



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010
San Antonio, TX

TABLE OF CONTENTS

Click on an item to jump to that section

1. Annual Business Meeting 2010 Agenda
2. Minutes from December 2009 Meeting
3. Rules (Current)
4. Forms (Current)
5. By-Laws
6. Statute
7. Rule Amendments
8. Form Amendments
9. Budget
10. Data Collection
11. Status of Non-Member States
12. IT Committee Update



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

AGENDA



**Interstate Commission for Juveniles
2010 Annual Business Meeting**

September 13-15, 2010
Crowne Plaza Riverwalk
111 Pecan Street East
San Antonio, Texas 78205
Central Time Zone

MONDAY, SEPTEMBER 13, 2010

1:00 p.m.

Executive Committee Meeting

Executive Salon 4 (third floor)

4:00 p.m. – 6:00 p.m.

Public Hearing

Executive Salon 5 (third floor)

6:00 p.m.

Welcoming Reception

River Plaza (outdoors)

TUESDAY, SEPTEMBER 14, 2010

8:00 a.m. – 10:00 a.m.

Commissioner Training

San Antonio Ball Room (third floor)

10:30 a.m. – 12:00 p.m.

ICPC Training

San Antonio Ball Room (third floor)

12:00 p.m.

Lunch (Provided)

Executive Salon 3 (third floor)

1:30 p.m. – 3:00 p.m.

State Council Training

San Antonio Ball Room (third floor)

3:00 p.m.

Break

3:30 p.m. – 5:00 p.m.

Region Meetings:

East Region - *Board Room (third floor)*

Midwest Region - *Executive Salon 3 (third floor)*

South Region - *Executive Salon 5 (third floor)*

West Region - *Executive Salon 4 (third floor)*

- Region Chair Elections
- Nominations for Officer Elections
- Regional Activities
- State Council Updates

WEDNESDAY, SEPTEMBER 15, 2010

- 8:00 a.m. **General Session** *Texas Ballroom B (second floor)*
- **Call to Order**
 - **Flag Presentation**
 - **Roll Call**
 - **Approval of Agenda**
 - **Approval of Minutes** - December 2 & 3, 2009
 - **Opening Remarks**
- 8:15 a.m. **Welcome**
*Cherie Townsend, Executive Director of the Texas Youth Commission,
Texas Compact Administrator*
- 8:30 a.m. **Executive Committee Report**
Donna Bonner, Chair
- 8:45 a.m. **Training, Education and Public Relations Committee Report**
Jean Hall, Chair
- 9:00 a.m. **Compliance Committee Report**
Summer Foxworth, Chair
- 9:15 a.m. **Legal Counsel Report**
Rick Masters, Legal Counsel
- 9:30 a.m. **Information and Technology Committee Report**
Clarence Powell, Chair
- 10:00 a.m. **Finance Committee Report**
Lisa Bjergaard, Chair
- 10:15 a.m. **Break**
- 10:30 a.m. **Regional and Ad Hoc Committee Reports**
- *East*
 - *South*
 - *Midwest and ICPC Ad Hoc Committee*
 - *West and Sex Offender Ad Hoc Committee*
 - *Probable Cause Ad Hoc Committee*
- 11:15 a.m. **Rules Committee Report**
Gary Hartman, Chair
- 12:00 p.m. **Lunch** (*Provided*) *Texas Ballroom C (second floor)*
- 1:00 p.m. **Rules Committee Report Cont.**
- 3:15 p.m. **Break**
- 3:30 p.m. **Old Business**
- 3:45 p.m. **New Business**
- 4:30 p.m. **Elections**
- **Nominees Address Commission**
 - **Vote for Officers**
 - **Oath of Office**
- 5:15 p.m. **Adjourn**



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

MINUTES
2009 Annual Business Meeting



**Interstate Commission for Juveniles
2009 Annual Business Meeting**

**December 2-3, 2009
Hyatt Regency Tamaya
Santa Ana Pueblo, New Mexico**

12/02/2009

Welcome

- Chair Donna Bonner (TX) welcomed the group to the Second Annual Business Meeting of the Interstate Commission for Juveniles.
- The Color Guard presented the flags and the Commission recited the Pledge of Allegiance.
- Chair Bonner asked Executive Director Ashley Lippert to call the Roll.
 - Member states in attendance:
Alabama; Alaska; Arizona; Arkansas; California; Colorado; Connecticut; Delaware; Hawaii; Idaho; Illinois; Kansas; Kentucky; Louisiana; Maine; Maryland; Michigan; Mississippi; Missouri; Montana; Nebraska; Nevada; New Jersey; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; Pennsylvania; Rhode Island; South Carolina; South Dakota; Tennessee; Texas; Utah; Virginia; Washington; West Virginia; Wisconsin; Wyoming;
 - Ex Officio members in attendance:
American Probation and Parole Association (APPA); Association of Administrators of the Interstate Compact on Placement of Children (AAICPC); Association of Juvenile Compact Administrators (AJCA); International Association of Chiefs of Police (IACP); Interstate Compact for Adult Offender Supervision (ICAOS); National Council of Juvenile and Family Court Judges (NCJFCJ); National Juvenile Detention Association (NJDA); National Runaway Switchboard (NRS); National Victims Constitutional Amendment Network (NVCAN)
 - Member states not in attendance:
Florida
 - Quorum present.
- Chair Bonner provided an overview of the Commission's activities and accomplishments during the past year. She also informed the Commission that Georgia, Indiana, Iowa, Massachusetts, Minnesota, New Hampshire, New York, Ohio, Vermont, the District of

Columbia, the US Virgin Islands, Puerto Rico, North Mariana Island, Guam and American Samoa still needed to join the new Compact.

- Executive Director Lippert explained the voting process.
- Chair Bonner gave an overview of the agenda.
- Discussion of the 2008 Annual Business Meeting ensued.

Michael Branham (AZ) made a motion to approve the minutes as amended from the 2008 Annual Business Meeting, seconded by Terry Clark (PA). Motion passed.

Executive Director – Introduction and Remarks

- Executive Director Lippert introduced the national office staff and gave an update of national office activities.
- Chair Bonner gave the Ex-Officios an opportunity to speak.
 - Carl Wicklund (APPA) congratulated the Commissioners on how far the Compact has come and where they are going from here.
 - Judge David Stucki (NCJFCJ) informed the Commissioners that he was very happy to attend the meeting. The NCJFCJ President was unable to attend, and he was asked to represent the organization. The MOU between NCJFCJ and ICJ had recently been completed. He now has a better understanding of the relationship that NCJFCJ has had with the former national association (AJCA) and the building of the new Compact. Judge Stucki stated that he was open for suggestions on how to make Ohio better.
 - Chief Steve White (IACP) thanked the Commission for allowing him to be at the meeting and offered support from Police Chiefs across the country.
 - Bill Gilliam (ICAOS) said that even though the rules of the adult processes and juvenile processes are different, they are both critical to the goals of the Compacts, and offered the support and assistance from the Adult Compact if needed.
 - Fred White (AJCA) thanked the Commission for a seat as an Ex-Officio, and said that working together to help juveniles is the common goal by the parties represented.
 - Steve Jett (NJDA) recognized the importance of the detention of juveniles, and invited the Commission to the NJDA conference in San Antonio, Texas during October 2010.
 - Mary McGhee (NVCAN) thanked the Commission for allowing her to work as a liaison.
 - Maureen Blaha (NRS) thanked the Commission for the opportunity to serve as an Ex-Officio and offered the support of the National Runaway Switchboard.

Committee Reports

Compliance Committee - *Summer Foxworth (CO), Chair*

- Summer Foxworth (CO) introduced the ICJ Compliance Policy: Compliance Enforcement - Investigating Allegations of Non-Compliance (Draft Policy 1 – 2009) which deals with investigating issues of noncompliance.

- Cheryl Sullivan-Colglazier (WA) asked if the committee had a discussion about if a state has the opportunity to regain the funding spent if found in compliance.
- Rick Masters said the prevailing party is reimbursed for incurred expenses.
- **Michael Lacy (WV) made a motion to accept the ICJ Compliance Policy: Investigating Allegations of Non-Compliance, seconded by Philip Cox (OR). Motion passed.**
- Summer Foxworth (CO) introduced the ICJ Compliance Policy: Compliance Enforcement - Investigation Process (Draft Policy 2 – 2009) which provides the process for the first policy (1-2009).
 - Felix Mickens (NJ) asked if some language should be put in the ICJ Compliance Policy: Compliance Enforcement – Investigation Process (Draft Policy 2-2009) to state that former/current commissioners from the states involved should not be able to work on the case.
 - Summer Foxworth said that no one related to the state under investigation will be allowed to work on the case.
 - F. Mickens (NJ) made a recommendation that the language be changed.
 - S. Foxworth suggested adopting the policy as is and placing the issue in old business.
 - Patrick Pendergast (AL) asked if reimbursement rates would be updated annually. Summer Foxworth said that the matter can be discussed at a later time.
 - **Shelley Hagan (WI) made a motion to accept ICJ Compliance Policy: Compliance Enforcement – Investigation Process, seconded by Mike Branham (AZ). Motion passed.**
- **Mike Branham (AZ) made a motion to accept the ICJ Administrative Policy: Guidelines for Resolving Compliance Issues (Draft Policy 3-2009), seconded by Felix Mickens (NJ). Motion passed.**
 - Sharon Harrigfeld (ID) asked about timelines concerning the ICJ Administrative Policy: Guidelines for Resolving Compliance Issues policy.
 - Rick Masters responded that some issues might have more immediate needs than others might. The states will know more of a timeline once an investigation has begun. Also, timelines do not give room for ad hoc recommendations.

Finance Committee - *Lisa Bjergaard (ND), Chair*

- Lisa Bjergaard (ND) gave an overview of the amended FY 2010 and FY 2011 budgets. Executive Director Lippert emphasized the importance of establishing a reserve fund in the budget.
 - Executive Director Lippert explained the FY 2010 and FY 2011 budget sheet.
 - **Lisa Bjergaard (ND) made a motion to accept the amended budget for FY 2010, seconded by S. Foxworth (CO). Motion passed.**
 - Executive Director Lippert said if the Commission comes in under budget, the extra funds would be placed into reserves.

- **Lisa Bjergaard (ND) made a motion to accept the budget for FY 2011, seconded by Susan Morris (OK). Motion passed.**

Information and Technology Committee - *Ray Wahl (UT), Chair*

- Ray Wahl (UT) presented the Information and Technology Committee report. Mr. Wahl advised the Commission that the IT Committee met with Appriss, the company that built the ICAOS national case transfer system. The IT Committee recommended to, and was subsequently accepted by the Executive Committee, for Appriss to present a proposal for developing the functional requirements of the program.
- Ray Wahl (UT) updated the Commission on the development of the ICJ website. ICJ's website is being developed using resources from ICAOS. As a result, the Commission will recognize a significant cost savings.
- **Ray Wahl (UT) made a motion to accept the IT Committee report, seconded by Terry Clark (PA). Motion passed.**

Executive Director Search - *Ray Wahl, UT*

- Ray Wahl (UT) stated that out of five or six qualified candidates, Ashley Lippert was chosen to be the ICJ Executive Director. She previously held the position of ICAOS Assistant Director.
- Chair Bonner (TX), Terry Clark (PA), Judy Miller (AR), Dennis Casarona (KS), and Ray Wahl (UT) served on the search committee.

Training, Education, and Public Relations Committee - *Dawne Gannon, SC (reporting for Jean Hall (FL) Chair)*

- Dawne Gannon (SC) presented the Training, Education, and Public Relations Committee report in Jean Hall's absence. The Committee developed: a banner, seal, new motto, and newsletters in addition to training materials for Commissioners, line staff and State Councils.
 - **Motion to accept the Training, Education, and PR Committee report was made by Dawne Gannon, seconded by Traci Marchand (NC). Motion passed.**
 - Judge Stucki (NCJFCJ) mentioned that he would like to collaborate with the Commission. He informed the Commission that NCJFCJ had trainings in March (Las Vegas) and in July (San Diego).

Legal Counsel Report - *Rick Masters*

- **Mike Branham (AZ) made a motion to approve the orders of the day, seconded by Susan Morris (OK). Motion passed.**
- Rick Masters presented a Transition Rule for the Commission's consideration. This would extend the Transition Rule for an additional twelve months.
 - Rick Masters stated the Transition Rule should be declared as an emergency rule due to the fact that it was not in the rules packet previously distributed.
 - **Gary Hartman (WY) made a motion that the Commission adopt the Emergency Rule seconded by Mike Branham (AZ). Motion passed.**

- **Summer Foxworth (CO) made a motion to accept the Transition Rule, seconded by Dale Dodd (NM). Motion passed.**
- **Ray Wahl (UT) made a motion to go into Executive Session to discuss the conflict between Oklahoma and Texas seconded by Mike Lacy (WV). Motion passed.**
 - **The Commission went in to Executive Session.**
- **Susan Morris (OK) made a motion to come out of Executive Session, seconded by Paul Gibson (KY). Motion passed.**

Working Lunch - Idaho State Council Presentation

- Members of Idaho's State Council made a presentation on developing and maintaining a state council.

Regional Reports - Terry Clark (PA), Regional Representative Chair, Eastern Regional Representative

- Terry Clark (PA) emphasized that one of the overall goals of the regions was to provide support to Compact states that are still trying to set up State Councils.
- Other goals are for the reps to know the status of non-signatory states and stay updated on Commissioner appointments with the member states.

East Region - Terry Clark, PA

- Terry Clark (PA) discussed objectives of regional representatives:
 - To assist the Commission with getting feedback, concerns, and changes for the Mission and Vision Statements.
 - To serve as a link between member states and the Commission.
- Mr. Clark (PA) stated that within the Eastern Region, PA is the only state with a running State Council.
- Massachusetts will have a conflict with rules co-mingling offenders and juveniles.
- Maine has language that combines their Juvenile and Adult Councils.

South Region - Judy Miller, AR, Regional Representative

- Judy Miller (AR) said that every Compact state in this region, except for Florida, was in attendance as well as non-signatory state Georgia and the District of Columbia.
- Six states in the Southern Region have running State Councils.
- There have been issues of transporting high-risk offenders and sex offender registration.
- Region suggested that public hearings be held at a time when the people it concerns most will be able to attend.

Midwest Region - Mike Reddish, NE, Regional Representative

- Lisa Bjergaard (ND) stepped down as Midwest Region Chair, and Mike Reddish of NE was elected to take over the position.

- Four states within the region, Indiana, Iowa, Minnesota, and Ohio, are not members of the Compact.
- Three states within the region, Kansas, Nebraska, and North Dakota, have running State Councils.
- Mike Reddish (NE) said combining the Adult and Juvenile Councils was discussed, but a consensus to keep them separate was made.

West Region - Dale Dodd, NM, Regional Representative

- As of January 1, 2010, California officially will be in the Compact, making every state in the region a member of the Compact.
- Hawaii, Alaska, and Oregon joined the Commission in 2009.
- Idaho, Hawaii, Montana, Washington and Oregon all have State Councils. Other states are in various stages of development.
- The region recommended creating an ad hoc committee to address sex offenders and problems with their movement.
- Dale Dodd (NM) said that ICPC had issues with clients doing out-of-state treatment.
- The region was concerned with TSA travel issues. New Mexico officials have found that their state-issued IDs do not meet Federal travel requirements. The Commission discussed this matter.

Mission, Vision, and Values Statements and Strategic Plan

- Chair Bonner presented the Mission, Vision, and Values Statements and Strategic Plan developed by the Executive Committee.
 - **Summer Foxworth (CO) made a motion to accept the Mission, Vision, and Values Statements, seconded by Nancy Allard (SD). Motion passed.**
 - Mike Lacy (WV) questioned the last sentence in the Mission Statement. He believed the word “delinquent” may be too limited.
 - **Mike Lacy (WV) made a motion to add “and adjudicated status offenders” to the last sentence, seconded by Paul Gibson (KY). Motion passed.**
 - Wendell Kikuchi (HI) said that some states do not recognize status offenders as juveniles.
 - Steve Gibson (MT) said that this would be a compliance issue because the state can adjudicate their status offenders.
- **Julie Hawkins (MO) made a motion to amend the language to say “juveniles subject to the Compact,” seconded by Mike Reddish (NE). Motion passed.**
- **Susan Morris (OK) made a motion to accept the Strategic Plan, seconded by Summer Foxworth (CO). Motion passed.**

Standing Committee Reports

Bylaw Amendments

- Chair Bonner presented the proposed By-law amendments to the Commission.
- **Mark Boger (ME) made a motion to accept the proposed By-law amendments, seconded by Dale Dodd (NM). Motion passed.**

Rules – Adoption and Review - *Gary Hartman (WY), Chair*

- Gary Hartman (WY) gave an overview of the work conducted by the Rules Committee over the past year. The Rules Committee split into groups to draft various sections of the rules before coming back together to make cohesive decisions. Once completed, states were given 30 days to make comments.
 - Based on those comments, some rules were modified. The Committee did not agree on every rule.
- Gary Hartman (WY) said the goals of the Rules Committee were to make sure that due process requirements were met and the juveniles being transported as well as the public were safe.
- Rick Masters informed the Commission that 39 states were eligible to vote. 20 states were needed for a quorum, and 26 states needed for a 2/3 vote.
- The Commission began the approval process by taking the Definitions one at a time.
- **Dawne Gannon (SC) made a motion to add “demanding state” to the definitions, seconded by Billie Greer (IL). Motion passed.**
- **Gary Hartman (WY) made a motion to accept the first page of the definitions, seconded by N. Allard (SD). Motion passed.**
- **Cheryl Sullivan-Colglazier (WA) made a motion to add “due process” to the definitions, seconded by Joe Clifford (RI). Motion failed.**
- **Billie Greer (IL) made motion to add “designee” to the Definitions, seconded by Felix Mickens (NJ).**
 - Rick Masters said to put the amendment into old business.
- **Gary Hartman (WY) made motion to accept the second page of the Definitions as amended (with demanding state added), seconded by Julie Hawkins (MO). Motion passed.**
- **Mike Reddish (NE) made a motion to change the language of “detainer” to include “or other legal authority,” seconded by S. Foxworth (CO). Motion passed.**
- **Mike Reddish (NE) made a motion to change the language of “detention order” to include “or other legal authority,” seconded by S. Foxworth (CO). Motion failed.**
- **Motion to make the definition of “home evaluation” less broad was made by Philip Cox (OR), seconded by Susan Morris (OK). Motion removed in order for the suggestion by Cheryl Sullivan-Colglazier (WA) to combine the definitions of “home evaluation” and “investigation.”**
- **Cheryl Sullivan-Colglazier (WA) made motion to combine and use the definitions of “home evaluation” and “investigation” interchangeably, seconded by Julie Hawkins (MO). Motion failed.**
 - Shelley Hagan (WI) made a friendly amendment to put “please refer to definition of investigation” as the definition of “home evaluation.” Cheryl Sullivan-Colglazier (WA) and Julie Hawkins (MO) agreed.
- **Motion to make the definition “home evaluation/investigation” and include the definition of investigation made by Mike Lacy (WV), seconded by S. Foxworth (CO). Definition of home evaluation/investigation accepted.**

