



**INTERSTATE COMMISSION FOR JUVENILES  
ANNUAL BUSINESS MEETING  
October 17, 2012  
MINUTES  
The InterContinental – Kansas City, MO**

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**Call to Order**

The meeting was called to order by Chair Clark (PA) at 8:00 a.m. CST. The Air Force Junior ROTC Color Guard at Lee Summit High School presented the flags.

**Roll Call**

A. Lippert, Executive Director, called the roll. Forty-nine out of fifty-one member states and territories were in attendance. Forty-seven *voting* members were present, establishing a quorum.

**Members**

1. Alabama	Patrick Pendergast, Designee
2. Alaska	Barbara Murray, Commissioner
3. Arizona	John Crabtree, Designee
4. Arkansas	Judy Miller, Designee
5. California	<i>Not in attendance</i>
6. Colorado	Summer Foxworth, Commissioner
7. Connecticut	Maria Genca, Designee
8. Delaware	Sean Heblen, Designee
9. District of Columbia	Bruce Wright, Commissioner
10. Florida	Jean Hall, Commissioner
11. Hawaii	Linda Kiyotoki, Designee
12. Idaho	Alicia Ehlers, Designee
13. Illinois	Billie Greer, Designee
14. Indiana	Bob Champion, Designee
15. Iowa	Gerry Prine, Designee
16. Kansas	Brad Burke, Commissioner
17. Kentucky	Paul Gibson, Commissioner
18. Louisiana	Angela Bridgewater, Commissioner
19. Maine	Mark Boger, Commissioner
20. Maryland	Sherry Jones, Commissioner
21. Massachusetts	Fred White, Designee
22. Michigan	Ted Forrest, Commissioner
23. Minnesota	Rose Ann Bisch, Commissioner
24. Mississippi	Melonie Taylor-Gore, Designee

25. Missouri	Julie Hawkins, Commissioner
26. Montana	Gloria Soja, Designee
27. Nebraska	Kari Rumbaugh, Commissioner
28. Nevada	Anne Connor, Commissioner
29. New Hampshire	Eric Borrin, Commissioner
30. New Jersey	Robert Mercado, Designee
31. New Mexico	Dale Dodd, Commissioner
32. New York	Shaina Kern*
33. North Carolina	Traci Marchand, Commissioner
34. North Dakota	Lisa Bjergaard, Commissioner
35. Ohio	Robyn Peterson, Commissioner
36. Oklahoma	Robert Hendryx, Designee
37. Oregon	Philip Cox, Commissioner
38. Pennsylvania	Terry Clark, Commissioner
39. Rhode Island	JoAnn Niksa, Designee
40. South Carolina	<i>Not in attendance</i>
41. South Dakota	Nancy Allard, Commissioner
42. Tennessee	Sherry Bolden-Rivers, Commissioner
43. Texas	<i>Not in attendance</i>
44. Utah	Krista Airam, Designee
45. Vermont	<i>Not in attendance</i>
46. Virginia	Letta Porter-Jones, Designee
47. Virgin Islands	B. Patricia Welcome, Commissioner
48. Washington	Jeff Patnode, Designee
49. West Virginia	Michael Lacy, Commissioner
50. Wisconsin	Shelley Hagan, Commissioner
51. Wyoming	Gary Hartman, Commissioner

\*non-voting representative

### **Ex-Officios:**

1. American Probation and Parole Association (APPA) – Deena Corso
2. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Jean Taylor
3. Council of Juvenile Correctional Administrators (CJCA) – *Not in attendance*
4. Conference of State Court Administrators (COSCA) – Sally Holewa
5. International Association of Chiefs of Police (IACP) – *Not in attendance*
6. Interstate Commission for Adult Offender Supervision (ICAOS) – Kimberly Schwant
7. National Association of Attorneys General (NAAG) - *Not in attendance*
8. National Children’s Advocacy Center (NCAC) – *Not in attendance*
9. National Conference of State Legislatures (NCSL) - *Not in attendance*
10. National Council of Juvenile and Family Court Judges (NCJFCJ) – Judge David Stucki
11. National Juvenile Detention Association (NJDA) – *Not in attendance*
12. National Runaway Switchboard (NRS) – *Not in attendance*
13. National Sheriffs’ Association (NSA) - *Not in attendance*
14. National Association for Crime Victims [Justice Solutions] - Trudy Gregorie

### **Agenda**

**R. Peterson (OH) made a motion to approve the agenda as presented. S. Hagan (WI) seconded. The motion passed by a majority vote.**

## Minutes

**S. Foxworth (CO) made a motion to approve the 2011 Annual Business Meeting October 26, 2011 minutes as presented. F. White (MA) seconded. The motion passed by a majority vote.**

## Opening Remarks

Chair Clark welcomed everyone to the 5<sup>th</sup> Annual Business Meeting of the Interstate Commission for Juveniles and introduced guest speaker, Bill Heberle, Principle Assistant to the Missouri Division of Youth Services.

