc. These trained professionals are part of your "team".
- Access to the CSG office in Washington D.C. Including use of the conference room and basic administrative support.
- Executive management function to work with affiliates and promote mutual interests.

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION

-- Budget, Staffing, and State Fee Assessment --

Background

A universal question at meetings and legislative hearings over the past five years (5) has been: “What will this new compact cost my state?” Most of these questions have concerned the fiscal note and fee assessment that will be required of member jurisdictions to support the operations and activities of the commission.

- The US DOJ-OJJDP/CSG convened meetings including those held in November 2001 and January 2002 which included juvenile compact administrators, child welfare advocates, corrections and juvenile justice officials, law enforcement officials, judges, legislators and executive directors of associations that were relevant to funding the new ICJ compact commission for consideration. This work culminated in the Fiscal Note and State Dues Projection. The fiscal note assumes a stand-alone Commission with extensive staff support and various capital expenses. The resultant state dues projection, based on available data, suggests a six-tiered assessment schedule. Project staff have, clarified in advisory group meetings, legislative briefings and in testimony before legislative committees that these figures represent only an informed/good faith estimate, and that actual assessments will be set by the Interstate Commission for Juveniles once it determines a budget.
- As part of the education and outreach effort to states, CSG worked to anticipate matters that might typically come before the new Juvenile Compact Commission. As a result, CSG created and distributed a draft Fiscal Note and State Dues Projection. This fiscal note assumed a stand-alone commission with extensive staff support and various capital expenses. The state dues projection, based on available data, suggested a six-tiered assessment schedule. These figures represent only an informed/good faith estimate and actual assessments will be set by the Interstate Commission under Articles IV and VIII of the compact.

Transition Budget & Timeline

OJJDP funding to support the commission and its activities is in place through the second commission meeting - currently scheduled for late-2009. Given FY’10 state budgeting processes

and deadlines, the Interstate Commission must decide the annual assessment for member states and establish a due date, which is anticipated to be July 1, 2009. It is necessary to act on these matters during the first commission meeting so that states may be notified of expected assessments during 2008.

The commission is a start-up organization that, by this time next year, can anticipate having received substantial funding through state fee assessments. The dilemma faced by the Commission is similar to the chicken and egg question...which comes first? Do you set your fees and then build a budget to match or do you determine a reasonable budget and then assess fees to cover it? And on what basis do you justify this first time budget? These are unique one-time questions. By Year Two the commission will have an experience base from which to make business decisions. The budget is obviously impacted by decisions made concerning how the commission will be staffed and what level of service is to be provided.

State Fee Assessments

Article VIII (Finance) of the Interstate Compact for Juveniles includes the following language:

“The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.”

Developed in 2002, this assessment is the source of information that contributed to state fiscal considerations. It assumes a working budget projection of \$1 million (specifically, \$1,017,000) for a 56 jurisdiction compact (50 states, DC, Puerto Rico, Virgin Islands, Northern Marianas, American Samoa and Guam). It relies on 2000 Census data and U.S. Department of Commerce data. The fee assessment is based on a formula that considers only two factors: the population of the state and the volume of interstate movement of offenders. The formula is:

(State Population / US Population) + (State Juvenile Transfer Transactions / Total US Juvenile Transfer Transactions)

Language of the compact requires that these two elements (state population and state juvenile transfer transactions) be in the funding formula, but does not prohibit the commission from including other factors should it choose to do so, nor does it dictate that a specific weight be

given to either criteria.

The commission is not obligated to accept this model as the basis for a first year fee assessment; however, functionally, the commission must adopt some form of fee assessment at the first commission meeting or it will lack funding and staff support by late 2009.

Commission Budget

Cost discussions regarding the Compact often sound as though the assessment and budget are assumed to be one and the same. It is important to be clear about (1) what the Commission wants and how much that will cost (budget); and as a separate issue, (2) how that will be paid for (assessment).

The original Fiscal Note contains details for a proposal which included staff positions, salaries, office space, and other overhead costs. The Commission must achieve a budget that represents the type and amount of expenditure that meets its' needs. It will be challenging for the Commission to independently develop a comprehensive budget at the first meeting, and this information will hopefully serve to stimulate thinking and inform discussions. It will obviously be a much easier task to build more informed budgets in future years.

There will always be a direct relationship between budget and projected income. Clearly, during the start-up phase it is an easier task to forecast likely income, than to be clear about what services and staff the Commission wants and how much that will cost.

Form & Extent of Staff Support

The state fee assessment model(discussed above) is based on the assumption that for \$1 million, a 56 jurisdiction compact would itself acquire its' own office space and equipment and hire its own staff. Related assumptions for this form of organization are detailed in the Original Fiscal Note that has been the companion piece to assessment discussions since 2002. This "separate organization" approach could be tailored to the number of jurisdictions and funding anticipated. This model places complex organizational start-up responsibility on the Executive Committee and Interstate Commission.

A second organizational option is available. That option represents a structure where the Interstate Commission contracts for service with an established organization to provide secretariat and support functions. Many professional associations and compact agencies operate from this model including the Conference of State Court Administrators, American Probation and Parole Association, The Interstate Compact for the Placement of Children, and The Interstate Compact for Adult Offender Supervision. Advantages of contracting include substantially less complex start-up activity, flexibility and cost savings by shared use of accounting, legal, human resource, meeting planning and other resources. For a smaller organization, contracting with a

larger organization decreases the potential impact of one employee's illness or termination, while increasing fiscal oversight and accountability. Consistent with Article V, the Executive Committee would hire the Executive Director who would in turn supervise Commission staff.

It is important to stress that either approach presents benefits and challenges. The Commission must determine which approach best meets its' initial needs and requirements. The Commission may over time choose to change models.

**INTERSTATE COMMISSION
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

Bylaws

-- Draft --

Article I

Commission Purpose, Function and By-laws

Section 1. Purpose.

Pursuant to the terms of the Interstate Compact for Juveniles , (the “Compact”), the Interstate Commission for Juveniles (the “Commission”) is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that governs the state-to-state transfer and movement of juveniles who have absconded, escaped or run away as these juveniles transfer or move from one state to another.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; Coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 3. By-laws.

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Article II Membership

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Juvenile Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Article III Officers

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.

- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Article IV Commission Personnel

Section 1. Commission Staff and Offices.

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;
- d. Prepare draft annual budgets for the Commission's consideration;

- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission's financial account(s);
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

Article V

Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense.

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or -employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or

employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VI Meetings of the Commission

Section 1. Meetings and Notice.

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote on such member's own behalf and shall not

delegate such vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

**Article VII
Committees**

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission and the chairpersons of each committee. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Section 3. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected every two years by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

Article VIII Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant. As required by the Compact, upon the determination of the Commission, but no less frequently than once each year, the report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact its rules and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

**Article IX
Withdrawal, Default, and Termination**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

**Article X
Adoption and Amendment of By-laws**

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

**Article XI
Dissolution of the Compact**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the 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 in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

-- Proposed Committee Structure and Related Action Items --

Article III of the Interstate Compact for Juveniles provides in part that the Interstate Commission “shall establish an executive committee which “...shall have the power to act on behalf of the Interstate Commission, during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact” The Compact further empowers the Commission, under Article IV, “to establish and appoint [other] committees.. . .”

Article VII of the proposed Commission Bylaws also refers to the appointment of both the executive and other committees and provides that “The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.”

In accordance with these provisions, and in anticipation of the Commission’s needs and objectives, especially during the first year of the Commission’s operation, the Commission will, during its first meeting, establish and appoint such committees as it deems necessary. The proposed committee structure outlined below is offered as a starting point for the Commission’s consideration and will be presented during the Commission meeting.

Committee Structure

Executive Committee – Responsible for guiding and overseeing the administration of all Commission activities and for acting on behalf of the Commission, as permitted by the Compact, during the interim between Commission meetings.

Finance Committee – Responsible for monitoring the Commission’s budget and financial practices, including the collection and expenditure of Commission revenues, and for developing recommendations for the Commission’s consideration as appropriate.

Rules Committee – Responsible for administering the Commission’s rulemaking procedures, and for developing proposed rules for the Commission’s consideration as appropriate.

