	<b>Interstate Commission for Juveniles</b>	<b>Opinion Number: 05-2018</b>	<b>Page Number: 1</b>
<p align="center"> <b>ICJ Advisory Opinion</b>  <b>Issued by:</b>  <b>Executive Director: MaryLee Underwood</b>  <b>Chief Legal Counsel: Richard L. Masters</b> </p>			
<b>Description:</b> Does the ICJ apply to a juvenile who leaves home with permission of the guardian, but refuses to return when the guardian directs?		<b>Dated:</b> December 13, 2018	

**Background:**

Pursuant to Commission Rule 9-101(3), the ICJ Executive Committee has requested an advisory opinion regarding the requirements of the Compact and ICJ Rules on the following issue:

**Issues:**

Does the ICJ apply to a juvenile who leaves home with permission from the guardian, but refuses to return when the guardian directs? This issue emerged in a case in which the State of Iowa sought a requisition to return a juvenile from the State of Alaska as a “runaway” pursuant to the terms of the Interstate Compact for Juveniles (ICJ). The juvenile was initially permitted by her parent/guardian to visit friends in Alaska, but when subsequently requested by her mother to return, the juvenile refused.

**Applicable Rule:**

ICJ Rule 1-101, in relevant part, state:


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

**Analysis and Conclusions:**

While the ICJ statute does not define the term ‘runaway,’ it is defined in the ICJ Rules as follows:

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

Under this definition, the juvenile in question was voluntarily away from her residence, initially with the permission of her parent and legal guardian. but remained away from home without permission when she refused to return upon the request of her mother.

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The U.S. Supreme Court has held that when interpreting statutes, [O]ur inquiry must cease if the statutory language is unambiguous and the statutory scheme is coherent and consistent.” *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997) (*internal quotation marks omitted*). In this case, the plain meaning of the term ‘runaway’ would lead one to the conclusion that strictly speaking the juvenile does not meet the definition of ‘runaway.’

However, based upon the purposes of the ICJ, which include the return of juveniles who have runaway, the juvenile in question can be considered a ‘runaway’ for purposes of the ICJ and returned pursuant to the ICJ and ICJ Rule 6-103. Under the above definition, it can be argued that the juvenile in question became subject to the provisions of ICJ Rule 6-103 when she refused to return to her place of residence after leaving voluntarily and having had her permission to continue to remain in Alaska withdrawn became “a person within the juvenile jurisdictional age limit established by the home state who. . . voluntarily left her residence without permission of the legal guardian . . .”

Accordingly, while the decision of the Court in this case is consistent with the purpose of the ICJ statute and ICJ rules, the ambiguity here allows a Court discretion in this regard and as a result would justify clarification of the definition by the ICJ rules committee.

**Summary:**

The ICJ applies to a juvenile who leaves home with permission of the guardian, but refuses to return when the guardian directs.