

Proposed by Rules Committee

RULE 1-101: Definitions

Substantial Compliance: ~~a juvenile who is sufficiently in compliance~~ Sufficient compliance by a juvenile with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.

Justification:

Change provides clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommend for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 1-101.

Terry Clark, PA

Pennsylvania is in favor of adopting this rules amendment.

Alicia Ehlers, ID

Idaho supports this amendment to the definition of Substantial Compliance.

Proposed by Executive Committee

RULE 3-101: Approved Forms

States shall use the electronic information system approved by the Commission for ~~The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases~~ forms processed through the Interstate Compact for Juveniles.

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Accused Delinquent)
- Form III (Consent for Voluntary Return of Out of State Juvenile)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form VII (Out of State Travel Permit and Agreement to Return)
- Form VIII (Home Evaluation)
- Form IX (Quarterly Progress or Violation Report)

~~Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at:~~

~~www.juvenilecompact.org~~

Justification:

The amendments to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 3-101.

Jane Seigel, IN

The Indiana State Council agrees with this proposal and requests a separate form for reporting instructions in the future.

Terry Clark, PA

Pennsylvania is in support of adopting this rules amendment.

Damian Seymour, DE

Delaware would like to amend this rule to state the following: States may use the electronic information system approved by the Commission for all forms processed through the Interstate Compact for Juveniles: An exception for using the electronic information system (JIDS) can be made for states with an existing information system that have built in ICJ capabilities that produce approved Interstate Compact for Juvenile forms until interfacing or a batch process functionality can be accommodated by the electronic information system (JIDS). This is being suggested so our probation officers do not have to do repetitive work.

Patricia Mazzilli, CA

California recommends leaving the language, “Applications prepared on other than the officially approved forms may be returned for revision.” While it is the intent of the Commission for all members of the Compact to exclusively use JIDS, some states may not be able to immediately push the use of the JIDS system down to the end user. Therefore, the most recent forms available on the website may be used and forwarded to the respective ICJ office for inputting and scanning into the system.

Philip Cox, OR

Oregon acknowledges and appreciates California comments but is in support of the revision to Rule 3-101.

Alicia Ehlers, ID

Idaho supports the amendment to this rule.

Molli Davis, NV

While a gradual phasing out of the paper forms usage and availability may be desirable after the JIDS System has undergone testing and a reasonable transition period, it is very early to strip away methods that states have utilized for over 50 years in processing and administering interstate cases. Nevada ICJ recommends the proposal be changed to reflect the language submitted to the Executive Committee by the Technology Committee: “States shall use the electronic information system approved by the Commission for all cases processed at the ICJ Office level through the Interstate Compact for Juveniles.”

Rose Ann Bisch, MN

MN supports the proposed amendment. Once a launch date is established all states need to use that system. It won't work to have part of the country using the database and others not, that would defeat the purpose of the system. We currently struggle with the fact some states won't accept packets via email or fax, the database will eliminate this issue. The point of the revision is not to remove the forms, it is to require states to use the data system when the case leaves their state. If some states do not want to push the system out to their locals this rule will allow that, it will just be up to the ICJ office in that state to get the case and case activities into the system. We may never be able to eliminate the forms due to the nature of our business, for example, courts completing the Form III.

Proposed by Executive Committee

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for the Requisition for a Runaway Juvenile
- Petition for Requisition to Return a Runaway Juvenile (Form A)
- Petition for Hearing on Requisition for Escapee, Absconder, or Accused Delinquent
- Order Setting Hearing for Requisition for Escapee, Absconder, or Accused Delinquent
- Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile
- Case Closure Notification
- Victim Notification Supplement Form

~~Official forms may be found at:~~

~~www.juvenilecompact.org~~

Justification:

Changes to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 3-102.

Alicia Ehlers, ID

Idaho is in support of this amendment, but believes the amendment should reflect that the forms are now located on the Juvenile Interstate Data System (JIDS).

Proposed by Executive Committee

RULE 3-103: Form Modifications or Revisions - RESCIND

1. Forms approved and adopted by the Interstate Commission for Juveniles may not be changed, altered or otherwise modified and no other forms may be substituted for approved forms.
2. Form revisions shall:
 - a. Be adopted by majority vote of the members of the Commission; and
 - b. Be submitted in the same manner as outlined in Rule 7-101 for the adoption of Rules and Amendments.

Justification:

Rescinding this rule is a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to rescind Rule 3-103.

Patricia Mazzilli, CA

California does not agree that future changes to forms should go through the Technology Committee rather than the Adoption of Rules and Amendments process due to the implementation of JIDS. While the Technology Committee should weigh in on changes as it affects JIDS, the rule making process should stand.

Alicia Ehlers, ID

Idaho believes even when using JIDS, forms will continue to be revised and the Commission should have a vote on the changes.

Molli Davis, NV

Nevada ICJ believes this rule should not be rescinded. The current rule making process has been not only democratic but has served the Commission well. If the Commission proceeds with rescinding Form Modification or Revisions, the process should be extended to allow for adequate testing of JIDS and a reasonable transition timeframe for states and their field staff to implement.

Proposed by Rules Committee

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) business days of receipt. Each ICJ Office shall adhere to the following screening process when sending and receiving referrals. Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
 - a. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state ~~or electronic transfer if mutually agreed upon, in duplicate~~ forty five (45) calendar days prior to the juvenile's anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide ~~duplicate~~ copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V shall be forwarded prior to placement in the receiving state.

When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall be responsible for verifying the emergent circumstances of the juvenile's immediate placement justifying the use of a travel permit. Verification shall include consideration of the appropriateness of the placement, and to the extent possible, that such placement does not immediately compromise community safety. If approved by the sending state, they shall provide the receiving state with the approved travel permit along with a written explanation as to why standard operating procedures for submitting the referral could not be followed.

The sending state ICJ Office shall provide the complete ICJ referral to the receiving state ICJ office within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether or not they expedite the ICJ referral.

- b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state ~~or electronic transfer if mutually agreed upon, in duplicate~~, within five (5) business days of receipt: Form IV,

Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide ~~duplicate~~ copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.

- e. ~~When it appears necessary to request an expedited transfer of supervision, the sending state's ICJ Office is responsible for verifying that a justification for an expedited transfer actually exists subject to the agreement of the receiving state. If so, a travel permit may be issued until the referral information can be provided to the receiving state's ICJ Office.~~
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
 5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
 6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, ~~make a reasonable effort to~~ forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or show good cause why an extension is necessary.

Justification:

Rule 4-102(3)(a): Proposed language defines a procedure for placing a juvenile parolee across state lines prior to formal acceptance under the provision of Rule 5-101(4).

Rule 4-102(6): Proposed language provides clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

May effect travel permit Rule 5-102

JIDS' Impact:

TBD

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 4-102.

Shelley Hagan, WI

Wisconsin's ICJ office is in support of the proposed rule amendment.