## Welcome

Bill Heberle welcomed the attendees to Kansas City, Missouri and commended states on their work of supervising youth. Mr. Heberle shared past work experiences with the Juvenile Justice System and complimented the ICJ on its progress over the past five years.

## Executive Committee Report by Terry L. Clark (PA)

- Chair Clark reported the following accomplishments by the Commission since the previous annual business meeting:
  - The Memorandum of Understanding between ICJ and AAICPC is fully executed and available on the ICJ website.
  - CSG published a news article regarding ICJ's progress and membership.
  - ICJ contracted with InStream, Inc. to develop the Juvenile Interstate Data System (JIDS).
  - ICJ attended a planning meeting sponsored by the Global Youth National Partnership for Juvenile Services for a proposed multi-track training institute.
  - Published an age matrix which is posted on the Commission's website.
  - Approved three administrative policies: posthumous resolution, asset disposal, and record retention.
  - Approved six legal advisory opinions currently available on the Commission's website.
  - Published the fiscal year 2012 Annual Report
  - Created an ad hoc committee to look at issues surrounding out-of-state detention.
  - Conducted an outreach meeting with a representative from the state of Georgia.
- Chair Clark reported activities involving Ex-Officio affiliate organizations as follows:
  - The AAICPC/ICJ Work Group continues to study the prevalence of overlapping cases.
  - ICJ presented at the 2012 American Probation and Parole Association Summer Institute.
  - The Conference of Chief Justices joined ICJ as an Ex-Officio member.
  - The National Council of Juvenile and Family Court Judges announced the ICJ on-demand legal training to its membership.
  - ICJ continued resource sharing with the Interstate Commission for Adult Offender Supervision and attended their 2012 Annual Business Meeting.
- **F. White (MA) made a motion to approve the Executive Committee Report as presented. S. Foxworth (CO) seconded. The motion passed by a majority vote.**

## Training, Education and Public Relations Committee Report by Jean Hall (FL)

- Chair Hall recognized the members of the Training Committee and acknowledged their contributions.
- Chair Hall reported the following accomplishments by the Training Committee:

- Updated the quick reference guide, rule amendment training, and training curriculums to reflect rule changes approved at the 2011 Annual Business Meeting.
  - Launched six on-demand self-paced training modules. In the first three months of launch, 686 total on-demand courses were completed.
  - Approved the 2012 Annual Business Meeting training curriculums.
  - Presented at national conferences for: Association of Administrators for the Interstate Compact on the Placement of Children (AAICPC); American Probation and Parole Association Summer Institute (APPA); and National Symposium on Juvenile Services (NPJS).
  - Administered 56 national training sessions for 1,850 individuals.
  - Published one training bulletin: #01-2012: Form IA/VI Best Practice.
- **R. Mercado (NJ) made a motion to approve the Training, Education and Public Relations Committee Report as presented. B. Greer (IL) seconded. The motion passed by a majority vote.**

#### **Compliance Committee Report by Dale Dodd (NM)**

- Chair Dodd recognized the members of the Compliance Committee.
- Chair Dodd reported that the Compliance Committee scheduled meetings to review non-compliance for dues payments and the failure of four states to report their state council development. Both of these issues were resolved prior to the annual business meeting.
- **R. Peterson (OH) made a motion to accept the Compliance Committee Report as presented. M. Boger (ME) seconded. The motion passed by a majority vote.**

#### **Technology Committee Report by Traci Marchand (NC)**

- Chair Marchand recognized the contributions of the Technology Committee current members, past members, past chair, power users, and the National Office.
- Chair Marchand gave a chronological progression of JIDS development highlighting the following milestones to date:
  - October 2011. Reviewed all responses to the Request for Information (RFI) and narrowed the search to three vendors.
  - December 2011. Selected a vendor and negotiated a contract.
  - January 2012. Signed an agreement with InStream, Inc.
  - February 2012. Conducted a discovery meeting with power users and InStream.
  - March - May 2012. Collaborated with InStream during the development of JIDS.
  - June 2012. Began testing JIDS at the National Office.
  - September 2012. Conducted User Acceptance Testing (UAT.)
  - October 2012. Provided helpdesk training. Submitted user and legacy loads.
- Chair Marchand announced the multiple training opportunities that will be offered to compact offices and field staff via WebEx and the JIDS help desk portal.
- Chair Marchand presented the Technology Committee's recommendation to set JIDS' launch date for November 5 and a legacy load deadline for November 16.
- B. Champion (IN) suggested postponing JIDS' launch until after January 1 to allow additional time to train staff.
- The Commission debated the pros and cons of the proposed November dates and the amount of time needed to train compact offices and field staff.
- D. Dodd (NM) questioned JIDS' security. A. Lippert clarified that any misuse of JIDS is subject to penalty in accordance with the privacy policy and user agreement, which is signed by all users prior to gaining access to JIDS.