Compliance Committee – Responsible for monitoring the compliance by member states with the terms of the Compact and the Commission’s rules, and for developing appropriate enforcement procedures for the Commission’s consideration.

Training, Education and Public Relations Committee – Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission’s rules.

State Status (as of 10/1/03)

<u>State</u>	Bill / Statute Number	<u>Primary Sponsor</u>	Status
Alabama	SB58	Senator Quinton Ross	Signed into law, 4/22/04
Alaska			
Arizona	HB 2106	Representative Steve Tully	Signed into law, 4/30/03
Arkansas	HB 1317	Representative Will Bond	Signed into law, 4/6/05
California			
Colorado	HB 1304	Representative Cheri Jahn	Signed into law, 4/26/04
Connecticut	HB 6475	Judiciary Committee	Signed into law, 6/18/03
Delaware	HB 84	Representative Nancy Wagner	Signed into law, 7/8/03
Dist. of Columbia			
Florida	HB 577	Representative Mitch Needelman	Signed into law, 5/26/05
Georgia			
Hawaii			
Idaho	HB 518	Representative Jim Clark	Signed into law, 3/19/04
Illinois	SB 2821	Senator Kwane Raoul	Signed in law, 8/26/08
Indiana			
Iowa			
Kansas	SB 183	Senator David Adkins	Signed into law, 3/29/04
Kentucky	HB 46	Representative Bob Damron	Signed into law, 3/18/05
Louisiana	SB 332	Senator Donald Cravins	Signed into law, 7/3/03
Maine	LD 1323	Representative Julie O'Brien	Signed into law, 6/25/03
Maryland	SB 371	Senator Anthony Muse	Signed into law, 5/17/07

State Status (as of 10/1/03)

Massachusetts	SB 89	Senator Thomas McGee	<i>S, Ways and Means 5/31/07</i>
Michigan	HB 4145	Representative Charles LaSata	Signed into law, 7/11/03
Minnesota			
Mississippi	HB 246	Representative John Hines	<i>Juvenile Justice</i>
Missouri	SB 292	Representative Bryan Stevenson	Signed into law, 4/1/03
Montana	SB 139	Senator Debbie Shea	Signed into law, 4/1/03
Nebraska			
Nevada	SB 43	Senator Maurice Washington	Signed into law, 5/19/05
New Hampshire			
New Jersey	AB 839	Assem. Linda Greenstein	Signed into law, 9/10/04
New Mexico	HB 46	Representative Al Park	Signed into law, 3/19/03
New York			
North Carolina	HB 1346	Representative Phillip Haire	Signed into law, 7/18/05
North Dakota	HB 1254	Representative Duane DeKrey	Signed into law, 3/13/03
Ohio			
Oklahoma	SB 1552	Senator Bernest Cain	Signed into law, 4/21/04
Oregon	SB 245		<i>Judiciary, 6/28/07</i>
Pennsylvania	SB 319	Senator Stewart Greenleaf	Signed into law, 7/2/04
Rhode Island	SB 386	Senator Rhoda Perry	Signed into law, 7/10/03
South Carolina	SB 1154	Senator Michael Fair	Signed into law, 5/24/06
South Dakota	HB 1102	Judiciary Committee	Signed into law, 2/13/04
Tennessee	SB 4143	Senator Beverly Marrero	Singed into law, 6/20/2008

State Status (as of 10/1/03)

Texas	HB 706	Representative Pat Haggerty	Signed into law, 6/18/05
Utah	SB 91	Senator Lyle Hillyard	Signed into law, 3/16/05
Vermont			
Virginia	HB 2201	Del. Michael McQuigg	Singed into law, 3/12/07
Washington	SB 5133	Senator Don Carlson	Signed into law, 5/9/03
West Virginia	HB 4055	Del. Richard Staton	Signed into law, 4/6/04
Wisconsin	AB 41	Representative Garey Bies	Signed into law, 3/30/06
Wyoming	SF 5	Senator John Hanes	Signed into law, 3/5/04
American Samoa			
Guam			
N. Mariana Islands			
Puerto Rico			
US Virgin Islands			

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

-- Elected Officers & Duties --

During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission's staff once hired.

According to the Juvenile Compact language (Article V, Section B), only two elected positions are required: Chair, and Vice-Chair.

“The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission.”

However, the Commission may expand this to include a chairperson, vice chairperson, a treasurer, and secretary. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Officer Descriptions

- **Chair**
The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.

- **Vice-Chair**
The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.

- **Treasurer**

The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

INTERSTATE COMPACT FOR JUVENILES

STATE OFFICIALS GUIDE

2008

(Including Executive Tip Summary)



Sharing capitol ideas.

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ADDITIONAL INFORMATION

For additional information on the compact's history, details and further documentation, please visit our Web site at:

www.csg.org/NCIC

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Interstate Compact for Juveniles

State Officials Guide

EXECUTIVE “TIP” SUMMARY

Your state is a member of the Interstate Compact for Juveniles. This interstate compact developed between 2000 and 2002 and enacted by at least 35 states from 2003 through 2008, regulates the interstate movement and supervision of juveniles currently under community supervision. It is designed to better ensure public safety and to create a more effective and efficient means of transferring and tracking juveniles between states. This new compact revises an existing compact originally developed in 1955. As a member of this new compact, your state has several new responsibilities of which you, as a state policymaker, need to be aware. These responsibilities include the development of a state council, appointment of a compact administrator and development of the administrator’s role, and participation as a member state in the Interstate Commission, which includes development of rules, regulations and financial dues formulas.

This Executive “Tip” Summary is designed to help state executive policy makers better understand the Interstate Compact for Juveniles and seek their considerations and actions regarding its use and implementation.

- **Tip #1:** Become familiar with the compact language adopted by your state.
- **Tip #2:** Consult with your state’s compact administrator and deputy compact administrator about the compact.
- **Tip #3:** Once appointed and/or created, review the language of the Interstate Compact for Juveniles with your compact commissioner and state council in preparation for the first Interstate Commission meeting and to become versed in the terms that direct compact activities.
- **Tip #4:** If your state has not yet established its state council, please contact you’re the governor’s office, state compact commissioner and sponsor(s) of the compact legislation in your state for information on next steps. State councils should be established and meet prior to the first Interstate Commission meeting.
- **Tip #5:** Determine who has the authority to appoint members to the state council.
- **Tip #6:** Determine how your state will handle state council authority issues and how the state council will function.
- **Tip #7:** Determine what will be the required or desired qualities and qualifications for membership on your state council and the number of council members.

- **Tip # 8:** Become educated in how your state currently handles compact administration, how it handles the day-to-day administrative duties of the compact and whether your state provides for a deputy compact administrator and compact staff.
- **Tip #9:** Determine how your state will appoint the compact administrator under the new compact.
- **Tip #10:** Determine who will represent your state at the commission meetings if the compact commissioner is unable to attend, and ensure that person understands and appreciates the commissioner's responsibilities.
- **Tip #11:** State council members should discuss and understand the authority vested in the Interstate Commission in preparation for the commission's first meeting.
- **Tip #12:** The state council should discuss and understand the composition of the Interstate Commission.
- **Tip #13:** The state council may prepare for the first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rule making considerations, commission staffing needs, training needs, etc. The commissioner should come to the first commission meeting prepared to address these and other issues.
- **Tip #14:** The state council may prepare for the first commission meeting by discussing by-laws for the commission. The commissioner should come to the first commission meeting prepared to address these and other issues.
- **Tip #15:** The state council may discuss what, if any, committees its commissioner should serve on as well as how the members of the state council may be able to support commission committee work. Members should also discuss any additional committees they would recommend and how they will ensure input into committee functions.
- **Tip #16:** The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.
- **Tip #17:** The state council may discuss whether it will send members of the council, in addition to the commissioner, to the commission meetings and, if so, how the costs of additional attendees will be funded. CSG/Office of Juvenile Justice and Delinquency Prevention will cover the costs of the interstate commissioner from your state. Additional costs for other attendees will be borne by the state.
- **Tip #18:** The state council may decide the necessary staff positions for the operation of the compact. In addition, members should discuss the qualifications of an executive director. Further, the Interstate Commission can decide where the commission will be housed; state councils and commissioners may be prepared to discuss the location and housing of the Interstate Commission.

