



**INTERSTATE COMMISSION FOR JUVENILES  
ANNUAL BUSINESS MEETING  
September 15, 2010  
MINUTES  
Crowne Plaza - San Antonio, TX**

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**Call to Order**

The meeting was called to order by Chair D. Bonner (TX) at 8:00 a.m. CST. The United States Air Force Color Guard presented the flags.

**Roll Call**

A. Lippert, Executive Director, called the roll. Forty-five of the forty-six members were represented; forty *voting* members were present establishing a quorum.

**Members**

1. Alabama	Patrick Pendergast, Designee
2. Alaska	Barbara Murray, Commissioner
3. Arizona	Pablo Sedillo*
4. Arkansas	Judy Miller, Designee
5. California	Marlon Yarber*
6. Colorado	Summer Foxworth, Commissioner
7. Connecticut	Maria Genca, Designee
8. Delaware	Damian Seymour, Designee
9. Florida	Jean Hall, Commissioner
10. Hawaii	Wendell Kikuchi, Commissioner
11. Idaho	Sharon Harrigfeld, Commissioner
12. Illinois	Billie Greer, Designee
13. Iowa	Gerry Prine, Designee
14. Kansas	Dennis Casarona, Commissioner - Treasurer
15. Kentucky	Paul Gibson, Commissioner
16. Louisiana	Suzie Durrett*
17. Maine	Mark Boger, Commissioner
18. Maryland	Sherry Jones, Commissioner
19. Massachusetts	Fred White*
20. Michigan	Michael Ruedisale, Commissioner
21. Minnesota	Rose Ann Bisch, Commissioner
22. Mississippi	Clarence Powell, Designee
23. Missouri	Julie Hawkins, Commissioner
24. Montana	Gloria Soja, Designee

25. Nebraska	Michael Reddish, Commissioner
26. Nevada	Fernando Serrano, Commissioner
27. New Jersey	Robert Mercado, Designee
28. New Mexico	Dale Dodd, Commissioner
29. North Carolina	Traci Marchand, Commissioner
30. North Dakota	Lisa Bjergaard, Commissioner
31. Oklahoma	Helen Killian, Designee
32. Oregon	Philip Cox, Commissioner
33. Pennsylvania	Terry Clark, Designee
34. Rhode Island	Joe Clifford, Designee
35. South Carolina	Dawne Gannon, Commissioner
36. South Dakota	Nancy Allard, Commissioner
37. Tennessee	<i>Not in attendance</i>
38. Texas	Donna Bonner, Commissioner - Chair
39. Utah	Ray Wahl, Commissioner – Vice Chair
40. Vermont	Tom Krug*
41. Virginia	Sam Abed, Commissioner
42. Virgin Islands	B. Patricia Welcome, Commissioner
43. Washington	Cheryl Sullivan-Colglazier, Commissioner
44. West Virginia	Michael Lacy, Commissioner
45. Wisconsin	Shelley Hagan, Commissioner
46. Wyoming	Gary Hartman, Commissioner

\*non-voting designee

### **Ex-Officios:**

1. American Probation and Parole Association (APPA) – Susan Burke
2. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Jean Taylor
3. Association of Juvenile Compact Administrators (AJCA) – Ron Leffler
4. Council of Juvenile Correctional Administrators (CJCA) – Cherie Townsend
5. Conference of State Court Administrators (COSCA) - *Not in attendance*
6. International Association of Chiefs of Police (IACP) – *Not in attendance*
7. Interstate Commission for Adult Offender Supervision (ICAOS) – Harry Hageman
8. National Association of Attorneys General (NAAG) - *Not in attendance*
9. National Conference of State Legislatures (NCSL) - *Not in attendance*
10. National Council of Juvenile and Family Court Judges (NCJFCJ) – Judge David Stucki
11. National Juvenile Detention Association (NJDA) - *Not in attendance*
12. National Runaway Switchboard (NRS) - *Not in attendance*
13. National Sheriffs' Association (NSA) - *Not in attendance*
14. National Association of Crime Victims (NACV) - *Not in attendance*

### **Agenda**

Chair Bonner asked for a motion to approve the agenda. **G. Hartman (WY) moved to approve the agenda as presented. J. Hall (FL) seconded. The motion passed by a majority vote.**

### **Minutes**

Chair Bonner asked for a motion to approve the minutes from the previous Annual Business Meeting on December 2 - 3, 2009. **S. Foxworth (CO) made the motion to approve the minutes as presented. T. Clark (PA) seconded. The motion passed by a majority vote.**

## Welcome & Overview

Chair Bonner welcomed everyone to the 3<sup>rd</sup> Annual Business Meeting of the Interstate Commission for Juveniles and introduced the guest speaker, Cherie Townsend, Texas Youth Commission Executive Director and Compact Administrator. Cherie Townsend articulated a warm Texas welcome and addressed changes and new challenges in serving youth and families today.