Robyn Peterson, OH

Ohio ICJ would propose changing the word "emergent" to "emergency" as emergent would mean a situation that is developing as opposed to an emergency situation.

Jane Seigel, IN

The Indiana State Council generally supports this proposal, but notes that it does not take into account the new JIDS system (rule refers to duplicate paper copies). The State Council suggests changing "emergent" to "exigent". The State Council also questions what constitutes an emergency and how a compromise of community safety is determined.

Brad Burke, KS

The Kansas council agrees that "exigent" is a better and more accurate word to be used than "emergent."

Rose Ann Bisch, Midwest Region Representative

These comments are made on behalf of the Midwest Region. The Midwest Region passed a motion that the word "emergent" be replaced with "exigent". It was further recommended that if it is changed to "exigent" that would need to be defined within the rules. The use of the term "duplicate copies" was questioned and the Midwest Region proposed that the rules committee review all rules and where appropriate remove the language regarding the transfer of paper copies at the onset of the new data system. This proposal has been submitted to the Rules Committee separately.

Patricia Mazzilli, CA

California does not object to the proposed change to Rule 4-102 (3)(a) but is not in agreement that the proposed change to 4-102 (6) provides clarity. Suggest that these changes be considered and voted upon separately. If changes to 4-102 (3)(a) and 4-103 (2) are adopted it is recommended that the format/language be changed to mirror each other.

Alicia Ehlers, ID

Idaho supports the changes to this rule, but questions whether it is necessary to describe the circumstances as emergent, emergency or otherwise? For instance: When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall be responsible for verifying the emergent circumstances of the juvenile's immediate placement justifying the use of a travel permit.

Proposed by Rules Committee

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

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(2) is applicable.
- ~~2. When it appears necessary to request an expedited transfer of supervision, the sending state's ICJ Office is responsible for verifying that a justification for an expedited transfer actually exists subject to the agreement of the receiving state. If so, a travel permit may be issued until the referral information can be provided to the receiving state's ICJ Office.~~
2. When it is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall be responsible for verifying the emergent circumstances of the juvenile's immediate placement justifying the use of a travel permit. Verification shall include consideration of the appropriateness of the placement, and to the extent possible, that such placement does not immediately compromise community safety. If approved by the sending state's ICJ Office, the following procedures shall be initiated:
 - a. The sending state shall provide the receiving state with an approved travel permit along with a written explanation as to why standard operating procedures for submitting the referral could not be followed.
 - b. The sending state shall transmit a complete ICJ referral to the receiving state within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether they expedite the ICJ referral or if they will process the referral according to Rule 4-102.
 - c. Within five (5) business days of receipt of the travel permit, the receiving state shall have the opportunity to advise the sending state of applicable registration requirements and/or reporting instructions. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.
 - d. In the absence of the issuance of reporting instructions by a receiving state, the sending state shall maintain responsibility of the case until acceptance. If the receiving state issues reporting instructions, the receiving state, upon issuance, shall assume responsibility for supervision of the case.
- ~~3. Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted in the receiving state.~~

- ~~4.~~ 3. When transferring a juvenile sex offender, documentation should be provided to the receiving state ~~in duplicate~~: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
- ~~5.~~ 4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 5-101(4).
- ~~6.~~ 5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
- ~~7.~~ 6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.
- ~~8.~~ 7. ~~The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of expedited transfers. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.~~

Justification:

Rule 4-103, as currently constructed, is prejudicial to the parent-child relationship in probation transfers of juvenile sex offenders. If a receiving state chooses not to agree that emergent circumstances exist, a juvenile sex offender that resides with the parent, legal guardian/custodian may potentially be required to remain in a sending state for a period up to forty-five (45) days. In this common set of circumstances, the juveniles' education and/or employment and/or court ordered treatment is interrupted and unnecessarily delayed. Additionally, there is potential interruption of the parent, legal guardian/custodian's employment and ability to provide care and custody to other siblings that may reside in the established residence in the receiving state. In congruence with ICJ Rule 5-101(4), interrupting the immediate proceeding of a juvenile and parent to their established residence serves no constructive purpose when considering such transfer will subsequently be a mandatory acceptance case under the except(ion) provision of Rule 5-101(4).

The proposed amendment language sets forth a prescribed process that will assist states in ensuring juvenile sex offenders are properly and timely advised of applicable registration requirement(s) in accordance with the laws, rules and/or regulations of the receiving state.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Recommended for adoption

JIDS' Impact:

TBD

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 4-103.

Shelley Hagan, WI

Wisconsin's ICJ office supports this proposed rule change.

Robyn Peterson, OH

Ohio ICJ would propose changing the word "emergent" to "emergency" as emergent would mean a situation that is developing as opposed to an emergency situation.

Billie Greer, IL

4-103 "Transfer of Supervision Procedure for Juvenile Sex Offenders" will be a training issue/compliance concern for IL probation. Requires reporting instructions before juveniles leave the state of IL. What do we do with juvenile's whose parents leave to go home and we haven't gotten reporting instructions? IL probation does not support this rule and does not agree with adoption.

Jane Seigel, IN

The Indiana State Council is concerned that the proposed amendment to Rule 4-103 puts family convenience ahead of public safety as a priority. Public safety should be first when a sex offender is transferring and the Receiving State needs time to investigate the placement before arrival of the juvenile. The State Council is concerned that the rule would allow a Sending State to transfer a juvenile sex offender without reporting instructions. The State Council also recommends reinstating paragraph 8.

Brad Burke, KS

The Kansas council strongly opposes this amendment if current paragraph 8 (which requires 48 hours notice to the receiving state prior to the sex offender being permitted to depart the sending state) is stricken as proposed by the rules committee. Paragraph 8 is reasonable and necessary in order to provide victim notification and to ensure that the local authorities are aware that the juvenile sex offender will be in their jurisdiction. Eliminating a reasonable window of mandatory prior notification will render the rule impotent.

Additionally, the Kansas council agrees that "exigent" is a better and more accurate word to be used than "emergent" in new paragraph 2.

Shelley Hagan, WI

Re Indiana's concerns: My view is that public safety is always an important priority. However, simply because a particular youth is adjudicated as a sex offender does not automatically imply that s/he is at high risk to reoffend. Under the proposed change to Rule 4-103, both the sending state and the receiving state have the opportunity to make a considered decision as to whether the facts in each case support a request to allow a sex offender youth to live with her/his parents before the home evaluation is completed. In cases where the placement ultimately must be approved by the receiving state (unless it would violate state or local residency rules), what is gained by mandating that a low-risk youth remain in the sending state until the receiving state accepts the case?