- **P. Cox (OR) made a motion to approve the Technology Committee Report as presented (which includes the recommended November 5 and November 16 dates). S. Jones (MD) seconded. B. Champion (IN) and B. Burke (KS) opposed. The motion passed by a majority vote.**

### **Finance Committee Report by Lisa Bjergaard (ND)**

- Chair Bjergaard acknowledged and commended the members of the Finance Committee.
- Chair Bjergaard reported that the Finance Committee discussed investment opportunities, reserve funds, dues structure, and costs to develop a national system.
- The Committee reviewed the current dues structure against a revised dues projection that incorporated the 2010 census numbers and self-reported data for fiscal year 2011. Based on this analysis, the Finance Committee made a recommendation to create a new dues tier. The Executive Committee endorsed this recommendation which creates a new lowest tier for members whose dues ratio falls below .001 percent, setting the fee of that tier at \$6,000 annually, and making it retroactively effective for fiscal year 2013. This change would affect one member state, the Virgin Islands.
- **E. Borrin (NH) made a motion to accept the recommendation of the Finance Committee to create a new lower dues tier. M. Boger (ME) seconded. L. Bjergaard (ND) abstained. The motion passed by a 42 - 3 vote.**
- Chair Bjergaard reported the Finance Committee met monthly to review updates to the fiscal year 2012 and fiscal year 2013 budgets and to draft a fiscal year 2014 budget.
  - Chair Bjergaard reported on the fiscal year 2012 budget, which closed at 30 percent under budget.
  - Chair Bjergaard reported on the current fiscal year 2013 budget, highlighting line item adjustments which resulted in a \$15,000 reduction in expenses. She noted the dues assessment did not account for the lower dues tier and anticipates carrying \$169,000 into reserves.
  - Chair Bjergaard presented a fiscal year 2014 draft budget, highlighting the differences from fiscal year 2013 and fiscal year 2014. She noted the dues assessment did not reflect the lower dues tier and projects carrying \$131,000 into reserves.
- E. Borrin (NH) inquired as to the strategic plan for the large amount in reserves. Chair Bjergaard reported that the Finance Committee follows the financial guidelines set by the Council of State Governments. A. Lippert added that the budget is based on the goals set forth by the Commission.
- B. Burke (KS) proposed reducing annual dues. Chair Bjergaard clarified the purpose of the Finance Committee noting the dues structure will be revisited and budget recommendations made to accomplish the goals of the Commission.
- R. Peterson (OH) questioned re-calculating dues using the 2010 census data. Chair Bjergaard explained the Finance Committee re-calculated the dues projection with 2010 census figures and self-reported data and recommended postponing any action until a national system was in place allowing the availability of more accurate data. Chair Bjergaard cautioned that re-calculating may result in both a decrease and increase for some state dues.
- B. Greer (IL) spoke in favor of maintaining a healthy reserve to accomplish the goals of the Commission including future enhancements to the national system.
- B. Champion (IN) questioned the percentage increase for salaries, benefits, and rent. A. Lippert clarified the modest increase to be based on approval by the Executive Committee, annual renewal of hospitalization benefits, and a rent schedule based on a 5-year lease.

- **F. White (MA) made a motion to accept the Fiscal Year 2014 Budget presented amended to include the new dues tier. P. Pendergast (AL) seconded. The motion passed by a 44 - 2 vote.**
- **P. Welcome (VI) made a motion to accept the Finance Committee Report as presented. F. White (MA) seconded. The motion passed by a majority vote.**

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

- R. Masters, Legal Counsel, reported that there were no litigation matters during the year and six legal advisory opinions were issued.
- R. Masters highlighted the work of the AAICPC/ICJ MOU Work Group and the status of their requests for legal clarification.
- R. Masters updated that Association of Juvenile Compact Administrators (AJCA) is no longer considered a non-profit organization by the IRS due to its failure to file the appropriate IRS forms over the past three years. He advised that transferring the remaining financial assets to ICJ to be legally acceptable.

### **Region Reports**

#### **Regional Representatives by Judy Miller (AR)**

- Regional Representative Miller reported the four region representatives met via teleconference twice to discuss commonalities across the regions, state council development, JIDS, and the officer's nomination process.
- **R. Bisch (MN) made a motion to accept the Regional Representatives Report as presented. J. Hall (FL) seconded. The motion passed by a majority vote.**

#### **South Region by Judy Miller (AR)**

- Representative Miller reported that the South Region met twice via WebEx to discuss regional issues, state councils, JIDS, non-member state Georgia, processing forms, proposed rule amendments, and the 2013 officers' slate. The region also proposed two rule amendments.
- Representative Miller announced she was re-elected as the South Region Representative.
- **T. Marchand (NC) made a motion to accept the South Region Report as presented. P. Pendergast (AL) seconded. The motion passed by a majority vote.**

#### **Midwest Region by Rose Ann Bisch (MN)**

- Representative Bisch (MN) reported the Midwest Region met six times. She highlighted the topics of discussion and the resulting proposed rule amendment regarding supervision fees and the region's recommendation to the rules committee for a holistic review of the ICJ rules for clarity.
- **T. Forrest (MI) made a motion to accept the Midwest Region Report as presented. B. Burke (KS) seconded. The motion passed by a majority vote.**

#### **AAICPC/ICJ MOU Work Group by Rose Ann Bisch (MN)**

- Co-Chair Bisch clarified the AAICPC/ICJ MOU Work Group consists of seven ICPC and seven ICJ members. Co-Chair Bisch reported the accomplishments of the Work Group as outlined below:

##### Phase I

- MOU agreement fully executed by both ICJ and AAICPC.

