



Interstate Compact for Juveniles Resource Kit



The Council of State Governments



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THE INTERSTATE COMPACT FOR JUVENILES

Resource Kit

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The Interstate Compact for Juveniles

Language

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- A. "By -laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.
- B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

- C. "Compacting State" means: any state which has enacted the enabling legislation for this compact.
- D. "Commissioner" means: the voting representative of each compacting state appointed pursuant to Article III of this compact.
- E. "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.
- F. "Deputy Compact Administrator" means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- G. "Interstate Commission" means: the Interstate Commission for Juveniles created by Article III of this compact.
- 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 offense;
 - (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.
- I. "Non-Compacting state" means: any state which has not enacted the enabling legislation for this compact.

- J. "Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.
- K. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.
- L. "State" means: a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

- A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
- B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.
- C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are

members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

- D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.
- E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.
- F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.
- G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote

to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

- H. The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
- I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:
 - 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
 - 2. Disclose matters specifically exempted from disclosure by statute;
 - 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 - 4. Involve accusing any person of a crime, or formally censuring any person;
 - 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - 6. Disclose investigative records compiled for law enforcement purposes;
 - 7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.
- J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.
- K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.
2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules promulgated by the Interstate Commission.
4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.
5. To establish and maintain offices which shall be located within one or more of the compacting states.
6. To purchase and maintain insurance and bonds.
7. To borrow, accept, hire or contract for services of personnel.
8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.
14. To sue and be sued.

15. To adopt a seal and by-laws governing the management and operation of the Interstate Commission.
16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.
19. To establish uniform standards of the reporting, collecting and exchanging of data.
20. The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

1. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
 - a. Establishing the fiscal year of the Interstate Commission;
 - b. Establishing an executive committee and such other committees as may be necessary;
 - c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;
 - d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

- e. Establishing the titles and responsibilities of the officers of the Interstate Commission;
- f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.
- g. Providing "start-up" rules for initial administration of the compact; and
- h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.
2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of

property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or

responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.
- B. Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.
- C. When promulgating a rule, the Interstate Commission shall, at a minimum:
 - 1. publish the proposed rule's entire text stating the reason(s) for that proposed rule;
 - 2. allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;
 - 3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and
 - 4. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

- D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.
- E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.
- F. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.
- G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

- 1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE

- A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

- B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.
- C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX

THE STATE COUNCIL

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties

as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

- A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.
- B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.
- C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

- 1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.
- 2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.
4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.
5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission

Section B. Technical Assistance, Fines, Suspension, Termination and Default

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:
 - a. Remedial training and technical assistance as directed by the Interstate Commission;
 - b. Alternative Dispute Resolution;
 - c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
 - d. Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform

such obligations or responsibilities imposed upon it by this compact, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within sixty days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.
3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce

compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.
2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.
2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.
3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.
4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Frequently Asked Questions

FREQUENTLY ASKED QUESTIONS CONCERNING THE INTERSTATE COMPACT FOR JUVENILES

1. A juvenile compact already exists. Why should we replace it?

Answer: The existing Interstate Compact on Juvenile was created in 1955 when only a few hundred juveniles were being apprehended or found in states other than where they were residents or where their cases were adjudicated. Today that number exceeds twenty thousand (20,000) juveniles. In addition, the existing compact authority and structure are seriously outdated.

Examples include:

- Limited knowledge of who is moving, where and when they are going;
- Limited agreement between states regarding what supervision means;
- Limited ability and commitment to notify victims, communities and law enforcement officials of the movement of juveniles;
- The Association of Juvenile Compact Administrators may identify failures to comply with established rules, but it is severely limited in its ability to enforce compliance when that becomes necessary; and
- No recognized authority to promulgate rules.

2. Why is it important to replace the compact right away?

Answer: Because the existing interstate agreement has been severely compromised by individual state actions; incomplete adoption of three (3) subsequent amendments to the compact; and inability to promptly gather and transmit data concerning these juveniles or enforce provisions for their care and supervision. As soon as the new compact takes effect the 35 (or more) participating states will promptly commence administrative, by-law and rule making decisions to address these deficiencies.

- Since 1958, three amendments to the compact have been drafted and only a few states have adopted all three with a majority adopting only one or two. This lack of uniformity has created substantial inconsistency in interpretation and application of the existing compact. There is no longer a common agreement between states concerning what types of juveniles can be sent to other states for supervision, and no authority to hold other states accountable for following existing compact rules. The existing compact will soon become so dysfunctional that a nationwide system for tracking and monitoring this population will not exist at all. In 2000, a nationwide effort to develop workable alternatives to the existing system commenced and materialized in 2002 with an amended compact entitled *The Interstate Compact for Juveniles*. Without passage of the new interstate compact, individual states will resume addressing concerns by enacting various statutes and executive orders, and even the appearance of interstate cooperation in managing these juveniles will cease.

- The new compact language was subject to critique and comment from a mailing to 200 individuals, agencies and associations. Transition and timing activities were identified as major concerns. As a result, the final compact language raises the number of required jurisdictions (states, the District of Columbia, Puerto Rico or territories) to 35 before implementation; and added July 1, 2004 as the “earliest implementation date” so that states could evaluate and consider their participation.
- After July 1, 2004, the Compact will take effect once it has been enacted into law by the 35th jurisdiction. States that have passed the compact will join together and begin making administrative decisions, by-laws, and the rules to govern signatory states. Non-member states may be present to voice their concerns, but may not vote. When a state joins the compact, after the initial 35, they will have an equal voice in all subsequent rule making matters, but will inherit the decisions made by other states during the start-up phase.

3. We keep hearing that there are over 20,000 juveniles in states other than where they were adjudicated. How reliable is that number and is it changing?

Answer: Nobody can accurately answer this question. The lack of reliable interstate data has long been a problem. The National Institute of Corrections’ Information Center completed a survey of states in 1999, the beginning of the project. At that time, the estimated number of individual cases being supervised in other states totaled 15,000. This number does not include juveniles who moved to another state without going through the transfer process or had been issued travel permits, figures that are currently impossible to gather.

The Association of Juvenile Compact Administrators gathers statistics annually on the number of compact transfer requests for juveniles entering and exiting compacting states. According to statistics gathered from July 1, 2001 to June 30, 2002, there were an estimated 25,870 interstate compact transactions. Travel permits are cases not officially transferred, even though the juvenile has been authorized to travel to another state for a period of time. The universal opinion of compact and agency administrators consulted was that more individuals were in the travel category than in the supervised group. Therefore, it is safe to assume that the 20,000 figure is an extremely low estimate of the interstate movement of adjudicated juveniles.

4. Will there be more juveniles under interstate supervision as a result of the new compact?

Answer: Enacting the compact will not directly affect the number of juveniles under interstate supervision. However, several things could happen:

- The information system that will be developed will equip states with reliable data about how many of their juveniles are being supervised in other states, and how many they are

supervising for other states. Reliable data may indicate that a different number of juveniles are actually under supervision.

- A number of juveniles are currently in other states and transferred to other states unbeknownst to compact administrators and without formal authority by the interstate compact. The goal of bringing states into compliance with mutually agreed upon rules will result in an increase in the number of compact cases as the states account for these “stealth” movers and provide appropriate supervision and care.

5. Will the new compact eliminate the problems experienced under the current compact, and how will member states assure compliance?

Answer: Nobody can guarantee elimination of all problems experienced under the current compact. The proposed compact will have in place a staff and committee structure that will permit swift identification of potential problems and a manageable process for addressing concerns of member states in a timely manner. This ability to attend to compliance concerns in the early stages will identify and avert major conflicts.

With regard to authority, the revised compact clarifies that the member states will have a contractual obligation to comply with the terms of the compact as well as the by-laws and all rules promulgated by the National Commission. The new compact provides various tools (Article XI, Sections B & C), which provide for compliance and enforcement of the compact. These range from technical assistance, mediation and arbitration to suspension, termination, and legal action in federal court that will result in recovery of legal fees and costs by the prevailing party.

6. States do not have similar structures and systems to supervise juveniles. What effect will this have on interstate compact enforcement?

Answer: States are organized differently and have unique systems in place to supervise and manage their juvenile population. Some states have juvenile supervision within the department of corrections and elsewhere it is with a child protective services or welfare agency. Some states have probation within judicial districts, and in others it is a county executive function. However, an interstate compact is state law and the compact law supersedes conflicting state and local laws. It does not matter which branch or level of government provides the supervision services, the compact must be followed and enforced. Compliance requirements apply equally to any agency providing supervision in a state that has enacted the compact.

7. Why is it necessary to have State Councils?

Answer: State Councils address at least three significant problems:

- Interstate supervision is unknown outside the agency or agencies where deputy compact administrators work. Consequently, in many states there is scant awareness that interstate issues are a significant public concern until a horrific crime occurs.
- Each state has one designated compact administrator, yet interstate compact compliance is not exclusively an issue for one state agency. In many instances juvenile supervision takes place in separate agencies within the executive branch, or in different (executive and judicial) branches and levels of government (state and county). Extradition funding and decision-making may be administered elsewhere. Judges and juvenile supervision agencies are obligated to observe compact rules regardless of where compact administration is housed. An ongoing awareness of interstate supervision issues is necessary in many areas of state government.
- Interstate supervision is a significant public policy concern that it merits the working knowledge of all State Council members, including victims of crime. However, states individually determine the specific role and membership of their State Council.

The states have discretion to decide whether the State Council is to be a separately constituted body or whether it assigns the duties of the State Council to an existing state entity, provided that representation from the executive, legislative and judicial branches of government and victims groups is present as required under the compact. The requirement for a State Council does not assume creation of a new or costly bureaucracy.

8. Who will be my state's commissioner?

Answer: The commissioner will be that person appointed by the State Council or the governor under Article III (B), subject to qualifications determined by each state.

9. The National Commission will develop the by-laws and regulations after the new compact becomes operational. Isn't that expecting states to "sign-up blindly" before knowing the rules. Why is this necessary?

Answer: The most effective way to manage the movement of juveniles is through an enforceable compact between states that results from member states' ongoing participation in administrative and rule-making duties. Therein lies the "Catch 22". States, through the National Commission, cannot write the rules and regulations until the new compact exists and the initial member states are known. However, this also means that states must pass the legislation and then trust the process in place to develop appropriate rules during the compact's first twelve-months of existence. The alternative of including all the rules in the compact itself would not only sacrifice state input and participation in the development of those rules, but it would also require each compacting state the burdensome task of legislatively approving these rule changes.

States are currently obligated to a full set of rules as developed and passed by compact administrators through the Association of Juvenile Compact Administrators. These rules were passed without any “Sunshine” or open-meeting provisions or conventional administrative law constraints as outlined in the new compact. As the new compact is ratified and the 35th jurisdiction is reached, it is expected that many of the rules for the new compact will be similar, if not identical, to the old rules as they are currently written. In fact, the new compact states that the existing rules governing the operation of the Interstate Compact on Juveniles will be null and void after twelve (12) months from the first meeting of the Interstate Commission. For more information on the current rules, please visit: <http://www.ajca.us>.

The new compact will create a governing structure with the capacity and authority to effectively manage rule making and compliance by member states. Rule making authority is left to representatives of those states that choose to enact the compact. The compact creates a process for rules to be made and enforced and when necessary, to be modified without returning to each state legislature. However, as a safeguard of states authority, the compact drafters created a provision for a majority of state legislatures to nullify any rule passed by the National Commission.

10. Will the new compact enable states to deny transfer of juveniles into their state?

Answer: Yes, states will only be obligated to accept juveniles classified and transferred under the provisions of the compact, its by-laws, and rules. Transfer denials, which contradict the terms of the compact and its rules, will not be permitted and would subject any non-compliant state to enforcement action as determined by the National Commission.

11. What control will states have over the National Commission?

Answer: It is important to remember that the National Commission is comprised of one voting representative from each member state. All proposed rules of the National Commission are required to be published in advance. Therefore, your state will have every opportunity for input before a vote is taken, and any member state will have the opportunity to have their position heard and to vote for passage or rejection of rules, by-laws and routine business. The standard for passage is a majority of members present at a meeting, unless a greater percentage is established in the by-laws (Article V).

Three relevant provisions are also included:

- Article VI concerning individual rules: “If a majority of the legislatures of the compacting states reject a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.”

- Article X concerning amending the compact itself: “Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.”
- Article XI: “...a compacting state may withdraw from the compact by enacting a statute specifically repealing the statute which enacted the compact into law.”

12. What are the limitations, if any, on the ability of the commissioner to sue member states (injunctive as well as mandatory relief)? What assurances can be given to states considering adoption?

Answer: No unilateral authority is given to an individual commissioner to sue another state. The National Commission is empowered, under Article XI (b) and Article XI (c) to enforce the compact against any member state, in the exercise of its reasonable discretion, through a variety of means ranging from alternative dispute resolution to judicial enforcement. Under Article XI (c) judicial enforcement is authorized by majority vote of the National Commission members in the U.S. District Court where the National Commission headquarters is located or the District of Columbia to enforce the provisions of the Compact, its by-laws and rules. Both injunctive relief and monetary damages may be sought and the prevailing party is entitled to an award of costs including reasonable attorney's fees. However, the intent of the Drafting Committee was that disputes under the compact be resolved at the lowest level, and with the least severe action necessary to ensure compliance.

13. Can any of the language in the new compact be changed or must all states use identical language? Can my state pass only certain parts of the revised compact?

Answer: Generally, the compact language must be identical with regard to the substantive provisions of the agreement. However, the enabling legislation, which embodies that agreement, does not have to be uniform in all party states and can be utilized to fit variations into the compactual pattern. The enabling legislation can be used to condition the impact of a compact in a particular state. While these allowances may be made for format, the operative language of the agreement must be identical from state-to-state; otherwise these material differences in language in any state statute purporting to adopt the compact could render it “void” or “voidable”. The compact also contains a provision in Article XIII (B) (4) which preserves the limits placed on the Legislature's obligations, duties, powers, or jurisdiction under the constitution of that state.

14. Does the compact language conform to state constitutional language?

Answer: The compact language was drafted with cognizance of state constitutional requirements common to most state constitutions such as separation of powers, delegation of

power, and debt limitations. The validity of the state authority to enter into compacts and delegate authority to an interstate agency was specifically recognized and unanimously upheld by the U.S. Supreme Court in *West Virginia vs. Sims*, 341 U.S. 22 (1951). This decision also approves of a provision practically identical to the provisions of Article X of the Interstate Compact for Adult Offender Supervision concerning constitutional debt limitations. Under Article XIII (B)(4), provisions of the compact exceeding the constitutional limits imposed on the legislature of any state are ineffective.