## Executive Committee Report by Chair D. Bonner (TX)

- Chair Bonner reported the Executive Committee met six times via teleconference and twice in person and provided an overview of the Executive Committee's goals and accomplishments.
- Chair Bonner reported the transition rule enacted at the last annual business meeting will expire on December 3, 2010. The Executive Committee recognizes the challenges and public safety issues in working with non-member states after said date. Therefore, the Committee recommends that the Commission exercise Article VI and Rule 7-101 to invoke the emergency rule making procedures and discuss extending the transition rule as it relates to non-member states.
- R. Masters, Legal Counsel, advised the Commission's actions are warranted.
- Chair Bonner reported the Executive Committee voted to recommend a six month extension to non-member states based on a good faith effort to pass legislation which must be supported with a bill number and a copy of the legislation and further request that non-member states consider the bill as emergency legislation.
- **D. Bonner (TX) made the motion to invoke Article VI and Rule 7-101 for emergency rule making procedures regarding the Transition Rule which will expire on December 3, 2010. R. Wahl (UT) seconded. The motion passed by a 39 - 1 majority vote.**
- The Commission agreed to extend the transition period up to six months to non-member states who provide supportive documentation, including a bill number and a copy of the legislation.
- **D. Bonner (TX) made the motion to extend Rule 9-101: Transition Rule from December 3, 2010 through June 30, 2011 to states who provide documentation of Compact legislation introduced with a bill number, and further consider treating as emergency legislation if possible. R. Wahl (UT) seconded. The motion passed by a 38 - 2 majority vote.**
- Chair Bonner detailed positive partnership projects and presentations with the following Ex-Officios member organizations: American Probation and Parole Association (APPA), Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), Association of Juvenile Compact Administrators (AJCA), Council of Juvenile Correctional Administrators (CJCA), Interstate Compact for Adult Offender Supervision (ICAOS), National Council of Juvenile and Family Court Judges (NCJFCJ), National Juvenile Detention Association (NJDA), and National Association of Crime Victims (NACV); and affiliated federal agencies: Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Bureau of Justice Assistance (BJA). Chair Bonner advised that she would be presenting a workshop at the 16<sup>th</sup> Annual National Symposium in San Antonio in October 2010. The symposium is co-sponsored by the National Juvenile Detention Association (NJDA). In addition, Vice-Chair Wahl will present a workshop at the National Conference on Juvenile and Family Law in Reno, NV in March 2011. This conference is

co-sponsored by our Ex-Officio member, the National Council on Juvenile and Family Court Judges (NCJFCJ).

- Chair Bonner reported the Committee approved the addition of a new information technology position to the National Office staff.
- Chair Bonner noted that the the Fiscal Year 2010 Annual Report was mailed out shortly before the meeting and commented on the professional image of the report.
- **M. Lacy (WV) made the motion to accept the Executive Committee Report as presented. P. Gibson (KY) seconded.**  
**The motion passed by a majority vote.**

#### **Training, Education and Public Relations Committee Report by Chair J. Hall (FL)**

- Chair Hall recognized the members of the Training Committee.
- Chair Hall reported the Training Committee met nine times resulting in the following successes:
  - Updated training curriculums for Compact Offices and Field Staff, State Councils, Commissioners, in addition to a Quick Reference trifold brochure;
  - Developed an Executive Committee Orientation Manual and Commissioner Handbook;
  - Launched the ICJ State Office Staffing and Procedures Survey;
  - Approved a Training and Technical Assistance Policy; and
  - Initiated National Trainings facilitated through WebEx.
  - The Commission trained a total of 1,593 people.
- **S. Foxworth (CO) made the motion to accept the Training, Education and Public Relations Committee Report as presented. S. Hagan (WI) seconded.**  
**The motion passed by a majority vote.**

#### **Compliance Committee Report by Chair S. Foxworth (CO)**

- Chair Foxworth recognized the members of the Compliance Committee.
- Chair Foxworth reported the Compliance Committee met eight times and made recommendations for the following states found to be in default: Maryland, Virginia, and Rhode Island. The Maryland and Virginia defaults have been resolved. The Rhode Island default resulted in legal action to be included in the Legal Counsel's report.
- **R. Wahl (UT) made the motion to accept the Compliance Committee Report as presented. C. Powell (MS) seconded.**  
**The motion passed by a majority vote.**

#### **Legal Report by R. Masters, Legal Counsel**

- R. Masters, Legal Counsel, expressed his gratitude to the dedicated service of the membership and the opportunity to advise the Commission.
- R. Masters, Legal Counsel, reported he advised the Commission's Committees throughout the year, submitted five legal opinions, settled one litigation matter, and is drafting the ICJ Bench Book.
- R. Masters, Legal Counsel, advised going into Executive Session to discuss litigation matters.
- **R. Wahl (UT) made the motion to move into Executive Session per Article III(I) to discuss litigation. B. Greer (IL) seconded.**  
**The motion passed by a 37 - 0 majority vote.**

[Note: All guests left the room during Executive Session.]

