ICJ TOOLKIT

RETURNS & CHILD WELFARE

Collaborating to Safely Return Runaways when Abuse is Reported

A Toolkit for ICJ Offices, State Councils, and Other Allies

WHAT'S INCLUDED?

- Legal Overview
- Challenges when returning runaways who report abuse and/or neglect
- Strategies for addressing concerns
- State Spotlights
- Additional Resources and Links

Toolkit on Returns and Child Welfare:
Collaborating to Safely Return Runaways when Abuse is Reported

Interstate Commission for Juveniles
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PURPOSE OF TOOLKIT

This Toolkit was developed to foster collaborations between state ICJ Offices, child welfare agencies (CWA), courts, law enforcement agencies, detention centers, and others.

A primary purpose of the Interstate Compact for Juveniles (ICJ) is ensuring the safe return of juveniles who run away. Adopted by the legislatures of all 50 states, the District of Columbia, and the U.S. Virgin Islands, the ICJ is the law governing the return of runaways who cross state lines throughout the United States.

Unfortunately, many runaways have experienced abuse and/or neglect and may face further danger if returned to the home from which they ran. Collaboration between ICJ Offices and child welfare agencies is essential to ensure their safety and well-being. To promote continuity, relationship building among staff should lead to formal collaborations between agencies that will benefit juveniles now and in the future.

A recent survey of state ICJ staff revealed they face significant challenges in approximately 40% of return cases where abuse is reported. Common challenges include:

- CWAs, law enforcement, and judicial staff lack awareness of the ICJ and its requirements;
- ICJ staff lack of understanding about reporting requirements and CWA policies;
- CWAs frequently decline to accept or "register" a report or open an investigation;
- CWAs refuse to assist when guardians abandon juveniles (by refusing to take action to initiate return);
- Many states lack clear policies or protocols for initiating ICJ returns, especially when the juvenile is unwilling to return ("involuntary return"); and
- Many states lack appropriate facilities to house juveniles pending return.

For simplicity, the term "juveniles" is used throughout this Toolkit to refer to all youths (not just those who are accused or adjudicated delinquents). While many runaways have not been adjudicated and/or do not have ongoing relationships with a CWA, effective multi-disciplinary collaborations can reduce both the risk of harm to the juvenile and the risk of further systemic involvement.

State ICJ Offices needing additional support may request assistance from the Commission.

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LEGAL OVERVIEW

ICJ, Returns, and Reporting Abuse/Neglect

The Interstate Compact for Juveniles (ICJ) is a congressionally authorized contract between all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICJ governs the return of juveniles who run away across state lines, as well as interstate movement of juveniles who are on probation and parole. The Compact and the ICJ Rules carry the weight of federal law, and are binding on state and local agencies/officials.

Juveniles who run away from home often run from abuse/neglect. It is essential that the juvenile is returned to safe living environment. Therefore, ICJ Rule 6-105 addresses the Return of Juveniles when Abuse or Neglect is Reported, as follows.

1. When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to affect the return of the juvenile.
2. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the rules.
3. States shall follow its procedures for reporting and investigating allegations of abuse or neglect of juveniles.

In child welfare cases, the best interest of the juvenile is always a critical issue. The ICJ Rules are built upon the premise that home/demanding state authorities are best suited to evaluate and promote the best interest of the juvenile, given that any history of abuse, evidence, and/or witnesses are likely to be in that state.

Therefore, ICJ Rule 6-105 (1) requires that suspicions of abuse or neglect be reported to the home/demanding state; and ICJ Rule 6-105(2) requires that the juvenile be returned to the home state, regardless of allegations of abuse. To promote the best interest of the juvenile, it is often necessary for ICJ Offices and CWAs to collaborate to ensure the juvenile is returned to a safe environment pending the outcome of any investigations and related proceedings.

In summary, the Compact requires that all allegations of abuse/neglect be reported, and requires that all runaways be returned to their home states. Addition discussion of how the "best interest standard" is applied in return cases is available in the ICJ Bench Book for Judges and Court Personnel, Chapter 4.3 Non-Delinquent Runaways.

State Child Abuse Reporting and Investigation Laws

Both state and federal laws provide definitions of what acts and omissions constitute child abuse/neglect that must be reported to child welfare agencies. States must comply with the child abuse/neglect guidelines mandated under the Child Abuse Prevention and Treatment Act (CAPTA) and other federal laws in order to receive federal funds. Beyond that, states generally have autonomy in how services are provided to victims of abuse/neglect and their families.

