

# DOCKET BOOK



## 2017 ANNUAL BUSINESS MEETING **SAN DIEGO**

September 25 - 27



**Interstate Commission for Juveniles  
2017 Annual Business Meeting  
Marriott Mission Valley  
San Diego, California**  
*Pacific Daylight Savings Time*

**Agenda**

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**DAY 1**

**MONDAY ~ SEPTEMBER 25**

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|---------|--|
| 2:00 PM | <b>2017 Executive Committee Members Meeting</b><br><i>Santa Fe 3-4</i> |
| 5:00 PM | <b>Public Hearing</b><br><i>Sierra 5</i>                               |
| 6:00 PM | <b>Welcome Reception</b><br><i>Fountain Terrace (outside)</i>          |
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**Interstate Commission for Juveniles  
2017 Annual Business Meeting**  
**Marriott Mission Valley**  
**San Diego, California**  
*Pacific Daylight Savings Time*

## **Agenda**

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### **DAY 2**

**TUESDAY ~ SEPTEMBER 26**

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|          |  |
|----------|--|
| 7:30 AM  | <i>Breakfast</i><br><i>Sierra 5-6</i>  |
| 8:30 AM  | <b>Training Session I:</b><br><i>Overcoming Obstacles: Hurdles and How To's</i><br><i>Rio Vista Grand Ballroom - Salons A-D</i>  |
| 10:30 AM | <i>Break</i>   |
| 10:45 AM | <b>Training Session II:</b><br><i>ICJ Proposed Rule Amendments</i><br><i>Rio Vista Grand Ballroom - Salons A-D</i>   |
| 12:00 PM | <i>Lunch</i>   |
| 1:30 PM  | <b>Training Session III:</b><br><i>When Cases Overlap between the Interstate Commission for Juveniles (ICJ) and the Interstate Commission for Adult Offender Supervision (ICAOS)</i><br><i>Rio Vista Grand Ballroom - Salons A-D</i> |
| 2:45 PM  | <b>Region Meetings</b> <ul style="list-style-type: none"><li>▪ East – <i>Balboa 2</i></li><li>▪ Midwest – <i>Sante Fe 3-4</i></li><li>▪ West – <i>Sierra 6</i></li><li>▪ South – <i>Sierra 5</i></li></ul>                           |

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**Interstate Commission for Juveniles  
2017 Annual Business Meeting  
Marriott Mission Valley  
San Diego, California  
*Pacific Daylight Savings Time***

**Agenda**

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**DAY 3**

**WEDNESDAY ~ SEPTEMBER 27**

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7:30 AM

*Breakfast*

*Sierra 5-6*

**GENERAL SESSION\***

*Rio Vista Grand Ballroom - Salons A-D*

8:30 AM

**Call to Order**

- Traci Marchand (NC) Commission Chair

**Flag Presentation**

- California National Guard Youth ChalleNGe Program  
Sunburst Youth Academy ~ Los Alamitos, California

**Roll Call**

- MaryLee Underwood, ICJ Executive Director

**Opening Remarks**

- Traci Marchand (NC) Commission Chair

**Welcome Address**

- Chief Probation Officers of California

**Approval of Agenda**

**Approval of Minutes** - 2016 ABM (August 24, 2016)

9:00 AM

**Executive Committee Report**

- Traci Marchand (NC) Commission Chair

**Finance Committee Report**

- David Barrett (ME) Committee Chair



**Compliance Committee Report**

- Mike Lacy (WV) Commission Vice Chair

**Information Technology Committee Report**

- Shelley Hagan (WI) Committee Chair

**Training Education and Public Relations Committee Report and  
Human Trafficking Ad Hoc Committee Report**

- Anne Connor (NV) Committee Chair

**Legal Counsel Report**

- Richard L. Masters, Legal Counsel

10:15 AM

*Break*

**Rules Committee Report**

- Julie Hawkins (MO) Committee Chair

12:00 PM

*Lunch*

1:30 PM

**East Region Report**

- Maria Genca (CT) Representative

**Midwest Region Report**

- Nina Belli (OH) Representative

**South Region Report**

- Mia R. Pressely (SC) Representative

**West Region Report**

- Dale Dodd (NM) Representative

2:00 PM

**Judicial Panel Discussion**

*Resolving Judicial Conflicts: The Judicial Perspective*

3:30 PM

*Break*

3:45 PM

**Old Business**

**New Business**

**Election of Officers**

**Call to the Public**

**Adjourn**

4:30 PM

**Newly Elected 2018 Officers and Region  
Representatives Meeting**

*Santa Fe 3*

*\*audio recorded.*

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**INTERSTATE COMMISSION FOR JUVENILES  
2016 ANNUAL BUSINESS MEETING**

**August 24, 2016  
General Session Minutes  
The Boston Sheraton Hotel – Boston, Massachusetts**

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**Call to Order**

The Interstate Commission for Juveniles 9th Annual Business Meeting was called to order by Chair Traci Marchand at 8:30 a.m. EDT. The Boy Scout Troop #126 of the St. Thomas Villanova Church of Wilmington Massachusetts presented the flags and led the attendees in reciting the pledge of allegiance.

**Roll Call**

A. Lippert, Executive Director, called the roll. Fifty of the fifty-two member states and territories were in attendance, establishing a quorum.

**Members:**

|                         |                                  |
|-------------------------|----------------------------------|
| 1. Alabama              | Patrick J. Pendergast, Designee  |
| 2. Alaska               | Barbara Murray, Commissioner     |
| 3. Arizona              | John Crabtree, Designee          |
| 4. Arkansas             | Judy Miller, Designee            |
| 5. California           | Michael Farmer, Designee         |
| 6. Colorado             | Summer Foxworth, Commissioner    |
| 7. Connecticut          | Maria Genca, Designee            |
| 8. Delaware             | Damian Seymour, Designee         |
| 9. District of Columbia | Bruce Wright, Commissioner       |
| 10. Florida             | Agnes Denson, Commissioner       |
| 11. Georgia             | Avery Niles, Commissioner        |
| 12. Hawaii              | Linda Kiyotoki, Designee         |
| 13. Idaho               | Alicia Ehlers, Designee          |
| 14. Illinois            | Tomiko Frierson, Commissioner    |
| 15. Indiana             | Jane Seigel, Commissioner        |
| 16. Iowa                | Tracy Fliger, Designee           |
| 17. Kansas              | Jeff Cowger, Commissioner        |
| 18. Kentucky            | Karen King-Jones, Commissioner   |
| 19. Louisiana           | Angela Bridgewater, Commissioner |
| 20. Maine               | David Barrett, Commissioner      |
| 21. Maryland            | Sherry Jones, Commissioner       |

## DRAFT

|                    |                                |
|--------------------|--------------------------------|
| 22. Massachusetts  | Rebecca Moore, Designee        |
| 23. Michigan       | Roy Yaple, Designee            |
| 24. Minnesota      | <i>Not in attendance</i>       |
| 25. Mississippi    | John Davis, Commissioner       |
| 26. Missouri       | Julie Hawkins, Commissioner    |
| 27. Montana        | Cindy McKenzie, Commissioner   |
| 28. Nebraska       | Jacey Nordmeyer, Commissioner  |
| 29. Nevada         | Anne Connor, Commissioner      |
| 30. New Hampshire  | Thomas O'Connor, Designee      |
| 31. New Jersey     | Edwin Lee, Jr., Designee       |
| 32. New Mexico     | Dale Dodd, Commissioner        |
| 33. New York       | Paul Ottati                    |
| 34. North Carolina | Traci Marchand, Commissioner   |
| 35. North Dakota   | Lisa Bjergaard, Commissioner   |
| 36. Ohio           | Nina Belli, Commissioner       |
| 37. Oklahoma       | Robert Hendryx, Designee       |
| 38. Oregon         | Phil Cox, Commissioner         |
| 39. Pennsylvania   | Dori Bernard                   |
| 40. Rhode Island   | JoAnn Niksa, Designee          |
| 41. South Carolina | Mia Pressley, Commissioner     |
| 42. South Dakota   | Nancy Allard, Commissioner     |
| 43. Tennessee      | Cathlyn Smith, Commissioner    |
| 44. Texas          | Daryl Liedecke, Commissioner   |
| 45. Utah           | Dawn Marie Rubio, Commissioner |
| 46. Vermont        | Barbara Joyal, Commissioner    |
| 47. Virginia       | Natalie Dalton, Commissioner   |
| 48. Virgin Islands | <i>Not in attendance</i>       |
| 49. Washington     | Dawn Bailey                    |
| 50. West Virginia  | Michael Lacy, Commissioner     |
| 51. Wisconsin      | Shelley Hagan, Commissioner    |
| 52. Wyoming        | Gary Hartman, Commissioner     |

### **Ex-officios:**

1. Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) – Bruce Rudberg
2. Interstate Commission for Adult Offender Supervision (ICAOS) – Dale Crook
3. National Conference of State Legislatures (NCSL) – Diane Larson
4. National Council of Juvenile and Family Court Judges (NCJFCJ) – Judge Chandlee J. Kuhn
5. National Juvenile Detention Association (NJDA) – Steven Jett
6. National Runaway Safeline (NRS) – Maureen Blaha
7. National Association for Crime Victims [Justice Solutions] - Trudy Gregorie

### **Compact Office Staff and Others in Attendance:**

- |                         |                        |
|-------------------------|------------------------|
| 1. California           | Tony DeJesus           |
| 2. Connecticut          | Francis J. Carino      |
| 3. District of Columbia | Carla Fults (AAICPC)   |
| 4. District of Columbia | Vivian Fulbright-Brock |
| 5. District of Columbia | Kathy Holiday-Crawford |
| 6. District of Columbia | Jefferson Regis        |

## DRAFT

|                   |                      |
|-------------------|----------------------|
| 7. Florida        | Onome Edukore        |
| 8. Georgia        | Tracy Cassell        |
| 9. Georgia        | Catina Martin-Fenner |
| 10. Idaho         | Brian Dean           |
| 11. Idaho         | Roberto Coronado     |
| 12. Illinois      | Eva Moore            |
| 13. Indiana       | Laura Hausladen      |
| 14. Kentucky      | John Fitzpatrick     |
| 15. Louisiana     | Yolanda Latimer      |
| 16. Maryland      | Yolanda Kennard      |
| 17. Massachusetts | Peter J. Forbes      |
| 18. Massachusetts | Maritza Davila       |
| 19. Massachusetts | Sarah Joss           |
| 20. Massachusetts | Donna Reed           |
| 21. Mississippi   | Maxine Baggett       |
| 22. Mississippi   | Mack Reeves          |
| 23. Mississippi   | Earl Scales          |
| 24. Montana       | Jeff Christofferson  |
| 25. Nebraska      | Abbie Christian      |
| 26. Nevada        | Linda Bowmer         |
| 27. New York      | Kelly Palmateer      |
| 28. Oregon        | Gloria Soja          |
| 29. South Dakota  | Kathy Christenson    |
| 30. Utah          | Jessica Eldredge     |
| 31. Vermont       | Patricia Casanova    |
| 32. West Virginia | Randall Wagner       |

### **Agenda**

**P. Cox (OR) made a motion to approve the agenda. M. Pressley (SC) seconded. The motion passed by a majority vote.**

### **Minutes**

**A. Niles (GA) made a motion to approve the August 26, 2015 Annual Business Meeting minutes. N. Belli (OH) seconded. The motion passed by a majority vote.**

### **Opening Remarks**

- Chair Marchand welcomed the attendees to the 2016 Annual Business Meeting of the Interstate Commission for Juveniles.
- Chair Marchand introduced Peter J. Forbes, Commissioner for the Commonwealth of Massachusetts to deliver the welcome address.

### **Welcome Address**

Peter J. Forbes welcomed the attendees to the Commonwealth of Massachusetts and recognized the ICJ National Office and the Commission for organizing the 2016 ICJ Annual Business Meeting in Boston. Commissioner Forbes commended ICJ's Mission and acknowledged the daily operations to be crucial for youth and the public yet often go unnoticed. Massachusetts Commissioner Forbes closed by presenting the Boy Scout Troop #126 of Wilmington Massachusetts a plaque of appreciation for their participation in today's meeting.



**Executive Committee Report by Traci Marchand (NC)**

- Chair Marchand reported and highlighted the Commission's accomplishments over the past year as follows:
  - Approved two Advisory Opinions: (1) Approving 'placement' or 'supervision' and ICJ authority in cases where placement may violate court orders and (2) ICJ authority to conduct records checks for another state on juveniles not subject to ICJ.
  - Approved becoming an affiliate member of the Coalition for Juvenile Justice (CJJ)
  - Published the fiscal year 2016 Annual Report
  - Approved ICJ to begin the process of de-affiliating with the Council of State Governments.
- Chair Marchand presented the ICJ Leadership Award to Mia R. Pressley, South Carolina Commissioner, for her outstanding leadership skills through exemplary service.
- Chair Marchand presented and highlighted the proposed 2016-2019 Strategic Plan. The updated 2013-2016 strategic plan includes the following five core values and four new goals/strategies:

**VALUES**

1. We honor the Compact's spirit of communication, collaboration and mutual respect among all parties in the Compact.
2. We hold ourselves accountable to our compact agreements.
3. We expect and support continuous knowledge and skill development.
4. We seek sustainability of ICJ via leadership development and national visibility.
5. We ensure that everything we do supports the outcomes stated in our mission

**GOALS/STRATEGIES**

1. Utilize and promote the State Council to increase national awareness/visibility at the state level.
  2. Enhance communications and collaboration to foster better outcomes for juveniles.
  3. Using data to analyze and evaluate performance and enforce/monitor compliance.
  4. Develop sustaining leadership via training and professional development
- Chair Marchand reported the following ex officio participation during the past year:
    - Interstate Compact on the Placement of Children (AAICPC)  
Attended 2016 Annual Conference
    - American Probation and Parole Association (APPA)  
Presented at the 2016 winter and summer institutes
    - Interstate Commission for Adult Offender Supervision (ICAOS)  
Continued resource sharing and plan to attend the 2016 Annual Business Meeting in September
    - National Conference for Juvenile and Family Court Judges (NCJFCJ)  
Presented at the 2016 Annual Juvenile Justice Conference
    - Coalition for Juvenile Justice (CJJ)  
Attended the 2016 Annual Conference, drafted white paper, and plan to develop a webinar
  - **P. Pendergast (AL) made a motion to approve the Executive Committee Report which includes the 2016-2019 Strategic Plan as presented. S. Hagan (WI) seconded. The motion passed by a majority vote.**