- **R. Wahl (UT) made the motion to move out of Executive Session. R. Mercado (NJ) seconded.**  
**The motion passed by a majority vote.**
- **R. Wahl (UT) made the motion to accept the Legal Counsel Report as presented. M. Boger (ME) seconded.**  
**The motion passed by a majority vote.**

#### **Technology Committee Report by C. Powell (MS)**

- Chair Powell acknowledged the members of the Technology Committee, the Joint Application Development (JAD) team, and the National Office staff for their contribution to the following achievements:
  - Launched first independent website; currently 1,000 registered users.
  - Drafted a rule for the collection of standardized data relative to the interstate movement of juveniles.
  - Conducted two JAD Sessions to define the functional requirements for a national system.
  - Signed off on the Functional Requirements Document (summary provided in the docket book).
  - Solicited requests for proposals from qualified vendors.
- Chair Powell offered an overview and progression of the Technology Committee's recommendations and decisions regarding the national system.
- Chair Powell addressed questions from the floor relative to: timelines, costs, data collection, reports, software/hardware requirements, speed, confidentiality, accessibility to local staff, and vendor selection.
- H. Hageman, ICAOS Executive Director, responded to questions regarding the Adult Compact's system and stressed the importance of the functional requirements document.
- **P. Pendergast (AL) made the motion to accept the Technology Committee Report as presented. M. Ruedisale (MI) seconded.**  
**The motion passed by a majority vote.**

#### **Finance Committee Report by Chair L. Bjergaard and Treasurer D. Casarona**

- Chair Bjergaard thanked the members of the Finance Committee for their time and due diligence with the Commission's finances.
- Chair Bjergaard reported a healthy FY 2010 year end budget; updated the Commission on the FY 2011 revised budget line items; and introduced the proposed FY 2012 budget. The Finance Committee will review the dues formula after the 2010 census numbers are released.
- Treasurer D. Casarona (KS) commended A. Lippert, Executive Director, and the National Office staff on their stewardship and the detailed budget reports submitted monthly by A. Lippert and CSG. He noted the ICJ budget meets the CSG recommended reserve guidelines. The unknown major expense is the national system's development and implementation.
- H. Hageman responded to questions regarding the Adult Compact's development and implementation costs advising that estimating costs is premature until vendor bids are reviewed and matrixed.
- **L. Bjergaard (ND) made the motion to approve the FY 2012 Budget and accept the Finance Committee Report as presented. S. Foxworth (CO) seconded.**  
**The motion passed by a majority vote.**

## Region Reports

### East Region by Rep. T. Clark (PA)

- Rep. Clark reported the East Region communicated often to discuss rule amendments. As a result, twelve proposed rule amendments were brought forth by the East Region.
- The East Region nominated candidates for Commission officer elections and elected M. Boger (ME) as the new East Regional Representative.

### Regions Representative by Chair T. Clark (PA)

- Chair Clark reported the four Region Chairs met routinely, conducted a State Council survey, and accomplished the following strategic goals:
  - Supported member states in developing state councils.
  - Assisted non-member states in moving forward with legislation backed by the aid of the National Office.
  - Provided feedback relative to the Commission's mission, vision, and value statements.
- **C. Powell (MS) made the motion to accept the East Region Report and the Regions Representative Report as presented. R. Mercado (NJ) seconded. The motion passed by a majority vote.**

### South Region by Rep. J. Miller (AR)

- Rep. Miller reported that during Tuesday's meeting, the region discussed airport security, airline/ground transportation supervision, and proposed rule amendment 6-108. Rep. Miller reported five of the South Region states have established state councils.
- The South Region nominated candidates for Commission officer elections and re-elected Judy Miller (AR) as the South Regional Representative.
- **R. Wahl (UT) made the motion to accept the South Region Report as presented. M. Ruedisale (MI) seconded. The motion passed by a majority vote.**

### Midwest Region by Rep. M. Reddish (NE)

- Rep. Reddish reported that during Tuesday's meeting, the region discussed the number of Midwest Region states with active state councils and how those states can assist other states.
- Rep. Reddish announced the results of the nominations for Commission officer elections and elected Rose Ann Bisch (MN) as the Midwest Regional Representative.
- **S. Hagan (WI) made the motion to accept the Midwest Region Report as presented. C. Powell (MS) seconded. The motion passed by a majority vote.**

### ICPC Ad Hoc Committee by Chair M. Reddish (NE)

- Chair Reddish complimented the members of the ICPC Ad Hoc Committee on their work and reported on the Committee's activities after meeting four times in the past year.
- Chair Reddish reported the results of a survey issued to both ICJ and ICPC offices which concluded a lack of communication and understanding between the two Compacts. The Committee proposed entering into a Memorandum of Understanding (MOU) agreement between the two parties. The MOU has been revised and approved by the ICJ Executive Committee and forwarded to ICPC for approval and is now in negotiation on several details.
- Once the MOU is final and signed by both parties, copies will be circulated to Commission members.