15. Aren't we creating an expensive bureaucracy without the promise of anything better than what we already have?

Answer: Key concerns with the existing compact are accountability for member states and the ability to promulgate and enforce compact rules. An interstate compact that cannot assure compliance by member states is in effect a “toothless tiger.” Despite remarkable efforts by those working in compact administration to hold the system together, governance issues have evolved to the point that greater compact authority is essential for states to function effectively. This illustrates the need for a national office to oversee administrative issues. Nothing in the drafting process requires an expansive bureaucracy, although it will create an administrative structure that will hold member states accountable for compliance. Given the degree of dissatisfaction with the current compact, many feel that a realistic question is whether the existing compact will survive if it is not replaced quickly. At the state-level, nothing mandates an expansive bureaucracy.

16. The new compact establishes the need for a data-sharing/information system. What type of information system will be necessary?

Answer: With the assistance of a Management and Information Systems consultant, a working committee of compact administrators has developed a plan for a comprehensive, secure and affordable information system. Development and maintenance of the information system would be part of the National Commission funding and responsibility. The system utilizes an “open technology” design and implementation of an Internet-based system accessible by industry standard software products. In some state compact offices, the minimal technology already exists. In others, it could be achieved with minimal enhancements of existing systems and for the balance, an initial investment of \$2000 - \$3,000 would provide the capacity to utilize form templates and to transmit and receive the information via an Internet e-mail connection. The working committee was sensitive to privacy concerns of transferred information, potential costs, and the reality that states utilize the full range of hardware and software products. Similar Internet-based systems are used extensively in the medical field and successfully accommodate these same concerns. The system is being designed so that the state compact office must be automated, while regional or field offices may use the system if they have access to the minimal equipment. Determination of privacy policies regarding the resulting national database will be made by states through the National Commission's enactment of rules and/or by-laws.

17. Will the National Commission’s rulemaking authority allow it to preempt a state’s privacy laws?

Answer: Under Article VI the National Commission's rulemaking authority is subject to the provisions of the *Model State Administrative Procedures Act, 1981 Act Uniform Laws Annotated, Vol. 15, p.1 (2000)*, or such other Administrative Procedures Act as it deems appropriate and consistent with the requirements of due process. It is anticipated that rules promulgated by the National Commission would not conflict with state privacy laws except to the extent that any particular state privacy law is in direct contravention of a compact rule pertaining to the transfer and supervision of juveniles under the compact. In that case, the provisions of the Compact would supersede the conflicting state law provision under Article XIII (A) (2). It is not possible to predict what specific rules of the Interstate Commission will possibly conflict with a particular provision of the privacy laws of a particular state until a specific rule has been promulgated and a specific state privacy law has been identified.

18. How much will the new compact cost my state?

Answer: Based on a preliminary estimate contained within the fiscal note, the start-up costs to establish the National Commission will cost approximately \$1 million. Support for the National Commission will come from state dues as determined by the National Commission as contained in the compact (Article VIII, (B)). Funding support for each State Council will be determined by individual state based on their specific needs and circumstances, (e.g. some states currently have existing mechanisms and/or councils that could absorb the duties of the proposed State Councils with some minor modifications).

19. Are there any the hidden costs associated with the new compact?

Answer: There are no costs mandated aside from the annual state assessment. However, it is possible that states might encounter additional costs. Examples may include:

- The proposed commission budget would pay for the voting representative from each member state to attend National Commission meetings. If a state decided to send more than one person to the meetings, the additional travel and per diem costs would be the responsibility of that state. However, states currently pay for their voting representative to attend meetings.
- The additional costs anticipated are limited to travel and per diem for members to meet within their state. It is possible that a state could decide to create a more formal structure and additional costs could be incurred.
- It is possible after examining the current level of state commitment to their centralized interstate compact administrative function that a state may determine they need more or a different level of staff assigned to that function. No additional staff would be required by

adoption of the new compact, but in many states it has long been an under-funded activity.

- It is possible that more juveniles could be under supervision if compact requirements are faithfully followed and all juveniles going to other states are processed through the compact. It is not anticipated that numbers under supervision would increase (as a result of enacting the compact) to the point that additional community supervision staff will be required. Also, it is anticipated that automation will reduce the per-case work-effort required.
- The information system is discussed in question 16. The system is being designed so that it may be accessed from common computers and will not require specialized equipment. The state compact office will require a computer and scanner and the system is being designed so that regional and field supervision units could also use the automated information system. Necessary state compact office equipment is estimated to cost \$2,000 - \$3,000 and compact administrators estimate that only a few states currently lack this equipment in their compact office.

20. Can a state create a law that limits its costs to the National Commission?

Answer: To the extent costs exceed a defined limit imposed by the constitution of a state on the legislature, such a provision could be determined under state law based on Article XIII (B)(4).

21. How can we determine the current status of efforts to implement The Interstate Compact for Juveniles?

Answer: Thirty-five jurisdictions (states, the District of Columbia, Puerto Rico and territories) must pass this legislation before it may take effect. The 2003 legislative session will be the first time states have an opportunity to consider the revised compact. A current “State-by State” status page may be accessed on the Internet at: <http://www.csg.org/>. Also, you may contact either of the two individuals listed in the final portion of this document.

Questions may be directed to:

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**Interstate Compact on Juveniles
State-by-State Status**

<u>State</u>	<u>Statute</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
Alabama	§§ AL Code 44-2-1	x		x		18
Alaska	A.S. §§ 47.15.010	x			x	18
Arizona	A.R.S. § 8-361	x		x	x	18
Arkansas	A.C.A. §§ 9-29-101	x	x	x		18
California	W.A.C.W. & I.C. § 1300	x		x	x	18
Colorado	C.R.S. §§ 24-60-701	x	x	x		18
Connecticut	C.G.S.A. § 46b-151a-q	x		x		16
Delaware	31 Del. C. §§ 5201	x		x	x	18
Florida	F.S.A. § 985.501	x	x	x	x	18
Georgia	O.C.G.A. §§ 39-3-1	x		x		17
Hawaii	HRS §§ 582-1	x		x	x	18
Idaho	I.C. §§ 16-1901	x	x	x		18
Illinois	45 ILCS 10/0.1	x	x	x	x	17
Indiana	IC 31-37-23-1	x	x	x	x	18
Iowa	I.C.A. § 232.171	x		x	x	18
Kansas	K.S.A. 38-1002	x	x	x		18
Kentucky	KRS § 615.010	x	x	x		18
Louisiana	LSA-R.S. ChC 1623	x	x	x		17
Maine	34-A M.R.S.A. § 9001	x		x		18
Maryland	MD Ann. Code, Art. 83C §§ 3-101	x	x	x	x	18
Massachusetts	ALM Spec L 97:1	x	x	x		17
Michigan	M.C.L.A. § 3.701	x		x		17
Minnesota	M.S.A. §§ 260.51	x	x	x		18
Mississippi	Code 1972, §§ 43-25-1	x	x	x		18
Missouri	V.A.M.S. § 210.570	x		x		17
Montana	MCA Title 41, Chap. 6	x	x	x	x	18
Nebraska	R.S.N. §§ 43-1001	x	x	x	x	19
Nevada	NRS 214.010	x		x		18
New Hampshire	RSA 169-A:1	x	x	x		18
New Jersey	N.J.S.A. 9:23-1	x		x		18
New Mexico	NMSA 1978 §§ 32A-10-1	x		x	x	18
New York	M.U.L. §§ 1801	x	x	x		16
North Carolina	G.S. §§ 7B-2800	x		x	x	16
North Dakota	NDCC 27-22-01	x				18
Ohio	RC 2151.56	x		x		18
Oklahoma	10 Okl. State Ann. § 531	x	x	x		18
Oregon	ORS 417.030	x		x		18
Pennsylvania	62 P.S. § 731	x	x	x	x	18
Rhode Island	Gen. Laws 1956, §§ 14-6-1	x		x		18
South Carolina	Code 1976, § 20-7-8705	x	x	x		18
South Dakota	SDCL §§ 26-12-1	x		x		17
Tennessee	T.C.A. §§ 37-4-101	x				18
Texas	V.T.C.A. Family Code § 60.001	x	x	x		17
Utah	U.C.A. 1953, 55-12-1	x		x		18
Vermont	V.S.A. 33 § 551	x	x	x		18
Virginia	Code 1950, §§ 16.1-323	x		x		18
Washington	RCW 13.24.010	x		x		18
West Virginia	Code, §§ 49-8-1	x		x		18
Wisconsin	W.S.A. 938.991	x		x		18
Wyoming	W.S. § 14-6-101	x		x		19
District of Columbia	DC Code §§ 32-1101	x	x	x		18
Guam	GCA § 90.82	x				18
Virgin Islands	3.39.1172	x	x	x		18
Puerto Rico	n/a					
N. Mariana Islands	n/a					
American Samoa	n/a					

KEY (X = signatory)

- A - Interstate Compact on Juveniles**
- B - Runaway Amendment**
- C - Rendition Amendment**
- D - Out-of-State Confinement Amendment**
- E - Age Offenders are Classified as Adults**

Case Studies

THE INTERSTATE COMPACT FOR JUVENILES - CASE STUDIES

All types of juveniles may potentially be supervised under The Interstate Compact for Juveniles. The tragic problems caused by very serious juvenile offenders raise many public safety concerns for the states. The number of offender cases involving out-of-state juveniles has grown exponentially over the past few decades with the increase in the national highway system and air travel. Violent and non-violent offenders on probation and parole need to cross state lines every day and the compact is the only mechanism to insure continued supervision. Likewise, the compact insures the return of juvenile escapees and absconders to the supervising state, preventing those juveniles from committing other crimes or becoming victims themselves.

In addition to public safety, an important reason for supervision is to insure that each juvenile receives the best possible services to avoid future lawbreaking and/or to safeguard their well-being. Unfortunately, the current compact does not have an administrative process or governing structure in place with authority to hold member states accountable for compliance with their mutually agreed upon rules. There are more than 20,000 interstate compact cases processed annually. Consider the range and types of interstate supervision issues that arise and need to be governed effectively by rules agreed upon by member states:

- A 17-year-old juvenile parolee, serving a sentence for burglary and armed with a dangerous weapon, absconded from state supervision. The sending state issued a warrant for his arrest and extradition. One month later, the juvenile was picked up in another state for a minor traffic violation. The receiving state detained the youth in a detention center for juveniles and sent a notice to the youth's home state with details of his detention and a request for transportation. Disagreements between both states over transportation payments ensued. Meanwhile, the local jurisdiction holding the juvenile ignored the interstate compact law and released the juvenile on grounds of local laws governing the detainment of out-of-state juveniles for misdemeanor charges. The juvenile walked away from the detention center unsupervised. While robbing a convenient store one year later, the juvenile shot and killed the store clerk. The juvenile remains locked-up in state prison today.
- A 15-year-old adjudicated juvenile received specialized and high-cost sex offender treatment and services in his state of residence. The terms of the juveniles' probation included weekly counseling and regular therapy by a state sanctioned non-profit organization. The father of the juvenile was fired from his employment and was forced to accept employment in another state. After hearing about the juveniles' need to move, the sending state terminated the juveniles' court order for treatment early due to the high-costs associated with the sex offender treatment and failed to notify the receiving state about the juvenile. Under the compact rules, sending states are obligated to fund necessary treatment, services and supervision for juveniles moving across state lines. As expected, the youth moved with his father unsupervised and without treatment. Not until he was adjudicated for another sex offense one year later did the receiving state find out about the youth's troubled past.
- The mother of a runaway filed a report with the National Crime Information Center. The 16-year-

old runaway was identified in a non-neighboring state three days later and was placed in temporary housing with minimal supervision. Youth workers in the receiving state discovered that the youth suffered from an extreme case of depression but could not provide needed therapy without permission by the youth's parents and payment by their home state. In the meantime, the mother was notified but lacked the funds to arrange for transportation to fly her daughter home. The youth's home state forbade the use of state funds for travel and other expenses for a runaway not in their custody. Likewise, the receiving state law required a lengthy legal process to handle custody issues for out-of-state runaways. One week later, the youth escaped from the temporary housing and supervision. Her remains were found three months later and it was determined that she committed suicide by consuming lethal amounts medicine.

- A 14-year-old juvenile was on probation for a gang related crime involving the murder of a citizen. After receiving a lenient sentence for providing fellow gang member names to local law enforcement, the juvenile began receiving threats on his life from the other gang members. To provide temporary protection for the juvenile, the sending state decided to relocate the youth to family in another state for an undetermined length of time. Before gaining approval from the receiving state, local authorities released the youth to family members in the receiving state without arranging for appropriate supervision. Two weeks later, the gang members found the 14-year-old in the receiving state, assaulted and hospitalized the youth, and made threats to the juveniles' extended family. Only after the assault and threats did local authorities realize that a juvenile probationer was located in their jurisdiction.
- A 16-year old juvenile was on probation for a shopping mall theft. She came from an abusive family and marks on her body reflected regular abuse by her parents. Local social services were ordered to provide the youth and her family with regular counseling and supervision. Midway through her probation period, the juvenile escaped to another state and was arrested for another theft one week later. The receiving state notified the youth's home state about the arrest. Under terms and rules of the current compact, the youth's home state is required to transport that youth under an appropriate level of supervision. In an attempt to save dollars, the youth's home state decided to buy a one-way bus ticket for the juvenile but decided not to provide an escort. The youth escaped while enroute home at a gas station and remains unaccounted for today.
- A 17-year-old juvenile absconded from his state of residence while on parole for drug possession and drug use. The juvenile was identified and picked-up in another state where 17-year-olds are considered adults. Under compact rules, juveniles are defined by their home state's laws, not the receiving states laws. The juvenile's home state issued a court order for the juvenile's detainment and extradition. Due to the lengthy and formal process to detain and transport juveniles, the youth's home state could not extradite the youth in a timely manner. Meanwhile, the local jurisdiction holding the juvenile released him on the grounds that he was an adult and their local law forbade them from detaining adults over a specified period of time without formal criminal charges. The juvenile was arrested three months later in the same state for cocaine possession and is now serving two new sentences for drug possession and use.

