

ICJ RETURNS & NON-DELINQUENT RUNAWAYS FACT SHEET



WHEN DO THE ICJ RUNAWAY RULES APPLY?

As a preliminary matter, the youth must be considered a “runaway” as defined in the ICJ Rules:

Runaways: persons within the juvenile jurisdictional age limit established by the home state who (1) have voluntarily left their residence without permission of their legal guardian or custodial agency or (2) refuse to return to their residence as directed by their legal guardian or custodial agency, but who may or may not have been adjudicated.

IF A YOUTH HAS BEEN TOLD TO LEAVE OR IS NOT ALLOWED TO GO HOME, DO THE ICJ RULES REQUIRE THAT THEY BE RETURNED TO THEIR PARENT OR GUARDIAN?



No. ICJ’s runaway rules only apply to youths who voluntarily left their residence without permission and those who refuse to return.



These youths may receive support through other resources, such as federally funded programs for runaway and homeless youth.

WHEN ARE LAW ENFORCEMENT OFFICERS (LEO) REQUIRED TO PICK-UP AND/OR DETAIN YOUTHS WHO HAVE RUN AWAY?

- The ICJ Rules require LEO to pick-up and detain a youth as a runaway when a requisition has been issued by a home/demanding state’s court.
- LEO may also be required to pick-up and detain youths based on NCIC entries and should contact local juvenile authorities regarding detention options.
- Unless abuse or neglect is suspected, a youth detained as a runaway may be released directly to their legal guardian or custodial agency within the first 24 hours (excluding weekend and holidays).
- Youths who are detained as runaways for more than 24 hours must be returned pursuant to the Compact.

DOES THE ICJ REQUIRE THAT RUNAWAYS BE DETAINED IN SECURE FACILITIES?



Holding states have discretion to hold runaways and accused status offenders at a location they deem appropriate.



Runaways must be detained in secure facilities when they are a “danger to themselves or others.”



While the Juvenile Justice and Delinquency Prevention Act (JJDPA) prohibits detention of status offenders, it includes an ICJ exemption that permits detention when held in accordance with the ICJ.

WHEN CAN A YOUTH BE RETURNED DIRECTLY TO A GUARDIAN?

- Unless there is a warrant or abuse/neglect is suspected, a youth may be released to their legal guardian/custodial agency within the first 24 hours (excluding weekends and holidays).
- Due to the correlations between abuse/neglect, running away, and human trafficking, LEO should proceed carefully when considering the release of youths taken into custody.

WHAT SHOULD BE DONE IF ABUSE OR NEGLECT IS SUSPECTED?



The holding state's ICJ office must advise the home/demanding state's ICJ office. Abuse/neglect must also be reported to authorities in the home state, in accordance with their laws. The home/demanding state's ICJ office should provide information about their state's reporting requirements to the holding state's ICJ office.



The home state's ICJ office, court, child welfare agency, and others must work together to ensure the youth is returned to a safe environment. This requires prompt assessment, safety planning, emergency guardianship, and/or other measures.

WHAT IF A YOUTH DOES NOT VOLUNTARILY AGREE TO RETURN?

- The ICJ requisition process can be used to initiate the return, as outlined in the ICJ Rules.
- If the home/demanding state's court determines the youth should be returned, a Requisition (Form I) is issued and forwarded to the holding state.
- The holding state court conducts a hearing to "determine proof of entitlement," i.e. whether evidence establishes the authority of the requisitioner to the return of the youth.

Who should determine what is in the best interest of the youth?



The home/demanding state is responsible for determining the best interest of the youth.



All information related to the safety/best interest of the youth should be provided to the home/demanding state's authorities through the ICJ offices.



Information related to abuse/neglect should be provided to the home/demanding state's child welfare agency.



If there is a pending requisition, information should also be provided to the home state's court.

HOW CAN A HOLDING STATE ENSURE CONCERNS ABOUT SAFETY/ BEST INTEREST ARE ADDRESSED?

- Collaboration between states is essential. Communications must be transmitted between the ICJ offices, unless both ICJ offices authorize direct communication between local authorities.
- The holding state's court should ensure relevant information is communicated to the home/demanding state's child welfare agency and court through the state ICJ offices.
- The holding state's court may appoint a counsel or guardian ad litem.
- Allegations of abuse/neglect do not alleviate a state's responsibility to return a youth.
- In consultation with the home/demanding state, the holding state may temporarily delay the "Form III hearing" while the home/demanding state assesses safety concerns and and/or determines to whom the youth should be returned. Other hearings related to detention may be conducted.