- **M. Boger (ME) made the motion to accept the ICPC Ad Hoc Committee Report as presented. S. Jones (MD) seconded.**  
**The motion passed by a majority vote.**

#### **West Region by Rep. D. Dodd (NM)**

- Rep. Dodd reported the West Region met twice. All thirteen West Region states are members of the Commission and seven states have established state councils.
- Rep. Dodd reported two areas of concern within the West Region to be Native American issues and human trafficking. The West Region recommends an ad hoc committee to study Native American issues.
- The West Region nominated candidates for Commission officer elections and elected S. Foxworth (CO) as the new West Regional Representative.
- **P. Pendergast (AL) made the motion to accept the West Region Report as presented. G. Prine (IA) seconded.**  
**The motion passed by a majority vote.**

#### **Sex Offender Ad Hoc Committee by Chair D. Dodd (NM)**

- Chair Dodd acknowledged the members of the Sex Offender Ad Hoc Committee.
- Chair Dodd reported the Committee issued a survey to identify sex offender requirements for each state and developed a matrix to report the results which is available on the ICJ website.
- The Committee approved and forwarded a proposed amendment to Rule 4-103: Transfer of Supervision to the Rules Committee. The Rules Committee recommended for adoption with comments.
- **R. Wahl (UT) made the motion to accept the Sex Offender Ad Hoc Committee Report as presented. J. Hall (FL) seconded.**  
**The motion passed by a majority vote.**

#### **Probable Cause Ad Hoc Committee by Chair M. Boger (ME)**

- Chair Boger recognized the members of the Probable Cause Ad Hoc Committee. He summarized the purpose of the Probable Cause Ad Hoc Committee and the proposed Probable Cause Rule.
- R. Masters, Legal Counsel, referenced the Supreme Court decisions regarding probable cause hearings and the importance of a rule addressing an offender's entitlement to a due process hearing when their liberty is threatened.
- Chair Boger acknowledged the comments and concerns of the Commission relative to the proposed new rule.
- Chair Boger reported on the development of a hearing officer's guide to help train states on conducting probable cause hearings which is waiting to be finalized upon the passage of the rule.
- **M. Ruedisale (MI) made the motion to accept the Probable Cause Ad Hoc Committee Report as presented. S. Foxworth (CO) seconded.**  
**The motion passed by a majority vote.**

#### **Rules Committee by Chair G. Hartman (WY)**

- Chair Hartman acknowledged the contributions of the 23 members of the Rules Committee. The Committee met telephonically twelve times and in person once in Lexington, Kentucky.

- Chair Hartman advised on the procedure for voting in the instances where two amendments are proposed for the same rule.
- Chair Hartman recommended that a time limit be established to debate the rule amendments.
- R. Masters, Legal Counsel, described said action to be a “call to question” in advance.

**G. Hartman (WY) made the motion to limit the debate on rule amendments in sections 100, 200, 300, 500, 700, and forms to 45 minutes. P. Cox (OR) seconded. Motion passed by a 34 - 5 super-majority vote.**

***Rules Section 100***

Chair Hartman opened the floor to discuss amendments to the rules in section 100.

**J. Hawkins (MO) made the motion to defer consideration of the amendments to definitions in Section 100 until after the rule amendments have been considered.**

**C. Powell (MS) seconded.**

**The motion passed by a majority vote.**

***Rules Section 200***

Chair Hartman opened the floor to discuss amendments to the rules in section 200.

**Rule 2-202: Data Collection**

**S. Abed (VA) made the motion to consider the proposed amendment to Rule 2-102 as recommended by the Rules Committee. R. Wahl (UT) seconded.**

**The motion passed by a majority vote.**

**M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 2-102 as recommended by the Rules Committee. P. Pendergast (AL) seconded.**

**The motion passed by a 35 - 3 vote.**

***Rules Section 500***

Chair Hartman opened the floor to discuss amendments to the rules in section 500.

**Rule 5-101: Authority to Accept/Deny Supervision**

**P. Cox (OR) made the motion to consider the proposed amendment to Rule 5-101 as recommended by the Rules Committee. J. Hawkins (MO) seconded.**

- S. Abed (VA) questioned the difference between the two versions.
- S. Hagan (WI) clarified the East Region version continues to allow the receiving state to deny supervision.
- T. Clark (PA) agreed the East Region version does not allow for the override.

**The motion passed by a majority vote.**

**D. Gannon (SC) made the motion to amend the language in paragraph 5 to read:**

*Supervision shall be accepted by a receiving state when a juvenile has no custodial parent or legal guardian remaining in the sending state and the juvenile does have a custodial parent or legal guardian residing in the receiving state.* **P. Cox (OR) seconded.**

**The motion passed by a majority vote.**



**S. Hagan (WI) made the motion to amend the language in paragraph 5 to include *under the age 18*.**

**The motion died for lack of a second.**

**J. Miller (AR) made the motion to amend the language in Rule 5-101 paragraph 4 to read: *Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable*. P. Welcome (VI) seconded. M. Lacy (WV) opposed.**

**The motion passed by a majority vote.**

**D. Dodd (NM) made the motion to accept Rule 5-101 for adoption as amended by the Commission. P. Cox (OR) seconded.**

**The motion passed by a 29 - 9 majority vote.**

R. Masters, Legal Counsel, advised the Commission that according to the Roberts Rules of Order, to reconsider the adoption of a rule amendment, the motion to reconsider must be initiated by a member who voted in favor of the original motion.