## Phase II

- Began development of scenarios and guidelines for: residential placements, runaways, and family settings.
- Submitted three requests for legal advice.

## Phase III

- Finalize residential placements, runaways, and family settings scenarios.
  - Develop best practice and training guidelines.
- Co-Chair Bisch reported the Work Group has developed a better understanding of their roles and recommended the AAICPC/ICJ MOU Work Group continue to exist.
  - **F. White (MA) made a motion to approve the AAICPC/ICJ MOU Work Group report as presented. G. Prine (IA) seconded. The motion passed by a majority vote.**

## East Region by Mark Boger (ME)

- Representative Boger reported that the East Region met four times and discussed state personnel and legislative changes, state council development, non-members Georgia and Puerto Rico, JIDS' development, MOU implementation, proposed rule amendments, recommended a dues structure adjustment for smaller jurisdictions, prepared a 2013 officers' slate, and elected Fred White (MA) as the East Region Representative.
- **E. Borrin (NH) made a motion to approve the East Region Report as presented. S. Jones (MD) seconded. The motion passed by a majority vote.**

## West Region by Summer Foxworth (CO)

- Representative Foxworth reported that the West Region met six times and discussed Georgia's supervision requests, HIPPA compliance (resulting in an advisory opinion), state council development, proposed rule amendments, time frames to extradite juveniles over age 18 held in adult facilities, and the abolishment of juvenile parole in California.
- **M. Boger (ME) made a motion to accept the West Region Report as presented. F. White (MA) seconded. The motion passed by a majority vote.**

## Out-of-State Detention Ad Hoc Committee by Fred White (MA)

- Chair White acknowledged the Out-of-State Detention Ad Hoc Committee members.
- Chair White briefed on the purpose of the committee's formation and the Committee's recommendation to address the issue with a new rule. Chair White reported the Committee's comments and recommendation will be forwarded to the Executive Committee.
- **P. Cox (OR) made a motion to approve the report of the Out-of-State Detention Ad Hoc Committee as presented. R. Mercado (NJ) seconded. B. Greer (IL) opposed. The motion passed by a majority vote.**

## Agenda/Lunch

- **B. Champion (IN) made a motion to adjust the agenda to break for lunch and return at 12:30 p.m. CST. F. White (MA) seconded. The motion passed by majority vote.**

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

- Chair Hartman acknowledged the members of the Rules Committee and their contributions.

- Chair Hartman reported the Rules Committee met telephonically and held one face-to-face meeting in Louisville, Kentucky to consider the 118 comments resulting in the following 14 proposed rule amendments for consideration by the Commission.

### **1-101: Substantial Compliance submitted by the Rules Committee**

- **M. Lacy (WV) made a motion to approve the proposed amendment to Rule 1-101: Substantial Compliance as presented. P. Pendergast (AL) seconded. The motion passed by a 46 - 0 vote.**

### **3-101: Approved Forms submitted by the Executive Committee**

- **K. Rumbaugh (NE) made a motion to add a new bullet point *Case Closure Notification* to the proposed amendment to Rule 3-101. S. Foxworth (CO) seconded. The makers of the motion amended their proposal to include the form number. The motion passed by a 45 - 0 vote.**
- P. Pendergast (AL) suggested future consideration by the Rules Committee to consider language reflecting the insertion of scanned documents into JIDS.
- **F. White (MA) made a motion to approve the proposed amendment to Rule 3-101: Approved Forms as amended. M. Lacy (WV) seconded. The motion passed by a 45 - 1 vote.**

### **3-102: Optional Forms submitted by the Executive Committee**

- **K. Rumbaugh (NE) made a motion to amend the proposed Rule 3-103 to delete the bullet point *Case Closure Notification*. R. Mercado (NJ) seconded. The motion passed by a 45 - 0 vote.**
- **P. Cox (OR) made a motion to approve the proposed amendment to Rule 3-102: Optional Forms as amended. R. Peterson (OH) seconded. The motion passed by a 46 - 0 vote.**

### **3-103: Form Modifications or Revisions submitted by the Executive Committee**

- **M. Boger (ME) made a motion to approve rescinding Rule 3-103: Form Modifications or Revisions. T. Marchand (NC) seconded. The motion passed by a 44 - 1 vote.**

### **4-102: Sending and Receiving Referrals submitted by the Rules Committee**

#### *Paragraph 3 (a) first paragraph*

- **P. Pendergast (AL) made a motion to approve the proposed amendment to Rule 4-102 (3) (a) (first paragraph) as presented. D. Dodd (NM) seconded. The motion passed by a 45 - 1 vote.**