Rose Ann Bisch, MN

The Minnesota State Council feels the proposed rule is better than the current rule however there are some serious issues. Currently juvenile sex offenders are not to be in the receiving state prior to an approved transfer or approved reporting instructions however, the rule does not explain how the reporting instructions process would work. As a result almost every juvenile sex offender is in the receiving state prior to supervision being in place. This is a serious public safety risk. The proposed rule outlines a process to have a juvenile case that will be a mandatory acceptance any, proceed to the receiving state with approved reporting instructions. The MN State Council would like to see the word emergent replaced with the word emergency, this would cause less confusion. The MN State Council agrees with the other states that feel number 8 should not be deleted. The rule should require approval from the receiving state prior to the juvenile being allowed to travel to the receiving state. Without the receiving state having an opportunity to investigate the placement there could be victims in the home. In 2. c the MN State Council feels that reporting instructions should be required in these cases, juvenile sex offenders should not be in the receiving state without supervision in place. The Council also feels that all the information on the case should be sent at the time of the travel permit, not 10 days later. Part of the statute passed in every state indicates that the compact will ensure public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving state are adequately protected. Juvenile sex offenders being in another state without supervision is not fulfilling this mandate.

Rose Ann Bisch, Midwest Region Representative

These comments are submitted on behalf of the Midwest Region. The Midwest Region passed a proposal to change the word "emergent" to "exigent". A motion was passed to retain paragraph 8 and renumber as paragraph 7. There was a question about the use of "custodial parent" which is not defined in the rules.

Patricia Mazzilli, CA

California does not object to the proposed change to Rule 4-103 (2) as there needs to be a mechanism to allow a juvenile sex offender to travel with his/her parent/legal guardian in a situation in which approval cannot be completed prior to transfer. If changes to 4-102 (3)(a) and 4-103 (2) are adopted it is recommended that the format/language be changed to mirror each other.

Gloria Soja, MT

Montana questions point 2 (c) in regards to time frames. Reporting requirements (on brief glance) require notification within 48 hours to 10 days. If receiving state has five days to advised the sending state of reporting requirements, the youth could already be in violation of the local/state laws in the receiving state. We would ask that the Rules Committee consider reverting some of the responsibility to the sending state's local officers (as most, if not all, should have access to the sex offender matrix).

It is not clear to us in the justification as to why point 8 was stricken. The 48 hour prior to travel notification should remain as the standard.

Philip Cox, OR

While recognizing the critical issue of public safety, Oregon continues to question whether a receiving state can deny placement of a minor child (particularly a non-state custody minor) with his or her parent or legal guardian.

Alicia Ehlers, ID

Idaho supports the changes to this rule, but questions whether it is necessary to describe the circumstances as emergent, emergency or otherwise? For instance: When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall be responsible for verifying the emergent circumstances of the juvenile's immediate placement justifying the use of a travel permit.

Also, if the juvenile does not have reporting instructions in place with the receiving state at the time of departure, the juvenile would continue to report to the probation officer in the sending state.

Judy Miller, South Region Representative

The South Region recommends the deletion of the language proposed to Rule 4-103, paragraph 2(d) and replace with: The sending state shall maintain responsibility until supervision is accepted in the receiving state.

Proposed by the Midwest Region

RULE 4-104: Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of visitation and supervision over any juvenile, including juvenile sex offenders, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
2. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
3. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
4. ~~The Neither sending states nor receiving states shall~~ may impose a supervision fee on any juvenile who is supervised ~~under the provisions of the ICJ.~~ if the same supervision standards prevail for its own juveniles released on probation or parole. The sending state shall not impose a supervision fee on a juvenile who transfers to a receiving state.
5. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

Justification:

Proposed by the Midwest Region for consistency for states that may impose supervision fees.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Not recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Correction/ICJ Office is in support of this proposed modification to Rule 4-104. It should be noted that at this time there are no fees related to supervision of youth being charged to individuals or families under the supervision of the Arizona Department of Juvenile Corrections.

Shelley Hagan, WI

While we understand the goal of providing consistency in how local agencies supervise youth - both from their own state and youth received via the ICJ -- we regret losing the uniform "no fees" policy for all ICJ youth.

Damian Seymour, DE

Rule 4-104: 4--Delaware opposes this amendment due to its potential hardship on low income families; the possible consequences that could be imposed for failure to comply and; the lack of or need for standardization of fees and consequences among states.

Billie Greer, IL

4-104 Supervision / Services Requirements will allow IL to charge fees on interstate juveniles from other states if we already assess supervision fees on our juveniles. IL probation supports adoption. This is the only rule the ICJ rules committee does not support.

Jane Seigel, IN

The Indiana State Council strongly supports the proposed amendment to Rule 4-104 and believes that juveniles coming into a state for supervision should be treated the same as in-state juveniles for consistency and fairness. The amendment uses a "may" provision, so states that do not charge fees can continue this practice.

Terry Clark, PA

Pennsylvania is not in support of adopting this rules amendment. It is the opinion of the Pennsylvania State Council that the proposed rule amendment would create undue difficulty for juveniles and for juvenile justice officers. The State Council also feels that the compact is built upon reciprocity between the states and the original wording of the rule supports that reciprocity.

Rose Ann Bisch, MN

The Minnesota State Council supports this amendment. This does not impose any new fee it only allows states that already do so to assess a fee on incoming juveniles. This amendment is consistent with Rule 4-104 that states a receiving state will supervise interstate cases by the same standards that prevail for their own juveniles. Minnesota Counties would actually like the amendment to state that the sending state shall not impose a supervision fee on a juvenile that has transferred, this would allow them to assess the fee on a juvenile until the case is transferred to the other state.

Rose Ann Bisch, Midwest Region Representative

These comments are being submitted on behalf of the Midwest Region. There was discussion about the fact that the rules committee is not supporting this rule. The opposition was discussed and the Region reached a consensus to continue to support the proposed rule amendment to be consistent with Rule 4-104 1. This is not a new fee it is a fee that is already being assessed by the receiving state on their own juveniles under supervision.

Patricia Mazzilli, CA

California does not agree with this proposed rule. While this may be an acceptable practice in the Adult Interstate Compact, it may present an unnecessary burden on family members willing to accept a juvenile into their home when no other placement options exist. Therefore, potentially eliminating placement options or setting up a situation for the denial of placement in the receiving state simply due to the inability to pay. Further, if the family is unable to pay, does that put the burden of payment on the sending state?

Steve Boufford, NJ

I am commenting for Commissioner Hancock from New Jersey Parole--we would not recommend charging any type of supervision fee as it could be a financial hardship for many of our clients, in addition it would most likely increase the amount of cases being rejected.

Gloria Soja, MT

Montana would request that if this rule is passed, that it include a requirement that any fees that may be charged by the receiving state be reported on the home evaluation (or prior to), to ensure that the family is properly informed.

Philip Cox, OR

Oregon does not support the proposed amendment to 4-104 as written.

Summer Foxworth, West Region Representative

The West Region does not support this rule.

