

2017 Rule Amendment Proposals with Comments

2017 #	Rule #	Rule Title	Action	Proposed By:
Section 100				
1	1-101	Deferred Adjudication	amend	Rules Committee
2	1-101	Non Adjudicated Juveniles	<i>delete</i>	Rules Committee
3	1-101	Runaways	amend	Rules Committee
Section 200				
4	2-103	Adoption of Rules and Amendments	amend	Rules Committee
5	2-104	Communication Requirements Between States	amend	Rules Committee
6	2-105	Victim Notification	amend	Rules Committee
Section 400				
7	4-102	Sending and Receiving Referrals	amend	Rules Committee
8	4-103	Transfer of Supervision Procedures for Juvenile Sex Offenders	amend	East Region
9	4-104	Authority to Accept/Deny Supervision	amend	Rules Committee
Section 500				
10	5-103	Reporting Juvenile Non-Compliance, Failed Supervision and Retaking	amend	Rules Committee
11	5-104	Closure of Cases	amend	Rules Committee
Section 600				
12	6-103	Non-Voluntary Return of Runaways and/or Accused Status Offenders	amend	Rules Committee
13	6-103A	Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent	amend	Rules Committee
Section 700				
14	7-101	Financial Responsibility	amend	Rules Committee
15	7-103	Charges Pending in Holding/Receiving State	amend	Rules Committee
16	7-104	Warrants	amend	Rules Committee
17	7-106	Transportation	amend	Rules Committee
Section 800				
18	8-101	Travel Permits	amend	Rules Committee
19	8-101	Travel Permits	amend	East Region
New Rules				
20	1-101	Reporting Instructions	<i>New</i>	East Region
21	2-106	Request Juvenile Information	<i>New</i>	Rules Committee

Proposed by Rules Committee

Rule 1:101: Definitions

Deferred Adjudication: a ~~court~~ decision made **by a court** ~~at any point after the filing of a juvenile delinquency or status complaint~~ that withholds or defers formal judgment and stipulates terms and/or conditions of supervision ~~and are eligible for transfer~~.

Justification:

Rule amended for clarity to better define the term as it applies to ICJ.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

Rule 1:101: Definitions

~~Non-Adjudicated Juveniles: all juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision and are eligible for services pursuant to the provisions of the Interstate Compact for Juveniles.~~

Justification:

Definition recommended for *deletion* from the ICJ Rules in its entirety. Defining the term indicates non-adjudicated juveniles are eligible for ICJ supervision and non-adjudicated juveniles are not subject to the Compact under the ICJ Rules Section 400; therefore, defining the term is not necessary.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

Rule 1-101: Definitions

Runaways: persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency but who have not been adjudicated.

Justification:

To clarify that runaways can include non-adjudicated and non-status offender juveniles.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

4/12/17 - Approved proposal and recommended for adoption by a 9-0-0 vote.

Effective Date:

Comments

1. **Jacey Nordmeyer, NE:** Nebraska would like to respectfully voice a concern related to the added language to this definition. In cases where a youth has been adjudicated but the local court of the home/demanding state does not seek to return the youth, Nebraska would question whether the youth would still be defined as a runaway under the proposed change and returned via the ICJ as they are adjudicated. At present, states where youth are adjudicated and the local court elects to not seek return, the youth is returned as a non-delinquent runaway as they still fall under the current ICJ definition of a runaway. Nebraska believes adding this language would provide home/demanding states with an option to not return the youth if the local court elects not to do so, potentially leaving a youth stranded in the state in which they ran to.

2. **Kelly Palmateer, NY:** NY Probation is not in support of this change. The justification indicates that the change is being proposed to clarify that runaways can include non-adjudicated and non-status offender juveniles. The change, as written, states that runaways can only be non-adjudicated juveniles.
3. **Tracy Hudrlik, MN:** MN would recommend the new language state "*who have or have not been adjudicated*" to clarify that the rule would pertain to both.
4. **Robert Hendryx, OK:** When this proposed change was presented our ICJ State Council, it was determined that Oklahoma is opposed to this change. The reason is that the suggested language to be added to the existing rule is counter to the stated justification for the amendment.
5. **Wendy Lautsbaugh, PA:** Recommend striking proposed addition "but who have not been adjudicated" because this is in conflict with Rule 4-101, 2b and c. Status offenders, deferred adjudications, consent decrees, and youth under the jurisdiction of a court are not returned as "runaways" rather they are returned as either "absconders or escapees."
6. **Tomiko Frierson, IL:** I disagree with adding this language. As the rule currently reads all youths are inclusive.

Proposed by Rules Committee

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 website 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 (90) days after the effective date of the rule. An emergency rule or amendment is one that ~~must~~ shall 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; or
 - 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 website 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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 9, 2013, effective April 1, 2014

Justification:

Rule amended for clarity and consistency (3/2/16).

- Paragraph 10 – *shall* is the appropriate term rather than *must*.
- Paragraph 10(d) – Deleted item (d) as it is repetitive with the language in item (a).

