INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE MEETING
Minutes
Wednesday, March 28, 2012
1:00 p.m. EDT

Committee Members in Attendance:

1. Gary Hartman (WY) Commissioner, Chair
2. Barbara Murray (AK) Commissioner
3. Judy Miller (AR) Designee
4. Summer Foxworth (CO) Commissioner
5. Damian Seymour (DE) Designee
6. Alicia Ehlers (ID) Designee
7. Billie Greer (IL) Designee
8. Julie Hawkins (MO) Commissioner
9. Carol Gillespie (OR) Designee
10. Randall Wagner (WV) Designee
11. Letta Porter-Jones (VA) Designee
12. John Gusz, Ex-Officio
13. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Karen Triolo (DE) Commissioner
2. Sharon Harrigfeld (ID) Commissioner
3. Philip Cox (OR) Commissioner
4. Mark Gooch (VA) Commissioner
5. Don Jones (WA) Commissioner
6. Mike Lacy (WV) Commissioner
7. Steve Jett, Ex-Officio

Guests in Attendance:

1. Rose Marie Holmquist (DE)

ICJ Staff in Attendance:

1. Ashley Lippert, Executive Director
2. Jack Branum, MIS Project Manager
3. Emma Goode, Administrative and Logistics Coordinator

Call to Order

Chair Hartman called the meeting to order at 1:01 p.m. EST.

Roll Call

A. Lippert called the roll. Thirteen of the twenty members were present. Eleven of the twelve *voting* members were present, establishing a quorum.

Agenda

A. Ehlers (ID) made the motion to approve the agenda, J. Miller (AR) seconded. The motion passed to approve the agenda as presented.

Minutes

J. Miller (AR) made the motion to approve the minutes of March 14, 2012. J. Hawkins (MO) seconded. The motion passed to approve the minutes as presented.

Discussion

Rule 5-102: Travel Permits proposed by the Rules Committee

Paragraph 3

- The Rules Committee reviewed the proposed language in the last sentence of Rule 5-102: Travel Permits, paragraph 3. J. Miller (AR) recommended additional language to clarify which state the amended language refers.
- **J. Miller (AR) made a motion to insert *in the receiving state* at the end of the proposed last sentence in Rule 5-102 (3). J. Hawkins (MO) seconded. The motion passed**.
- J. Miller (AR) suggested additional language in paragraph 3 to address exceptions and notifications to the receiving states.
- **J. Miller (AR) made a motion to insert after the first sentence in Rule 5-102 (3) *An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority*. A. Ehlers (ID) seconded. The motion passed.**
- The Rules Committee agreed to strike the word shall to maintain compliance when juveniles move prior to receipt of the notification.
- **J. Miller (AR) made a motion to strike *shall* and insert *should* in Rule 5-102 (3) the next to last sentence. R. Wagner (WV) seconded. The motion passed.**
- **S. Foxworth (CO) made a motion to accept the proposed Rule 5-102, paragraph 3 as amended. J. Miller (AR) seconded. The motion passed.**

Proposed Paragraph 2

- Chair Hartman presented the language suggested by A. Lippert in the last meeting as a new paragraph 2 in Rule 5-102.
- R. Wagner (WV) spoke in favor of the proposed term "may" rather than "shall" noting that a mandatory rule puts states without issues in violation. J. Hawkins (MO) cautioned addressing ICPC juveniles which are not supervised by ICJ and suggested striking the word "supervision".
- J. Miller (AR) recommended inserting *who are* prior to *under the terms* as a clerical correction.
- **S. Foxworth (CO) made a motion to accept the proposed new paragraph 2 as amended to Rule 5-102: Travel Permits. B. Greer (IL) seconded. The motion passed.**

Original Paragraph 2 (re-numbered Paragraph 3)

- **J. Hawkins (MO) made a motion to amend Rule 5-102 (2) (re-numbered paragraph 3) to end the first sentence *after (90) calendar days* and to delete the word *with* and begin the next sentence *If for the purposes of testing a placement, a referral packet is to be* and accept the amended sentence as presented. J. Miller (AR) seconded. The motion passed**.

Original Paragraph 4 (re-numbered Paragraph 5)

- **C. Gillespie (OR) made a motion to accept Rule 5-102 (4) (re-numbered paragraph 5) as presented. B. Greer (IL) seconded. The motion passed**.

Rule 5-102: Travel Permits

- The last motion concluded all amendments. The Rules Committee recommends for adoption the new proposed Rule 5-102: Travel Permits to replace the current rule in its entirety.

Rule 6-102: Voluntary Return of Out-of-State Juveniles submitted by the South Region

- J. Miller (AR) presented for recommendation by the Rules Committee proposed amendments to Rule 6-102, paragraphs 3, 4, and a new paragraph 5.

