



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE MEETING

Minutes

Wednesday, November 3, 2010

1:00 p.m. EST

Committee Members in Attendance:

1. Gary Hartman (WY) Commissioner, Chair
2. Summer Foxworth (CO) Commissioner
3. Sharon Harrigfeld (ID) Commissioner
4. Billie Greer (IL) Designee
5. Clarence Powell (MS) Designee
6. Julie Hawkins (MO) Commissioner
7. Carol Gillespie (OR) Designee
8. Dawn Melzo (WA) Designee
9. Randall Wagner (WV) Designee
10. Marlon Yarber (CA) Ex-Officio
11. Andy Snook (ID) Ex-Officio
12. John Gusz (NJ) Ex-Officio

Committee Members Not in Attendance:

1. Judy Miller (AR) Designee
2. Philip Cox (OR) Commissioner
3. Cheryl Sullivan-Colglazier (WA) Commissioner
4. Michael Lacy (WV) Commissioner

Guests in Attendance

1. Alicia Ehlers (ID)
2. Nancy Bishop (ID)
3. Debra Dugan-Doty (WY)

ICJ Staff in Attendance

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

Call to Order

Chair Hartman called the meeting to order at 1:02 p.m. EST

Roll Call

A. Lippert called the roll. Twelve of the sixteen committee members were present. Nine of the ten *voting* members were present. A quorum was present.

Agenda

Chair Hartman called for a motion to approve the agenda. **S. Foxworth (CO) made the motion to approve the agenda as presented. B. Greer (IL) seconded. The motion passed.**

Minutes

Chair Hartman called for a motion to approve the minutes. **B. Greer (IL) made the motion to approve the minutes of August 10, 2010 as presented. S. Foxworth (CO) seconded. The motion passed.**

Discussion

Rules Committee Business Calendar for 2011

- Chair Hartman presented the business calendar for the upcoming year and highlighted important dates.
- S. Foxworth (CO) corrected the November 17, 2010 date to November 3, 2010 date.
- A. Lippert articulated the crucial March 1 deadline for proposals from standing committees and regions.
- **S. Harrigfeld (ID) made the motion to approve the business calendar as amended. C. Gillespie (OR) seconded. The motion passed.**

Committee Recommendations

- Chair Hartman opened the floor for committee recommendations.

National Office

- A. Lippert and R. Masters, Legal Counsel, brought the following five items of business to the Committee for consideration as a result of the bench book development, legal opinions, and Commission member's questions:

1. Define Supervision

- A. Lippert presented to the Committee for consideration defining the term "supervision".
- The Committee discussed and agreed the term supervision is used throughout the rules and approved proposing a definition.
- R. Masters, Legal Counsel, confirmed the Adult Compact defines supervision.
- At the request of the Committee, the National Office will forward a proposed definition.
- Chair Hartman questioned a need to define *unsupervised*. The Committee concurred. R. Master, Legal Counsel, advised once the term *supervision* is defined the term *unsupervised* could be better addressed.

2. Subsequent State Transfers

- A. Lippert presented to the Committee for consideration the addition of a rule to address subsequent state transfers.
- The Committee discussed the issues of travel permits and subsequent state transfer supervision.
- The Committee concurred the process is practiced and agreed to entertain a proposed rule as it relates to juveniles.
- Chair Hartman questioned the existence of a rule in the Adult Compact.
- R. Masters acknowledged the Adult Compact addresses the issue in their Rules.
- At the request of the Committee, the National Office will research and forward to the Committee an amended version applicable to juveniles.

3. Special Conditions

- A. Lippert presented to the Committee for consideration the addition of a rule to address “special conditions”.
- R. Masters, Legal Counsel, equated the term “special conditions” as advance recognition of what is already practiced under Rule 4-102.2.
- D. Melzo (WA) requested an example.
- R. Masters, Legal Counsel, clarified with an example of sending or receiving state’s required psychological evaluation for sex offenders.
- The Committee voiced concern relative to the enforcement, costs, and basis for denials. The Rules Committee did agree to entertain a rule proposal.
- At the request of the Committee, the National Office will research a similar rule by the Adult Compact and forward to the Committee an amended version applicable to juveniles.

4. Violations

- A. Lippert presented to the Committee for consideration addressing violations of supervision in the ICJ Rules.
- R. Masters, Legal Counsel, referenced past legal opinions and rule amendments with regards to Rules 4-104 and 5-101 and presented to the Committee for consideration an expansion of the roles and specifics as to what constitutes a “failed placement”.
- The Committee discussed “retaking” and “returning” in the ICJ Rules and voiced concern relative to parental rights and best alternatives.
- Chair Hartman questioned the existence of a rule in the Adult Compact.
- R. Masters acknowledged an Adult Compact rule to allow the receiving state to demand the sending state retake when certain specific criteria are met.
- At the request of the Committee, the National Office will research a similar rule by the Adult Compact and forward to the Committee an amended version applicable to juveniles.

5. Eligibility Criteria

- A. Lippert presented to the Committee for consideration the expansion of “eligibility” in the ICJ Rules.
- R. Masters, Legal Counsel, informed the Committee that during the bench book development, questions arose as to what criteria constitutes “eligibility” and noted that the judiciary look to principles in addition to processes and procedures.
- The Committee discussed and agreed to consider a rule amendment.
- At the request of the Committee, R. Masters, Legal Counsel, will research draft a rule proposal for presentation to the Committee at their next meeting.

Abuse Allegations in Holding State

- J. Hawkins (MO) recommended that the Committee consider language in the ICJ Rules to address the issue of the responsibility of states as it relates to abuse allegations.
- The Rules Committee discussed and agreed no rule currently exists and would consider a rule proposal.
- J. Hawkins (MO) and B. Greer (IL) agreed to draft a proposal and present it to the Rules Committee at their next meeting.

Old Business

Grammatical corrections to amended rules

- A. Lippert reported the Rules Committee intended to approve amendments throughout the rules to: strike the word *working* and insert *business*; and to insert *home/demanding*. At the

conclusion of the 2010 Annual Business Meeting, a final review of the Rules revealed six Rules that were not amended to reflect these changes.

- According to Rule 7-101(11), the Chair of the Rules Committee may direct revisions to the Rules. Therefore, Chair Hartman presented corrections in Rules 4-107, 6-101, 6-102, 6-105, 6-106, and 6-111 to the Committee.
- R. Masters, Legal Counsel, advised that no further action was necessary by the Rules Committee.
- A. Lippert reported an additional correction to Rule 6-103(7) to change the word *accused* to *charged* to be consistent with the title of approved Form II.
- The Committee agreed this change qualifies as a grammatical correction.

New Business

- C. Gillespie (OR) questioned the availability of the Bench Book.
- A. Lippert clarified the Bench Book is drafted. Editorial reviews continue and a final document should be available after the first of the year.
- M. Yarber (CA) questioned the distribution of the Bench Book.
- A. Lippert clarified an electronic copy will be available on the Commission's website. The Executive Committee will need to determine the number of printed copies and distribution.

Adjourn

- Chair Hartman announced the next Committee meeting is scheduled for January 19, 2011 at 1:00 p.m. EST.
- **S. Foxworth (CO) made the motion to adjourn. B. Greer (IL) seconded. The motion passed.**
- Chair Hartman adjourned the meeting at 2:02 p.m. EST.