- **Tip #19:** The state council should review the existing rules and regulations with your compact administrator or deputy compact administrator, become familiar with these rules and regulations and discuss any desired additions, deletions or enhancements to the rules and regulations prior to the first Interstate Commission meeting.
- **Tip #20:** The state council may discuss, prior to the first commission meeting, those expenditures members believe are necessary to operate the Interstate Commission.
- **Tip #21:** The state council may meet with the current compact administrator, deputy compact administrator and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by offender supervision staff, the judiciary and other allied justice system personnel.
- **Tip #22:** State councils may work with compact administrators, deputy compact administrators, other compact staff and allied justice system agencies to determine what types of information should be collected and shared in a national data sharing system. This information, presented by your state commissioner to the Interstate Commission, will be valuable in defining the specific parameters of the system.
- **Tip #23:** State councils and compact administrators should familiarize themselves with the specific processes and procedures within their state for requesting a budget appropriation. Also, the state council should see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments.
- **Tip #24:** The state council should seek information on offender movement totals from the current compact administrator and other appropriate state agencies to prepare for the Interstate Commission. The state council, in consultation with state leaders could discuss possible configurations for a dues formula.
- **Tip #25:** Read and become familiar with the specific articles and sections of the compact that pose or may pose legal implications and obligations. Consult your state's compact administrator and, if necessary, attorney general's staff for assistance.

Interstate Compact for Juveniles

State Officials Guide

Your state is a member of the Interstate Compact for Juveniles. This interstate compact developed between 2000 and 2002 and enacted by at least 35 states from 2003 through 2008, regulates the interstate movement and supervision of juveniles currently under community supervision. It is designed to better ensure public safety and to create a more effective and efficient means of transferring and tracking juveniles between states. This new compact revises an existing compact originally developed in 1955. As a member of this new compact, your state has several new responsibilities of which you, as a state policymaker, need to be aware. These responsibilities include the development of a state council, appointment of a compact administrator and development of the administrator's role, and participation as a member state in the Interstate Commission, which includes development of rules, regulations and financial dues formulas.

As you progress through this guide and make preparations for transitioning your state to the new compact, it is critical to ask this question: **Who in my state should be performing these actions?** For many states, the answer may be the existing compact administrator or, if your state has already established a state council, the members of that body. It may further benefit your state to appoint a coordinator for Juvenile Compact transition activities. This coordinator could oversee all aspects of compact transition and keep the relevant parties in your state informed of activities and requirements and coordinate your state participation in the first Interstate Commission meeting.

Purpose of Guide

The purpose of this guide is to help state policy makers and members of the state council to better understand the Interstate Compact for Juveniles (hereafter referred to as the compact). This guide highlights the new responsibilities assumed by your state under this interstate agreement while illustrating activities that you and your state council may choose to utilize in preparation for a smooth and effective start-up for the compact. While the compact language and some of its processes are new, the spirit of the compact and the partnership among the states is the same as it was 50 years ago when the first Interstate Compact on Juveniles was developed. Your state has participated in the original compact; lessons can be learned from the operation of that compact.

How to use this Guide

This guide is structured to provide you with information on key issues and activities your state will need to consider as the new compact takes effect. The guide highlights critical areas for action and consideration and moves step-by-step through the major sections of the compact providing an explanation of the compact's intent and the rationale behind each principle and function of the compact. Suggested tips are provided throughout this document to help your state proceed in a structured and comprehensive manner toward the activation of the new compact in your state. Individual states will determine how to assign responsibilities associated with each tip; some may be assigned to individuals or groups to ensure the action is completed

Tip #1: Become familiar with the compact language as adopted by your state.

It is important that you and the state council become familiar with the legislatively mandated language that legally creates and guides the compact's structure and activities. The remainder of this document will help you understand the model language of the compact, but it is important to understand and follow the specific language of your state's legislation.

Tip #2: Consult with your state's compact administrator and deputy compact administrator.

Current compact administrators and/or deputy compact administrators can provide valuable information as well as the day-to-day nuances related to the operation of the new or previous compact and how your state maintains relations with other states under these agreements.

TRANSITION

As the new compact is ratified and enacted by the states, the Interstate Compact for Juveniles process moves from a legislative process to an administrative one. This series of events in the states and at the national level is referred to as the transition. Several critical steps must be completed during the development of the Interstate Commission to ensure states are following the compact and completing the necessary tasks to make the agreement a success. During this transition period of approximately 18 months in length, the Juvenile Compact will move from a concept on paper to being an administrative reality – creating a body of participating members who will determine the future and course of the agreement.

Transition Timeline

The transition period for the compact is likely to encompass a period of some 18 months. During this time, the Interstate Commission will meet and establish various committees to address issues such as rules and regulations, dues and dues formulas and training, outreach and education.

A sample timeline is provided below:

- Summer 2008 – Juvenile Compact reaches 35 state threshold; notice to states, development of state councils, and appointment of compact commissioner
- September/October – Meeting logistics, planning for first Commission meeting
- December 2008 – Convene Inaugural Interstate Commission meeting
- February 2009 to August 2009 – Convene ongoing committee meetings, as needed
- December 2009 – Convene second Interstate Commission meeting

Transition Rules and Regulations

Tip #3: You should review the existing rules and regulations of the Interstate Compact on Juveniles with your compact administrator or deputy compact administrator in preparation for the first Interstate Commission meeting and to become versed in the regulations that direct compact activities.

One of the first items for consideration by the Interstate Commission will be the development of new rules and regulations to govern the activities of the compact. During the first 12 months of the Interstate Commission's existence, the pre-existing rules of the old Interstate Compact on Juveniles will continue to govern the relationships between states. While it is expected that the majority of existing rules and regulations will be incorporated in some related form into the new rules and regulations, several key areas for rulemaking are outlined in the new compact. At the end of this 12-month period, the transition from the old to the new compact will be complete. The relationships among compacting and non-compacting states, unless preserved by another interstate agreement, will cease to exist. Any state that adopts the new compact during this 12-month period will be a full partner and compacting state. Any state that adopts the new compact after this 12-month transition period will be a full partner and compacting state, but will have missed the opportunity to participate in the full rulemaking process.

STATE COUNCIL

Tip #4: If your state has not yet established its state council, please contact your governor's office, state compact commissioner and sponsor(s) of the compact legislation in your state for information on next steps. State councils should be established and meet prior to the first Interstate Commission meeting.

The model compact language of the state council article of the Juvenile Compact states:

“Each member state shall create a state council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state’s participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.”

Purpose

The Juvenile Compact specifically calls for the development of state councils in each member state. Designed to serve as an advisory and advocacy body of state policymakers and experts, each state council may be tasked with developing policy concerning operations and procedures of the compact within that state. Your state’s language may be different, particularly as related to members of the state council, appointment procedures, who makes appointments, etc. Please refer to the specific language of the compact adopted in your state for clarification.

Authority

Tip #5: Determine who has the authority to appoint members to the state council.

Each state must determine who will appoint members to the state council. Regardless of who is responsible, the appointment of state council members, if not already completed, should occur as soon as possible. Please refer to the specific language of the compact adopted in your state for clarification.

Tip #6: Determine how your state will handle state council authority issues and how the state council will function.

Each state retains the right to determine the authority of its state council as developed and enacted by the language of that state. Some states may choose to limit the authority of the state council to simply act as an advocacy body for the compact, raising its visibility to decision-makers. Other states may choose a more direct role for the state council, allowing for more day-to-day oversight of compact activities. Please refer to the compact language adopted in your state for clarification. In addition, it is important to determine how the state council will function – such as who presides over the meetings, who schedules meetings, who records meeting activities,

where and how often meetings will be held and how will activities/concerns of the state council and Interstate Commission will be reported to key constituents.

Composition

Tip #7: Determine the required or desired qualities and qualifications for membership on your state council and the number of council members.