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 2-104: Communication Requirements between States

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.
2. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. A summary of communication ~~must~~ **shall** be provided to the ICJ Office and documented in the electronic data system.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

History: Adopted December 2, 2009, effective March 1, 2010; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 2 – *shall* is the appropriate term rather than *must*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 2-105 Victim Notification

1. Victim notification requirements are the responsibility of the sending state
2. in accordance with the laws and policies of that state.
3. When the sending state will require the assistance of the supervising person in the receiving state to meet these requirements, the sending officer shall clearly document such in the initial packet using the Victim Notification Supplement Form. The Victim Notification Supplement Form shall include the specific information regarding what will be required and the timeframes for which it ~~must~~ shall be received.
4. Throughout the duration of the supervision period, the receiving state shall, to the extent possible, provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of the sending state.
5. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

History: Adopted December 2, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 2 – *shall* is the appropriate term rather than *must*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 4-102: Sending and Receiving Referrals

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
 - a. State Committed (Parole) Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile’s anticipated arrival: Form IV Parole or Probation Investigation Request, Form IA/VI Application for Services and Waiver, and Order of Commitment. The sending state shall 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 Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to the juvenile relocating to the receiving state.

When it is necessary for a State Committed (parole) juvenile to relocate prior to the acceptance of supervision, under the provision of Rule 4-104(4), the sending state shall determine if the circumstances of the juvenile’s immediate relocation justifies the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state, it shall provide the receiving state with the approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.

If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether or not it will expedite the referral.

- b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. Form IV Parole or Probation Investigation Request, Form IA/VI Application for Services and Waiver, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The sending state should also provide Legal and Social History, and any other pertinent information (if available). Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to relocating if the juvenile is not already residing in the receiving state.

3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. Additionally, if the juvenile is already residing in the receiving state, the receiving state will obtain the juvenile's signature on the Form IA/VI Application for Services and Waiver.
4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

Clarify what constitutes the completion of the Form IA/VI by adding exception language in the rules that the juvenile's signature may be left blank when the juvenile has already relocated.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The 2012 Best Practice document and the Advisory Opinion #02-2015 would need to be updated upon passage.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

10/5/16 - Approved proposal and recommended for adoption by a 9-0-0 vote.

Effective Date:

Comments

1. **Jacey Nordmeyer, NE:** Nebraska would support the added language to this rule. The addition of the proposed language formalizes a common ICJ practice that is frequently utilized, but is not included in the rules.

2. **Judy Miller, AR:** Arkansas agrees with this amended language.
3. **Alicia Ehlers, ID:** Idaho approves of the language for this rule and would like to see additional language allowing the signature of the sending state's judge after the home evaluation is completed to accommodate those states whose judge has issue signing prior to seeing the home evaluation report.
4. **Michael Farmer, CA:** California does not have any objection to the proposed additional/clarifying language. Would it also be possible for the Rules Committee to consider adding additional/clarifying language regarding whether or not a parole transfer is permitted to travel prior to approval in the receiving state? It came up during a Compliance Committee discussion that it is not clear in the rule as it is for sex offense transfers, it appears to only be implied by requiring the use of a Form V.
5. **Gloria Soya, OR:** Oregon supports the addition of this language, but would like additional direction to be given regarding moving forward with the home evaluation without the judge's signature. (Most judges will not sign the Form IAVI without the youth's signature already present.)
6. **Mia Pressley, SC:** SC does not oppose the proposed language however for consistency, should "will obtain the juvenile's signature" be replaced with "shall obtain the juvenile's signature"?

Proposed by EAST REGION

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~~ pursuant to Rule 4-103(3) ~~is applicable~~.
2. When transferring a juvenile sex offender, the referral shall consist of: Form IA/VI Application for Services and Waiver, Form IV Parole or Probation Investigation Request, Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State, Order of Adjudication and Disposition, Conditions of Supervision, Petition and/or Arrest Report. The sending state shall also provide: Safety Plan, Specific Assessments, Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the juvenile, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials (if available). Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution.
3. When it is necessary for a juvenile sex offender to relocate with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state, the sending state shall determine if the circumstances of the juvenile's immediate relocation justifies the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated:
 - a. The sending state shall provide the receiving state with an approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - b. If not already submitted, the sending state shall transmit a complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. ~~The receiving state shall make the decision whether it will expedite the referral or process the referral according to Rule 4-102.~~
 - c. Within five (5) business days of receipt of the Form VII Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of reporting instructions and applicable registration requirements ~~and/or reporting instructions, if any~~. The sending state shall be responsible for communicating the reporting instructions and any 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 by, and the juvenile has arrived in, the receiving state. The receiving state shall have the

authority to supervise juveniles pursuant to reporting instructions issued under 4-103(3)(c).

