



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE MEETING

Minutes

Monday, August 22, 2011

1:00 p.m. EDT

Committee Members in Attendance:

1. Gary Hartman (WY) Commissioner, Chair
2. Judy Miller (AR) Designee
3. Summer Foxworth (CO) Commissioner
4. Alicia Ehlers (ID) Designee
5. Billie Greer (IL) Designee
6. Julie Hawkins (MO) Commissioner
7. Philip Cox (OR) Commissioner
8. Carol Gillespie (OR) Designee
9. Don Jones (WA) Designee
10. Randall Wagner (WV) Designee
11. Michael Farmer (CA) Ex-Officio

Committee Members Not in Attendance:

1. Sharon Harrigfeld (ID) Commissioner
2. Clarence Powell (MS) Designee
3. Cheryl Sullivan-Colglazier (WA) Commissioner
4. Michael Lacy (WV) Commissioner
5. Karin Magnelli (ID) Ex-Officio
6. John Gusz (NJ) Ex-Officio

Guests in Attendance:

None

ICJ Staff in Attendance:

1. Ashley Lippert, Executive Director
2. Jack Branum, Project Manager
3. Jimmy Frazier, MIS Project Manager
4. Emma Goode, Administrative and Logistics Coordinator
5. Rick Masters, Legal Counsel

Call to Order

Chair Hartman called the meeting to order at 1:00 p.m. EDT on Monday, August 22, 2011.

Roll Call

A. Lippert called the roll. Eleven of the seventeen members were present. Nine of the ten *voting* members were present, establishing a quorum.

Agenda

Chair Hartman called for a motion to approve the agenda. **S. Foxworth (CO) made the motion to approve the agenda as presented. J. Hawkins, (MO) seconded. The motion passed.**

Minutes

Chair Hartman called for a motion to approve the minutes. **J. Miller (AR) made the motion to approve the minutes of August 4, 2011. B. Greer (IL) seconded. The motion passed to approve the minutes as clerically amended.**

Discussion

Use of term “Appropriate”

- The Rules Committee reviewed the use of the term *Authority* as it is used throughout the proposed rule amendments, proposed form amendments, current rules, and current forms as listed below:

Instances of “Authority” in proposed amendments to rules:

Rule 1-101: Appropriate authority
Rule 1-101: Hearing (Designated Authority)
Rule 1-101: Judgment (a West Region proposal; Rules Committee voted not to recommend) (Designated Authority)
Rule 1-101: Petition (a West Region proposal; Rules Committee voted not to recommend) (Designated Authority)
Rule 1-101: Requisition (Rules Committee recommends language that strikes out the term “authority” from its current definition) (Executive Authority)
Rule 1-101: Supervision (Releasing Authority)
Rule 1-101: Termination (Proper Authority)
Rule 4-101(2 c.) (Appropriate Authority)
Rule 4-104(5) (Paroling Authority)
Rule 4-106(3) [old #4] (Appropriate Authority)
Rule 6-101(4) (Appropriate Authority)
Rule 6-101(6) (Appropriate Authority)

Instances of “Authority” in Form Proposals

Form II (Executive Authority)
Form III (Appropriate Authority)
Petition for Hearing On Requisition For Escapee, Absconder, or Accused Delinquent (Appropriate Person or Authority)

Instances of “Authority” in current rules that are not up for amendment

Rule 1-101: Detainer (Legal Authority)
Rule 6-103(1) (Appropriate Person or Authority)
Rule 6-103(4) (Appropriate State Authority)
Rule 6-103(7) (Appropriate Authority)

Instances of “Authority” in current forms that are not up for amendment

Form I (Executive Authority)

- The Rules Committee determined that the proposed definition for *Appropriate Authority* could be substituted in all instances listed above without altering the intent of the rule and agreed to amend for consistency.
- **J. Miller (AR) made a motion that the term *Appropriate Authority* be used in lieu of *Appropriate Person, Designated Authority, Executive Authority, Legal Authority, Paroling Authority, Proper Authority, Releasing Authority, and Sending Authority* in all instances throughout the proposed rule and form amendments and current rules and forms. B. Greer (IL) seconded. The motion passed.**