Each state determines criteria that must be met for the CWA to "accept" or "register" a report, i.e. determine there is enough information to trigger the CWA's involvement. Though criteria may vary, most state's require information related to:

1. Identity, age, and location of juvenile (provide as much information as possible)
2. Identity of the perpetrator (to determine whether the perpetrator is someone who is legally responsible for the juvenile. If not, the matter may be referred to a law enforcement agency)
3. Allegations of abuse or neglect (to determine whether, if true, the allegations would constitute abuse or neglect under the home state's law).
4. Jurisdiction [which can be established if: 1) the alleged abuse/neglect took place in the home state; or 2) the juvenile who was allegedly abuse in another state, but is now in the home state and needs protection]

All states require CWAs to initiate investigations in a timely manner, which is generally within 72 hours. In addition, most states require investigations to be initiated immediately, in as little as 2 hours and no longer than 24 hours, when there is reasonable cause to believe that a child is in imminent danger. In 31 states and the District of Columbia, laws also specify a timeframe for completing the investigation or assessment: generally, between 30 and 60 days.

During an investigation, CWA staff must determine whether abuse/neglect has occurred and who is responsible. Many states have established a system for classifying these findings. Generally, reports are "substantiated" when the investigation reveals that abuse/neglect occurred. Other terms for "substantiated" include "founded," "indicated," and "confirmed." When the results of the investigation are unable to confirm the occurrence of abuse/neglect, a report may be classified as "unsubstantiated." Other terms for "unsubstantiated" can include "unfounded," "not indicated," or "unconfirmed."

In 27 states, the investigation must provide a "preponderance of evidence" before a report can be substantiated; that is, the evidence must show that it is more likely than not that the maltreatment occurred.[1] Eight states and the District of Columbia require credible or substantial evidence for substantiation.[2] Six states will substantiate a report when there is probable or reasonable cause to believe that abuse/neglect has occurred.[3]

Intersection of ICJ and Child Abuse Reporting Laws

Though all states have laws governing child abuse/neglect investigations, these laws generally do not address situations where the child is in another state and must be returned within five business days (as required by the ICJ Rules). These gaps can lead to significant concerns about the well-being of juveniles. Judges are often required to make decisions regarding the ICJ return before the CWA has completed an investigation of reported abuse/neglect. Some juveniles are returned to their home states without any action being taken by the CWA and may be subject to

[1] Alabama, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York (effective January 1, 2022), North Dakota, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin

[2] Florida, Illinois, Maryland, Nevada, New Mexico, Oklahoma, Pennsylvania, and Wyoming

[3] Arizona, Connecticut, Hawaii, Massachusetts, Oregon, and Vermont

additional abuse/neglect following the return. Some returns are delayed while ICJ and CWA personnel work to resolve issues, and juveniles are generally held in detention facilities during such delays. Others are housed in unsecure settings and/or released without appropriate resolution.

Intersection of ICJ and Human Trafficking

Human trafficking is a crime that involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used. Runaways are among those at the highest risk of being subjected to sex and labor trafficking.

The ICJ clearly applies when a juvenile who is involved in sex trafficking is also a juvenile whom has left their home state and has run away, absconded, or escaped from supervision. In such cases, the juvenile must be returned pursuant to ICJ Rule 6-101. Concerns regarding abuse or neglect must be reported to the home/demanding state pursuant to ICJ Rule 6-105. If a parent, guardian, or other person in a position of authority may have been involved in the trafficking, the home state CWA generally takes the leading role in investigations and response. In other cases, law enforcement agencies generally take the leading role. View additional resources regarding ICJ and human trafficking.

HIPAA Permits Information Sharing

The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that generally prevents disclosure of protected health information (PHI). Fortunately, the HIPAA Law Enforcement Exception (45 CFR § 164.512(f)) allows for disclosure to law enforcement when a court order, court-ordered warrant, subpoena, or administration request has been issued. Since courts are inherently involved in ICJ return cases, and state ICJ personnel are responsible for enforcement of the Compact, HIPAA permits the release of PHI to ICJ personnel working to ensure the safe return of juveniles. More information about release of information pursuant to HIPAA and ICJ is provided in Advisory Opinion 01-2021.

Role of the Ombudsman

Many states have an Office of the Ombudsman or other office dedicated to oversight of child welfare services and/or addressing child welfare-related grievances. Even where there is no such office, there may be other avenues for recourse. View state specific contact information.

CHALLENGES WHEN RETURNING RUNAWAYS WHO REPORT ABUSE/NEGLECT

ICJ Offices Unfamiliar with Child Welfare Laws and Policies

State ICJ Office staff may have limited familiarity of their state's CWA laws and policies. This knowledge-gap may be a barrier when communicating allegations of abuse/neglect to CWAs.

State Child Welfare Agency Personnel Unfamiliar with ICJ

Some CWA personnel are unfamiliar with ICJ. Many do not realize the Compact's requirements are applicable to all state and local agencies. Others are unaware of critical timelines.

Local Officials Assume Runaway Cases Should be Handled by CWA (not ICJ)

In some cases, juveniles who runaway already have connections to a CWA. Local officials may inaccurately believe the case should be handled primarily by the CWA, rather than ICJ. While a CWA may have an interest in the care and custody of a juvenile, ICJ personnel are responsible for facilitating the safe return to the home/demanding state. Lack of understanding about the role of ICJ often results in the significant delays in initiation ICJ involvement.