4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(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.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

The proposed changes compel a receiving state to supervise a juvenile sex offender after it issues reporting instructions, during the pendency of the investigation, when that juvenile sex offender was given permission to proceed to the receiving state on a travel permit testing a proposed residence. As the rules are currently written, the receiving state is provided with the option to issue reporting instructions when a juvenile sex offender is being allowed to proceed to the receiving state on a travel permit pursuant to Rule 4.103(3)(c). The recommended changes would no longer provide the receiving state with an option to issue reporting instructions; instead, the receiving state would be obligated to do so. In addition, these proposed changes would eliminate the need to ‘expedite’ the referral process as these juveniles would be supervised pursuant to approved reporting instructions issued by the receiving state.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The amendment is proposed in conjunction with two additional proposed amendments to Rules 1-101 and Rule 8-101, paragraphs 3 and 4.

JIDS Impact:

Edit to Expedited Request for Transfer of Supervision – Sex Offender workflow to remove the receiving state’s option to “Approve Expedition with No Reporting Instructions.” Edit all custom reports that currently reference this workflow.

Forms Impact:

None

Fiscal Impact:

\$ 6,250 – 50 InStream service hours

Rules Committee Action:

3/8/2017 – The Rules Committee took no position for or against recommending this amendment for adoption.

Effective Date:

Comments

1. **Kelly Palmateer, NY:** NY Probation is in support of the proposed changes to this rule. These changes would require a receiving state to provide reporting instructions for a juvenile sex offender who is relocating to the receiving state on a travel permit testing a proposed residence. When a juvenile sex offender is provided with a travel permit testing a proposed residence they have the potential to reside in the receiving state without direct supervision for up to 55 days before their transfer is officially accepted.

While the current language allows for a receiving state to issue reporting instructions, it does not require any receiving state action. It would be in the best interest of public and victim safety if these youths were under some level of direct supervision in the receiving state during the pendency of the investigation. This would allow the receiving state to ensure the living arrangement is suitable, that the necessary services are in place and that the juvenile is compliant with registration requirements if applicable.

The rule plainly states that the receiving state has the authority to supervise the juvenile pursuant to the reporting instructions that are provided and clearly indicates that the sending state maintains responsibility of the juvenile until the referral is official accepted by the receiving state. These changes also remove the expedited referral process language from the rule.

This process is undefined and ambiguous and would only seem necessary when a juvenile sex offender is in the receiving state and not under direct supervision. Should reporting instructions be required, these juveniles would benefit from having direct supervision upon their arrival in the receiving state.

2. **Tomiko Frierson, IL:** 1st paragraph where it states that "transfer of supervision has been approved, or reporting. I feel that or should be changed to and. A JSO should not report to any state without prior approval and reporting instructions.

Paragraph 3c - In most cases, the request is not assigned to anyone to receive reporting instructions within 5 days. Supervising agents reach out to the State Police to gather the required information that is need regarding the youth's conviction which may not happen in 5 days.

3. **Gloria Soya, OR:** While we are cautious about approving anything that removes field office discretion, Oregon supports this proposed change in the interests of public safety.
4. **Roy Yapple, MI:** Not in support as it appears to make receiving states supervise considerably ahead of home evaluation approval.

Proposed by Rules Committee

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized ICJ Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized ICJ Office staff's signature is required on or with the Form VIII Home Evaluation that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed residence is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state, except when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
5. Upon receipt of acceptance of supervision from the receiving state, and within five (5) business days prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
6. If the transfer of supervision in the receiving state is denied, the sending state shall ~~make transportation arrangements for the return of it's~~ the juvenile within five (5) business days. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended August 26, 2015, effective February 1, 2016

Justification:

Clarity and consistency regarding the notification and return within five business days and to clarify that the time frame refers to the return not the arranging of travel.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

7/13/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 5-103: Reporting Juvenile Non-Compliance, Failed Supervision 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 using Form IX Quarterly Progress, Violation or Absconder Report, which 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.
2. The sending state shall respond to a violation report in which a revocation or discharge is recommended ~~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.
3. 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 Form IA/VI Application for Services and Waiver 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 consistent with probable cause requirements, if any. 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 up to an additional five (5) business days with the approval from 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.~~
4. Upon request from the receiving state, 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 supervision in the receiving state fails as evidenced by:
 - i. When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
 - ii. When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; or
 - iii. When an immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; and
 - iv. The receiving state has documented efforts or interventions to redirect the behavior.
 - b. The juvenile is not residing with a legal guardian and that person requests the juvenile be removed from his/her home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
 - c. A juvenile student transfer of supervision fails.

History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

Clarity and consistency with other rules:

7/13/16

- Paragraph 2 – provide a response when revocation/action is requested
- Paragraph 4 – consistent with the language as proposed in Rule 4-104; to clarify the time frame refers to the return not the travel arrangements.

10/5/16

- Paragraphs 3(d) and 4(b) – consistent with the return within five business day's language in other sections of the rules.

11/2/16

- Paragraph 3(e) – move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This

action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

Edit to Violation Report and Reply Workflow and corresponding custom report to no longer track 10 business day response requirement if “continue supervision” is recommended on a violation report.