The model language of the compact outlines the composition and appointment of state council members. However, beyond the prescribed members of the state council, your state language may be different, specifically outlining qualities and qualifications for council members. Your state may also decide to meld the state council responsibilities with a pre-existing council or group. Please refer to the specific compact language adopted in your state for clarification and discuss with key policy representatives.

Each state retains the right to determine the composition of its state council as developed and enacted by the language of that state. Some states may choose to have specific qualities (e.g., recognized leader of constituency group—director of victims’ services, parole board chair) and qualifications (e.g., experience with juvenile justice issues) reflected in their state council members. Other states may choose to have a broader base of experience represented in the body. The compact leaves the decision on state council member qualifications, except as otherwise stated to the member state.

Compact Administrator

Tip #8: Become educated in how your state currently handles compact administration, how it handles the day-to-day administrative duties of the compact and whether your state provides for a deputy compact administrator and compact staff.

The model compact language defines the compact administrator as *“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.”*

In many states, the compact administrator delegates the day-to-day operation of the compact to a deputy compact administrator. In those states, it is the deputy compact administrator that has intimate knowledge of how the compact functions on paper and in practice. He/she is the person responsible for the day-to-day operations and often best understands the strengths and weaknesses of policies from a practical standpoint.

Tip #9: Determine how your state will appoint the compact administrator under the new compact.

Each state must ensure procedures are in place with the proper appointing authority for the appointment of a compact commissioner. The compact commissioner serves as the state’s primary representative on the Interstate Commission. Please refer to the specific language of the compact adopted in your state for clarification and consult with your state’s current compact administrator for additional information and current activities.

The compact administrator will serve as the day-to-day authority for all compact activities in your state and should also serve as a primary representative to the Interstate Commission. Please refer to the specific language of the compact for additional information.

National Commissioner

Tip #10: Determine who will represent your state at the commission meetings if the compact administrator is unable to attend; and ensure that person understands and appreciates the commissioner's responsibilities.

The national Interstate Commission is composed of one commissioner from each member state. These commissioners represent the states and as a body on issues such as rules and regulations, dues, staff, etc. It is assumed that state council members will have the opportunity to consult and direct the commissioner prior to commission meetings.

Each state retains the right to determine the qualifications of the compact commissioner. Also, if the commissioner is unable to participate in Interstate Commission meetings, for whatever reason, an "Authorized Representative" may be designated for individual Interstate Commission meetings.

It is imperative for each state to notify CSG of the official appointment of the state's compact commissioner as soon as possible. This notification, in the form of a letter accompanied by the commissioner appointment form provided with this guide, or the appointment form the state uses for such appointments, must be submitted to CSG no later than the date specified in the letter notifying member states of the first interstate commission meeting.

No state will be allowed to participate in the first meeting with full voting privileges without this letter and appointment form. Proxies will *not* be permitted for this function

The model compact language defines this process as: *"Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication."*

Please refer to the specific compact language adopted in your state for clarification and consult with your state's current compact administrator for additional information and current activities.

INTERSTATE COMMISSION

This information on the Interstate Commission is provided to assist state council members and state compact administration staff to prepare for and understand the purpose and intent behind the Interstate Commission. It is not the intent of this section or its analysis to dictate or circumvent the prerogative of the Interstate Commission, the state councils or the membership of each.

The model compact language of the Interstate Commission article of the Juvenile Compact states:

“The compacting states hereby create the “Interstate Commission for Juveniles.” The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules, and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio, (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

Cont'd - *The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.*"

Purpose

The Juvenile Compact specifically calls for the development of an Interstate Commission to establish uniform procedures to manage the interstate movement of juveniles placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies. The Interstate Commission will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined juveniles are authorized to travel or to relocate across state lines. The commission will also establish a system of uniform data collection, provide access to information on active cases by authorized criminal justice officials, and coordinate regular reporting of compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. Further, the commission will monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

Authority

Tip #11: State council members should discuss and understand the authority vested in the Interstate Commission in preparation for the first meeting of the commission.

The Interstate Commission is a multi-state administrative agency composed of commissioners from its member states. The authority held by the Interstate Commission is granted by the member states and is carried out by those commissioners designated by the states.

The Interstate Commission shall have the authority, pursuant to the model compact language, to do the following:

- *“To provide for dispute resolution among compacting states.*
- *To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law...*
- *To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules promulgated by the Interstate Commission.*
- *To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.*

- *To establish and maintain offices which shall be located within one or more of the compacting states.*
- *To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.*
- *To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.*
- *To establish a budget and make expenditures and levy dues.*
- *To adopt a seal and by-laws governing the management and operation of the Interstate Commission.*
- *To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.*
- *To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.*
- *To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.*
- *To establish uniform standards of the reporting, collecting and exchanging of data.”*

Your state's compact language should not differ contextually from this language.

Composition

Tip #12: The state council should discuss and understand the composition of the Interstate Commission and decide has the authority to vote on Commission business prior to the first Commission meeting.

Responsibilities

Tip #13: The state council may prepare for the first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rulemaking considerations, Commission staffing needs, training needs, etc. The commissioner should come to the first commission meeting prepared to address these and other issues.

The compact language outlines specific duties and responsibilities for the Interstate Commission. While the compact language addressed initial responsibilities of the commission, it is assumed that other responsibilities and duties may evolve over time.

Establishment of the Interstate Commission

- Planning and coordination for the meetings of the commission, both full Interstate Commission meetings and committee meetings
- Development of the rules and regulations for the compact
- Hiring of the commission staff and interim staff support from CSG

- Notification to states of the compact’s ratification by 35 states
- Development of the state councils
- Development of a commission budget
- Invoicing to the states for dues approved within the Compact

Membership Services

- Provide technical assistance to states as they transition to the state council
- Convene meetings of states to share state council development strategies
- Continued outreach to both compact and non-compact states
- Development of an information clearinghouse regarding the compact

Interstate Commission Tasks

- Develop training materials for judges, prosecutors, probation/parole staff and victims; including development of training curricula, as well as tools like courtroom bench books and agency policies and procedures
- Conducting on-site training for state personnel regarding the compact, its workings and processes
- Develop materials for victims that promote a greater understanding of their rights and the information processes available to them when a juvenile wishes to go to another state

By-Laws

Tip #14: The state council may prepare for the first commission meeting by discussing by-laws for the commission. The commissioner should come to the first commission meeting prepared to address these and other issues.

The compact language calls for the development of by-laws for the Interstate Commission. The commission and its members should develop by-laws during the first 12 months of operation.

The model compact language defines By-Laws as: *“those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.”*

The model compact language further describes the Interstate Commission’s by-laws activity as such:

“The Interstate Commission’s by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.”

“The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- *Establishing the fiscal year of the Interstate Commission;*
- *Establishing an executive committee and such other committees as may be necessary;*

- *Provide for the establishment of committees) governing any general or specific delegation of any authority or function of the Interstate Commission;*
- *Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;*
- *Establishing the titles and responsibilities of the officers of the Interstate Commission;*
- *Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.*
- *Providing "start up" rules for initial administration of the compact;*
- *Establishing standards and procedures for compliance and technical assistance in carrying out the compact."*

Committees

Tip #15: The state council may discuss what, if any, committees its commissioner should serve on as well as how the members of the state council may be able to support commission committee work. They should also discuss any additional committees they would recommend and how they will ensure input into committee functions.

The compact language calls for developing various committees for the Interstate Commission on which members may serve. The compact also states that other committees may be established, as needed to address such issues as rules and regulations, dues and dues formula, education, outreach and training.

The model compact language states: *"To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder."*

Election of Officers

Tip #16: The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.

The Interstate Commission will elect officers from its members. The compact language specifically outlines the positions of chairperson and vice chairperson.

The model compact language states: *"The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of*

budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.”

Meetings

Tip #17: The state council may discuss whether it will send members of the council, in addition to the commissioner, to the commission meetings and, if so, how the costs of additional attendees will be funded. CSG/Office of Juvenile Justice and Delinquency Prevention will cover the costs of the interstate commissioner from your state. Additional costs for other attendees will be borne by the state.