- **Billie Greer (IL) made a motion to change language in “home evaluation/investigation” to include “a legal and social evaluation and subsequent report of findings,” seconded by Paul Gibson (KY). Motion passed.**
- **Steve Gibson (MT) made a motion to take “of a sexual nature” out of the definition of “juvenile sex offender,” seconded by Philip Cox (OR). Motion failed.**
- **Cheryl Sullivan-Colglazier (WA) made a motion that “person” should be added after guardian to make the definition of “residence” similar to “runaway,” seconded by Shelley Hagan (WI). Motion passed.**
- **Sharon Harrigfeld (ID) made a motion to change the definition of “petition” to read “a document filed with the court charging a juvenile with a commission of a criminal or status offense,” seconded by Summer Foxworth (CO). Motion failed.**
 - Mike Lacy (WV) made friendly amendment to add “a legal document filed with the court charging a juvenile with the commission of a delinquency or status offense”; Sharon Harrigfeld (ID) and Summer Foxworth (CO) agreed.
 - Rick Masters said there was a reason for the language.
- **Mike Branham (AZ) made a motion to accept all of the definitions, seconded by Joe Clifford (RI). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 2-101: Dues Formula, seconded by Nancy Allard (SD). Motion passed.**
- **Gary Hartman (WY) said that Rule 3-101 would be saved for later in order to go through approved forms and optional forms.**
- **Motion to adopt Rule 4-101: Processing Transfers made by Mike Branham (AZ), seconded by Felix Mickens (NJ). Rule 4-101: Processing Transfers accepted.**
- **Mike Lacy (WV) noted that the amount of days listed in Rule 4-102: Sending and Receiving Referrals varies.**
 - Gary Hartman said the variation in the amount of days was done on purpose.
- **Steve Gibson (MT) made a motion to strike the language in Rule 4-102 (Sub 3) concerning sending and receiving referrals but keep A and B, seconded by Michele Huntley (DE). Motion passed.**
- **Mark Boger (ME) stated that “parole” was not listed in the definitions.**
- **Pat Pendergast (AL) made a motion to add “aftercare” to definitions seconded by Mark Boger (ME). Motion passed.**
 - Joe Clifford (RI) said the state does not have aftercare.
 - Pat Pendergast (AL) said that the terms “aftercare” and “parole” are used interchangeably.
 - Billie Greer (IL) stated in IL, aftercare and parole are two different things.
- **Paul Gibson (KY) said that while the language indicates that information be sent in duplicate form, some states have been scanning forms in.**
- **Joe Clifford (RI) made a motion to change Rule 4-102 (Sub 3) concerning sending and receiving referrals from “5 working days” to “10 working days” seconded by Philip Cox (OR). Motion failed.**

- **Gary Hartman (WY) made a motion to adopt Rule 4-102: Sending and Receiving Referrals, seconded by Mike Lacy (WV). Motion passed.**
- Fred White (AJCA) questioned what was considered an emergency in Rule 4-103: Transfer of Supervision Procedures.
 - Rick Masters said that Webster's Dictionary's definition of "emergency" will be what the Commission goes by.
- **Mike Branham (AZ) made a motion to adopt Rule 4-103: Transfer of Supervision Procedures, seconded by Billie Greer (IL). Motion passed.**
- **Cheryl Sullivan-Colglazier (WA) made a motion to strike Rule 4-104 (Sub 6) concerning cooperative supervision/services requirements, seconded by Julie Hawkins (MO). Motion failed.**
- Paul Gibson (KY) said that if a juvenile is moving into a neighborhood close to a school, the sending state needs to know in order not to have a probation violation.
- **Mark Boger (ME) made a motion to add "treatment services provided by court or paroling authority" to Rule 4-104 (Sub 4) concerning cooperative supervision/service requirements, seconded by Summer Foxworth (CO). Motion passed.**
- **D. Laity (NV) made a motion to change age to 21 in Rule 4-104 (Sub 5) concerning cooperative supervision/service requirements, seconded by Philip Cox (OR). Motion failed.**
- Michele Huntley (DE) made a motion to amend Rule 4-104 (Sub 8) concerning cooperative supervision/services requirements to include "cases remaining open strictly for restitution may be closed if both states agree", seconded by Summer Foxworth (CO).
- After discussion, Michele Huntley (DE) withdrew her motion. Summer Foxworth (CO) agreed.
- **Judy Miller (AR) made a motion to look at Rule 4-104 (Sub 8): Cooperative Supervision/Services Requirements at a later time seconded by Mike Reddish (NE). Motion passed.**
- **Judy Miller (AR) made a motion to delete Rule 4-104 (Sub 9) concerning cooperative supervision/services requirements, seconded by Paul Gibson (KY). Motion passed.**
- **Pat Pendergast (AL) made a motion to adopt amended Rule 4-104: Cooperative Supervision/Services Requirements with the exception of Sub 8 seconded by Judy Miller (AR). Motion passed.**
- Judy Miller (AR) asked what type of correspondence was asked for in Rule 4-105 (Sub 2): Communication Requirements Between States. Rick Masters said that written correspondence was needed.
- **Sherry Jones (MD) made a motion to strike Rule 4-105 (Sub 2): Communication Requirements Between States seconded by Summer Foxworth (CO). Motion failed.**
 - Billie Greer (IL) noted that if we are taken out of the loop, states can make any decision they want.

- Gary Hartman made a motion to adopt Rule 4-105: Communication Requirements Between States, seconded by Mike Branham (AZ). Motion passed.
- Cheryl Sullivan-Colglazier (WA) made a motion to remove Rule 4-106 (Sub 1): Closure of Cases and replace with language currently being used, seconded by Summer Foxworth (CO). Motion passed.
- Joe Clifford (RI) made a motion to add “within five working days” to Rule 4-106 (Sub 3) concerning the closure of cases, seconded by Dennis Casarona (KS). Motion passed.
- Mike Branham (AZ) made a motion to adopt Rule 4-106: Closure of Cases seconded by Paul Gibson (KY). Motion passed.
- Gary Hartman (WY) made a motion to adopt Rule 4-107: Victim Notification, seconded by Mike Lacy (WV). Motion passed.

The Commission recessed for the day.

12/03/2009

Call to Order

Chair Bonner (TX) called the meeting to order at 8:30 am MST.

Standing Committee Reports continued

Rules Committee - *Gary Hartman (WY), Chair*

- Julie Hawkins (MO) made a motion to amend Rule 5-101 (Sub 4): Authority to Accept/Deny Supervision, seconded by Summer Foxworth (CO). Motion failed.
 - Julie Hawkins (MO) questioned where the juveniles would be placed if parents were denied right to them.
 - Cheryl Sullivan Colglazier (WA) supported the amendment but believed that states needed to collaborate.
 - Billie Greer (IL) has past experiences that have shown that sometimes a parent is unable to handle the juvenile, but the juvenile still needs to be given the opportunity to strive.
- Julie Hawkins (MO) made a motion to reconsider vote to amend Rule 5-101 (Sub 4): Authority to Accept/Deny Supervision, seconded by Summer Foxworth (CO). Motion failed.
- Julie Hawkins (MO) made a motion to amend Rule 5-101 (Sub 5): Authority to Accept/Deny Supervision, seconded by Summer Foxworth (CO). Motion passed.
- Gary Hartman (WY) made a motion to adopt amended Rule 5-101: Authority to Accept/Deny Supervision, seconded by Mike Branham (AZ). Motion passed.
- Mike Reddish (NE) made a motion to change Rule 5-102 (Sub 1 and 2a): Travel Permits back to 45 days, seconded by Sherry Jones (MD). Motion failed.
- Gary Hartman made a motion to adopt Rule 5-102: Travel Permits, seconded by Billie Greer (IL). Motion passed.

- **Mike Branham (AZ) made a motion to adopt Rule 6-101: Release of Non-Delinquent Juveniles To Parent or Legal Guardian, seconded by Paul Gibson (KY). Motion passed.**
 - Billie Greer (IL) stated that sometimes a child runs from an unsafe home environment, She asked if we were not putting the child back in danger if we put them back in those homes.
- **Judy Miller (AR) made a motion to amend Rule 6-102 (Sub 4): Voluntary Return of Out-of-State Juveniles to say “will” instead of “may,” seconded by Summer Foxworth (CO). Motion passed.**
- Judy Miller asked if actual form names instead of form numbers should be used in Rule 6-102 (Sub 7): Voluntary Return of Out-of-State Juveniles. Rick Masters said that needed to be treated as an editorial change.
- **Mike Branham (AZ) made a motion to adopt amended Rule 6-102: Voluntary Return of Out-of-State Juveniles, seconded by Nancy Allard (SD). Motion passed.**
- **Letta Porter Jones (VA) made a motion to take out the last sentence in Rule 6-103 (Sub 1): Non-Voluntary Return of Out-of-State, seconded by Philip Cox (OR). Motion passed.**
- **Philip Cox (OR) made a motion to clarify length of time in Rule 6-103 (Sub 1): Non-Voluntary Return of Out-of-State Juveniles, seconded by Mark Boger (ME). Motion passed.**
- **Judy Miller (AR) made motion to change three copies back to two copies in Rule 6-103 (Sub 4): Non-Voluntary Return of Out-of-State Juveniles, seconded by S. Harrigfeld (ID). Motion passed.**
 - Billie Greer (IL) noted there are instances in which no custody agreement would be available because parents are not divorced.
- **Summer Foxworth (CO) made a motion to strike last sentence from Rule 6-103 (Sub 2): Non-Voluntary Return of Out-of-State Juveniles, seconded by Traci Marchand (NC). Motion passed.**
 - Summer Foxworth believed that three months was a sufficient amount of time.
- **Gary Hartman (WY) made a motion to adopt amended Rule 6-103: Non-Voluntary Return of Out-of-State Juveniles, seconded by Billie Greer (IL). Motion passed.**
- **Mike Branham (AZ) made a motion to adopt Rule 6-104: Return of Juveniles Whose ICJ Placement Has Failed, seconded by Mike Reddish (NE). Motion passed.**
- **Mike Branham (AZ) made a motion to adopt Rule 6-105: Financial Responsibility, seconded by Paul Gibson (KY). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 6-106: Public Safety, seconded by Mike Lacy (WV). Motion passed.**
- **Mike Branham (AZ) made a motion to adopt Rule 6-107: Charges Pending in Holding/Receiving State, seconded by Mike Lacy (WV). Motion passed.**

- **Dawne Gannon (SC) made a motion to place “local” in front of “law enforcement agency” in Rule 6-108 (Sub 1) concerning warrants, seconded by Billie Greer (IL). Motion passed.**
- **Wendell Kikuchi (HI) made a motion to change the language to reflect “make all warrants under ICJ jurisdiction” in Rule 6-108 (Sub 1) concerning warrants, seconded by Sherry Jones. Motion passed.**
- **Gary Hartman (WY) made a motion to adopt amended Rule 6-108: Warrants, seconded by D. Dodd (NM). Motion passed.**
- **Mike Branham (AZ) made a motion to adopt Rule 6-109: Custodial Detention, seconded by Felix Mickens (NJ). Motion passed.**
- **Felix Mickens (NJ) noted that in regards to Rule 6-110 (Sub 3): Transportation, states should not have the right to hold unsafe personal property.**
- **Dawne Gannon (SC) made a motion to add “approved carrier by COD” to Rule 6-110 (Sub 4): Transportation seconded by Billie Greer (IL). Motion passed.**
 - Joe Clifford (RI) noted that if the family is unable to pay for the items, the state will end up with them.
- **Mike Reddish made a motion to add “if available” after “picture ID card” to Rule 6-110 (Sub 5): Transportation, seconded by Billie Greer (IL). Motion passed.**
 - Summer Foxworth (CO) said the state was asking detention centers to issue IDs to juveniles and asked if it would meet TSA standards.
 - Mike Branham (AZ) stated that TSA was about to have new travel regulations.
- **Mike Branham (AZ) made a motion to adopt amended Rule 6-110: Transportation, seconded by Paul Gibson (KY). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 6-111: Airport Supervision, seconded by D. Dodd (NM). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 6-112: Provision of Emergency Services, seconded by Cheryl Sullivan-Colglazier (WA). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 7-101: Adoption of Rules and Amendments, seconded by Terry Clark (PA). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 8-101 (Section 1): Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules, seconded by Mike Lacy (WV). Motion passed.**
- **Mike Branham made a motion to adopt Rule 8-101 (Section 2): Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules, seconded by Mike Lacy (WV). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 8-101 (Section 3): Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules, seconded by P. Pendergast (AL). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 8-102 (Section 1): Formal Resolution of Disputes and Controversies, seconded by Mike Lacy (WV). Motion passed.**

- **Mike Branham (AZ) made a motion to adopt Rule 8-102 (Section 2): Formal Resolution of Disputes and Controversies, seconded by Billie Greer (IL). Motion passed.**
- **Ray Wahl (UT) made a motion to add language that the Commission seek minimum level of penalties to ensure the defaulting state's performance under heading of Rule 8-103 (Section 3): Enforcement Actions Against a Defaulting State, seconded by Cheryl Sullivan-Colglazier (WA). Motion passed.**
 - Rick Masters warned that states could argue that proper actions were not taken.
- **Gary Hartman (WY) made a motion to adopt amended Rule 8-103: Enforcement Actions Against a Defaulting State, seconded by Nancy Allard (SD). Motion passed.**
- **Sharon Harrigfeld (ID) made a motion to amend language in Rule 8-104: Judicial Enforcement to clarify the courts where legal action can be initiated, seconded by S. Morris (OK). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt amended Rule 8-104: Judicial Enforcement, seconded by T. Clark (PA). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 8-105 (Section 1): Dissolution and Withdrawal, seconded by Mike Lacy (WV). Motion passed.**
- **Gary Hartman (WY) made a motion to adopt Rule 8-105 (Section 2): Dissolution and Withdrawal seconded by Pat Pendergast (AL). Motion passed.**
- **Gary Hartman (WY) made a motion to accept Form I: Requisition for a Runaway Juvenile seconded by Mike Lacy (WV). Motion failed.**
 - Billie Greer (IL) asked if the forms can be called by name instead of by form numbers.
- **Summer Foxworth made a motion to continue to use the current Form I: Requisition for a Runaway Juvenile, seconded by Judy Miller (AR). Motion passed.**
- **Ray Wahl made a motion to send the forms back to the Rules Committee for modification, seconded by Summer Foxworth (CO). Motion passed.**
- Chair Bonner (TX) declared that the forms will be sent back to the Rules Committee for further development.
 - It was the consensus that the current ICJ forms would be used this year, changing out the references to the old compact and AJCA to the new compact and the Commission as soon as possible.
- **Mike Branham made a motion that the Rules Committee develop a rule involving subsequent revisions to the forms seconded by Billie Greer (IL). Motion passed.**
- Rick Masters said that the effective date for the rules should be no earlier than January 1, 2010, and staff training should be considered.
- **Gary Hartman (WY) made a motion that rules be adopted January 1, 2010, seconded by Billie Greer (IL).**
 - Summer Foxworth (CO) said that her state would be out of compliance; Cheryl Sullivan-Colglazier (WA) and Sherry Bolden-Rivers (TN) shared her sentiments.

- Susan Morris (OK) made a friendly amendment to move the deadline from the January 1, 2010 to March 1, 2010. Amendment accepted.

Election of Officers (Terry Clark, PA)

Terry Clark (PA) presented the slate of candidates for Officer Elections.

- Chair
 - Donna Bonner (TX) ran uncontested for position of Chair. Donna Bonner (TX) was re-elected Chair and accepted.
- Vice Chair
 - Ray Wahl – UT
 - Tracy Marchand – NC
 - Tracy Marchand took herself off the ballot.
 - Michael Branham – AZ
 - Michael Branham took himself off the ballot.
 - Ray Wahl (UT) was re-elected Vice Chair and accepted.
- Dennis Casarona (KS) ran uncontested for position of Treasurer. Dennis Casarona was re-elected Treasurer and accepted.
- Judge Vehlow of Idaho conducted the Oaths of Office.

Meeting Summary and Next Steps

Old Business

- **Billie Greer (IL) made a motion to accept proposed amendment to Rule 1-101 definition of “designee,” seconded by Paul Gibson (KY). Motion passed.**
- **Summer Foxworth (CO) made a motion to accept proposed amendment to Rule 4-104 (Sub 8): Cooperative Supervision/Services Requirement, seconded by Sherry Jones (MD). Motion passed.**
- **Felix Mickens (NJ) made a motion to amend the ICJ Compliance Policy: Compliance Enforcement – Investigation Process (Draft Policy 2-2009) to include language that a former/current Commissioner from the states involved will not be able to work on the case, seconded by Summer Foxworth (CO). Motion passed.**
- **Mark Boger (ME) made a motion to refer Rule 6-104: Return of Juveniles Whose ICJ Placement Has Failed to the Rules Committee to clarify probable cause hearing requirements, seconded by Cheryl Sullivan-Colglazier (WA). Motion passed.**

New Business

- Cheryl Sullivan-Colglazier (WA) informed the Commission that Washington will not accept a dult parolees from Arkansas due to the fact that four Washington police officers were killed by an Arkansas offender.

- Wendell Kikuchi (HI) said Hawaii does not have statutes that require law enforcement agencies to include warrants.
- Sherry Jones (MD) informed the Commission that Maryland adopted the Adam Walsh Act.
- Chair Bonner allowed for public comment.

Closing Comments - *Ashley Lippert*

- Executive Director Lippert congratulated the Commission on its accomplishments.
- Executive Director Lippert said that possible locations for the 2010 Annual Business Meeting were San Antonio, Phoenix, and Orlando.

Final Adjournment

Mike Lacy (WV) made a motion to adjourn the meeting, seconded by Sherry Jones (MD). The meeting was adjourned.

DRAFT



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

Current RULES



ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

Published by:

Interstate Commission for Juveniles

PO Box 11910

Lexington, KY 40578-1910

Phone: 859-244-8029 / Fax: 859-244-8001

www.juvenilecompact.org

Email: icj@csg.org

Updated: December 3, 2009

Table of Contents

Section 100 Definitions.....	4
<i>RULE 1-101: Definitions</i>	4
Section 200 Dues Formula.....	9
<i>RULE 2-101: Dues Formula</i>	9
Section 300 Forms	10
<i>RULE 3-101: Approved Forms</i>	10
<i>RULE 3-102: Optional Forms</i>	11
Section 400 Transfer of Supervision.....	12
<i>RULE 4-101: Processing Referrals</i>	12
<i>RULE 4-102: Sending and Receiving Referrals</i>	13
<i>RULE 4-103: Transfer of Supervision Procedures</i>	14
<i>RULE 4-104: Cooperative Supervision/Services Requirements</i>	15
<i>RULE 4-105: Communication Requirements Between States</i>	16
<i>RULE 4-106: Closure of Cases</i>	17
<i>RULE 4-107: Victim Notification</i>	18
Section 500 Supervision in Receiving State	19
<i>RULE 5-101: Authority to Accept/Deny Supervision</i>	19
<i>RULE 5-102: Travel Permits</i>	20
Section 600 Return of Juveniles	21
<i>RULE 6-101: Release of Non-delinquent Juveniles To Parent or Legal Guardian</i>	21
<i>RULE 6-102: Voluntary Return of Out-of-State Juveniles</i>	22
<i>RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles</i>	23
<i>RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed</i>	25
<i>RULE 6-105: Financial Responsibility</i>	26
<i>RULE 6-106: Public Safety</i>	27
<i>RULE 6-107: Charges Pending in Holding/Receiving State</i>	28
<i>RULE 6-108: Warrants</i>	29
<i>RULE 6-109: Custodial Detention</i>	30
<i>RULE 6-110: Transportation</i>	31
<i>RULE 6-111: Airport Supervision</i>	32

<i>RULE 6-112: Provision of Emergency Services</i>	33
Section 700 Adoption and Amendment of Rules.....	34
<i>RULE 7-101: Adoption of Rules and Amendments</i>	34
Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution	36
<i>RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules</i>	36
<i>RULE 8-102: Formal Resolution of Disputes and Controversies</i>	38
<i>RULE 8-103: Enforcement Actions Against a Defaulting State</i>	39
<i>RULE 8-104: Judicial Enforcement</i>	41
<i>RULE 8-105: Dissolution and Withdrawal</i>	42
Section 900 Transition Rule.....	43
<i>RULE 9-101: Transition Rule</i>	43

Section 100 Definitions

RULE 1-101: Definitions

As used in these rules, unless the context clearly requires a different construction:

Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense.

Accused Status Offender: a person charged with an offense that would not be a criminal offense if committed by an adult.

Adjudicated: a judicial finding, subsequent to proper judicial process, that a juvenile is a status offender or delinquent.

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

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.

Affidavit: a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

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).

By-laws: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

Commission: a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

Commissioner: the voting representative of each compacting state appointed pursuant to Article III of this Compact.

Commitment: an order by a court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: the individual in each compacting state appointed pursuant to the terms of this Compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Compacting State: any state which has enacted the enabling legislation for this Compact.

Cooperative Supervision: supervision provided by a receiving state as requested by a sending state.

Counsel (Legal): a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this Compact.

Court: any court having jurisdiction over delinquent, neglected, or dependent children.

Court Order: an authorized order by a court of competent jurisdiction.

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.

Defaulting State: any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

Demanding State: the state having jurisdiction over a juvenile seeking the return of the juvenile either with or without pending delinquency charges.

Deputy Compact Administrator: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Designee: a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.

Detainer: a document issued or made by a legally empowered officer of a court or other legal authority authorizing the proper agency to keep in its custody a person named therein.

