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Mike Kehoe
Governor

Friday, December 19, 2025

To: MaryLee Underwood, Executive Director

From: Julie Hawkins, Rules Committee Chair

Subject: Rule Revision to correct error

In accordance with ICJ Rule 2-103(11), I am directing the following revision to language in the pending amendment of Rule 4-103, Transfer of Supervision Procedures for Juvenile Sex Offenders, which was adopted on August 27, 2025, and will take effect on April 1, 2026.

The rule reference at the end of subparagraph 4-103 (3)(C) in the revised language is not referencing the correct rule. When subparagraph (a) was struck from the rules, the reference in (3)(C) did not get updated to account for the change in lettering. As it currently reads, the reference in the subparagraph refers the reader to itself, 4-103(3)(C). To refer the reader to the correct rule, the following revision to 4-103 (3)(C) is necessary:

c. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to monitor juveniles pursuant to reporting instructions issued under 4-103(3)(b) (←).

This was an oversight by the Rules Committee and will not result in a material change to the rule. Fortunately, this correction can be made in a timely manner, and before the amended rules take effect in April 2026.

Pursuant to ICJ Rule 2-103(11):

Public notice of any revisions shall be posted on the official web site of the Interstate Commission for Juveniles and in any other official publication that may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

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Proposed by Rules Committee

RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(3) is applicable.
2. When transferring a juvenile sex offender, the referral shall consist of: Form VI, Application for Services and Waiver; Form IV, Parole or Probation Investigation Request; Order of Adjudication and Disposition; Conditions of Supervision; Petition and/or Arrest Report. The sending state shall also provide (if available): Safety Plan; Specific Assessments; Legal and Social History information pertaining to the criminal behavior; Victim Information, i.e., sex, age, relationship to the juvenile; sending state's current or recommended Supervision and Treatment Plan; photograph, and all other pertinent materials. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, shall be forwarded prior to or at the time the juvenile relocates to the receiving state, if unless the juvenile is ~~not~~ already residing in the receiving state pursuant to Rule 4-103(3).
3. When it is necessary for a juvenile sex offender to relocate or reside with a legal guardian prior to the acceptance of supervision, under the provision of Rule 4-104(5) ~~and there is no legal guardian in the sending state, the sending state shall determine if the circumstances justify the use of~~ provide to the receiving state a Form VII, Out-of-State Travel Permit and Agreement to Return, prior to the juvenile's departure from the sending state, ~~including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated:~~ along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - ~~a. The sending state shall provide the receiving state with an approved Form VII Out of State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.~~
 - a. If not already submitted, the sending state shall ~~transmit~~ provide the a complete referral to the receiving state within ten (10) business days of submitting the Form VII, Out-of-State Travel Permit and Agreement to Return. ~~being issued. The receiving state shall make the decision whether it will expedite the referral or process the referral according to Rule 4-102.~~
 - b. Within five (5) business days of receipt of the Form VII, Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of any applicable registration requirements and/or reporting instructions, ~~if any~~. The sending state shall be

~~responsible for communicating~~ the registration requirements and/or reporting instructions to the juvenile and ~~his/her~~ their family in a timely manner.

- c. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to monitor ~~supervise~~ juveniles pursuant to reporting instructions issued under 4-103(3)(b)(c).
4. In conducting home evaluations or when issuing reporting instructions for juvenile sex offenders, the receiving state shall monitor ~~ensure~~ the juvenile's compliance with local policies or laws ~~when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).~~
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification, or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022; amended September 27, 2023, effective April 1, 2024