Forms Impact:

None

Fiscal Impact:

\$ 875 – 7 InStream service hours

Rules Committee Action:

7/13/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

10/5/16 - Approved proposal and recommended for adoption by a 9-0-0 vote.

11/2/16 – Approved proposal and recommended for adoption by a 7-2-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 5-104: Closure of Cases

1. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of:
 - a. 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. 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 it with a copy of the adult court order.
 - 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 juvenile shall relocate within ninety (90) calendar days. If the juvenile does not relocate 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 ninety (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 discharge/termination 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/termination report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide written explanation within sixty (60) calendar days as to why the juvenile cannot be discharged/terminated from probation/parole.
4. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
5. The sending state shall close the case when the sole purpose of supervision is collecting restitution and/or court fines.

6. The receiving state may close the supervision case upon notification that the juvenile has been admitted to a residential facility in excess of ninety (90) calendar days. Upon release from the facility, if the juvenile remains on supervision within the sending state and meets eligibility requirements, the sending state shall submit a new referral.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016

Justification:

12/7/16 – Paragraph 6

Added a new paragraph (#6) to clarify that receiving states may close a supervision case when the juvenile is admitted for a long term stay in a residential facility and how to handle upon the juvenile’s release.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None. States can use the “Other or additional information:” comment box on the Form X: Case Closure Notification to note that juvenile was admitted to a residential facility.

Fiscal Impact:

\$0

Rules Committee Action:

12/7/16 – Approved proposal and recommended for adoption by an 8-0-0 vote.

Effective Date:

Comments

1. **Shelley Hagan, WI:** I think the addition of par. 6, permitting closure of a case when a youth is admitted to residential treatment, is a good change. I suggest a modification to the proposed language, to clear up ambiguity in the “90 days” provision, as follows:
The receiving state may close the supervision case upon notification that the juvenile has been admitted to a residential facility for a planned stay in excess of ninety (90) calendar days. As written, it is unclear to me if the closure can take place upon notification of admission to the facility or after the youth has been in the facility 90 days.

2. **Jacey Nordmeyer, NE:** Nebraska would reiterate the concerns of Wisconsin and agree with the proposed modification, as written by Commissioner Hagan, in order to clarify the rule.
3. **Kelly Palmateer, NY:** NY Probation supports this change and agrees with Commissioner Hagan's proposed modification to clarify that the case can be closed upon admittance to the residential facility for a stay in excess of 90 days versus closure upon notification that the youth has been in the facility for 90 days or longer.
4. **Tracy Hudrlik, MN:** MN agrees with previous comments and also would suggest that the new language add that the sending state could also request the receiving state to "*resume supervision*" consistent with the language in the absconder rule.
5. **Tomiko Frierson, IL:** I disagree with the rule as is. More conversation is needed to implement this rule. I would rather the case stay open.
6. **Gloria Soya, OR:** Oregon supports this change, as the proposal still allows for case-by-case discretion through the use of "may". A new referral would only be required if the receiving state had elected to close the existing referral.
7. **Mia Pressley, SC:** SC agrees with WI. The distinction needs to be made that case closure can occur at admittance into the program and not after the juvenile has been in the residential facility for greater than 90 days.

Proposed by Rules Committee

RULE 6-103: Non-Voluntary Return of 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 to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Runaways and accused status offenders in custody who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. The home/demanding state's ICJ 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 runaway and/or an accused status offender, the legal guardian or custodial agency ~~must~~ **shall** 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 juvenile'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 shall 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 other facts showing that the juvenile is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - i. The petition shall be verified by affidavit.
 - ii. 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.
 - iii. Other affidavits and other documents may be submitted with such petition.
 - b. 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.
 - c. The Form I Requisition for Runaway Juvenile accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
4. Upon receipt of the Form I Requisition for Runaway Juvenile, 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.

5. The ICJ Office in the state where the juvenile is located will forward the Form I Requisition for Runaway Juvenile 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.
6. 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 proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
7. 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.
8. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of ninety (90) calendar days.
9. 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 up to an additional five (5) business days with approval from both ICJ Offices.
- ~~10. 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.~~
10. 11. If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, 37 effective November 1, 2012, the Commission approved replacing the entire Rule 6-103 on October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

3/2/16

- Rule amended for clarity and consistency. Paragraph 2 – *shall* is the appropriate term rather than *must*.

11/2/16

- Paragraph 10 – move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This

action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/2/16 - Approved proposal and recommended for adoption by a 7-0-0 vote.

11/2/16 – Approved proposal and recommended for adoption by a 7-2-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

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 to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Probation/parole escapees, absconders or accused delinquents who have been taken into custody on a warrant shall be detained in secure facilities until returned by the demanding state.
2. The demanding state's ICJ 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. The demanding state shall present to the court or appropriate authority a Form II Requisition for Escapee, Absconder, or Accused Delinquent, 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 juvenile's refusal to voluntarily return.
 - a. The requisition shall be verified by affidavit, unless a judge is the requisitioner, and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
 - i. Judgment
 - ii. Order of Adjudication
 - iii. Order of Commitment
 - iv. Petition Alleging Delinquency
 - v. 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 demanding state shall sign the Form II Requisition for Escapee, Absconder, or Accused Delinquent.
 - c. The Form II Requisition for Escapee, Absconder, or Accused Delinquent accompanied by the supporting documentation shall be forwarded to the demanding state's ICJ Office.
4. Upon receipt of Form II Requisition for Escapee, Absconder, or Accused Delinquent, the 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.