Detention Order: an order entered by a court to detain a specified juvenile pending further orders or action by the court.

Emancipation: the legal status in which a minor has achieved independence from parents or legal guardians as determined by the laws of the home state.

Escapee: a juvenile who has made an unauthorized flight from a facility or agency's custody to which he has been committed by the court.

Executive Director: the Commission's principal administrator (as defined in the Compact).

Good Faith Effort: reasonable communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

Guardian ad litem: a person appointed by a court to look after the best interest of the juvenile.

Hearing: a court proceeding in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Holding State: the state having physical possession of a juvenile.

Home Evaluation/Investigation: a 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.

Home State: the state where the parent(s), guardian(s), person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Interstate Commission: the Interstate Commission for Juveniles created by Article III of this Compact.

Interstate Compact for Juveniles (ICJ): the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language.

Juvenile: a person defined as a juvenile in any member state or by the rules of the Interstate Commission, including accused juvenile delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, non-offenders, non-adjudicated juveniles, and non-delinquent juveniles.

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature.

Legal Custodian: the agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

Legal Guardian: a person legally responsible for the care and management of the person, or the estate, or both, of a child during minority or for the purpose and duration expressed in the order of guardianship.

Legal Jurisdiction: the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

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.

Non-Compacting state: any state which has not enacted the enabling legislation for this compact.

Non-Delinquent Juvenile: any person who has not been adjudged or adjudicated delinquent.

Non-Offender: a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

Notice: Advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

Peace Officer: sheriffs, deputies, constables, marshals, police officers, and other officers whose duty is to enforce and preserve public safety.

Petition: an application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: the detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: an order authorizing law enforcement officials to apprehend a specified person.

Private Provider: any person or organization contracted by the sending or receiving state to provide supervision and/or services to juveniles.

Probation: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

Promulgate: to put a law or regulation into effect by formal public announcement and publication.

Receiving State: a state to which a juvenile is sent for supervision under provision of the ICJ.

Requisition: a demand in writing or formal request sent to the ICJ Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, escapee, or juvenile charged as delinquent.

Residence: in general, a place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, person or agency entitled to his legal

custody. A parent, guardian, person, or agency's state of residency is where that person or agency resides or undertakes to reside.

Runaway: a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody.

Rule: a written statement by the Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

Secure Facility: a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

Sending State: a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

State Committed (Parole): Any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Status Offense: conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Termination: the discharge from supervision of a juvenile probationer or parolee by the proper authority in the sending state upon expiration of a court order or upon expiration of the period of probation/parole or following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Travel Permit: written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.

Voluntary Return: the return of the juvenile runaway, escapee, absconder, or juvenile charged as a delinquent to his home state and denotes that he consents to return there voluntarily.

Warrant: an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

History: Adopted December 2, 2009, effective March 1, 2010

Section 200 Dues Formula

RULE 2-101: Dues Formula

- (1) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (2) The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
- (3) The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
- (4) The dues formula shall be— (Population of the state / Population of the United States) plus (Number of juveniles sent from and received by a state / total number of offenders sent from and received by all states) divided by two.

History: Adopted December 2, 2009, effective March 1, 2010

Section 300 Forms

RULE 3-101: Approved Forms

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI A& B (Application for Compact Services/Memorandum of Understanding and Waiver)
- ICJ Travel Permit
- ICJ Home Evaluation
- IX (Quarterly Progress Report)
- X (Interstate Compact for Juveniles Commission Annual Report)

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

www.juvenilecompact.org

History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for Runaway Juvenile
- Petition for Requisition to Return Juvenile
- Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent
- Order Setting Hearing for Escapee Absconder, or Juvenile Charged as Delinquent
- Juvenile Rights
- Case Closure

History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim

Section 400 Transfer of Supervision

RULE 4-101: Processing Referrals

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.

No state shall permit the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules.

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 and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) working days of receipt. If standard is not attainable, said ICJ Office shall work with the ICJ Commission to develop a plan of compliance.

Each ICJ Office shall adhere to the following screening process when sending and receiving referrals:

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, in duplicate 45 days prior to the juvenile’s anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide duplicate copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole Conditions shall be forwarded to the receiving state upon the juvenile’s release from an institution.
 - b) Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state, in duplicate, within five (5) working days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, make every effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for cooperative supervision.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-103: Transfer of Supervision Procedures

1. Cooperative 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.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency.
3. When transferring a sex offender, additional documentation, if available, should be provided to the receiving state, including:
 - a. assessment information, including sex offender specific assessments;
 - b. information relevant to the sex offender's criminal sexual behavior;
 - c. victim information including sex, age, and relationship to the juvenile;
 - d. the sending state's current or recommended supervision and treatment plan.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-104: Cooperative 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. 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.
3. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
4. The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority 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.
5. The age majority and duration of supervision are determined by the sending state.
6. In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case. Cases currently under supervision cannot be closed without the consent of the sending state prior to the termination date.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-105: 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. An e-mail copy of the correspondence must be sent to the ICJ Administrator's Office in both states.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of 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 ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. Cases which terminate due to expiration of a court order or upon expiration of the 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) working days.
4. The receiving state may submit to the sending state a request for release 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. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within 60 days, as to why the juvenile cannot be released from probation/parole. Failure by the sending state to respond within 60 days may allow the receiving state to close the ICJ case.
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-107: Victim Notification

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.

History: Adopted December 2, 2009, effective March 1, 2010

Section 500 Supervision in Receiving State

RULE 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or authorized agent's signature is required on or with the home evaluation form that approved or denied 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 placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.
5. When placement of a youth with a person entitled to legal custody is not recommended in the receiving state, the sending state shall review the concerns of the receiving state, including any home study or evaluation conducted by the receiving state within ten (10) calendar days after receipt of the receiving state's recommendation. If the judge or other appropriate authority in the sending state decides to proceed with the placement despite the concerns of the receiving state, the sending state shall submit a Court order or written justification of an authorized official containing the reason(s) for the decision to proceed with the placement before supervision will be accepted in the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) working 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.
7. Juveniles Who Have Legal Custodian(s) Remaining in the Sending State: When the placement of juveniles in receiving states is not successful, the sending state shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with these rules.

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

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. Travel Permits and Agreement to Return shall be issued for the purpose of testing a proposed placement. The permit shall not exceed ninety days (90), with a referral packet to be received by the receiving state's ICJ Office within thirty (30) days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) days.
 - b. When a Travel Permit exceeds thirty (30) days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes 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; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

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

Section 600 Return of Juveniles

The home state's ICJ Office shall return all of its juveniles according to one of the following methods.

RULE 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a non-delinquent juvenile to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detainment without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. Non-delinquent juveniles who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home state.

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

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

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

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

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

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

The following shall apply to all juveniles who refuse to voluntarily be returned to their home state or whose whereabouts are known, but are not in custody:

1. The appropriate person or authority in the home/demanding state shall prepare a written requisition within sixty (60) days of notification of refusal of the juvenile to sign the consent form for the return of a juvenile who has refused to voluntarily return or to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. If the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home state for a requisition.
 - a. The judge in the home state shall determine if:
 - i. the petitioner is entitled to legal custody of the juvenile;
 - ii. the juvenile ran away without consent;
 - iii. the juvenile is an emancipated minor; and
 - iv. it is in the best interest of the juvenile to compel his/her return to the state.
 - b. If it is determined that the juvenile should be returned the judge in the home state shall sign the requisition.
4. The requisition shall be addressed to the juvenile court in the holding state. The requisition shall be verified by affidavit, executed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile. Examples may include:
 - a. Judgment
 - b. Order of Adjudication
 - c. Petition Alleging Delinquency
 - d. Birth Certificate
 - e. Custody Decree
 - f. Letter of guardianship

5. Upon receipt of the requisition, the home state's ICJ Office shall ensure the requisition is in order and forward two copies to the ICJ Office of the holding state.
6. The ICJ Office of the holding state shall forward a copy of the requisition to the court where the juvenile is believed to be located. If not already detained, the court shall order the juvenile be detained and held securely pending a hearing on the requisition.
7. A hearing shall be held within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem for the juvenile. A hearing shall be held and:
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home state.
 - b. If the requisition is not honored, the judge shall issue an order in writing advising why it was not honored.
8. The order to return the juvenile shall immediately be forwarded to the holding state's ICJ Office which shall forward the same to the home state's ICJ Office.
9. Requisitioned juveniles are to be accompanied in their return to the home state unless both ICJ Offices determine otherwise. Juveniles are to be returned within five (5) working days of the receipt of the order by the Demanding State's ICJ Office.
10. The home state's appropriate state authority shall initiate the requisition process upon notification by the ICJ Office when non-delinquent juveniles refuse to voluntarily return and the legal guardian refuses to initiate the requisition process.

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

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed

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 has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirement for this 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 and within five (5) working 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, unless the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state. In such case, 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.

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

RULE 6-105: Financial Responsibility

The home state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) working days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored). This time period may be extended with the approval of both ICJ Offices.

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

RULE 6-106: Public Safety

1. The home 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 states' assessments of the juvenile.
2. Juveniles who are considered a risk to harm themselves and /or others shall be accompanied on the return to the home state.

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

RULE 6-107: Charges Pending in Holding/Receiving State

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

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

RULE 6-108: Warrants

- 1 All warrants under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state. Holding states shall honor all lawful warrants as entered by other states. Within two (2) working days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.
- 2 When the home state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing.

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

RULE 6-109: Custodial Detention

- 1 The home state's ICJ Office shall effect the return of its juveniles within five (5) working days after confirmed notification from the holding state's ICJ Office that due process rights have been met. This time period may be extended with the approval of both ICJ Offices.
- 2 The holding state shall not be reimbursed for detaining juveniles under the provisions of the ICJ unless the home state is non-responsive and uncooperative in its efforts to effect the return of its juveniles within five (5) working days.
- 3 Within ten (10) days after the failure of a home state to return the juvenile, a judicial hearing shall be provided to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of this rule. A juvenile may be discharged from custodial detention to a parent or legal guardian if the holding state has failed to provide such a hearing within the time provided in this rule.

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

RULE 6-110: Transportation

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home state and maintaining security of the juveniles until departure.
2. Home states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding state.
3. Holding 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 states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier by COD or at the expense of the demanding 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 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.

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

RULE 6-111: Airport Supervision

1. All states shall provide supervision and assistance to uncourted juveniles at intermediate airports, in route to the home state.
2. Juveniles shall be supervised from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 48 hours advance notice.

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

RULE 6-112: Provision of Emergency Services

In the event of an emergency situation (e.g. weather, delayed flight, missed flight, etc.) that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

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

Section 700 Adoption and Amendment of Rules

RULE 7-101: Adoption of Rules and Amendments

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

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

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. 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.

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

Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution

The compacting states shall report to the Commission on all issues and activities necessary for the administration of the Compact as well as issues and activities pertaining to compliance with provisions of the Compact and its by-laws and rules.

The Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues, which are subject to the Compact and which may arise among compacting states and between compacting and non-compacting states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact using any or all means set forth in Article XI of the Compact.

RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules

1. Informal Communication

Through the office of a state's Compact Commissioner, states shall attempt to resolve disputes or controversies by communicating with each other directly.

2. Failure to resolve dispute or controversy

- a. Following a documented unsuccessful attempt to resolve controversies or disputes arising under this Compact, its by-laws or its rules as required under Rule 8-101, Section 1., compacting states shall pursue informal dispute resolution processes prior to resorting to formal dispute resolution alternatives.
- b. Parties shall submit a written request to the Executive Director for assistance in resolving the controversy or dispute. The Executive Director, or the Chair of the Commission in the Executive Director's absence, shall provide a written response to the parties within ten business days and may, at the Executive Director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the Executive Director to assist in resolving the dispute or controversy.
- c. In the event that a Commissioner(s) or member(s) of the Executive Committee or other committees authorized to process the dispute, is the Commissioner(s) or designee(s) of the state(s) which is a party(ies) to the dispute, such Commissioner(s) or designee(s) will refrain from participation in the dispute resolution decision making process

3. Interpretation of the rules

Any state may submit a written request to the Executive Director for assistance in interpreting the rules of this Compact. The Executive Director may seek the assistance of legal counsel, the Executive Committee, or both, in interpreting the rules. The Executive Committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the Executive Director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

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

RULE 8-102: Formal Resolution of Disputes and Controversies

1. Alternative dispute resolution

Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 8.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

2. Mediation and arbitration

a. Mediation

- i. A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the Commission or a national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

b. Arbitration

- i. Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- ii. Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission.
- iii. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- iv. Upon the demand of any party to a dispute arising under the Compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- v. The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- vi. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.
- vii. Judgment on any arbitration award may be entered in any court having jurisdiction.

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

RULE 8-103: Enforcement Actions Against a Defaulting State

1. The Commission shall seek the minimum level of penalties necessary to ensure the defaulting state's performance of such obligations or responsibilities as imposed upon it by this compact
2. If the Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Commission may impose any or all of the following penalties.
 - a. Remedial training and technical assistance as directed by the Commission;
 - b. Alternative dispute resolution;
 - c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Commission;
 - d. Suspension and/or termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted, and the Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council.
3. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Commission by-laws, or duly promulgated rules, and any other grounds designating on Commission by-laws and rules. The Commission shall immediately notify the defaulting state in writing of the default and the time period in which the defaulting state must cure said default. The Commission shall also specify a potential penalty to be imposed on the defaulting state pending a failure to cure the default. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.
4. Within sixty (60) days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.
5. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

6. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
7. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

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

RULE 8-104: Judicial Enforcement

The Commission, in consultation with legal counsel, may by majority vote of the states that are members of the Compact, initiate legal action in the United States District Court in the District of Columbia or at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its office, as authorized under the Constitution and laws of the United States to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

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

RULE 8-105: Dissolution and Withdrawal

1. Dissolution

The Compact dissolves effective upon the date of the withdrawal or default of a compacting state, which reduces membership in the Compact to one compacting state.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

2. Withdrawal

Once effective the Compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the Compact by specifically repealing the statute, which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

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

Section 900 Transition Rule

RULE 9-101: Transition Rule

For a period of twelve (12) months from the adjournment of the 2nd Annual Meeting of the Interstate Commission for Juveniles, the following transition rules will remain in effect with respect to those jurisdictions which have not yet enacted the new Interstate Compact for Juveniles:

1. Transactions between signatory states to the new Compact will be governed by the rules adopted by the Interstate Commission for Juveniles;
2. Transactions between non-signatory states to the new Compact will be governed by the rules of the Association of Juvenile Compact Administrators which were in effect as of December 2008;
3. Transactions between signatory and non-signatory states will be governed by the rules of the home/demanding state;
4. All duties and obligations regarding investigations, transfers, supervision, travel, and return of non-delinquent runaways, absconders, escapees and juveniles charged with delinquency shall continue until the juvenile is returned or discharged by the sending/home/demanding state;
5. Conflicts or disputes between signatory and non-signatory states may be mediated by a neutral representative selected by the Interstate Commission for Juveniles and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.

History: Adopted December 2, 2009, effective March 1, 2010



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

Current FORMS



INTERSTATE COMPACT FOR JUVENILES

FORM I

REQUISITION FOR RUNAWAY JUVENILE

FORM I

TO: _____ DATE: _____
(Court or Executive Authority in Holding State)

FROM: _____
(Requisitioning Court or Agency in Demanding State)

This court hereby requisitions the return of _____ in accordance with the provisions
(Name of Juvenile)

of the Interstate Compact on Juveniles. (Additional information to be attached if available.) On the basis of the evidence before it, this court finds said juvenile to be _____ years of age and to be of the following description:

Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eyes: _____ Hair: _____ DOB: _____

Other distinguishing features: _____

Juvenile is believed to be in your jurisdiction at: _____
(Address)

This court further finds said juvenile should legally be in the custody of _____ who
is/are _____ and who is/are located at _____
(Parent, Guardian or Agency) (Address)

within the territorial jurisdiction of this court; that said juvenile has run away; and that said juvenile's continued absence from legal custody and control is detrimental to the best interest of said juvenile and the public.

If Requisition is honored, please notify: _____
(Name, title, address, telephone #)

advising when juvenile will be available for transporting to the state of jurisdiction.

Signed: _____ (Judge) _____ (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM II

- REQUISITION FOR ESCAPEE OR ABSCONDER
- REQUISITION FOR JUVENILE CHARGED WITH BEING DELINQUENT

FORM II

TO: _____ DATE: _____
(Appropriate Court or Executive Authority)

FROM: _____
(Name of Court or Agency)

I, _____ requisition the return of _____
born on _____ in accordance with the Interstate Compact for Juveniles, ICJ Rules Section 600, Return of Juveniles.

Said juvenile (check appropriate item):
 was paroled to the custody of _____
 was placed on probation subject to the supervision of _____
 was committed to _____ (institution or agency)

OR
 has fled to avoid prosecution and, despite applicable provisions of law, has:
 escaped absconded fled
and is now believed to be in your jurisdiction at _____.
Juvenile's physical description: Ht: _____ Wt: _____ Eyes: _____ Hair: _____ Race/Sex: _____

Identifying marks or scars: _____

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

1. Particulars of adjudication or allegations of delinquency: _____

2. Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: _____

Accordingly, the undersigned hereby prays for the return of said juvenile as authorized by the Interstate Compact for Juveniles.
If Requisition is honored, please notify: _____
(Name, title, address, telephone no.)

Signed: _____ (Judge or Compact Official) _____ (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

(Signature of Requisitioner)

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____, _____.

NOTARY PUBLIC
Residing at: _____
My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

FORM III

CONSENT FOR VOLUNTARY RETURN BY RUNAWAY, ESCAPEE OR ABSCONDER OR JUVENILE CHARGED AS DELINQUENT

FORM III

I, _____, recognize that I legally belong with
(Juvenile's Name)

_____ in _____
(Name of Legal Guardian/Custodian or agency seeking return) (City/State)

and I voluntarily consent to return there without further formality, either by myself or in the company of such person as the appropriate authority may appoint for that purpose.

_____ (Date) _____ (Juvenile's Signature)

I, _____, Judge of _____
(Judge's Name) (Court or Jurisdiction)

having informed the juvenile named above of his her rights under the Interstate Compact for Juveniles prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ in _____
(Legal Guardian/Custodian or agency seeking return) (Contact name & phone number) (City/State)

is appropriate and in the best interest of said juvenile, and do so order such return as provided below (fill in or check appropriate item):

Unaccompanied **OR** Accompanied by: _____

_____ (Date) _____ (Judge's Signature)

=====

TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED:

I, _____ being the Counsel Guardian *Ad Litem* of _____
(Name of Juvenile)

recognize and agree that said juvenile should return to _____ in _____
(Legal Guardian or Custodian or agency seeking return) (City/State)

either unaccompanied or in the company of such person as the appropriate authority may appoint. I hereby consent to such return.

_____ (Date) _____ (Signed - Counsel or Guardian Ad Litem)

(Form will be certified or authenticated in accordance with practice of the court.)

Original: Court file; 1 copy each: Juvenile, Holding State's Compact Administrator, Home/Demanding State's Compact Administrator, Local Court in Demanding State.

=====

DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE, & CONTACT INFORMATION

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____

Hair color and style: _____

Tattoos, scars, identifying marks: _____

Clothing (including shoes): _____

Home/Demanding State's contact name and phone #: _____



INTERSTATE COMPACT FOR JUVENILES

FORM IV

PAROLE OR PROBATION INVESTIGATION REQUEST

FORM IV

DATE: _____

TO: _____
(Receiving State)

FROM: _____
(Sending State)

Name of Juvenile: _____ DOB: _____ Race: _____ Sex: _____

Status: Parole Probation Sending State File # _____

To reside with: **OR** Is residing with: _____
(Name)

Relationship: _____ Telephone: _____

Address: _____ City/State: _____ Zip: _____

Reason for Adjudication/Commitment: _____

Date of Adjudication: _____ Date of Commitment: _____

Minimum Parole/Probation Period: _____ Maximum Parole/Probation Period: _____

Anticipated Placement Date: _____ Present Location: _____

We desire to transfer this juvenile on parole probation to your state:

Because his/her parent/legal guardian resides in your state.