Fiscal Note

THE INTERSTATE COMPACT FOR JUVENILES

Fiscal Note

The estimated budget for the operation of the Interstate Compact Commission is **\$1,000,000**. This figure was calculated based on the following assumptions:

Staff Salaries and Benefits

The staff includes an Executive Director, General Counsel, Management and Information Systems Executive, Chief Financial Officer, Public Education and Media Relations Director, two Program Specialist and Clerical Staff. Total Estimated Annual Personnel Costs are \$396,500 plus benefits estimated at 30 percent (30%) of annual salaries or \$118,950, for a total of **\$515,450**.

Commission Meetings and Subcommittee Meetings

The National Commission, consisting of Commissioners from all member states, which formulates the policy, rules and regulations for the implementation and enforcement of the Interstate Compact is estimated to require two (2) Commission meetings of all state Commissioners plus staff during the first year of operation to permit sufficient time to adopt the Commission's Bylaws and Rules. It is also anticipated that various Subcommittees including, but not limited to, the Executive Committee, Steering Committee and Nominating Committee will meet an estimated three (3) times during the first year. The estimated travel costs for the first year, which includes transportation, lodging, meals and staff support, is **\$222,250**. It is estimated that elimination of transportation costs for the two (2) National Commission meetings would result in a 10 percent (10%) reduction in travel costs. Subsequent to the Commission's inaugural year, it is anticipated that the entire Commission will only meet annually.

Overhead (Rent and Utilities)

Overhead cost estimates are premised on the assumption of adequate furnished space including utilities for a ten person staff. Rent is calculated at a rate \$15.00 per square foot for finished office space and meeting rooms consisting of approximately 4,309 square feet and \$7.00 per square foot for storage, mail room, copy room, etc. consisting of approximately 1,095 square feet for a total overhead cost of **\$72,300**.

Office Equipment and Furnishings

Estimates for computers are premised upon a fully integrated system including five (5) desktop and five (5) laptop units equipped with software support, LAN access, Internet access, e-mail accounts, staff technical support, software updates/upgrades, and computer and application training. Copiers and furnishings (to the extent not included in Overhead) are based upon the assumption that these items will either be leased or purchased from governmental surplus if feasible. Total estimated cost for office equipment and furnishings is **\$190,000**.

Indirect Costs

In addition to the above mentioned costs, the Interstate Compact Commission can expect indirect costs for organizational expenses not associated with any particular project, but crucial to the functioning of the Commission as a whole. These indirect costs typically consist of accounting and bookkeeping services, human resource services, access to library and research facilities, and miscellaneous supplies and expenses. Based on the structure, location and association of the Interstate Commission with other/similar groups, the Commission can expect to pay an additional 15 percent (15%) to 27 percent (27%) of the estimated budget for annual indirect costs.

Per State Dues Allocation

The operating budget for the Interstate Compact will be allocated among the states pursuant to Article VIII of the Compact. This article provides for an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Commission and its staff in an amount sufficient to cover the Commission's annual budget as approved each year. The allocation of the annual assessment amount for each state will be determined by the Commission, taking into account the population of each state, based on current U.S. Census data and the volume of interstate movement of offenders in each compacting state. Using this formula including the factors referenced here, the above budget estimate and assuming participation by a minimum of 35 and a maximum of 56 jurisdictions, the per state cost for funding the Interstate Compact is estimated to be in the range of **\$12,000** to **\$37,000** per state. However, because of the formula contained in the Compact, smaller states with a lower volume of movement would pay less than the average and larger states with a higher volume of movement would pay more than the average.

This cost analysis has been prepared only as an estimation based on the above assumptions with the aid of the Council of State Governments Budget Book FY 2002. The Interstate Commission created by the Compact, pursuant to Article VIII, will have the authority, subject to the agreement of the member states, to structure the Budget in a manner and at a funding level that it deems to be adequate to carry out the powers and duties of this Interstate Agency.

THE INTERSTATE COMPACT FOR JUVENILES

FISCAL NOTE

Budget Summary

Salary & Wages	\$515,450
Meetings (Commission & Committee's)	\$222,250
Computers, Copiers, Furniture, Etc.	\$190,000
Rent & Utilities	\$72,300
ESTIMATED BUDGET	\$1,000,000

Salaries

Executive Director	\$80,000
General Counsel	\$65,000
Management & Information Systems Executive	\$55,000
Chief Financial Officer	\$55,000
Public Education & Media Relations Director	\$55,000
Program Specialist x 2	\$64,500
Clerical Staff	\$22,000
Subtotal	\$396,500
Benefits (30% annual salaries)	\$118,950
TOTAL SALARY & BENEFITS	\$515,450

Commission & Committee Meetings

Meetings - Commission

Staff Support	\$4,750
Postage	\$520
Photocopy	\$500
Travel	\$42,000
Lodging/Food/Reception	\$30,000
Honoraria	\$7,500
Telecommunications	\$425
Printing	\$5,000
Subtotal x 2	\$181,390

Meetings - Subcommittees

Staff Support	\$3,000
Postage	\$300
Photocopy	\$300
Travel	\$4,500

Lodging/Food/Reception	\$3,500
Honoraria	\$1,420
Telecommunications	\$300
Printing	\$300
Subtotal x 3	\$40,860
TOTAL FOR ALL MEETINGS	\$222,250

Rent & Utilities

Mail Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Copy Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Storage (175 sq. ft. @ \$7.00 per sq. ft.)	\$1,225
Computer Room (375 sq. ft. @ \$15.00 sq. ft.)	\$5,625
Conference Room (510 sq. ft. @ \$15.00 sq. ft.)	\$7,650
Executive Director (980 sq. ft. @ \$15.00 sq. ft.)	\$14,700
Deputy Director (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
Program Specialist (150 sq. ft. @ \$15.00 sq. ft.)	\$2,250
General Counsel (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
CFO (350 sq. ft. @ \$15.00 sq. ft.)	\$5,250
MIS (330 sq. ft. @ \$15.00 sq. ft.)	\$4,950
PR & Media (330 sq. ft. @ \$15.00 sq. ft.)	\$4,950
Clerical (130 sq. ft. @ \$15.00 sq. ft.)	\$1,950
TOTAL	\$72,300

Equipment

Desktop Computers x 5	\$15,000
Laptop Computers x 5	\$15,000
Copiers, Servers & Supplies	\$100,000
Furniture & Equipment	\$60,000
TOTAL	\$190,000

Projected State Assessments

**Interstate Compact for Juveniles
State Dues Projection**

11/15/2002

<u>State</u>	<u>Projected Dues per State</u> ¹	<u>State Dues Ratio</u> ²	<u>State Population</u> ³	<u>U.S. Population</u> ³	<u>State Juvenile Transactions</u> ⁴	<u>U.S. Juvenile Transactions</u> ⁴
Northern Marianas (a)	\$12,000	0.000133	43000	285230516	3	25870
American Samoa (a)	\$12,000	0.000139	46000	285230516	3	25870
U.S. Virgin Islands (c)	\$12,000	0.000314	102000	285230516	7	25870
Guam	\$12,000	0.000407	133000	285230516	9	25870
Wyoming (c)	\$12,000	0.001639	493782	285230516	40	25870
Alaska	\$12,000	0.002065	626932	285230516	50	25870
Vermont	\$12,000	0.002285	608827	285230516	63	25870
Hawaii	\$12,000	0.002839	1211537	285230516	37	25870
North Dakota	\$12,000	0.002865	642200	285230516	90	25870
Dist. of Columbia	\$12,000	0.003052	572059	285230516	106	25870
South Dakota	\$12,000	0.003604	754844	285230516	118	25870
Maine	\$12,000	0.004129	1274923	285230516	98	25870
Rhode Island	\$12,000	0.004196	1048319	285230516	122	25870
Delaware	\$12,000	0.004447	783600	285230516	159	25870
Nebraska (b)	\$12,000	0.005126	1711263	285230516	110	25870
New Hampshire	\$12,000	0.005201	1235786	285230516	157	25870
Montana	\$12,000	0.005428	902195	285230516	199	25870
West Virginia (c)	\$12,000	0.006030	1808344	285230516	148	25870
New Mexico (c)	\$12,000	0.006069	1819046	285230516	149	25870
Utah (c)	\$12,000	0.007452	2233169	285230516	183	25870
Connecticut	\$12,000	0.008115	3405565	285230516	111	25870
Idaho	\$12,000	0.008975	1293953	285230516	347	25870
Mississippi	\$12,000	0.009393	2844658	285230516	228	25870
Iowa	\$17,000	0.010290	2926324	285230516	267	25870
Nevada	\$17,000	0.011195	1998257	285230516	398	25870
Kansas (b)	\$17,000	0.011207	2688418	285230516	336	25870
Oklahoma (c)	\$17,000	0.011519	3450654	285230516	283	25870
Puerto Rico (a)	\$17,000	0.011663	3808610	285230516	258	25870
Arkansas	\$17,000	0.012669	2673400	285230516	413	25870
Kentucky	\$17,000	0.014449	4041769	285230516	381	25870
Louisiana	\$17,000	0.014618	4468976	285230516	351	25870
Alabama	\$17,000	0.016184	4447100	285230516	434	25870
Minnesota (c)	\$17,000	0.016413	4919479	285230516	403	25870
Massachusetts (b)	\$17,000	0.016503	6349097	285230516	278	25870
Wisconsin	\$17,000	0.016650	5363675	285230516	375	25870
South Carolina	\$17,000	0.017122	4012012	285230516	522	25870
Tennessee (c)	\$17,000	0.018980	5689283	285230516	466	25870
Missouri	\$17,000	0.020960	5595211	285230516	577	25870
Colorado	\$22,000	0.023118	4301261	285230516	806	25870
Indiana	\$22,000	0.023183	6080485	285230516	648	25870
Maryland	\$22,000	0.024263	5296486	285230516	775	25870
Arizona	\$22,000	0.025461	5130632	285230516	852	25870
Virginia	\$22,000	0.025570	7078515	285230516	681	25870

Oregon	\$22,000	0.027528	3421399	285230516	1114	25870
North Carolina	\$22,000	0.028297	8049313	285230516	734	25870
Washington	\$22,000	0.029215	5894121	285230516	977	25870
New Jersey (b)	\$22,000	0.030251	8414350	285230516	802	25870
Michigan (c)	\$27,000	0.033154	9938444	285230516	814	25870
Georgia	\$27,000	0.034161	8186453	285230516	1025	25870
Ohio	\$27,000	0.035538	11353140	285230516	809	25870
New York (b)	\$32,000	0.042562	18976457	285230516	481	25870
Pennsylvania	\$32,000	0.042653	12281054	285230516	1093	25870
Illinois (b)	\$32,000	0.042741	12419293	285230516	1085	25870
Florida	\$37,000	0.061956	15982378	285230516	1756	25870
Texas	\$37,000	0.065447	20851820	285230516	1495	25870
California	\$37,000	0.091150	33871648	285230516	1644	25870

\$1,017,000

1 - Based on total projected operating budget

2 - (State population / U.S. Population + State Juvenile Transactions / Total U.S. Juvenile Transactions) / 2

3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of June 30, 2002

(a) - Territory and Puerto Rico data is projected based on an average state juvenile transaction to population ratio (1:14,778)

(b) - Incomplete data provided; additional numbers projected based on all states

(c) - State data not available; projected based on an average state juvenile transaction to population ratio (1:12,207)

Current AJCA Rules

**AJCA RULES AND REGULATIONS 2002
INTERSTATE COMPACT ON JUVENILES**

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SECTION 100 STAFF APPOINTMENT-QUALIFICATIONS-TRAINING-ACCESSIBILITY
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RULE 1-101: APPOINTMENT

Each state and other governmental entity party to the Interstate Compact on Juveniles shall assign an adequate number of staff to effectively administer the provisions of the Interstate Compact on Juveniles.

RULE 1-102: QUALIFICATIONS

Each state and other governmental entity party to the Interstate Compact on Juveniles shall assign staff who possess a working knowledge of the juvenile justice system and who are professionally competent and qualified.

RULE 1-103: ATTENDANCE

Each Interstate Compact on Juveniles Administrator shall encourage and permit staff to attend and participate in state, regional, and national professional conferences and meetings.

The Interstate Compact on Juveniles Administrator or designee must attend annual Association of Juvenile Compact Administrators meetings to be eligible to vote on Compact matters.

RULE 1-104: STATE LEVEL TRAINING

Each state and other governmental entity party to the Interstate Compact on Juveniles shall ensure that at least one staff member assigned to the Interstate Compact on Juveniles has attended the Association of Juvenile Compact Administrators-level training sponsored by the Association of Juvenile Compact Administrators.

RULE 1-105: LOCAL PROVIDER TRAINING

Each state and other governmental entity party to the Interstate Compact on Juveniles shall provide training for that state's/governmental entity's local professional juvenile justice providers/field staff. Training shall be provided by staff who have completed the Association of Juvenile Compact Administrators Administrator-level training.

RULE 1-106: AGENCY SUPPORT

The Interstate Compact Administrator or designee shall explain and discuss the content and intent of the Interstate Compact on Juveniles to local judges, probation and parole officers, law enforcement officials, prosecutors, defense attorneys and other youth-serving professionals and agencies.

RULE 1-107: STAFF ACCESSIBILITY

Each state and other governmental entity party to the Interstate Compact on Juveniles shall ensure that staff assigned to administer the Interstate Compact on Juveniles shall be accessible by telephone during normal business hours.

RULE 1-108: STATISTICS

Each ICJ office shall compile and report statistics on an annual basis using the AJCA Annual Report Form. This form shall be submitted to the AJCA Secretary by August 1st.

SECTION 200 FORMS

RULE 2-101: APPROVED FORMS

The following forms have been approved and adopted by the Association of Juvenile Compact Administrators, and shall be used as appropriate in all cases processed through the Interstate Compact on Juveniles:

- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form I (Requisition for Runaway Juvenile/Child Removed From Jurisdiction of Court)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form A (Petition for Requisition to Return a Runaway Juvenile)
- Out-of-State-Travel Permit and Agreement to Return

- AJCA Annual Report Form

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at www.ajca.org

RULE 2-102: OPTIONAL FORMS

Although home evaluations and quarterly progress reports are mandatory, use of the following forms is optional:

- ? Home Evaluation Report
- ? Quarterly Progress Report

RULE 2-103: REVISION/MODIFICATION OF FORMS

1. Forms approved and adopted by the Association of Juvenile Compact Administrators may not be changed, altered or otherwise modified except upon approval of the Association of Juvenile Compact Administrators. No state or other governmental entity party to the Interstate Compact on Juveniles may change, alter or otherwise modify any form that has been approved and adopted for use by the Association of Juvenile Compact Administrators.
2. No other forms may be substituted as Approved Forms.