The Interstate Commission is required to hold at least one meeting during each 12-month cycle. The commission is likely to meet several times during the first 12 months of its existence, with specific committees meeting more often until such issues as rules and regulations, dues and dues formula and education, outreach and training efforts can be completed. The state council may choose to send additional people to consult with the commissioner on interstate issues that may arise and to be more actively involved in Interstate Commission start-up.

Further, the model compact language states: *“Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members’ participation in meetings by telephone or other means of telecommunication or electronic communication.”*

Staffing of the Interstate Commission

Tip #18: The state council may decide the necessary staff positions for the operation of the compact. In addition, members should discuss the qualifications of an executive director. Further, the Interstate Commission can decide where it will be housed; state councils and commissioners may be prepared to discuss the location and housing of the Interstate Commission.

The Interstate Commission will have a full-time staff. Although the only position outlined in the compact language is that of executive director, other positions, such as assistant director, legal counsel, program specialist, etc., are likely to be developed to assist in the administration of the compact and the compact commission.

Specifically, the model compact language states: *“The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.”*

At its own discretion, and based on its determination as to its staffing needs, the Interstate Commission may have full-time staff to manage its new duties. The staff will provide legal expertise and technical assistance to the states, provide mediation and arbitration services for conflicts among the states, and provide continuous training and improvement activities among the member states to enhance the activities of the compact and its members. The Council of State Governments is prepared, if requested by the Interstate Commission at its initial meeting, to provide short-term secretariat services until such time as the commission becomes a viable entity that can maintain its own offices, staff and other necessary personnel. The Interstate Commission will have to determine its permanent location and establish agreements with other entities for services and staffing.

The Council of State Governments, through a service contract with the Office of Juvenile Justice and Delinquency Prevention, will provide full staffing of the new Interstate Commission through the convening of the second annual meeting in the fall of 2009. The new Interstate Commission is expected to have an independent, stand-alone staff after the meeting to meet its coordination, training and enforcement needs.

Rules and Rulemaking

Tip #19: The state council should review the existing rules and regulations with the state's compact administrator or deputy compact administrator, become familiar with these rules and regulations and discuss any desired additions, deletions or enhancements to the rules and regulations prior to the first Interstate Commission meeting.

Many of the rules will be similar, if not identical, to the current rules. But, the new compact will create a governing structure with the capacity and authority to effectively manage rulemaking and compliance by member states. Rulemaking authority is left to representatives of those states that choose to enact the compact. The compact creates a process for member states to make and enforce rules, and, when necessary, empowers states to modify rules without returning to each state legislature.

While specific rules to be addressed by the Interstate Commission have not been detailed in the compact, certain areas most certainly will need to be considered, including:

- Notice to victims and opportunities to be heard
- Offender registration and compliance
- Violations/return
- Transfer procedures and form
- Eligibility for transfer
- Collection of restitution and fees from offenders
- Data collection and reporting
- The level of supervision to be provided by the receiving state
- Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact
- Mediation, arbitration and dispute resolution

Establishing a Budget

Tip #20: The state council may discuss, prior to the first commission meeting, those expenditures members believe will be necessary to operate the Interstate Commission.

In order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission—which will be funded by member state contributions—will establish a budget for the operation of the commission and its duties.

The model compact language states:

“...equitably allocate the costs, benefits and obligations of the compact states.”

“To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.”

“The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.”

Your state’s compact language should not differ contextually from this language.

Training, Education, Outreach

Tip #21: The state council may meet with the current compact administrator, deputy compact commissioner and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by offender supervision staff, the judiciary and other allied justice system personnel.

The Interstate Commission will conduct training, education and outreach to the member and non-member states on a wide variety of issues surrounding the compact. The current compact does not provide for adequate training of compact staff in the states, nor promote education and outreach to member states, compact administrators or other stakeholder groups (e.g., judiciary, prosecutors, defense bar, victims advocacy groups).

The Interstate Commission will provide training and education to the compact administrator, deputy compact administrator and other compact staff, as well as to other state officials who may need information and who come in contact with the compact. The Interstate Commission will also provide outreach to non-member states to facilitate their full membership and participation in the Juvenile Compact.

The model compact language states:

“...coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity.”

“To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.”

“Establishing standards and procedures for compliance and technical assistance in carrying out the compact”

“Remedial training and technical assistance as directed by the Interstate Commission.”

National Information Sharing System and Data Collection

Tip #22: State councils may work with compact administrators, deputy compact administrators, other compact staff and allied justice system agencies to determine what types of information should be collected and shared in a national data sharing system. This information, presented by your state commissioner to the Interstate Commission, will be valuable in defining the specific parameters of the system.

The compact calls for the creation of a national data sharing system that facilitates the collection of uniform data on offender populations and movement, to more effectively track offenders as they move between states and among jurisdictions. The system will also foster a higher level of communication between the states, creating a much more expedient and efficient system for sharing or transferring cases. The Interstate Commission, through partnerships and cooperative agreements, will fund this national data sharing system with private sector firms, public-private foundations and federal agencies.

The model compact language states:

“[E]stablish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators.”

“The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall in so far as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.”

“To establish uniform standards of the reporting, collecting and exchanging of data.”

Finance Issues

Tip #23: State councils, compact commissioners and compact administrators should familiarize themselves with the specific processes and procedures within their state for requesting a budget appropriation. Also, the state council could see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments.

Each state will need to consider what, if any, budget appropriations will be necessary to support compact activities in order to comply with current and future compact activity demands. Also, in order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission will establish a budget for the operation of the commission and its duties.

State appropriations for the compact will be based on an equitable dues formula developed by the Interstate Commission and its members that at minimum will use, as its components, the offender transaction volume of the state and the relative population of the state. States can expect to be invoiced for their dues on an annual basis. Each member state is responsible for budgeting accordingly in preparation for this annual assessment.

The model compact language speaks specifically to the issue of finance:

“The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.”

Dues Timeline

State can expect invoices for dues will be processed within six to eight weeks following the first Interstate Commission meeting. Thereafter, invoicing will occur on an annual basis following the dues formula developed by the members.

Dues Formula

Tip #24: The state council should seek information on offender movement totals from the current compact administrator and other appropriate state agencies to prepare for the Interstate Commission. The state council, in consultation with state leaders could discuss possible configurations for a dues formula.

In order to accurately develop a dues structure and formula, information on current state transfer and transaction statistics and state financial and demographic information will be needed.

LEGAL ISSUES

Tip #25: Read and become familiar with the specific articles and sections of the compact that poses or may pose legal implications and obligations. Consult your state’s compact commissioner and, if necessary attorney general’s staff for assistance.

The following section is provided to assist in your discussions.

Enforcement and Compliance

The compact language compels the Interstate Commission to enforce compliance with all compact provisions, and rules and regulations. The compact contains several enforcement tools to ensure compliance with compact provisions, rules and regulations developed by and for the states and Interstate Commission. These include:

- Remedial training and technical assistance as directed by the Interstate Commission;
- Alternative dispute resolution;
- Reasonable fines, fees, and costs in such amounts set by the Interstate Commission; and
- Suspension or termination of membership in the compact.

The specific model compact language on enforcement and compliance states:

“...monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance.”

“...the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.”

“To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.”

“The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent.”

“If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties: a) Remedial training and technical assistance as directed by the Interstate Commission; b) Alternative Dispute Resolution; c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; or d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate

Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council. 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, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall 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 termination.”

“The Interstate Commission, may by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, 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.”

Oversight

A primary goal of the Interstate Commission is oversight of national Juvenile Compact activities.

The model compact language specifically provides that:

“The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.”

Dispute Resolution

As a means to avoid lengthy and expensive judicial proceedings on conflicts among the member states, the compact provides for dispute resolution tools such as mediation and arbitration.

Specifically the model compact language authorizes these tools:

“To provide for dispute resolution among compacting states.”

And the model compact language also outlines their use:

“The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

The Interstate 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 Interstate 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 this compact.”

Amendment Procedures

The model compact language does authorize and provide for amendments to the language and outlines specific steps for amendment:

“The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.”