For the following reasons, with your consent:

Other Comments:

THE FOLLOWING MATERIALS ARE ENCLOSED:

- Cover letter
- IA/VI Application for Compact Services and Memorandum of Understanding and Waiver
- Petition(s)
- Order of Adjudication and Disposition
- Legal and Social History
- Parole/Probation Conditions (Agreement)
- School Transcript/Records
- Immunization Records
- Any other Pertinent Information

FOR ICJ USE ONLY

Signed: _____
(Compact Official/Designee)

Title: _____

Referred by: _____
(Name – Please Print)

Referring Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM IV

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE, AND IDENTICAL PACKETS FOR FORWARDING.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Status of juvenile: parole, probation or other; if other, please explain in space provided.

Sending state file #: the case number given in your office to the juvenile's file or case.

To reside with/is residing with: check one and insert name of person(s) with whom juvenile will reside or does reside in the receiving state. Complete information regarding full address including phone number with area code, and relationship to the juvenile.

Reason for adjudication/commitment: fill in adjudication or pending offenses for which juvenile is to be supervised.

Date of adjudication: insert date of court-ordered supervision of the juvenile.

Date of commitment: insert date of court-ordered commitment of the juvenile.

Minimum parole/probation period: earliest date juvenile could be released from supervision.

Maximum parole/probation period: latest date juvenile could be released from supervision.

Anticipated placement date: approximate date juvenile is anticipated to arrive in this proposed home.

Present location: insert current location of juvenile (at the time this request for supervision is being transmitted to the ICJ office).

(Why) we desire to transfer this juvenile...: if the juvenile's parent or legal guardian resides in the state, check the appropriate box; if the juvenile will be living with someone other than parent or legal guardian, complete the "for the following reasons" section.

Check the appropriate boxes as to the enclosures that are being submitted with the referral packet. All applications should have a cover letter. Include at the very minimum: ICJ Forms IV and IA/VI, Petition/s, Order/s of Adjudication and Disposition, and Parole/Probation Conditions (Agreement). If a social history is available, it must be included as well. All other items are helpful to the successful investigation and supervision of this case by the proposed new state of residency.

Referred by: Printed name of caseworker or officer making this request for supervision.

Referring Agency: Print name of requester's agency.



INTERSTATE COMPACT FOR JUVENILES

FORM V

REPORT OF SENDING STATE UPON PAROLEE OR PROBATIONER BEING SENT TO THE RECEIVING STATE

FORM V

TO: _____ DATE: _____
(Receiving State)

FROM: _____
(Sending State) (County)

RE: _____
(Name of Juvenile) (Date of Birth) (Race) (Sex)

The above-named juvenile will depart **OR** has departed from sending state by _____
(Mode of Transportation)

on _____ and was instructed to report in person by telephone **OR** by letter, within 48 hours of
(Date)
arrival in the receiving state to:

Name: _____ Telephone: _____

Address: _____
(Street Address) (City) (State) (Zip)

Enclosed please find: (please check applicable items)

Parole or probation sanctions

Other material as follows:

Please acknowledge receipt of this form and send arrival report as soon as possible.

Signed: _____

Title: _____

Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM V

PLEASE TYPE OR PRINT LEGIBLY.

When to complete this form: This form is to be completed on all transfer of supervision cases. In the case of a juvenile probationer departing to the receiving state prior to the referral materials being sent to the receiving state's ICJ Office and the case is, therefore, unknown to the receiving state, the juvenile must be instructed to continue reporting to the sending state's probation officer. The "Out-of-State Travel Permit and Agreement to Return" form is used as a supplement to the Form V. It is the responsibility of the supervising probation officer to ensure that the juvenile receives a copy of the Travel Permit and that s/he is instructed to carry it on his/her person at all times until supervision is picked up in the receiving state in (10) working days after the date the verbal approval was granted.

Rule 4-103.1: Cooperative 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.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; state requesting cooperative supervision services.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Check the appropriate box: "plans to depart" OR "has departed" sending state; insert mode of transportation; insert date of departure; check one: "in person" OR "by telephone" OR "by letter."

Complete reporting instructions as indicated on receiving state's report.

Check as applicable any enclosures.

Signed: The form is to be signed by the sending state's case worker or parole/probation officer; insert title and agency of signer as requested.



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

FORM IA/VI

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____
(Receiving State)

FROM: _____
(Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on parole probation in _____
(Receiving State)

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of parole probation and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

1. That I will make my home with _____
(Name, Relationship, and Address)
until a change of residence is duly authorized by the proper authorities of the receiving state.
2. That I will obey and live up to the terms and conditions of parole probation as fixed by both the sending and receiving states.
3. That I will return at any time to the sending state if asked to do so by the parole probation authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state.

I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date)

(Witness' Signature) (Date)

I, in my capacity as parent guardian of _____
(Juvenile's Name)

do approve and subscribe to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which he she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Parent's or Guardian's Signature) (Date)

(Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile and parent or guardian to allow the said juvenile to reside in and be supervised by the State of _____
(Receiving State)

(Date)

SIGNED: (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)



INSTRUCTIONS FOR COMPLETING ICJ FORM IA/VI

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE AND IDENTICAL PACKETS FOR FORWARDING.

Form IA – Application for Compact Services

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

“I...” (blank): print juvenile's name here.

“In view of the above...”: Check either “parole” or “probation” and fill in the name of the receiving state.

Form VI – Memorandum of Understanding and Waiver

“I...” (blank): insert juvenile's name, check “parole” or “probation,” fill in the name of the state under whose jurisdiction the juvenile is placed, and the name of the state in which the juvenile is residing or will reside.

“1”: insert name, relationship, and address of home offer wherein juvenile is residing or will reside.

“2”: check either “parole” or “probation.”

“3”: check either “parole” or “probation;” Juvenile must sign and date; Witness must sign and date.

“I, in my capacity...”: check appropriate relationship box; insert name of juvenile in blank; parent or guardian in the receiving state must sign and date; witness must sign and date.

“Permission is hereby granted...”: insert name of state in which juvenile will reside and be supervised.

“Signature”: If the juvenile is on probation, the sending state's JUDGE or court designee signs here. If the juvenile is on parole, the sending state's Interstate Compact for Juveniles official or designee signs here.



PETITION FOR HEARING ON REQUISITION FOR RUNAWAY JUVENILE

NO. _____
STATE OF _____ § COURT OF _____
COUNTY OF _____ §
IN THE MATTER OF _____ §
D.O.B. _____ §

PETITION FOR HEARING ON REQUISITION FOR RUNAWAY JUVENILE

TO THE HONORABLE _____ :
NOW COMES the State of _____ by and through the Compact Administrator
(holding state)
and moves this Court to set a hearing and enter an order for the apprehension and confinement of
_____ pending his/her transfer to _____ pursuant to
(name of juvenile) (home state)
Interstate Compact for Juveniles ("ICJ"), and the _____, and would show as
(holding state's statute)
follows:

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of
_____ to _____ pursuant to the Interstate Compact
(name of juvenile) (home state)
for Juveniles ("ICJ"), the _____, and Rule § _____ Chapter _____
(holding state's statute)
of the Administrative Code, _____ if applicable. The State by this Petition seeks the entry
(holding state's administrative code)
of a Court Order finding in favor of the Requisition for Runaway Juvenile filed by the State of
_____ under the ICJ.
(home state)

Venue is proper in this Court because the juvenile, _____ : check one) 1. has
(name of juvenile)
been found/located in _____ County/Parish with his/her _____,
(relationship)
_____ or 2. has been picked up for his/her own protection and welfare and
(name)
is being held in secure detention in this county/parish pending receipt of this requisition from

(home state)

II.

SERVICE OF PROCESS

Defendant _____, a minor, can be served with citation by advising juvenile _____ and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

Both _____ and _____ have adopted the Interstate Compact on Juveniles ("ICJ"). See _____, and _____.

In the instant case, _____, a juvenile, was not given permission by his/her custodial parent/legal guardian to leave home. This Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from _____, is "in order." In the instant case, the legality of _____ request for the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of the juvenile, _____.

Respectfully submitted,

(Signature)

(Name)

(Title)



INTERSTATE COMPACT FOR JUVENILES

ORDER SETTING HEARING FOR THE REQUISITION FOR A RUNAWAY JUVENILE

NO. _____

STATE OF _____ § COURT OF _____
 COUNTY OF _____ §
 IN THE MATTER OF _____ §
 _____ §
 D.O.B. _____ §

ORDER SETTING HEARING

On this ____ day of _____, 20__, came on to be considered the State of _____ Requisition For Runaway Juvenile under the Interstate Compact (home state's) for Juveniles, and the Court is of the opinion that the same should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ (home state's) Requisition For Runaway Juvenile is set for hearing on the ____ day of _____, 20__ at _____ .M.

Signed this the ____ day of _____, 20__.

 (Judge's Signature)
 Honorable _____
 JUDGE OF _____
 (court)

cc: ICJ Office



INTERSTATE COMPACT FOR JUVENILES

FORM A

PETITION FOR REQUISITION TO RETURN A RUNAWAY JUVENILE

I, _____, being the _____
(Name of Parent or Guardian) (Relationship)

of _____ born on _____,
(Name of Juvenile) (Date of Birth) (Race/Sex)

do hereby petition _____ for the issuance of a requisition for the return of said
(Name of Court)
juvenile from _____ or any other place in which he/she may be found.
(Location of juvenile, if known)

By reason of said juvenile's age, such return is essential. (Attach additional information if necessary.) In support of this petition and in order that the court may have necessary information pursuant to Article IV of the Interstate Compact for Juveniles, be it known that said juvenile should legally be in my custody and control for the reasons set forth on the attached document(s). To the best of my knowledge, said juvenile has not been adjudicated delinquent, but has run away under the following circumstances and/or for the following reasons:

Attached hereto and in support hereof, I offer the following:

I have read the foregoing Petition and the contents of said Petition are true and correct to the best of my knowledge.

Signed: _____
(Parent or Guardian) (Date)

Address: _____

(It is essential that the above petition be "verified by affidavit" and that certain things be done in accordance with the provisions of Article IV of the Compact, which should be reviewed before preparing this form.)

AFFIDAVIT OF VERIFICATION

On this _____ day of _____, _____, personally appeared before me _____,
proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and
acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____

NOTARY PUBLIC

Residing at: _____

My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____

COUNTY OF _____ §

IN THE MATTER OF _____ §

D.O.B. _____ §

PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

TO THE HONORABLE _____ :

NOW COMES the State of _____ by and through the Compact Administrator
(holding/asylum state)

and moves this Court to set a hearing and enter an order for the apprehension and confinement of

_____ pending his/her transfer to _____ pursuant to
(name of juvenile) (home/demanding state)

the Interstate Compact for Juveniles ("ICJ"), and the

_____ and would show as follows:
(holding/asylum state's statute)

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of

_____ to _____ pursuant to the
(name of juvenile) (home/demanding state)

of the Interstate Compact for Juveniles ("ICJ"), the _____ and Rule § _____,
(holding/asylum state's statute)

Chapter _____ of the _____ Administrative Code, if applicable.
(holding/asylum state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee, Absconder or Juvenile Charged as Delinquent filed by the State of _____ under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, _____ : _____ (check one) 1. has been
(name of juvenile)
found/located in _____ County/Parish with his/her _____
(relationship)

or 2. is being held in secure detention in this county/parish pending receipt of this requisition from

(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant _____, _____ a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of _____ acting through the Compact Administrator,¹ and arises out of the prescriptions of the Interstate Compact for Juveniles, ("ICJ"), which requires the Court to enter an Order to apprehend and later surrender

_____ in _____ to local representatives of the ICJ

(name of juvenile)

(holding city, state)

Office in

_____ (home/demanding state).

This action originated in _____ when (add particulars as necessary):

(home/ demanding state)

On _____, _____ a Warrant of Apprehension was issued by the (check one) court or

(date)

agency in _____ Since _____ was: (check one) 1. now

(home/demanding state)

(name of juvenile)

residing in _____ 2. was found/located in this jurisdiction, a

(asylum city/state)

Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under

the ICJ, was issued by the _____ authorities, seeking the

(home/demanding state)

return of _____ to serve out the terms of his/her (check one) probation,

(name of juvenile)

parole, commitment, or to have a hearing regarding the pending charges.

¹The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both _____ and _____ have adopted the Interstate Compact for
(holding/asylum state) (home/demanding state)
Juveniles ("ICJ"). See _____ ; _____ and _____
(holding/asylum state's statute) (home/demanding state's statute)

Under the authority of the ICJ, a state from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped...shall present to the appropriate court ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate person directing him to take into custody and detain such delinquent juvenile...If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Under the ICJ, all provisions and procedures of Article I of the ICJ shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law...Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state where the juvenile may be found...A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed...The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition...The requisition shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, _____, _____ a juvenile: (check one) was not given permission to
(name of juvenile)
leave _____ by his/her (check one) probation, parole officer, or agency, or is
(home/demanding state)
alleged to have committed a criminal act in the State of _____ and fled the state. This
(home/demanding state)
Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

_____ is "in order". In the instant case, the legality of _____ request for
(home/demanding state) (home/demanding state's)
the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of

the juvenile-without regard to the wishes of the managing conservator or any parent of the juvenile.

Respectfully submitted,

(Signature)

(Name)

(Title)



INTERSTATE COMPACT FOR JUVENILES

ORDER SETTING HEARING FOR REQUISITION FOR ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT

NO. _____

STATE OF _____ § COURT OF _____
 COUNTY OF _____ §
 IN THE MATTER OF _____ §
 D.O.B. _____ §

ORDER SETTING HEARING

On this ____ day of _____, 20__, came on to be considered the State of _____
(home/demanding state's) Requisition For Escapee, Absconder or Juvenile Charged as
 Delinquent under the Interstate Compact for Juveniles, and the Court is of the opinion that the
 same should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ Requisition For
(home/demanding state's)
 Escapee, Absconder or Juvenile Charged as Delinquent is set for hearing on the ____ day
 of _____, 20__ at _____ .M.

Signed this the ____ day of _____, 20__.

 (Judge's Signature)

Honorable _____
 JUDGE OF _____

 (court)

cc: ICJ Office



STATE OF _____

COUNTY OF _____

IN THE INTEREST OF _____

JUVENILE DIVISION

DOB: _____

SEX: _____ RACE: _____

**INTERSTATE COMPACT FOR JUVENILES
RIGHTS FOR VOLUNTARY RETURN OF RUNAWAY, ABSCONDER,
ESCAPEE, OR JUVENILE BEING CHARGED AS DELINQUENT**

1. Based on reasonable information, you have been taken into protective custody as a runaway from the State of _____ and the State of _____ has requested your return.
2. You have the right to legal counsel/guardian ad litem.
3. Should you desire to have legal counsel and cannot afford to retain legal counsel, this court will appoint legal counsel for you free of charge.
4. You have the right to have a court hearing to determine whether sufficient cause exists to hold you until such time that a requisition or official request for your return has been received from the State of _____, the demanding state.
5. Should this Court find sufficient cause to hold you pending receipt of this requisition, you can be held for a period of time not to exceed 90 days.
6. Upon receipt of the requisition, you have the right to a court hearing to determine whether the requisition is in order.
7. **You have the right to waive or give up the above described rights and to voluntarily Consent to return to the State of _____ .**
8. If there are pending charges in the demanding state, that voluntary consent to return is made Without reference to guilt or innocence and is not in any way prejudicial to your case and is not an admission of guilt of any crimes.

The above named juvenile has been advised of his/her rights existing under the Interstate Compact for Juveniles as of this date and time.

ENTERED: _____

(Signature of Judge)



INTERSTATE COMPACT FOR JUVENILES CASE CLOSURE FORM

Date: _____

To: _____

From: _____

(Name of Juvenile)

(Date of Birth)

Probation Parole
(check one)

*According to ICJ Rule 4-106. Please close the above referenced case due to:

- Case has expired. **According to ICJ Rule 4-106
- Early Release from Supervision either satisfactory or unsatisfactory
- Unable to locate youth.
- Youth has absconded/escaped.
- Youth has moved or returned to another state.
- Youth has been revoked.
- Youth has been adjudicated and is currently in custody.
- Other, please specify:

**Please note that the sending state has sole authority to discharge/terminate its juveniles.*

***Cases which terminate due to expiration of a court order or upon expiration of the period of parole 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.*

Optional Form



INTERSTATE COMPACT FOR JUVENILES

HOME REPORT

HOME EVALUATION REPORT

Sending State: _____ Receiving State: _____

Juvenile's Name: _____ DOB: _____ Case # _____

Placement recommended Placement not recommended Currently in placement

PROPOSED PLACEMENT INVESTIGATED:

Name: _____ Relationship: _____

Address: _____

Home Phone #: _____ Work Phone #: _____

HOME/NEIGHBORHOOD/PEERS (physical description, criminal/gang activity, etc.):

FAMILY STATUS (composition, interactions, at-risk family members, attitude, support capabilities, etc.):

FAMILY EMPLOYMENT/FINANCIAL RESOURCES (If proposed placement resource works, who will supervise the juvenile):

LEGAL HISTORY OF FAMILY (current charges, probation or parole status):

PROPOSED PLAN (school/employment, court-ordered conditions, treatment needs):

OTHER COMMENTS (recommendations, questions, concerns):

REPORTING INSTRUCTIONS:

Name: _____

Agency: _____

Address: _____

Telephone # _____

(Investigating worker – printed name)

(Supervisor – printed name)

(Investigating worker - signature)

(Date)

(Supervisor - signature)

(Date)

For ICJ Official use only:

Placement approved

Placement denied

(Date)

(Compact Official signature)



INTERSTATE COMPACT FOR JUVENILES

**PROGRESS
REPORT**

FORM IX - QUARTERLY PROGRESS REPORT

Sending State: _____ Receiving State: _____

Case # _____ Case # _____

Juvenile's Name: _____ DOB: _____

Address: _____
(Street address) (City) (State) (Zip)

Phone # _____ Supervision Level: _____ Exp. Date: _____

Progress Topic	Excellent	Good	Fair	Poor	N/A
Adjustment in the home	<input type="checkbox"/>				
School/Education performance	<input type="checkbox"/>				
Compliance with orders	<input type="checkbox"/>				
Family and peer relationships	<input type="checkbox"/>				
Employment performance	<input type="checkbox"/>				
Treatment/Counseling	<input type="checkbox"/>				
General attitude	<input type="checkbox"/>				

SUMMARY OF PROGRESS SINCE LAST REPORT:

COURT APPEARANCES? YES NO If YES, provide certified court documents and a brief explanation of the current legal situation.

RECOMMENDATION: Continue Supervision Request Discharge Request Revocation

(Juvenile Worker) (Date)

(Supervisor) (Date)

(Compact Administrator/Official) (Date)



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

BY-LAWS



INTERSTATE COMMISSION FOR JUVENILES

By-laws

Article I

Commission Purpose, Function and By-laws

Section 1. Purpose.

Pursuant to the terms of the Interstate Compact for Juveniles, (the “Compact”), the Interstate Commission for Juveniles (the “Commission”) is established as a body corporate to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims and the public by governing the compacting states’ transfer of supervision of juveniles, temporary travel of defined offenders and return of juveniles who have absconded, escaped, fled to avoid prosecution or run away.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact. The provisions of the Compact shall be reasonably and liberally construed to accomplish the purposes and policies of the Compact.

Section 3. By-laws.

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Article II Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

Article III Membership

Section 1. Commissioners

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Juvenile Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Section 2. Ex-Officio Members

The Commission Membership shall also include individuals who are not commissioners, and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. In addition, representatives of the National Institute of Corrections and the Office of Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Commission.

Article IV Officers

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are

elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, whom may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Section 4. Vacancies

Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.

Article V Commission Personnel

Section 1. Commission Staff and Offices.

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission's financial account(s);
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article IV herein.

Article VI
Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense.

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VII
Meetings of the Commission

Section 1. Meetings and Notice.

History: Adopted December 16, 2008; amended December 1, 2009

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote on such member's own behalf and shall not delegate such vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

Article VIII Committees

History: Adopted December 16, 2008; amended December 1, 2009

Section 1. Executive Committee.

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons of each committee, the regional representatives, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of one year. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, Information Technology Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Section 3. Regional Representatives.

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected every two years by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments.