SECTION 300 ELIGIBILITY FOR COOPERATIVE SUPERVISION
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RULE 3-101: ADJUDICATED JUVENILES

Juveniles adjudicated delinquent and placed on probation, and committed juveniles who are paroled or on aftercare, are eligible for supervision and services under the Interstate Compact on Juveniles. An individual's status as a juvenile depends on the law in the sending state, and shall be provided supervision by the appropriate juvenile authority in the receiving state.

RULE 3-102: STATUS OFFENDERS

All juveniles who have been adjudicated status offenders, who are under juvenile jurisdiction as defined by the sending state, and who are under court-ordered supervision, are eligible for

services pursuant to the provisions of the Interstate Compact on Juveniles.

RULE 3-103: EMANCIPATED JUVENILES

Emancipated juveniles are not eligible for services pursuant to the provisions of the Interstate Compact on Juveniles. However, if an emancipated juvenile leaves the state of emancipation, goes to another state, is placed on juvenile probation/parole, and the parent lives in the state of emancipation and chooses to accept the juvenile back into the home, the home state of emancipation then must accept supervision.

RULE 3-104: NON-ADJUDICATED JUVENILES

All juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision are eligible for services pursuant to the provisions of the Interstate Compact on Juveniles.

<p style="text-align: center;">SECTION 400 ARTICLE VII: COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES</p>

RULE 4-101: PROCESSING REFERRALS

Each state and other governmental entity party to the Interstate Compact on Juveniles shall process all referrals involving juveniles for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.

RULE 4-102: SENDING AND RECEIVING REFERRALS

Based on staff availability, each Interstate Compact on Juveniles office shall forward all its cases within five (5) working days of receipt.

Each Interstate Compact on Juveniles office shall adhere to the following screening process when sending and receiving referrals:

1. Each Interstate Compact on Juveniles office shall ensure all referrals and correspondence between states originate from the Interstate Compact on Juveniles office in the sending state.

2. The Interstate Compact on Juveniles office in the sending state shall ensure that the following referral documents are complete and forwarded to the receiving state in duplicate: Form IA/VI, Form IV, Order of Adjudication and Disposition, Conditions of Probation, Legal and Social History (if available), Petition and/or Arrest Report, and any other pertinent information deemed to be of benefit to the receiving state.
NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
3. The sending state shall be responsive in forwarding additional documentation at the request of the receiving state.
4. The receiving state's Interstate Compact on Juveniles office shall request its local offices to complete a home evaluation within twenty (20) working days after the local office has received the request.
5. The receiving state's Interstate Compact on Juveniles office shall, within thirty (30) working days of receipt of the referral, make every effort to forward to the sending state the home study report along with the final approval or disapproval of the request for cooperative supervision.

RULE 4-103: AUTHORITY TO ACCEPT/DENY SUPERVISION

1. Only the receiving state's Interstate Compact on Juveniles administrator or designee authorizes or rejects (denies) supervision of a juvenile by that state.
2. Supervision cannot be denied or disapproved based solely on the juvenile's age or the offense.
3. Supervision cannot be denied or disapproved when the juvenile will reside in the state where the parent, guardian or person entitled to legal custody resides according to Article VII.
4. Supervision may be denied when the juvenile will reside with a non-custodial person, and the parent, guardian or person entitled to legal custody does not reside in that state according to Article VII.
5. Upon receipt of an acceptance from the receiving state, and within five (5) working days prior to the juvenile's departure, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.

RULE 4-104: TRANSFER OF SUPERVISION PROCEDURES

1. Supervision shall not transfer to another state without verbal or written approval from the Interstate Compact on Juveniles office in the receiving state. All verbal approvals shall be followed-up with written approval within ten (10) working days after the date the verbal approval was granted.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's Interstate Compact on Juveniles office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's Interstate Compact on Juveniles office as expeditiously as possible, along with an explanation of the nature of the emergency.

RULE 4-105: COOPERATIVE SUPERVISION/SERVICES REQUIREMENTS

1. Each receiving state will assume the duties of visitation and of supervision over any delinquent juvenile which it has accepted for cooperative supervision, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own delinquent juveniles released on probation or parole.
2. Each state and other governmental entity party to the Interstate Compact on Juveniles, when it is determined to be in the best interest of the public and the juvenile under supervision, may enter into an agreement with adult probation/parole or a private provider in its respective jurisdiction in order to provide the level of supervision and services that is intended by the sending state.
3. The receiving state shall furnish written progress reports on a quarterly basis.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the Interstate Compact on Juveniles.
5. The sending state shall be financially responsible for the treatment services required by the sending state.
6. The receiving state determines the type and quality of supervision.
7. The age of majority and duration of supervision are determined by the sending state.

RULE 4-106: TRAVEL PERMITS

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. Travel Permits and Agreement to Return shall be issued for the purpose of testing a proposed placement. The permit shall not exceed thirty (30) days, with a referral packet to be received by the receiving state's Interstate Compact on Juveniles office within thirty (30) days of youth's arrival.
2. Travel Permits and Agreement to Return shall be issued to juvenile probationers and parolees for visits/vacations whose adjudicating offense includes, but is not limited to the following:
 - a. Sex offenses
 - b. Violent offenses that have resulted in personal injury or death.
 - c. Offenses committed with a weapon.
3. Travel permits shall contain instructions requiring the probationer or parolee to return to the sending state. A travel permit is required if a visit will exceed forty-eight (48) hours. The maximum length of a stay, under these conditions, shall not exceed thirty (30) days.
4. Authorization for out-of-state travel will be approved by the probation officer, parole officer or court designee supervising the youth in the sending state. The authorized travel permit shall be provided through the normal Interstate Compact on Juveniles channels prior to youth movement.

RULE 4-107: ARTICLE X: SUPPLEMENTARY AGREEMENTS

1. Interstate Compact on Juveniles Administrators in both the sending and receiving states must approve all Interstate Compact on Juveniles placements in public institutions.
2. Supervision of juveniles placed in private facilities will not be administered through the Interstate Compact on Juveniles.
3. States and/or governmental entities party to the Interstate Compact on Juveniles shall formulate written agreements with another state when placing juveniles in public institutions in that state.
4. Article X applies to the placement of delinquent juveniles in public institutions. When a

state wishes to enter into care, treatment and rehabilitation with another state for the purpose of an institutional placement of a delinquent juvenile, there shall be an individual agreement between said states. Written details must be provided for as specified in Article X through a supplementary agreement. In order to invoke the provisions of Article X, the juvenile must be in the home state/state of jurisdiction.

RULE 4-108: COMMUNICATION REQUIREMENTS BETWEEN STATES

1. All communications between states, whether verbal or written, on Interstate Compact on Juveniles issues shall be transmitted between the respective Interstate Compact on Juveniles offices.
2. Communication may occur between local jurisdictions with the approval of the Interstate Compact on Juveniles offices in both states.
3. Communication regarding Interstate Compact on Juveniles business shall respect the confidentiality rules of the receiving state unless otherwise requested by the sending state.

RULE 4-109: CLOSURE OF CASES

1. The sending state has sole authority to discharge/terminate its juveniles.
2. Cases which terminate due to expiration of a court order or upon expiration of the period of parole may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order.
3. The receiving state may submit to the sending state a request for release from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide an explanation why the juvenile cannot be released from probation/parole.

Supervision for the sole purpose of collecting restitution is not a justifiable reason to continue to maintain an open ICJ case when all other terms and conditions of probation/parole have been completed.

4. Files of closed cases shall be maintained in the Interstate Compact on Juveniles office for one (1) year after closure before they can be destroyed.

RULE 4-110: VICTIM NOTIFICATION

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.

SECTION 500 SPECIAL POPULATIONS
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RULE 5-101: SEX OFFENDER NOTIFICATION

The sending state is responsible to notify the receiving state of any requests for supervision of any adjudicated sex offender.

SECTION 600 ARTICLES II, IV, V, VI, VII, AND THE RUNAWAY, RENDITION, OUT-OF-STATE CONFINEMENT AMENDMENTS: RETURNS UNDER THE INTERSTATE COMPACT ON JUVENILES
--

RULE 6-101: ARTICLE II, EXISTING RIGHTS AND REMEDIES

Article II may be used prior to initiation of formal court proceedings.

RULE 6-102: ARTICLE IV, RETURN OF RUNAWAYS

1. Article IV(a) of the Interstate Compact on Juveniles provides a requisition procedure for the return of non-delinquent runaways who are found in states other than their home state. The home state's Interstate Compact on Juveniles office will contact the appropriate authorities in the home state to qualify their runaways for return.

2. Non-delinquent runaways who are endangering themselves or others shall be held in secure facilities until returned by the home states.

RULE 6-103: ARTICLE V, RETURN OF ESCAPEES AND ABSCONDERS

The home state's Interstate Compact on Juveniles office shall ensure the accurate preparation and timely delivery of requisitions to return of all its absconders and escapees who refuse to voluntarily return.

RULE 6-104: ARTICLE VI, VOLUNTARY RETURN PROCEDURE

1. The home state's Interstate Compact on Juveniles office shall return all of its runaways, absconders, and escapees who have legally consented to voluntarily return to the home state.
2. The home state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each Interstate Compact on Juveniles office shall have policies in place involving the return of non-delinquent and delinquent juveniles that will ensure the safety of the public and juveniles.
3. Juveniles are to be returned to the home/demanding state in a safe and expedient manner.

RULE 6-105: ARTICLE VII: COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

1. Article VII(c) of the Interstate Compact on Juveniles provides the procedure for return to the sending states of juveniles who are on cooperative supervision in other states. Interstate Compact on Juveniles Form IAVI provides due process requirements for this return.
2. Sending states' Interstate Compact on Juveniles offices shall ensure that their juveniles' probation/parole agreement provisions are enforced for individual accountability and public protection.
3. Juveniles and Legal Custodian(s) Who Have Left the Sending State: In the event new charges occur, receiving states shall endeavor to assume jurisdiction over juveniles whose legal custodian(s) move to those states.

4. Juveniles Who Have Legal Custodian(s) Remaining in the Sending State: When placement of juveniles in receiving states is not successful, sending states' Interstate Compact on Juveniles offices shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with this Article.

RULE 6-106: RUNAWAY AMENDMENT

1. The Runaway Amendment shall be binding only between those states which have executed the same. All provisions of Articles IV and VI shall apply.
2. The home state's Interstate Compact on Juveniles office shall immediately initiate proceedings to determine juveniles' residency and jurisdictional facts in that state. Home states shall return juveniles when it is determined that said juveniles are residents of that state.
3. Due process shall be afforded to juveniles who are returned pursuant to this amendment/article. The home states' Interstate Compact on Juveniles office shall initiate the requisition process when juveniles refuse to voluntarily return, and parents refuse to initiate the requisition process.

RULE 6-107: RENDITION AMENDMENT

The Rendition Amendment shall be binding only between and among those states which have executed the same. All provisions and procedures of Articles V and VI shall apply.

RULE 6-108: OUT-OF-STATE CONFINEMENT AMENDMENT

1. The Out-of-State Confinement Amendment is operative only between those states which have executed the same.
2. This amendment applies to juveniles who are on probation or parole or who have absconded or escaped and are located in the receiving or holding states. The sending/receiving or home/holding states must contractually agree to confine juveniles in a designated institution in receiving or holding states.

RULE 6-109: FINANCIAL RESPONSIBILITY

1. The home/demanding states' Interstate Compact on Juveniles office shall be responsible for the costs of transportation, for making transportation arrangements and

for the return of juveniles within five (5) working days of being notified by the holding state's Interstate Compact on Juveniles office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored.)

2. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-110: PUBLIC SAFETY

1. The home/demanding state's Interstate Compact on Juveniles office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.
2. Juveniles who are requisitioned under Article V and the Rendition Amendment or who are considered a risk to harm themselves and/or others shall be accompanied on the return to the home/demanding state.
3. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-111: CHARGES PENDING IN HOLDING/RECEIVING STATES

Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-112: WARRANTS

The demanding state's Interstate Compact on Juveniles office shall, within two (2) working days, determine if warrants will be honored, and notify the holding states' Interstate Compact on Juveniles office accordingly.

RULE 6-113: DETENTION

1. The home/demanding state's Interstate Compact on Juveniles office shall effect the return of its juveniles within five (5) working days after confirmed notification from the holding state's Interstate Compact on Juveniles office that due process rights have been met.
2. Holding states shall not be reimbursed for detaining juveniles under the provisions of

the Interstate Compact on Juveniles unless the home/demanding state's Interstate Compact on Juveniles office does not demonstrate a good faith effort to effect the return of its juveniles within five (5) working days.

3. Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. Home/demanding state's Interstate Compact on Juveniles office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
4. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state.

RULE 6-114: AIR TRANSPORTATION

1. Holding states are responsible for transporting juveniles to local airports as arranged by the home/demanding state and maintaining security of the juveniles until departure.
2. Holding states shall not return to juveniles any personal belongings, which could jeopardize the health, safety, or security of the juveniles or aircraft (examples: weapon, cigarettes, lighters, or cell phone).
3. Holding states shall confiscate all questionable personal belongings and return those belongings to the juveniles by approved carrier (e.g., USPS, UPS, or Federal Express).

RULE 6-115: AIRPORT SUPERVISION

1. States shall provide supervision and assistance to unescorted juveniles at intermediate airports, enroute to the home state.
2. Staff shall supervise juveniles from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 24 hours advance notice.

SECTION 700 COMMUNICATIONS

With the advancement of modern technology, it is the position of the Association of Juvenile Compact Administrators that Interstate Compact on Juveniles offices shall be

equipped with fax machines and computers to facilitate communication.

Further, Interstate Compact on Juveniles offices shall be equipped with the capability to conduct Interstate Compact business through use of the ICJ/AJCA web site located at www.ajca.org

SECTION 800 GLOSSARY OF TERMS
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Absconder: A juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Adjudged Delinquent: A minor who has been classified as such through court proceedings in a properly constituted court of law.

Adjudicate: To pronounce, decree, or settle in the exercise of judicial authority in a properly constituted court of law.

Affidavit: A written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

Aftercare: A juvenile who has been committed in the sending state who is residing and being supervised in the community. (For purpose of ICJ, see Parole.)

Commitment: An order by the court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: A person designated by statute or appointed by the Governor who is responsible for coordinating his/her state's Interstate Compact on Juveniles operations.