**C. Sullivan-Colglazier (WA) made the motion to re-consider the amendment to Rule 5-101, paragraph 4. S. Foxworth (CO) seconded.**

**The motion passed by a 21 - 18 majority vote.**

**C. Sullivan-Colglazier (WA) made the motion to amend Rule 5-101, paragraph 4 to re-insert the original language to read: *Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state*. S. Foxworth (CO) seconded.**

**The motion passed by a 21 - 18 majority vote.**

**D. Dodd (NM) made the motion to accept Rule 5-101 for adoption as amended by the Commission. P. Cox (OR) seconded.**

**The motion passed by a 30 - 10 majority vote.**

*The Commission recessed for lunch.*

### **Rule 5-102: Travel Permits**

**G. Prine (IA) made the motion to accept Rule 5-102 for adoption as recommended by the Rules Committee. M. Boger (ME) seconded.**

**The motion passed by a 33 - 2 majority vote.**

### ***Rules Section 100***

Chair Hartman opened the floor to discuss the amendments to the definitions in section 100.

- Chair Bonner requested a motion to approve Section 100.
- D. Dodd (NM) made the motion. B. Greer (IL) seconded. The motion was not recognized by the Chair.??
- T. Clark (PA) on behalf of the East Region suggested the terms Parole and Probation be defined separately.

**Rule 1-101 Definitions: Probation/Parole**

T. Clark (PA) made the motion to amend the definitions of Probation and Parole separately and submitted new language for each. B. Greer (IL) seconded.

- P. Pendergast (AL) made a friendly amendment to the definition of probation to delete the word *sentence*. T. Clark (PA) and B. Greer (IL) accepted.
- C. Sullivan-Colglazier (WA) made a friendly amendment to the definition of probation to delete the last sentence. T. Clark (PA) and B. Greer (IL) accepted.

The motion passed by a 27 - 13 majority vote.

**Rule 1-101 Definitions: Deferred Adjudication**

C. Sullivan-Colglazier (WA) made the motion to adopt the definition of deferred adjudication. R. Mercado (NJ) seconded.

The motion passed by a 21 - 17 vote.

S. Jones (MD) made the motion to amend the timeframe to debate on rule amendments in sections 100, 200, 300, 500, 700, and forms an additional 30 minutes. C. Powell (MS) seconded.

The motion passed by a 24 - 15 majority vote.

**Rule 1-101 Definitions: Relocate**

T. Clark (PA) made the motion to adopt the definition of relocate as proposed by East Region. R. Mercado (NJ) seconded.

The motion passed by a 36 - 4 majority vote.

**Rule 1-101 Definitions: Retaking**

P. Pendergast (AL) made the motion to adopt the definition of retaking. M. Boger (ME) seconded.

The motion passed by a 39 - 1 majority vote.

**Rule 1-101 Definitions: Substantial Compliance**

P. Cox (OR) made the motion to consider the definition of substantial compliance as recommended by the Rules Committee. C. Sullivan-Colglazier (WA) seconded.

The motion passed by a 36 - 4 majority vote.

**Rule 1-101 Definitions: Substantial Compliance**

S. Abed (VA) made the motion to adopt the definition of substantial compliance as recommended by the Rules Committee. P. Gibson (KY) seconded.

The motion passed by a 32 - 7 majority vote.

**Rule 1-101 Definitions: Victim Sensitive**

T. Clark (PA) made the motion to adopt the definition of victim sensitive as recommended by the East Region. R. Mercado (NJ) seconded.

The motion failed by a 13 - 27 majority vote.

**Rule 1-101 Definitions: Probation and Parole**

- **J. Miller (AR) made the motion to return to the original definitions for the terms Probation and Parole as presented by the Rules Committee. J. Hall (FL) seconded.**
- **R. Masters, Legal Counsel, advised tabling the issue and introducing during old business.**

***Rules Section 300***

Chair Hartman opened the floor to discuss Section 300 Forms.

**Rule 3-101: Approved Forms**

**M. Lacy (WV) made the motion to adopt the Rules Committee's recommendations to Forms II, III, IV, V, IA/VI, VII, VIII, and IX and designate as mandatory forms. P. Cox (OR) seconded.**

Chair Bonner clarified the motion included any corresponding form instruction sheets.

**The motion passed by a 38 - 1 majority vote.**

**Rule 3-102: Optional Forms**

**P. Pendergast (AL) made the motion to adopt the Rules Committee's recommendations to Form A (Petition for Requisition to Return Runaway Juvenile), Rights for Voluntary Return of Runaway, Absconder, Escapee or Juvenile Being Charged as Delinquent, and Case Closure and designate as optional forms. M. Lacy (WV) seconded.**

**The motion passed by a 40 - 0 majority vote.**

**Rule 3-101, 3-102, and 3-103**

**B. Greer (IL) made the motion to adopt Rules 3-101, 3-102, and 3-103 as recommended by the Rules Committee. D. Dodd (NM) seconded.**

**The motion passed by a 39 - 0 majority vote.**

***Rules Section 700***

Chair Hartman opened the floor to discuss Section 700.