Rule 1-101: Definitions Appropriate Authority

Rule 1-101: Definitions Hearing

- The Rules Committee agreed to recommend the proposed definition of *appropriate authority* and the amended definition of *hearing*.
- **B. Greer (IL) made a motion to recommend for adoption the proposed Rule 1-101: Definitions *Appropriate Authority* and the proposed amendment to Rule 1-101: Definitions *Hearing*. S. Foxworth (CO) seconded. The motion passed.**

Conflict with Rule 5-101 paragraphs 4 and 5

- A. Lippert recapped that the National Office has received numerous inquiries regarding a conflict between paragraph 4 and paragraph 5 in Rule 5-101: Authority to Accept/Deny Supervision. The Committee debated the issues brought forth regarding unsuitable placements and supervision in states where no parent or legal guardian reside.
- R. Masters cited the ICJ Bench Book Section 3.5.1 wherein the two paragraphs should be read together and the preceding paragraph 5 would trump paragraph 4.
- Chair Hartman suggested combining the two paragraphs mindful that any proposed amendment to Rule 5-101 is a new proposal not previously put forward to the Commission for comment.

- R. Masters advised proposing a new amendment to be within the jurisdiction of the Rules Committee.
- The Rules Committee debated combining versus separating the two paragraphs and the intent of paragraph 4 to be placement versus paragraph 5 to be supervision. P. Cox (OR) commented that the scope of ICJ to be supervision and the denial of placements to be outside of the ICJ scope.
- **J. Miller (AR) made the motion to combine Rule 5-101 paragraphs 4 and 5, to insert *except at the end of Paragraph 4, to delete *Supervision shall be accepted by a receiving state at the beginning of Paragraph 5, and to recommend for adoption the new proposed amendment to Rule 5-101: Authority to Accept/Deny Supervision.* J. Hawkins (MO) seconded. P. Cox (OR) opposed. The motion passed.***
- The National Office will highlight Rule 5-101 as a new proposed amendment not previously included in the posting for comments.

Rule 4-102: Sending and Receiving Referrals

Delineating Probation and Parole

- The Rules Committee reviewed the comments by Idaho for Rule 4-102 regarding the delineation of Probation and Parole. A. Ehlers (ID) brought forth for consideration defining the term Probation/Parole separately as the processes of probationers and parolees are handled separately. The Committee agreed the processes should continue to be separate. The Committee reviewed the Probation/Parole language and reached a consensus to maintain the current definition.
- The Committee discussed the omission of language previously amended in Rule 4-102 paragraph 3(a) regarding the 45 day notice prior to the juvenile's anticipated arrival. The Committee agreed to reinsert anticipated release from a facility.
- **J. Hawkins (MO) made the motion to delete *arrival* and insert *release from a facility* in paragraph 3(a), and to recommend for adoption the proposed amendment to Rule 4-102: Sending and Receiving Referrals. J. Miller (AR) seconded. The motion passed.**

Old Business

There was no old business.

New Business

Rule 5-102 Travel Permits

- P. Cox (OR) brought forth for consideration the language in Rule 5-102 regarding the issuance of travel permits regardless of length of stay. The Rules Committee explored cases of crossing the state line for medical appointments. They reviewed the language in paragraph 2 regarding 48 hours and paragraph 3 regardless of length of stay when the juvenile qualifies as one of the four listed categories.
- R. Masters advised the Commission has the authority to amend and cautioned that the four categories were considered to be a significant risk to public safety.
- P. Cox (OR) suggested language in Rule 5-102, paragraph 3, to delete "*Regardless of the length of stay*" and insert "*For stays overnight or longer.*" B. Greer (IL) suggested deleting 3 (d) only.
- A. Lippert reminded the Rules Committee that during the face to face meeting in Lexington, Kentucky, J. Gusz (NJ) suggested the formation of an ad hoc committee to focus on all aspects of the Rule 5-102 and the issuance of travel permits.
- **P. Cox (OR) made a motion that at the 2011 Annual Business Meeting the Rules Committee recommends the formation of an ad hoc committee to address Rule 5-102: Travel Permits. J. Hawkins (MO) seconded. The motion passed.**

Adjourn

Chair Hartman reminded the Committee of the Public Hearing on October 24 in Norfolk, VA.

B. Greer (IL) made the motion to adjourn. A. Ehlers (ID) seconded. The motion passed. The meeting adjourned at 2:22 p.m. EDT.