**Finance Committee Report by Avery Niles (GA)**

- Chair Niles reported the fiscal year 2016 budget finished nine percent under budget. The investment account sponsored by the Council of State Governments sustained growth over FY 2016 with an average of 2.58 percent gain.
- Chair Niles reported that the fiscal year 2018 budget primarily mirrors the fiscal year 2017 budget. Chair Niles reported the Commission's financial stability highlighting the primary difference from the previous year in expenditures and revenue. The Kentucky Employee Retirement System (KERS) benefits increased 10.5 percent in FY17 and FY18. In 2014, the Commission voted to revise the dues formula using the 2010 census numbers and an average of the compact transactions for fiscal years 2014, 2015, and 2016 resulting in eight states moving up a tier and four states moving down a tier.
- **P. Cox (OR) made a motion to approve the Fiscal Year 2018 Budget as presented. S. Jones (MD) seconded. The motion passed by a 45 - 0 vote.**
- R. Masters, Legal Counsel, clarified there to be 47 qualified voters in attendance. A simple majority requires 24 votes and a supermajority requires 31 votes.
- **A. Connor (NV) made a motion to approve the Finance Committee Report as presented. S. Foxworth (CO) seconded. The motion passed by a majority vote.**

**Compliance Committee Report by Mike Farmer (CA)**

- Chair Farmer recognized the Compliance Committee members and reported that the Compliance Committee met six times with no actions taken for non-compliance. The meeting discussion items included: commissioner appointments, dues payments, compliance policies, a compliance sanctions guideline, and the Performance Measurement Assessments (PMA). Chair Farmer reported that the recommendation for a compliance sanctions guideline failed. After reviewing the 2015 PMA results, a best practice was developed on the completion of quarterly progress reports (QPR). The 2016 PMA consisted of a cleanup of JIDS files and inactive users. The upcoming 2017 Performance Measurement Assessment (PMA) standards for all states were presented in the 2016 ABM Docket Book.
- **A. Niles (GA) made a motion to approve the Compliance Committee Report as presented. G. Hartman (WY) seconded. The motion passed by a majority vote.**

**Information Technology Committee**

- Chair Marchand acknowledged the leadership of the Information Technology Chair Lea Quam (ND) over the year and wished her well in her new position in North Dakota. Chair Marchand provided the Information Technology Report by first recognizing the members. The IT Committee addressed all JIDS enhancements in two bundles. Chair Marchand highlighted the approved JIDS enhancements some of which are currently live and the others that will go live in the fall in addition to the JIDS upgrade which will offer a modern sleek appearance, increased functionality, and improved performance. JIDS Training is continually available and reported over 550 persons completed the online self-paced training and 360 completed the live training during the past year.
- **A. Connor (NV) made a motion to approve the Information Technology Committee Report as presented. T. O'Connor (NH) seconded. The motion passed by a majority vote.**

**Training, Education and Public Relations Committee Report and the Human Trafficking Ad Hoc Committee Report by Anne Connor (NV)**

- Chair Connor recognized the work of the Training Committee and the trainers throughout the year. Over the course of ten meetings, the Committee:
  - updated the training curriculum and resources to reflect the 2015 ABM Rule amendments;
  - implemented Commissioner and Designee On Demand Training;
  - developed and created six new on demand ICJ Rules Training Modules using the new Storyline software;
  - developed a new website resource entitled, the “Return for the Month”;
  - established an ICJ Mentorship Program and a new staff listing, available on the Commission’s website; and
  - approved the training curriculums for the 2016 Annual Business Meeting.
- Chair Connor updated that ICJ attended or presented at the following conferences:
  - American Probation and Parole Association Institutes;
  - 40<sup>th</sup> Annual Juvenile Justice Symposium in Biloxi, Mississippi;
  - Interstate Compact on the Placement of Children Annual Meeting; and the
  - National Council of Juvenile and Family Court Judges.
- Chair Connor reported the following training statistics for the year:
  - Total number of individuals trained: 1,940
  - Total number of training sessions conducted: 95
  - Total number of On Demand Courses completed: 2,343
  - Technical and Training Assistance: 67 trainings, 406 individuals trained
- Chair Connor recognized the members of the Human Trafficking Ad Hoc Committee. The Committee was designed to examine the overall issue of human trafficking across the nation and the impact to ICJ Compact offices. The Human Trafficking Ad Hoc Committee held six teleconferences to share resources and processes among states and a Human Trafficking Matrix was developed and implemented based on the 2014 Polaris Project data. Chair Connor recognized the four leaders from each region that assisted in the collection of the update materials reporting that the matrix is now available on the Commission’s website and in the 2016 ABM Docket Book.
- **J. Nordmeyer (NE) made a motion to approve the Training, Education and Public Relations Committee Report and the Human Trafficking Ad Hoc Committee Report as presented. S. Hagan (WI) seconded. The motion passed by a majority vote.**

**Rules Committee by Julie Hawkins (MO)**

- Chair Hawkins acknowledged the Rules Committee members and reported 2016 as the first annual business meeting without rule amendments. The Rules Committee met bi-monthly throughout 2016. First, reviewing the new Rules effective February 2016 for any inconsistencies and secondly working through a list of recommendations. To date, a total of 12 proposals have been recommended. Additionally, a legal advisory opinion on pre-adjudicated home evaluation requests was requested and is now available on the Commission’s website and a copy in the Docket Book. The Rules Committee will begin meeting monthly starting October 5, 2016. February 28, 2017 is the deadline for submitting proposals to the Rules Committee.
- **A. Connor (NV) made a motion to approve the Rules Committee Report as presented. D. Dodd (NM) seconded. The motion passed by a majority vote.**

**Legal Report by Richard Masters, Legal Counsel**

- R. Masters commended the efforts of the Commissioners and their collaboration to successfully resolve disputes without any legal action taken during the year. R. Masters briefed on two resolved cases. The first involved the states of New Jersey and Virginia and the second involved Tennessee and Texas. Additionally, he briefed on the Advisory Opinion #01-2016 Pre-Adjudicated Home Evaluation Requests issued during the year and included in the 2016 ABM Docket Book. Legal Counsel emphasized that advisory opinions are a legal interpretation and do not preempt the ICJ Rules.
- R. Masters updated on his attendance at the Interstate Compact on the Placement of Children (AAICPC) Annual Meeting in White Plains, New York. Additionally, he commended the Commission on their work during Tuesday's Training Session I which outlined the ICJ Strategic Initiatives.
- **P. Pendergast (AL) made a motion to approve the Legal Counsel Report as presented. S. Jones (MD) seconded. The motion passed by a majority vote.**

**AAICPC ICJ Workgroup and East Region Report by Maria Genca (CT)**

- ICJ Workgroup Co-Chair Genca acknowledged the ICPC Workgroup Co-Chair, Bruce Rudberg, and the ICJ workgroup members. During the year the workgroup reviewed challenging ICPC-ICJ case scenarios; distribution of the ICJ - AAICPC Dual Jurisdiction Cases Best Practice Guide; and a potential Q&A Section for the Best Practice Guide.
- Co-Chair Genca attend the 2016 Interstate Compact on the Placement of Children (AAICPC) Annual Meeting in White Plains, New York AAICPC noting that the Best Practice Guide was distributed in hard copy. The Workgroup has completed the assigned goal(s) with the development and implementation of the Memorandum of Understanding (MOU) between ICJ and AAICPC and the development and distribution of the Best Practice Guide.
- East Region Representative Genca reported that the ICJ East Region met quarterly throughout the year. Items discussed were regional, state, and national issues; specific challenges identified in the areas of juvenile returns and runaways; increasing the development of the State Councils; the human trafficking matrix information; and elected her the East Regional Representative for 2017-2018.
- **R. Hendryx (OK) made a motion to approve the AAICPC ICJ Workgroup Report and the ICJ East Region Report as presented. J. Niksa (RI) seconded. The motion passed by a majority vote.**

**Midwest Region by Nina Belli (OH)**

- Representative Belli acknowledged the Commonwealth of Massachusetts as host to the annual meeting, the ICJ National Office, the Commission members, and welcomed the new Commissioner and Designee appointments in the Midwest Region.
- Representative Belli reported that the Midwest Region met quarterly and updated on the relative trainings and seminars attended and conducted by states. Representative Belli reported the Midwest States that provided updates on their state councils; assisted in drafting legislation; updated on human trafficking information for the matrix; and announced staff changes. Additionally, the Midwest Region agreed to recommend the assignment of a mentor to states in transition.
- **D. Liedecke (TX) made a motion to approve the Midwest Region Report as presented. A. Niles (GA) seconded. The motion passed by a majority vote.**

### **South Region by Mia Pressley (SC)**

- Representative Pressley acknowledged the 17 South Region States and reported that the South Region met four times since the last annual meeting. Meetings items discussed included updates on state councils, trainings, and personnel; and a request for clarity regarding home evaluations for pre-adjudicated youth which resulted in issuance of Legal Advisory Opinion #01-2016.
- Representative Pressley acknowledged the new Commissioners and Designees in the South Region and thanked the region for their support throughout the year and the vote of confidence to lead in the upcoming years.
- **J. Niksa (RI) made a motion to accept the South Region Report as presented. J. Nordmeyer (NE) seconded. The motion passed by a majority vote.**

### **West Region by Dale Dodd (NM)**

- Representative Dodd noted that the West Region is comprised of 13 states and spans across four time zones. Representative Dodd reported that the West Region met quarterly over the year and elected Jessica Eldredge (UT) as the West Region Representative for the next two-year term. During the quarterly meetings states provided state council and Compact office staffing updates and received updates from the Human Trafficking Ad Hoc Committee regarding the matrix. The West Region made a recommendation to the mentoring program and forwarded a proposed rule amendment to Rule 4-104 to the Rules Committee.
- **N. Belli (OH) made a motion to approve the West Region Report as presented. P. Cox (OR) seconded. The motion passed by a majority vote.**
- Chair Marchand suggested that the agenda be amended to move Old Business, New Business, and the call to the public prior to lunch.
- **M. Farmer (CA) made a motion to amend the agenda as suggested. S. Foxworth (CO) seconded. P. Cox (OR) objected. The motion passed by a majority vote.**

### **Old Business**

#### **JJDPA Update**

- R. Masters updated that the United States Congress has not passed any legislation regarding the JJDPA amendment known as the Reauthorization of the Juvenile Justice Delinquency Prevention Act 2015 which will impact ICJ's exemption to hold juveniles in secure detention.

### **New Business**

#### **ICJ By-laws**

- Vice Chair Lacy suggested the Commission consider amending the ICJ By-laws Article III to allow the Immediate Past-Chairperson to continue as an officer of ICJ and serve on the ICJ Executive Committee until a new immediate past-chairperson automatically succeeds to that position rather than limiting to a one year term.
- P. Cox (OR) recalled that the language was added to the By-laws to provide continual knowledge and experience during the transition to the newly elected chair. Vice Chair Lacy proposed that there was an oversight in the original language. M. Farmer (CA)



recalled the Commission's intent to be one year when the vote passed at the annual business meeting under Chair Terry Clark.

- R. Masters clarified that a proposal to amend to the By-laws was not presented for review and comment 30 days prior to the vote and therefore would require two separate votes. The first vote would require a two-thirds passage to consider the motion. The second vote would require a simple majority passage in favor of the motion.
- **M. Lacy (WV) made a motion to consider an amendment to the ICJ By-laws Article III. Officers, Section 2. Duties, paragraph (e) Immediate Past-Chairperson to delete *a term of one year* and insert *a term of two years or until a new immediate past-chairperson automatically succeeds to that position, whichever first occurs*. A. Niles (GA) seconded. The motion failed by 28 – 19 vote.**

#### Massachusetts

- B. Moore (MA) welcomed the attendees to the Commonwealth of Massachusetts by presenting each attendee with a unique tote bag. She recognized the youth at the local Massachusetts Residential Treatment Center who designed and produced the tote bag as a part of the center's silk screening program. Attendees interested in knowing more about the program and products may contact Becki Moore.

#### Recognition

- Chair Marchand expressed her gratitude to each of the 2016 ICJ Officers, Committee Chairs, and Region Representative for their leadership throughout the year:
  - Immediate Past-Chairperson – Patrick Pendergast (AL)
  - Vice Chair – Mike Lacy (WV)
  - Treasurer – Jeff Cowger (KS)
  - Finance Committee Chair – Avery Niles (GA)
  - Compliance Committee Chair – Mike Farmer (CA)
  - Rules Committee Chair – Julie Hawkins (MO)
  - Training, Education and Public Relations Committee Chair and Human Trafficking Ad Hoc Committee Chair – Anne Connor (NV)
  - Technology Committee Chair – Lea Quam (ND)
  - AAICPC ICJ MOU Workgroup Co-Chair – Maria Genca (CT)
  - East Region Representative - Patricia Welcome (VI)
  - Midwest Region Representative – Nina Belli (OH)
  - South Region Representative – Mia R. Pressley (SC)
  - West Region Representative – Dale Dodd (NM)
- Chair Marchand announced the Staff Recognition for the following individuals who were nominated by their peers for going above and beyond the general call of duty: Derrick Nedved (SD) and Joy Swantz (WI).
- Chair Marchand recognized the ICJ National Office Staff Shawn Robinson, Jenny Adkins, and Emma Goode, and Executive Director Ashley Lippert.
- Vice Chair Lacy recognized Traci Marchand for her outstanding leadership, dedication, and vision for ICJ as the Commission Chair.

#### Public Comments

Chair Marchand opened the floor for any public comments. There were none.

**Establishing and Utilizing the State Council: A Collaborative Panel Discussion**

- Training Committee Chair Connor introduced the Trudy Gregorie, ICJ Victims Ex Officio to moderate the panel discussion.
- Moderator Gregorie introduced the following panelists and state council members who participated in the discussion on establishing and utilizing a state council:
  - Michael Farmer (California)
  - Francis J. Carino (Connecticut)
  - Steven Jett (Idaho)
  - Linda Bowmer (Nevada)
  - Diane Larson (North Dakota)
- Moderator Gregorie led the discussion and directed questions to the panelists who shared their experiences and answered questions regarding the establishing membership, maintaining, and utilizing a state council. Additionally, attendees received a brochure entitled *State Council Orientation Guide*.

