



## Rule Amendments – Approved at the 2013 Annual Business Meeting

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### ***RULE 1-101: Definitions***

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult; ~~[e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.]~~, and who are eligible for services under the provisions of the ICJ.

**Effective Date: April 1, 2014**

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### ***RULE 1-101: Definitions***

~~Aftercare (temporary community placement): a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).~~

**Effective Date: April 1, 2014**

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### ***RULE 1-101: Definitions***

~~Custody: the status created by legal authorities for placement of a juvenile in a staff secured or locked facility approved for the detention of juveniles.~~

**Effective Date: April 1, 2014**

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### ***RULE 1-101: Definitions***

Home Evaluation/Investigation: ~~an~~ legal and social evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

**Effective Date: April 1, 2014**

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***RULE 1-101: Definitions***

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

**Effective Date: April 1, 2014**

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***RULE 1-101: Definitions***

Residential Facility: a staffed program that provides custodial care and supervision to juveniles.

**Effective Date: April 1, 2014**

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***RULE 1-101: Definitions***

Sanction: Requirement imposed upon a juvenile for non-compliance with terms of supervision.

**Effective Date: April 1, 2014**

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***RULE 2-102: Data Collection***

1. As required by Article III (K) of the compact, member states shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away. Each member state shall report annually by July 31<sup>st</sup>.
2. Runaways, escapees, absconders and accused delinquents:
  - a. The total number of runaways, escapees, absconders and accused delinquents located in and located out of the reporting state processed during the reporting period.
  - b. The total number of Requisitions (Form I and Form II) sent from and received by the reporting state during the reporting period.
  - c. The total number of juveniles who were not returned per Requisition (Form I and Form II) by or to the reporting state during the reporting period.
  - d. The reason(s) the juvenile was not returned per Requisition (Form I and II) by or to the reporting state during the reporting period.
3. Airport Supervision:
  - a. The total number of airport supervision requests met during the reporting period.
4. Parole Supervision:

- a. The total number of incoming parole cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
- b. The total number of outgoing parole cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
- c. The total number of incoming parole cases terminated during the reporting period.
- d. The total number of outgoing parole cases terminated during the reporting period.
- e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
- f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.

5. Probation Supervision:

- a. The total number of incoming probation cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
- b. The total number of outgoing probation cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
- c. The total number of incoming probation cases terminated during the reporting period.
- d. The total number of outgoing probation cases terminated during the reporting period.
- e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
- f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.

~~6. Institutionalization:~~

- ~~a. The total number of juveniles from their state who are institutionalized in a public facility in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states who are institutionalized in a public facility in their state during the reporting period.~~

~~7. Out of State Confinement:~~

- ~~a. The total number of juveniles from the reporting state confined in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states confined in the reporting state during the reporting period.~~

6. ~~8.~~ This Rule will not expire until the Electronic Information System approved by the Commission is fully implemented and functional.

**Effective Date: April 1, 2014**

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### ***RULE 2-103: 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 falling in an odd-numbered year.
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.

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.

**Effective Date: April 1, 2014**

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***RULE 4-101: ~~Processing Referrals~~ Eligibility Requirements for the Transfer of Supervision***

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this compact to relocate to another state ~~the transfer of supervision of a juvenile eligible for transfer~~ except as provided by the Compact and these rules. ~~A sending state shall request transfer of a juvenile, who is eligible for transfer of supervision to a receiving state under the compact. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:~~
  - a. is classified as a juvenile in the sending state; and
  - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
  - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
  - d. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
  - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
  - f.
    1. Will reside with a parent, legal guardian, relative, non-relative or independently, excluding residential facilities; or
    2. Is a full time student at an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.

3. ~~All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.~~ If a child is placed pursuant to the ICJ and is also subject to the ICPC, placement and supervision through the ICPC would not be precluded.
4. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

**Effective Date: April 1, 2014**

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***RULE 4-101A: Transfer of Students [Rescinded]***

1. Juveniles as defined in Rule 1-101, eligible for transfer as defined by Rule 4-101, who have been accepted as full-time students at a secondary school, or accredited university/college, or state licensed specialized training program and can provide proof of enrollment, shall be considered for supervision by the receiving state.
2. Supervision shall be provided the juvenile according to Rule 4-104.
3. If the juvenile's placement fails, procedures to return the juvenile shall be made by the sending state according to Rule 6-104.