5. The ICJ Office in the state where the juvenile is located will forward the Form II Requisition for Escapee, Absconder, or Accused Delinquent 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.
6. 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 proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
7. 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 demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
9. Requisitioned juveniles shall be accompanied in their return to the demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.
- ~~10. 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.~~

History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

10/5/16

- Paragraph 9 consistent with the return within five business days language in other sections of the rules

11/2/16

- Paragraph 10 - move the information regarding of the *authority to transport juveniles through any and all states party to this Compact without interference* to Section 700 Additional Return Requirements for Sections 500 and 600. This action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

10/5/16 - Approved proposal and recommended for adoption by a 9-0-0 vote.

11/2/16 – Approved proposal and recommended for adoption by a 7-2-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

Rule 7-101: Financial Responsibility

1. The home/demanding/sending state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) business days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
2. The holding state shall not be reimbursed for detaining or transporting juveniles unless the home/demanding/sending state fails to effect the return of its juveniles accordance with these rules.

History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016

Justification:

5/4/16 Paragraph 2 - clarity that the holding states are not eligible for reimbursement for the cost of transporting juveniles.

10/5/16 Paragraph 1 - consistent with the *return within five business days* language in other sections of the rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

5/4/16 – Approved proposal and recommended for adoption by an 8-0-0 vote.

10/5/16 – Approved proposal and recommended for adoption by a 9-0-0 vote.

Effective Date:

No Comments Received

Proposed by Rules Committee

RULE 7-103: Charges Pending in Holding/Receiving State

Juveniles shall be returned only with the consent of the holding/receiving and demanding/sending states, or after charges are resolved when pending charges exist in the holding/receiving states.

History: Adopted December 3, 2009, effective March 1, 2010

Justification:

Clarity to the intent of the rule regarding the consent of both states and the demanding state has discretion as to when the juvenile is available for return

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

2/8/17 – Approved amending and recommended for adoption by a 9-0-0 vote.

4/12/17 – Reconsidered and approved as amended by a 9-0-0 vote.

Effective Date:

Comments

1. **Shelley Hagan, WI:** It is unclear in the language as drafted specifically who or what agency in each State gives valid consent for this purpose. That's a problem with the current language too. Is it the court, the ICJOs, the local agencies? In addition to not defining specifically who gives "consent", the proposed language does not address what happens if consent is given by one party State but not the other.

2. **Alicia Ehlers, ID:** I'm a little nervous that the intent of this rule doesn't match the justification. I'm concerned that this rule as written may allow a demanding/sending state to take their time in making arrangements to return their juvenile because according to the justification, the demanding state has discretion as to when the juvenile is available for return. The wording of the rule needs a little more effort.

3. **Gloria Soya, OR:** Oregon is not comfortable with this change as written, as it suggests that the demanding state could refuse to return until the charges have been resolved. If the holding state would normally release (with conditions) pending the outcome of the case, and the demanding state objects to the return, would the holding state have to keep the individual in custody (and at whose expense)? This could create a potential unintended conflict with the holding state's judicial order.

Proposed by Rules Committee

Rule 7-104: Warrants

1. All warrants issued for juveniles subject to the Compact ~~under ICJ jurisdiction~~ shall be entered into the National Crime Information Center (NCIC) with no geographical limitation ~~a nationwide pickup radius with~~ and no bond amount set.
2. Holding states shall honor all lawful warrants as entered by other states and shall, no later than ~~within~~ the next business day, notify the ICJ Office in the home/demanding/sending state that the juvenile has been placed in custody pursuant to the warrant. Upon notification, the home/demanding/sending state shall issue a detainer or provide a copy of the warrant to the holding state.
3. Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to withdraw the warrant ~~have the juvenile returned~~. Withdrawal of the warrant does not negate the home/demanding/sending state's responsibility to return the juvenile under other applicable rules.
4. The holding state shall not release the juvenile in custody on bond.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended August 26, 2015, effective February 1, 2016

Justification:

Paragraphs 1 and 2 - amended for clarity regarding the jurisdiction and location.

Paragraph 3 – amended to clarify misleading language regarding the return of a juvenile when a warrant is issued.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

5/4/16 – Approved amending paragraphs 1 and 2 and recommended for adoption by an 8-0-0 vote.

7/13/16 – Approved amending paragraph 3 and recommended for adoption by a 7-0-0 vote.

