

Bench Card: **Return of Runaways, Probation/Parole Absconders, Escapees & Accused Delinquents**



The **Interstate Compact for Juveniles (ICJ)** is a legislatively-adopted contract between the states that provides for 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/or
- ◆ Have been accused of an offense in another state.

The **Compact** is authorized by the Compact Clause of the U.S. Constitution and the Crime Control Act, 4 USC § 112 (1965). The Compact specifically requires all courts and executive agencies to enforce the Compact and to take necessary actions to effectuate its purpose. The ICJ and ICJ Rules have the full force and effect of federal law.

ICJ Triggered When Runaway is Detained

Anytime a juvenile has run away and crossed state lines without the permission of a parent or guardian, the state ICJ Office may become involved. Requirements for returns differ based on whether the juvenile is (1) a non-delinquent juvenile or (2) a probation/parole absconder, escapee or accused delinquent.

1) A “non-delinquent juvenile” is any person who has not been adjudged or adjudicated delinquent.

ICJ Rule 1-101

◆ A non-delinquent runaway may be released to a legal guardian or custodial agency within the first 24 hours of detainment (excluding weekends and holidays) without applying the Compact, unless there is a suspicion of abuse or neglect.

◆ After 24 hours, the state ICJ Office shall be notified and the Compact shall be applied. **ICJ Rule 6-101**

◆ Runaways and accused status offenders who are a danger to themselves or others shall be held in secure facilities until returned. 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.

ICJ Rules 6-102 and 6-103

2) Probation/parole absconders, escapees or accused delinquents (those “charged with an offense that, if committed by an adult, would be a criminal offense”) who have an active warrant or who have been taken into custody on a warrant shall be detained in secure facilities until returned. If there is no active warrant, the holding state has discretion regarding where to hold the juvenile. **ICJ Rules 6-102 and 6-103A**

The Juvenile Justice Delinquency Prevention Act (JJJPA), which limits detention of “status offenders,” specifically allows detention of minors pursuant to the ICJ. **34 U.S.C. 11133 (a) 11(A)(i)**

Basic Guidelines For Returns

Voluntary Returns

◆ When the Compact is applied, the juvenile appears in court and is asked whether s/he will agree to voluntarily return to the home state. **ICJ Rule 6-102**

◆ The court 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 appoint counsel or a guardian ad litem to represent the juvenile. **ICJ Rule 6-102**

◆ If the juvenile agrees to return voluntarily, s/he shall sign the Form III Consent for Voluntary Return of Out-of-State Juveniles in the presence (physical or electronic) of the court, who shall also sign the form. **ICJ Rule 6-102**

◆ If the juvenile agrees, s/he shall be returned to the home state within 5 business days. This time period may be extended up to an additional 5 business days with approval from both ICJ Offices. **ICJ Rule 6-102**

Non-Voluntary Returns

◆ A “requisition” is a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee or accused delinquent. **ICJ Rule 6-101**

◆ If the juvenile does not agree to return voluntarily, the legal guardian, custodial agency or other authority in the home/demanding state shall file a requisition for the return. The home/demanding state’s ICJ Office submits the requisition packet through the national data system to the ICJ Office in the holding state (where the juvenile is located). **ICJ Rules 6-103 and 6-103A**

◆ The ICJ Office in the holding state forwards the requisition to the appropriate court and requests that a hearing be held within 30 days. This time period may be extended with the approval from both ICJ Offices. The purpose of the hearing is to determine proof of entitlement for the return of the juvenile. **ICJ Rules 6-103 and 6-103A**

◆ Juveniles may be held in detention up to 90 days pending a non-voluntary return. Juveniles shall be returned by the home/demanding state within 5 business days of receipt of the order granting the requisition. This time period may be extended up to an additional 5 business days with approval from both ICJ Offices. **ICJ Rules 6-103 and 6-103A**

Transportation

The home state is responsible for making transportation arrangements and for the costs of transportation. **The home state determines appropriate measures and arrangements to ensure safety based on assessments of the juvenile.** *ICJ Rules 7-101 and 7-102*

◆ If the return is voluntary, the juvenile may be allowed to travel unaccompanied, unless considered a risk to harm him/herself or others. **ICJ Rule 7-102**

◆ If the return is non-voluntary, the juvenile shall be accompanied in his/her return unless both ICJ Offices determine otherwise. **ICJ Rule 6-103**

◆ Transportation may be by ground or air. Duly accredited officers of any compacting state are permitted to transport juveniles through other states. **ICJ Rule 7-106**

◆ If an unaccompanied juvenile is transported by air and has a layover at an intermediate airport, the home state contacts the state in which the intermediate airport is located to arrange supervision during the layover. **ICJ Rule 7-107**

◆ Juveniles are not permitted to travel with any personal belongings that could jeopardize the health, safety or security of the juvenile or others (examples: weapon, cigarettes, medication, lighters, change of clothes or cell phone). Such items are returned to the legal guardian. **ICJ Rule 7-106**



When Juveniles Cross State Lines Do You Know The Law?