Molli Davis, NV

Nevada ICJ is opposed to imposition of any supervision fees by sending or receiving states. This amendment would be difficult to enforce if parent/guardian is unable to pay the supervision fee imposed by a state that has no jurisdiction over the juvenile. This new provision may also set up complications, such as a receiving state believing a family's inability to pay fees is a justification to deny supervision. Also, if the parent/guardian is unable or does not agree to pay the receiving state's fee, would that state then be justified in requesting a return to the sending state if the juvenile is on a travel permit pending the processing of the interstate case?

Alicia Ehlers, ID

Comment from Idaho's Council: Paragraph 1 of this rule states that a juvenile is to be supervised by the receiving state according to the "same standards of visitation and supervision that prevails for its own juveniles released on probation or parole." Likewise, the Bench Book states in Section 3.6.1 the "the receiving state may not treat transferred juveniles any differently than it would treat its own juvenile." This should include a receiving state's ability to impose the same supervision fees that are assessed to the non-ICJ juveniles. The same standards of the receiving state's ability to waive supervision fees would apply, as well as recognition of the sending state's court order waiving such fees. The assessment of this supervision fee would not impact the ability of the juvenile to transfer to the receiving state under the Compact. If the supervision fees are not paid, the receiving state would have the same processes available under its state laws to pursue enforcement or collections of the fees.

Judy Miller, South Region Representative

The South Region recommends the rejection of the proposed amendment to Rule 4-104, paragraph 4: Supervision/Services Requirements submitted by the Midwest Region.

Proposed by the Rules Committee

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of:
 - a. ~~w~~When a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. ~~i~~In such cases, the receiving state may close the supervision and administration of its ICJ case once it has notified the sending state's ICJ office, in writing, and provided ~~the sending state~~ it with a copy of the adult court order. ~~;~~~~or~~
 - b. Notification that a warrant has been issued for a juvenile who has absconded from supervision in the receiving state.
 - c. ~~b.~~Cases which terminate due to expiration of a court order or upon expiration of the maximum period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. The receiving state may submit to the sending state a request for the early release of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within sixty (60) calendar days as to why the juvenile cannot be released from probation/parole.
4. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

Justification:

Strengthens the rule to allow states to close cases in a timely manner.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments**John Crabtree, AZ**

Arizona is requesting clarification on the proposed amendment to Rule 4-106 as to identify the method of notification that a warrant has been issued, such as CJIS confirmation, Official copy of the warrant document, letter, or e-mail, etc.

Damian Seymour, DE

Delaware would like to amend this rule to state the following: Notification that a warrant has been issued for a juvenile who has absconded from supervision in the receiving state or if the juvenile has been on absconder status for 30 days. Delaware requests a specific time period be added (suggesting 30 days). This will prevent cases from remaining open for indefinite periods of time and removes any obligation on the part of the sending state to file a warrant.

Patricia Mazzilli, CA

California does not agree with the immediate closure of a case upon notification that a warrant has been issued but recommends that a time frame be established for closure if the warrant remains outstanding.

Gloria Soja, MT

Why would we want to remove obligation from the sending state for issuing a warrant if it is their youth that absconded?

Montana would like point 1 (b) to be modified to include "by the sending state" so the new point would read, "Notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state." It should remain the sending state's responsibility to issue a warrant for a youth that has absconded.

Molli Davis, NV

b. Nevada ICJ does not agree with this provision unless a reasonable time frame (15 days is suggested) is given to allow for juvenile to return home. Allowing a reasonable timeframe to be certain the juvenile did not return home after a few days would prevent the additional workload for both states of closing and then reopening the case several days later.

c. To remain consistent with the first paragraph and to prevent a weakening of the “sole authority of the sending state to discharge/terminate supervision”, a receiving state should not be allowed to close a case without proper inquiry to the sending state ascertaining whether the local jurisdiction has not extended term of court order. More than five (5) business days should be allowed for this confirmation by the sending state (suggest 15 days be allowed).

Alicia Ehlers, ID

Idaho supports Delaware's comment about a need to include a time frame. In addition, Idaho feels the language of the rule should be revised to clearly indicate that the time frame starts after the date the warrant was issued rather than the date of the notification the juvenile absconded. This will be easier to track in JIDS. Also, adding language in subparagraph b so that it reads similar to subparagraphs a & c.

1. The sending state has sole authority to discharge/terminate supervision of its juveniles, except when with the exception of:

b. a juvenile has absconded from supervision in the receiving state. In such cases, the receiving state may close the supervision and administration of its ICJ case thirty (30) days after a warrant has been issued.

Proposed by the Rules Committee

RULE 5-102: Travel Permits

The purpose of this section is to meet a reasonable expectation of community safety.

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles committed to state custody;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
2. A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole and who are eligible for transfer under the Interstate Compact for the Placement of Children (ICPC).
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
 - a. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. 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. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.

5. If a travel permit is issued, the sending state's supervising officer is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving state shall collaborate to the extent possible to assure the legal requirements of victim notification are met through the timely exchange of all required and necessary information.

Justification:

This amendment proposal strikes in its entirety effective date 3/1/12, Rule 5.102 Travel Permits. The amendment permits a greater concentration of resources on a specific population of higher risk juveniles when travel is appropriate. Additionally, it reduces the time a sending state is afforded to transfer a case, consequently resulting in a greater continuity of supervision among states. The amendment also seeks to provide a meaningful enhancement of community safety by applying a travel permit requirement to those juveniles presenting a higher risk based upon the nature of their adjudicated offenses.

Effect on other Rules:

Rule 1-101: Definitions - Relocate: when a juvenile remains in another state for more than 90 consecutive days in a 12 month period.

Rule 4-101: Processing Referrals

2.a. A plan inclusive of relocating to another state for a period exceeding (90) consecutive days in any twelve (12) month period;

JIDS' Impact:

TBD

Rules Committee Action:

Recommend for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Corrections/ICJ Office is in support of this proposed modification/creation of Rule 5-102.

Shelley Hagan, WI

I support the intent of these rule modifications to focus the ICJ travel permit process on youth whose circumstances suggest higher risk to public safety.

I don't understand what the criterion in 1.f. means. My interpretation is that it means, for example, a low-level probation youth living in WI would not need a travel permit to go to his grandmother's home in IA for a month-long visit (because he doesn't meet any of the criteria in a-h), but would need a travel permit to come back to WI. Is that the intent of criterion 1.f.?

Sherry Jones, MD

The State of MD proposed that, the following statements be added to the ICJ Travel Permit, in an effort to maintain public safety.

- Probationer/Parolee is adhering to the conditions of his/her probation/parole
- Probationer/Parolee has pending charges/next court date.

Jane Seigel, IN

The Indiana State Council questions the use of "case circumstances" in paragraph 1 when the rest of the paragraph refers to "offenses" or a juvenile's status. The State Council also questions the use of "to the extent possible" in paragraph 5-- what is intended?

Brad Burke, KS

The Kansas council supports this rule, but we are asking that section 2 be amended from "A travel permit may be used..." to "A travel shall be used..."