**2017 Officer Elections**

- Chair Marchand turned the floor over to the South Region Representative Mia R. Pressley to lead the 2017 Officers Election.

**Treasurer –**

- Representative Pressley presented Avery Niles (GA) and Jeff Cowger (KS) as nominees for Treasurer and asked for nominations from the floor. There were none.
- Representative Pressley closed the nominations by acclamation.
  - Avery Niles (GA) accepted the nomination and addressed the Commission.
  - Jeff Cowger (KS) accepted the nomination and addressed the Commission
- The Commission voted privately by electronic ballot. Representative Pressley announced the Commission elected Jeff Cowger (KS) as Treasurer.

**Vice Chair –**

- Representative Pressley presented Mike Lacy (WV) and Shelley Hagan (WI) as nominees for Vice Chair and asked for nominations from the floor. There were none.
- Representative Pressley closed nominations by acclamation.
  - Shelley Hagan (WI) declined the nomination.
  - Mike Lacy (WV) accepted the nomination and addressed the Commission.
- The Commission elected Mike Lacy (WV) as Vice Chair without objection for a second term.

**Chair –**

- Representative Pressley presented Traci Marchand (NC) as the nominee for Chair and asked for nominations from the floor. There were none.
- Representative Pressley closed nominations by acclamation.
  - T. Marchand (NC) accepted the nomination and addressed the Commission.
- The Commission elected Traci Marchand (NC) as Chair without objection for a second term.

**Oath of Office**

Judge Chandlee Johnson Kuhn, National Council of Juvenile and Family Court Judges (NCJFCJ) Ex-officio, delivered the oath of office to the elected 2017 Commission Officers and the 2017-2018 Regional Representatives:

|             |                       |
|-------------|-----------------------|
| Chair:      | Traci Marchand (NC)   |
| Vice Chair: | Mike Lacy (WV)        |
| Treasurer:  | Jeff Cowger (KS)      |
| East:       | Maria Genca (CT)      |
| Midwest:    | Nina Belli (OH)       |
| South:      | Mia R. Pressley (SC)  |
| West:       | Jessica Eldredge (UT) |

**Closing Remarks by Chair Marchand**

- Chair Marchand recognized the dedication and contributions of two former ICJ Commissioners who passed away since the last annual business meeting Paul Gibson (KY) and Mike Reddish (NE).
- Chair Marchand announced the ICJ 2017 Annual Business Meeting location to be San Diego, California, September 25-27, 2017.
- Chair Marchand requested that the newly elected 2017 officers and 2017-2018 region representatives meet briefly at the close the general session meeting, immediately following a group photo.

**Adjourn**

**Chair Marchand adjourned the meeting by acclamation at 2:50 p.m. EDT.**





# EXECUTIVE COMMITTEE REPORT

## Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Traci Marchand, Executive Committee Chair  
Commissioner, State of North Carolina**

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This year was a time of unprecedented change for the Interstate Commission for Juveniles, with disaffiliation from the Council of State Governments (CSG), new leadership at the National Office and a long overdue upgrade of our data system. Amid transition, we continued to advance our mission and strategic initiatives by providing extensive training and developing several new resources. Having been a part of the Commission for 14 years, it was an honor for me to serve as the Commission's Chair during this critical time.

Due to rising costs of the CSG affiliation, ICJ withdrew from our long-standing relationship with CSG in FY17. After months of work to establish new accounts and absorb additional accounting and human resources tasks, the disaffiliation was finalized on December 1, 2016. Consequently, ICJ realized substantial savings that can be invested in future projects that promote public safety, victims' rights and juvenile accountability that is balanced with safe-guarding those juveniles.

In addition to the structural transformation, ICJ underwent a major change in leadership following the resignation of its first Executive Director Ashley Lippert in December 2016. Ashley made tremendous contributions to ICJ, including expanding membership include all 50 states, District of Columbia, and the US Virgin Islands; launching the Juvenile Interstate Data System (JIDS); and spearheading the disaffiliation from CSG. ICJ will be forever grateful for her vision and her leadership. We are glad for continued opportunities to partner with Ashley in her new role as Executive Director for the Interstate Commission for Adult Offender Supervision.

Following an extensive national search, ICJ welcomed its new Executive Director in April 2017. MaryLee Underwood is an attorney with vast experience in public policy and administration in government and non-profit agencies. With a background in social work focused on children and abuse, she has been instrumental in shaping national and state policy regarding human trafficking, sexual assault, and victims' rights. MaryLee hit the ground running during this transition period and is working diligently to advance ICJ's Strategic Plan.

FY 17 was also a year of major technological updates for ICJ. JIDS is ICJ's national web-based system that facilitates the supervision, transfer, acceptance, tracking, and return of juveniles from one state to another. In FY17, the first major upgrade of JIDS was performed, which was critical for replacing outdated software that was no longer supported. The upgrade incorporated a sleek, new design with a modern interface, and up-to-date icons. The Executive Committee also approved funding for a website redesign project to be finalized in FY 18.

First-class training and resources are essential for Compact implementation. ICJ developed several new resources, including a concise "Bench Card" for judges and a Best Practice Guide regarding "Interstate Relocations with the Receiving State." The Training Committee provided extensive training to address the varied needs of 8,651 criminal justice and child welfare professionals throughout the U.S.

The Executive Committee was responsible for substantial policy development in FY 17. As disaffiliation resulted in direct employment of the National Office staff for the first time, the Executive Committee adopted ICJ's first Personnel Policies. The Executive Committee also adopted ICJ Administrative Policy 01-2017: Code of Conduct Policy to highlight the importance of transparency and ethical conduct in ICJ decision making processes.

ICJ took an active role in federal level policy development. ICJ collaborated with the Coalition for Juveniles Justice to support the reauthorization of the Juvenile Justice and Delinquency Prevention Act. In addition to working together to reach agreement regarding key provisions, ICJ educated federal policy makers about the importance of JJDPa reauthorization and the Interstate Compact for Juveniles. As of August 1, 2017, both the US Senate and the US House of Representatives had passed bills to reauthorize JJDPa. Next, representatives of each chamber (Senate and House) must come together in a conference committee to resolve differences between the bills.

Additionally, the Executive Committee took numerous actions to ensure the Compact is fairly and justly applied throughout the United States. The Executive Committee adopted revised Performance Measurement Standards and reviewed preliminary data regarding the second round of performance monitoring, which will be completed early in fiscal year 2018. To address recurrent issues, ICJ also issued two Advisory Opinions: # 01-2016 and #01-2017. The Executive Committee also worked closely with the Compliance Committee and Legal Counsel to ensure corrective action was taken to address default by one state.

Throughout a year that brought forth much change, one constant guided our way: ICJ's commitment to cooperative action to promote child welfare and public safety. Our accomplishments and our continued success are direct results of the dedication and hard work of ICJ professionals across the United States. Thank you for your support of our collaborative work during FY17 and beyond.

Respectfully Submitted,

*Traci Marchand*

Traci Marchand  
Chair, ICJ Executive Committee



# FINANCE COMMITTEE REPORT

Interstate Commission for Juveniles

Annual Business Meeting

San Diego, California

September 27, 2017

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: David Barrett, Finance Committee Chair  
Commissioner, State of Maine**

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The ICJ Commission continues to be in outstanding fiscal condition. The Finance Committee with the support of the National office staff regularly reviewed monthly expenditures and reports in order to ensure the budget adequately met the Commission's ongoing needs. Several factors resulted in FY 2017 expenditures coming in 24.9% under budget. Dis-affiliation with the Council of State Governments alone accounted for \$92,449 in Commission budget savings. Other major savings came from carrying vacant positions at the National office. I am pleased to report these positions are now all filled.

The Commission's Investment fund balance for FY2017 experienced an excellent rate of return at 9.25%. The end of year Investment fund balance was \$807,043. Once an additional \$140,000 currently in savings is transferred to this fund the total Investment fund for 2017 will be \$947,047.

I want to extend my appreciation to the National office staff and Finance committee members for their efforts to ensure the ICJ Commission remains in excellent financial condition. We are looking forward in the coming year to meeting the ongoing needs for the Commission while continuing to ensure our financial position remains strong.

Respectfully Submitted,

*David Barrett*

David Barrett  
Chair, ICJ Finance Committee



# COMPLIANCE COMMITTEE REPORT

Interstate Commission for Juveniles

Annual Business Meeting  
San Diego, California  
September 27, 2017

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**  
**From: Michael Farmer, Compliance Committee Chair**  
**Designee, State of California**

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The Compliance Committee is responsible for monitoring compliance of member states with the terms of the Compact and the Commission's Rules, and for developing appropriate enforcement procedures for the Commission's consideration. The Committee is pleased to report that the Executive Director was able to resolve most concerns in accordance with the Guidelines for Compliance Issues Policy (ICJ Administrative Policy 03-2009). Three issues were presented to the Committee of which one state was found to be in default. The state has since cured the default.

This year, the Compliance Committee launched the second large-scale Performance Measurement Assessment (PMA). States were randomly assessed on predetermined standards selected by the Compliance Committee related to:

- ICJ Rule 4-102: Sending and Receiving Referrals.  
Standard (d) With regard to state committed parole cases where it is necessary for a juvenile to relocate out of state prior to the acceptance of supervision, Sending States shall provide the complete ICJ referral to the receiving state ICJ Office within ten (10) business days of issuing a Travel Permit for that juvenile.
- ICJ Rule 4-102: Sending and Receiving Referrals.  
Standard (g) For all cases falling under Rule 4-102, Receiving States shall forward the home evaluation within forty-five (45) calendar days of receipt of the referral.
- ICJ Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders  
Standard (b) With regard to juvenile sex offender cases where it is necessary for a juvenile sex offender to relocate prior to the acceptance of supervision, Sending States shall provide the completed ICJ referral to the receiving state ICJ Office within ten (10) business days of issuing a Travel Permit for that juvenile.
- ICJ Rule 5-102: Absconder Under ICJ Supervision  
Standard (a) Receiving States shall submit a Violation Report for juvenile absconders that include the juvenile's last known address and phone number, date of the juvenile's last personal contact with the supervising agent, details regarding how the supervising agent determined the juvenile to be an absconder, and any pending charges in the receiving state.

- JIDS Privacy Policy 5.0 – Expectations Regarding Information Gathered and Shared  
Standard (a)(10) Allow only authorized users to access the information in JIDS and only for purposes related to the performance of their official duties.
- JIDS Privacy Policy 21.0 – Review of Information Regarding Retention  
Standard (a) Information will be reviewed periodically for purging.

Initially, the standard below was included in the assessment:

- ICJ Rule 4-102  
Standard (b) With regard to state committed parole cases, Sending States shall ensure referral documents are complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile's arrival.

After reviewing the preliminary results, the Compliance Committee suspended the standard. While the standard measured technical compliance with the rule, some results are misleading because non-compliance was indicated when transfers were finalized prior to the initially anticipated date. The Compliance Committee discussed the intent of the rule and whether the rule should be revised in the future; however, no recommendation was made to the Rules Committee as the deadline for submitting 2017 proposed rules amendments had passed.

In fiscal year 2017, 75% of states were assessed with preliminary results reflect high levels of compliance throughout the nation. Remaining states will be assessed early in fiscal year 2018.

The Compliance Committee also began a comprehensive review of the full Performance Measurement Assessment Standards, resulting in the removal of three and the amendment of one. Next year, the Compliance Committee will be tasked to complete the comprehensive review of the PMA Standards and select the PMA standards to be assessed in 2019.

The Compliance Committee revisited a draft ICJ Administrative Policy regarding Sanctioning Guidelines. The Committee's goal is to produce a compliance matrix for transparency and fairness outlining fines that could be assessed upon states found in default. Such a policy would supplement, not replace, ICJ's current compliance-related policies (ICJ Administrative Policies 01-2009, 02-2009, and 03-2009). The draft Sanctioning Guidelines Policy will be presented for discussion during region meetings at the 2017 Annual Business Meeting.

Respectfully Submitted,

*Michael Farmer*

Michael Farmer  
Chair, ICJ Compliance Committee



# INFORMATION TECHNOLOGY COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Shelley Hagan, Information Technology Committee Chair  
Commissioner, State of Wisconsin**

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## **JIDS**

In November 2016, the Technology Committee published a JIDS enhancement bundle which included edits to three forms and seven workflows, and two new custom reports. The Files Without Workflow report helps states manage files that were entered into JIDS but were not submitted to the compact office. The Compliance for Violation Report Response report determines a sending state's compliance with the 10-business day response for violation reports according to Rule 5-103.

After careful review of submitted enhancement requests, the committee approved modifications to 10 forms, including adding a new hair color option, auto-populating more fields, and a redesign of the Final Travel Plan. Look for these enhancements in fiscal year 2018 along with any edits as a result of rule changes.

In April 2017, a long overdue product upgrade was implemented that brought the data system in line the most current version of FileBound. After the upgrade environment was stabilized, system performance improved and security was enhanced.

Thanks to great work by National Office staff and volunteer JIDS trainers, 800 users participated in live JIDS trainings and over 1,100 individuals completed the JIDS self-paced training available on the Commission's website.

## **Helpdesk Statistics**

The helpdesk conducted 36 remote support sessions and responded to over 1,000 requests with a resolution rate of 97%.

## **Commission's Website**

In fiscal year 2017, total number of visits to the Commission website was 38,652, a 9% decrease from FY 16. Access by mobile and tablet users increased 19% overall (up 29% for mobile users and down 31% for tablet users), from 1,619 to 1,924 visits. Visits from desktop and laptop devices were down 10% compared to FY 16, from 40,732 to 36,728.

At the time this report was submitted, work was in progress to create a new Commission website with more modern features and lower ongoing hosting costs. We hope that by the time you read this report, you are enjoying the brighter look and easier functionality of the new site.

Respectfully Submitted,

*Shelley Hagan*

Shelley Hagan  
Chair, ICJ Information Technology Committee



# TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE REPORT

Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Anne Connor, Training, Education and Public Relations Committee Chair  
Commissioner, State of Nevada**

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In fiscal year 2017, Training, Education and Public Relations Committee member gave generously of their time and expertise. Thanks to Pat Pendergast (AL), Maria Genca (CT), Agnes Denson (FL), Alicia Ehlers (ID), Jacey Nordmeyer (ND), Traci Marchand (NC), Mia Pressley (SC), Cathlyn Smith (TN), Jefferson Regis (DC), Gloria Soja (OR), Joy Swantz (WI), Trudy Gregorie (Victims Representative), and Steve Jett (NPJS).