Effective Date:

Comments

1. **Shelley Hagan, WI:** It appears to me that the effect of the addition to par. 3 is to take away the ability of the home/demanding State to permit the youth to remain in the holding State. If this is indeed the intent of the Rules Committee, I'm uncomfortable in eliminating that option for the home/demanding State. In my experience, sometimes the best plan for a youth is to leave him/her where s/he is.
2. **Tracy Hudrlik, MN:** Under the proposed language, what authority does the holding state have to continue to hold? Can the holding state still hold?
3. **Wendy Lautsbaugh, PA:** As written, PA opposes this proposed rule change. PA will need additional clarification as to how a juvenile is to be returned if a warrant is rescinded. For example, if a warrant is rescinded and the youth is not a resident of the demanding state, then to whom is the youth to be returned?

Also, if a youth had been granted permission from the legal custodian and/or agency to travel to the receiving/holding state, then is the youth still required to be returned to the home/demanding state if receiving state is made aware of an outstanding warrant (and the warrant is subsequently rescinded)?

Additionally, if the youth's warrant is an accused delinquent warrant, and this warrant is withdrawn, is the youth to be returned as a runaway?

4. **Tomiko Frierson, IL:** I disagree. If the county withdraws the warrant, and the youth have no family in the state where the warrant was withdrawn. Where is youth being returned to? The youth should only be returned if he/she is listed as a runaway.
5. **Gloria Soya, OR:** It is unclear why the language in point 1 needs to change. ICJ only operates within the US so nationwide pickup radius should be sufficient. ("No geographical limitation" suggest reach beyond the borders of this country, which we clearly do not have.)

The change in point 3 would be acceptable, as the youth could be returned as a runaway. However, if the new definition of runaway is passed, confusion is generated here as there would be no "other applicable rule", since the youth could no longer be considered a runaway.

6. **Jedd Pelander, WA:** WA state does not support this rule change proposal. In many experiences, a youth may need to be located via a warrant being issued but not returned to the home/demanding state and once located it may be best for supervision to resume in receiving state. A mandatory return of a youth who may have been on warrant status for 24 hours does not seem cost effective for both the sending and receiving states.

Proposed by Rules Committee

RULE 7-106: Transportation

1. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure.
2. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans shall be made with consideration of normal business hours and exceptions shall be approved by the holding/receiving state.
3. Holding/receiving states shall not return to juveniles any personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone).
4. Holding/receiving states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier, COD or at the expense of the home/demanding/sending state (e.g., United States Postal Service, United Parcel Service, or Federal Express).
5. In cases where a juvenile is being transported by a commercial airline carrier, the holding/receiving state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.
6. The home/demanding/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult.
7. 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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended August 26, 2015, effective February 1, 2016

Justification:

11/2/16

- Paragraph 7 – The information moved here from Sections 500 and 600 regarding the *authority to transport juveniles through any and all states party to this Compact without interference*. This action aligns to the re-organization criteria to put rules regarding both Sections 500 and 600 into one place rather than inclusion in both places.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The proposed action removes the language in Rules 5-103, 6-103, and 6-103A and inserts into Rule 7-106.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

11/2/16 – Approved proposal and recommended for adoption by a 7-2-0 vote.

Effective Date:

No Comments Received

Proposed by EAST REGION

RULE 8-101: Travel Permits and Reporting Instructions for Juveniles Testing a Proposed Residence

RULE 8-101: Travel Permits

1. All travel permits shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours:
 - a. Juveniles who have been adjudicated for:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death;
 - iii. offenses committed with a weapon;
 - b. Juveniles who are:
 - i. state committed;
 - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state;
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. ~~If for the purposes of testing a proposed residence, a referral 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 instruct the juvenile 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. If for the purposes of testing a proposed residence, the receiving state shall provide the sending state reporting instructions within five (5) business days of receipt of the Form VII Out-of-State Travel Permit and Agreement to Return. The sending state shall be responsible for communicating reporting instructions to the juvenile and his/her family in a timely manner. The

referral 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 instruct the juvenile to immediately report any change in status during that period

a. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued.

4. 5. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. 6. If a Form VII Out-of-State Travel Permit and Agreement to Return 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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

The proposed changes would require juveniles, who are given permission to proceed to a receiving state on a travel permit testing a proposed residence, to be supervised by the receiving state during the pendency of the investigation pursuant to reporting instructions issued by the receiving state. Juveniles who are allowed to proceed to the receiving state prior to acceptance could potentially be residing in the receiving state's community, without direct supervision, for up to 75 days. The suggested changes would require the receiving state to issue reporting instructions within 5 business days of receiving a travel permit testing a proposed residence from the sending state. The 5 business day time frame was recommended as it is consistent with that already established in ICJ Rule 4-103. These changes would provide the receiving state with the authority to supervise these juveniles and ensure there is minimal lapse in supervision during the pendency of their investigations. By having the juvenile report to the receiving state prior to the official acceptance and be supervised, the receiving state can better ensure the juvenile's maintained compliance with the conditions of supervision and that services are in place if necessary.

The proposed new paragraph 4 and 4(a) is modified language from Rule 4-103 (3)(c)(d).