#### *Paragraph 3 (a) second paragraph*

- The Commission discussed to clarify the proposed 10-day time frame and the term *State Committed (Parole)* reaching a consensus to the language as presented.
- **S. Hagan (WI) made a motion to approve the proposed amendment to Rule 4-102 (3) (a) (second paragraph) as presented. B. Greer (IL) seconded. The motion passed by a 40 - 5 vote.**

#### *Paragraph 3 (a) third paragraph*

- **G. Prine (IA) made a motion to approve the proposed amendment to Rule 4-102 (3) (a) (third paragraph) as presented. M. Lacy (WV) seconded. The motion passed by a 42 - 4 vote.**

#### *Paragraph 3 (b)*

- **T. Forrest (MI) made a motion to approve the proposed amendment to Rule 4-102 (3) (b) as presented. R. Mercado (NJ) seconded. The motion passed by a 45 - 1 vote.**



*Paragraph 3 (c)*

- **M. Boger (ME) made a motion to approve the proposed deletion of paragraph 3 (c) in Rule 4-102 as presented. R. Peterson (OH) seconded. The motion passed by a 44 - 2 vote.**

*Paragraph 6*

- **J. Hall (FL) made a motion to approve the proposed amendment to Rule 4-102 (6) as presented. P. Cox (OR) seconded. The motion passed by a 44 - 2 vote.**

**4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders submitted by the Rules Committee**

*Paragraph 2*

- **M. Lacy (WV) made a motion to approve the proposed deletion of paragraph 2 in Rule 4-103 as presented. J. Hawkins (MO) seconded. The motion passed by a 43 - 3 vote.**

*Paragraph 2*

- **S. Hagan (WI) made a motion to approve the proposed new paragraph 2 in Rule 4-103 as presented. S. Foxworth (CO) seconded. The motion passed by a 42 - 4 vote.**

*Paragraph 2 (a)*

- P. Cox (OR) and R. Bisch (MN) questioned to whom *upon notification* implies. J. Hawkins (MO) clarified the notifications to be between the ICJ offices.
- **J. Miller (AR) made a motion to approve the proposed amendment to Rule 4-103 (2) (a) as presented. N. Allard (SD) seconded. The motion passed by a 24 - 22 vote.**

*Paragraph 2 (b)*

- F. White (MA) noted the proposed language conflicts with his state requirement regarding the receipt of a complete packet to accept supervision.
- **M. Lacy (WV) made a motion to approve the proposed amendment to Rule 4-103 (2) (b) as presented. P. Pendergast (AL) seconded. The motion passed by a 40 - 6 vote.**

*Paragraph 2 (c)*

- R. Bisch (MN) voiced concern to the proposed time frame of five business days.
- **M. Lacy (WV) made a motion to approve the proposed amendment to Rule 4-103 (2) (c) as presented. P. Gibson (KY) seconded. The motion passed by a 39 - 7 vote.**

*Paragraph 2 (d)*

- **R. Peterson (OH) made a motion to approve the first sentence proposed in Rule 4-103 (2) (d) as presented. F. White (MA) seconded. The motion passed by a 40-5 vote.**
- R. Bisch (MN) suggested additional language to Rule 4-103 (2) (d) to allow the receiving state the option to supervise while awaiting reporting instructions. Commissioners and Designees debated the proposed language to be contradictory of the first sentence.
- **R. Bisch (MN) made a motion to insert a second sentence to Rule 4-103 (2) (d): *The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions from the receiving state.* F. White (MA) seconded. The motion passed by a 25 - 20 vote.**
- R. Masters made a point of order, questioning the language approved in the second sentence of Rule 4-103 (2) (d) and whether it correctly represented the intent of the motion. R. Bisch (MN) clarified the intent and the source of the proposed language.
- **A. Connor (NV) made a motion to modify the second sentence to read: *Upon receipt of reporting instructions, the receiving state shall have the authority to supervise juveniles.* R. Bisch (MN) made a point of order that the Commission approved the proposed language and therefore cannot be amended again without first voting to reconsider.**
- **F. White (MA) made a motion to reopen discussion on the approved motion to Rule 4-103 (2) (d). G. Prine (IA) seconded. The motion passed by a majority vote.**

- **A. Connor (NV) made a motion to amend the second sentence's structure to read: *Upon receipt of the reporting instructions, the receiving state shall have the authority to supervise juveniles.* R. Hendryx (OK) seconded. The motion passed by a 25 - 19 vote.**

*Paragraph 3*

- **M. Boger (ME) made a motion to approve the proposed deletion of paragraph 3 in Rule 4-103 as presented. M. Lacy (WV) seconded. The motion passed by a 43 - 2 vote.**
- **P. Cox (OR) made a motion to approve the proposed new paragraph 3 in Rule 4-103 as presented. R. Mercado (NJ) seconded. The motion passed by a 43 - 1 vote.**

