



INTERSTATE COMMISSION FOR JUVENILES

South Region Meeting

Minutes

Thursday, February 2, 2012

2:00 p.m. EST

Region Members in Attendance:

1. Judy Miller (AR) Designee, Representative Chair
2. Patrick Pendergast (AL) Designee
3. Jean Hall (FL) Commissioner
4. Angela Bridgewater (LA) Commissioner
5. Paul Gibson (KY) Commissioner
6. Dawne Gannon (SC) Commissioner
7. Sherry Bolden-Rivers (TN) Commissioner
8. Donna Bonner (TX) Commissioner
9. Randall Wagner (WV) Designee
10. Letta Porter-Jones (VA) Designee

Region Members Not in Attendance:

1. Michael Umpierre (DC) Commissioner
2. Sherry Jones (MD) Commissioner
3. Julie Hawkins (MO) Commissioner
4. Clarence Powell (MS) Designee
5. Traci Marchand (NC) Commissioner
6. Susan Morris (OK) Commissioner
7. Michael Lacy (WV) Commissioner
8. Mark Gooch (VA) Commissioner

Guests in Attendance:

1. Joann Rohan (DC)
2. Suzie Durrett (LA)

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

Representative Miller called the meeting to order at 2:04 p.m. EST.

Roll Call

A. Lippert called the roll. Ten of the sixteen voting members were present, establishing a quorum.

Agenda

P. Pendergast (AL) made the motion to approve the agenda, J. Hall (FL) seconded. The motion passed to approve the agenda as presented.

Minutes

J. Hall (FL) made the motion to approve the minutes of the October 25, 2011 meeting, D. Bonner (TX) seconded. The motion passed to approve the minutes as corrected.

Discussion

Proposed Rule Amendments

Medical Expenses

- A. Bridgewater (LA) requested input from the South Region regarding medical emergency treatment for juveniles awaiting return to the home/demanding state who have no insurance coverage or means to pay. The South Region members shared situations that included detention centers, medical hospitals, and mental health facilities. The general consensus revealed the holding states incur the costs and seek reimbursement from the home/demanding state when costs are exorbitant.
- A. Bridgewater (LA) and S. Durrett (LA) agreed to draft a rule for consideration by the South Region regarding medical expenses. D. Bonner (TX) suggested including categories such as probationers, committed youth, etc. in the proposal. L. Porter-Jones (VA) suggested including guidelines for the amount to be reimbursed.

Rule 6-102: Voluntary Return of Out-of-State Juveniles Paragraph 3

- Chair Miller proposed new language to Rule 6-102 paragraph 3 regarding the use of the ICJ Juvenile Rights Form which is optional. The South Region members agreed to amend the language for clarity.
- **D. Bonner (TX) made the motion to approve the proposed amendment to Rule 6-102 (3) to insert *due process* prior to *rights*, to insert *and may use* in place of *using*, and to delete the *s* after *forms*. D. Gannon (SC) seconded. The motion passed.**

Rule 6-102: Voluntary Return of Out-of-State Juveniles Paragraph 4

- Chair Miller suggested amending Rule 6-102 paragraph 4 to clarify the judge's signature requirement on Form III. The South Region members agreed to amend the language and to address the issue of adult waivers in a separate paragraph.
- **D. Bonner (TX) made the motion to approve an amendment to Rule 6-102 (4) to insert *voluntary prior to return*, to delete *will* and insert *shall* prior to *sign*, to insert *in the presence of a judge after Form III*, to delete all language after *Form III* and insert the new sentence *The ICJ Form III shall be signed by a judge and counselor or a guardian ad litem if appointed*. J. Hall (FL) seconded. The motion passed.**

Rule 6-102: Voluntary Return of Out-of-State Juveniles NEW Paragraph 5

- P. Gibson (KY) proposed the following amendment to Rule 6-102 as a new paragraph 5: *When a juvenile has reached majority age in the holding state, and is being processed in the adult court the home/demanding state shall accept an adult waiver in lieu of a Form III provided the waiver is signed by a judge and counsel or guardian ad litem if appointed.*
- The South Region did not reach a consensus. P. Gibson (KY) and D. Bonner (TX) agreed to rework the language and submit to the South Region for approval.

Rule 6-107: Charges Pending in Holding/Receiving State

- Chair Miller questioned Rule 6-107 and suggested it be referenced in Rule 6-102. A. Lippert clarified referencing the Rule in one location would necessitate referencing in all applicable locations noting the rules are taken as a whole and suggested highlighting in training. R. Wagner (WV) and others concurred. No further action was taken.

National Office Updates

- A. Lippert updated that the National Office has modified the bench book, training materials, and all other rule-related resources to reflect the new rule amendments effective March 1, 2012. The materials are currently available on the Commission's website.
- The Executive Committee approved two advisory opinions which are available on the Commission's website:
 - Advisory Opinion #02-2011 - determining which juveniles the ICJ applies; amended to reflect the revision to Rule 4-101 effective March 1, 2012;
 - Advisory Opinion # 01-2012 - whether Health Insurance Portability and Accountability Act (HIPAA) exemption applies to transfers and returns of juveniles between non-member states; a new opinion requested by the West Region.
- A. Lippert shared recent communications with Georgia that they anticipate introducing legislation to join the compact during the next legislative assembly.
- The Executive Committee approved an agreement with InStream to develop a national data system for ICJ. The Technology Committee approved the name of the system and the National Office is in the process of conducting readiness meetings with each state.

State Updates

- The attendees updated the status of state council development. Several states attributed the progress to a recent letter from Chair Clark.
- The South Region discussed the hardships associated with scheduling state council meetings. R. Wagner (WV) shared their success with teleconference meetings.
- J. Hall (FL) questioned the actions taken when states do not abide by the law to establish a state council. Chair Miller referred to the law enacting the Compact which requires states to form a state council. In addition, an ICJ policy denotes the requirement. A. Lippert clarified that in accordance with the ICJ statute, non-compliance issues are referred to the Compliance Committee for recommended action which can include the assessment of penalties.

Old Business

Transfer of Disposition

- P. Gibson (KY) updated the South Region on Kentucky's legal department findings regarding the transfer of disposition of cases to a receiving state. He cited adult cases and examples of crimes committed across state lines. The South Region discussed the findings and the constitutionality of a disposition when both states agree.
- The South Region agreed to request an advisory opinion regarding the transfer of disposition. P. Gibson (KY) with the assistance of S. Bolden-Rivers (TN) will prepare the advisory opinion request and submit to the National Office.

New Business

Home Evaluations Defined

- Chair Miller presented an Arkansas issue with the term *home evaluation* as currently defined and proposed omitting the word *legal* from the definition.
- The South Region shared training and certifications of personnel who conduct home evaluations for their state. The South Region agreed the definition of home evaluation to be an isolated issue and did not propose an amendment.

Adjourn

P. Gibson (KY) made the motion to adjourn, D. Bonner (TX) seconded. The motion passed. The meeting adjourned at 3:55 p.m. EST.