



INTERSTATE COMMISSION FOR JUVENILES

BENCH CARD

RETURN OF RUNAWAYS, PROBATION/PAROLE ABSCONDERS, ESCAPEES, & ACCUSED DELINQUENTS



INTERSTATE COMPACT FOR JUVENILES

The **Interstate Compact for Juveniles** (ICJ) is a legislatively adopted contract between the states that provides supervision and return of juveniles who:

- Have been accused of an offense in another state;
- Have run away from home, left their state of residence, and been detained;
- Have absconded from probation/parole supervision; or
- Have escaped to another state.

All courts and executive agencies are required 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.



INTERSTATE COMMISSION FOR JUVENILES

The **Interstate Commission for Juveniles** is the governing body of the Interstate Compact for Juveniles (ICJ). Commission members include representatives from all 50 states, the District of Columbia, 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 ICJ.

ICJ TRIGGERED WHEN OUT-OF-STATE YOUTH IS DETAINED IN ANOTHER STATE



Anytime an out-of-state youth is detained in another state, the ICJ may be triggered. Requirements differ based on whether there is a warrant (or similar demand) for the youth to be returned due to unresolved issues.

ICJ Rule 1-101 defines categories of youths who are subject to the Compact.

ABUSE OR NEGLECT

If abuse or neglect is suspected, the holding state ICJ Office must advise the home/demanding state ICJ Office. Abuse/neglect must also be reported to authorities in the home state, in accordance with their laws.

▶ 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. **ICJ Rule 6-105**

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

NON-DELINQUENT RUNAWAYS

Unless abuse or neglect is suspected, non-delinquent runaways may be released to a legal guardian or custodial agency within the first 24 hours of detainment (excluding weekends and holidays). **ICJ Rule 6-101**

- ▶ If a runaway remains in custody more than 24 hours, the state ICJ Office must be contacted and the Compact must be applied. **ICJ Rule 6-101**
- ▶ If runaways and accused status offenders are a danger to themselves or others, they must be held in secure facilities until returned. Otherwise, the holding state has discretion to hold these youths at a location it deems appropriate. **ICJ Rules 6-102 and 6-103**
- ▶ An NCIC missing person report may be used to establish that a young person is a runaway, but is not required. Police reports or other relevant evidence may also be considered.

ACCUSED DELINQUENTS, PROBATION/PAROLE ABSCONDERS, AND ESCAPEES

Youths 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 youth. **ICJ Rules 6-102 and 6-103A**
- ▶ The Juvenile Justice Delinquency Prevention Act (JJDP) allows detention 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 holding state court informs the youth of their due process rights and may use the ICJ Juvenile Rights Form. The court may appoint counsel or a guardian ad litem. **ICJ Rule 6-102**

The juvenile appears in court and is asked if they consent to a voluntary return to the home state. **ICJ Rule 6-102**

If the youth agrees to return, they sign the Form III, Consent for Voluntary Return of Out-of-State Juveniles. **ICJ Rule 6-102**

The youth must be returned to the home/demanding state within five business days. This time period may be extended up to five additional business days with approval from both ICJ Offices. **ICJ Rule 6-102**

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**

NON-VOLUNTARY RETURNS

A "requisition" is a written demand for the return of a runaway, accused delinquent, absconder, or escapee. **ICJ Rule 1-101**

To initiate the process, the legal guardian, custodial agency, or other authority must file a petition in the home/demanding state. **ICJ Rule 6-103**

If the home/demanding state court determines the youth should be returned, their ICJ Office submits the requisition packet through UNITY, the national data system, to the holding state ICJ Office. **ICJ Rules 6-103 and 6-103A**

The holding state ICJ Office forwards the requisition to the appropriate court and requests that a hearing be held within 30 days to determine proof of entitlement for the return of the youth has been established. **ICJ Rules 6-103 and 6-103A**

Juveniles must be returned within five business days of receipt of the order granting the requisition. This time period may be extended up to an additional five business days with approval from both ICJ Offices. **ICJ Rule 6-103**



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 youth. **ICJ Rules 7-101 and 7-102**

ICJ Rule 6-103A

If the return is **non-voluntary**, the youth **must be accompanied**, unless both ICJ Offices determine otherwise.

ICJ Rule 7-102

If the return is **voluntary**, the youth **may travel unaccompanied**, unless considered a risk to harm themselves or others.

ICJ Rule 7-107

If an **unaccompanied youth** is transported by air and has a layover at an intermediate airport, the state in which the intermediate airport is located provides **supervision during the layover** (upon request).

ICJ Rule 7-106

States collaborate to determine which **items youths can travel with** during returns, excluding any items that may jeopardize anyone’s health, safety, or security. Confiscated items can be returned via checked luggage.

Transportation may be by **ground or air**. Intermediate states can provide **emergency assistance** when travel plans are disrupted due to unforeseen circumstances.



HUMAN TRAFFICKING

Although ICJ does not specifically address human trafficking, young people who run away are at extremely high risk of becoming victims of human trafficking. Therefore, **all runaways should be screened for human trafficking** and referred to appropriate services, if needed. In many cases, ICJ provides the legal structure for returning young people who have been trafficked to their home states.

ADDITIONAL RESOURCES

The Interstate Commission for Juveniles provides a wide range of resources, which can be accessed at www.juvenilecompact.org. Resources designed specifically 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 Trainings, and more!



INTERSTATE COMMISSION FOR JUVENILES

DISTINGUISHING ICJ FROM ICPC

The **Interstate Compact on the Placement of Children** (ICPC) is a separate contract between the states, which governs services to youths 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 FOUR TYPES OF SITUATIONS:

- Placement preliminary to an adoption;
- Placement into foster care, including foster homes, group homes, residential treatment facilities and institutions;
- Placement with parents and relatives when a parent or relative is not making the placement;
- Placement of an adjudicated delinquent in an institution

ICJ recognizes the authority of ICPC and supports its authority to return ICPC youths who have run away from their out-of-state placement. **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 AVAILABLE ON THE COMMISSION'S WEBSITE!



FOR ADDITIONAL INFORMATION:

- ✓ ICJ Toolkit for Judges
- ✓ ICJ Bench Book for Judges and Court Personnel
- ✓ Visit the Commission's website
- ✓ Contact your state's Compact Office