

## INTERSTATE COMMISSION FOR JUVENILES

#### RULES COMMITTEE MEETING

Minutes Wednesday, January 12, 2011 1:00 p.m. EST

#### **Committee Members in Attendance:**

- 1. Gary Hartman (WY) Chair
- 2. Judy Miller (AR)
- 3. Summer Foxworth (CO)
- 4. Alicia Ehlers (ID)
- 5. Julie Hawkins (MO)
- 6. Carol Gillespie (OR)
- 7. Dawn Melzo (WA)
- 8. Wayne Theriault, Ex-Officio

## **Committee Members Not in Attendance:**

- 1. Sharon Harrigfeld (ID)
- 2. Billie Greer (IL)
- 3. Clarence Powell (MS)
- 4. Philip Cox (OR)
- 5. Cheryl Sullivan-Colglazier (WA)
- 6. Michael Lacy (WV)
- 7. Randall Wagner (WV)
- 8. John Gusz (NJ) Ex-Officio
- 9. Marlon Yarber (CA) Ex-Officio
- 10. Karin Magneli (ID) Ex-Officio

#### **Guests in Attendance**

- 1. Michael Farmer (CA)
- 2. Georgeann Barker (WV)

## **ICJ Staff in Attendance**

- 1. Harry Hageman, Acting ICJ 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 1:05 p.m. EST

## **Roll Call**

H. Hageman called the roll. Eight of the committee members were present. Seven 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, C. Gillespie (OR) seconded. The motion passed.

#### **Minutes**

Chair Hartman called for a motion to approve the minutes. J. Miller (MO) made the motion to approve the minutes of November 3, 2010 as presented, C. Gillespie (OR) seconded. The motion passed.

## **Discussion**

- Chair Hartman begin the meeting by referencing a memorandum from Attorney Mike Buenger dated November 15, 2010.
- R. Masters briefed the Committee on the credentials of Mike Buenger and his experience with compact law. The memorandum evolved from the development of the bench book wherein he proposed suggestions and recommendations for the Committee's consideration.
- The Committee questioned the source of the proposed rule amendments.
- J. Branum clarified that the National Office drafted the first eight proposals at the request of the Rules Committee in the November 3, 2010 meeting. The National Office drafted the remaining proposals at the request of Chair Hartman to incorporate the memorandum's recommendations with the corresponding rule and present for consideration in the rule amendment format.

#### **Proposed Rule Amendments**

Chair Hartman opened the floor to discuss the proposed rule amendments:

# Rule 1-101: Significant Violation (new definition)

- The Committee discussed and agreed to define "significant violation" separate of the proposed new rule 5-xxx Mandatory Retaking for Violation of Conditions.
- C. Gillespie (OR) made the motion that the Rules Committee recommend the proposed definition of Significant Violation for adoption, J. Miller (AR) seconded. The motion passed.

## Rule 1-101: Subsequent Receiving State (new definition)

- The Committee discussed and agreed to define "subsequent receiving state" separate of the proposed new rule 4-xxx Transfer to a Subsequent Receiving State.
- J. Miller (AR) made the motion that the Rules Committee recommend the proposed definition of Subsequent Receiving State for adoption, J. Hawkins (MO) seconded. The motion passed.

## Rule 1-101: Supervision (new definition)

- The Committee reviewed the definition presented and agreed the term "supervision" should be defined.
- J. Miller (AR) made the motion to end the sentence and delete all language after the word Community in the proposed definition, J. Hawkins (MO) seconded. The motion passed.
- J. Miller (AR) made the motion that the Rules Committee recommend the amended definition of Supervision for adoption, J. Hawkins (MO) seconded. The motion passed.

# Rule 4-101: Processing Referrals

- The Committee viewed the proposed new language in items c, d, and e to be similar to the rejected language proposed last year. The Committee agreed not to include the additional language.
- J. Hawkins (MO) made the motion that the Rules Committee does not recommend the proposed amendment to Rule 4-101 for adoption, J. Miller (AR) seconded. The motion passed.

## Rule 4-xxx: Transfer to a Subsequent Receiving State

- The Committee discussed the proposed new rule and agreed the current ICJ rules and forms adequately address juveniles transferring to a subsequent state.
- S. Foxworth (CO) made the motion that the Rules Committee does not recommend the proposed new Rule 4-xxx: *Transfer to a Subsequent Receiving State* for adoption, C. Gillespie (OR) seconded. The motion passed.

# Rule 5-xxx: Mandatory Retaking for Violation of Conditions of Supervision

- The Committee considered the proposed new rule, voiced concerns to the feasibility in the juvenile arena, and agreed a new rule is not necessary.
- J. Miller (AR) made the motion that the Rules Committee does not recommend the proposed new Rule 5-xxx: *Mandatory Retaking for Violation of Conditions of Supervision* for adoption, S. Foxworth (CO) seconded. The motion passed.

# Rule 5-xxx: Special Conditions

- The Committee discussed the proposed new rule and agreed that the current ICJ rules address the minimal special conditions of juveniles.
- J. Miller (AR) made the motion that the Rules Committee does not recommend the proposed new Rule 5-xxx: *Special Conditions* for adoption, D. Melzo (WA) seconded. The motion passed

## Rule 5-102: Travel Permits

- The Committee considered the proposed amendment to Travel Permits and determined modifications would be necessary for further consideration.
- J. Miller (AR) and J. Hawkins (MO) agreed to develop language and present to the Committee at the next meeting.
- S. Foxworth (CO) made the motion to defer consideration of the proposed amendment to Travel Permits until the next meeting, C. Gillespie (OR) seconded. The motion passed.

## Rule 1-101: Absconder (new definition)

- The Committee compared the proposed definition to the current definition and questioned the effect on annual reporting and non-delinquent runaways.
- R. Masters advised that the ICJ Bench Book cites litigation relative to the interpretation of the compact and the term absconder.
- At the request of the Committee, R. Masters and the National Office will forward samples of the cited cases to the Rule Committee for review prior to the next meeting.
- J. Miller (AR) made the motion to defer consideration of the proposed definition of *Absconder* until the next meeting, S. Foxworth (CO) seconded. The motion passed.

#### **Old Business**

#### **New Business**

- Wayne Theriault introduced himself as the ICAOS Ex-Officio and thanked the Chair for the opportunity to serve on the Rules Committee.
- R. Masters recommended and the Committee agreed to request Attorney Mike Buenger to attend the next Rules Committee meeting.

## Adjourn

Chair Hartman announced the next meeting scheduled for January 19, 2011 at 1:00 p.m. EST. Chair Hartman adjourned the meeting by acclamation at 2:12 p.m. EST.