This year, the Committee began its work immediately by developing two new resources built on trainings provided at the 2016 Annual Business Meeting: 1) an On-Demand Training entitled “It Takes a Village to Return a Juvenile” and 2) “Identified Elements in a Values Driven Script for Dispute Situation Provided by Member States.”

The Committee developed several other resources to educate ICJ personnel and others. The “Best Practice: Intrastate Relocations within the Receiving State” was released in April 2017. The “About the Interstate Commission for Juveniles” fact sheet was released in June 2017. The Committee approved funding for display materials to be used at conferences, including pull-up display banners and flash drives to allow for distribution of the ICJ Bench Book. The Committee also worked to develop a “Transition / Succession Plan Template” to assist states ensure continuity when personnel changes occur in state compact offices. Final approval is still pending.

In the spirit of fostering collaboration, the Committee delivered workshops and other resources at the Mississippi Juvenile Justice Symposium in Biloxi, Mississippi; American Probation and Parole Association 41<sup>st</sup> Annual Training Institute in Cleveland, Ohio; American Probation and Parole Association Winter Training Institute in Reno, Nevada; and the Coalition for Juvenile Justice Annual Conference in Washington, DC.



The Committee provided extensive training through a variety of other venues, including:

- 6,341 individuals trained via On Demand Training;
- 1,136 individuals trained via 42 live WebEx training sessions;
- 1,039 individuals trained via 49 training session reported by states; and
- 135 individuals training via 6 fulfill Technical and Training Assistance requests.

The Committee developed the training curriculum for the 2017 Annual Business Meeting, which will feature two scenario-based discussions entitled: “Overcoming Obstacle: Hurdle and How To’s” and “When Cases Overlap between the Interstate Commission for Juveniles and the Interstate Commission for Adult Offender Supervision.” The committee also planned a Judicial Panel discussion to be presented on the final day of the meeting, where questions will be presented from field staff and answered by the members of the Judicial Panel.

In the coming year, the Committee will continue its efforts to promote ICJ and provide technical and training assistance when possible.

Respectfully Submitted,

*Anne Connor*

Anne Connor  
Chair, ICJ Training Committee



# HUMAN TRAFFICKING AD HOC COMMITTEE REPORT

Interstate Commission for Juveniles

Annual Business Meeting  
San Diego, California  
September 27, 2017

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Anne Connor, Human Trafficking Ad Hoc Committee Chair**  
**Commissioner, State of Nevada**

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The Human Trafficking Ad Hoc Committee continued in fiscal year 2017 meeting every other month to share human trafficking resources and discuss related cases. Due to the unique national footprint of ICJ, Compact offices oftentimes encounter juveniles involved in human trafficking. States are looking for opportunities to educate staff and collaborate with agencies that provide resources and/or services to human trafficking victims, such as the National Runaway Switchboard.

Awareness is increasing throughout the nation. New processes and procedures have been implemented in several states and agencies to address the increasing human trafficking issue for the betterment of victims. The human trafficking matrix developed by the Human Trafficking Ad Hoc Committee in 2016 continues to be available on the Commission's website and states are encouraged to update their information as changes occur.

Respectfully Submitted,

*Anne Connor*

Anne Connor  
Chair, ICJ Human Trafficking Ad Hoc Committee



# LEGAL COUNSEL REPORT

## Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Richard L. Masters, ICJ General Counsel**

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*General Legal Work:*

The General Counsel's Office provides legal guidance to the Interstate Commission and its committees with respect to legal issues which arise in the conduct of their respective duties and responsibilities under the terms of the Compact, its By-laws, and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission which are issued through the Executive Director's office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

The General Counsel's Office provides day to day advice and counsel to the Commission's Executive Director, the Executive Committee, the Rules Committee, and the Compliance Committee. The General Counsel's Office, in conjunction with the Executive Director, issues advisory opinions concerning the interpretation and application of various provisions of the Compact and its administrative rules and assists with informal requests for legal guidance from member states as well as dispute resolutions under the applicable ICJ Rules. Since the 2016 Annual Business Meeting, one (1) new advisory has been issued regarding the Demanding/Sending State's authority to seek the return of a juvenile when charges are pending in the Receiving/Holding state under ICJ Rule 7-103. Advisory Opinions, as well as Dispute Resolutions and White Papers are public record and are available on the Commission's website.

Judicial training and Compact administrator training concerning the legal aspects of the Compact and its administrative rules is also being addressed, in part, by the General Counsel's office under the auspices of the ICJ Executive Committee and Training Committee.

Legal Counsel has also assisted the Commission, with the ICJ Executive Director, in working with members of the U.S. Senate regarding the JJDPa Reauthorization legislation pending in Congress to successfully preserve the current exemption for secure detention of runaways under the ICJ.

In addition, the General Counsel assisted the Compliance Committee and the Executive Committee in several matters pertaining to investigation, compliance, and enforcement responsibilities under the

Compact, as well as the above referenced dispute resolutions. A Legal Guidance memorandum concerning the interpretation and application of the ICJ and ICJ Rules was provided concerning the Non-Voluntary Return of Runaways and/or Accused Status Offenders under ICJ Rule 6-103 to the States of Idaho, Utah and Washington.

*Litigation Matters:*

While the Compliance and Executive Committees continue to exercise appropriate oversight concerning compact compliance, it has not yet been necessary for the Commission to become involved in litigation concerning enforcement of the ICJ or ICJ Rules during the period from the 2016 Annual Business Meeting to date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Masters", with a stylized flourish at the end.

Richard L. Masters,  
General Counsel



## **RULES COMMITTEE REPORT** **Interstate Commission for Juveniles**

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Julie Hawkins, Rules Committee Chair  
Commissioner, State of Missouri**

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While most ICJ Committees work on annual cycles, the Rules Committee works on a two-year-cycle to prepare proposed amendments to the ICJ Rules. Thus, this Rules Committee began its work immediately after the 2015 Annual Business Meeting, during which 50 Rule proposals were adopted and the Rules were reorganized. After conducting a comprehensive review, the Committee proposed amendments to address discrepancies. Many proposed amendments recommended by Rules Committee in 2017 primarily address consistency and clarity in the Rules.

The Committee also considered proposals submitted by others prior to the February 28, 2017 deadline. These included one from the Midwest Region, which was later withdrawn, and three from the East Region regarding reporting instructions. The Rules Committee received input from all regions regarding juvenile relocation within the receiving state, then agreed not to address the issue in the Rules. Other items discussed included homeless juveniles, eligibility criteria, border state issues, use of the travel plan form, requirements to return juveniles on warrants, and the request for information.

Twenty-one proposed amendments were posted for comment in May. Nine of the 21 proposals received a total of 53 comments. The Rules Committee met face to face in Louisville, Kentucky on June 13, 2017. After discussing all comments, some proposals were amended with the language suggested in the comments. The Rules Committee ended its two-year rule making cycle with a total of 21 rules proposals to bring forward to the Commission today.

Thank you for your attention and continuing support of the Rules Committee efforts.

Respectfully Submitted,

*Julie Hawkins*

Julie Hawkins  
Chair, ICJ Rules Committee



# EAST REGION REPORT

## Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Maria Genca, East Region Representative  
Designee, State of Connecticut**

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The East Region meets quarterly. Additional meetings may be held as necessary to discuss urgent matters impacting the region and/or the nation. Following the 2016 meeting in Boston, the East Region held four teleconference meetings to discuss state's challenges and case scenarios related to returns and transfers. States provide State Councils updates, intrastate training updates, and staff changes. Additionally, the East Region submitted three rule proposals for consideration this year.

It is a pleasure to serve as the regional representative to such a supportive and collaborative region both outside and within the East Region.

Respectfully Submitted,

*Maria Genca*

Maria Genca  
Representative, ICJ East Region



# MIDWEST REGION REPORT

## Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Nina Belli, Midwest Region Representative  
Commissioner, State of Ohio**

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The Midwest Region met three times over the course of the fiscal year in November 2016, January 2017, and May 2017. At those meetings, the Midwest Region discussed various topics, including trends and developments within our region, demonstrating collaborative efforts with state and social service agencies concerning ICJ, including areas surrounding human trafficking. The Midwest Region also discussed their involvement in participating and conducting trainings on ICJ, and JIDS, and provided state updates.

Additionally, the Midwest Region provided information and feedback that contributed to the “Best Practice for Intrastate Relocations within the Receiving State” and updated data for the 2017 ICJ Age Matrix.

Respectfully Submitted,

*Nina Belli*

Nina Belli  
Representative, ICJ Midwest Region



# WEST REGION REPORT

## Interstate Commission for Juveniles

**Annual Business Meeting  
San Diego, California  
September 27, 2017**

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**To: Commissioners and Designees of the Interstate Commission for Juveniles**

**From: Dale Dodd, West Region Representative  
Commissioner, State of New Mexico**

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At the 2016 face-to-face meeting, the West Region elected Jessica Eldredge as the West Regional Representative for a 2-year term. The region held four teleconference meetings wherein states provided state updates and received ICJ committees' updates.

In May, during rule proposals 30-day comment period, the West Region discussed each of the twenty-one rule proposals. Two proposed amendments (Rule 7-101 and 7-106) incorporate suggested language from the West Region regarding reimbursement requests for local transports and identifying ICJ's authority to transport juveniles across state lines.

Representative Eldredge resigned and consequently could not complete her term as the West Region Representative. In July, 2017, there was a special meeting to elect a new Regional Representative where respectfully Dale Dodd was nominated and selected by a unanimous voice vote to complete the 2-year term.

Respectfully Submitted,

*Dale Dodd*

Dale Dodd  
Representative, ICJ West Region



**ICJ**  
**WORKING BUDGET**  
**Fiscal Years 2017-2019**

|                                       | <b>FY17<br/>Budget</b> | <b>FY17<br/>Actual</b> | <b>FY18<br/>Budget</b> | <b>FY19<br/>Proposed<br/>Budget</b> |
|---------------------------------------|------------------------|------------------------|------------------------|-------------------------------------|
| <b>REVENUE</b>                        |                        |                        |                        |                                     |
| Dues Assessment                       | 958,000.00             | 958,000.00             | 978,000.00             | 978,000.00                          |
| Carried Over Reserves for Investments | 240,000.00             | 240,000.00             | 380,000.00             | 240,000.00                          |
| Refunds                               |                        |                        |                        |                                     |
| Dividend Income                       |                        | 13,785.39              |                        |                                     |
| Operating Interest Income             | 4,000.00               | 6,289.18               | 4,000.00               | 4,000.00                            |
| Other Income (Credit Card Rewards)    |                        | 284.34                 |                        |                                     |
| <b>Total Administration Revenue</b>   | <b>1,202,000.00</b>    | <b>1,218,358.91</b>    | <b>1,362,000.00</b>    | <b>1,222,000.00</b>                 |

|  |                   |                   |                   |                   |
|--|-------------------|-------------------|-------------------|-------------------|
| <b>EXPENSES - ADMINISTRATIVE</b>         |                   |                   |                   |                   |
| Salaries & Wages                         | 262,000.00        | 212,028.42        | 248,000.00        | 260,000.00        |
| Employee Benefits                        | 182,000.00        | 124,037.67        | 120,000.00        | 120,000.00        |
| Accounting & Banking                     |                   |                   | 11,000.00         | 11,000.00         |
| Education & Accreditation                | 2,000.00          | 79.00             | 2,000.00          | 2,000.00          |
| Professional Membership Fees             | 500.00            | 800.00            | 800.00            | 800.00            |
| Supplies                                 | 5,000.00          | 2,454.32          | 4,000.00          | 4,000.00          |
| Postage                                  | 1,000.00          | 1,088.38          | 1,000.00          | 1,000.00          |
| Computer Services/Supports               | 12,000.00         | 17,587.66         | 19,500.00         | 12,000.00         |
| Software Purchase                        | 1,600.00          | 2,248.90          | 1,600.00          | 2,000.00          |
| Insurance - D&O                          | 5,304.00          | 10,690.00         | 11,000.00         | 11,000.00         |
| Photocopy                                | 1,000.00          | 396.31            | 1,000.00          | 1,000.00          |
| Direct Telephone Expense                 | 4,300.00          | 4,172.77          | 6,000.00          | 6,000.00          |
| Cell Phone Expense                       | 1,500.00          | 569.11            | 1,500.00          | 1,500.00          |
| Marketing/Advertising                    | 500.00            | 349.00            | 500.00            | 1,000.00          |
| Equipment Purchase                       | 12,000.00         | 5,110.65          | 12,000.00         | 12,000.00         |
| Web/Video Conference (WebEx)             | 14,450.00         | 12,525.12         | 14,450.00         | 14,450.00         |
| Meeting Expenses                         | 1,000.00          | 497.80            | 1,000.00          | 1,000.00          |
| Consultant Services                      | 20,000.00         | 13,751.42         | 20,000.00         | 20,000.00         |
| Staff Travel                             | 9,000.00          | 3,184.37          | 10,000.00         | 10,000.00         |
| Legal Services                           | 35,000.00         | 16,550.00         | 35,000.00         | 35,000.00         |
| Rent                                     | 24,500.00         | 23,305.16         | 25,500.00         | 25,500.00         |
| Special Projects (TBD)                   |                   |                   | 150,000.00        | 150,000.00        |
| <i>Indirect Cost</i>                     | 44,779.32         | 17,637.96         | 0.00              | 0.00              |
| <b>Total Administration Expenditures</b> | <b>643,433.32</b> | <b>471,245.75</b> | <b>699,850.00</b> | <b>705,250.00</b> |

|                                  |                   |                   |                   |                   |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|
| <b>EXPENSES - OTHER</b>          |                   |                   |                   |                   |
| Executive Committee Meetings     | 15,000.00         | 14,679.14         | 15,000.00         | 16,000.00         |
| Annual Meeting                   | 149,000.00        | 141,462.95        | 130,500.00        | 135,000.00        |
| Finance Committee                | 1,000.00          | 500.00            | 1,000.00          | 1,000.00          |
| Compliance Committee             | 1,000.00          | 750.00            | 1,000.00          | 1,000.00          |
| Rules Committee                  | 15,000.00         | 10,671.66         | 15,000.00         | 15,000.00         |
| Technology Committee             | 11,000.00         | 825.00            | 12,000.00         | 12,000.00         |
| Training/Education Committee     | 13,000.00         | 10,368.76         | 13,000.00         | 13,000.00         |
| ICPC Workgroup                   | 2,000.00          |                   | 2,000.00          | 2,000.00          |
| JIDS                             | 61,000.00         | 58,633.35         | 61,000.00         | 61,000.00         |
| Long-Term Investment Fund        | 240,000.00        | 100,000.00        | 380,000.00        | 240,000.00        |
| <i>Other Indirect Cost (CSG)</i> | 20,046.40         | 11,700.50         | 0.00              | 0.00              |
| <b>Total Other Expense</b>       | <b>528,046.40</b> | <b>349,591.36</b> | <b>630,500.00</b> | <b>496,000.00</b> |

|                                  |                     |                   |                     |                     |
|----------------------------------|---------------------|-------------------|---------------------|---------------------|
| <b>Total Commission Expenses</b> | <b>1,171,479.72</b> | <b>820,837.11</b> | <b>1,330,350.00</b> | <b>1,201,250.00</b> |
|----------------------------------|---------------------|-------------------|---------------------|---------------------|

|                          |                  |                   |                  |                  |
|--------------------------|------------------|-------------------|------------------|------------------|
| <b>Over/Under Budget</b> | <b>30,520.28</b> | <b>397,521.80</b> | <b>31,650.00</b> | <b>20,750.00</b> |
|--------------------------|------------------|-------------------|------------------|------------------|