Charges Pending in the Holding State

When pending charges exist in the holding state, the juvenile shall be returned only after charges are resolved, unless consent is given by the holding and demanding states' courts and ICJ Offices. **ICJ Rule 7-103**

Reports of Abuse or Neglect

When there is reason to suspect abuse or neglect by a person in the home state, the holding state's ICJ Office shall notify the home state's ICJ Office. The home/demanding state's ICJ Office works with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to affect the return.

Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the mandatory time frames. **ICJ Rule 6-105**

Human Trafficking

Although ICJ does not specifically address human trafficking, juveniles who run away are at extremely high risk of becoming victims of human trafficking. Therefore, in many cases, ICJ provides the legal structure for returning trafficking victims to their home states.

Interstate Commission for Juveniles

The Interstate Commission for Juveniles is the governing body for the ICJ, collectively formed by Commissioners from each member state and territory, including all 50 states, the District of Columbia, and the U.S. Virgin Islands.

The Commission works to preserve child welfare and promote public safety by providing – Enhanced Accountability, Enforcement, Visibility, Communication, and Dispute Resolution among the states in the return of juveniles who have left their state of residence without permission. Moreover, the ICJ maintains the cooperative supervision of delinquent juveniles who travel or relocate across state lines.

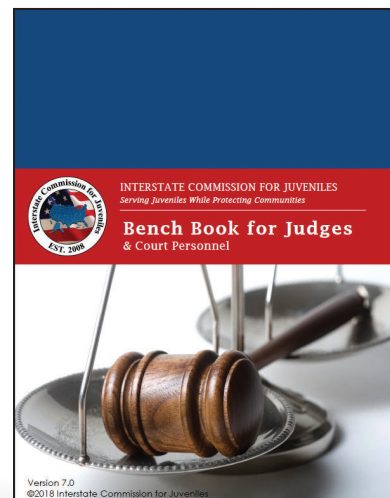


Additional Resources

The **Interstate Commission for Juveniles** provides a wide range of resources, which can be accessed at www.juvenilecompact.org. Resources specifically designed for judges and others implementing the Compact include:

- ◆ Bench Book for Judges and Court Personnel
- ◆ Bench Card on Transfer of Supervision
- ◆ Online Toolkit for Judges
- ◆ Legal Advisory Opinions
- ◆ On Demand and Instructor-Led Trainings
- ◆ A wide range of other training resources.

State and/or National ICJ personnel are also available to provide training, upon request. To request training or for more information about ICJ implementation in your state, contact your state's ICJ Office or visit <https://www.juvenilecompact.org/directory-list>



ICJ Distinguished From Interstate Compact on the Placement of Children (ICPC)

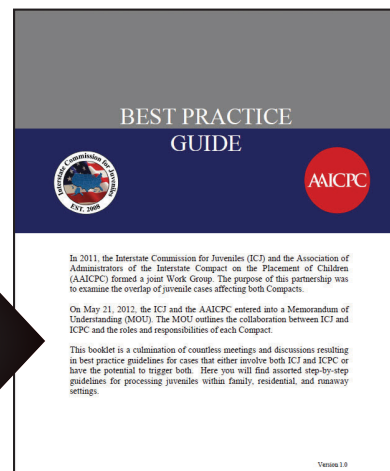
The ICPC is a separate contract between the states, which governs services to juveniles who are placed across state lines for foster care or adoption. Information regarding the ICPC is available at <https://aphsa.org/AAICPC>.

ICPC applies in 4 types of situations:

- 1 Placement preliminary to an adoption;
- 2 Placement into foster care, including foster homes, group homes, residential treatment facilities and institutions;
- 3 Placements with parents and relatives when a parent or relative is not making the placement;
- 4 Placements of adjudicated delinquents in institutions.

ICJ recognizes the authority of ICPC and supports its authority to return ICPC juveniles who have run away from their out-of-state placement. However, if an out-of-state runaway is held in a secure facility beyond 24 hours (excluding weekends and holidays), ICJ Rules must be applied. **ICJ Rule 6-104**

"Best Practice Guide for ICJ and ICPC Dual Jurisdiction Cases" provides guidance on cases with dual jurisdiction. It is available online at www.juvenilecompact.org/resources/training/best-practices.



For resources and contact information for state ICJ Offices: www.juvenilecompact.org
For Interstate Commission for Juveniles National Office: (859) 721-1062.