Article IX Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

History: Adopted December 16, 2008; amended December 1, 2009

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: i) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules, and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

Article X Withdrawal, Default, and Termination

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

Article XI Adoption and Amendment of By-laws

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

Article XII Dissolution of the Compact

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

STATUTE

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact; (J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance; (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It

is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- A. "By –laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.
- B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- C. "Compacting State" means: any state which has enacted the enabling legislation for this compact.
- D. "Commissioner" means: the voting representative of each compacting state appointed pursuant to Article III of this compact.
- E. "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.
- F. "Deputy Compact Administrator" means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- G. "Interstate Commission" means: the Interstate Commission for Juveniles created by Article III of this compact.
- H. "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:
 - (1) Accused Delinquent – a person charged with an offense that, if committed by an adult, would be a criminal offense;
 - (2) Adjudicated Delinquent – a person found to have committed an offense that, if committed by an adult, would be a criminal offense;
 - (3) Accused Status Offender – a person charged with an offense that would not be a criminal offense if committed by an adult;

- (4) Adjudicated Status Offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and
- (5) Non-Offender – a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.
- I. “Non-Compacting state” means: any state which has not enacted the enabling legislation for this compact.
- J. "Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.
- K. “Rule” means: a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.
- L. “State” means: a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

- A. The compacting states hereby create the “Interstate Commission for Juveniles.” The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
- B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.
- C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members.

The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

- D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.
- E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.
- F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.
- G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.
- H. The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
- I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:
 - 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
 - 2. Disclose matters specifically exempted from disclosure by statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 4. Involve accusing any person of a crime, or formally censuring any person;
 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 6. Disclose investigative records compiled for law enforcement purposes;
 7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
 8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.
- J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.
- K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.
2. To promulgate rules to effect the purposes and obligations as enumerated in this Compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules promulgated by the Interstate Commission.
4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.
5. To establish and maintain offices which shall be located within one or more of the compacting states.
6. To purchase and maintain insurance and bonds.
7. To borrow, accept, hire or contract for services of personnel.
8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.
14. To sue and be sued.
15. To adopt a seal and by-laws governing the management and operation of the Interstate Commission.
16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.
19. To establish uniform standards of the reporting, collecting and exchanging of data.

20. The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

ARTICLE V
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

1. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
 - a. Establishing the fiscal year of the Interstate Commission;
 - b. Establishing an executive committee and such other committees as may be necessary;
 - c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;
 - d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;
 - e. Establishing the titles and responsibilities of the officers of the Interstate Commission;
 - f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.
 - g. Providing "start-up" rules for initial administration of the compact; and
 - h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.
2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to

the Interstate Commission, but shall not be a Member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.
- B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.
- C. When promulgating a rule, the Interstate Commission shall, at a minimum:
 - 1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule;
 - 2. Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;
 - 3. Provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and
 - 4. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.
- D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.
- E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.
- F. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.
- G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided

that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII
OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE
COMMISSION

Section A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.
2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE

- A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
- B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.
- C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X
COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

- A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.
- B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.
- C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI
WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

- 1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.
- 2. The effective date of withdrawal is the effective date of the repeal.
- 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.
- 4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.
- 5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission

Section B. Technical Assistance, Fines, Suspension, Termination and Default

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:
 - a. Remedial training and technical assistance as directed by the Interstate Commission;
 - b. Alternative Dispute Resolution;
 - c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
 - d. Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the by-laws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.
2. Within sixty days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.
3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

Section D. Dissolution of Compact

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.
2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.
2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.
3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.
4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

RULE AMENDMENTS

Proposed by East Region

Rule 1-101: Definitions

Deferred Adjudication: a court decision 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:

Absent definition or acknowledgement is the term “deferred adjudication”, which includes a significant number of juvenile cases potentially eligible for transfer. This definition answers the questions: Are deferred adjudications eligible for transfer and are deferred adjudications required to be transferred under the ICJ?

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

Rule 1-101: Definitions

Probation/Parole: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

Justification:

Change makes definition title consistent with the definition title provided in the Compact.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

State committed definition.

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 1-101: Definitions

Relocate: when a juvenile remains in another state for more than 90 consecutive days in any 12 month period.

Justification:

New definition assists in clarifying amendment proposed to Rule 4-101.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by the Probable Cause Ad Hoc Committee

Rule 1-101: Definitions

Retaking: the act of a sending state physically removing a juvenile, or causing to have a juvenile removed, from a receiving state.

Justification:

Provides clarification to rules where term is used.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

Rule 1-101: Definitions

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

Justification:

New definition assists in uniformly applying the term.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 1-101: Definitions

Substantial Compliance: a juvenile who is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state, and whose transferred status shall not violate the statutes, laws or local ordinances of a receiving state.

Justification:

New definition assists in clarifying amendment proposed to Rule 5-101. Since this is not a defined term, it may not be uniformly applied.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 1-101: Definitions

Victim Sensitive: a designation made by the sending state in accordance with its definition of “crime victim” under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of the juvenile’s movement to the sending state as specified under Rule 4.107.

Justification:

New definition assists in clarifying amendment proposed to Rule 4-107.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

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 31st.
2. Runaways, escapees, absconders and juveniles charged as delinquent:
 - a. The total number of runaways, escapees, absconders and juveniles charged as delinquent 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.
8. This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

Justification:

Article III (K) of the compact language directs the commission to collect standardized data concerning the interstate movement of juveniles through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. The development of this rule satisfies the requirements set forth in the compact and replicates the data collected under the Association of Juvenile Compact Administrators.

Effect on other rules:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Technology Committee

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 by the fifteenth day after each quarter the following:
 - a. Runaways, escapees and absconders:
 - a. The total number of runaways, escapees and absconders from their state returned during the reporting period.
 - b. The total number of runaways, escapees and absconders from other states returned 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 during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing parole cases sent 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.
5. Probation Supervision:
 - a. The total number of incoming probation cases received during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing probation cases sent 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.
6. This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

Justification:

Article III (K) of the compact language directs the commission to collect standardized data concerning the interstate movement of juveniles through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. The development of this rule satisfies the requirements set forth in the compact. Directing states to report quarterly affords member states time to gather the required information as well as provides statistical information on a regular basis.

Effect on other rules:

None

Rules Committee Action:

Rules Committee does not recommend for adoption. Does not agree with quarterly collection of data and would like to include the number of requisitions received and sent.

Effective Date:

January 1, 2011

Proposed by Rules Committee (Referred by Commission at 2009 Annual Meeting)

RULE 3-101: Approved Forms

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI ~~A&B~~ (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form VII ~~ICJ~~ (Travel Permit)
- Form VIII ~~ICJ~~ (Home Evaluation)
- Form IX (Quarterly Progress or Violation Report)
- ~~X (Interstate Compact for Juveniles Commission Annual Report)~~

Applications prepared on other than officially approved forms may be returned for revision.

Official forms may be found at:

www.juvenilecompact.org

Justification:

Eliminated annual report form to allow for electronic reporting through survey software. Home Evaluation and Quarterly Progress Report made mandatory for consistency. Form numbers added for consistency.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee (Referred by Commission at 2009 Annual Meeting)

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for Runaway Juvenile
- Petition for Requisition to Return Juvenile **(Form A)**
- Petition for Hearing on Requisition for Escaper, Absconder, or Juvenile Charged as Delinquent
- Order Setting Hearing for Escaper Absconder, or Juvenile Charged as Delinquent
- Juvenile Rights
- Case Closure Notification

Justification:

Change to Case Closure title is consistent with changes to the form. Included clarifying title information for Petition for Requisition to Return Juvenile.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee (Referred by Commission at 2009 Annual Meeting)

RULE 3-103: Form Modifications or Revisions

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

Justification:

The Commission approved a new rule governing the revisions to Commission Forms at the 2009 Annual Meeting. This Rule is consistent with Rule 7-101.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

Rule 4-101: Processing Referrals

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 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. Terms of eligibility are defined as:
 - a. a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - b. who has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request.
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 and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

Justification:

The amended language provides supporting eligibility criteria.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 4-101: Processing Referrals

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 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, as defined in Rule 1-101, who is eligible for transfer of supervision to a receiving state under the compact. Terms of eligibility are defined as:
 - a. a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - b. who has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
 - c. is in substantial compliance with the terms of supervision in the sending state and receiving state.
 - d. a verifiable means of dependent, or co-dependent, or independent support.
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 and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

Justification:

What makes a juvenile "eligible" for transfer? What if a Court/Judge decides s/he will not make a juvenile "eligible" for transfer? The amended language to this rule provides supporting eligibility criteria to compel transfer.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend adoption. Recommends striking c. and d. under Paragraph 2.

Effective Date:

January 1, 2011

Proposed by East Region (NEW RULE)

Rule 4-101A: Transfer of Students

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, 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.

Justification:

Students at secondary educational institutions, college students and those accepted to state licensed specialized training programs, released under the authority of the court, have generally held the status of "discretionary" (acceptance) cases, and have raised considerable disagreement between signatories when rejected by a receiving state. These educational opportunities often offer the best available plan for the rehabilitation of the juvenile, yet are rejected because of liability concerns and limited supervision accessibility. This population of juvenile compact transfers presents challenges that the Rules Committee should review with respect to rule promulgation, potentially alleviating barriers to successful transfer of supervision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by the Rules Committee

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) ~~working~~ **business** days of receipt. ~~If standard is not attainable, said ICJ Office shall work with the ICJ Commission to develop a plan of compliance.~~

Each ICJ Office shall adhere to the following screening process when sending and receiving referrals:

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, in duplicate forty five (45) **calendar** days prior to the juvenile’s anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide duplicate copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole ~~conditions,~~ **if not already included,** shall be forwarded to the receiving state upon the juvenile’s release from an institution. **Form V shall be forwarded prior to placement in the receiving state.**
 - b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state, in duplicate, within five (5) ~~working~~ **business** days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. **Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.**
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, make **a reasonable** effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for cooperative supervision.

Justification:

Introductory Paragraph – Change clarifies that option for developing a compliance plan with the ICJ Commission applies only to the standard of forwarding cases within five (5) business days and not Rule 4-102 in its entirety. Striking the second sentence in the introductory paragraph allows states to work with each other prior to involving the Commission.

Paragraph 3.a. – Grammatical corrections and ensures receipt of conditions and Form V. Change clarifies timeframes.

Paragraph 3.b. - Grammatical corrections and ensures receipt of conditions and Form V. Change clarifies timeframes.

Paragraph 6 – Clarification in “make reasonable effort”.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by the Sex Offender Ad Hoc Committee

RULE 4-103: Transfer of Supervision Procedures

1. Cooperative 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.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency.
- ~~3. When transferring a sex offender, additional documentation, if available, should be provided to the receiving state, including:
 - ~~a. assessment information, including sex offender specific assessments;~~
 - ~~b. information relevant to the sex offender's criminal sexual behavior;~~
 - ~~c. victim information including sex, age, and relationship to the juvenile;~~
 - ~~d. the sending state's current or recommended supervision and treatment plan.~~~~
3. When transferring a juvenile sex offender who has been adjudicated of a sex related offense, 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.
4. When transferring a juvenile sex offender, documentation should be provided to the receiving state in duplicate: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
5. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104 (6).
6. A juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
7. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

8. The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of emergency circumstances. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.

Justification:

The Interstate Commission for Juveniles appointed the Sex Offender Ad Hoc Committee to consider and respond to the challenges regarding the transfer of juvenile sex offenders. The Committee recognizes that transferring juvenile sex offenders has become increasingly more complex. Nonetheless, the public and elected officials expect agencies to provide more oversight when transferring and supervising juvenile sex offenders for the purpose of public safety. The Committee believes a proactive approach will help the Interstate Commission further its broad goals of increasing public safety and preserving child welfare.

The Committee focused on ensuring that the transfer of a juvenile sex offender enhances the juvenile's accountability and reduces the likelihood of recidivism. The Committee expanded on the current Rule regarding transfer procedures by proposing additional language to guide the transfer of juvenile sex offenders in a manner that promotes effective case management strategies consistent with public safety and risk reduction. The intent of this rule is to ensure that receiving states have comprehensive information at the outset to determine the risk and appropriate supervision level for a juvenile sex offender.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Comments included at the Rules Committee's Request:

Appreciating that it is a difficult task to address a specific population of offenders under the Compact, I believe the ad-hoc committee could have supported their effort by proposing an amendment to the current definition of "juvenile sex offender" under Rule 1-101. The current rule proposal consistently recognizes "any requirements of the receiving state" consequently, to further support this rule an enhanced definition of juvenile sex offender should have been proposed. The current definition appears to circumvent the ability of a receiving state to determine the sexual offender status of a juvenile (in accordance with the statutes of the receiving state), absent the formal adjudication as a sexual offender by the sending state. Juvenile Sexual Offender definition should be amended to read: "a juvenile placed under, or made subject to, supervision as a result of the commission of an act of juvenile delinquency and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal

justice agencies, **and who is required to register as a sex offender either in the sending or receiving state** and who is required to request transfer of supervision under the provisions of the Interstate Compact for Juveniles.

Recommend the following changes to the wording of the proposed amendment to 4-103:

3. When transferring an adjudicated sex offender who has been adjudicated of a sex related offense, the sending state...(Clarifies this sentence and ensures that the juvenile has been adjudicated as a sex offender in a Court of law.)

5. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure the residence complies with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable not in compliance, the receiving state may deny...(Clarifies that if the adjudicated sex offender were to reside in that residence, they would be in compliance with local laws, ordinances, etc. Also clarifies that denials are based on inability to comply with local requirements, etc.)

8. The receiving state shall receive a travel permit copy of Form V at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of emergency circumstances. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state. (It does not seem that travel permit information is pertinent under this section.)

Believe that paragraphs 4, 5, and 8 are already sufficiently covered under existing ICJ Rules, and, therefore, redundant and unnecessary. Also, feel paragraphs 6 and 7 are unnecessary because the concepts in both paragraphs are already set forth in the state laws of the compacting states.

Support the proposed amendment with the exception to eliminate Item #3.

If Rule 4-103 5 passes it needs to be clarified how this relates to 5-101 5. Also, this proposed language is already in 4-104, why is it being duplicated, it seems it would make it more confusing. There should be one rule dealing with all aspects of a transfer, not parts of the transfer spread through several rules. The transfer process is dealt with in several rules including 4-104 which is titled Cooperative Supervision. Feel that the word "should" in 4-103 4 should be changed to "shall be provided if available". "Shall" would make it consistent with the requirements in 4-102. It is also suggested that more information should be made available to the receiving state such as a Psycho/Sexual Evaluation. Rule 4-103 6 is good clarification. This has been a debate over the years and this would make it very clear to all states, juveniles and their families

Proposed by Rules Committee

RULE 4-104: Cooperative Supervision/Services Requirements

- 1) After accepting supervision, the receiving state will assume the duties of visitation and supervision over any juvenile, including juvenile sex offenders, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
- 2) Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
- 3) ~~(2)~~The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
- 4) ~~(3)~~Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
- 5) ~~(4)~~The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
- 6) ~~(5)~~The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
- 7) ~~(6)~~In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.
- 8) ~~(7)~~Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
- 9) ~~(8)~~Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case. ~~Cases currently under supervision cannot be closed without the consent of the sending state prior to the termination date.~~

Justification:

New Paragraph 2: Currently, a receiving state's only recourse for a non-compliant juvenile who has not committed new crimes is to request the home/sending state return the juvenile, which often results in the premature and/or inappropriate return of a juvenile. Receiving states should have the authority to hold juveniles accountable in the same manner as they do other juvenile probationers/parolees in their jurisdiction.

Current Paragraph 4 – Change clarifies the specific '*court or paroling authority*' being referred to.

Current Paragraph 5 – Change provides that the type of incarceration will be determined by the laws in the receiving state. This change will resolve problems faced by receiving states regarding incarceration and transportation when a sending state's laws on the age of majority differ from the laws in the receiving state. Similar to the change in current paragraph 3 above, Idaho feels juveniles should be subject to the laws of the jurisdiction in which they are located.

Current Paragraph 7 – Change clarifies which '*supervising officers*' are being referred to.

Current Paragraph 8 – Change made to eliminate any confusion on the closure of cases and which rules govern. Rule 4-106 clearly addresses the closure of cases and discussion on the closure of cases within this rule is not necessary.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of 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, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within ninety 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. Cases which terminate due to expiration of a court order or upon expiration of the 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) working business days.
4. The receiving state may submit to the sending state a request for the early release of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within sixty (60) calendar days as to why the juvenile cannot be released from probation/parole. ~~Failure by the sending state to respond within 60 days may allow the receiving state to close the ICJ case.~~
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

Justification:

Paragraph 1 – Change clarifies that the closure of an ICJ supervision case in a receiving state does not terminate the underlying supervision established in the sending state.

Paragraph 4 – Changes expressly provide that the early termination of probation/parole rests solely with the court in the sending state and the receiving state may only request that probation/parole be terminated early. Changes also provide that the remedy for a receiving state that has not received a response from a sending state on a request for early termination is through the ICJ Compliance Committee. A sending state's non-compliance should not result in the closure of a supervision case that may put the juvenile and/or the community at risk.

Paragraph 4: Maintain consistent time frames throughout Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 4.107: Victim Notification:

- ~~1. Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.~~
1. Within five (5) business day(s) of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures of the transfer of supervision of the juvenile in accordance with its own laws to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of the juvenile in accordance with its own laws to victims in the receiving state.
2. Notifications to victims upon violation by juvenile or other change in status:
 - a. The receiving state is responsible for reporting information to the sending state via available electronic means, including but not limited to electronic mail or facsimile when a juvenile:
 1. Commits a significant violation;
 2. Changes address;
 3. Returns to the sending state where the juvenile's victim(s) resides;
 4. Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
 5. Is issued a travel permit where supervision of the offender has been designated a victim-sensitive matter
 - b. Both the sending and the receiving state shall notify known victims in their respective states of this information in accordance with their own laws or policy or procedures.
3. The receiving state shall respond to requests for offender information from the sending state no later than five (5) business days following the receipt of the request.

Justification:

Victim notification information is under the primary control of the receiving state, consistent with the cooperative supervision provided. Specifically, the receiving state should be responsible for reporting a change in status or violation upon occurrence, to the sending state. To be an effective rule and one that upholds the rights of victims, the receiving state must be compelled to report when a juvenile commits a significant violation; changes address; returns to the sending state where the victim resides; departs the receiving state under an approved plan of supervision in a subsequent receiving state; or is issued a travel permit. The process of disseminating information to the victim shall be consistent with the laws, rules, policies, practice/procedures of the original sending state. Rule language and definition must be expanded to include a case

designation of “victim sensitive” with onus of responsibility for designating same on the sending state on or before the case is transferred.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for a doption. Rules Committee recommends the formation of an Ad Hoc Committee to address the victim sensitive rule in more detail.

Effective Date:

January 1, 2011

Proposed by the Rules Committee

Rule 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or a authorized agent's signature is required on or with the home evaluation form that approved or denied 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 placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.
5. Supervision shall not be denied by a receiving state when a juvenile does not have a custodial parent or legal guardian remaining in the sending state and the juvenile does have a custodial parent or legal guardian residing in the receiving state.
- ~~5. When placement of a youth with a person entitled to legal custody is not recommended in the receiving state the sending state shall review the concerns of the receiving state including any home study or evaluation within ten (10) calendar days after receipt of the receiving state's recommendation. If the judge or other appropriate authority in the sending state decides to proceed with the placement despite the concerns of the receiving state, the sending state shall submit a court order or written justification of an authorized official containing the reason(s) for the decision to proceed with the placement before supervision will be accepted in the receiving state.~~
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) working 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.
7. ~~Juveniles Who Have Legal Custodian(s) Remaining in the Sending State:~~ If a legal custodian remains in the sending state and the placement in the receiving state fails, ~~When the placement of juveniles in receiving states is not successful,~~ the sending state's ICJ Office shall ~~make~~ facilitate transportation arrangements for the return of ~~the~~ their juvenile(s) within five (5) working business days in accordance with these rules.

Justification:

Paragraph 5 - When a juvenile does not have a parent or legal guardian residing in a sending state, the Rules Committee believes it is inappropriate for a receiving state to deny supervision when the juvenile has a parent or legal guardian residing in the receiving state. Under

circumstances in which the actual placement of the juvenile with the parent or legal guardian in the receiving state is unsuitable, the appropriate child protection proceeding should take place in the receiving state where the parent or legal guardian resides and not in the sending state. Proving a child protection case in a sending state where no parent or legal guardian resides will be difficult due to the pertinent facts and evidence being located in the receiving state. In addition, there is inherently significant value in keeping families together and the success of juveniles is highly contingent upon family support. As a result, all reasonable efforts should be made to have juveniles reside as near as possible to their families. The previous paragraph 5 was stricken as it was deemed unnecessary.