# PUBLICATIONS

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APPROVED SINCE THE 2016 ICJ ANNUAL BUSINESS MEETING

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**Administrative Policy 01-2017**

Code of Conduct

**Advisory Opinion 01-2017**

Demanding/Sending State's Authority to seek the return of a juvenile in cases where charges are pending in the Receiving/Holding State under ICJ Rule 7-103

**Age Matrix**

New column - "age at which a juvenile can be prosecuted as an adult"

**Best Practice**

Intrastate Relocations within the Receiving State

**Fact Sheet**

Overview of the Interstate Commission for Juveniles

**Values Driven Script for Dispute Situations**

Script developed at the conclusion of the 2016 Annual Business Meeting. Elements identified by member states participating in the Team Building and Collaboration Training Session.

*(back pocket of Docket Book)*

**2017 Annual Report**

Fiscal Year 2017 statistics and highlights

**ICJ Poster Sheet**


"What is ICJ?"

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All Resources Available on the Commission's Website

**[WWW.JUVENILECOMPACT.ORG](http://WWW.JUVENILECOMPACT.ORG)**

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|   |   |  |
|---|---|--|
|  <p><b>Interstate Commission<br/>for Juveniles</b></p> | <p><b>Policy Number</b></p> <p><b>01-2017</b></p> | <p><b>Page Number:</b></p> <p><b>1</b></p> |
| <p><b>ICJ Administrative Policy</b><br/>Code of Conduct</p> <p><b>Dated:</b><br/>May 25, 2017</p>                                       |   |  |

## **I. Introduction**

As a joint government entity created by the enactment of the Compact by the member states, the Commission affords great deference to its member states in selecting Commissioners to represent them. The diverse personal, educational, and professional backgrounds of Commissioners are one of the Commission's greatest assets. However, this diversity means that some Commissioners may have personal pecuniary interests which are affected by the outcomes of management and other decisions which must be made concerning the administration of the Compact Commission at times. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.


## **II. Code of Conduct**

Commissioners and their Designees appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner shall engage in criminal or disgraceful conduct prejudicial to the Commission, any other Commissioner or any other state.

No Commissioner shall vote or participate in debate upon a matter in which the Commissioner has a direct or indirect financial or other personal interest resulting in a personal benefit that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.

## **III. Definition**

A Conflict of Interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary personal interest economic or otherwise.

|   |   |  |
|---|---|--|
|  <p><b>Interstate Commission<br/>for Juveniles</b></p> | <p><b>Policy Number</b></p> <p><b>01-2017</b></p> | <p><b>Page Number:</b></p> <p><b>2</b></p> |
| <p><b>ICJ Administrative Policy</b><br/>Code of Conduct</p> <p><b>Dated:</b><br/>May 25, 2017</p>                                       |   |  |

#### **IV. Disclosure of Conflicts of Interest**


1. All Commissioners and Designees are required to complete a Code of Conduct form. The form constitutes an agreement by each Commissioner and Designee to disclose personal interests that may impact the ability of a Commissioner or Designee to conduct business in a “fair and impartial” manner and that the Commissioner or Designee will recuse from debating or voting on such a matter in fulfilling the duties of an ICJ Commissioner or Designee.
2. Completed Code of Conduct forms must be submitted to the Executive Director by January 31 of each year, regardless of whether there have been any changes in status from the previous year. If a Commissioner or Designee is appointed after January 31, a completed Code of Conduct form must be submitted prior to participation in a Commission meeting. For the first year of implementation of this policy, all Commissioners and Designees must complete the form prior to the 2017 Annual Business Meeting.
3. Completed Code of Conduct forms are considered to be public documents which may be disclosed by the Commission upon request.

#### **V. Commissioner and Designee Recusal**

Prior to the discussion of an issue in which a Commissioner or Designee believes a conflict of interest may exist, the Commissioner or Designee must announce to the Committee or Commission meeting that he/she is recusing himself/herself from participating in the caucus and voting. Once recused, the Commissioner or Designee will not be able to participate in the debate or the vote concerning the matter which led to the recusal.

#### **VI. Concerns over Financial Disclosure and Conflict of Interest**

Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee will determine if any of the provisions of the Commission’s Policy on Conflicts of Interest have been violated and decide the appropriate action, if any.


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|---|---|--|
|  <p><b>Interstate Commission<br/>for Juveniles</b></p> | <p><b>Policy Number</b></p> <p><b>01-2017</b></p> | <p><b>Page Number:</b></p> <p><b>3</b></p> |
| <p><b>ICJ Administrative Policy</b><br/>Code of Conduct</p> <p><b>Dated:</b><br/>May 25, 2017</p>                                       |   |  |

## **VII. Notification of Home State Appointing Authority**

If any of the following conditions are met, the Commission may notify the appropriate appointing authority in the home state of the Commissioner or Designee regarding its concern about the ability of the Commissioner or Designee to perform his/her duties in a fair and impartial manner.

1. The Commissioner or Designee has a substantial financial conflict of interest in the outcome of the matter, such as the awarding of a contract for services or employment;
2. The Commissioner or Designee has been found in violation of criminal or civil state or federal statute or regulation pertaining to the administration of the juvenile justice system; or
3. The Executive Committee determines that a Commissioner or Designee is not performing his/her duties consistent with this policy.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

|  |                                   |                          |
|--|-----------------------------------|--------------------------|
|  <b>Interstate Commission<br/>for Juveniles</b>   | <b>Opinion Number:</b><br>01-2017 | <b>Page Number:</b><br>1 |
| <p align="center"><b>ICJ Advisory Opinion</b></p> <p align="center">Issued by:<br/> <b>Executive Director: MaryLee Underwood</b><br/> <b>Chief Legal Counsel: Richard L. Masters</b></p> |                                   |                          |
| <b>Description: Demanding/Sending State's Authority to seek return of a juvenile in cases where charges are pending in the Receiving/Holding State under ICJ Rule 7-103</b>              | <b>Dated:</b><br>April 28, 2017   |                          |

### **Background:**

Pursuant to Commission Rule 7-103, the ICJ Rules Committee has requested an advisory opinion regarding the authority of an ICJ Compact Office in the Demanding/Sending State to determine when a juvenile is eligible for return when there are charges in the holding/receiving state the requirements of the Compact and ICJ Rules on the following issue:

### **Issues:**

What is the authority of a demanding/sending state to obtain the return of a juvenile if there are pending charges in the holding/receiving state?

### **Applicable Compact Provisions and Rules:**


#### **Rule 7-103: 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.*

### **Analysis and Conclusions:**

When interpreting a statute or a regulation we must begin with its text. The language of Rule 7-103, clearly precludes a return or extradition of juveniles to a sending state while charges are pending in the holding/receiving, without that state's consent or until **"after charges are resolved. . ."** As the U.S. Supreme Court has opined, "[W]hen the statute's language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms." *Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004) (internal quotation marks omitted). Thus, the text of the statute or regulation, when the meaning is clear, must control its interpretation and application.

The intent and effect of this rule is to prevent a return or extradition, if there are pending charges in the holding/receiving state. Thus, where there is an outstanding warrant from the sending state requiring return or extradition of a juvenile who has pending charges in the receiving state, the rule acts as a 'tolling provision' for any obligation to return or extradite the juvenile until resolution of those charges whether by dismissal or adjudication.

|  |  |                                 |
|--|--|---------------------------------|
|  <b>Interstate Commission<br/>for Juveniles</b>   | <b>Opinion Number:</b><br><b>01-2017</b> | <b>Page Number:</b><br><b>2</b> |
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Detaining such a juvenile is not precluded and may be the only way to prevent a juvenile from absconding. However, as noted in the specific case from which this request for guidance arose, holding the juvenile until the resolution of the charges in question could result in detention for a period in excess of that which a state court might determine to be consistent with due process. The provisions of ICJ Rule 7-103 don't expressly prohibit the release of a such a juvenile pending disposition of the pending charges and a court's determination not to order detention for an extended period of time may be justifiably premised out of concern that such detention at some point would run afoul of the demands of due process. See *Morrissey v. Brewer*, 408 U.S. 471, 481, 488 (1972) ("The revocation hearing must be tendered within a reasonable time after a parolee is taken into custody."). See also *Doggett v. U.S.*, 505 U.S. 647, 651 (1992) ("... delays of less than a year (between indictment and trial) are as a general matter constitutionally adequate . . ."); also, *Barker v. Wingo*, 407 U.S. 514, 530 (1972).

Accordingly, the provisions of ICJ Rule 7-103 clearly preclude a return of a juvenile when charges are pending in the holding/receiving state until the pending charges against the juvenile are resolved or upon the consent of the holding/receiving state and demanding/sending state that such juvenile is available for return. While a court order that such a juvenile may be released from custody, based upon due process concerns, does not appear to be irreconcilable with the provisions of ICJ Rule 7-103, additional clarity with respect to the 'interplay' of the interests and responsibilities of the home/demanding state, the holding/receiving state, and the Court under the ICJ certainly justifies a review of the rule provisions and possible amendment of the rule to clarify the authority of the holding/receiving state.

### **Summary:**

When a demanding/sending state seeks the return of a juvenile and there are pending charges in the holding/receiving state, the provisions of ICJ Rule 7-103 clearly preclude a return of the juvenile until the pending charges against the juvenile are resolved or upon the consent of the holding/receiving state and the demanding/sending state that such juvenile is available for return. Although a court order that such a juvenile may be released from custody, based upon due process concerns, is not irreconcilable with the provisions of ICJ Rule 7-103, additional clarity with respect to the 'interplay' of the interests and responsibilities of the demanding/sending state, holding/receiving state, and the Court under the ICJ justifies a review of the rule provisions and possible amendment of the rule to clarify the authority of the holding/receiving state.



# Age Matrix

updated 1/18/2017

| State                | Civil age of majority           | Age at which a juvenile can be prosecuted as an adult | Maximum age of probation   | Maximum age of parole                                |
|----------------------|---------------------------------|---|--|--|
| Alabama              | 19                              | 18  | 21   | 21   |
| Alaska               | 18                              | 16  | 18   | 18   |
| Arizona              | 18                              | 13  | 18   | 18   |
| Arkansas             |                                 |   |  |  |
| California           | 18                              |   | 21   | 23<br>(25 for juveniles committed prior to 7/1/2012) |
| Colorado             | 18                              | 13  | Open Age -- "If a crime is committed as a juvenile, the offender will be placed on Juvenile Probation regardless of the age when adjudicated." | 21   |
| Connecticut          | 18                              | 18, except for certain categories of offenses         | 17   | 19   |
| Delaware             | 18                              |   | 19   | 19   |
| District of Columbia | 18                              | 16  | 21   | 21   |
| Florida              | 18                              | 16  | 19   | 21   |
| Georgia              | 18                              | 17  | 21   | 21   |
| Hawaii               | 18                              |   | 20   | 20   |
| Idaho                | 18                              | 18  | 21   | 21   |
| Illinois             | 18                              | 18  | 21   | 21   |
| Indiana              | 18                              | 14  | 21   | 21   |
| Iowa                 | 18                              | 14  | 18   | 18   |
| Kansas               | 18                              | 18  | 23   | 23   |
| Kentucky             | 18                              |   | 19   | 21   |
| Louisiana            | 17                              | 15  | 21   | 21   |
| Maine                | 18                              | 18  | 21   | 21   |
| Maryland             | 21                              | 14  | 21   | 21   |
| Massachusetts        | 18                              | 14  | 21   | 21   |
| Michigan             | 18                              | 14  | 21   | 21   |
| Minnesota            | 18                              |   | 21   | 21   |
| Mississippi          | 18                              | 13  | 20   | 20   |
| Missouri             | 18                              | 17  | 21   | 18   |
| Montana              | 18                              | 12  | 25   | 18   |
| Nebraska             | 19                              | 18  | 19   | 19   |
| Nevada               | 18                              | 18  | 21   | 21   |
| New Hampshire        | 18                              | 17  | 19   | 18   |
| New Jersey           | 18                              | 18  | 27   | 27   |
| New Mexico           | 18                              | 14  | 21   | 21   |
| New York             | 16                              | 16  | 18   | 18   |
| North Carolina       | 18                              | 16  | 19   | 21   |
| North Dakota         | 18                              | 14  | 18   | 20   |
| Ohio                 | 18                              | 18  | 21   | 21   |
| Oklahoma             | 18                              | 13  | 19   | 19   |
| Oregon               | 18                              | 14  | 23   | 25   |
| Pennsylvania         | 18                              | 12  | 21   | N/A No Parole  |
| Rhode Island         | 18                              |   | 19   | N/A No Parole  |
| South Carolina       | 18                              | Contact the SC ICJ office regarding specific cases    | 18   | 21   |
| South Dakota         | 18                              | 16  | 21   | 21   |
| Tennessee            | 18                              | 16  | 19   | 19   |
| Texas                | 18                              | 17  | 18   | 19   |
| Utah                 | 18                              | 16  | 21   | 21   |
| Vermont              | 18                              | 12  | 22   | 22   |
| Virginia             | 18, unless emancipated, then 16 | 14  | 21   | 21   |
| Virgin Islands       | 18                              |   | 21   | 21   |
| Washington           | 18                              |   | 21   | 21   |
| West Virginia        |                                 |   |  |  |
| Wisconsin            | 18                              | 17  | 19   | 25   |
| Wyoming              | 18                              | 13  | 21   | N/A No Parole  |



# INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

## Best Practice

*Please note, this document is not a policy or procedure, but simply a reference to assist states when dealing with this type of case.*

### **Intrastate Relocations within the Receiving State**

From time to time, juveniles move to a different residence within the receiving state after supervision is accepted.