Conditional Release: See Parole.

Cooperative Supervision: Supervision provided by the receiving state as requested by the sending state (pursuant to Article VII).

Correspondent: A person responsible for handling specific duties relating to the Compact and under the supervision of the Compact Administrator or Deputy Compact Administrator.

Counsel (Legal): Representation of a juvenile by an attorney, either privately retained or court appointed, or a person who is proper or sufficient to be recognized by the law.

Court (For Interstate Compact on Juveniles purposes): Any judicial entity having jurisdiction over dependent, neglected children, delinquent juveniles, and/or status offenders.

Court Order: A written command or direction given by a court of competent jurisdiction.

Delinquent Child: See Delinquent Juvenile.

Delinquent Juvenile: Any juvenile who has been adjudged delinquent and who, at the time the provisions of the Interstate Compact on Juveniles are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

Detainer: A writ or instrument, issued or made by a competent officer, of the court authorizing the proper agency to keep in its custody a person therein named.

Detention Order: An order written by the court to detain a specified juvenile pending further orders or action by the court.

Due Process: Legal proceeding(s) according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private and public rights.

Emancipation of Minors: A court action severing the legal rights and responsibilities of parent(s) and juveniles.

Escapee: A juvenile who has made an unauthorized flight from a facility to which he has been committed by the court.

Good Faith Effort: Communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

Guardian: One who legally has the care and management of the person, or the estate, or both, of a child during its minority or for the purpose and duration expressed in the order-of-guardianship.

Guardian ad litem: A person who is appointed by the court to look after the best interest of the juvenile.

Hearing: Proceeding of relative formality with definite issues of fact or of law to be tried, in which parties proceeded against have the right to be heard, and is much the same as a trial and may terminate in final order.

Interstate Compact on Juveniles: The enactment of legislation by all member states in substantially the same language on legal due processes pertaining to a juvenile.

Investigation: A legal social evaluation to determine if placement in a proposed and specified resource home/place is in the best interest of the child/juvenile and the community.

Juvenile: Any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care or community supervision of the juvenile authority.

Legal Custodian: The agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody, and treatment to a juvenile.

Legal Jurisdiction: Appropriate court having legal authority or control over the proceeding pertaining to one or more specified offenses with which a juvenile has been charged.

Non-Delinquent Juvenile: Any person who has not been adjudged or adjudicated delinquent.

Non-Party State: A state which has not adopted the amendments relating to the Interstate Compact on Juveniles.

Optional Runaway Article: This article makes it mandatory for the home state to authorize the return of a juvenile within five (5) days after being advised that he has been found in another state. Applies to non-delinquents only.

Out-of-State Confinement Amendment: Permits states to make agreements for out-of-state confinement of juveniles who are already out-of-state, such as parole and probation violators, escapees, and absconders.

Parole: Any committed juvenile conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Peace Officer: This term is variously defined by the statute in the different states; but generally it includes sheriffs and their deputies, constables, marshals, members of the police force of cities, and other officers whose duty is to enforce and preserve public peace.

Petition: An application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: The detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: An order authorizing law enforcement officials to apprehend a specified person.

Private Provider: Any person or organization contracted by the sending or receiving state to provide supervision and/or services.

Probation: A sentence disposition available to the courts which allows the offender to remain in the community under the supervision of a court directed person or agency. This is an alternative to commitment to a correctional facility.

Promulgate: To put a law into effect by formal public announcement. To make known by public declaration.

Receiving State: A state to which a juvenile is sent for supervision under provision of the Interstate Compact on Juveniles.

Rendition Amendment: This amendment permits a state in which a juvenile is found to return to a state other than his home state in which he is charged with being delinquent for violation of any criminal law.

Renunciation: The act by which a state can formally withdraw from the Interstate Compact on Juveniles by having the same authority which executed the Interstate Compact on Juveniles send six month's notice in writing of its intentions to withdraw to the other states party hereto. (See Article XIV.)

Requisition: A demand in writing or formal request under Article IV or V sent to the Interstate Compact on Juveniles Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, or escapee. (See Interstate Compact on Juveniles Forms I and II.)

Residence: A place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, or agency entitled to his legal supervision. The state where the parent, guardian, person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Runaway: A child under the juvenile jurisdictional age limit established by the state, who has run away from his home within home state or out of state, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody or supervision.

Sending State: A state which has sent a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.

State: Any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Status Offense: Conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Status Offender: One who has been adjudged guilty of a status offense. A term used to designate a child adjudicated by the juvenile court and placed under court supervision, but legally remaining non-delinquent. [e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.]

Termination: The relinquishment of wardship of a juvenile probationer or parolee by the proper authority in the sending state following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Voluntary Return: This relates to the return of the juvenile runaway, escapee, or absconder (under Article VI) to his home state and denotes that he consents to return there voluntarily. (See Interstate Compact on Juveniles Form III.)

Ward of Court: A person placed by authority of law under the care and supervision of the court.

Warrant: An order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

FORMS

Form A, Petition for Requisition to Return a Runaway Juvenile - This form is used when it becomes necessary to petition the home state's court to have a non-delinquent juvenile returned to the home state.

Form I, Requisition for Runaway Juveniles:

This form is used under Article IV when it becomes necessary for the court in the home state to take action in having a non-delinquent runaway juvenile returned. It is used only in cases where the youth refuses to return home or where there is some question of legality concerning the youth's return to his home state.

Form II, Requisition for Escapee or Absconder:

This form is used under Article V for the requisition of delinquent escapees and/or absconders from institutions, detention centers, reception and diagnostic centers, community treatment facilities, or from probation or parole placement. (Form II is used when exercising the Rendition Amendment.)

Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder:

This form is used under Article VI in cases where a state is returning a juvenile to his home state and must be executed in the presence of a judge or authorized court master, referee, or hearing officer. Signing by the juvenile denotes that he consents to return home voluntarily.

Form IV, Parole or Probation Investigation Request:

This form is used in cases in which the home state requests an investigation for possible placement of a parolee or probationer in a home in another state. It should be accompanied with pertinent court orders, social summary, evaluation results, and court, school, and medical records.

Form V, Report of Sending State Upon Parole or Probationer Being Sent to Another Jurisdiction: This form is used to notify the state which has approved placement that a youth is being transferred to their jurisdiction for supervision. It provides information concerning travel.

Form IA-VI, Application for Compact Services & Memorandum of Understanding Waiver (Parolee or Probationer):

A two-part form which is used to make application for Compact services and also used to determine that the youth, parent, guardian, or agency understands the terms of his probation and parole and that he is to return to the sending state if he is recalled due to violation of probation, or some other reason.

Rosters

THE INTERSTATE COMPACT FOR JUVENILES

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THE INTERSTATE COMPACT FOR JUVENILES

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THE INTERSTATE COMPACT FOR JUVENILES

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Resolutions, Endorsements
and Articles

(as of 11/25/2002)

CSG GOVERNING BOARD/EXECUTIVE COMMITTEE

RESOLUTION ON

THE INTERSTATE COMPACT FOR JUVENILES

WHEREAS, The Interstate Compact on Juveniles was established in 1955 and is the compact addressing the needs of juveniles within the juvenile justice system who move between states and has not been sufficiently amended in its forty-seven (47) year existence; and

WHEREAS, This compact is the only vehicle for the interstate supervision of juvenile offenders, the return of absconders and escapees, and runaways; and

WHEREAS, The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision and program expectations to include currently unregulated practices such as victim input and notification requirements, sex offender registration, and age related issues; and

WHEREAS, After exhaustive research and detailed study, the Office of Juvenile Justice and Delinquency Prevention and The Council of State Governments convened an Advisory Group and Drafting Team to formulate recommendations and implement changes to the compact language to better address public safety, enforcement, accountability and communication concerns.

NOW THEREFORE BE IT RESOLVED, That The Council of State Governments hereby endorses and recommends adoption of the new compact entitled, "Interstate Compact for Juveniles" by the fifty (50) states, the District of Columbia, Puerto Rico and effected territories of the United States of America.

Adopted this 8th Day of December, 2002 at the
CSG Annual State Trends and Leadership Forum
In Richmond, Virginia

/signed

Governor Michael Huckabee
2003 CSG President

/signed

Representative Daniel Bosley
2003 CSG Chair

Resolution of the Association of Juvenile Compact Administrators

“Interstate Compact for Juveniles”

Whereas, The Interstate Compact on Juveniles was established in 1955 and is the compact addressing the needs of juveniles within the juvenile justice system who move between states and has not been sufficiently amended in its forty-seven (47) year existence; and

Whereas, This compact is the only vehicle for the interstate supervision of juvenile offenders, the return of absconders and escapees, and runa ways; and

Whereas, The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision and program expectations to include currently unregulated practices such as victim input and notification requirements, sex offender registration, and age related issues; and

Whereas, After national surveys and a detailed study by a task force appointed by the Office of Juvenile Justice and Delinquency Prevention, the recommendation has been to rewrite the document to bring about an effective management capacity that addresses public safety concerns and juvenile accountability.

Be it therefore resolved, That the Association of Juvenile Compact Administrators hereby endorses and recommends adoption of the new compact entitled “Interstate Compact for Juveniles” by the fifty (50) states, the District of Columbia, and affected territories of the United States of America.

Adopted this 10th day of August, 2002.



November 1, 2002

Charles B. Wang International
Children's Building
699 Prince Street
Alexandria, VA 22314-3175
U.S.A.

Mr. Daniel M. Sprague
Executive Director
The Council of State Governments
Headquarters Office
P.O. Box 11910
Lexington, Kentucky 40578-8001

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Dear Mr. Sprague:

Facsimile 703.274.2200

The National Center for Missing & Exploited Children (NCMEC) is pleased to support the proposed Interstate Compact Initiative for Juveniles. As an organization that provides services to runaway youth and their families, we are pleased that this enhanced initiative will ensure consistent use of those policies governing the Compact.

www.missingkids.com

Although, primarily designed to assist those organizations working within the juvenile justice, and social service systems, the Compact will assist NCMEC in it's work to bring children back home by providing law enforcement professionals with clear guidelines and procedures once a missing youth is recovered.

As you work to implement this initiative throughout the 50 states, please do not hesitate to let us know if we can be of further assistance in this most important venture.

Sincerely,

Ernie Allen
President & CEO
NCMEC

Branches
California
Florida
Kansas City
New York
South Carolina



AJCA Newsletter

Serving Youth Nationwide

Spring 2002

A New Interstate Compact *for* Juveniles

From the President

- Michael Reddish, NE
AJCA President

The Association of Juvenile Compact Administrators met in Houston, Texas on March 26-30, 2002. This important Mid-Winter Workshop included a presentation by Rick Masters and John Mountjoy of the Council of State Governments. Rick and John shared with those attending the new, improved document called *The Interstate Compact for Juveniles*. This document will be sent to you this month for your review and comments.

This new compact spells out the authority for the Interstate Compact for Juveniles to exist and operate, and replaces the antiquated and restrictive language of the 1955 compact. This new document will enable us to successfully address every issue noted in the National Institute of Corrections survey, entitled "Perspectives from the Field on the Interstate Compact on Juveniles." For those of you who are new to ICJ, it was in June of 2000 that a finding from a national survey addressing compact services was completed. The survey, prepared by Larry Linke and Barbara Krauth of NIC, was a joint project of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Institute of Corrections (NIC). Chris Holloway with OJJDP served as project director. Compact administrators, agency administrators and field staff were interviewed; issues that have plagued compact administrators for years were identified. Those of us in the business of moving juveniles from state to state were well aware of the issues, but not always certain of the steps needed to correct them or were unable to correct them due to the restrictive language in the law. It is amazing that just one year and ten months later we have a new compact ready to share with you and other stakeholders.

(See **President** on page 5)

The Revised ICJ - Improvements to a Useful Tool for "Power Sharing" by the States

- Richard L. Masters, Special Council
The Council of State Governments

U.S. Supreme Court Justice Felix M. Frankfurter has referred to the Interstate Compact as "one of the axioms of modern government." In writing an opinion in which the Court unanimously upheld the validity of a state's authority to enter into compacts and delegate authority to interstate agency, Justice Frankfurter called such state action "a conventional grant of legislative power. {See *West Virginia, ex rel Dyer vs. Sims*, 341 U.S. 22 (1951)}. Compacts are contractual agreements between two or more states which bind them to the provisions of the compact. Like any other statute, an interstate compact supersedes prior law. But as with other contracts, the Contract Clause of the U.S. Constitution protects compacts from impairment by the states. Although a state cannot be bound by a compact to which it has not consented, a compact takes precedence over the subsequent statutes of signatory states. A state may not unilaterally nullify, revoke, or amend one of its compacts if the compact does not so provide.

Compacts currently have three primary functions. First, compacts have been used since before the adoption of our federal Constitution to resolve boundary disputes between colonies and later the several states. This was the exclusive purpose of all but one of the approximately 36 compacts enacted before 1921. Second, compacts are used to institutionalize interstate activities such as the allocation of natural resources such as water or the construction of bridges. Third and most importantly, compacts create ongoing administrative agencies which have jurisdiction over a wide variety of state concerns including public transportation.

(See **Power Sharing** on page 2)

Power Sharing continued from Page 1

resource management, taxation, economic development, corrections, and public safety. Although there have only been approximately 200 compacts which have been adopted since the founding of our Republic, the advantages of interstate cooperation in an era of "decentralized" government continue to give compacts wide appeal. The geography of our highly mobile society provides further incentive for interstate cooperation. According to recent Census figures, over 30 of the largest metropolitan areas in the U.S. extend across state lines. Moreover increasing numbers of environmental, transportation, corrections, public safety, and other state problems are not limited by one state's boundaries.

In the *Sims* case, *supra.*, Justice Frankfurter rather succinctly and eloquently summed up the advantages of interstate compacts as a means of resolving problems which transcend the boundaries and provincial interests of a particular state rather than through "fractious litigation" among the states or a variety of inconsistent attempts by individual states to solve an inherently interstate problem requiring some degree of uniformity and cooperation. Referring to an earlier interstate dispute which the U.S. Supreme Court was called upon to resolve, Justice Frankfurter points out:

"Indeed, so awkward and unsatisfactory is the available litigious solution for these problems that this Court deemed it appropriate to emphasize the practical constitutional alternative provided by the Compact Clause. (Article I Section 10, Clause 3 of the U.S. Constitution) Experience led us to suggest that a problem such as that involved here is more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of representatives of the States so vitally interested in it than by proceedings in any Court however constituted. . . A compact is more than a supple device for dealing with interests confined within a region. That it is also a means of safeguarding the national interest is well illustrated in the Compact now under review." Id. 341 U.S. @ pp.24-25.