Paragraph 7 – Clarifications

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or a authorized agent's signature is required on or with the home evaluation form that approved or denied 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 placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.~~ will not enable the juvenile to be in substantial compliance with the terms or conditions of his/her supervision or the sexual offender statutes, laws, or local ordinances of the sending or receiving state.
5. When placement of a ~~youth~~ juvenile with a person entitled to legal custody is not recommended ~~in~~ by the receiving state under the terms of substantial compliance, the sending state shall review the ~~concerns of the receiving state~~ recommendation, including any home study or evaluation within ten (10) calendar days after receipt of the receiving state's recommendation. If ~~the~~ a judge in a court of competent jurisdiction or other appropriate paroling authority, corrections, or other criminal justice agency in the sending state decides to proceed with the placement despite the concerns of the receiving state, the sending state shall submit a court order or written ~~justification of a n a uthorized of ficial~~ declaratory decision or ruling containing the reason(s) for the decision to proceed with the placement before supervision will be accepted in the receiving state. No court order or paroling authority, corrections, or other criminal justice agency decision or ruling by the sending state concerning placement shall supersede conflicting statutes, laws or local ordinances of the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) working 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.
7. Juveniles Who Have Legal Custodian(s) Remaining in the Sending State: When the placement of juveniles in receiving states is not successful, the sending state shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with these rules.

Justification:

4: Since unsuitable is an undefined term under Rule 1-101: Definitions and may hold different meaning and applicability to signatories, suggest the term "unsuitable" be stricken from the Rule

and the rule be clarified so it does not in effect allow a receiving state to reject any and all transfers.

#5: Rule language and terms must be consistent. The amended language eliminates confusion and inconsistencies between rule 4-103, 4-104 and 5-101.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. ~~An ICJ Travel Permits and Agreement to Return~~ shall be issued for any appropriate purpose, including but not limited to, the purpose of testing a proposed placement. The permit shall not exceed ninety (90) calendar days, with a referral packet to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) calendar days.
 - b. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes 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; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

Justification:

Paragraph 1 – Change provides that travel permits may be issued for purposes other than for the sole purpose of testing a placement. Travel permits are currently issued for a variety of appropriate reasons, such as for medical care, family visits, etc. Changes clarify timeframes.

Paragraphs 2a. and 2b. - Changes clarify timeframes.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

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

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a non-delinquent juvenile to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detention without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. ~~Non-delinquent juveniles who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home state.~~
2. Unless otherwise provided by the holding state's laws, non-delinquent juveniles who are determined to be a danger to themselves or others, domiciled in a receiving state for a period exceeding twenty-four (24) from the time they first come in to contact with authorities of the receiving state, shall be held in secure custody until returned by the home state. The determination of danger to themselves or others shall be made by a judge or may include, as ordered by a court of competent jurisdiction, an appropriate mental health evaluation.

Justification:

In practical terms, Judges will not incarcerate, detain, or hold non-delinquent juveniles in secure facilities. This has been a long standing issue under the ICJ, and simply one where ICJ Offices do not have the support to compel a Court/Judge to place a non-delinquent juvenile in a secure facility. This amended language attempts to clarify these issues.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

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

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

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

Justification:

Paragraph 3 – Editorial correction.

Paragraph 7 – Clarifies the home state is responsible for returning the juvenile. Maintain consistency in timeframes.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

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

The following shall apply to all juveniles in custody who refuse to voluntarily be returned to their home/demanding state; or juveniles whose whereabouts are known, but are not in custody:

1. The appropriate person or authority in the home/demanding state shall prepare a written requisition within sixty (60) calendar days of notification: (a) of refusal of the juvenile to ~~sign the consent form for the return of a juvenile who has refused to~~ voluntarily return as prescribed in Rule 6-102, or (b) to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending receipt of a requisition non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. If When the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - b. The petition shall be verified by affidavit and executed in duplicate.
 - c. The petition is to be accompanied by two certified copies of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - d. Other affidavits and other documents may be submitted with such petition.
4. The home/demanding state's appropriate state authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
5. ~~(3)(a)~~ The judge in the home/demanding state shall determine if:
 - a. i. the petitioner is entitled to legal custody of the juvenile;
 - b. ii. the juvenile ran away without consent;
 - c. iii. the juvenile is an emancipated minor; and
 - d. iv. it is in the best interest of the juvenile to compel his/her return to the state.

6. ~~(3)(b.)~~ When If 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 ~~requisition in duplicate.~~
7. When the juvenile is an absconder, escapee or accused of being delinquent, the appropriate authority shall present to the appropriate court Form II, Requisition for Escapee or Absconder or Juvenile Accused of Being Delinquent, where the juvenile is alleged to be located.
- ~~(4).~~ The requisition shall be addressed to the juvenile court in the holding state. The requisition shall be verified by affidavit, ~~executed~~ signed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile, for two complete, separate requisition packets. Examples may include:
- a. Judgment
 - b. Order of Adjudication
 - c. Order of Commitment
 - d. Petition Alleging Delinquency
 - e. Other affidavits and documents may be submitted with such requisition.
 - ~~d. Birth Certificate~~
 - ~~e. Custody Decree~~
 - ~~f. Letter of guardianship~~
8. ~~(5)~~ Upon receipt of the requisition, the home/demanding state's ICJ Office shall ensure the requisition is packets are in order. The ICJ Office retains one copy of the packet and forwards two copies of the requisition packets to the ~~ICJ Office of the holding state's ICJ Office of the state where the juvenile is located.~~ The ICJ Office of the state where the juvenile is located will forward a one requisition packet which is accompanied by one certified copy of supporting documents to the appropriate court.
9. ~~(6)~~ The ICJ Office of the holding state shall forward a copy of the requisition to the court ~~where the juvenile is believed to be located.~~ If not already detained, the court shall order the juvenile be held pending a hearing on the requisition.
10. ~~(7)~~ A hearing in the state where the juvenile is located shall be held occur within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem ~~for the juvenile.~~ The purpose of said A hearing is shall occur be held and: to determine if the requisition is in order.
- a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is ~~not honored~~ denied, the judge shall issue an written findings order in writing advising detailing the reason(s) why it was not honored for denial.

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

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

~~10. The home state's appropriate state authority shall initiate the requisition process upon notification by the ICJ Office when non-delinquent juveniles refuse to voluntarily return and the legal guardian refuses to initiate the requisition process~~

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

Justification:

In practice, the current version of Rule 6-103 (effective March 1, 2010) falls short of providing clear instructions, and at times ICJ Offices are unable to effect the non-voluntary return of juveniles. These proposed amendments to 6-103 provide precise rules for returning non-voluntary juveniles as there are no prescribed processes elsewhere in the new law. The proposed amendments divide the rule into sub-categories: one category for non-delinquent runaways and one category for juveniles who are absconders, escapees or accused of being delinquent. This subdivision clarifies the procedural protocol and reduces confusion for the ICJ Office and the courts.

Introductory Paragraph – Changes are clarifications.

Paragraph 1 – Grammatical corrections and changes to clarify timeframes.

Paragraph 2 – Change made to make it clear that the maximum amount of time a juvenile may spend in detention pending their non-voluntary return is ninety (90) calendar days.

Paragraph 3.a. – Change is a clarification.

Paragraph 7 – Change is a clarification.

Paragraph 9 – Changes are clarifications.

Paragraph 10 – Changes are clarifications.

Rules Committee agreed to clarify home state and demanding state by denoting them together.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed

- (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. The ICJ pre-signed voluntary waiver provides the due process requirement for this 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) working 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, unless In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state. ~~In such case,~~ 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.

Justification:

Paragraph 1 & 3 – Changes are clarifications, addition of language on warrants in paragraph 3.

Paragraph 4 - The word “unless” as used appears to negate “shall be conclusive and not reviewable within the receiving state” and compel retaking by the sending state when a criminal offense or act of juvenile delinquency in the receiving state has been committed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

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

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 has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirement for this 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 and within five (5) working 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, ~~unless~~ In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state. ~~In such case,~~ 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.

Justification:

The word "unless" as used appears to negate "shall be conclusive and not reviewable within the receiving state" and compel retaking by the sending state when a criminal offense or act of juvenile delinquency in the receiving state has been committed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by the Probable Cause Ad Hoc Committee

Rule 6-104(A): Probable Cause Hearing in the Receiving State

- (a) A juvenile subject to retaking for violation of conditions of supervision that may result in a revocation in the sending state shall, within ten (10) business days, be afforded the opportunity for a probable cause hearing in the receiving state when it is requested by the sending state. The probable cause hearing will be held before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) A copy of a judgment of adjudication/conviction regarding the adjudication/conviction of a new offense by the juvenile shall be deemed conclusive proof that the juvenile may be retaken by the sending state without the need for further proceedings.
- (c) The juvenile shall be entitled to the following rights at the probable cause hearing:
 - (1) Written notice of the alleged violation(s) A copy shall also be provided to the parent or legal guardian.
 - (2) Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
 - (3) The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
 - (4) The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.
- (d) The receiving state shall prepare and submit to the sending state a written report within three (3) business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.
- (e) If the hearing officer determines that there is probable cause to believe that the juvenile has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within three (3) working days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.
- (f) If probable cause is not established, the receiving state shall:
 - (1) Continue supervision if the juvenile is not in custody.
 - (2) Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.

Justification:

The proposed amendment brings ICJ into compliance with the U.S. Supreme Court opinions in Morrissey v. Brewer, 408 U.S. 471 (1972) and Gagnon v. Scarpelli, 411 U.S. 778 (1973) and is intended to address the fact that since 1972, offenders/juveniles have been entitled to probable cause hearings. The Supreme Court cases require that the

hearing be conducted before a "neutral and detached hearing officer"; therefore, that language is included in the rule. The Morrissey case holds that the hearing must take place "in or reasonably near the place where the alleged violation occurred" so that the offender/juvenile will have the opportunity to confront adverse witnesses and also present witnesses on his or her behalf--a process that is possible only if the hearing is held at or near the place where the witnesses are located. Accordingly, this language is also proposed in the rule.

If there is any question regarding the intent of a sending state to revoke a juvenile's conditional release based on violations in the receiving state, the juvenile should be given a probable cause hearing in accordance with the two Supreme Court opinions. Failure to do so may act to bar consideration of those violations in subsequent revocation proceedings in the sending state.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee has no recommendation.

Effective Date:

Proposed by Rules Committee

RULE 6-106: Public Safety

1. The home 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 states' assessments of the juvenile.
2. If the home state's ICJ Office determines that a juvenile who is considered a risk to harm ~~themselves~~ him/herself and/or others, the juvenile shall be accompanied on the return to the home state.
3. Pursuant to ICJ Rule 6-103(9), requisitioned juveniles are to be accompanied in their return to the home state unless both ICJ Offices determine otherwise.

Justification:

Paragraph 2 – Change clarifies that the determination at issue is made by the ICJ office in the home state.

New Paragraph 3 – Change made to reference Rule 6-103(9). Language is taken directly from Rule 6-103(9).

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 6-106: Public Safety

1. The home state's ICJ Office shall determine appropriate measures and arrangements to ensure reasonably provide for the safety of the public and juvenile being transported based on the holding and home state's assessments of the juvenile. The measures and arrangements of the home state shall supersede in matters of dispute, unless the holding state's determination of danger to themselves or others is supported by judicial order and/or appropriate mental health evaluation.
2. Juveniles who are considered a risk to harm themselves and /or others shall be accompanied on the return to the home state.

Justification:

The amended language clarifies if the home state's assessment supersede that of the holding state should they be contradictory and what state (home or holding) and in what formal capacity or level of professional expertise is required to determine if a juvenile is a risk to himself/herself or others.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 6-108: Warrants

1. All warrants under ICJ jurisdiction shall be entered in to the National Crime Information Center (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state. Holding states shall honor all lawful warrants as entered by other states and immediately notify the ICJ office in the home/demanding state that the juvenile has been placed in custody pursuant to the warrant. Within two (2) ~~working~~ business days of notification, the home/demanding state shall inform the holding state ~~as to~~ whether the home/demanding state intends to have the juvenile returned.
2. When the home/demanding state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/ bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing pursuant to ICJ Rule 6-109.

Justification:

Paragraph 1 – Changes clarify rule by providing process for what happens if a home/demanding state fails to respond to the holding state or otherwise return the juvenile.

Paragraph 2 – Changes are clarifications.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by East Region

Rule 6-108: Warrants

- 1 All warrants under ICJ jurisdiction shall be entered into NCIC by the appropriate law enforcement agency or other authorized agency in the issuing state, noting the specific contact information of the Interstate Compact for Juveniles Office in the demanding state. Holding states shall honor all lawful warrants as entered by other states. Within two (2) ~~working~~ business days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.
- 2 When the home state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing.

Justification:

The Rule should have expanded language to require listings as ICJ Warrants, with the contact information of the appropriate ICJ Office prominently noted to assist states.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules committee does not recommend for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 6-109: Custodial Detention

1. The home/~~working~~demanding state's ICJ Office shall effect the return of its juveniles within five ~~working~~ business days after confirmed notification from the holding state's ICJ Office that due process rights have been met. This time period may be extended with the approval of both ICJ Offices.
2. The holding state shall not be reimbursed for detaining juveniles under the provisions of the ICJ unless the home/~~working~~demanding state ~~is non-responsive and uncooperative in its efforts~~ fails to effect the return of its juveniles within the time period set forth in paragraph one (1) of this rule ~~five (5) working days~~.
3. Within ten (10) business days after the failure of a home/~~working~~demanding state to return the juvenile, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of ~~this~~ these rules. A juvenile may be discharged from custodial detention to a parent or legal guardian or their designee if the holding state's court determines that further detention is not appropriate, or the holding state has failed to provide such a hearing within the time provided in this rule.

Justification:

Paragraph 1 – Changes are clarifications.

Paragraph 2 – Changes are clarifications.

Paragraph 3 – Changes are primarily clarifications.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 6-110: Transportation

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state and maintaining security of the juveniles until departure.
2. Home/demanding states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding state.
3. Holding 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 states shall confiscate all questionable personal belongings and return those belongings to the parents or legal guardians by approved carrier, ~~by~~ COD or at the expense of the demanding 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 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.

Justification:

Paragraph 1 & 2 - Added the word “demanding” to the phrase “home state(s)” for clarification.

Paragraph 4 – Change is for consistency.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Proposed by Rules Committee

RULE 7-101: Adoption of Rules and Amendments

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

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
 - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting.
3. Prior to the Commission voting on any proposed rules or amendments, said texts 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 a 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 a amendment by a vote of yes/no. A rule or a 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 a 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 a amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect human health and the environment.
11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in

consistency or grammatical errors. Public notice of any revisions shall be posted on the official 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.

Justification:

Clerical and typographical errors are likely to occur when rules are proposed for publication. This language clarifies and provides authority to make editorial corrections without the need for action by the full commission. It also allows the Chair of the Rules committee to correct inconsistencies such as business days and working days. The rule enables any Commissioner or Designee to challenge a revision if it appears to make a material change to a rule.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

Rules Committee Action:

Rules Committee recommends for adoption.

Effective Date:

January 1, 2011

Rule Amendments Proposals - 2010 ICJ Annual Business Meeting September 15, 2010 San Antonio TX

RULE No.	Rule Description	Proposed by:	Rules Committee Recommendation(s)	Effective Date	Passed/Failed
Section 100 Definitions					
1-101	Deferred Adjudication	East Region	<i>Does not recommend adoption</i>	1/1/2011	
1-101	Probation / Parole	Rules Committee	Recommend adoption	1/1/2011	
1-101	Relocate	East Region	Recommend adoption	1/1/2011	
1-101	Retaking	Probable Cause Ad Hoc Cmte	Recommend adoption	1/1/2011	
1-101	Substantial Compliance	Rules Committee	Recommend adoption	1/1/2011	
1-101	Substantial Compliance	East Region	<i>Does not recommend adoption</i>	1/1/2011	
1-101	Victim Sensitive	East Region	<i>Does not recommend adoption</i>	1/1/2011	
Section 200 Dues Formula					
2-102	Data Collection	Rules Committee	Recommend adoption	1/1/2011	
2-102	Data Collection	Technology Committee	<i>Does not recommend adoption</i>	1/1/2011	
Section 300 Forms					
3-101	Approved Forms	Rules Committee	Recommend adoption	1/1/2011	
3-102	Optional Forms	Rules Committee	Recommend adoption	1/1/2011	
3-103	Changes to Forms	Rules Committee	Recommend adoption	1/1/2011	
Section 400 Transfer of Supervision					
4-101	Processing Referrals	Rules Committee	Recommend adoption	1/1/2011	
4-101	Processing Referrals	East Region	<i>Does not recommend adoption</i>	1/1/2011	
4-101A	<i>New Rule:</i> Transfer of Students	East Region	Recommend adoption	1/1/2011	
4-102	Sending and Receiving Referrals	Rules Committee	Recommend adoption	1/1/2011	
4-103	Transfer of Supervision Procedures	Sex Offenders Ad Hoc Cmte	Recommend adoption w/comment	1/1/2011	
4-104	Cooperative Supervision/Services Requirements	Rules Committee	Recommend adoption	1/1/2011	
4-106	Closure of Cases	Rules Committee	Recommend adoption	1/1/2011	
4-107	Victim Notification	East Region	<i>Does not recommend adoption</i>	1/1/2011	
Section 500 Supervision in Receiving State					
5-101	Authority to Accept/Deny Supervision	Rules Committee	Recommend adoption	1/1/2011	
5-101	Authority to Accept/Deny Supervision	East Region	<i>Does not recommend adoption</i>	1/1/2011	
5-102	Travel Permits	Rules Committee	Recommend adoption	1/1/2011	
Section 600 Return of Juveniles					
6-101	Release of Non-delinquent Juveniles to Parent or I	East Region	<i>East Region intends to withdraw</i>	N/A	
6-102	Voluntary Return of Out-of-State Juveniles	Rules Committee	Recommend adoption	1/1/2011	
6-103	Non-Voluntary Return of Out-of-State Juveniles	Rules Committee	Recommend adoption	1/1/2011	
6-104	Return of Juveniles Whose ICJ Placement Has Fai	Rules Committee	Recommend adoption	1/1/2011	
6-104	Return of Juveniles Whose ICJ Placement Has Fai	East Region	Recommend adoption	1/1/2011	
6-104A	<i>New Rule:</i> Probable Cause Rule	Probable Cause Ad Hoc Cmte	Fwd without a recommendation	TBD	
6-106	Public Safety	Rules Committee	Recommend adoption	1/1/2011	
6-106	Public Safety	East Region	<i>Does not recommend adoption</i>	1/1/2011	
6-108	Warrants	Rules Committee	Recommend adoption	1/1/2011	
6-108	Warrants	East Region	<i>Does not recommend adoption</i>	1/1/2011	
6-109	Custodial Detention	Rules Committee	Recommend adoption	1/1/2011	
6-110	Transportation	Rules Committee	Recommend adoption	1/1/2011	
Section 700 Adoption and Amendment of Rules					
7-101	Adoption of Rules and Amendments	Rules Committee	Recommend adoption	1/1/2011	



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

FORM AMENDMENTS

Mandatory Forms:

Form I: Requisition for Runaway Juvenile

- No change presented

Form II: Requisition for Escapee or Absconder

- Line inserted beside check box for “placed on probation subject to the supervision of”
- “Race” and “sex” broken into two sections under juvenile description
- Replaced word “prays” with “requests” in the signature section

Form III: Consent for Voluntary Return of Out of State Juvenile(s)

- Removed section asking “accompanied” or “unaccompanied”
- Added the word “optional” to middle of the form if a guardian or ad litem is appointed
- Changed language under guardian or ad litem to state “I have consulted with the juvenile about his/her voluntary consent to return to”
- Changed title of the form to “Consent for Voluntary Return of Out of State Juvenile(s)”

Form IV: Parole or Probation Investigation Request

- Added the phrase “Expiration Date” to the “Minimum/Maximum Parole/Probation” sections to clarify time lines
- Instructions include clarification regarding the signature line and that the Compact Official or Designee should sign the form

Form V: Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State

- Instructions changed to allow ICJ Official to sign the form
- Clarifying language added to the instructions under when to complete the form “if the juvenile is not already in the receiving state”

Form IA/VI: Application for Services and Waiver

- Added wording “apply for... that the receiving state accepts supervision and the juvenile complies with the terms of supervision” in the last section above signature
- Parent or Guardian wording changed to “placement resource” also changed this wording under signature line for consistency and added clarifying language in the instructions

Travel Permit: Out of State Travel Permit and Agreement to Return

- Removed wording “Present Placement and Location” and replaced it with: name / relationship / address / phone
- Instructions drafted for the form
- Added the form number “Form VII” for consistency

Home Evaluation Report Form

- Removed check box for “currently in placement”
- Present as a mandatory form
- Added the form number of “Form VIII” for consistency

Quarterly Progress Report Form

- Added check boxes to identify if form is reporting violation or quarterly progress
- Present as a mandatory form
- Added the form number of “Form IX” for consistency

Annual Report Form

- Eliminated to allow electronic reporting through survey software
-

Optional Forms:

Petition for Hearing on Requisition for Runaway Juvenile

- No change presented

Order Setting Hearing for the Requisition for a Runaway Juvenile

- No change presented

Petition for Requisition to Return Runaway Juvenile (Form A)

- Struck the language in the first main paragraph “pursuant to Article IV of the Interstate Compact for Juveniles”
- Struck the language above the “Affidavit for Verification” section and replaced it with “It is essential that the above petition be verified by affidavit, executed in duplicate, and be accompanied by two certified copies of supporting documents.”

Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent

- No change presented

Order Setting Hearing for Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent

- No change presented

Rights for Voluntary Return of Runaway, Absconder, Escapee, or Juvenile Being Charged as Delinquent

- Added the word “calendar” between “90” and “days” to #5 to comply with the proposed amendment for Rule 6-103

Case Closure

- Changed wording from “Form” to “Notification”
- Added the wording “State” under both the TO: and FROM: lines
- Positioned “according to ICJ Rule 4-106” in only one location on the form



INTERSTATE COMPACT FOR JUVENILES

FORM II

- REQUISITION FOR ESCAPEE OR ABSCONDER
- REQUISITION FOR JUVENILE CHARGED WITH BEING DELINQUENT

TO: _____ DATE: _____
(Appropriate Court or Executive Authority)

FROM: _____
(Name of Court or Agency)

I, _____ requisition the return of _____
born on _____ in accordance with the Interstate Compact for Juveniles, ICJ Rules Section 600, Return of Juveniles.

Said juvenile (check appropriate item):
 was paroled to the custody of: _____
 was placed on probation subject to the supervision of: _____
 was committed to: _____ (institution or agency)

OR
 has fled to avoid prosecution and, despite applicable provisions of law, has:
 escaped absconded fled

and is now believed to be in your jurisdiction at: _____
Juvenile's physical description: Ht: _____ Wt: _____ Eyes: _____ Hair: _____ Race: _____ Sex: _____
Identifying marks or scars: _____

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

- Particulars of adjudication or allegations of delinquency: _____
- Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: _____

Accordingly, the undersigned hereby ~~prays~~ **requests** the return of said juvenile as authorized by the Interstate Compact for Juveniles.
If Requisition is honored, please notify: _____
(Name, title, address, telephone no.)

Signed: _____ (Judge or Compact Official) _____ (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

(Signature of Requisitioner)

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____, _____.

NOTARY PUBLIC

Residing at: _____
My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

FORM III

CONSENT FOR VOLUNTARY RETURN OF OUT OF STATE JUVENILE(S)

I, _____, recognize that I legally belong with
(Juvenile's Name)

_____ in _____
(Name of Legal Guardian/Custodian or agency seeking return) (City/State)

and I voluntarily consent to return there without further formality, either by myself or in the company of such person as the appropriate authority may appoint for that purpose.

(Date)

(Juvenile's Signature)

I, _____, Judge of _____
(Judge's Name) (Court or Jurisdiction)

having informed the juvenile named above of his her rights under the Interstate Compact for Juveniles prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ in _____
(Legal Guardian/Custodian or agency seeking return) (Contact name & phone number) (City/State)

is appropriate and in the best interest of said juvenile, and do so order such return. ~~as provided below (fill in or check appropriate item):~~

Unaccompanied **OR** Accompanied by: _____

(Date)

(Judge's Signature)

=====

TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED (Optional):

I, _____ being the Counsel Guardian Ad Litem of _____
(Name of Juvenile)

recognize and agree that I have consulted with the juvenile about his/her voluntary consent to return to:

_____ in _____
(Legal Guardian or Custodian or agency seeking return) (City/State)

(Date)

(Signed – Counsel or Guardian Ad Litem)

(Form will be certified or authenticated in accordance with practice of the court.)

Original: Court file; 1 copy each: Juvenile, Holding State's Compact Administrator, Home/Demanding State's Compact Administrator, Local Court in Demanding State.

=====

DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE, & CONTACT INFORMATION

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____

Hair color and style: _____

Tattoos, scars, identifying marks: _____

Clothing (including shoes): _____

Home/Demanding State's contact name and phone #: _____



INTERSTATE COMPACT FOR JUVENILES

FORM IV

PAROLE OR PROBATION INVESTIGATION REQUEST

DATE: _____

TO: _____
(Receiving State)

FROM: _____
(Sending State)

Name of Juvenile: _____ DOB: _____ Race: _____ Sex: _____

Status: Parole Probation Sending State File # _____

To reside with: **OR** Is residing with: _____
(Name)

Relationship: _____ Telephone: _____

Address: _____ City/State: _____ Zip: _____

Reason for Adjudication/Commitment: _____

Date of Adjudication: _____ Date of Commitment: _____

Minimum Parole/Probation **EXPIRATION DATE** Period: _____ Maximum Parole/Probation **EXPIRATION DATE** Period: _____

Anticipated Placement Date : _____ Present Location: _____

We desire to transfer this juvenile on parole probation to your state:
 Because his/her parent/legal guardian resides in your state.
 For the following reasons, with your consent: _____

Other Comments: _____

THE FOLLOWING MATERIALS ARE ENCLOSED:

- Cover letter
- IA/VI Application for Compact Services and Memorandum of Understanding and Waiver
- Petition(s)
- Order of Adjudication and Disposition
- Legal and Social History
- Parole/Probation Conditions (Agreement)
- School Transcript/Records
- Immunization Records
- Any other Pertinent Information

FOR ICJ USE ONLY

Signed: _____
(Compact Official/Designee)

Title: _____

Referred by: _____
(Name – Please Print)

Referring Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM IV

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE, AND IDENTICAL PACKETS FOR FORWARDING.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Status of juvenile: parole, probation or other; if other, please explain in space provided.

Sending state file #: the case number given in your office to the juvenile's file or case.

To reside with/is residing with: check one and insert name of person(s) with whom juvenile will reside or does reside in the receiving state. Complete information regarding full address including phone number with area code, and relationship to the juvenile.

Reason for adjudication/commitment: fill in adjudication or pending offenses for which juvenile is to be supervised.

Date of adjudication: insert date of court-ordered supervision of the juvenile.

Date of commitment: insert date of court-ordered commitment of the juvenile.

Minimum parole/probation period: earliest date juvenile could be released from supervision.

Maximum parole/probation period: latest date juvenile could be released from supervision.

Anticipated placement date: approximate date juvenile is anticipated to arrive in this proposed home.

Present location: insert current location of juvenile (at the time this request for supervision is being transmitted to the ICJ office).

(Why) we desire to transfer this juvenile...: if the juvenile's parent or legal guardian resides in the state, check the appropriate box; if the juvenile will be living with someone other than parent or legal guardian, complete the "for the following reasons" section.

Check the appropriate boxes as to the enclosures that are being submitted with the referral packet. All applications should have a cover letter. Include at the very minimum: ICJ Forms IV and IA/VI, Petition/s, Order/s of Adjudication and Disposition, and Parole/Probation Conditions (Agreement). If a social history is available, it must be included as well. All other items are helpful to the successful investigation and supervision of this case by the proposed new state of residency.

Referred by: Printed name of caseworker or officer making this request for supervision.

Referring Agency: Print name of requester's agency.

Signature: Form should be signed by an ICJ Compact Official or Designee



INTERSTATE COMPACT FOR JUVENILES

FORM V

REPORT OF SENDING STATE UPON PAROLEE OR PROBATIONER BEING SENT TO THE RECEIVING STATE

TO: _____ DATE: _____
(Receiving State)

FROM: _____
(Sending State) (County)

RE: _____
(Name of Juvenile) (Date of Birth) (Race) (Sex)

The above-named juvenile will depart **OR** has departed from sending state by _____
(Mode of Transportation)

on _____ and was instructed to report in person by telephone **OR** by letter, within 48 hours of
(Date)
arrival in the receiving state to:

Name: _____ Telephone: _____

Address: _____
(Street Address) (City) (State) (Zip)

Enclosed please find: (please check applicable items)

Parole or probation sanctions

Other material as follows:

Signed: _____

Title: _____

Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM V

PLEASE TYPE OR PRINT LEGIBLY.

When to complete this form: This form is to be completed **if the juvenile is not already in the receiving state** on all transfer of supervision cases. In the case of a juvenile probationer departing to the receiving state prior to the referral materials being sent to the receiving state's ICJ Office and the case is, therefore, unknown to the receiving state, the juvenile must be instructed to continue reporting to the sending state's probation officer. The "Out-of-State Travel Permit and Agreement to Return" form is used as a supplement to the Form V. It is the responsibility of the supervising probation officer to ensure that the juvenile receives a copy of the Travel Permit and that s/he is instructed to carry it on his/her person at all times until supervision is picked up in the receiving state.

Rule 4-103.1: Cooperative 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.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; state requesting cooperative supervision services.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Check the appropriate box: "plans to depart" OR "has departed" sending state; insert mode of transportation; insert date of departure; check one: "in person" OR "by telephone" OR "by letter."

Complete reporting instructions as indicated on receiving state's report.

Check as applicable any enclosures.

Signed: The form is to be signed by the sending state's case worker, parole/probation officer **or ICJ official**; insert title and agency of signer as requested.



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on parole probation in _____ (Receiving State).

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of parole probation and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

1. That I will make my home with _____ (Name, Relationship, and Address) until a change of residence is duly authorized by the proper authorities of the receiving state.
2. That I will obey and live up to the terms and conditions of parole probation as fixed by both the sending and receiving states.
3. That I will return at any time to the sending state if asked to do so by the parole probation authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state.

I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date) (Witness' Signature) (Date)

I, in my capacity as parent guardian of **the placement resource for** _____ (Juvenile's Name) do approve and subscribe to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which he she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Parent's or Guardian's Placement resource's signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile ~~and parent or guardian to allow the said juvenile~~ **to apply for, reside in, and be supervised by the State of _____ (receiving state) provided that the receiving state accepts supervision and the juvenile complies with the terms of supervision.**

(Receiving State)

(Date) **SIGNED:** (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)



INSTRUCTIONS FOR COMPLETING ICJ FORM IA/VI

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE AND IDENTICAL PACKETS FOR FORWARDING.

Form IA – Application for Compact Services

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

“I...” (blank): print juvenile's name here.

“In view of the above...”: Check either “parole” or “probation” and fill in the name of the receiving state.

Form VI – Memorandum of Understanding and Waiver

“I,...” (blank): insert juvenile's name, check “parole” or “probation,” fill in the name of the state under whose jurisdiction the juvenile is placed, and the name of the state in which the juvenile is residing or will reside.

“1”: insert name, relationship, and address of home offer wherein juvenile is residing or will reside.

“2”: check either “parole” or “probation.”

“3”: check either “parole” or “probation;” Juvenile must sign and date; Witness must sign and date.

~~**“I, in my capacity...”:** check appropriate relationship box; insert name of juvenile in blank; parent or guardian in the receiving state must sign and date; witness must sign and date.~~

“I, in my capacity as the Placement Resource for”: Insert the name of the juvenile. The Resource Placement in the Receiving State must sign and date the Form; a witness must sign and date the Form.

“Permission is hereby granted...”: insert name of state in which juvenile will reside and be supervised.

“Signature”: If the juvenile is on probation, the sending state's JUDGE or court designee signs here. If the juvenile is on parole, the sending state's Interstate Compact for Juveniles official or designee signs here.



INTERSTATE COMPACT FOR JUVENILES

TRAVEL PERMIT
Form VII

OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN

VACATION/VISIT ONLY

VISIT FOR TESTING PLACEMENT

To: _____ (Receiving State) From: _____ (Sending State)

From: _____ (Name, Title) _____ (Agency/Department) _____ (Phone #)

Re: _____ (Juvenile's Name) _____ (DOB) _____ (Race/Sex)

_____ (Offense) _____ (Court/Agency #) _____ (Legal Status)

Current Placement:

Name: _____

Relationship: _____

Address: _____
(Address)

Phone: _____

Permission is granted to the above-named juvenile to visit the State of _____
from _____ (Date) until _____ (Date)

He She will be staying with _____ (Name) _____ (Relationship)

at _____ (Full Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone #)

Reason for Visit: _____

Mode of Transportation: _____

Special Instructions: _____

Completed by: _____ (Name) _____ (Title) _____ (Date)

I, the undersigned, recognize that I am under the legal custody/jurisdiction of the State of _____,
Department/Court _____. I hereby agree that I will comply with the rules and regulations of my
state of jurisdiction and the State of _____ and with the above conditions and instructions. I will
return to the State of _____ on _____ voluntarily and without further formality. In signing this
agreement, I also understand that my failure to comply with the conditions may result in my being considered absent
without leave (AWOL), and a warrant and requisition may be issued for my apprehension and return to the State of
_____ for further disciplinary action.

I have read the above **OR** I have had the above read and explained to me, and I understand the meaning of it and agree thereto.

(Juvenile's Signature) (Date)

Witnessed by: _____ (Signature of Caseworker or Probation/Parole Officer) _____ (Title) _____ (Date)

Approved by: _____ (Signature of Supervisor) _____ (Title) _____ (Date)

DRAFT – INSTRUCTIONS FOR COMPLETING THE ICJ OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN FORM.

PLEASE TYPE OR PRINT LEGIBLY.

WHEN TO COMPLETE THIS FORM: This form is to be completed when a juvenile probationer or parolee is going to visit/vacation in another State or for the purpose of testing a proposed placement. Please refer to Rule 5-102.

Check the appropriate Box indicating the type of travel: VACATION/VISIT ONLY OR VISIT FOR TESTING PLACEMENT

TO: State in which the juvenile will be visiting.

FROM: State requesting the visit.

FROM: (Name, Title, Agency/Department, Phone #): List the Name, Title, Agency/Department, and the Telephone Number of the probation/parole officer requesting the visit.

RE: (Juvenile's Name, DOB, Race, and Sex): Insert the information regarding the juvenile who is traveling.

Offense/Court/Agency/Legal Status: Insert the information regarding the juvenile who is traveling.

Current Placement: Insert the Name, Relationship, Address, and Telephone Number in the Home/Sending State where the juvenile resides.

To visit the State of: Insert the name of the Receiving State where the juvenile will be visiting.

Date (of visit) "from/until": Insert the dates that the juvenile will be visiting in the Receiving State.

Check the box for "He or She".

Juvenile will be staying with: Insert the Name, Relationship, Address, and Telephone Number of the person the juvenile will be visiting.

Reason for visit: Explain the purpose of the visit.

Mode of Transportation: Explain how the juvenile will be traveling.

Special Instructions: Include any instructions for the juvenile while they are traveling; such as, to report to their Probation/Parole officer while they are traveling or when they return.

First Sentence: "recognize that I am under the legal custody/jurisdiction of the State of": Insert the name of the Home/Sending State and their Department and court.

Second Sentence: "I will comply with the rules of my State of jurisdiction and the State of": Insert the name of the Receiving State.

Third Sentence: "I will return to the State of": Insert the name of the Home/sending State and Insert the date of the juveniles return.

Fourth Sentence: "may be issued for my return to the State of": Insert the name of the Home/Sending State.

The Juvenile should Check the appropriate box showing that he understands the meaning of the Travel Permit.

Signatures: The form should be signed and dated by the juvenile, who is traveling, their probation/parole officer, and the probation/parole officer's supervisor.



INTERSTATE COMPACT FOR JUVENILES

HOME REPORT
Form VIII

Sending State: _____ Receiving State: _____

Juvenile's Name: _____ DOB: _____ Case # _____

Placement recommended

Placement not recommended

PROPOSED PLACEMENT INVESTIGATED:

Name: _____ Relationship: _____

Address: _____

Home Phone #: _____ Work Phone #: _____

HOME/NEIGHBORHOOD/PEERS (physical description, criminal/gang activity, etc.):

FAMILY STATUS (composition, interactions, at-risk family members, attitude, support capabilities, etc.):

FAMILY EMPLOYMENT/FINANCIAL RESOURCES (If proposed placement resource works, who will supervise the juvenile):

LEGAL HISTORY OF FAMILY (current charges, probation or parole status):

PROPOSED PLAN (school/employment, court-ordered conditions, treatment needs):

OTHER COMMENTS (recommendations, questions, concerns):

REPORTING INSTRUCTIONS:

Name: _____

Agency: _____

Address: _____

Telephone # _____

(Investigating worker – printed name)

(Supervisor – printed name)

(Investigating worker - signature)

(Date)

(Supervisor - signature)

(Date)

For ICJ Official use only:

Placement approved

Placement denied

(Date)

(Compact Official signature)



INTERSTATE COMPACT FOR JUVENILES

Quarterly Progress or Violation Report

Form IX

Quarterly Report Violation Report

Sending State: _____ Receiving State: _____

Case # _____ Case # _____

Juvenile's Name: _____ DOB: _____

Address: _____
(Street address) (City) (State) (Zip)

Phone # _____ Supervision Level: _____ Exp. Date: _____

Progress Topic	Excellent	Good	Fair	Poor	N/A
Adjustment in the home	<input type="checkbox"/>				
School/Education performance	<input type="checkbox"/>				
Compliance with orders	<input type="checkbox"/>				
Family and peer relationships	<input type="checkbox"/>				
Employment performance	<input type="checkbox"/>				
Treatment/Counseling	<input type="checkbox"/>				
General attitude	<input type="checkbox"/>				

SUMMARY OF PROGRESS SINCE LAST REPORT:

COURT APPEARANCES? YES NO If YES, provide certified court documents and a brief explanation of the current legal situation.

RECOMMENDATION: Continue Supervision Request Discharge Request Revocation

(Juvenile Worker) (Date)

(Supervisor) (Date)

(Compact Administrator/Official) (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM A

PETITION FOR REQUISITION TO RETURN A RUNAWAY JUVENILE

I, _____, being the _____
(Name of Parent or Guardian) (Relationship)

of _____ born on _____,
(Name of Juvenile) (Date of Birth) (Race/Sex)

do hereby petition _____ for the issuance of a requisition for the return of said
(Name of Court)
juvenile from _____ or any other place in which he/she may be found.
(Location of juvenile, if known)

By reason of said juvenile's age, such return is essential. (Attach additional information if necessary.) In support of this petition and in order that the court may have necessary information pursuant to Article IV of the Interstate Compact for Juveniles, be it known that said juvenile should legally be in my custody and control for the reasons set forth on the attached **CERTIFIED** document(s). To the best of my knowledge, said juvenile has not been adjudicated delinquent, but has run away under the following circumstances and/or for the following reasons:

Attached hereto and in support hereof, I offer the following:

I have read the foregoing Petition and the contents of said Petition are true and correct to the best of my knowledge.

Signed: _____ (Parent or Guardian) _____ (Date)

Address: _____

~~(It is essential that the above petition be "verified by affidavit" and that certain things be done in accordance with the provisions of Article IV of the Compact, which should be reviewed before preparing this form.)~~

It is essential that the above petition be verified by affidavit, executed in duplicate, and be accompanied by two certified copies of supporting documents.