Paragraph 3

- J. Miller (AR) explained the new language "*and may use*" and "*due process*" to Rule 6-102 (3) which clarifies usage of the optional Juvenile Rights Form.
- R. Wagner (WV) questioned what constitutes an alternate, comparable procedure. J. Miller (AR) noted the language to be preexisting and was not a South Region consideration.
- The Rules Committee agreed not to approve the amendment as presented and proposed a recommendation to the South Region.
- **R. Wagner (WV) made a motion to recommend that the South Region strike *or an alternate comparable procedure* in Rule 6-102 (3). J. Hawkins (MO) seconded. The motion passed.**

Paragraph 4

- J. Miller (AR) explained the amended language to Rule 6-102 (4) which clarifies the juvenile's signature on Form III to be signed in the presence of a Judge. J. Gusz (NJ) questioned what constitutes in the presence of a Judge. The Rules Committee discussed alternative language and agreed paragraph 4 should be consistent with paragraph 3. The Committee did not approve the amendment as presented and proposed a recommendation to the South Region.
- **R. Wagner (WV) made a motion to recommend that the South Region insert *(physical or electronic)* after the word *language*. C. Gillespie (OR) seconded. The motion passed.**

Paragraph 5

- J. Miller (AR) presented the amended language to Rule 6-102 (5) which allows admission of adult waivers when applicable in lieu of Form III for juveniles who reach age of majority.
- The Rules Committee agreed and supported the language as presented.
- **J. Hawkins (MO) made a motion to recommend for adoption the South Region's proposed amendment to Rule 6-102(5) as presented. B. Greer (IL) seconded. The motion passed.**

J. Miller (AR) agreed to contact the South Region members regarding the Rules Committee's recommendations to the proposed amendments to Rule 6-102, paragraphs 3 and 4.

Rule 4-104(4): Supervision/Services Requirements submitted by the Midwest Region

- The Rules Committee discussed the proposed amendment to Rule 4-104(4) as submitted by the Midwest Region regarding the assessment of supervision fees.
- The Rules Committee debated the number of states who currently assess fees versus issues arising through a rule allowing it for all states.
- B. Greer (IL) and A. Ehlers (ID) spoke in favor of the rule amendment noting the parents, guardians, and hosts typically pay the fees not the juveniles.
- **J. Hawkins (MO) made a motion not to recommend for adoption the proposed amendment to Rule 4-104 (4) submitted by the Midwest Region. R. Wagner (WV) seconded. B. Greer (IL) and A. Ehlers (ID) opposed. The motion passed.**

Rule 1-101: Definitions Absconder

- A. Ehlers (ID) presented proposed language to Rule 1-101: Definitions Absconder to include adjudicated delinquents and adjudicated status offenders.
- R. Masters advised the current language encompasses all groups.
- **S. Foxworth (CO) made a motion to reject the proposed language to Rule 1-101: Definitions Absconder. B. Greer (IL) seconded. The motion passed.**

Rule 1-101: Definitions Substantial Compliance

- A. Ehlers (ID) presented proposed language to the term Substantial Compliance to better define "*sufficiently in compliance*". The Rule Committee discussed and agreed with the difficulty to identify what constitutes sufficient.
- R. Masters advised the proposed amendment defines a term as opposed to a person. He concurred with the proposed definition and suggested omitting *the level of* to begin the definition.
- **C. Gillespie (OR) made a motion to accept the amended definition and recommend for adoption the proposed amendment to Rule 1-101: Definitions Substantial Compliance. J. Miller (AR) seconded. The motion passed.**

Rule 4-102: Sending and Receiving Referrals

Paragraph 3(c)

- A. Ehlers (ID) presented proposed language to Rule 4-102(3) (c) regarding what qualifies as an expeditious transfer when there is disagreement between states.
- J. Gusz (NJ) and J. Hawkins (MO) spoke against the proposed language.
- **J. Hawkins (MO) made a motion to reject the proposed amendment to Rule 4-102(3) (c). R. Wagner (WV) seconded. The motion passed.**

Paragraph 6

- A. Ehlers (ID) presented proposed language to Rule 4-102(6) to delete the language "*reasonable effort*" and insert *to show just cause*.
- The Rules Committee discussed the difficulty to identify what constitutes reasonable effort for an extension to the 45-day time frame and agreed to keep language to address a sometimes needed extension. J. Gusz (NJ) noted the impact to JIDS and 45 day compliancy.
- **A. Ehlers (ID) made a motion to accept and recommend for adoption the proposed amendment to Rule 4-102(6) as presented. D. Seymour (DE) seconded. The motion passed.**

Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

Paragraph 2

- A. Ehlers (ID) presented proposed language to Rule 4-103(2) regarding justification for an expedited transfer. The Rules Committee discussed and agreed not to denote cases within the rules that would qualify expeditious returns.
- **J. Miller (AR) made a motion to reject the proposed amendment to Rule 4-103 (2). J. Hawkins (MO) seconded. The motion passed.**

Old Business

There was no old business.

New Business

There was no new business.

Adjourn

- The Rules Committee agreed to move the April 11 meeting to April 18 @ 1:00 p.m. EDT. The Rules Committee agreed to maintain the face-to-face meeting scheduled for August 2.
- **C. Gillespie (OR) made the motion to adjourn. B. Greer (IL) seconded. The motion passed to adjourn the meeting at 2:29 p.m. EDT.**