This description could also appropriately be applied the proposed revisions to the Interstate Compact on Juveniles which is being comprehensively updated for the first time in nearly 50 years.

The revisions should also provide meaningful enforcement of this important public safety mechanism for

the first time, which provisions include a wide range of tools to secure compliance from technical assistance, mediation and arbitration to suspension, termination and legal action in federal court which will result in recovery of legal fees and costs by the prevailing party. In addition, the national commission administering the revised compact will have a full-time paid staff to provide training, technical assistance, advice and coordination of the Commission's administration of its responsibilities as well as its rulemaking to implement its powers and duties which will conform to the administrative law and due process requirements of the Administrative Procedures Act.

Development and maintenance of a comprehensive, secure and affordable information system is already being pursued by a working committee of compact administrators whose work will facilitate the implementation of such a system when the National Commission set up under the revised compact becomes operational. Information exchange and Commission meetings will be subject to appropriate privacy and open meetings laws under the new compact.

Perhaps no development in modern American government is more deserving to be designated as an example of "creative federalism" than the employment of interstate compacts to manage regional and multistate issues such as the Interstate Compact on Juveniles. It is a "shared power" approach which is becoming an inescapable necessity in order for states to preserve their sovereign authority over problems which transcend the boundaries of a state but which should remain under the jurisdiction of the several states. Compacts are an attractive and in some cases the only alternative to federal intervention and regulation and they offer an effective and enforceable means of addressing commonly shared problems, including transfer of potentially dangerous juveniles across state lines without relinquishment of authority to the central government. The AJCA and its officers are to be commended for their progressive and proactive approach to more effectively protect the interests of juveniles and the general public.

Interstate Compacts have three functions:

- ✓ resolve disputes between states
- ✓ institutionalize interstate activities
- ✓ create agencies having jurisdiction over concerns between states



AJCA Newsletter

Serving Youth Nationwide

Fall 2002

One Step Closer to a New Compact

From the President

- Ronald J. Leffler, IN Parole
AJCA President

Greetings! It seems like only yesterday that we were at the Annual Meeting in Savannah, Georgia. In addition to the regular business meeting, there was a lot of good information exchanged and feedback received.

The biggest challenge that faces us over the next couple of years is getting the new Compact passed in all of the states and territories. Over the next several months, legislators in all states and the territories will be getting copies of the new Interstate Compact *for* Juveniles from the Council of State Governments (CSG). The legislators will be asked to pass the new compact into law. Many issues will be discussed during this process. The AJCA leadership advocates that our members be proactive. Ensure that your legislators have accurate and up-to-date information and be prepared to educate them. I urge all of you to become familiar with the new Compact, be able to cite the pros of the new Compact and the cons of our current Compact, and know your statistics.

Upon our return from Savannah, we each should have shared the new information obtained from CSG with our supervisors. Hopefully, by this time, you are developing action plans on how to get the new compact introduced in the 2003 legislative session.

Helping guide the new compact through the adoption process is the biggest challenge that the Association and the nation have faced in over forty years in this area. The new compact maintains the authority of the Compact Administrator and raises the level of the Deputy Compact Administrator. I urge all of you to support the new compact and work to get it passed in your individual states, the District of Columbia, or the territories.

Ratification will occur upon passage by the 35th state. At that time, the big challenge of implementation will occur. However, discussion of that challenge is for another article.

In closing, it is vital that we all be prepared for the introduction of the Compact and understand the importance its being ratified. The new Compact brings the issues that face us daily into perspective and provides a means of enforcement that has been lacking in the past. When ratification occurs, doing business as we know it will change for the better. Eventually all fifty states, the District of Columbia and territories will pass the new Compact legislation. This is a very exciting time for those in ICJ and AJCA.



The Interstate Compact for Juveniles - A New and Improved Tool for Effective Management and Juvenile Accountability

-Richard L. Masters
Special Counsel
The Council of State Governments

The endorsement of the new Interstate Compact for Juveniles by the Association of Juvenile Compact Administrators (AJCA) on August 10, 2002 at Savannah, Georgia was indeed an historic event. As we look forward to the "unveiling" of the proposed new compact to legislators and its introduction and passage into law, it is important to recall and remember the "journey" which has brought us to this important watershed.

THE OLD COMPACT

Established in 1955, the Interstate Compact on Juveniles is the only public law in existence to regulate the

interstate movement of juvenile offenders, the return of absconders and escapees, and runaways. The Compact was written before the interstate highway system, before readily accessible air transportation, and before the personal computer literally revolutionized the way we live personally and professionally. Moreover, the juvenile population supervised under the Compact has dramatically increased over the past half century and many jurisdictions have expanded supervision and program expectations to include such areas as victim input and notification requirements, sex offender registration, and age related issues. These concerns coupled with growing dissatisfaction with an outdated and antiquated Compact structure has given root to growing public safety and juvenile welfare concerns.

THE ROAD TO CHANGE

In 1999, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a detailed survey of the states, revealing many contentious issues and deficiencies within the current Compact. As currently written and implemented the current compact is not adequate. Its language and procedures are insufficient and antiquated, its' rules and procedures are not widely followed or understood and its structure and administration is powerless to meet either public safety expectations or the needs of juveniles within the modern justice system. More specifically, not all states have identical compact language. Since the adoption of the original compact by all fifty states, three significant amendments have been proposed and enacted into law by some states but not by other states. Rules under the current compact cannot be enforced because it does not provide any procedures to do so. Thus there is no means of assuring compliance even where the compact provisions at issue have been adopted by all of the states. There is no accountability and no consequences for states that violate and ignore the current compact rules. The survey also found significant needs for additional training to be made available to state and local juvenile justice officials and to improve the speed and quality of communication through the use of state of the art computer technology.

The existing compact provisions and rules are administered by the AJCA, which is both a professional, tax-exempt association of government officials and also serves as the administrative agency to carry out the terms of the current compact provisions and rules. However, this body is not specifically designated under the compact nor is it given specific authority to make and enforce rules or the provisions of the compact. Nor is there any provision, under the current compact, for a full time staff to coordinate

compliance or adequate funds to do so. Although existing compact administrators deserve to be commended for their labor to manage an interstate supervision process which is overworked, understaffed, and under-funded, the significance of this compact and its unique role in promoting both public safety and protection of juveniles must address these deficiencies and problems.

In June 2000 the Council of State Governments (CSG), which facilitated the drafting and adoption of the original compact, and OJJDP developed and facilitated an Advisory Group to examine and determine appropriate action to address the multitude of problems identified through the 1999 survey and follow up with respect to the Interstate Compact on Juveniles. Composed of twenty-four policy experts representing a broad and diverse group of institutions and organizations with direct interest in juvenile supervision issues, the Advisory Group met twice between June 2000 and May 2001 to 1) review and analyze the information from the survey and 2) develop recommendations for action to improve the compact. After recommending a comprehensive revision of the Compact, a drafting team was organized during the fall of 2001. Like the Advisory Group, the drafting team consisted of fifteen policy experts from throughout the country with extensive experience in the area of juvenile justice, legislation, and interstate compacts. The drafting team was tasked with the mission of reviewing the Advisory Group recommendations and translating those objectives into specific provisions of a comprehensive amended compact. The final stage in this phase of the work was the dissemination of the draft of the newly proposed Interstate Compact for Juveniles to state officials, compact administrators and interested stakeholder groups for review and comment. This circulation and review took place from April of 2002 through June 2002.

SOLUTIONS FOR THE FUTURE IN THE NEW INTERSTATE COMPACT FOR JUVENILES

The new compact addresses the deficiencies documented in the current compact system including enforcement, administration, finances, communications, data collection and exchange, and training. The Interstate Compact for Juveniles, among other improvements, provides for:

- 1) The establishment of an independent compact administrative agency with the authority to administer the ongoing compact activity, including provision for full time staff support.
- 2) Gubernatorial appointment of authorized voting

representatives of all member states on a national governing commission, which meets at least annually to attend to the general business, rule making and enforcement procedures on behalf of the administrative body.

- 3) Clear rule making authority delegated to the National Commission and provisions for meaningful sanctions to administer and enforce the operation on the compact.
- 4) Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.).
- 5) Collection of standardized information and information sharing systems.
- 6) Coordination and cooperation with other interstate compacts which have "overlapping" jurisdiction, namely the Interstate Compact for the Placement of Children and the Interstate Compact for Adult Offender Supervision.

In summary, the new Interstate Compact for Juveniles will provide a better framework for the promotion of public safety, the welfare of juveniles, and the protection of victims within the states through the control and regulation of the interstate movement of juveniles. The continued involvement and support of the AJCA will continue be a significant factor in its introduction and passage by state legislators as CSG and OJJDP work together with the Association to provide information and support to this important public policy initiative.

AJCA Resolution

The following Resolution was adopted on Saturday at the 2002 Annual Meeting. The vote on the Resolution was 9-7 in favor. Only twenty representatives were present, several of whom represented one-half of their state and had a half vote, several states abstained from voting. The Resolution was requested by CSG to gain support for the new Interstate Compact for Juveniles.

RESOLUTION

Whereas, The Interstate Compact on Juveniles was established in 1955 and is the compact addressing the needs of juveniles within the juvenile justice system who move between states and has not been sufficiently amended in its forty-seven (47) year existence; and

Whereas, This compact is the only vehicle for the interstate supervision of juvenile offenders, the return of absconders and escapees, and runaways; and

Whereas, The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision and program expectations to include currently unregulated practices such as victim input and notification requirements, sex offender registration, and age related issues; and

Whereas, After national surveys and a detailed study by a task force appointed by the Office of Juvenile Justice and Delinquency Prevention, the recommendation has been to rewrite the document to bring about an effective management capacity that addresses public safety concerns and juvenile accountability.

Be it therefore resolved, That the Association of Juvenile Compact Administrators hereby endorses and recommends adoption of the new compact entitled "Interstate Compact For Juveniles" by the fifty (50) states, the District of Columbia, and affected territories of the United States of America.

Adopted this 10th day of August, 2002.

-Ronald J. Leffler, President

-Michael C. Reddish, Immediate Past President

NOTICE

The AJCA web site has changed to:

www.ajca.us

and will be operational

in the near future.

A Second Chance

- Maureen Blaha, Executive Director
National Runaway Switchboard

"Thank you. I don't know what I would have done without your help," said a runaway using the Home Free program. Since 1995, in partnership with Greyhound Bus Lines, Inc., the National Runaway Switchboard (NRS) sent nearly 11,000 youth home. Greyhound's donation is valued at almost one million dollars. Committed to reaching as many youth as possible, Greyhound launched a campaign earlier this year, promoting the program in 450 of their busiest stations. Designed to be not simply a "bus ride home," Home Free provides youth and their parents/guardians with a second chance at reunification.

Youth are eligible to use the program twice in their lifetime, but must initiate the call to the National Runaway Switchboard themselves. The child must want to go home for this to have any chance of success. For youth between the ages of 12 and 18, trained "liners" (staff/volunteers answering NRS' 24-hour hotline) explore why the youth left home and how they expect things will change. Dealing with the issue prior to returning home plays a significant part in the success of the Home Free program. A similar conversation takes place between the parents/legal guardian and the "liner." Finally, all parties are brought together and the "liner" mediates a plan for return that includes referrals to local resources within their community. NRS staff follow up to determine if youth reached their destinations safely and to provide additional resources, if appropriate.

In November 2001, Greyhound expanded the program to include youth through age 20. (The program is not available to youth who have reached their 21st birthday.) For the older teen – ages 18-20 – the options increase to include return to an extended family member or to an independent living or transitional living program nearest their home or family of origin. Youth ages 18-20 must have left home due to reported or unreported family conflict or abuse.

There are exceptions to the program, however. Youth who are under arrest or mandated by law to return to a detention center, treatment program, or any other mandated residential situation other than to their parent or legal guardian's home are not eligible. Nor is the program a free ride for non-runaway youth traveling across the country. A parent/legal guardian must have filed a Runaway Report with the police within the first five days of the minor

youth leaving home.

Youth age 15 and older may travel alone. Although youth under age 15 cannot travel alone, NRS can arrange for a round trip ticket for a parent(s) to travel to the youth's location to bring him home. A call to the NRS hotline --1-800-621-4000 – will clarify other program eligibility criteria.

"The program was very efficient," said a parent whose child used the program. "They made sure I knew what was going on at all times, so I wasn't a bit worried about where he was. Thanks!"

Since 1974, the National Runaway Switchboard has been the federally-designated National Communication System for Runaway and Homeless Youth, and prior to that a hotline for at-risk youth in the Chicago area. Last year, the National Runaway Switchboard handled 115,962 crisis calls from youth and their families from across the country. Its services are done with the support of and in collaboration with organizations and programs throughout the nation.

The National Runaway Switchboard works to facilitate relationships that ensure youth and families have access to resources in their communities. Its services include the Home Free program, crisis intervention, facilitation of conference calls, a message service, information and referral, education and outreach and a state-of-the-art web site at www.nrscrisisline.org.



ICJ Success Stories and the National Runaway Switchboard

-Karen M. King-Jones, KY

Over the past several months, the AJCA Board has had several communications with Maureen Blaha of the National Runaway Switchboard (NRS). The NRS is responsible for the return of many runaway juveniles whose names never cross the desks of ICJ staff and occasionally some who do. The initial conversations between the two organizations was an attempt to tap into NRS funds for those states which currently do not have funds to return their runaways.

While we were disappointed to discover NRS funds are not accessible to probationers and parolees, NRS does



OJJDP FACT SHEET

John J. Wilson, Acting Administrator September 2000 #12

Interstate Compact on Juveniles

by Christopher Holloway

The Interstate Compact on Juveniles (ICJ) is a multi-State agreement that provides the procedural means to regulate the movement across State lines of juveniles who are under court supervision. Specifically, ICJ is a legal contract between all 50 States, the District of Columbia, the Virgin Islands, and Guam that provides for the monitoring and/or return of any juvenile who:

- ◆ Has run away from home without the consent of a parent or legal guardian.
- ◆ Is placed on probation or parole and wants to reside in another State.
- ◆ Has absconded from probation or parole or escaped from an institution and is located in another State.
- ◆ Requires institutional care and specialized services in another State.
- ◆ Has a pending court proceeding as an accused delinquent, neglected, or dependent juvenile and runs away to another State.