*Paragraph 8*

- B. Burke (KS) spoke in favor of maintaining the language in paragraph 8 in order to require travel permits to be received prior to juvenile sex offenders entering a new state.
- J. Hawkins (MO) and B. Greer (IL) spoke in favor of deleting paragraph 8 due to the movement of the juvenile population with parents.
- **B. Burke (KS) made a motion to reinsert the original language of paragraph 8 in Rule 4-103; to delete the language *with the exception of expedited transfers*; and to re-number as paragraph 7. B. Champion (IN) seconded. The motion failed by a 21 - 24 vote.**
- **M. Lacy (WV) made a motion to approve the proposed deletion of paragraph 8 in Rule 4-103 as presented. B. Greer (IL) seconded. The motion passed by a 35 - 11 vote.**

**4-104: Supervision/Services Requirements submitted by the Midwest Region**

- IN, KS, and ID spoke in favor of the proposed amendment to Rule 4-104 speaking to the issue for states that currently impose fees to be in conflict of Rule 4-104 (1) to govern out-of-state juveniles by the same standards they do their own.
- MO, NC, NM, NJ, WV, RI, MA, OR, PA, OK, VI, UT, and MD spoke against the proposed amendment speaking to the financial burden on juveniles, fee collection methods, enforcement, consequences, and violations for non-payment.
- **F. White (MA) made a motion to call to question. S. Foxworth (CO) seconded. The motion passed by a 40 - 6 vote.**
- **B. Champion (IN) made a motion to approve the proposed amendment in paragraph 4 to Rule 4-104: Supervision/Services Requirements as presented. J. Patnode (WA) seconded. The motion failed by a 12 - 33 vote.**

**4-106: Closure of Cases submitted by the Rules Committee**

- **K. Rumbaugh (NE) made a motion to amend the 10 business days to 30 in the proposed amendment to Rule 4-106, paragraph 4. J. Miller (AR) seconded. The motion failed by a 9 - 36 vote.**
- **P. Pendergast made a motion to approve the proposed amendment to Rule 4-106 (4) as presented. R. Mercado (NJ) seconded. The motion passed by a 38 - 7 vote.**
- **B. Greer (IL) made a motion to approve the proposed amendment to Rule 4-106 (1) (a) as presented. S. Jones (MD) seconded. The motion passed by a 44 - 0 vote.**

**5-102: Travel Permit submitted by the Rules Committee**

*Paragraph 1*

- D. Dodd (NM) spoke against the proposed 24-hour time frame.
- **M. Lacy (WV) made a motion to approve the proposed amendment to Rule 5-102 (1) as presented. M. Taylor-Gore (MS) seconded. The motion passed by a 33 - 12 vote.**

*Paragraph 1, Subsections a - h*

- P. Cox (OR) and M. Boger (ME) expressed concern for juveniles not categorized in the proposed Rule 5-102 (1) sub-sections (a) - (h).
- B. Burke (KS) recommended moving paragraph 2 to paragraph 1 as a new subsection to address juveniles moving across state lines through ICPC without the knowledge of ICJ.
- IL, MO, WI, and AR spoke against moving paragraph 2 to paragraph 1.
- **B. Burke (KS) made a motion to add a new subsection to Rule 5-102 (1) (i). *Juveniles being transferred into out-of-state residential treatment facilities who are under the terms and conditions of probation or parole.* D. Dodd (NM) seconded. The motion failed by an 11 - 34 vote.**
- **S. Hagan (WI) made a motion to approve the proposed amendment to Rule 5-102 (1) (a) - (h) as presented. J. Hall (FL) seconded. The motion passed by a 37 - 8 vote.**

*Paragraph 2*

- B. Burke (KS) proposed new language in the form of a motion. IL, MO, and WV spoke against the new language proposed.
- **B. Burke (KS) made a motion to amend paragraph 2 of Rule 5-102 to strike: *A travel permit may be used* and to insert: *A state may require a travel permit to be used.* D. Dodd (NM) seconded. The motion failed by a 7 - 37 vote.**
- **B. Greer (IL) made a motion to approve the proposed amendment to Rule 5-102 (2) as presented. P. Cox (OR) seconded. The motion passed by a 43 - 1 vote.**

*Paragraph 3*

- **R. Peterson (OH) made a motion to approve the proposed amendment to Rule 5-102 (3) as presented. P. Cox (OR) seconded. The motion passed by a 42 - 2 vote.**

*Paragraph 3a*

- **R. Mercado (NJ) made a motion to approve the proposed amendment to Rule 5-102 (3) (a) as presented. T. Forrest (MI) seconded. The motion passed by a 42 - 2 vote.**

*Paragraph 4*

- **R. Peterson (OH) made a motion to approve the proposed amendment to Rule 5-102 (4) as presented. F. White (MA) seconded. The motion passed by a 42 - 3 vote.**