Kansas has recently identified a problem of violent juvenile offenders being placed in residential treatment facilities in Kansas under the ICPC process without notification to the local authorities that such juvenile offenders are currently under court supervision for JO offenses, many of which are often violent offenses against persons. Our Legislature is considering criminalizing such placements if the ICJ travel permit process or some other similar notification to the local authorities is not made. If this rule is amended to a "shall," then I anticipate that the movement towards such legislation in our state will not be necessary. Bottom line is that our local prosecutors and law enforcement officials want notification if a juvenile offender is transferred into our state while under supervision. After all, isn't that the purpose of the ICJ?

Terry Clark, PA

Pennsylvania is not in support of adopting this rules amendment as proposed. The Pennsylvania State Council supports the committee's ongoing efforts to the enhancement of community safety, and agrees that the decrease in time to submit the requests moves to assure community safety. It is the State Councils opinion that a state is better able to assess community safety by receiving travel requests for all juveniles not only those who committed the offenses outlined 1.a through 1.h, and responding to the juvenile's offense as directed by that State's law, regulation and policy.

Pennsylvania would look more favorably on the changes if the following amendments were made:

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours.
 - a. Regardless of length of stay travel permits shall be issued to all juveniles who have committed or which the adjudicated offenses or case circumstances include any of the following:

- i. Sex-related offenses;
- ii. Violent offenses that have resulted in personal injury or death;
- iii. Offenses committed with a weapon;
- iv. Juveniles committed to state custody;
- v. Juveniles testing placement and who are subject to the terms of the Compact;
- vi. Juveniles returning to the state from which they were transferred for the purposes of visitation;
- vii. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
- viii. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;

2. A travel permit shall be used as a notification...

Pennsylvania has no concerns regarding the remainder of the proposed changes at this time.

Rose Ann Bisch, MN

The Minnesota State Council also questions the use of "case circumstance" in paragraph 1 when the rest of the paragraph refers to "offenses" or a juveniles status. The State Council also feels that the terms personal injury and violent crime are too broad and need to be defined. The intent of the rule is good in that it places resources on more serious offenses however, there does need to be some clarification in number 1. There were some members of the MN State Council that felt a travel permit should not be required for travel under 1 week. The other issue is that 90 days is still a long time to allow a juvenile offender in another state without supervision in place. That is not addressing public safety as required under the compact law itself.

Patricia Mazzilli, CA

California does not agree with the change from 48 to 24 hours for the use of Travel Permits. Also recommend changing the language to: "Travel Permits shall be mandatory for juveniles traveling out-of-state for a period in excess of forty-eight (48) hours and whose commitments, adjudicated offenses or case circumstances include any of the following:" as the current proposed language is not clear. (1)(g) Recommend removing this as it is covered in (e) and the use of the term "subsequent receiving state" was suggested and not adopted in previous years.

Mark Boger, ME

While Maine does support the intent of the proposed rule change to focus limited resources on high risk offenders we are concerned that a significant number of high risk offenders might well fall outside the categories listed under paragraph 1 a thru h. We know that the level of risk is not accurately assessed by either the instant offense or the juvenile current supervision status but rather through the use of validated risk assessment tools.

Maine does support the rule change proposed under paragraph 2 governing juveniles traveling to out of state private RTCs under the provisions of ICPC.

Steve Boufford, NJ

Commenting on behalf of Commission Hancock from New Jersey Parole--we would recommend adding an indicator for gang affiliation for passes.

Gloria Soja, MT

Montana agrees with California that point 1 needs to be reworded.

Point 2 - If a youth is transferred under ICPC, ICPC should be responsible for the notifications. Montana agrees that the wording should remain as "may issue".

Philip Cox, OR

Oregon's position is that travel permits should be required for all juveniles for whom ICJ applies. The list of offenses or circumstances in the revised rule do not necessarily reflect public safety risk, if the intention is to now only require travel permits for high risk offenders. When this rule was discussed at most recent national meeting, the issue that was discussed as needing clarification was the current rule's requirement of travel permits to certain individuals, irrespective of length of stay (e.g., a one hour trip across the river to the dentist). As written, Oregon cannot support this rule.

Summer Foxworth, West Region Representative

On behalf of the West Region we would suggest the following: "Subsequent State" be defined in Paragraph 1(g). The use of "Shall" instead of "Should" in paragraph 4 preceding the language "prior to the juvenile movement".

Molli Davis, NV

1.f) We recommend this sentence be removed. The only legitimate reasons that a juvenile should be required to obtain a travel permit to return to the sending state is covered in (1a) ie, the victim may be in the home that the juvenile wishes to visit and (1h) notice is required by victim notification laws. Especially in the case of bordering states, juveniles travel frequently back and forth. It would be cumbersome to require all of them to obtain travel permits for visits that exceed 24 hours.

4) Oppose new language in the second to last sentence, as it defeats the current requirement for notification of a juvenile's travel to be received in advance of travel. Recommend "should" be changed to "shall" – new sentence would read "The authorized Travel Permit shall be provided and received prior to the juvenile's movement."

Alicia Ehlers, ID

The Effect on other Rules: Rule 4-101: Processing Referrals should read 2.d. rather than 2.a. Idaho supports Wisconsin's question for clarification in 1.f. Idaho supports Montana's position that ICPC should be responsible for notifications.

Judy Miller, South Region Representative

The South Region recommends the deletion of the proposed language in Rule 5-102, paragraph 2 and replace with:

A travel permit may be used as a notification of juveniles on probation or parole who are placed in an out-of-state private residential treatment facility and are eligible for placement under the Interstate Compact on the Placement of Children (ICPC).

Proposed by the South Region

RULE 6-102: Voluntary Return of Out-of-State Juveniles

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. The holding state's ICJ Office shall be advised of juvenile detainment. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
2. The home/demanding state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her due process rights under the compact ~~using~~ and may use the ICJ Juvenile Rights Forms ~~or an alternate, comparable procedure~~. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the voluntary return, the juvenile ~~will~~ shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. ~~consenting to voluntarily return.~~ The ICJ Form III shall be signed by a judge and counsel or a guardian ad litem, if appointed.
5. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the ICJ Form III, provided the waiver is signed by the juvenile, the Judge, and counsel, if appointed.
5. ~~6.~~ 6. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's Compact office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
6. ~~7.~~ 7. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
7. ~~8.~~ 8. Juveniles are to be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

Justification:

Holding states often find that a defined juvenile from another state has reached the statutory age to be considered an adult in their state. In many cases, it is extremely difficult, if not impossible, to have someone who is being held in an adult jail to be taken before a juvenile court for a due process hearing. In these situations, the hearings are held in adult court and an adult waiver is

executed. Most ICJ Offices will accept adult waivers in lieu of the juvenile consent to return form, ICJ Form III. This practice needs to be recognized in the Rules.