**Effective Date: April 1, 2014**

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***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 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 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 determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state, it shall provide the receiving state with the approved travel permit along with a written explanation as to why ICJ 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 it will 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 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 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.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state. The receiving state will not delay the investigation pending receipt of the additional documentation.
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, forward to the sending state the ~~h~~Home ~~e~~Evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

**Effective Date: April 1, 2014**

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***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 is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, and there is no custodial parent or legal guardian in the sending state, ~~under the provision of Rule 5-101(4)~~, the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state's ICJ Office, the following procedures shall be initiated:
  - a. Upon notification, the sending state shall provide the receiving state with an approved travel permit along with a written explanation as to why ICJ 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 it will expedite the ICJ referral or process the referral according to Rule 4-102.
  - c. Within five (5) business days of receipt of the travel permit, the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. 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. The sending state shall maintain responsibility until supervision is accepted in the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions ~~from the receiving state~~. issued under 4-103(2)(c).
3. When transferring a juvenile sex offender, documentation should be provided to the receiving state: 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.
4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when ~~to~~ issuing reporting instructions. If the proposed residence-placement is unsuitable, the receiving state may deny acceptance referred to in Rule 5-101(4).
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.

6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

**Effective Date: April 1, 2014**

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***RULE 5-101: 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. At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the interstate compact if that condition would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state.
3. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of sanctions. ~~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.
4. 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.
5. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
6. 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.
7. 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.
8. 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.

9. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

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**NEW RULE 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking**

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision the receiving state shall notify the sending state of the conditions violated within ten (10) business days of discovery.
2. A violation report shall contain:
  - a. The date of the new citation or technical violation that forms the basis of the violation;
  - b. Description of the new citation or technical violation;
  - c. Status and disposition, if any;
  - d. Supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation.
  - e. Efforts or interventions made to redirect the behavior;
  - f. Sanctions if they apply;
  - g. Receiving state recommendations.
3. The sending state shall respond to a report of a violation made by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
4. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
  - a. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
  - b. The ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures; no further court procedures will be required for the juvenile's return.
  - c. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
  - d. The sending state shall return the juvenile in a safe manner, pursuant to the ICJ Rules within five (5) business days. This time period may be extended with the approval of both ICJ Offices.

- e. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.
5. The sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules when:
  - a. A legal guardian remains in the sending state and the placement in the receiving state fails; or
  - b. A juvenile student transfer placement fails.

**Effective Date: April 1, 2014**

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**RULE 6-103: ~~Non-Voluntary Return of Out-of-State Juveniles~~ Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders**

A requisition applies 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 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.
2. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
  - a. The petitioner may use Form A, Petition for Requisition to Return a 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 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.
    1. The petition shall be verified by affidavit.
    2. The petition is to be accompanied by a certified 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.
    3. Other affidavits and other documents may be submitted with such petition.
  - b. 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.

1. The judge in the home/demanding state shall determine if:
  2. The petitioner is entitled to legal custody of the juvenile;
  3. The juvenile ran away without consent;
  4. The juvenile is an emancipated minor; and
  5. It is in the best interest of the juvenile to compel his/her return to the state.
- c. 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.
- d. The Form I accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of the Requisition Form I, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
5. 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 Form I is in order.
  - e. 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.
  - f. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
6. 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.

7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
8. Juveniles 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.
9. 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.

**Effective Date: April 1, 2014**

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**NEW RULE 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent.**

A requisition applies 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 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.
2. When the juvenile is an Escapee, Absconder or Accused Delinquent the Requisitioner in the home/demanding state shall present to the court or appropriate authority a Requisition Form II, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
  - a. The requisition shall be verified by affidavit and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
    1. Judgment
    2. Order of Adjudication
    3. Order of Commitment
    4. Petition Alleging Delinquency
    5. Other affidavits and documents may be submitted with such requisition.
  - b. When it is determined that the juvenile should be returned, the judge or the

appropriate authority in the home/demanding state shall sign the Form II, Requisition for Absconder, Escapee or Accused Delinquent.

- c. The Form II accompanied by the supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of a Requisition Form II, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form II to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
5. 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 Form II is in order.
  - g. 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.
  - h. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
6. 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.
7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
8. Requisitioned juveniles shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles 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.
9. 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.

**Effective Date: April 1, 2014**

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**NEW RULE 6-104: ICPC Recognition**

ICJ recognizes the authority of ICPC under Article V of the Interstate Compact for the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state. In the event a juvenile is held in a secure facility beyond twenty-four (24) hours (excluding weekends and holidays), the appropriate provisions of the ICJ rules shall apply.

**Effective Date: April 1, 2014**

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***RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed* [Rescinded]**

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures, no further court procedures will be required for the juvenile's return.
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

**Effective Date: April 1, 2014**

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***RULE 7-102: Public Safety***

1. The home/demanding state's ICJ Office shall determine appropriate measures and



arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.

2. If the home/demanding state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding state.
3. ~~Pursuant to ICJ Rule 6-103(12), requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise.~~

**Effective Date: April 1, 2014**

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***RULE 8-101: Travel Permits***

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 who are state committed;
  - 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.~~ Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Travel Permit Form for notification purposes.
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 is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.