Withdrawal, Default and Dissolution

Withdrawal

A state may withdraw from the compact upon enacting a state statute that authorizes such action. The compact recognizes this possibility and provides specific steps for such an action:

“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 Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 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 extend 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 Interstate Commission.”

Default

A state is in default of the compact and its provisions should a state not adhere to the language of the compact or the subsequent rules and regulations developed and adopted by the Interstate Commission.

“If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties: a) Remedial training and technical assistance as directed by the Interstate Commission; b) Alternative dispute resolution; c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council. 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, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall 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 termination.

Within 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, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.

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.

The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.”

Dissolution

The compact dissolves at such time as only one state is a member.

“The compact dissolves effective upon the date of the withdrawal or default of the 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 Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.”

Binding Effect of Compact and Other Laws

The model compact language provides:

“Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

All compacting states’ laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.”

“All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

Cont - In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.”

INTERSTATE COMPACTS – BACKGROUND AND HISTORY

As state governments increasingly face policy problems that rarely end at a state's borders, the search for effective policy responses often does.

One weapon in the states' arsenal is the interstate compact—an historic cooperative tool allowing states to work together to solve their mutual policy dilemmas while reinforcing the role of the states in tackling regional and national issues.

As states struggle with emerging policy issues such as prescription drug pricing, increased energy production and distribution, refined and updated tax systems and the refurbishment of an aging infrastructure, the interstate compact may well prove to be the answer to these and other policy questions.

The Nature of Interstate Compacts

Compacts are simply formal agreements between two or more states that bind them to the compacts' provisions, just as a contract binds two or more parties in a business deal. As such, compacts are subject to the principles of contract law and are protected by the constitution's prohibition against laws that impair the obligations of contracts.

That means compacting states are bound to observe the terms of their agreements, even if those terms are inconsistent with other state laws. In short, compacts between states are somewhat like treaties between nations. Compacts have the force and effect of statutory law and take precedence over conflicting state laws, regardless of when those laws are enacted.

Unlike treaties, however, compacts are not dependent solely upon the good will of the parties. Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the compacts themselves. Moreover, Congress and the courts can compel compliance with the terms of interstate compacts. That's why compacts are considered among the most effective means of ensuring interstate cooperation.

History of Interstate Compacts

Compacts were seldom used until the 20th century. Between 1783 and 1920, states approved just 36 compacts, most of which were used to settle boundary disputes. However, in the last 75 years, more than 150 compacts have been created, most since the end of World War II.

Compacts' purposes ranges from implementing common laws to exchanging information about similar problems. They apply to everything from conservation and resource management to civil defense, emergency management, law enforcement, transportation and taxes. Other compact subjects include education, energy, mental health, workers compensation and low-level radioactive waste.

Some compacts authorize the establishment of multistate regulatory bodies. The first and most famous of these is the New York-New Jersey Port Authority, which arose from a 1921 compact between the two states. But other agreements are simply intended to establish uniform regulations without creating new agencies.

In recent years, compacts have grown in scope and number. Today, many are designed for regional or national participation, whereas the compacts of old were usually bi-state agreements.

Recent efforts include the Emergency Management Assistance *Compact*, the Interstate Compact on Industrialized/Modular Buildings, Interstate Insurance Receivership Compact, and several low-level radioactive waste compacts, which were mandated by Congress.

Other examples of compact activity include the revision of existing interstate agreements; updating agreements that maintain relevance, but which require a modernization of their structures. Recent examples include the Interstate Compact for Adult Offender Supervision, the Interstate Compact for Juveniles, and the Interstate Compact for the Placement of Children.

Creating Interstate Compacts

Compacts are essentially contracts between states. To be enforceable, they must satisfy the customary requirements for valid contracts, including the notions of offer and acceptance.

An offer is made when one state, usually by statute, adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language. Once the required number of states has adopted the pact, the contract among them is valid and becomes effective as provided. The only other potential requirement is congressional consent.

Congressional Consent

Article I, Section 10 of the U.S. Constitution provides in part that “no state shall, without the consent of Congress, enter into any agreement or compact with another state.” Historically, this clause generally meant all compacts must receive congressional consent.

However, the purpose of this provision was not to inhibit the states’ ability to act in concert with each other. In fact, by the time the Constitution was drafted, the states were already accustomed to resolving disputes and addressing problems through interstate compacts and agreements. The purpose of the compact clause was to protect the pre-eminence of the new national government by preventing the states from infringing upon federal authority or altering the federal balance of power by compact.

Accordingly, in 1893 the Supreme Court in *Virginia v. Tennessee* indicated that not all compacts require congressional approval. Today, it is well established that only those compacts that affect a power delegated to the federal government or alter the political balance within the federal system, require the consent of Congress.

For example, a river basin agreement between two or more states that might affect the water rights of non-party states would surely require congressional approval. Determining whether a compact affects federal powers is more difficult. Generally, any compact that touches on an area of mutual state-federal concern, or threatens to interfere with the doctrine of federal pre-emption, may be said to require congressional consent, such as the Driver’s License Compact.

It is almost easier to identify agreements that do not require congressional consent. Included among these are compacts concerning matters in which state authority is clearly pre-eminent. Education is one such area.

Compacts designed to facilitate interstate communication or promote cooperative studies do not usually require congressional consent, but those that impose more substantive obligations often do.

Fortunately, the consent requirement is not particularly burdensome. Though usually satisfied by means of a congressional resolution granting states the authority to create a compact, the Constitution specifies neither the means nor the timing of the required consent. Over the years, the Supreme Court has held that congressional consent may be expressed or implied and may be obtained either before or after a compact is enacted.

Congressional consent may also be conditional, limited or temporary, and is always subject to modification or repeal, even if this right is not expressly reserved when the consent is initially given. Thus, whether a compact requires consent or not, and regardless of the form that consent may take, no compact is immune from future invalidation by an Act of Congress. Therefore, express congressional consent is sometimes considered desirable; even if it isn't strictly required at the time the compact is created.

Delegation of State Authority to a Joint Administrative Agency

One of the axioms of modern government is the ability of a state legislature to delegate to an administrative body the power to make rules and decide particular cases. This delegation of authority, upheld in 1951 by the U.S. Supreme Court in *West Virginia vs. Dyer*, extends to the creation of interstate commissions through the vehicle of an interstate compact.

Examples include the Interstate Compact for Adult Offender Supervision, the New York/New Jersey Port Authority and the Interstate Pest Control Compact—each creates and maintains an interstate commission capable of providing administrative oversight to its member states on compact related issues.

Modern compacts are a reinvigoration of our federalist system in which states may only be able to preserve their sovereign authority over interstate problems to the extent that they share their sovereignty and work together cooperatively through interstate compacts.

Amending and Enforcing Compacts

Once established, compacts can only be amended or terminated in accordance with the instruments themselves or by mutual consent of the members by adopting identical substantive language. In other words, amending compacts requires the same process used to create them unless the compacts themselves specify other mechanisms.

A violation of compact terms, like a breach of contract, is subject to judicial remedy. Since compacts are agreements between states, the U.S. Supreme Court is the usual forum for the resolution of disputes between member states. However, compacts can, and frequently do, include provisions to resolve disputes through arbitration or other means.

Timeframe Enacting Compacts

Compacts are not always complicated, but they may take time, especially if their subject matter is controversial. A study of 65 interstate compacts, conducted in the early 1960s, indicated that the average amount of time required to launch a new compact was nearly five years. But that study was admittedly skewed by the unusually long time required for the approval of several compacts that dealt with controversial natural resource issues. In fact, the average time required to enact 19 compacts covering river management and water rights was nearly nine years.

More recently, however, the adoption of interstate compacts has been much more rapid. The *Interstate Compact for Adult Offender Supervision* was adopted by 35 states in just two and a half years. Other recent compacts, including the new Interstate Insurance Product Regulation Compact are enjoying faster success, gaining quick adoptions over a period of two to three years.

In recent years, there have been some remarkable success stories. For example, in December 1989, a committee of the Midwestern Legislative Conference approved draft language for the Midwestern Higher Education Compact and began circulating it to lawmakers in the 12 Midwestern states that were eligible to participate. Just 13 months later, the compact became effective.