*Paragraph 5*

- D. Dodd (NM) recommended broadening the language to the responsibility of the sending state rather than specific personnel titles.
- **D. Dodd (NM) made a motion to delete the term *supervising officer* in paragraph 5 of the proposed amendment to Rule 5-102. P. Pendergast (AL) seconded. The motion passed by a 28 - 16 vote.**
- **P. Welcome (VI) made a motion to approve the proposed amendment to Rule 5-102 (5) as amended. L. Porter-Jones (VA) seconded. The motion passed by a 40 - 5 vote.**

**6-102: Voluntary Return of Out-of-State Juveniles submitted by the Rules Committee**

- S. Hagan (WI) questioned the use of the word *may* to eliminate notification of due process. R. Masters clarified the term *may* will allow the use of optional ICJ forms at the discretion of the states and does not impact the due process notification.
- **B. Burke (KS) made a motion to consider, and to approve the proposed amendment to Rule 6-102: Voluntary Return of Out-of-State Juveniles submitted by the Rules Committee as presented. M. Boger (ME) seconded. The motion passed by a 43 - 2 vote.**

#### **6-102: Voluntary Return of Out-of-State Juveniles submitted by the South Region**

- Chair Hartman clarified that due to the approval of the proposed amendment to Rule 6-102 as submitted by the Rules Committee, the proposed amendment submitted by the South Region would not be considered.

#### **6-103: Non-Voluntary Return of Out-of-State Juveniles submitted by the Rules Committee**

- B. Greer (IL) questioned the language proposed in paragraph 3 regarding the issuance of certified copies in electronic data system. L. Porter-Jones (VA) clarified the Rules Committee addressed the issue in the proposed language in paragraph 8.
- **P. Welcome (VI) made a motion to approve the proposed amendment to Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles as presented. F. White (MA) seconded. The motion passed by a 41 - 3 vote.**

#### **6-104A: Absconder under ICJ Supervision submitted by the Rules Committee**

- **P. Welcome (VI) made a motion to approve the proposed new Rule 6-104A: Absconder under ICJ Supervision as presented. N. Allard (SD) seconded. The motion passed by a 42 - 2 vote.**

#### **7-101: Adoption of Rules and Amendments submitted by the Rules Committee**

- Chair Hartman and R. Masters clarified the intent and impact of the proposed amendment to Rule 7-101 to avoid confusion and passage of rule amendments from the Commission floor with unintended consequences.
- R. Masters clarified the procedure in accordance with Robert's Rules of Order. The proposed amendment would be voted up or down with the option to suspend voting to allow amendments from the floor with a 2/3 majority vote.
- B. Burke (KS), F. White (MA), and S. Hagan (WI) spoke against amending the rule. B. Greer (IL) and P. Welcome (VI) spoke in favor of the proposed amendment.
- **P. Welcome (VI) made a motion to approve the proposed amendment to Rule 7-101: Adoption of Rules and Amendments as presented. M. Lacy (WV) seconded. The motion failed by a 19 - 26 vote.**

#### **Approval of all Rule Amendments**

- **R. Peterson (OH) made a motion to approve for adoption the proposed amendments to the ICJ Rules:**
  - **1-101: Substantial Compliance;**
  - **3-101: Approved Forms;**
  - **3-102: Optional Forms;**
  - **3-103: Form Modifications or Revisions (rescinded);**
  - **4-102: Sending and Receiving Referrals;**
  - **4-103: Transfer of Supervision Procedures for Juveniles Sex Offenders;**
  - **4-106: Closure of Cases;**
  - **5-102: Travel Permits;**
  - **6-102: Voluntary Return of Out-of-State Juveniles;**
  - **6-103: Non-Voluntary Return of Out-of-State Juveniles; and**
  - **6-104A: Absconder under ICJ Supervision (new rule).**
- **S. Foxworth (CO) seconded. The motion passed by a 42 - 2 vote.**

- **A. Connor (NV) made a motion that the adoption of amended Rules 3-101, 3-102, and 3-103 become effective November 1, 2012. P. Cox (OR) seconded. The motion passed by a 40 - 3 vote.**
- S. Hagan (WI) noted the JIDS impact to Rule 6-103.
- **P. Cox (OR) made a motion that the adoption of amended Rule 6-103 become effective November 1, 2012; and the adoption of amended Rules 1-101, 4-102, 4-103, 4-106, 5-102, 6-102, and 6-104A become effective April 1, 2013. F. White (MA) seconded. The motion passed by a 26 - 18 vote.**
- P. Cox (OR) made a recommendation that proposed rule amendment comments remain on the Commission's website beyond the close of the 30-day comment period.