The adult court due process hearing is more comprehensive than the hearing in juvenile court. As stated in the ICJ Bench Book, Chapter 2.1 – General Principles Affecting the Interstate Movement of Juveniles, “The Supreme Court has recognized that the right of interstate movement is a fundamental right protected by the constitution. . . However, juveniles enjoy reduced freedom of movement due to their legal status and the constitutionally protected interest of their parents in child rearing. The inherent differences between minors and adults, e.g., immaturity, vulnerability, need for parental guidance, have been recognized by the Supreme Court as sufficient to justify treating minors differently from adults under the U.S. Constitution.”

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS’ Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Corrections/ICJ Office is in support of this proposed modification of Rule 6-102.

Shelley Hagan, WI

The Wisconsin ICJ office strongly supports the proposed amendments to Rule 6-102, in particular the clarification in new #5 as to the acceptability of an adult hearing/waiver for voluntary return.

Patricia Mazzilli, CA

California suggests changing the language to not require the signature of the counsel or guardian ad litem so as to not make the form invalid if the signature is missing or unavailable. Only the signatures of the juvenile and judge should be required signatures.

Summer Foxworth, West Region Representative

On Behalf of the West Region--we are in support of this rule with the following modifications:

In Paragraph #4 2nd sentence the word "Shall" is inconsistent with the Form III which states the Counsel and GAL signatures are optional.

In Paragraphs 4 and 5 ending the last sentence after "Judge".

In Paragraph 8 insert "or adult Waiver" at the end of the first sentence following Form III.

Molli Davis, NV

6-102: 4. Nevada ICJ opposes language at the end of the sentence and recommends it be stricken ("and counsel, if appointed.") Several years ago the Commission upheld the Rules Committee's recommendations for changes in Form III highlighting the counsel/guardian ad litem's role as optional, rather than required on the Form III. If this amendment is approved, those changes in the Form III would be rendered invalid and the Form III would also require revision. We believe that the current Form III language: "I _____, being the ___ Counsel ___ Guardian Ad Litem of _____ (juvenile), recognize and agree that I have consulted with the juvenile about his/her voluntary consent to return to _____ (contact name and phone number) in _____ (state)" aptly addresses the role and scope of authority of the counsel/guardian ad litem.

Alicia Ehlers, ID

Idaho supports the amendments to these rules.

Proposed by Rules Committee

RULE 6-104A: Absconder under ICJ Supervision [NEW RULE]

1. If there is reason to believe that a juvenile being supervised under the terms of the Interstate Compact for Juveniles in the receiving state has absconded, the receiving state shall attempt to locate the juvenile. Such activities shall include, but are not limited to:
 - a. Conducting a field contact at the last known place of residence;
 - b. Contacting the last known school or place of employment, if applicable; and
 - c. Contacting known family members and collateral contacts.

2. If the juvenile is not located, the receiving state shall submit a violation report to the sending state's ICJ office which shall include the following information:
 - a. The juvenile's last known address and telephone number,
 - b. Date of the juvenile's last personal contact with the supervising agent,
 - c. Details regarding how the supervising agent determined the juvenile to be an absconder, and
 - d. Any pending charges in the receiving state.

3. Upon receipt of an absconder violation report, the sending state shall issue a warrant and request law enforcement to submit the information to NCIC within ten (10) business days. Upon notification that a warrant has been issued, the receiving state may close interest in the matter.

4. Upon apprehension of the juvenile, the sending state shall make a determination if the juvenile shall return to the sending state or if the sending state will request supervision resume in the receiving state.

Justification:

New rule to address absconders and closure of cases

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

TBD

Rules Committee Action:

Recommend for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Corrections/ICJ Office is in support of the proposed modification/addition of Rule 6-104A with consideration for revisiting the wording regarding mandatory issuing of an apprehension warrant due to the inability to control County Probation Departments throughout the state and the process of issuing apprehension warrants.

Damian Seymour, DE

Delaware would like to amend this rule to state the following: Upon receipt of an absconder violation report, the sending state may issue a warrant and request law enforcement to submit the information to NCIC with ten (10) business days. Upon notification that a warrant has been issued or when the juvenile has been on absconder status for 30 days the receiving state may close interest in the matter. Delaware requests a specific time period be added (suggesting 30 days). This will prevent cases from remaining open for indefinite periods of time and removes any obligation on the part of the sending state to file a warrant.

Jane Seigel, IN

The Indiana State Council supports the addition of Rule 6-104A.

Brad Burke, KS

The Kansas council recommends the following change:

3. Upon receipt of an absconder violation report, the sending state shall request that the court or local prosecutor issue a warrant, and request law enforcement to submit the information to NCIC within ten (10) business days. Upon notification that a warrant has been issued, the receiving state may close interest in the matter.

In Kansas, it is the court's discretion as to whether to issue a warrant. We cannot make the court issue a warrant, we can merely make the request.

Patricia Mazzilli, CA

California is in agreement with previous comments that it should not be mandatory to request a warrant is every case and that receiving states should not immediately close interest in a transferred case upon notification that a warrant has been issued or whereabouts have become unknown. (1) Additionally suggest changing language to, "Such activities may include." ICJ rules indicate that each state will assume supervision under the same standards that they supervise their own cases. There are circumstances with a low level offender where a field contact to the last known place of residence is not feasible and to make it mandatory would place states out of compliance.

Mark Boger, ME

Maine does support the proposed process outlined to determine if a juvenile has in fact absconded but cannot support the mandate that a warrant must be issued upon receipt of a violation report as required under paragraph 3. For a variety of reasons there may well be instances when a sending state cannot or may not choose to issue a warrant; such as the amount of time remaining on the term of supervision/commitment, the severity of the underlying offense, cost factors etc. Also in many jurisdictions the final decision to issue a warrant lies with the state's attorney or paroling authority who may also decide not to issue a warrant.

Summer Foxworth, West Region Representative

On behalf of the West Region we would suggest removing "Shall" from paragraph # 3 and replace it with "may". The decisions to issue warrants are not made at the ICJ office level.

Molli Davis, NV

NV ICJ supports the expansion and clarification of the receiving state's duty to attempt to locate the juvenile and submit a violation report; however, we are opposed to using the word "shall" in the first sentence of (3.) "the sending state shall issue a warrant". We recommend substituting "may". Many ICJ Offices do not control the issuance of warrants in local jurisdictions and this requirement would automatically force those sending states into a state of non-compliance with Interstate Rules.

Alicia Ehlers, ID

Idaho supports:

3. Thirty (30) days after a warrant has been issued and entered into NCIC for a juvenile who has absconded from supervision in the receiving state, the receiving state may close its ICJ case.
4. Adding a referral to 6-108 to make it easier for court officials to maneuver through the rules.