What Is a Compact?

Simply stated, a compact is an agreement between two or more States for cooperative effort or mutual assistance. Dating as far back as the 1780's, compacts have been established to address issues that arise among States. Many of the earliest compacts were designed to settle boundary disputes. To solidify the contractual nature of compacts, Congress included in the Crime Control Act of 1934 a provision that States ratifying compacts are bound to observe the terms of the agreement until the compact is formally renounced by the State. Compact provisions take precedence over conflicting State laws and take precedence when the provisions are inconsistent with existing laws of a compact State.

History of ICJ

In the early 1950's, *Parade* magazine published a series of articles entitled "Nobody's Children," which depicted the plight of runaways in America. Inspired by these articles and recognizing that action

was needed, a group of organizations sought to develop a uniform set of procedures to facilitate the return of juveniles who ran away to other States and to create a system in which juvenile offenders could be supervised in other States. Representatives from the Council of State Governments, National Council on Crime and Delinquency (formerly the National Probation and Parole Association), National Council of Juvenile and Family Court Judges, American Public Welfare Association, National Association of Attorneys General, and Adult Parole and Probation Compact Administrators Association drafted ICJ to meet these needs. The Compact was approved by these organizations in January 1955 and ratified by all 50 States, the District of Columbia, the Virgin Islands, and Guam by 1986.

ICJ Today

The Association of Juvenile Compact Administrators (AJCA) compiles statistical data on Compact activities. Because many States do not report their Compact activities, AJCA is unable to provide exact figures on how many transfer and supervision cases occur annually. However, it estimates that ICJ is used in 20,000 to 30,000 transfer and supervision cases annually, with the majority of those cases consisting of juveniles on probation or parole who are supervised in a State other than the State where the offense and adjudication occurred. This is particularly common when a juvenile lives near a large city bordering another State. Frequently, the Compact deals with cases in which a juvenile's parents have moved to another State or have separated and one parent has moved out of State, thus creating a situation in which the juvenile is subject to dual-custody issues.

Association of Juvenile Compact Administrators

AJCA is made up of Compact administrators and deputies appointed by each State and other participating jurisdictions. It is responsible for developing and adopting the rules and regulations that currently govern the administration of ICJ. AJCA also plays an active role in:

- ◆ Providing for the uniform, cooperative, interstate supervision of juveniles on probation and parole.
- ◆ Providing for the prompt return (from one State to another) of juveniles who have run away from home and/or escaped from institutions.
- ◆ Promoting education about the Compact and probation and parole practices and providing training to juvenile justice professionals.
- ◆ Providing additional measures to protect juveniles and the public.

The Future of ICJ

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in cooperation with the National Institute of Corrections (NIC) Information Center, has conducted a survey of juvenile justice professionals who work with ICJ. The goal of the survey is to assess the strengths and weaknesses of the current ICJ. The NIC Information Center is analyzing the information received and will document the findings in a report scheduled for release later this year. Once the report is completed, OJJDP, in cooperation with the Council of State Governments, will convene an ICJ advisory board to study the survey results and provide recommendations for the best course of action to address identified deficiencies in the Compact and its implementation.

For Further Information

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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

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(circa 1955)

INTERSTATE COMPACT ON JUVENILES

ARTICLE I

Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

Definitions

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location, if known, at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificate, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provision of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court

who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety (90) days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time that a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

- (b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.
- (c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

Return of Escapees and Absconders

- (a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must

substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety (90) days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

- (b) That the state to which a delinquent juvenile is returned under this article shall be responsible for the payment of the transportation costs of such return.

ARTICLE VI

Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken in custody without a requisition in another state party to this compact under the provisions of article IV(a) or of article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent

juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of a counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

Cooperative Supervision of Probationers and Parolees

- (a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.
- (b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.
- (c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a

delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

- (d) That the sending state shall be responsible under this article for paying the costs of transportation for any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

Responsibility for Costs

- (a) That the provisions of articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.
- (b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to articles IV(b), V(b) or VII(d) of this compact.

ARTICLE IX

Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall:

- (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished;
- (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody;
- (3) provide that the state receiving such a delinquent juvenile in one (1) of its institutions shall act solely as agent for the state sending such delinquent juvenile;
- (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state;
- (5) provide for reasonable inspection of such institutions by the sending state;
- (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and
- (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI

Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII

Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII

Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV

Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six (6) months' notice in writing of its intention to withdraw from the compact to the

other states party hereto. The duties and obligations of a renouncing state under article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six (6) months' renunciation notice of the present article.

ARTICLE XV

Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

RUNAWAY AMENDMENT*

- (a) That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.
- (b) For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.
- (c) When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five (5) days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

RENDITION AMENDMENT*

- (a) This amendment shall provide additional remedies and shall be binding only as among and between those party states which specifically adopt the same.

(b) All provisions and procedures of articles V and VI of this compact shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

OUT-OF-STATE CONFINEMENT AMENDMENT*

(1)(a) Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) Escapees and absconders who would otherwise be returned pursuant to article V of the compact may be confined or reconfined in the receiving state pursuant to this amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such article shall be made and furnished, but in place of the demand pursuant to article V, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in article V may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(c) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(d) As used in this amendment:

1. "Sending state" means sending state as that term is used in article VII of the compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of article V of the compact;

2. "Receiving state" means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that said state is a party to this amendment.

(e) Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a "compact institution" and shall confine persons therein as provided in paragraph (a) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "compact institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

(f) Persons confined in "compact institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "compact institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(g) All persons who may be confined in a "compact institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if the delinquent had been confined or reconfined in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

(2) In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of a dependent or delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles, confine or order the confinement of a delinquent or dependent juvenile in a compact institution within another party state.

* This amendment does **NOT** appear in all state statutory language.

Interstate Compact Background

INTERSTATE COMPACTS

State Solutions to State Problems

States are enjoying ever increasing opportunities to work cooperatively to address interstate issues. The last two decades have seen resurgence in the development of new interstate compacts and the revision of existing, though outdated, compacts. As a tool reserved exclusively for the states, interstate compacts can provide states the means to address state problems with state solutions, avoiding federal intervention and preemption.

Interstate compacts are one of the most powerful, durable, and adaptive tools for promoting and ensuring cooperative action among the states. As one of the oldest mechanisms available for states to work together, their use predates the founding of the nation. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure and solution for collaborative and dynamic action among the states.

The very nature of an interstate compact makes it the ideal tool to meet the demand for cooperative state action, to develop and enforce stringent standards and provide an adaptive structure for states that can evolve to meet new and changing demands over time. A distinctly American invention, interstate compacts promote multi-state problem solving in the face of complex public policy and Federal intervention.

Interstate Compacts: General Purposes

Interstate compacts are contracts between states that carry the force and effect of statutory law. They are a tool for state governments to address regional or national policy concerns. Compacts are not a solution per se, but rather they allow a state to enter into a contract with other states to perform a certain action, observe a certain standard or to cooperate in a critical policy area. The law and use of interstate compacts is not particularly complex. Like any contract, the language of a compact needs to be identical in intent and context, if not identical in exact verbiage between the states.¹ Generally speaking, interstate compacts:

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.¹

Interstate Compacts: History

Historically, compacts have been enacted for a variety of reasons, though they were seldom used until the 20th Century. Between 1783 and 1920, states approved 36 compacts, most of which were used to settle boundary disputes. But in the last 75 years, more than 150 compacts have been

created, most since the end of World War II. Their purposes range from implementing common laws to exchanging information about common problems. They apply to a range of subject areas from conservation and resource management to civil defense, education, emergency management, energy law enforcement, probation and parole, transportation, and taxes.²

Article I, Section 10, Clause 3 of the U.S. Constitution laid the legal foundation for interstate compacts: “No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.” Compacts actually preceded the Constitution, having been used in colonial times to resolve boundary disputes between colonies.

Most interstate compacts cover rudimentary functions, such as regulating boundaries and water rights, and have less than 15 signatories. For example, the Waterfront Commission Compact between New Jersey and New York regulates the practices in handling waterfront cargo in the Port of New York. Illinois and Missouri cooperatively plan the development of St. Louis through the Bi-State Development Agency Compact. Some compacts authorize the establishment of multistate regulatory bodies. The first and most famous of these is the New York Port Authority, which arose from a 1921 compact between New Jersey and New York. Other agreements are simply intended to establish uniform regulations without creating new agencies.³

Prior to the 1920s, interstate compacts were typically bi-state agreements, addressing boundary disputes and territorial claims. In fact, only 36 interstate compacts were formed between 1783 and 1920. It is only in this century that interstate compacts have risen to such prominence and power among the states. States regularly developed and entered into interstate compacts until the late 1970s. Then, in the early 1980s, the use of interstate compacts and the formation of new compacts came to an utter stand still.

In recent years, compacts have grown in scope and number. Today, most are designed for regional or national participation. Examples include the *Emergency Management Assistance Compact* (adopted in 46 states and two territories; designed to enable cooperative emergency response efforts, such as 9/11), the *Interstate Compact for the Supervision of Adult Offenders* (adopted in 33 states since January 2000; designed to update and replace a similar 1937 compact), and the *Interstate Compact for Education* (adopted in 46 states; designed to serve as an information center, forum and advocate for the states on education issues). Other recent compact developments include the Interstate Compact on Industrialized/Modular Buildings and the Interstate Insurance Receivership Compact.

Compact Case Law

In our federalist society, certain powers are delegated to each level of government. As such, interstate compacts are a tool reserved to the states and approved by Congress. The U.S. Supreme Court — the most widely used enforcement tool for interstate compacts — has affirmed this fact on the rare occasions that compacts have been legally challenged. Of the cases dealing with interstate compacts and compact law, four cases stand out: *Virginia v. Tennessee*, 148 U.S. 503 (1893); *Virginia v. West Virginia*, 246 U.S. 565 (1918); *State ex rel. Dyer v. Sims*, 341 U.S. 22 (1951); and *Petty v. Tennessee-Missouri Bridge Commission*, 359 U.S. 275 (1959).

Virginia v. Tennessee is important for its holding that Congressional consent to a compact may be validly given by implication as well as express action. Congress, by action of forming judicial districts and taking other actions that recognized the Virginia-Tennessee border had, in fact, recognized the boundary compact. Of major significance is the fact that this case established that only certain types of compacts needed Congressional consent, i.e. those that affected the power delegated to the national government or which might affect the “political balance” of the federal system.⁴

Virginia v. West Virginia is the lengthiest litigation directly involving compacts and compact law. Following West Virginia’s split from the Commonwealth of Virginia, West Virginia failed to pay its portion of Virginia’s debt as assumed by the compact. The relevance of this case stems from the U.S. Supreme Court’s statement that it would enforce the compact although specific enforcement measures were not described in the compact.⁴

State ex rel. Dyer v. Sims recognized that a compact was a contract. Although this concept had been established by previous cases, this more modern interpretation has served to strengthen the principle and contributed to its wider understanding.⁴

Petty v. Tennessee-Missouri Bridge Commission held that the interpretation of compact language should be in accordance with the rules of federal substantive law.⁴

Of further note are *Cuyler vs. Adams*, 449 U.S. 433 (1981) and *U.S. Steel Corporation vs. Multistate Tax Commission*, 434 U.S. 452 (1978). The Court reinforced the role of interstate compacts in the relationships between states, as a tool to be used by the states and approved by Congress.

Compacts on the New Frontier

The devolution of the federal system of government over the last two decades has created opportunities for state cooperation that didn’t exist prior. While states are still challenged by the federal government on wide range of issues, notably transportation, education and health/human services, states have begun a fresh examination of problem solving: one that is driven by the states and ultimately, one that results in solutions developed by the states and among the states.

Not only are new compacts and revised compacts under development, but the way in which states are working to structure these new multi-state agreements has changed. Prior to World War 2, interstate compacts primarily dealt with state boundaries or the sharing of common waterways. Modern compacts differ greatly, tackling broader public policy issues and forging state partnerships for problem solving and cooperation. Interstate compacts provide states the perfect vehicle to address regional and national issues that are affecting their jurisdictions.

While the theory and purpose behind interstate compacts has changed little over the last 226 years, modern compacts differ greatly, tackling broader public policy issues and forging state partnerships for problem solving and cooperation. What also differs is the way in which compacts are structured; seeking out new and innovative ways to enforce compact requirements, develop administrative oversight mechanisms, establish a compact framework that can evolve over time in a changing world, develop self-funding mechanisms for the states and work of the compact and increase the information sharing among the states on a given issue.

1. Enforcement provisions can be specified in the compact language ranging from alternative dispute resolution mechanisms to fines and costs assessment, suspension and termination of membership in the compact and judicial enforcement including claims for injunctive relief, damages and declaratory judgment actions with the prevailing party to recover court costs and attorney fees.
2. A centralized national commission comprised of one voting member/commissioner from each state can oversee the day-to-day activities of the compact, adopt uniform compliance standards and requirements and promulgate rules that all states must follow as determined by the member states. The Commission can also enforce compliance among the member states and resolve disputes among the member states as well as coordinate training, education, and public awareness of the compact and its mechanisms.
3. Rule-making authority and appropriate rule making procedures can be laid down by the compact and implemented by the national commission. Modern interstate compacts are being developed not as stopgap measures, but rather as long-term solutions that can evolve over time, maintaining the ability to change with the needs of the states. If a compact is designed with an appropriate and strong framework, the rules and regulations can be adopted and changed as needed without significantly affecting the relationship among the member states.
4. Development and use of a national integrated information sharing systems can allow states to rapidly gather critical information. Technology and the Internet now make the sharing of information seamless and immediate. The growth of transportation and the shrinking of travel time globally have made several information mechanisms within existing compacts unable to cope with increased loads.
5. A mandatory funding mechanism for the compact to support essential compact operations (full-time staff, data collection, training/education, public awareness, compliance and enforcement) can be developed taking advantage of the economies-of-scale present when several states work cooperatively to solve similar problems and issues.

As public policy issues become more complex and affect more states in our boundary-less world, new interstate compacts could prove to be the answer to several multi-state, regional and national policy problems. States should further utilize interstate compacts to address new problems and create new methods of interstate cooperation. If not, federal preemption in certain policy areas is a distinct possibility.