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Proposal in conjunction with two additional proposals by the East Region Rule 1-101: Reporting Instructions and Rule 4-103, paragraph 1 and paragraph 3 (b)(c).

JIDS Impact:

Edits to Travel Permit – Testing Residence to track 5 business day due date for the receiving state to submit reporting instructions to the sending state.

Forms Impact:

None

Fiscal Impact:

\$ 375 – 3 InStream service hours

Rules Committee Action:

3/8/2017 - Not recommended for adoption by an 8-0-0 vote.

Effective Date:

Comments

1. **Shelley Hagan, WI:** I disagree totally with the set of proposals by the East Region to require the receiving State to issue reporting instructions in every case where a youth is sent on a travel permit testing residence. This essentially requires the receiving State to begin providing services before accepting supervision. I think that's an overreach. The receiving State's local agency of course has the ability to begin providing supervision and services immediately in cases where this is appropriate due to public safety and youth welfare concerns. But that's not necessary in all cases. The sending State should retain responsibility for a youth until supervision is accepted – that's a basic ICJ principle. This comment also applies to the suggested change to definition in 101-1.
2. **Kelly Palmateer, NY:** NY Probation supports the proposed changes to this rule. These changes would require reporting instructions for any juvenile who is relocating pending a request for transfer of supervision. The rule does not dictate the level of supervision the receiving state is required to provide. This change simply allows a receiving state to have contact with the juvenile and the family upon their arrival in the receiving state and would allow for supervision at a level the receiving state deems necessary and appropriate.

The current rules do not provide a receiving state authority to supervise a juvenile unless supervision has been accepted, or unless the juvenile is a sex offender and reporting instructions have been issued pursuant to Rule 4-103(3). As a result, the language in this proposed rule change mirrors the current language in Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders; which plainly states that the receiving state has the authority to supervise the juvenile pursuant to the reporting instructions that are

provided and clearly indicates that the sending state maintains responsibility of the juvenile until the referral is official accepted by the receiving state.

There has been some discussion about the liability a receiving state acquires by providing and supervising a juvenile pursuant to reporting instructions issued. Under the current rule, a sending state is required to submit a travel permit to the receiving state for a number of reasons including when a juvenile is relocating pending a request for transfer of supervision.

It is unclear what the purpose of this notification is as the rule does not allow or direct the receiving state to take any action upon receiving said travel permits. What liability does a receiving state have knowing that a juvenile is residing in their jurisdiction for up to 75 calendar days without direct supervision? What liability would a receiving state have should that juvenile, who is on a travel permit testing residence, commit a new offense in the receiving state? The proposed rule amendment seeks to address the interests of community and victim safety.

3. **Jane Seigel, IN:** The Indiana State Council agrees with the concept of no lapse in supervision and suggests spelling that out in the rule.

4. **Judy Miller, AR:** My concerns about this proposal are twofold:

The Receiving State has not accepted supervision of the case and the Receiving State does not have a copy of the juvenile's case file yet.

It is possible that the Receiving State may deny accepting supervision and the Receiving State does not know about the juvenile's background, offenses, or requirements.

5. **Wendy Lautsbaugh, PA:** Recommend adoption of proposal, however, recommend the inclusion of those juveniles who are required to have travel permits (i.e. violent offenses that have resulted in personal injury or death, offenses committed with a weapon.) PA takes the position that excluding these aforementioned juveniles results in these juveniles possibly not having supervision for up to 75 days.

6. **Tomiko Frierson, IL:** I disagree. This is obligating the receiving state to supervision responsibility prior to approval. Rule 8-10 should remain as is.

7. **Tracy Cassell, GA:** I disagree with this rule change, as currently written, as it places the burden of supervision on the receiving state, who may not have the appropriate information to provide supervision for the youth. The sending state should continue to be responsible for providing supervision of the youth, pending the acceptance of supervision of the receiving state.

8. **Gloria Soya, OR:** Oregon opposes this rule proposal as written. The receiving state and field office should have discretion over how involved they choose to be with the youth prior to acceptance of supervision. The current rules do not prohibit the receiving state from issuing reporting instructions, nor do they prohibit contact with the youth. The receiving state can request/require the youth to report in, but is not mandated to do so.

9. **Jedd Pelander, WA:** The WA ICJ State Council does not support this rule change. Concerns around supervising youth that may or may not be accepted in the receiving state and the lack of information that may be available regarding the youth for the most appropriate level of supervision.

Proposed by Rules Committee

Rule 8-101: Travel Permits

1. All travel permits shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
 - a. Juveniles who have been adjudicated and are on supervision for one of the following:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death; or
 - iii. offenses committed with a weapon;
 - b. Juveniles who are one of the following:
 - i. state committed;
 - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to placed in a residential facilities for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral 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 instruct the juvenile 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. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. If a Form VII Out-of-State Travel Permit and Agreement to Return 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.

History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

Rule amended for clarity and consistency.