Avoiding Federal Interference

Finally, interstate compacts provide states the opportunity to cooperatively address policy issues in the face of an increasingly active federal government. With the federal dynamic constantly shifting between all levels of government, interstate compacts offer an attractive alternative to ensure state agreement on complex policy issues, establish state authority over areas reserved for states and allow states to speak strongly with one unified voice. Without the compact, federal activism in traditional state policy areas is an increasing possibility.

INTERSTATE COMPACTS: 10 FREQUENTLY ASKED QUESTIONS

1) What is an interstate compact?

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters.

Interstate compacts are the most powerful, durable and adaptive tools for ensuring cooperative action among the states. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states.

The very nature of an interstate compact makes it an ideal tool to meet the demand for cooperative state action: developing and enforcing stringent standards, while providing an adaptive structure that, under a modern compact framework, can evolve to meet new and increased demands over time.

General purposes for creating an interstate compact include:

- Establishing a formal, legal relationship among states to address common problems or promote a common agenda.
- Creating independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establishing uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Creating economies of scale to reduce administrative and other costs.
- Responding to national priorities in consultation or in partnership with the federal government.
- Retaining state sovereignty in matters traditionally reserved for the states.
- Settling interstate disputes.

2) How prevalent are interstate compacts?

More than 200 interstate compacts exist today. On average, a state belongs to 25 interstate compacts.

Twenty-two compacts are national in scope, several with 35 or more member states and independent administrative commissions. More than 30 compacts are regional in scope, with eight or more member states.

3) What types of interstate compacts exist?

Although there are many types of interstate compacts, they can generally be divided into three categories:

a) **Border Compacts** are agreements between two or more states that establish or alter the boundaries of a state. Once adopted by the states and approved by Congress, such compacts permanently alter the boundaries of the state and can only be undone by a subsequent compact approved by Congress or the repeal of the compact with Congress's approval. *Examples include the Virginia-Tennessee Boundary Agreement of 1803, Arizona-California Boundary Compact of 1963, the Missouri-Nebraska Compact of 1990, and the Virginia-West Virginia Boundary Compact of 1998.*

b) **Advisory Compacts** are agreements between two or more states that create study commissions. The purpose of the commission is to examine a problem and report findings to respective states. Such compacts do not result in any change in the state's boundaries nor do they create ongoing administrative agencies with regulatory authority.

c) **Regulatory Compacts** are the broadest and largest category of interstate compacts and may be called regulatory or administrative compacts. Such compacts are a development of the 20th century and embrace wide-ranging topics including regional planning and development, crime control, agriculture, flood control, water resource management, education, mental health, juvenile delinquency, child support and so forth. Regulatory compacts create ongoing administrative agencies whose rules and regulations may be binding on the states to the extent authorized by the compact. Many regulatory compacts require congressional consent to be effective because they regulate areas that impact one of congress's enumerated powers, such as interstate commerce, navigable streams and extradition.

4) **What are the advantages of an interstate compact?**

The emergence of broad public policy issues that ignore state boundaries and the principles of federalism have presented new governing challenges to both state and federal authorities. Complex regional and national problems have shown little respect for the dual lines of federalism or the geographical boundaries of states. Thus, interstate compacts have re-emerged not only as devices for adjusting interstate relations but also for governing the nation.

Interstate compacts provide an effective solution in addressing suprastate problems. Compacts enable the states—in their sovereign capacity—to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process while respecting the view of Congress on the appropriateness of joint action. Interstate compacts can effectively pre-empt federal interference into matters that are traditionally within the purview of the states but have regional or national implications.

Unlike federal actions that impose unilateral, rigid mandates, compacts afford states the opportunity to develop dynamic, self regulatory systems over which the party states can maintain control through a coordinated legislative and administrative process. Compacts enable the states to develop adaptive structures that can evolve to meet new and increased challenges that naturally arise over time.

5) What are the disadvantages of an interstate compact?

Interstate compacts may often require a great deal of time to both develop and implement. While recent interstate compact efforts had success in just a few years, some interstate compacts have required decades to reach critical mass.

Further, the ceding of traditional state sovereignty, particularly as required by several modern administrative compacts may be perceived as a disadvantage. The very purpose of an interstate compact is to provide for the collective allocation of governing authority between and among party states, which does not allow much room for individualism. The requirement of substantive sameness prevents party states from passing dissimilar enactments.

As the balance of power continues to realign in our federalist system, states may only be able to preserve their sovereign authority over interstate problems to the extent that they share their sovereignty and work together cooperatively through interstate compacts.

6) How is an interstate compact created?

Compacts are essentially contracts between or among states. To be enforceable, they must satisfy the customary requirements for valid contracts, including the notions of offer and acceptance. An offer is made when one state, usually by statute, adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language. Once the required number of states has adopted the pact, the contract among them is valid and becomes effective as provided. The only other potential requirement is congressional consent.

7) What might the compact development process look like?

The development of any interstate compact should be a state-driven and state-championed solution to a policy issue. Outlined below are key steps, in the opinion of CSG, to the development process of a regulatory compact. *These should be viewed as examples and can be, based on the issue area, customized as needed.*

- a) **Advisory Group** – Composed of state officials and other critical stakeholders, an advisory group examines the realm of the problem, suggests possible solutions and makes recommendations as to the structure of the interstate compact. Typically, an advisory group is composed of approximately 20 individuals, each representative of various groups and states. An advisory group would likely meet one or two times over a period of two to three months, with their work culminating in a set of recommendations as to what the final compact product should look like.
- b) **Drafting Team** - While an advisory group enjoyed thinking about the issue from a macro-level, a drafting team pulls the thoughts, ideas and suggestions of the advisory group into a draft compact. The drafting team, composed of five to eight compact and issue experts, will craft the recommendations, as well as their own

thoughts and expertise, into a draft compact that will be circulated to state officials for comment. The document will also be open for comments from a wide swath of stakeholders and the public. Following these comment periods, the compact will be revised as needed and released finally back to an advisory group for final review to ensure it meets the original spirit of the group's recommendations. A drafting team would meet three to four times over a period of 10 to 14 months, with significant staff work and support between sessions.

- c) **Education** – Once completed, the interstate compact would be available to states for legislative approval. During this phase of the initiative, state-by-state technical assistance and on-site education are keys to rapid success. A majority of state legislators have limited knowledge about interstate compacts and with such a major issue being addressed, leg work on the ground in each state is crucial. Previous interstate compact efforts have convened end-of-the-year legislative briefings for state officials to educate them on the solutions provided by the interstate compact. Education occurs before and during state legislative sessions.
- d) **Enactment** - A majority of interstate compacts did not become active right away. Rather, interstate compacts typically activate when triggered by a pre-set number of states joining the compact. For instance, the Interstate Compact for Adult Offender Supervision (Adult Compact) required 35 state enactments before it could become active. This number was chosen for two reasons. A membership of 35 ensures that a majority of states are in favor of the agreement and that a new compact would not create two conflicting systems. Moreover, a sense of urgency for states was created because the first 35 jurisdictions to join would meet soon thereafter and fashion the operating rules of the compact. Most interstate compacts take up to seven years to reach critical mass. However the most recent effort managed by CSG, the Adult Compact, reached critical mass in just 30 months from the date of introduction in 2000.
- e) **Transition** - Following enactment by the required minimum number of states, the new compact becomes operational and, depending on the compact's administrative structure, goes through standard start-up activities such as state notification, planning for the first commission or state-to-state meetings and, if authorized by the compact, hiring of staff to oversee the agreement and its requirements. A critical component of the transition will be the development of rules, regulations, forms, standards, etc. by which the compact will need to operate. Typically, transition activities run for between 12 and 18 months before the compact body is independently running.

8) **What does a modern interstate compact look like, structurally?**

When developing the interstate compact mechanism, one needs to look at it as a human body—the compact itself is the skeleton; the rules, regulations and forms are the muscles and the bylaws are the skin. The compact should contain the minimum basics upon which it needs to operate, in terms of the agreement between states and the operation of a governing body. By using the compact as the broad framework, the rules can be adapted

and adjusted as needed throughout the life of the compact without the need to go back each time for legislative approval from the member states, subject to the legislatively delegated authority.

