Interstate Commission for Juveniles	Opinion Number: 01-2026	Page Number: 1
ICJ Advisory Opinion Issued by: Executive Director: MaryLee Underwood Chief Legal Counsel: Thomas Travis		
Description: Return of a youth initially classified as a non-delinquent runaway is subsequently adjudicated and placed on probation in a holding state.	Dated: November 19, 2026	

Background:

Pursuant to ICJ Rule 9-101(3), the State of Missouri requested an interpretation of ICJ Rules 4-102 and 6-101 to address instances when a youth initially classified as a non-delinquent runaway is subsequently adjudicated and placed on probation in a holding state. Missouri asks what processes are required in returning the youth to their state of origin?

Issue:

In many instances a juvenile's status under the Compact changes. Here, Missouri requests Rules clarification in instances where a youth initially classified as a non-delinquent runaway later is charged and adjudicated in a holding state. In such instances, Missouri asked what process is due, and raised five basic questions:

1. What processes are required to ensure the youth's due process rights before return to their home state?

2. Is it necessary to conduct a hearing in the holding state, which includes presentation of the Form III, Consent for Return of Out of State Juvenile, hearing to ensure the youth voluntarily consents to return to the home state?

3. Does the youth have a right to refuse to apply for a transfer of supervision?

4. If the youth is unwilling to apply for transfer of supervision or voluntarily consent to return, does that choice trigger a duty for a guardian or home state to initiate a requisition?

5. If both processes are required, in what order should the issues or hearings be addressed?

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Applicable Provisions of the Compact and Rules:

Article II of the Compact sets forth various statutory definitions. This includes:

(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 defense;

(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.

…

(J) "Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

ICJ Rule 4-102: Sending and Receiving Referrals

ICJ Rule 6-101: Release of Non-Delinquent Runaways

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Analysis and Conclusions:

When a non-delinquent juvenile's status changes during Compact administration, the Commission's response follows that status change. Here, Missouri asks how the Compact's response changes when a juvenile originally considered as a "non-offender" becomes an "adjudicated delinquent" before the youth is returned to his or her state of origin.

The Compact identifies five different types of "juveniles" subject to the Compact—accused delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, and non-offenders. Compact, Art. II(H). The Compact also defines "probation or parole" as "any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states." In other words, the Compact understands juveniles on probation are those released subject to state supervision and are distinguished from juveniles who otherwise require supervision as a "non-offender."[1] The existence of charges and a subsequent probation order alter the youth's legal status that the Compact cannot ignore in processing his or her return.

The appropriate inquiry is accordingly not how the youth originally came to the holding state, but rather his or her status at the time the holding state seeks return. The youth's adjudication and placement on supervised probation constitute an intervening legal event subjecting the youth to the ICJ Rules governing interstate supervision.[2] When a juvenile is accused and

[1] It is worth noting that ICJ Rules also separately define "runaways," to include youths that "refuse to return to their residence as directed" and "may or may not have been adjudicated." ICJ Rule 1-101. This does not alter the analysis in this opinion for two reasons. First, Missouri's request tailored its inquiry to matters involving "non-delinquent" runaways. And second, the youth's actions obtaining *new* charges in the holding state would not alter the state's obligation to return the juvenile by transfer of supervision under Section 400 of the Rules, as described in greater detail below.

This inquiry, however, reflects just one potential risk of confusion in ICJ Rule 1-101's use of "adjudicated" in defining runaways is worth attention in future rulemaking cycles, when there may be more apt distinguishing characteristics to capture the distinction between runaways and other classifications of juveniles subject to the Compact, such as whether the youth is *wanted* (i.e., subject to a warrant) or *missing* (i.e., considered a missing person).

[2] In fact, ICJ Rules further confirm this by barring the juvenile's return while charges are pending in a holding or receiving state. ICJ Rule 7-103. This would frustrate, if not conflict with the timing and mechanics for returning non-delinquent runaways under ICJ Rules 6-101, 6-102, and 6-103.

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adjudicated, is placed on probation or parole, and otherwise becomes eligible for transfer under ICJ Rule 4-101(2), he or she is subject to the ICJ's transfer of supervision provisions within Section 400 of the ICJ Rules, which address the youth's return and receiving state supervision. *See* ICJ Rule 4-101 (concerning eligibility requirements for transfer of supervision); ICJ Rule 4-102 (concerning transfer procedures); *see also* Compact, Art. I(A) (the Compact's purpose includes ensuring adjudicated status offenders and delinquents "are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state").

Missouri's additional questions concerning Form III and the juvenile's consent to return are not applicable because of the youth's status change. The mandatory hearing in the holding state (which includes presentation of the Form III) exists to protect the due process rights of juveniles voluntarily returned under Section 600 of the ICJ Rules. But an initial step to transferring supervision is the youth's completion of the Form VI, Application for Services and Waiver. As such, holding a separate hearing to determine the youth's voluntary consent to return both fails to account for the juvenile's status and reflects an inherent redundancy.

The same is true of whether the juvenile's guardian is obligated to pursue a requisition—that requirement only applies for non-voluntary returns of runaways under ICJ Rule 6-103. Because the juvenile in this instance is no longer a non-delinquent runaway but is instead an adjudicated delinquent and subject to the terms and conditions of release by court disposition, those rules no longer apply.

Summary:

When a non-delinquent runaway is later adjudicated and placed on probation, the youth's status changes. Because of the holding state court's disposition order placing the juvenile under supervision, the Form III processes are no longer the operative return procedures because the youth is no longer being returned solely as a runaway.