Proposed by the Rules Committee

RULE 6-111: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home/demanding state.
2. Juveniles shall be supervised from arrival until departure.
3. Home/demanding states shall give the states providing airport supervision a minimum of 48 hours advance notice.
4. In the event of an emergency situation including but not limited to weather, delayed flight, or missed flight, that interrupts or changes established travel plans during a return transport, the ICJ member states may ~~shall~~ provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed. This would also apply to emergency situations with ground transportation returns.

Justification:

States use modes of transportation other than airline flights to return juveniles. There isn't an emergency rule to deal with other types of transports which could include bus or other ground transport. Airports for some states are several hours away and in many cases the closest airport may require driving to another state. In some instances, it is more cost effective to use the ground transport and in others there may be a medical or other concern (lack of ID) that prohibits a juvenile from flying. In these types of emergency situations there isn't any rule or procedure to appropriately see to the juvenile's safety and that of the community if there is a delay or interruption in the juvenile's transport.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

This rule change would not have an effect on other rules, advisory opinions or dispute resolutions but would strengthen and enhance the safety aspect of the compact.

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Corrections/ICJ Office is requesting consideration for not changing “shall” to “may” (paragraph 4, line 3) in regard to the assistance during emergency situations that cause significant delays. It is understood that there can be significant challenges when attempting to secure appropriate supervision during a lay-over if a youth is non-delinquent, run away and has no active apprehension warrant.

Arizona Department of Juvenile Corrections/ICJ Office is also requesting consideration of modifying the title of the rule to be more descriptive and accurate, such as Transportation Supervision/Support due to the addition of ground transport to the rule.

Shelley Hagan, WI

Wisconsin ICJ office agrees that the title of this rule should be changed due to the addition of provisions on ground transportation. Maybe "Continuity of Supervision" would be more appropriate? The AZ suggestion would work too.

We disagree with changing "shall" to "may" in section 4. Understanding that providing such assistance can be difficult, we see it as part of our basic duty under the Compact. We are very uncomfortable with changing this rule to make it optional for an ICJ office and its local partners to help a youth who is stranded far from home, possibly under emergency circumstances, and likely with little or no money.

Robyn Peterson, OH

Ohio ICJ is in agreement with both Arizona and Wisconsin on changing the name of the rule as it is not descriptive. Ohio also is not in support of changing the language from "may" to "shall".

Jane Seigel, IN

The Indiana State Council disagrees with the amendment to Rule 6-111 because the rule is meant to cover airport supervision. What are the consequences of adding ground transportation to the rule?

Brad Burke, KS

The Kansas council opposes changing the “shall” to a “may.”

The Kansas council believes that a reasonable way to make sure that the rule is not abused is to include a new clause that the home/demanding state shall be required to reimburse member states for any costs related to any such services and assistance that are requested by the home/demanding state during such emergency situations.

Rose Ann Bisch, Midwest Region Representative

These comments are being made on behalf of the Midwest Region. The Region passed a motion to retain the word shall in the proposed amendment. There was also a discussion about the fact the title of the rule is "Airport Supervision" but now ground transportation is being added to the rule.

Patricia Mazzilli, CA

Rather than changing shall to may California suggests, "shall make every effort to..." There are jurisdictions that will not be able to provide assistance such as temporary detention without a warrant or detainer from the home state. To leave shall and make it mandatory when many states would not be able to assist even if they wanted to comply would not be effective.

Gloria Soja, MT

Montana agrees that if ground transportation is added to this rule, the rule title may need to be revised. Montana objects to the change from "shall" to "may", and would request that the wording remain as "shall".

Molli Davis, NV

Nevada ICJ supports changing "shall" to "may" but opposes the new language contained in parenthesis, "This would also apply to emergency situations with ground transportation returns". If this language is approved, specifics should be clarified so as to not overburden the jurisdictions a sending state's transport travels through. Also, if this language is adopted, it should be included as a new rule. Requirements for other states to assist with the demanding state's ground transportation do not belong under the heading of "Airport Supervision".

Summer Foxworth, West Region Representative

On Behalf of the West Region we are in agreement with the listed views that the title of the rule should be changed. We are also cautious about changing "shall" to "may".

Alicia Ehlers, ID

Idaho supports the amendment to this rule, with the exception of the change of "shall" to "may" and changing the title to include supervision during all forms of transport not just at the airport.

Fred White, MA

Massachusetts ICJ parole opposes this proposed rule amendment and suggests revert the language from may to shall be held in detention.

In addition Massachusetts ICJ parole highly recommends that "ground transportation" be removed from rule 6-111 and a new rule dealing with ground transportation be created.

Judy Miller, South Region Representative

The South Region recommends to delete the proposed word may and revert back to the term shall in the proposed amendment to Rule 6-111, paragraph 4; Airport Supervision.

Eric Borrin, NH

New Hampshire opposes the amendment and feels strongly that "shall" should not be replaced with "may" within the text of the rule. We feel that rule changes should, at a minimum, conform with the stated goals of the ICJ, including ensuring that the public safety interests of the citizens, including the victims of juvenile offenders, in the sending, intermediate, and receiving states are adequately protected. Replacement of "shall" with "may" would serve to undermine this goal by making the intermediate states response something less than compulsory.

New Hampshire joins other state in recommending creation of a separate rule to address ground transportation returns.

Mark Boger, ME

Maine is in agreement with several of the other states that the term "shall" should not be replaced with "may" in paragraph 4. Consideration should also be given to changing the title of the Rule to include all forms of transportation.

Proposed by Rules Committee

RULE 7-101: Adoption of Rules and Amendments

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Commission in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
 - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official Web site of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
 - a. The place, time, and date of the scheduled public hearing;
 - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
 - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect human health and the environment.

11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission for Juveniles and in any other official publication that may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Justification:

The intent of this proposal is to eliminate confusion and unintended consequences resulting from amending rules from the floor of the Commission meeting, without properly vetting. This amendment limits the final vote of rule amendments to a simple yes or no vote.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

John Crabtree, AZ

Arizona Department of Juvenile Corrections/ICJ Office is in support of the proposed modification of Rule 7-101.

Damian Seymour, DE

Delaware wants to strike this because it would result in the loss of autonomy for the Commission as well as would inhibit brainstorming and debate of the issues. It is our belief that this part of the process generates new ideas that result in the best course of action moving forward. Being able to amend rules embraces diversity and allows for further discussion.

Jane Seigel, IN

The Indiana State Council supports the amendment to Rule 7-101.

Brad Burke, KS

The Kansas council strongly opposes this amendment. This amendment, if passed, will require states to defeat a proposed amendment if the members agree that the proposed amendment is needed, but that it needs to be modified before passed. Posting comments online is a good exercise, but it is no substitute to a vigorous debate on the floor. In a perfect world, all member states would fall in line months before the vote and all issues would be settled. That, however, will likely never happen. Often new information will arise or a voting member's opinion may be changed by something said during the floor discussion.

This amendment will cede too much power to the rules committee, and will consequently diminish each member state's authority. If there is "confusion" or anticipated "unintended consequences," then the current process allows for anyone with such concerns to voice them and move to table any such amendments.