9) Will my state's constitution permit the creation and/or joining of a compact?

Compact language is usually drafted with state constitutional requirements common to most state constitutions such as separation of powers, delegation of power, and debt limitations in mind. The validity of the state authority to enter into compacts and potentially delegate authority to an interstate agency has been specifically recognized and unanimously upheld by the U.S. Supreme Court in *West Virginia vs. Sims*, 341 U.S. 22 (1951).

10) Where can I get more information and assistance with the Interstate Compact for Juveniles?

Contact:

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Director, National Center for Interstate Compacts
c/o The Council of State Governments
2760 Research Park Drive
P.O. Box 11910
Lexington, KY 40578-1910
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INTERSTATE COMPACT FOR JUVENILES - BACKGROUND AND DEVELOPMENT

Following the initial success of revision to the Interstate Compact for the Supervision of Parolees and Probationers (revised into the Interstate Compact for Adult Offender Supervision or Adult Compact), the Office of Juvenile Justice and Delinquency Prevention pursued a similar rewrite of the Interstate Compact on Juveniles.

In 1999, OJJDP conducted a detailed survey of the states, uncovering many contentious issues within the current compact structure, and asked for recommendations to address these growing concerns. The Council of State Governments and OJJDP then developed advisory and drafting groups that created the new Interstate Compact for Juveniles.

In 2000, a compact advisory group was formed to assist staff in assessing interstate supervision options and alternatives, and to assist in identifying groups having an interest in effective interstate supervision. They identified a revision of the existing compact as the only option for long-term change.

In 2001, CSG worked with OJJDP and the Association of Juvenile Compact Administrators to develop and facilitate a drafting team of state officials to begin the design of a revised juvenile compact. Considering the suggestions of the advisory group as well as those comments generated from the field via the OJJDP survey, the drafting team developed the compact language over a 12 month period.

In 2002, the compact language was finalized and an educational campaign was developed jointly by CSG and OJJDP for the states to help policymakers better appreciate and understand the need for a new compact. In October, a National Legislative Briefing was held for some 150 state legislators and other officials on the compact.

In 2003, the Juvenile Compact was first available for introduction in the states. Throughout the year, CSG, OJJDP and members of the Association of Juvenile Compact Administrators provided on-site technical assistance to states considering the compact and maintained an extensive information clearinghouse on the project. During the year 11 states adopted the revised compact. In November, CSG held a second National Legislative Briefing held with some 125 state officials.

In 2004, CSG continued its efforts on the initiative, and 21 states enacted the legislation by the end of the year.

In 2005, an additional seven states passed the new Juvenile Compact, increasing the total of states adopting the compact to 28

In 2006, two more states adopted the revised agreement, bringing the total to 30.

In 2007, three more states adopted the Juvenile Compact, bringing the total to 33.

After two more states adopted the compact in 2008, the threshold of 35 states was reached.

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

DOCKET BOOK

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- 1. Program Agenda**
- 2. Compact Project Backgrounder & History**
- 3. Role & Authority of Commission**
- 4. State Guide**
- 5. Interim By-Laws**
- 6. Nominating Processes and Procedures**
- 7. Description of Officers and Roles**
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- 11. Budget, Staffing & State Fee Assessments - Commentary**
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- 14. Role of Ex-Officio Members**
- 15. Compact Language**
- 16. State-by-State Status & History**
- 17. 2008 State Transfer Figures.**
- 18. Commissioner Biographies *(to be provided onsite)***
- 19. State Relationship Status *(to be provided onsite)***

INTERSTATE COMPACT FOR JUVENILES

INTERSTATE COMMISSION MEETING

-- Nominations Committee & Process --

During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission's staff once hired.

According to the Juvenile Compact language (Article V, Section B), only two elected positions are required: Chair, and Vice-Chair.

“The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission.”

However, the Commission may create additional offices to include a chairperson, vice chairperson, a treasurer, and secretary. The officers shall be duly elected Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Since the Interstate Commission is an administrative entity that has the power to levy dues upon member states and therefore will have a substantial fiscal responsibility, it is also proposed, for consideration by the Commission, that the position of Treasurer be elected as well.

Officers to be Elected

- Chair
- Vice-Chair
- Treasurer

Nominating Process

Throughout Tuesday, December 16 (Day Two of the Commission Meeting), members will have an opportunity to nominate Commission members for the 3 identified offices: Chair, Vice-Chair and Treasurer. Commissioners may be nominated in the following ways:

- Put name in the Nominations Box (accessible throughout the day & evening)
- Inform your Regional Group of Nominations (during meeting on Day Two)
- Inform a member of the CSG or NIC staff

These nominations will be treated as private information and will only be revealed to the Nominations Committee during that committee's meeting on Tuesday, December 16.

Nominations Committee

The Nominations Committee will be composed of one representative selected from each regional group (South, East, Midwest and West). These selections will occur on Tuesday, December 16 during the 10:30am Regional Group Breakout Sessions and will be made by the Commissioner members from each region.

The Nominations Committee will convene its first meeting on Tuesday, December 16 directly after the adjournment of the general session for that day and before the Commissioner Dinner, which is scheduled to begin at 7:00pm. CSG's Mike McCabe and Rick Masters will staff the committee. During this meeting, the four members will review the nominations made (see Nominating Process) and will select a slate of officers to be presented to the full Commission body on Wednesday, December 17 at 8:15am.

Nominations Committee Procedures

- 1) Elect a chair of the Nominating Committee.
- 2) Nominate one person for each position
- 3) Contact each nominee on the evening of Day Two to ensure that the person is willing to serve. (2 year term)
- 4) The chair of the Nominating Committee reports for the committee as a part of the business on Day Three, and places the names in nomination before the full Commission.

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

-- Role Of The Interstate Commission --

The Compact specifically calls for the development of an Interstate Commission to establish a uniform standard that governs the state-to-state transfer and movement of juveniles who have absconded, escaped or run away as these children transfer or move from one state to another. The Interstate Commission will promulgate rules to achieve the purpose of this compact. The Commission will also establish a uniform system for collecting standardized data concerning the movement of these juveniles; create a process that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance; coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

The model Compact specifically states (where quoted) that:

“The member states hereby create the “Interstate Commission for Juveniles.”

The Interstate Commission shall “[b]e a body corporate and joint agency of the compacting states. The Commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.”

The Interstate Commission shall “consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder.”

In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall “include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such

additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission..

“A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.”

The Interstate Commission shall “[m]eet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings.”

The Interstate Commission shall give “ public notice” “ of all meetings and meetings shall be open to the public.”

The Interstate Commission shall “[e]stablish an executive committee” which shall include the “commission officers, members, and others as determined by the by-laws.”

“ The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session,with the exception of rulemaking and/or amendment to the compact.”

“The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.”

**INTERSTATE COMPACT
FOR
JUVENILES**

INTERSTATE COMMISSION MEETING

-- Role Of Ex-Officio Members --

The Compact specifically calls for Ex-Officio members and designates, at a minimum, who these representatives should be:

“Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.”

Adhering to the compact language, the following organizations were among those invited to send Ex-Officio members to the first meeting of the Interstate Commission:

- American Probation and Parole Association
- National Association of Counties
- National Center for Victims of Crime
- Office of Juvenile Justice and Delinquency Prevention
- National Sheriff’s Association
- American Association of Public Human Services Association
- National Council of Juvenile and Family Court Judges
- Council of Juvenile Corrections Administrators

Ex-Officio members of the Commission have the following duties:

- Serve as principal liaison between the Commission and the designating organization
- Serve in an advisory capacity to the Commission
- Attend Interstate Commission meetings and Committee meetings
- Represent the Commission at functions/events as requested by the Chair
- Participate in Commission and committee meetings as requested by the Chair

Ex-Officio members serve at the pleasure of their appointing organization and may be replaced by that organization under the rules and bylaws of said organization.

The Interstate Commission, through its bylaws, may add Ex-Officio members representing other organization and associations, but must, at a minimum, preserve the Ex-Officio members called for in the compact.