**Rule 7-101: Adoption of Rules and Amendments**

**M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 7-101. P. Cox (OR) seconded.**

**The motion passed by a 39 - 0 majority vote.**

**R. Wahl (UT) made the motion to limit the debate on rule amendments in section 400 to 45 minutes. R. Mercado (NJ) seconded.**

**Motion passed by a 35 - 5 super-majority vote.**

***Rules Section 400***

Chair Hartman opened the floor to discuss Section 400.

**Rule 4-101: Processing Referrals**

**P. Cox (OR) made the motion to consider the Rules Committee's proposed amendment to Rule 4-101. S. Hagan (WI) seconded.**

T. Clark (PA) clarified the proposal made by the East Region.

**The motion passed by a 32 - 7 majority vote.**

**C. Sullivan-Colglazier (WA) made the motion to adopt the Rules Committee's proposed amendment to Rule 4-101. M. Lacy (WV) seconded. The motion passed by a 31 - 8 majority vote.**

**Rule 4-101A: Transfer of Students**

**G. Prine (IA) made the motion to adopt the East Region's proposed new rule regarding the Transfer of Students. M. Ruedisale (MI) seconded.**

- **D. Gannon (SC) made a friendly amendment to insert the language *and can provide proof of enrollment* after the word program. G. Prine (IA) and M. Ruedisale (MI) accepted the friendly amendment.**

**S. Hagan (WI) and S. Harrigfeld (ID) spoke against the rule amendment.**

**The motion passed by a 31 - 8 majority vote.**

**Rule 4-102: Sending and Receiving Referrals**

**M. Boger (ME) made the motion to adopt the proposed amendment to Rule 4-102. J. Hall (FL) seconded.**

- **J. Hawkins (MO) made a friendly amendment to insert the following language *or electronic transfer if mutually agreed upon* before the word duplicate in section 3(a).**
- **M. Boger (ME) and J. Hall (FL) agreed to the amendment.**

**The motion passed by a 38 - 2 majority vote.**

**Rule 4-103: Transfer of Supervision Procedures**

**C. Sullivan-Colglazier (WA) made the motion to adopt the proposed amendment by the Sex Offender Ad Hoc Committee to Rule 4-103. T. Clark (PA) seconded.**

- **M. Genca (CT) made a friendly amendment to change the wording of *juvenile sex offender* to *juvenile who is adjudicated of a sexual offense*.**
- **C. Sullivan-Colglazier (WA) declined the amendment.**

**The motion passed by a 35 - 4 majority vote.**

**Rule 4-104: Cooperative Supervision/Services Requirements**

**J. Hawkins (MO) made the motion to adopt the proposed amendment to Rule 4-104.**

**R. Wahl (UT) seconded.**

- **The Commission discussed the ability to sanction juveniles and impose detention time.**
- **Chair Bonner referenced the legal opinion by R. Masters, Legal Counsel.**
- **C. Sullivan-Colglazier (WA) spoke in support of the rule.**
- **D. Gannon (SC) spoke against the rule relative to secure confinement.**
- **R. Wahl (UT) called the question.**

**The motion passed by a 32 - 8 majority vote.**

**Rule 4-106: Closure of Cases**

**R. Mercado (NJ) made the motion to adopt the proposed amendment to Rule 4-106. S. Jones (MD) seconded.**

**The motion passed by a 36 - 4 majority vote.**

#### **Rule 4-107: Victim Notification**

**T. Clark (PA) made the motion to adopt the amendment to Rule 4-107 as proposed by the East Region. R. Mercado (NJ) seconded.**

- D. Gannon (SC) proposed that the rule be amended to address the victims’ rights in more detail and requested input for language.
- **T. Clark (PA) and R. Mercado (NJ) agreed and offered supplemental language to Rule 4-107 to be inserted as a new sub-section to paragraph 1.**
- R. Masters, Legal Counsel, advised the Chair that consideration for the proposed amendment to be out of order as it presents an entirely new rule. He advised the Commission to vote Rule 4-107 up or down and address the need for alternative language during old business.
- C. Sullivan-Colglazier (WA), G. Prine (IA), and D. Dodd (NM) spoke against the rule.  
**The motion failed by a 2 - 38 majority vote.**

**R. Wahl (UT) made the motion to limit the debate on rule amendments in section 600 to 75 minutes. P. Cox (OR) seconded.**

**The motion passed by a 35 - 4 super-majority vote.**

#### ***Rules Section 600***

Chair Hartman opened the floor to discuss Section 600.

#### **Rule 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian**

On behalf of the East Region, Rep. T. Clark (PA), withdrew the proposed amendment as a result of the recent OJJDP opinion.