## **Old Business**

### *2011 Annual Meeting Minutes*

- **F. White (MA) made a motion to reopen the discussion regarding the approved 2011 Annual Business Meeting minutes. S. Jones (MD) seconded. The motion passed by a majority vote.**
- **F. White (MA) made a motion to amend the 2011 Annual Business Meeting minutes to reflect the attendance of the New York non-voting representative, Shaina Kern and Kansas non-voting representative, Anthony Ellis. B. Burke (KS) seconded. The motion passed by a majority vote.**
- **L. Porter-Jones (VA) made a motion to amend the 2011 Annual Business Meeting minutes to reflect her attendance as the Virginia non-voting representative. J. Niksa (RI) seconded. The motion passed by a majority vote.**
- P. Cox (OR) commented that numerous state compact office personnel and guests attend the annual business meeting seated in the perimeter of the Commissioner/Designee table.
- A. Lippert clarified the designee appointment and voting status process. The minutes reflect the recording of the roll call by state representatives (voting and non-voting) seated at the table.
- **B. Greer (IL) made a motion to rescind the two motions regarding the inclusion of non-voting members in the minutes. J. Miller (AR) seconded. The motion passed by a two-thirds majority vote.**
- Shania Kern (NY) confirmed her attendance at the table during the 2011 Annual Business Meeting as a non-voting state representative.
- **G. Prine (IA) made a motion to amend the 2011 Annual Business Meeting minutes to reflect the attendance by New York non-voting representative, Shaina Kern. R. Mercado (NJ) seconded. The motion passed by a majority vote.**

### *Rule 4-103*

- **F. White (MA) made a motion to reopen the discussion regarding the approved amendment to Rule 4-103, paragraph 2, subsection (d). J. Hawkins (MO) seconded. The motion failed 20 - 22 due to the lack of a two-thirds majority vote.**
- R. Bisch (MW) questioned and J. Hawkins (MO) contested the validity of earlier actions to reopen discussion on Rule 4-103 (2) (d) without a confirmed two-thirds majority vote.
- R. Masters clarified in accordance with Robert's Rules of Order, a motion cannot be reconsidered without receiving a two-thirds majority vote. Actions taken out of order would go back to status quo prior to the vote to reconsider.
- The Commission determined the status quo to be the approved motion made by R. Bisch (MN) on page 9 of the minutes, negating all subsequent actions.

## New Business

### *Public Comments*

- Chair Clark opened the floor for any comments from the public. There were none.

### *Rules Committee Recommendation*

- B. Burke (KS) recommended that next year the Rules Committee considered proposing a rule amendment to strike the language *excluding residential facilities* in Rule 4-101 (2) (f) (1).

### *2013 Annual Business Meeting*

- Chair Clark announced the ICJ 2013 Annual Business Meeting will be held October 7-9, 2013 in Tempe, Arizona.

### *Recognition*

- Chair Clark acknowledged the contributions of the Vice Chair, Treasurer, Committee Chairs, and Region Representatives and presented each with a small token of appreciation.
- Vice-Chair Foxworth acknowledged the leadership of Chair Clark and presented him with a token of appreciation.

## Officer Elections

- Midwest Region Representative R. Bisch (MN) presented the 2013 officers' slate from the regions:

### **Treasurer -**

Philip Cox (OR)

### **Vice Chair -**

Summer Foxworth (CO)

Fred White (MA)

### **Chair -**

Patrick Pendergast (AL)

Eric Borrin (NH)

Terry L. Clark (PA)

- Patrick Pendergast (AL) declined the nomination, all others accepted.

### **Treasurer -**

- R. Bisch (MN) presented Philip Cox (OR) for Treasurer and opened the floor for additional nominations.
- **F. White (MA) made a motion that nominations cease. R. Mercado (NJ) seconded. The motion passed.**
- The candidate addressed the Commission prior to vote.
- Representative Bisch announced the Commission elected Philip Cox (OR) as Treasurer.

### **Vice Chair -**

- R. Bisch (MN) presented Summer Foxworth (CO) and Fred White (MA) for Vice Chair and opened the floor for additional nominations.
- **F. White (MA) made a motion that nominations cease. R. Mercado (NJ) seconded. The motion passed.**
- The candidates addressed the Commission prior to vote.
- Representative Bisch announced the Commission elected Summer Foxworth (CO) as Vice Chair.

### **Chair -**

- Representative R. Bisch (MN) presented Eric Borrin (NH) and Terry L. Clark (PA) for Chair and opened the floor for additional nominations.
- **R. Hendryx (OK) made a motion that nominations cease. B. Greer (IL) seconded. The motion passed.**
- The candidates addressed the Commission prior to vote and responded to any questions from the floor.
- Representative Bisch announced the Commission elected Terry L. Clark (PA) as Chair.

### **Oath of Office**

- Judge David Stucki, National Council of Juvenile and Family Court Judges Ex-Officio, delivered the oath of office to the 2013 Commission Officers and Regional Representatives:  
Chair: Terry L. Clark (PA)  
Vice Chair: Summer Foxworth (CO)  
Treasurer: Philip Cox (OR)  
Midwest: Rose Ann Bisch (MN)  
West: Anne Connor (NV)  
East: Fred White (MA)  
South: Judy Miller (AR)

### **Adjourn**

- **R. Peterson (OH) made a motion to adjourn. S. Foxworth (CO) seconded. Chair Clark adjourned the meeting by acclamation at 4:12 p.m. CST.**