AFFIDAVIT OF VERIFICATION

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____,

NOTARY PUBLIC

Residing at: _____

My Commission expires: _____



STATE OF _____

COUNTY OF _____

IN THE INTEREST OF _____

JUVENILE DIVISION

DOB: _____

SEX: _____ RACE: _____

**INTERSTATE COMPACT FOR JUVENILES
RIGHTS FOR VOLUNTARY RETURN OF RUNAWAY, ABSCONDER,
ESCAPEE, OR JUVENILE BEING CHARGED AS DELINQUENT**

1. Based on reasonable information, you have been taken into protective custody as a runaway from the State of _____ and the State of _____ has requested your return.
2. You have the right to legal counsel/guardian ad litem.
3. Should you desire to have legal counsel and cannot afford to retain legal counsel, this court will appoint legal counsel for you free of charge.
4. You have the right to have a court hearing to determine whether sufficient cause exists to hold you until such time that a requisition or official request for your return has been received from the State of _____, the demanding state.
5. Should this Court find sufficient cause to hold you pending receipt of this requisition, you can be held for a period of time not to exceed 90 calendar days.
6. Upon receipt of the requisition, you have the right to a court hearing to determine whether the requisition is in order.
7. **You have the right to waive or give up the above described rights and to voluntarily Consent to return to the State of _____ .**
8. If there are pending charges in the demanding state, that voluntary consent to return is made Without reference to guilt or innocence and is not in any way prejudicial to your case and is not an admission of guilt of any crimes.

The above named juvenile has been advised of his/her rights existing under the Interstate Compact for Juveniles as of this date and time.

ENTERED: _____

(Signature of Judge)



INTERSTATE COMPACT FOR JUVENILES

CASE CLOSURE NOTIFICATION

Date: _____

To (State): _____

From (State): _____

(Name of Juvenile): _____

Date of birth: _____

Probation Parole
(check one)

*According to ICJ Rule 4-106. Please close the above referenced case due to:

- Case has expired
- Early release from supervision either satisfactory or unsatisfactory
- Unable to locate youth
- Youth has escaped/absconded
- Youth has moved or returned to another stat
- Youth has been revoked
- Youth has been adjudicated and is currently in custody
- Other, please specify: _____

*Please note that the sending state has sole authority to discharge/terminate its juveniles.

Cases which terminate due to expiration of a court order or upon expiration of the period of parole 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.

Optional Form

Form Amendments Proposals - 2010 ICJ Annual Business Meeting September 15, 2010 San Antonio TX

No.	Description/Title	Proposed by:	Rules Committee Recommendation(s)	Effective Date	Passed/Failed
Mandatory Forms					
Form II	Requisition for Escapee or Absconder	Rules Committee	Recommend adoption	1/1/2011	
Form III	Consent for Voluntary Return of Out of State Juve	Rules Committee	Recommend adoption	1/1/2011	
Form IV	Parole or Probation Investigation Request	Rules Committee	Recommend adoption	1/1/2011	
	and instruction sheet				
Form V	Report of Sending State Upon Parolee or Probatio	Rules Committee	Recommend adoption	1/1/2011	
	and instruction sheet				
Form IA/VI	Application for Services and Waiver	Rules Committee	Recommend adoption	1/1/2011	
	and instruction sheet				
Form VII	Travel Permit	Rules Committee	Recommend adoption	1/1/2011	
	and instruction sheet				
Form VIII	Home Evaluation Report	Rules Committee	Recommend adoption	1/1/2011	
Form IX	Quarterly Progress or Violation Report	Rules Committee	Recommend adoption	1/1/2011	
eliminate	Annual Report Form	Rules Committee	Recommend adoption	1/1/2011	
Optional Forms					
Form A	Petition for Requisition to Return Runaway Juven	Rules Committee	Recommend adoption	1/1/2011	
	Rights for Voluntary Return of Runaway, Abscond	Rules Committee	Recommend adoption	1/1/2011	
	Case Closure	Rules Committee	Recommend adoption	1/1/2011	



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

BUDGET

ICJ
Budget Presentation
2010 Annual Meeting

	FY10	FY11	FY12
	Actual	Revised Budget	Proposed Budget
REVENUE			
DUE ASSESSMENT	743,500.00	830,583.33	832,000.00
Carried Over Reserves			
Refund	1,545.00		
INTEREST INCOME	8,546.05		
Total Administration Revenue	753,591.05	830,583.33	832,000.00
EXPENSE			
60000 SALARIES & WAGES	124,812.33	214,250.00	225,000.00
61000 EMPLOYEE BENEFITS	30,355.82	47,416.50	50,577.60
CSG CONTRACT STAFF	34,281.53		
61079 EDUCATION, ACCREDITATION	30.00	2,000.00	2,000.00
61089 PROFESSIONAL MEMBERSHIP FEES		300.00	300.00
62000 SUPPLIES	4,606.04	5,000.00	5,000.00
62010 POSTAGE	629.95	1,000.00	1,000.00
62090 COMPUTER SEVICES/SUPPORT	4,336.53	10,416.00	10,416.00
62130 OUTSIDE WEB SUPPORT	6,508.06	5,000.00	5,000.00
62140 SOFTWARE PURCHASE	863.25	1,000.00	1,000.00
62280 INSURANCE	987.00	2,304.00	2,304.00
62310 PHOTOCOPY	193.90	1,000.00	1,000.00
62360 DIRECT TELEPHONE EXPENSE	2,529.30	4,560.00	4,560.00
62370 CELL PHONE EXPENSE	1,234.45	1,500.00	1,500.00
62410 MARKETING/ADVERTISING	1,199.00	500.00	500.00
66000 EQUIPMENT PURCHASE	10,743.65	12,000.00	12,000.00
68200 WEB/VIDEO CONFERENCE (WebEx)	5,414.89	12,000.00	12,000.00
68230 MEETING EXPENSE	400.53	1,500.00	1,500.00
72000 CONSULTANT SERVICES	84.77	25,000.00	25,000.00
74000 STAFF TRAVEL	7,131.70	10,000.00	10,000.00
78050 PRINTING	742.63	5,000.00	5,000.00
78130 BENCHBOOK PRODUCTION		12,450.00	
80000 LEGAL SERVICES	40,575.00	35,000.00	35,000.00
80030 DEFENSE LITIGATION	7,983.72		
85000 RENT	7,554.11	17,000.00	17,500.00
91010 INDIRECT COST	58,639.63	57,536.53	57,801.28
Total Administration Expenditures	351,837.79	483,733.03	485,958.88
OTHER EXPENSE			
Executive Committee Meetings	16,868.76	15,000.00	15,000.00
Annual Meeting	74,545.48	85,000.00	94,200.00
Finance Committee	61.19	1,000.00	1,000.00
Compliance Committee	134.33	1,000.00	1,000.00
Rules Committee	750.32	15,000.00	15,000.00
Technology Committee	621.64	15,000.00	15,000.00
Training/Education Committee	1,674.33	15,000.00	15,000.00
Executive Director Search	3,583.66		
JAD Sessions/Function Req	24,819.61	26,200.00	
Other Indirect Cost	24,611.86	23,382.00	21,087.00
Total Other Expense	147,671.18	196,582.00	177,287.00
Total Commission Expenses	499,508.98	680,315.03	663,245.88
Over/Under Budget	254,082.07	150,268.30	168,754.12
Fund Balance and Liabilities	254,082.07		



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

DATA COLLECTION

Interstate Commission for Juveniles
Annual Data Collection Report
INTERSTATE MOVEMENT OF JUVENILES
July 1, 2009 - June 30, 2010

STATE	PAROLE SUPERVISION									PROBATION SUPERVISION									Inst Pub Facility		
	Inc	Sex Off	Inc Term	Out	Sex Off	Out Term	Fail Viol	Ret	Fail Other	Inc	Sex Off	Inc Term	Out	Sex Off	Out Term	Fail Viol	Ret	Failed Other	Ret	In Other State	In Your State
Alabama	40	N/A	N/A	11	N/A	N/A	N/A	N/A	N/A	156	N/A	N/A	62	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Alaska	3	0	0	0	0	0	0	0	0	26	3	10	13	0	4	7	6	0	0	0	0
Arizona	29	3	23	28	4	22	0	0	0	227	26	226	216	7	179	2	2	0	0	0	0
Arkansas	35	N/A	N/A	25	N/A	N/A	N/A	N/A	N/A	97	N/A	N/A	84	N/A	N/A	N/A	N/A	N/A	N/A	0	0
California	61	18	29	18	2	16	5	2	8	389	23	422	608	28	734	10	3	21	6	4	1
Colorado	23	6	17	55	11	44	5	5	0	130	25	115	210	20	191	25	15	0	0	0	0
Connecticut	9	2	4	6	0	4	1	1	1	40	3	17	18	2	12	0	NA	0	N/A	0	0
Delaware	7			22						79			110							0	0
Florida	80	10	38	102	18	50				390	22	266	613	16	353					0	0
Hawaii																					
Idaho	9	4	6	7	2	12	1	1	N/A	82	2	57	214	11	169	3	2	N/A	N/A	N/A	N/A
Illinois PR										213	13	69	333	17	97	N/A	N/A	N/A	N/A	0	0
Illinois PA	54	5	4	95	9	8	22	22	2												
Iowa	31	3	21	1	0	3	6	6	1	107	8	77	37	5	32	10	10	24	24		
Kansas	21	4	11	42	2	18	0	N/A	1	67	1	35	146	9	68	0	0	0	0	0	0
Kentucky	27	2	3	22	4	1	N/A	N/A	N/A	106	5	0	63	1	0	0	0	0	0	N/A	N/A
Louisiana	17	1	5	49	3	17	N/A	N/A	N/A	259	5	50	409	16	108	N/A	N/A	N/A	N/A	N/A	N/A
Maine	2	1	6	6	1	4	0	0	0	28	4	29	9	3	13	1	1	0	0	N/A	N/A
Maryland																					
Massachusetts																					
Michigan	180	23	36	90	16	38	0	0	0	67	24	20	80	16	18	0	0	0	0	N/A	N/A
Minnesota	10	1	5	1	0	0	0	N/A	0	74	2	74	28	2	28	10	10	0	0	0	0
Mississippi	19	1	29	7	1	9	0	0	0	103	0	165	46	1	49	2	2	0	0	0	0
Missouri	53	7	38	56	11	55				175	8	172	28	5	35						
Montana	8	3	8	16	3	14	0	0	8	48	1	55	20	3	30	2	0	14	11	N/A	N/A
Nebraska	11	N/A	6	42	N/A	21	N/A	N/A	N/A	46	N/A	17	45	N/A	15	N/A	N/A	N/A	N/A	0	0
Nevada	23	6	28	36	6	41	6	6	0	193	18	225	135	12	168	5	4	0	N/A	0	0
New Jersey PR										186	7	35	342	14	74	1	1			0	0
New Jersey PA	22	1	13	30	2	17	3 Out/5 In	2 Out/2 In	3 Out/3 In											0	0
New Mexico	11	3	7	12	1	7	1	1	0	100	11	24	87	2	18	3	2	5	3	0	0
North Carolina	64	5	57	7	0	11	0	N/A	0	280	24	296	171	9	164	2	2	0	N/A	N/A	N/A
North Dakota		N/A	3	6	N/A	0	3	3	0	48	2	N/A	103	2	N/A	N/A	N/A	N/A	N/A	0	0
Oklahoma	21	4	35	5	1	8	0	N/A	3	75	6	161	31	7	68	1	1	3	2	N/A	N/A
Oregon	19	10	23	34	7	39	7	5	2	172	12	200	106	6	118	7	2	4	0	N/A	
Pennsylvania	34	5	35	N/A	0	0	N/A	N/A	N/A	243	14	174	375	21	164	N/A	N/A	N/A	N/A	0	0
Rhode Island																					
South Carolina	25	4	24	26	5	25	N/A	N/A	N/A	136	12	182	163	14	164	N/A	N/A	N/A	N/A	0	0
South Dakota	N/A	N/A	N/A	40	N/A	34	N/A	N/A	N/A	30	N/A	38	46	N/A	35	N/A	N/A	N/A	N/A	N/A	N/A

**Interstate Commission for Juveniles
Annual Data Collection Report
INTERSTATE MOVEMENT OF JUVENILES
July 1, 2009 - June 30, 2010**

STATE	From Your State Returned									From Other States Returned									Airport Sup Req Met	O/S Conf In Other State	O/S Conf In Your State
	Run	Esc	Absc	JCDs	Total	Form I Sent	Not Ret	Form II Sent	Not Ret	Run	Esc	Absc	JCDs	Total	Form I	Not Ret	Form II	Not Ret			
Alabama	20	1	12	N/A	33	N/A	N/A	N/A	N/A	28	2	20	N/A	50	N/A	N/A	N/A	N/A	0	N/A	N/A
Alaska	1	0	1	0	2	1	0	1	0	0	0	4	0	4	0	0	0	0	0	0	0
Arizona	48	0	32	0	48	0	0	0	0	30	0	30	0	60	0	0	0	0	21	0	0
Arkansas	23	0	8	0	31	1	0	0	0	44	0	11	0	55	1	0	1	0	0	0	0
California	73	0	96	N/A	169	1	0	5	1	78	0	93	N/A	171	1	0	4	0	20	9	13
Colorado	18	5	30	6	59	0	0	5	0	14	2	25	5	46	0	0	3	0	5	0	0
Connecticut	5	0	2	2	9	0		1	1	7	0	10	3	20	0		1		0	0	0
Delaware	8				8					12				12			1		0		
Florida	103	4	110		217	2	1	9	5	53	0	145		198	6	3	6	3	0	0	0
Hawaii																					
Idaho	10	0	39	0	49	1	0	2	0	13	0	22	0	35	0	0	1	0	0	N/A	N/A
Illinois PR	0	0	9	0	9	0	0	0	0	0	0	5	0	5	0	0	0	0	0	9	5
Illinois PA	61		44		105			4		53		3		56			2		29		
Iowa	12	5	18	2	28			2	2	27	5	44	0	76					2	0	1
Kansas	44	0	39	19	102	4	0	4	0	45	1	24	8	78	0	0	1	0	0	0	0
Kentucky	17	2	17	4	40	0	0	4	1	18	1	21	N/A	40	0	0	3	0	6	N/A	N/A
Louisiana	9	2	5		16	0	0	0	0	12	0	3		15	0				0	N/A	N/A
Maine	1	0	3	0	4	0	0	0	0	3	0	2	0	5	0	0	0	0	0	N/A	N/A
Maryland																					
Massachusetts																					
Michigan	24	0	15	0	39	16	0	14	0	24	0	18	0	42	8	0	10	0	10	N/A	N/A
Minnesota	29	1	23	0	53	0	0	2	0	17	0	27	0	44	0	0	2	1	9	0	0
Mississippi	16	0	1	0	17	0	0	1	0	29	1	0	0	30	0	0	2	0	6	0	0
Missouri	18	0	26	7	51	1	0	2	0	23	0	74	2	99	2	0	2	1	1		
Montana	4	0	12	1	17	0	0	1	0	9	0	18	1	28	0	0	2	0	7	N/A	N/A
Nebraska	20	2	48	0	70	0	0	0	0	12	0	39	0	51	0	0	0	0	0	0	0
Nevada	12	0	45	2	59	1	0	0	0	12	0	45	2	59	1	0	0	0	4		
New Jersey PR	18	0	33	2	53	1		2	1	10	1	24	1	36	3	2	2	0	1		
New Jersey PA	N/A	1	5		6	N/A	N/A	5	0	N/A	0	3	1	4	N/A	N/A	3	1	0	0	0
New Mexico	8	0	30	7	45	1	0	2	0	40	0	34	10	88	3	0	2	0	0	0	0
North Carolina	26	0	7	4	37	1	0	2	0	35	1	5	1	42	1	0	1	0	10	N/A	N/A
North Dakota	6	0	12	0	18	0	0	3	0	4	0	10	0	14	0	0	2	0	<10	0	0
Oklahoma	20	0	13	7	40	0	NA	1	1	17	6	9	17	49	2	1	1	1	0	0	0
Oregon	19	0	59	0	78	1	0	2	0	77	0	58		135	2	0	2	0	1	N/A	
Pennsylvania	24	2	55	N/A	81	0		2		15	3	57	N/A	75	3	1	4		0	0	0
Rhode Island																					
South Carolina	11	0	20	0	31	3	2	3	0	24	0	18	0	42	2	2	4	1	N/A	0	0
South Dakota	2	0	12	0	14	0	0	0	0	2	0	14	0	16	0	0	0	0	0	N/A	N/A



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

Status of
Non-Member States

Interstate Compact for Juveniles

Legislative Status Update, 46 Member States – August 2010

State	Status	State	Status
Alabama	Signed into law, 4/22/04	New Hampshire	
Alaska	Signed into law, 6/26/09	New Jersey	Signed into law, 9/10/04
Arizona	Signed into law, 4/30/03	New Mexico	Signed into law, 3/19/03
Arkansas	Signed into law, 4/6/05	New York	
California	Signed into law, 1/1/10	North Carolina	Signed into law, 7/18/05
Colorado	Signed into law, 4/26/04	North Dakota	Signed into law, 3/13/03
Connecticut	Signed into law, 6/18/03	Ohio	Introduced, H.B. No. 512
Delaware	Signed into law, 7/8/03	Oklahoma	Signed into law, 4/21/04
Dist. Of Columbia	Introduced, Bill No.	Oregon	Signed into law 8/4/09
Florida	Signed into law, 5/26/05	Pennsylvania	Signed into law, 7/2/04
Georgia		Rhode Island	Signed into law, 7/10/03
Hawaii	Signed into law, 6/05/09	South Carolina	Signed into law, 5/24/06
Idaho	Signed into law, 3/19/04	South Dakota	Signed into law, 2/13/04
Illinois	Signed into law, 8/26/08	Tennessee	Signed into law, 6/20/08
Indiana		Texas	Signed into law, 6/18/05
Iowa	Signed into law, 4/29/10	Utah	Signed into law, 3/16/05
Kansas	Signed into law, 3/29/04	Vermont	Signed into law, 5/12/10
Kentucky	Signed into law, 3/18/05	Virginia	Signed into law, 3/12/07
Louisiana	Signed into law, 7/3/03	Washington	Signed into law, 5/9/03
Maine	Signed into law, 6/25/03	West Virginia	Signed into law, 4/6/04
Maryland	Signed into law, 5/17/07	Wisconsin	Signed into law, 3/30/06
Massachusetts	Signed into law, 6/30/10	Wyoming	Signed into law, 3/5/04
Michigan	Signed into law, 7/11/03	Amer. Samoa	
Minnesota	Signed into law, 5/27/10	Guam	
Mississippi	Signed into law, 3/17/09	N. Mariana Islands	
Missouri	Signed into law, 6/21/07	Puerto Rico	
Montana	Signed into law, 4/1/03	U.S. Virgin Islands	Signed into law, 4/7/10
Nebraska	Signed into law, 5/27/09		
Nevada	Signed into law, 5/19/05		



INTERSTATE COMMISSION FOR JUVENILES
Serving Juveniles While Protecting Communities

2010 Annual Business Meeting
September 15, 2010

IT COMMITTEE UPDATE

Information Technology Committee Update

At the 2009 Annual Business Meeting, the Committee procured the support of the Commission to define the functional requirements for a national electronic system through a contracted vendor and Joint Application Development (JAD) Sessions with Compact experts. In March and April of 2010, JAD attendees explored building a managed process to simplify the collection of data and allow greater oversight of juvenile movement from state to state.

At the conclusion of the JAD sessions, the Committee conducted an exhaustive review of the Functional Document. In July 2010, the Committee agreed that it would be beneficial to provide member states with a brief summary of the document.

The Functional Requirements Document:

- Describes the proposed software solution, its scope, benefits, goals, risks, and stakeholders, in addition to cataloguing the assumptions and constraints upon which the proposed solution will be built.
- Defines the Compact's business requirements by describing in general terms what must be delivered with the software solution to provide value.
- Defines the non-functional requirements such as the required accuracy, data retention, and performance of the proposed solution.
- Outlines the hardware and software requirements of the solution and provides a high level view of the solution's proposed architecture.
- Identifies security requirements.
- Describes the system in detail:
 - User requirements
 - Roles
 - Preferences
 - Workload Management
 - Administrative Tasks
 - Transfer of Supervision Requirements
 - Workflow breakdown
 - Creating a case
 - Moving, closing, expunging and withdrawing a case
 - Bifurcated vs. Unified workflow
 - Notifications
 - Progress Reports
 - Home Evaluations
 - Voluntary and Non-Voluntary Return of Runaways, Escapees and Absconders
 - Workflow breakdown
 - Travel Plans, i.e. airport supervision, mode of travel, etc.
 - Travel Permits
 - Case Notes
- Describes requirements for integrating and implementing the system, as well as support and maintenance expectations.
- Provides a listing of reports expected for the system and general reporting requirements.