#### **Rule 6-102: Voluntary Return of Out-of-State Juveniles**

**M. Lacy (WV) made the motion to adopt the proposed amendment to Rule 6-102. R. Wahl (UT) seconded.**

**The motion passed by a 39 - 1 majority vote.**

#### **Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles**

**S. Foxworth (CO) made the motion to adopt the proposed amendment to Rule 6-103.**

**P. Pendergast (AL) seconded.**

**The motion passed by a 40 - 0 majority vote.**

#### **Rule 6-104: Return of Juveniles Whose Placement Has Failed**

**P. Cox (OR) made the motion to consider the Rules Committee’s proposed amendment to Rule 6-104. D. Dodd (NM) seconded.**

**The motion passed by a 38 - 2 majority vote.**

**R. Wahl (UT) made the motion to adopt the Rules Committee’s proposed amendment to Rule 6-104. P. Cox (OR) seconded.**

**The motion passed by a 39 - 1 majority vote.**

#### **Rule 6-104A: Probable Cause Hearing in the Receiving State**

**S. Foxworth (CO) made the motion to adopt the new rule proposed by the Probable Cause Ad Hoc Committee. R. Mercado (NJ) seconded.**

- R. Wahl (UT) questioned why the Rules Committee did not offer a recommendation.

- Chair Hartman responded the Rules Committee could not reach a consensus.
  - **J. Miller (AR) proposed a friendly amendment to strike paragraph (b) in its entirety.**
  - **S. Foxworth (CO) and R. Mercado (NJ) accepted the amendment.**
  - Several states spoke in opposition to the rule.
  - R. Masters, Legal Counsel, addressed legal questions relative to the adjudicated juvenile, due process, and Supreme Court rulings.
- The motion failed by a 12 - 27 majority vote.**

**Rule 6-106: Public Safety**

- T. Clark (PA) made the motion to consider the amendment to Rule 6-106 as proposed by the East Region. R. Mercado (NJ) seconded.**
- T. Marchand (NC) and M. Reddish (NE) spoke in favor of the Rules Committee proposal.
- The motion failed by a 4 - 35 majority vote.**

- R. Wahl (UT) made the motion to adopt the amendment to Rule 6-106 as proposed by the Rules Committee. M. Reddish (NE) seconded.**
- The motion passed by a 39 - 1 majority vote.**

**Rule 6-108: Warrants**

- S. Hagan (WI) made the motion to consider the amendment to Rule 6-108 as proposed by the Rules Committee. B. Greer (IL) seconded.**
- The motion passed by a 35 - 4 majority vote.**

- R. Wahl (UT) made the motion to adopt the amendment to Rule 6-108 as proposed by the Rules Committee. M. Ruedisale (MI) seconded.**
- **D. Dodd (NM) proposed a friendly amendment to paragraph 1 to strike *immediately* and insert the words *shall reasonably*.**
  - R. Wahl (UT) declined the friendly amendment.

- **D. Dodd (NM) made the motion to amend paragraph 1 to strike the word *immediately* and insert the words *within a reasonable time*. P. Cox (OR) seconded.**
- G. Prine (IA) made a friendly amendment to replace the words *within a reasonable time* to *within the next business day*.
- **D. Dodd (NM) and P. Cox (OR) agreed to the amendment.**
- J. Clifford (RI) made a friendly amendment to add the language at the end of the sentence *upon the ICJ office being notified*.
- **D. Dodd (NM) and P. Cox (OR) agreed to the amendment.**
- MO, IL, IA, and NE spoke against the last friendly amendment.
- **The motion to the amendment(s) failed by an 11 - 26 majority vote.**
- **J. Miller (AR) made the motion to amend paragraph 1 to strike the word *immediately*. J. Hall (FL) seconded.**
- J. Hawkins (MO) made a friendly amendment to replace the word *immediately* with *within a reasonable time*.

- **J. Miller (AR) and J. Hall (FL) agreed to the friendly amendment.**
  - **The motion to the amendment passed by a 30 - 5 majority vote.**
- The motion to adopt Rule 6-108 as amended passed by a 35 - 1 majority vote.**

**Rule 6-109: Custodial Detention**

**M. Boger (ME) made the motion to adopt the amendment to Rule 6-109 as proposed by the Rules Committee. S. Jones (MD) seconded.**  
**The motion passed by a 34 - 1 majority vote.**

**Rule 6-110: Transportation**

**S. Foxworth (CO) made the motion to adopt the amendment to Rule 6-110 as proposed by the Rules Committee. P. Pendergast (AL) seconded.**  
**The motion passed by a 37 - 0 majority vote.**

- **G. Hartman (WY) made the motion to make the adopted rule amendments effective January 1, 2011. B. Greer (IL) seconded.**  
**Motion passed by a 35 - 0 majority vote.**