Finally, if this amendment passes, we will have to question the need for an annual business meeting if these matters are to be decided online months before the vote. If that is the case, then we can easily blog our arguments and vote online and drastically reduce the cost of doing ICJ business.

Shelley Hagan, WI

Agree with KS that the proposed amendment gives the Rules Committee more power at the expense of member states. I would miss the lively floor discussions at the ABMs.

Speaking as a member of the IT Committee, though, we need to remember that many rules changes will now have JIDS implications and thus will have to be paid for by the Commission under its contract with InStream.

Rose Ann Bisch, Midwest Region Representative

These comments are being made on behalf of the Midwest Region: There was not a consensus in the Midwest Region about supporting this amendment as there are both pros and cons. The pros to this amendment include that fact it could eliminate proposals being made from the floor that could have an unintended consequence on other rules or the development of the database. On the other side, it could result in a rule being voted down that could be fixed with a minor change from the floor. Some members of the Midwest Region feel that by taking away the ability to amend a rule from the floor it takes away a Commissioners ability to have an impact on a rule. Currently a state can comment on a rule during the comment period open prior to the finalization of the rule, however, if the Rules Committee does not agree with the proposal it will not get out to the whole Commission for a vote.

Patricia Mazzilli, CA

California is not in support of this rule change. To allow discussion on the floor of the business meeting but only allow for a vote of yes or no defeats the purpose of bringing the commission members together.

Eric Borrin, NH

New Hampshire opposes this amendment- borrowing (with permission) and in whole the comment made by Kansas:

This amendment, if passed, will require states to defeat a proposed amendment if the members agree that the proposed amendment is needed, but that it needs to be modified before passed. Posting comments online is a good exercise, but it is no substitute to a vigorous debate on the floor. In a perfect world, all member states would fall in line months before the vote and all issues would be settled. That, however, will likely never happen. Often new information will arise or a voting member's opinion may be changed by something said during the floor discussion.

This amendment will cede too much power to the rules committee, and will consequently diminish each member state's authority. If there is "confusion" or anticipated "unintended consequences," then the current process allows for anyone with such concerns to voice them and move to table any such amendments.

Finally, if this amendment passes, we will have to question the need for an annual business meeting if these matters are to be decided online months before the vote. If that is the case, then we can easily blog our arguments and vote online and drastically reduce the cost of doing ICJ business.

Fred White, MA

Massachusetts Parole does not support the proposed rule amendment. The Commonwealth agrees with and supports the position of the state of Kansas.

In addition the proposed amendment would undermine the benefit of open and free debate of issues which affect the young people we serve.

Judy Miller, AR

Arkansas opposes this Rule amendment. I agree with many of the other comments already presented. We need to let those who wish to speak to present their positions and comments on proposed rules. I also agree with the comment that a rule could be voted down that could be fixed with minor changes from the floor and we would not have to wait another year to resolve the issue.

Proposed by the Rules Committee

RULE 6-102: Voluntary Return of Out-of-State Juveniles

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. The holding state's ICJ Office shall be advised of juvenile detainment. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
2. The home/demanding state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her due process rights under the compact ~~using~~ and may use the ICJ Juvenile Rights Forms ~~or an alternate, comparable procedure~~. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the voluntary return, the juvenile ~~will~~ shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. ~~consenting to voluntarily return.~~ The ICJ Form III shall be signed by a judge.
5. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the ICJ Form III, provided the waiver is signed by the juvenile and the judge.
5. ~~6.~~ 6. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's Compact office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
6. ~~7.~~ 7. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
7. ~~8.~~ 8. Juveniles are to be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

Justification:

Proposed language clarifies the procedure of a juvenile consenting to a voluntary return to the home/demanding state, as well as clearly stating that the only parties that must sign the ICJ Form III are the judge and the juvenile.

Rule 6-102(5) and (8): Proposed language would allow a home/demanding state to accept a completed adult waiver as a substitute to a completed ICJ Form III.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

No comments posted

Proposed by the Rules Committee

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles

Requisitions must be entered electronically in the electronic data system. The following requisition process shall apply to all juveniles in custody who refuse to voluntarily return to their home/demanding state; or juveniles whose whereabouts are known, but are not in custody:

1. The appropriate authority in the home/demanding state shall prepare a written requisition within sixty (60) calendar days of notification: (a) of refusal of the juvenile to voluntarily return as prescribed in Rule 6-102, or (b) to request that a court takes into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. When the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - b. The petition shall be verified by affidavit ~~and executed in duplicate.~~
 - c. The petition is to be accompanied by ~~two~~ a certified ~~copies~~ copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - d. Other affidavits and other documents may be submitted with such petition.
4. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
5. The judge in the home/demanding state shall determine if:
 - a. The petitioner is entitled to legal custody of the juvenile;

- b. The juvenile ran away without consent;
 - c. The juvenile is an emancipated minor; and
 - d. It is in the best interest of the juvenile to compel his/her return to the state.
6. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, Requisition for Runaway Juvenile ~~in duplicate~~.
7. When the juvenile is an absconder, escapee or accused of being delinquent, the appropriate authority shall present to the appropriate court Form II, Requisition for Escapee or Absconder or Accused Delinquent, where the juvenile is alleged to be located. The requisition shall be verified by affidavit, ~~signed in duplicate~~, and shall be accompanied by ~~two (2) certified~~ copies of supporting documents that show entitlement to the juvenile, ~~for two complete, separate requisition packets~~. Examples may include:
 - a. Judgment
 - b. Order of Adjudication
 - c. Order of Commitment
 - d. Petition Alleging Delinquency
 - e. Other affidavits and documents may be submitted with such requisition.
8. Upon receipt of the requisition, the home/demanding state's ICJ Office shall ensure the requisition packets ~~are is~~ in order. The ICJ Office ~~retains one copy of the packet and forwards two copies of~~ will submit the requisition packets through the electronic data system to the ICJ Office of the state where the juvenile is located. ~~The ICJ Office of the state where the juvenile is located will forward one requisition packet which is accompanied by one certified copy of and supporting documents to the appropriate court.~~ The holding state may request and shall be entitled to receive originals or duly certified copies of any legal documents.
9. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition.
10. A hearing in the state where the juvenile is located shall occur within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the requisition is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's

return to the home/demanding state.

b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.

11. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.

12. Requisitioned juveniles ~~are to~~ shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles ~~are to~~ shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.

13. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

Justification:

The amendments to this rule are a result of the implementation of JIDS.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Comments

Paul Gibson, KY

While it is OK to enter the requisition into the JIDS system, the original documents that contain certification and notary seals are still going to have to be mailed to the Compact Office and forwarded to the presiding Judge in the holding state. Many courts are not going to accept only an electronic copy because they cannot view the appropriate seals showing they are true, attested copies of a legal document generated by the court of jurisdiction in the demanding state.