The receiving state is required to report the change in residence to the sending state under the provisions of **Rule 5-101(4)** which states, “The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis.”

States may, at their own discretion, request a new home evaluation when the juvenile relocates to a new address and/or the family dynamics change. Typically, when the juvenile relocates with the approved family and the dynamics remain unchanged, the receiving state’s internal protocol is followed.

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*“The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis.”*

- Rule 5-101(4)
-

# INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*



## About the Interstate Commission for Juveniles

The Interstate Commission for Juveniles is the governing body of the Interstate Compact for Juveniles. Commission members include representatives from all 50 states, Washington, DC, and the US Virgin Islands, who work together to preserve child welfare and promote public safety. The Commission is responsible for promulgating and enforcing rules to implement the Interstate Compact for Juveniles.

## About the Interstate Compact for Juveniles

The Interstate Compact for Juveniles is a contract between the states that regulates the interstate movement of juveniles who are under court supervision or who have run away from home and left their state of residence. States ratifying the compact are bound by federal law to observe the terms of the agreement.

Compact provisions take precedence over conflicting state laws. The Compact provides for states' supervision and return of juveniles who:

- have run away from home and left their state of residence;
- are on probation, parole, or other supervision, or have escaped to another state; and
- have been accused of an offense in another state.

## About ICJ State and Territorial Offices

In each compacting state and territory, a Compact Administrator is responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of Compact and the rules adopted by the Interstate Commission. Compact Administrators (along with their deputies and designees) work with other state and local officials on a wide variety of issues related to the:

- return of runaways; probation/parole absconders; escapees; accused delinquents/status offenders;
- transfer of supervision;
- quarterly progress and violation reports;
- travel permits;
- surveillance requests; and
- operation of State Councils.

## About the ICJ National Office

Located in Lexington, Kentucky, the ICJ National Office is responsible for the operation of the Interstate Commission and works closely with Commissioners and allies throughout the United States. The National Office provides a wide range of resources, many of which are available online, including:

- training and technical assistance;
- Bench Book for Judges;
- quick reference guides; and a
- national data system.

To learn more, visit [www.juvenilecompact.org](http://www.juvenilecompact.org) or call 859-721-1062

# Identified Elements in a Values Driven Script for Dispute Situations Provided by Member States



INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

## ICJ Annual Business Meeting 2016

Team Building and Collaboration Training Session I

September 2016

**I. Suggested protocol for managing initial difficulties among juvenile cases.**

**Step 1:** Collect information and gather all relevant documentation available.

**Step 2:** Carefully research and only offer resources that are approved and available for the juvenile within the Receiving state.

**Step 3:** Maintain a solution-focused approach when submitting or completing juvenile cases.

National Office Provision: Upon request for additional training states may submit a Technical, Training Assistance (TTA) for questions about submitting information within JIDS.

**II. Suggested steps on how to minimize disputes among member states at local levels.**

**Step 1:** State compact offices should use strategies within their own offices designed to reconcile disputes while maintaining the spirit of the compact.

**Step 2:** At the initial stages of a dispute, staff should immediately seek tangible solutions and explore alternatives for resolution.

**Step 3:** Develop administrative policies, value driven protocol, or mechanisms designed to resolve disputes prior to formal escalation.

**Step 4:** Seek to resolve issues that occur on the local level. The escalation of disputes is a last resort.

National Office Provision: Upon filing of a formal dispute or complaint, resolutions are handled by the Executive Director and Chief Legal Counsel.

**III. Achieving better communication among states with continued use of JIDS and training tools.**

**Step 1:** Promote continued education, facilitate communication, provide guidance and direction, foster collaboration, and build consensus among staff. Training and education should occur frequently.

**Step 2:** Readily identify specific and needed areas of training and technical assistance (ex. JIDS, Judicial Training, Rule Amendments).

**Step 3:** Embrace technology. Compact Offices should continually train on JIDS and view it as a helpful tool designed to facilitate processing juvenile interstate cases.

National Office Provision: On-demand training is available on the Commission's website. Specialized JIDS training is available to member states. TTA can be provided based upon state needs.

**IV. Facilitating the need for continuing education among legal professionals and field staff.**

**Step 1:** Further educate judges and court personnel on ICJ. Share the legal resources available on the Commission's website.

National Office Provision: Legal educational resources are available on the Commission's website and are specifically designed for judges, court personnel, and legal staff.

**V. Fostering collaboration among member states via state compact offices.**

**Step 1:** Offering flexible solutions, note the juvenile's needs and treatment options.

**Step 2:** Cultivate positive relationships with member states.

**Step 3:** Communicate or debrief post-dispute to improve operations and foster relationships among compact staff and member states. Support teamwork and collaboration.

**Step 4:** Collaborate with understanding and flexibility, while maintaining focus on providing solutions.

**VI. The practitioner's values driven suggestions for handling disputes and working with juveniles**

**Step 1:** Focus on the juvenile, but consider what he/she needs to be successful and safe.

**Step 2:** Communicate, clarify information and determine what is in the best interest of the juvenile as well as public safety.

**Step 3:** Come to a resolution on how to proceed

**Step 4:** Collaborate with understanding and flexibility, while maintaining focus on providing solutions.



## *Welcome Address Speaker*



**Steven J. Sentman**  
**Chief Probation Officer**  
**Orange County Probation Department**

Steven Sentman is the Chief Probation Officer in Orange County. He has been with the department for 32 years and has served in multiple line, supervision and management assignments ranging from Juvenile Facilities, Field Supervision, Sex Crimes and Gang Violence Suppression. In 2010, Chief Sentman was sworn in as Orange County's 14<sup>th</sup> Chief Probation Officer. He manages a budget of \$170 million and approximately 1,286 sworn, professional and support staff.

He is an active member of the Chief Probation Officers of California participating in several state wide working committees. He also participates in such groups as the Golden West College Executive Advisory Board, Saddleback College Human Services Advisory Committee, and the state Board of State and Community Corrections Executive Steering Committees.



## 2017 Annual Business Meeting

### Judicial Panelist Biographies

#### Resolving Judicial Conflicts: The Judicial Perspective

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#### **Trudy Gregorie | Moderator** **Justice Solutions**

**Trudy Gregorie** has 39 years of experience in victim services and criminal justice, at the local, state and national level. For 13 years, she served as director of a prosecutor-based comprehensive victim services program in Charleston, S.C.; served on the initial task force that developed statewide victim services policies, procedures, and standards; and was a founding member of the S.C. Victim Assistance Network. She then joined the S.C. Governor's Office and developed the State Crime Victim Ombudsman Program. In 1994, she joined the National Center for Victims of Crime as Director of Victim Services and Training. In 2002, she became a senior director with Justice Solutions, a national nonprofit providing training and technical assistance and public policy work on crime victim and justice issues. At the national level, she has been involved in the development of numerous training programs, curricula, and resources on emerging issues for the crime victim services field and allied professions. Gregorie is a certified trainer for the Office for Victims of Crime Training and Technical Assistance Center and numerous other national training centers. She serves as a consultant for numerous national agencies and organizations. She has provided training in all 50 states and done numerous national media interviews. She serves on the Board of the National Association of Triads (with the National Sheriffs' Association) and is a past president of the National Committee for the Prevention of Elder Abuse. Since 1996, she has served on the Editorial Board of the *Sexual Assault Report*. In 1999, Gregorie was awarded the National Crime Victim Services Award by President William Clinton. In 2012, she was awarded a lifetime achievement award by the National Association of Triads, Inc. In 2014, she received the Rosalie S. Wolf Memorial Elder Abuse Award presented by the Institute on Violence, Abuse and Trauma of Alliant International University.





## 2017 Annual Business Meeting

### Judicial Panelist Biographies

#### Resolving Judicial Conflicts: The Judicial Perspective

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**Hon. Sheila Calloway**  
**Tennessee**

**Hon. Sheila Calloway**, a native of Louisville, KY, came to Nashville, Tennessee in 1987. She received her B.A. degree in Communications in 1991 and her J.D. in 1994 both from Vanderbilt University. After graduating, she worked at the Metro Public Defender's Office in both the adult system as well as the juvenile system. In January 2004, she was appointed by Judge Betty Adams Green to the position of Juvenile Court Magistrate. She was elected Juvenile Court Judge in August 2014. She serves as an Adjunct Professor at Vanderbilt University Law School. Calloway is currently a member of the Napier-Looby Bar Association, the Nashville Bar Association, and the Disproportionate Minority Local Task Force. She also currently holds a seat on the Cal Turner Foundation Board, The Pencil Foundation Board and the Homework Hotline Board. She has previously served on the Board of the Nashville Prevention Partnership, the MNPS Academies Partnership Council, where she is a past chair of the Health and Public Services Partnership Council. She is a past chair of the Advisory Board of the Cane Ridge High School Academy of Law, a 2013 member of Leadership Donelson/Hermitage, a member of the 2016 Class of Leadership Nashville and serves on the state-wide Advisory Board of Tennessee Voices for Victims. She is the former co-founder and co-director of The Voices of Justice – a choir comprised of Juvenile Court employees and others that work with juveniles. She has also worked with Project Prison Connect – a program designed to educate high school students across Davidson County about the criminal justice system. Calloway is a member of the Temple Church. At Temple, she is an active member of the Music Ministry, the Women's Ministry, and a regular volunteer at the Second Harvest Food Bank. She is happily married to Paul Butler Calloway, Jr. and the proud mother of one son, Paul Calloway, III.



## 2017 Annual Business Meeting

### Judicial Panelist Biographies

#### Resolving Judicial Conflicts: The Judicial Perspective



#### **Hon. Anthony (Tony) Capizzi** **Ohio**

**Hon. Anthony Capizzi** was elected Montgomery County, Ohio Juvenile Court Judge in 2004. His current term expires December 31, 2022. He previously served as an Acting Judge for Dayton Municipal Court and in private practice for over 25 years. Judge Capizzi is admitted to the Ohio and Federal Bar, received his J.D. from the University of Dayton School of Law and a B.A. from Saint Bonaventure University. Judge Capizzi was the proud recipient of the Distinguished Alumni Award from the University of Dayton School of Law in 2015 in recognition of his distinguished service to the community and to the law school. Judge Capizzi has overseen the growth of Treatment Court and the implementation of a Juvenile Mental Health Court and Family Mental Health Court. He led the initiative to create the Evening Reporting Center in partnership with Mt. Enon Baptist Church, implemented the Juvenile Detention Alternative Initiative (JDAI), initiated the Pro Se Services program to help those clients that choose to file legal documents without attorney representation, and strengthened the Court's Reclaiming Futures and Natural Helpers programs to better serve youth and their families in our community. In addition, Judge Capizzi led the Court into the 21<sup>st</sup> Century technology-wise and streamlined the hearing process by implementing more efficient case action procedures, which include the process by which attorneys and parties receive their court entries in hand at the conclusion of each hearing. Judge Capizzi serves as President of the National Council of Juvenile and Family Court Judges. He serves on the National Advisory Committee for the ABA Homeless Youth Legal Network and the Stewards of Change Institute National Board. Judge Capizzi serves as a Senior Judicial Fellow for Reclaiming Futures and supervises national Reclaiming Futures judicial training. Judge Capizzi served on the U.S. DOJ Global Justice Information Sharing Committee (GAC), and as a member of the Global Strategic Solution Working Group, Corrections Management and Reentry Task Team Chair and on the Global Advisory Committee Executive Board from 2007 - 2014. Judge Capizzi was elected Secretary of the Ohio Judicial College in 2016 and is a former President of the Ohio Juvenile Court Judges Association. He lectures at state and national conferences focusing on judicial leadership, juvenile treatment courts, substance abuse, the roles and responsibilities of guardians ad litem, juveniles' rights in delinquency court, abuse, neglect and dependency, racial and ethnic disparity, privacy, data and information sharing/exchange and mental health issues. Judge Capizzi recently co-authored with Helen Kelly Jones an article, *The State of Child Protection and Juvenile Justice, The State of Black Dayton: Opportunities Lost*, (Jenell Walton ed., Urban League of Greater Southwestern Ohio, 2017). In addition, he has authored articles published in the Juvenile and Family Court Journal and in Future Trends in State Courts published by the National Center for State Courts, an article entitled *A Model for Judicial Leadership*, Juvenile and Family Court Journal, which addresses judges' roles in communities' responses to juvenile substance abuse concerns, and *What You Need to Know About Privacy, Civil Rights, and Civil Liberties Protections for Courts*, Future Trends in State Courts, published by the National Center for State Courts.



## 2017 Annual Business Meeting

### Judicial Panelist Biographies

#### Resolving Judicial Conflicts: The Judicial Perspective



**Hon. Brenda Freedman**  
**New York**

**Hon. Brenda M. Freedman** is a New York State, Erie County Family Court Judge and handles all of the Juvenile Delinquency and Persons in Need of Supervision [“PINS”] matters in her county.

Judge Freedman has been appointed lead judge to implement New York’s recently enacted Raise the Age legislation in the eight counties of her judicial district, including responsibilities for judicial and non-judicial training, as well as representing the district on state-wide Office of Court Administration committees.

Judge Freedman has led innovative and collaborative practices to divert youth from court involvement, including a very successful warrant diversion project which reduced PINs filings by 56%, a community outreach program to engage communities in problem youth behavior and has begun work on a truancy prevention system.