- Paragraph 1 – to clarify the juvenile has to meet either (a) or (b); not both.
- Paragraph 2 – to clarify the juvenile is going to a residential facility.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

5/4/16 -

Paragraphs 1 & 2 Approved proposal and recommended for adoption by an 8-0-0 vote.

Effective Date:

No Comments Received

Proposed by EAST REGION

Rule 1-101: Definitions

Reporting Instructions: the orders issued by the receiving state directing the juvenile to report to a designated person or place, at a specified date and time, in the receiving state.

Justification:

The proposed changes support the mission, vision and values of the Interstate Commission for Juveniles by promoting public safety and increasing juvenile accountability. This proposal would allow for juveniles, who are given permission to proceed to a receiving state on a travel permit testing a proposed residence, to be supervised during the pendency of the investigation in the receiving state. As the rules are currently written, the receiving state is only provided with the option to issue reporting instructions when a juvenile sex offender is being allowed to proceed to the receiving state on a travel permit pursuant to Rule 4.013(3)(c).

Reporting instructions should be mandatory when any juvenile is given permission by a sending state to proceed to a receiving state on a travel permit testing a proposed residence. These juveniles, who are allowed to proceed to a receiving state prior to acceptance, could potentially be residing in the receiving state's community, without direct supervision, for up to 75 days.

If reporting instructions were mandatory, the receiving state would have the authority to supervise these juveniles and any potential lapse in supervision that may occur otherwise would be lessened. Juvenile probation terms tend to be short in length. By having the juvenile report to the receiving state prior to the official acceptance, the receiving state can better ensure the juvenile's maintained compliance with the conditions of supervision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

The new definition is proposed in conjunction with two additional proposed amendments to Rules 4-103, paragraph 1 and paragraph 3 (b)(c) and Rule 8-101, paragraphs 3 and 4.

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

3/8/2017 - Not recommended for adoption by an 8-0-0 vote.

Effective Date:

1. **Jane Seigel, IN:** The Indiana State Council supports this proposal as it goes with the East's proposed 8-101.
2. **Wendy Lautsbaugh, PA:** Recommend adoption of proposal regardless of passage of 8-101. Currently, there is no definition of Reporting Instructions therefore PA supports a concise definition.
3. **Gloria Soya, OR:** Oregon has no objection to the proposed rule language. The justification indicates that reporting instructions should be mandatory. This makes sense only if, like the adult compact, youth could not be in the receiving state without reporting instructions (and locating them in the receiving state would result in an automatic deny and return). The receiving state should not be mandated to provide reporting instructions for youth when supervision may not be accepted. This could also create undue confusion for youth and placement resources as they would be told to report in for supervision, then later told that supervision has been denied.
4. **Mia Pressley, SC:** SC does not support the proposed language. The use of the word "orders" implies that that all reporting instructions are issued by a judge. Majority of the time, this is not the case.

Proposed by Rules Committee

New Rule 2-106: Request for Juvenile Information

Upon the request by an ICJ member state, basic information may be provided regarding a juvenile as defined by ICJ. Basic information, limited to a juvenile's previous or current status or if the juvenile has charges pending, may be shared with the requesting ICJ office. The requesting ICJ office may also be referred to the local or county agency involved with the juvenile.

Justification:

A new rule proposed to address requests for information regarding a juvenile.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

JIDS Impact:

None

Forms Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

5/4/16 - Approved proposed new rule and recommended for adoption by an 8-0-0 vote.

Effective Date:

Comments

1. **Shelley Hagan, WI:** I oppose this new rule. I think we get into murky and perhaps perilous legal waters when ICJ offices share confidential juvenile information concerning a youth for non-ICJ purposes. ICJOs already can share information related to ICJ-eligible youth. The phrase "juvenile as defined by ICJ" does not limit the scope of the information-sharing to actual ICJ-eligible youth. Instead, it encompasses anyone who potentially is under juvenile court jurisdiction in any State. ICJ offices should not be one-stop-shops for juvenile information requests.

2. **Kelly Palmateer, NY:** NY Probation does not support this new rule. It appears to be more guidance than rule and NY would not suggest exchanging information that state law(s) may prohibit.
3. **Tracy Hudrlik, MN:** As written, this rule can apply to any juvenile, it doesn't limit it to ICJ cases.
4. **Alicia Ehlers, ID:** Because of the use of word may in this rule, I'm not at issue with it.
5. **Jane Seigel, IN:** The Indiana State Council does not support sharing information on juveniles without a court order.
6. **Judy Miller, AR:** I strongly support this rule. Any State or ICJ Office should be allowed to share information regarding juveniles who cross stateliness. It is important to determine eligibility for ICJ and to provide information for the safety of the community. This proposed rule does not require an ICJ Office to provide this information but it allows this to be done with the appropriate parties.
7. **Tomiko Frierson, IL:** I disagree. Juvenile information should only be gathered for those youth that are being serviced und the compact.
8. **Roy Yaple, MI:** I do not support this rule amendment as I believe it would place additional new requirements on ICJ offices and could invade privacy if these requests are made without proper consideration for the privacy of the juveniles.