**Old Business**

- **J. Hall (FL) made the motion to re-consider the amendments to Forms II and IV. J. Miller (AR) seconded.**  
**The motion failed by a 16 - 19 vote.**
  - R. Masters, Legal Counsel, reminded the Commission a majority vote is more than half of the quorum.
- Chair Bonner acknowledged the tabled motion by J. Miller (AR) relative to the definitions of Probation and Parole as previously stated:
  - **J. Miller (AR) made the motion to keep the definition Probation/Parole and return to the original language in Rule 1-101: Definitions Probation/Parole as recommended by the Rules Committee. S. Foxworth seconded.**
    - R. Masters, Legal Counsel, advised that the original language to define Probation/Parole is consistent with the language used in the Compact Statute.
  - **The motion passed by a 37 - 1 majority vote.**
- **J. Hall (FL) made the motion to change the language in Rule 4-102 3(b) to be consistent with the adopted changes in Rule 4-102 3(a). B. Greer (IL) seconded.**  
**The motion passed by a 38 - 0 majority vote.**
- **D. Seymour (DE) made the motion to re-consider the amendment to Rule 4-106. J. Hall (FL) seconded.**  
**The motion failed by a 20 - 18 vote.**
  - R. Masters, Legal Counsel, reminded the Commission a majority vote is more than half of the quorum.

- Commission Chair Bonner recognized the following individuals for their commitment and service to the Interstate Commission for Juveniles:

**Officers**

- R. Wahl (UT) - Vice Chair
- D. Casarona (KS) - Treasurer

**Region Chairs**

- T. Clark (PA) - East Region Representative and Chair of the Region Representatives
- J. Miller (AR) - South Region Representative
- M. Reddish (NE) - Midwest Region Representative and ICPC Ad Hoc Committee Chair
- D. Dodd (NM) - West Region Representative and Sex Offender Ad Hoc Committee Chair

**Committee Chairs**

- G. Hartman (WY) - Rules Committee Chair
- L. Bjergaard (ND) - Finance Committee Chair
- S. Foxworth (CO) - Compliance Committee Chair
- J. Hall (FL) - Training, Education, and Public Relations Committee Chair
- C. Powell (MS) - Technology Committee Chair
- M. Boger (ME) - Probable Cause Ad Hoc Committee Chair

- Vice Chair Wahl recognized Commission Chair Bonner for her allegiance and leadership since the inception of the Interstate Commission for Juveniles.
- Chair Bonner expressed her appreciation to the Commission for their support and confidence.

**New Business**

- S. Jones (MD) suggested the Commission consider inviting the National Child Advocacy Center to serve as an Ex-Officio member to the Commission.
- C. Sullivan-Colglazier (WA) recommended the Commission create a Victims Ad Hoc Committee to develop guidelines and protocols for the Commission.
  - T. Clark (PA) spoke in favor of creating a Victims Ad Hoc Committee.
- F. White (MA) recommended the Commission provide updates/training on FAA and TSA Standards.

**Officer Elections**

- R. Bisch (MN) presented the slate of officers nominated from the Regions:
  - Chair - T. Clark (PA)
  - Vice Chair - R. Wahl (UT)
  - Treasurer - D. Casarona (KS)
- R. Bisch (MN) asked for nominations from the floor for Commission Chair.
  - M. Ruedisale (MI) nominated P. Gibson (KY) for Chair. P. Gibson (KY) accepted.
  - C. Powell (MS) nominated M. Lacy (WV) for Chair. M. Lacy (WV) accepted.



- **R. Mercado (NJ) made the motion to close nominations from the floor. S. Jones (MD) seconded. The motion passed.**
- The three candidates for Chair addressed the Commission.
- The Commission voted electronically by secret ballot.
- R. Bisch (MN) announced the Commission elected T. Clark (PA) as the 2011 Chair.
- R. Bisch (MN) asked for nominations from the floor for Commission Vice Chair.
- **G. Hartman (WY) made the motion that nominations cease and the Commission cast a unanimous ballot to elect R. Wahl (UT) for the Commission Vice Chair. M. Lacy (WV) seconded. The motion passed.**
- R. Bisch (MN) announced the Commission elected R. Wahl (UT) as the 2011 Vice Chair.
- R. Bisch (MN) asked for nominations from the floor for Commission Treasurer.
- **R. Wahl (UT) made the motion that nominations cease. J. Hall (FL) seconded. The motion passed.**
- **M. Ruedisale (MI) made the motion to elect D. Casarona (KS) as Treasurer. J. Hawkins (MO) seconded. The motion passed.**
- R. Bisch (MN) announced the Commission elected D. Casarona (KS) as the 2011 Treasurer.

### Oath of Office

Judge David Stucki, National Council of Juvenile and Family Court Judges, delivered the Oath of Office to the newly elected leadership:

*Commission Officers*

Chair - T. Clark (PA)

Vice Chair - R. Wahl (UT)

Treasurer - D. Casarona (KS)

*Regional Representatives*

West Region - S. Foxworth (CO)

East Region - M. Boger (ME)

Midwest Region - R. Bisch (MN)

South Region - J. Miller (AR)

### Adjourn

Chair T. Clark announced the next ICJ Annual Business Meeting will be held at the Norfolk Marriott in Norfolk, Virginia, October 24 - 26, 2011.

Chair T. Clark requested a motion to adjourn. **S. Jones (MD) made the motion to adjourn. J. Clifford (RI) seconded. The Commission adjourned at 5:07 p.m. CST.**