Judge Freedman is a frequent speaker at legal education programs including the New York State Bar Association, the Erie County Bar Association, Volunteer Lawyer’s Project, Erie County Law Library, as well as to various civic groups in her community

Judge Freedman has served on many community Boards of Directors including the Bar Association of Erie County, Aid to Indigent Prisoners Society, Inc., and Women’s Bar Association of Western New York. She was recently appointed to the NYS Bar Association’s School to Prison Pipeline Task Force, is a current member of the Juvenile Justice Partnership Steering Committee and the Attendance Advisory Committee of the Buffalo Public School District. In the past, she served on the Family Court Task Force of the NYS Bar Association, the NYS Committee on Uncontested Divorces for Unrepresented Litigants, and is also a past-President of the Kadimah School of Buffalo. Currently Judge Freedman is a delegate to the Federation of the Italian-American Societies of WNY and a member of the Minority Bar Association, Italian American Police Association, Judges and Police Conference, NYS Bar Association, Bar Association of Erie County, and Women’s Bar Association of Western New York.

Prior to her election to the bench, Judge Freedman was a specially appointed Court Attorney Referee in both NYS Supreme and Family Courts where she presided over cases of Divorce, Custody/Visitation, and Domestic Violence for over 12 years. Before that, Judge Freedman was the Principal Confidential Law Clerk to a NYS Supreme Court Justice. Judge Freedman was formerly in private practice for many years including as a partner in the law firm of Freedman & Freedman, PC with her mother, Maryann Saccomando Freedman, Esq.

Judge Freedman graduated magna cum laude from SUNYAB Law School in 1989 and received her Bachelor of Arts degree summa cum laude from SUNY at Fredonia in 1985.

Judge Freedman resides outside of Buffalo, NY with her husband, Marty Mutka and their three children, Nate (21), Claire (18) and Gabriella (16).



## 2017 Annual Business Meeting

### Judicial Panelist Biographies

#### Resolving Judicial Conflicts: The Judicial Perspective

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#### **Hon. Dixie Grossman** **Nevada**

**Hon. Dixie Grossman** serves as a Juvenile Court Master in the Second Judicial District Court of the State of Nevada. She came to the bench in 2013 after 12 years working in family law. Master Grossman's caseload focuses primarily on juvenile delinquency cases although she also works on other family law case types including dependency, domestic violence, child support, divorce, and custody cases



#### **Hon. John J. Romero, Jr.** **New Mexico**

**Hon. John Romero, Jr.** serves in the Second Judicial District Court as Presiding Judge of the Children's Court Division. The docket includes delinquency, child welfare and adoptions. Judge Romero is actively involved in his community's family violence prevention efforts and was recognized with the *2007 Spirit Advocacy Award*. He presides over the *Program for the Empowerment of Girls* (PEG), an intensive multi-agency juvenile probation program for girls who have some type of violence and trauma in their history. Judge Romero is Co-Chair Emeritus of the Children's Court Improvement Commission. He remains involved with the Tribal-State Judicial Consortium. He was the first judge in the country to be recognized as a Certified Child Welfare Law Specialist by the ABA-accredited National Association of Counsel for Children. In 2014, Judge Romero received the *Alice King Public Service Award*. He serves on the Board of Directors of the National Council of Juvenile and Family Court Judges.



*2017 Annual Business Meeting ~ San Diego, California*

## **Judicial Online Resources**

Bench Book

Toolkit for Judges

Available at: [www.juvenilecompact.org](http://www.juvenilecompact.org)

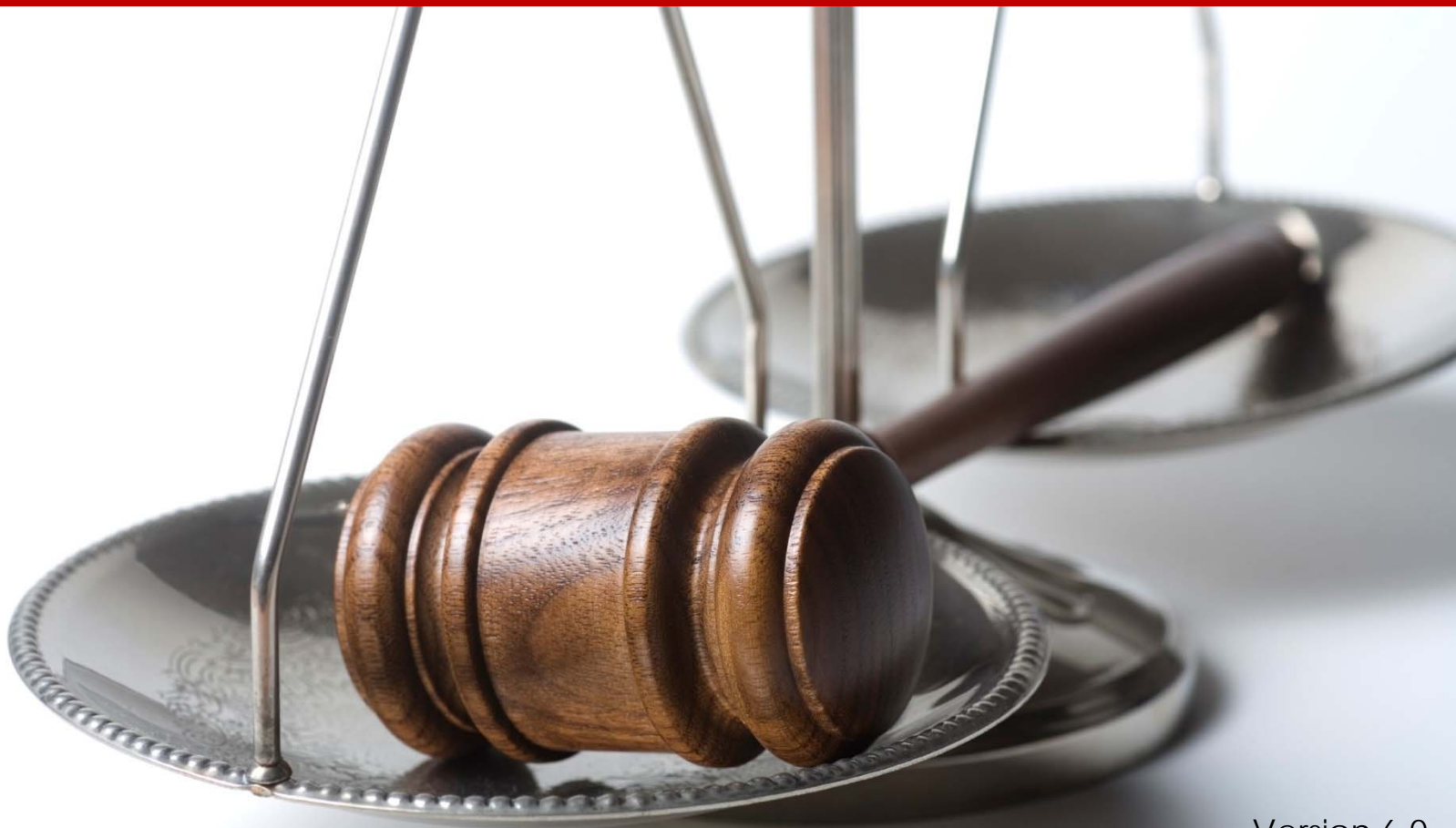




INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

# Bench Book for Judges & Court Personnel



Version 6.0

©2016 Interstate Commission for Juveniles



# Interstate Commission for Juveniles

Serving Juveniles While Protecting Communities

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## TOOLKIT FOR JUDGES

This toolkit is designed to provide quick and easy access to information needed by judges, attorneys, as well as other legal professionals involved with the Interstate Compact for Juveniles (ICJ). The ICJ facilitates the 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. Due to the complex nature of ICJ, judges must consider numerous factors when ruling on cases involving out-of-state juveniles. With more than 15,000 juveniles annually moving across state lines, courts across the country are increasingly considering juvenile interstate issues. This toolkit is designed to assist judiciary on the current law and relevant statutes needed to make decisions regarding ICJ youth.

[Toolkit for Judges](#)

[ICJ Bench Card](#)

[Eligibility for Transfer of Supervision](#)

[Extraditions](#)

[Hearing Requirements](#)

[Juveniles Eligible for ICJ](#)

[Liability and Immunity](#)

[Restitution](#)

[Right to Counsel](#)

[Rules for Runaways](#)

[Secure Detention](#)

[Timeline Flowcharts](#)

[Transferring Juvenile Sex Offenders](#)

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[BENCH BOOK FOR JUDGES \(PDF\)](#)

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[RULES / STEP-BY-STEP](#)

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## **Interstate Commission for Juveniles**

*Serving Juveniles While Protecting Communities*

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### **Strategic Initiatives for 2016 – 2019**

1. Utilize & promote the State Council to increase national awareness/visibility at the state level.
2. Enhance communications and collaboration to foster better outcomes for juveniles.
3. Using data to analyze and evaluate performance and enforce/monitor compliance.
4. Develop sustaining leadership via training and professional development.

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### **Mission**

The Interstate Commission for Juveniles, the governing body of the Interstate Compact for Juveniles, through means of joint and cooperative action among the compacting states, preserves child welfare and promotes public safety interests of citizens, including victims of juvenile offenders, by providing enhanced accountability, enforcement, visibility, and communication in the return of juveniles who have left their state of residence without permission and in the cooperative supervision of delinquent juveniles who travel or relocate across state lines.

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### **Vision**

The Interstate Commission for Juveniles will promote public safety, victims' rights, and juvenile accountability that is balanced with safeguarding those juveniles.

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## **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 35<sup>th</sup> 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 attorneys 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**

### **By-laws**

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#### **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 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 American Probation and Parole Association, Conference of State Court Administrators, International Association of Chiefs of Police, National Children's Advocacy Center, National Council of Juvenile and Family Court Judges, National Runaway Safeline, and National Sheriffs' Association shall be ex-officio members of the Commission.

## **Article III Officers**

### ***Section 1. Election and Succession.***

The officers of the Commission shall include a chairperson, vice chairperson, secretary, treasurer and immediate past-chairperson. 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, who may be responsible for the receipt, disbursement, or management of Commission funds.
- e. *Immediate Past-Chairperson.* The immediate past-chairperson shall automatically succeed to the immediate past-chairperson position and provide continuity and leadership to the Executive Committee regarding past practices and other matters to assist the Committee in governing the Commission. The immediate past-chairperson supports the Chairperson on an as-needed basis and serves a term of one year.

### ***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 IV 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 V**  
**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 VI Meetings of the Commission**

### ***Section 1. Meetings and Notice.***

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:

*History: Adopted December 16, 2008; amended December 1, 2009; amended October 26, 2011; amended October 29, 2014*

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 VII Committees**

### ***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 ex-officio victims' representative 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 VIII 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.

### ***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.***

*History: Adopted December 16, 2008; amended December 1, 2009; amended October 26, 2011; amended October 29, 2014*

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 IX 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 X 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 XI 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.





## ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

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## **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 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.

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.

Appropriate Authority: the legally designated person, agency, court or other entity with the power to act, determine, or direct.

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 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.

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.

Custodial Agency: the agency which has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

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.

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.

Demanding State: the state seeking the return of a juvenile with or without 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.

Escapee: a juvenile who has made an unauthorized flight from in custody status or a facility to which he/she has been committed by a lawful authority.

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

Hearing: any proceeding before a judge or other appropriate authority 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 where the juvenile is located.

Home Evaluation: an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community.

Home State: the state where the legal guardian or custodial agency is located.

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. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

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.

Juvenile: any person defined as a juvenile in any member state or by the rules of the Interstate Commission.

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

Legal Guardian: a parent or other person who is legally responsible for the care and management of the juvenile.

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-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.

Petition: a written request to the court or other appropriate authority for an order requiring that action be taken or a decision made regarding a juvenile stating the circumstances upon which it is founded.

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

Probation/Parole: 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.

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

Requisition: a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee, or accused delinquent.

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

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

Rule: 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.

Runaways: persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency.

Sanction: requirement, including but not limited to detention time, imposed upon a juvenile for non-compliance with terms of supervision.

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.

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

Supervision: the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.

Termination: the discharge from ICJ supervision of a juvenile probationer or parolee by the appropriate authority.

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

Voluntary Return: the return of a juvenile runaway, escapee, absconder, or accused delinquent who has consented to voluntarily return to the home/demanding state.

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; “Deferred Adjudication” adopted September 15, 2010, effective January 1, 2011; “Probation/Parole” amended September 15, 2010, effective January 1, 2011; “Relocate” adopted September 15, 2010, effective January 1, 2011; “Retaking” adopted September 15, 2010, effective January 1, 2011; “Substantial Compliance” adopted September 15, 2010, effective January 1, 2011; “Adjudicated” amended October 26, 2011, effective March 1, 2012; “Appropriate Authority” adopted October 26, 2011, effective March 1, 2012; “Commitment” amended October 26, 2011, effective March 1, 2012; “Cooperative Supervision” amended October 26, 2011, effective March 1, 2012; “Detainer” amended October 26, 2011, effective March 1, 2012; “Hearing” amended October 26, 2011, effective March 1, 2012; “Holding State” amended October 26, 2011, effective March 1, 2012; “Juvenile Sex Offender” amended October 26, 2011, effective March 1, 2012; “Petition” amended October 26, 2011, effective March 1, 2012; “Requisition” amended October 26, 2011, effective March 1, 2012; “Residence” amended October 26, 2011, effective March 1, 2012; “Status Offense” amended October 26, 2011, effective March 1, 2012; “Termination” amended October 26, 2011, effective March 1, 2012; “Voluntary Return” amended October 26, 2011, effective March 1, 2012; “Substantial Compliance” amended October 17, 2012, effective April 1, 2013; “Adjudicated Status Offender” amended October 9, 2013, effective April 1, 2014; “Aftercare(temporary community placement)” rescinded October 9, 2013, effective April 1, 2014; “Custody” rescinded October 9, 2013, effective April 1, 2014; “Home Evaluation/Investigation” amended October 9, 2013, effective April 1, 2014; “Juvenile Sex Offender” amended October 9, 2013, effective April 1, 2014; “Residential Facility” adopted October 9, 2013, effective April 1, 2014; “Sanction” adopted October 9, 2013, effective April 1, 2014; “Sanction” amended October 29, 2014, effective January 1, 2015; “Demanding State” amended August 26, 2015, effective February 1, 2016; “Detainer” rescinded August 26, 2015, effective February 1, 2016; “Detention Order” rescinded August 26, 2015, effective February 1, 2016; “Emancipation” rescinded August 26, 2015, effective February 1, 2016; “Escapee” amended August 26, 2015, effective February 1, 2016; “Good Faith Effort” rescinded August 26, 2015, effective February 1, 2016; “Guardian ad litem” rescinded August 26, 2015, effective February 1, 2016; “Holding State” amended August 26, 2015, effective February 1, 2016; “Home Evaluation/Investigation” amended August 26, 2015, effective February 1, 2016; “Home State” amended August 26, 2015, effective February 1, 2016; “Interstate Compact for Juveniles (ICJ)” amended August 26, 2015, effective February 1, 2016; “Juvenile” amended August 26, 2015, effective February 1, 2016; “Legal Custodian” amended August 26, 2015, effective February 1, 2016; “Legal Guardian” amended August 26, 2015, effective February 1, 2016; “Legal Jurisdiction” amended August 26, 2015, effective February 1, 2016; “Non-Compacting State” rescinded August 26, 2015, effective February 1, 2016; “Peace Officer” rescinded August 26, 2015, effective February 1, 2016; “Pick-Up Order” rescinded August 26, 2015, effective February 1, 2016; “Private Provider” rescinded August 26, 2015, effective February 1, 2016; “Residence” rescinded August 26, 2015, effective February 1, 2016; “Runaway” amended August 26, 2015, effective February 1, 2016; “Rule” amended*



*August 26, 2015, effective February 1, 2016; “Status Offense” rescinded August 26, 2015, effective February 1, 2016; “Travel Permit” amended August 26, 2015, effective February 1, 2016;*

## **Section 200 General Provisions**

### ***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 thirty (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***

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

1. As required by Article III (K) of the compact, the Interstate Commission 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.