Endnotes

¹ Michael H. McCabe, "Interstate Compacts: Background and History" *The Council of State Governments*, 1997

² The Council of State Governments, "Interstate Compacts & Agencies" *The Council of State Governments*, 1983

³ William Voit and Gary Nitting, "Interstate Compacts & Agencies" *The Council of State Governments*, 1998

⁴ Frederick L. Zimmerman and Mitch Wendell, "The Law and Use of Interstate Compacts" *The Council of State Governments*, 1976

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COMPACTS BELIEVED TO BE IN EFFECT IN 2001

The titles or words in parenthesis indicate derivatives of one title among the state statutes.

1. Apalachicola-Chattahoochee-Flint River Basin Compact
2. Alabama-Coosa-Tallapoosa River Basin Compact
3. Animas-La Plata Project Compact
4. Appalachian States Low-Level Radioactive Waste Compact
5. Arkansas-Mississippi Great River Bridge Construction Compact Arkansas
6. Arkansas River Basin Compact of 1970
7. Arkansas River Compact of 1949
8. Arkansas River Compact of 1965 (Arkansas River Basin Compact, Kansas, Oklahoma)
9. Atlantic States Marine Fisheries Compact Delaware
10. Bay State-Ocean State Compact
11. Bear River Compact
12. Belle Fourche River Compact
13. Chesapeake Bay Commission Agreement (Bi/Tri-State Agreement On The Chesapeake Bay)-Chesapeake Bay Commission
14. Bi-State Criminal Justice Center Compact Arkansas
15. Bi-State Development Agency Compact Missouri (Bi-State Metropolitan District)
16. Boating Offense Compact
17. Breaks Interstate Park Compact
18. Buffalo And Fort Erie Bridge Compact New York: Ch. 657, 1973 Laws of New York
19. Bus Taxation Proration and Reciprocity Agreement
20. California-Nevada Compact For Jurisdiction on Interstate Waters
21. Canadian River Compact-Canadian River Compact Commission
22. Central Interstate Low-Level Radioactive Waste Compact-Central Interstate Low-Level Radioactive Waste Commission
23. Central Midwest Low-Level Radioactive Waste Compact
24. Chesapeake Regional Olympic Game Authority (Maryland Chapter 8 and Chapter 9 of laws of 2001)
25. Chickasaw Trail Economic Development Compact (as amended in 2000)
26. Colorado River Compact
27. Colorado River Crime Enforcement Compact (Interstate Compact for Jurisdiction on the Colorado River)
28. Columbia River Compact (Oregon-Washington Columbia River Fish Compact)
29. (Columbia River Gorge Compact)-Columbia River Gorge Commission
30. Compact For Pension Portability for Educators
31. (Connecticut-New York) Railroad Passenger Transportation Compact
32. Connecticut River Atlantic Salmon Compact-Connecticut River Atlantic Salmon Compact Commission
33. Connecticut River Valley Flood Control Compact
34. Connecticut River Valley Flood Control
35. Cumberland Gap National Park Compact Virginia: 1944 Acts of Assembly, Ch 221, p. 314 [1944]

36. Cumbres And Toltec Scenic Railroad Compact
37. Delaware River And Bay Authority Compact (Delaware-New Jersey Compact)
38. Delaware River Basin Compact-Delaware River Basin Commission
39. Delaware River Joint Toll Bridge Compact
40. Delaware River And Port Authority Compact-Delaware River Authority
41. Delaware Valley Urban Area Compact-Delaware Valley Regional Planning Commission
42. Delmarva Advisory Council Agreement Virginia
43. Desert Pacific Economic Region Compact AZ
44. Driver(s') License Compact-American Association of Motor Vehicle Administrators
45. Emergency Management Assistance Compact
46. Great Lakes Basin Compact Indiana-Great Lakes Basin Commission
47. Great Lakes Forest Fire Compact-Great Lakes Forest Fire Compact Board
48. Gulf States Marine Fisheries Compact
49. Historic Chattahoochee Compact
50. International Registration Plan
51. International Fuel Tax Agreement (Motor Carriers)
52. Interpleader Compact
53. Interstate Adoption Assistance Compact
54. (Interstate) Agreement On Qualifications Of Educational Personnel
55. (Interstate) Civil Defense (And Disaster Compact)
56. (Interstate) Compact For (On) Adoption And Medical Assistance
57. Interstate Compact For Adult Offender Supervision
58. (Interstate) Compact For Education (Compact)-Education Commission of the States
59. (Interstate) Compact(s) On Parole And Probation (The Supervision Of Parolees And Parolees and Probationers)
60. (Interstate) Civil Defense (And Disaster) Compact
61. Interstate Compact On Energy (Midwest Energy Compact)
62. Interstate Compact On Industrialized/Modular Buildings
63. Interstate Compact On Juveniles-Association of Juvenile Compact Administrators
64. Interstate Compact on Licensure of Participants in Live Racing with Parimutuel Wagering
65. Interstate (Compact On) Pest Control Compact
66. (Interstate) Compact On (The) Placement Of Children
67. Interstate (Compact To Conserve) Oil And Gas Compact Illinois-Interstate Oil and Gas Compact Commission
68. Interstate Corrections Compact
69. Interstate Dealer Licensing Compact
70. Interstate Earthquake Emergency Compact
71. Interstate Forest Fire Suppression Compact
72. Interstate Furlough Compact Utah
73. Interstate High Speed Intercity Rail Passenger Network Compact/Interstate High Speed Rail Compact
74. Interstate Insurance Receivership Compact
75. Interstate Jobs Protection Compact
76. Interstate Library Compact

77. Interstate Mining Compact-Interstate Mining Compact Commission
78. (Interstate) Mutual Aid (Agreements) Compacts
79. Interstate Rail Passenger Network Compact
80. Interstate Solid Waste Compact
81. (Interstate) (Uniform) Agreement On Detainers (Interstate Compact On)
82. Interstate Water Supply Compact (Vermont-New Hampshire)
83. (Interstate) Wildlife Violator Compact
84. Jennings Randolph Lake Project Compact
85. Kansas City Area Transportation District & Authority Compact
86. Kansas-Missouri Flood Prevention and Control Compact Missouri
87. (Kansas/Nebraska) Big Blue River Compact
88. Klamath River Compact
89. La Plata River Compact
90. Low-Level Radioactive Waste Disposal
91. Live Horseracing Compact (The Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutual Wagering)
92. Maine-New Hampshire School District Compact
93. Mentally Disordered Offender Compact
94. Middle Atlantic (Interstate) Forest Fire Protection Compact
95. Midwestern Higher Education Compact-Midwestern Higher Education Commission
96. Midwest Interstate Passenger Rail Compact
97. Midwest Interstate Low-Level Radioactive Waste Compact
98. Minnesota-Wisconsin Boundary (Area) Compact
99. Mississippi River Interstate Pollution Phase Out Compact
100. Missouri And Kansas Metropolitan Culture District Compact
101. Missouri River Toll Bridge Compact
102. Motor Vehicle Safety Equipment Compact
103. Multistate Highway Transportation Agreement
104. Multistate Lottery Agreement Kansas
105. Multistate Tax Compact-The Multistate Tax Commission
106. Mutual Interstate Aid Agreements & Compacts
107. Mutual/Military Aid Compact
108. National Crime Prevention and Privacy Compact
109. National Guard Mutual Assistance Compact
110. National Guard Mutual Assistance Counter-Drug Activities Compact
111. New England Compact on Radiological Health Protection
112. New England Compact on Involuntary Detention for Tuberculosis Control
113. New England (Interstate) Corrections Compact
114. New England Higher Education Compact-New England Board of Higher Education
115. New England Interstate Water Pollution Control Compact-New England Interstate Water Pollution Control Commission
116. New England States Emergency Military Aid Compact Massachusetts: ALM spec L91:1 [1957]
117. New England (State) Police Compact Massachusetts
118. New England Truckers Compact

119. New England Truck Permit Agreement for Oversize, Non-Divisible, Interstate Loads
120. New Hampshire-Massachusetts Interstate Sewage and Waste Disposal Facilities Compact
121. New Hampshire-Vermont Interstate School Compact (Hanover-Norwich District)
122. New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact
123. New Jersey-Pennsylvania Turnpike Bridge Compact
124. New York-New Jersey Port Authority Compact-The Port Authority of New York & New Jersey
125. New York-Vermont Interstate School Compact
126. Nonresident Violator Compact-American Association of Motor Vehicle Administrators
127. Northern New England Low-Level Radioactive Waste Compact
128. Northeast Interstate Dairy Compact-Northeast Interstate Dairy Compact Committee
129. Northeast Interstate Low-Level Radioactive Waste Management Compact
130. Northeast Mississippi-Northwest Alabama Railroad Authority Compact Alabama: Code of Ala. Secs. 37-11A-1 [1992]
131. Northeastern (Interstate) Forest Fire Protection Compact-Northeastern Forest Fire Protection Commission
132. Northeast Interstate Dairy Compact-Northeast Interstate Dairy Compact Committee
133. Northeast Interstate Low-Level Radioactive Waste Management Compact
134. Northwest (Interstate) Compact on Low-Level Radioactive Waste Management
135. Nurse Licensure Compact
136. Ogdensburg Bridge And Port Authority
137. Ohio River Valley Water Sanitation Compact-Ohio River Valley Sanitation Commission
138. Out of State Parolee Supervision
139. Pacific Marine Fisheries Compact-Pacific States Marine Fisheries Commission
140. Pacific Ocean Resources Compact
141. Pacific States Agreement On Radioactive Materials Transportation
142. Palisades Interstate Park Compact New Jersey-Palisades Interstates Park Commission
143. Pecos River Compact Texas-Pecos River Compact Commission
144. Portsmouth-Kittery Bridge Compact
145. Potomac Highlands Airport Authority
146. Potomac River Bridges Towing Compact
147. Potomac River Compact of 1958
148. Potomac Valley Compact (Conservatory District) (Potomac River Basin Interstate Compact of 1940)
149. Pymatuning Lake Compact
150. Quad Cities Interstate Metropolitan Compact
151. Red River Compact-Red River Compact Commission
152. Republican River Compact
153. Rio Grande Interstate Compact-Rio Grande Compact Commission
154. Rocky Mountain Low-Level Radioactive Waste Compact
155. Sabine River Compact

156. Snake River Compact
157. South Central (Interstate) Forest Fire Protection Compact
158. South Platte River Compact
159. Southern Dairy Compact
160. Southern Growth Policies (Agreements) (Board) (Compact)-Southern Growth Policies Board
161. Southern (Interstate) (Energy) (Nuclear) Compact (Southern States Energy Compact)
162. Southeastern (Interstate) Forest Fire Protection Compact
163. Southeast Interstate Low-Level Radioactive Waste (Management) Compact-Southeast Interstate Low-Level Radioactive
164. (Southern) Rapid Rail Transit Compact (Mississippi-Louisiana-Alabama-Georgia Rapid Rail Transit Compact)
165. Southern Regional Education Compact-Southern Regional Education Board
166. Southwestern Low-Level Radioactive Waste Disposal Compact
167. Susquehanna River Basin Compact Pennsylvania: 32 P.S. Sec. 820.1 et seq.-Susquehanna River Basin Commission
168. Tahoe Regional Planning Compact
169. Tangipahoa River Waterway Compact
170. Taxation of Motor Fuels Consumed by Interstate Buses
171. Tennessee-Tombigbee Waterway Development Compact-Tennessee Tombigbee Waterway Development Authority
172. Tennessee Interstate Furlough Compact
173. (Texas) Low-Level Radioactive Waste Disposal Compact
174. (The) Interstate Compact On Agricultural Grain Marketing
175. (The) (Interstate) Compact On Mental Health
176. Thames River Flood Control Compact
177. Tri-State Agreement On The Chesapeake Bay
178. Tri-State Delta Economic Compact
179. Tri-State Lotto Compact
180. Tri-State Sanitation Compact (Interstate Environmental Commission, Tri-State Compact)
181. Tuberculosis Control Compact
182. Unclaimed (Abandoned or Uniform) Property Compact (Act) (Uniform Disposition of Unclaimed Property Act)
183. Upper Colorado River Basin Compact
184. Upper Niobrara River Compact
185. Vehicle Equipment Safety Compact-American Association of Motor Vehicle Administrators
186. Wabash Valley Compact
187. Washington Metropolitan Area Transit Authority-Washington Metropolitan Area Transit Authority
188. Washington Metropolitan Area Transit District
189. Waterfront Commission Compact
190. Western (Interstate) Corrections Compact
191. Western Interstate Nuclear (Energy) (Cooperation) Compact

192. Western Regional (Higher) Education Compact-Western Interstate Commission for Higher Education
193. Wheeling Creek Watershed Protection And Flood Prevention Compact
194. Woodrow Wilson Bridge and Tunnel Compact
195. Yellowstone River Compact

Resource Guide

THE INTERSTATE COMPACT FOR JUVENILES

Resources

Several resources are available to aid you and your colleagues in better understanding The Interstate Compact for Juveniles.

Video

A 15-minute long video describing The Interstate Compact for Juveniles. The video examines the problems of the current compact and the solutions contained within the new compact.

Resource Kit

A comprehensive “tool-box” of documents, published by The Council of State Governments on The Interstate Compact for Juveniles. The resource kit includes the revised compact language, fiscal note, projected state assessments, endorsements of the revised compact and several other pieces of critical information.

Interstate Compact Internet Web-Site

An interactive web-site focusing exclusively on The Interstate Compact for Juveniles. The Internet web-site contains downloadable information contained in the printed Resource Kit as well as up-to-the-minute information regarding the state-by-state status of the Interstate Compact. Click on your state to learn more about the existing compact, your states projected assessment and contact information for your state compact administrator. Visit the CSG web-site at: <http://www.csg.org> and follow the hyperlinks for “Policy,” “Public Safety and Justice,” and “The Interstate Compact for Juveniles.”

Technical Assistance

The Council of State Governments is pleased to offer technical assistance to you and your staff regarding The Interstate Compact for Juveniles. CSG staff is available to provide information regarding the compact, answer critical questions about the current and proposed compact and review legislative language you and/or your state may develop as related to The Interstate Compact for Juveniles.

Expert Testimony

The Council of State Governments, in cooperation with the Office of Juvenile Justice and Delinquency Prevention, is happy to provide expert testimony in your state regarding The Interstate Compact for Juveniles. Whether your concerns are legal, constitutional, fiscal or procedural, CSG and OJJDP have staff on hand or can identify experts in your state or region, to address these issues for you.

For more information regarding any of these resources or to make a specific informational request, please contact Chad Foster at (859) 244-8032 or cfoster@csg.org.