***History: Adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014; amended October 29, 2014, effective October 29, 2014***

### ***RULE 2-103: Adoption of Rules and Amendments***

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

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
  - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
  - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
  - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official website of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
  - a. The place, time, and date of the scheduled public hearing;
  - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
  - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting

the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.

6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule or amendment is one that must 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.

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

***RULE 2-104: Communication Requirements Between States***

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

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

***RULE 2-105: Victim Notification***

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

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



## **Section 300 Forms**

### ***RULE 3-101: Forms***

States shall use the electronic information system approved by the Commission for e-forms processed through the Interstate Compact for Juveniles.

*History: Deferred adoption December 3, 2009, adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended October 29, 2014, effective January 1, 2015*

***RULE 3-102: Optional Forms [Rescinded; See history]***

Use of the following forms is optional:

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

*History: Deferred adoption December 3, 2009, adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective November 1, 2012; rescinded on October 29, 2014, effective January 1, 2015*

***RULE 3-103: Form Modifications or Revisions [Rescinded; See history]***

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.

***History: Adopted September 15, 2010, effective January 1, 2011; rescinded on October 17, 2012, effective November 1, 2012***

## **Section 400 Transfer of Supervision**

### ***RULE 4-101: Eligibility Requirements for the Transfer of Supervision***

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this Compact to relocate to another state except as provided by the Compact and these rules. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:
  - a. is classified as a juvenile in the sending state; and
  - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
  - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
  - d. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
  - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
  - f.
    - i. will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities; or
    - ii. is a full time student at an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. If a juvenile is placed pursuant to the ICJ and is also subject to the Interstate Compact on the Placement of Children (ICPC), placement and supervision through the ICPC would not be precluded.
4. A request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not permitted.
5. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended November 4, 2015*

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

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

***History: Adopted September 15, 2010, effective January 1, 2011; the Commission approved merging Rule 4-101A into 4-101(f) and ordered to rescind this rule effective April 1, 2014***

#### ***RULE 4-102: Sending and Receiving Referrals***

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  - a. State Committed (Parole) Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile’s anticipated arrival: Form IV Parole or Probation Investigation Request, Form IA/VI Application for Services and Waiver, and Order of Commitment. The sending state shall also provide copies (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile’s release from an institution. Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to the juvenile relocating to the receiving state.

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

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

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

4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

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



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

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

4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

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

***RULE 4-104: Authority to Accept/Deny Supervision***

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

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

## **Section 500 Supervision in Receiving State**

### ***RULE 5-101: Supervision/Services Requirements***

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

## ***References***

### ***ICJ Advisory Opinion***

1-2010      A supervising state is permitted to impose graduated sanctions upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.

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

***RULE 5-102: Absconder Under ICJ Supervision***

1. If there is reason to believe that a juvenile being supervised under the terms of the Interstate Compact for Juveniles in the receiving state has absconded, the receiving state shall attempt to locate the juvenile. Such activities shall include, but are not limited to:
  - a. conducting a field contact at the last known residence;
  - b. contacting the last known school or employer, if applicable; and
  - c. contacting known family members and collateral contacts.
2. If the juvenile is not located, the receiving state shall submit a violation report to the sending state's ICJ office which shall include the following information:
  - a. the juvenile's last known address and telephone number,
  - b. date of the juvenile's last personal contact with the supervising agent,
  - c. details regarding how the supervising agent determined the juvenile to be an absconder, and
  - d. any pending charges in the receiving state.
3. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
4. Upon finding or apprehending the juvenile, the sending state shall make a determination if the juvenile shall return to the sending state or if the sending state will request supervision resume in the receiving state.

***History: Adopted October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016***

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

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision, the receiving state shall notify the sending state using Form IX Quarterly Progress, Violation or Absconder Report, which shall contain:
  - a. the date of the new citation or technical violation that forms the basis of the violation;
  - b. description of the new citation or technical violation;
  - c. status and disposition, if any;
  - d. supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
  - e. efforts or interventions made to redirect the behavior;
  - f. sanctions if they apply;
  - g. receiving state recommendations.
2. The sending state shall respond to a report of a violation made by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
3. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
  - a. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
  - b. The Form IA/VI Application for Services and Waiver has the appropriate signatures; no further court procedures will be required for the juvenile's return.
  - c. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole consistent with probable cause requirements, if any. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
  - d. The sending state shall return the juvenile in a safe manner, pursuant to the ICJ Rules, within five (5) business days. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
  - e. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.
4. Upon request from the receiving state, the sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules when:

- a. A legal guardian remains in the sending state and the supervision in the receiving state fails as evidenced by:
  - i. When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
  - ii. When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; or
  - iii. When an immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; and
  - iv. The receiving state has documented efforts or interventions to redirect the behavior.
- b. The juvenile is not residing with a legal guardian and that person requests the juvenile be removed from his/her home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
- c. A juvenile student transfer of supervision fails.

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



***RULE 5-104: Closure of Cases***

1. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of:
  - a. When a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the supervision and administration of its ICJ case once it has notified the sending state's ICJ office, in writing, and provided it with a copy of the adult court order.
  - b. Cases which terminate due to expiration of a court order or upon expiration of the maximum period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days.
2. After the receiving state has accepted a probation/parole case for supervision, the juvenile shall relocate within ninety (90) calendar days. If the juvenile does not relocate within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. The receiving state may submit to the sending state a request for the early discharge/termination of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge/termination report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide written explanation within sixty (60) calendar days as to why the juvenile cannot be discharged/terminated from probation/parole.
4. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
5. The sending state shall close the case when the sole purpose of supervision is collecting restitution and/or court fines.

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

## **Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways**

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

### ***RULE 6-101: Release of Non-Delinquent Runaways***

1. Juvenile authorities may release a non-delinquent runaway to his/her legal guardian or custodial agency within the first twenty-four (24) hours (excluding weekends and holidays) of detainment without applying the Compact, except in cases where the holding authority suspects abuse or neglect in the residence of the legal guardian or custodial agency.
2. If a non-delinquent runaway remains in custody beyond twenty-four (24) hours, the holding state's ICJ Office shall be contacted and the Compact shall be applied.

***History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; clerically amended April 18, 2012, effective May 31, 2012; amended August 26, 2015, effective February 1, 2016***

***RULE 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders***

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

1. Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. Probation/parole absconders, escapees or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate.
3. The holding state's ICJ Office shall be advised that the juvenile is being detained. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
4. The home/demanding state's ICJ Office shall immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state.
5. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile.
6. If in agreement with the voluntary return, the juvenile shall sign the Form III Consent for Voluntary Return of Out-of-State Juveniles in the presence (physical or electronic) of a judge. The Form III Consent for Voluntary Return of Out-of-State Juveniles shall be signed by a judge.
7. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III Consent for Voluntary Return of Out-of-State Juveniles, provided the waiver is signed by the juvenile and the judge.
8. 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 ICJ Office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
9. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
10. Juveniles shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III Consent for Voluntary Return of Out-of-

State Juveniles or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

*History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016*

***RULE 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders***

A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state or to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Runaways and accused status offenders in custody who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. The home/demanding state's ICJ Office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. When the juvenile is a runaway and/or an accused status offender, the legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the juvenile's refusal to voluntarily return.
  - a. The petitioner may use Form A, Petition for Requisition to Return a Runaway Juvenile, or other petition. The petition shall state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location at the time application is made, and other facts showing that the juvenile is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
    - i. The petition shall be verified by affidavit.
    - ii. The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
    - iii. Other affidavits and other documents may be submitted with such petition.
  - b. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I Requisition for Runaway Juvenile.
  - c. The Form I Requisition for Runaway Juvenile accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
4. Upon receipt of the Form I Requisition for Runaway Juvenile, the home/ demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
5. The ICJ Office in the state where the juvenile is located will forward the Form I Requisition for Runaway Juvenile to the appropriate court and request that a hearing be held within thirty

(30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval from both ICJ Offices.

6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
7. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of ninety (90) calendar days.
9. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.
10. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this Compact, without interference.
11. If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile.

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

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

A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state or to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Probation/parole escapees, absconders or accused delinquents who have been taken into custody on a warrant shall be detained in secure facilities until returned by the demanding state.
2. The demanding state's ICJ Office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
3. The demanding state shall present to the court or appropriate authority a Form II Requisition for Escapee, Absconder, or Accused Delinquent, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the juvenile's refusal to voluntarily return.
  - a. The requisition shall be verified by affidavit, unless a judge is the requisitioner, and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
    - i. Judgment
    - ii. Order of Adjudication
    - iii. Order of Commitment
    - iv. Petition Alleging Delinquency
    - v. Other affidavits and documents may be submitted with such requisition.
  - b. When it is determined that the juvenile should be returned, the judge or the appropriate authority in the demanding state shall sign the Form II Requisition for Escapee, Absconder, or Accused Delinquent.
  - c. The Form II Requisition for Escapee, Absconder, or Accused Delinquent accompanied by the supporting documentation shall be forwarded to the demanding state's ICJ Office.
4. Upon receipt of Form II Requisition for Escapee, Absconder, or Accused Delinquent, the demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
5. The ICJ Office in the state where the juvenile is located will forward the Form II Requisition for Escapee, Absconder, or Accused Delinquent to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval from both ICJ Offices.

6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial.
7. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
9. Requisitioned juveniles shall be accompanied in their return to the demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
10. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this Compact, without interference.

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



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

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

***History: Adopted October 9, 2013, effective April 1, 2014***

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

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

***History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; the Commission approved rescinding Rule 6-104 due to adoption of Rule 5-103 on October 9, 2013, effective April 1, 2014***

***Rule 6-105: Return of Juveniles When Abuse or Neglect is Reported***

1. When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to effect the return of the juvenile.
2. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the rules.
3. States shall follow its procedures for reporting and investigating allegations of abuse or neglect of juveniles.

***History: Adopted August 26, 2015, effective February 1, 2016***

## **Section 700 Additional Return Requirements for Sections 500 and 600**

### ***RULE 7-101: Financial Responsibility***

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

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

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

1. The home/demanding/sending state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding/sending states' assessments of the juvenile, including but not limited to, the juvenile's psychological and medical condition and needs.
2. If the home/demanding/sending state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding/sending state.

***History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016***

***RULE 7-103: 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 7-104: Warrants***

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

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

***RULE 7-105: Detention and Hearing on Failure to Return***

1. Where circumstances require the holding/receiving court to detain any juvenile under the ICJ, the type of secure facility shall be determined by the laws regarding the age of majority in the holding/receiving state.
2. If a home/demanding/sending state is required to return a juvenile and fails to do so within ten (10) business days in accordance with these rules, 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 these rules. A juvenile may be discharged from detention to a legal guardian or his/her designee if the holding/receiving state's court determines that further detention is not appropriate.

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



***RULE 7-106: Transportation***

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

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

***RULE 7-107: Airport Supervision***

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

***History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; amended August 26, 2015, effective February 1, 2016***

***RULE 7-108: Provision of Emergency Services [Rescinded; See history]***

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; On October 26, 2011, the Commission approved merging Rule 6-112 into 6-111 and ordered to rescind this rule, effective March 1, 2012***

## **Section 800 Travel Permits**

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

1. All travel permits shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours:
  - a. Juveniles who have been adjudicated for:
    - i. sex-related offenses;
    - ii. violent offenses that have resulted in personal injury or death;
    - iii. offenses committed with a weapon;
  - b. Juveniles who are:
    - i. state committed;
    - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
    - iii. returning to the state from which they were transferred for the purposes of visitation;
    - iv. transferring to a subsequent state(s) with the approval of the original sending state;
    - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
  - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

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

5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to

comply with the legal requirements of victim notification through the timely exchange of required information.

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

## **Section 900 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 9-101: 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 9-101, 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 (10) 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 Commission officer(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.**

- a. 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; clerically amended February 4, 2015, effective February 4, 2015*

***RULE 9-102: Formal Resolution of Disputes and Controversies***

1. Alternative dispute resolution.

- a. Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 9-101 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 (3) 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; clerically amended February 4, 2015, effective February 4, 2015***



***RULE 9-103: 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 or termination 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 termination.
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, 201; clerically amended February 4, 2015, effective February 4, 2015; amended August 26, 2015, effective February 1, 2016*

***RULE 9-104: 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 9-105: Dissolution and Withdrawal***

**1. Dissolution.**

- a. 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.
- b. 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.**

- a. 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.
- b. The effective date of withdrawal is the effective date of the repeal.
- c. 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.
- d. 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.
- e. 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 [Expired]***

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. Non-signatory states who present ICJ with legislation and a bill number relative to enacting the Compact will receive an extension from December 3, 2010 to June 30, 2011.

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 nonsignatory states.

***History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective September 15, 2010; Expired on June 30, 2011***