Confidentiality and Communications

Communication between ICJ and CWA personnel is essential. Courts and ICJ personnel need information regarding abuse/neglect investigations in order to make plans for the juvenile to be returned to a safe environment. However, both the ICJ and child protection laws generally prohibit unauthorized disclosure of information, which can create barriers. Fortunately, confidentiality laws and policies generally allow for disclosures under certain circumstances.

For example, HIPAA allows disclosures of protected health information when consistent with applicable law and ethical standards, including disclosures to law enforcement officials reasonably able to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public. More information about release of information pursuant to HIPAA and ICJ is provided in Advisory Opinions 01-2012 and 01-2021.

Reporting Practices Do Not Align with Reporting Requirements

Juveniles often disclose abuse/neglect to detention center staff or other frontline workers in holding states. The frontline worker often makes a report to the holding state's CWA or ICJ office, expecting that a "cross-report" will be filed with the home/demanding state's CWA and action will be triggered.

Contrary to this belief, most state CWAs will only respond to reports from the juvenile, a person who witnessed the abuse, or the person to whom the abuse/neglect was disclosed (not "third parties"). To increase the likelihood of triggering a response by the home state CWA, reports should be made directly by the juvenile or the person to whom the abuse was directly disclosed. Information about the report should be shared with the holding state ICJ office, including details of the allegations, case number, date/time of the reports, and any response from the home state CWA. The holding state ICJ office should share this information with the home state ICJ office, so that they can assist with follow-up.

Refusal to Take Action Until the Juvenile is Returned

When abuse and neglect are reported to the home state CWA, some state CWAs refuse to take action until the juvenile is returned to the home state. In some cases, CWAs determine the juvenile is not in "imminent danger" because they are not present in the state or the report is classified as "information only." Even when the juvenile is out-of-state, ICJ Rules require the juvenile be returned to the home state within five business days, regardless of whether the CWA has taken any action. Failure to take action to ensure the safe return of the juvenile is clearly a systemic failure that multiplies risks to the juvenile.

Establishing Child Welfare Agency's Role

In some states, CWAs have indicated legal action is required to establish jurisdiction so that the juvenile can be placed in kinship care, foster care, or another setting. This may be necessary to ensure safety while an investigation is conducted, or because guardians are unwilling to receive a juvenile who has runaway (which ICJ Offices treat as "abandonment" or "neglect"). While not all states have developed a clear protocol for how such jurisdiction should be established in such cases, many states have done so. More information is provided in the "STATE SPOTLIGHT" section.

Initiating Return Proceedings in Court

Many juveniles who run away from home are considered "non-delinquent," as they are not otherwise subject to court oversight. Each state needs clear protocols for initiating legal proceedings for ICJ returns, including who is responsible for doing so. These processes seem to be vague in some states, especially where juvenile justice and/or CWA systems are decentralized.

In order to return a juvenile pursuant to the ICJ, a court case must be initiated in the holding state. When the juvenile agrees to return, a hearing must be set so that the Form III (Consent for Voluntary Return of Out-of-State Juvenile) can be signed by the juvenile and the court. When a juvenile does not agree to return, "non-voluntary return" proceedings must be initiated in the home/demanding state. This may be done by filing a Form A – Petition for Requisition to Return a Runaway Juvenile or filing another petition used in the state's court system. Ultimately, a Form I (Requisition for Runaway Juvenile) should be issued by the court for non-delinquent runaways.

In most states, courts rely upon standard juvenile justice proceedings for initiating ICJ cases. However, some states have created specific administrative practices which can ensure that ICJ returns progress far more smoothly. Examples are provided in the "STATE SPOTLIGHT" section.

Refusal to Detain Non-Delinquent Runaways when there is no NCIC listing

Some law enforcement officials refuse to detain runaways unless a missing person file is available through the National Crime Information Center (NCIC). As discussed in Advisory Opinion 04-2021, the ICJ is applicable to all juveniles who run away across state lines, not just those with an associated NCIC file.

Lack of Facilities to Detain Non-Delinquent Runaways

Many state ICJ Offices report challenges related to detention of non-delinquent runaways, as there appears to be a decline in availability of juvenile detention centers. This is partially a result of the closure of detention centers as a result of juvenile justice reform.

Concerns that Detention will Violate JJDPA

Concerns regarding the Juvenile Justice and Delinquency Prevention Act (JJDPA) also arise in some cases. Fortunately, the JJDPA, in Section 34 U.S.C. 11133(a)(11)(A)(III), clearly provides an exemption for secure detention for out-of-state runaway juveniles held pursuant to the ICJ.

STRATEGIES FOR ADDRESSING CONCERNS

1. Build strong relationships between ICJ staff, CWA staff, and other "gatekeepers"

ICJ STAFF

- Request training from your state's CWA agency
- Recruit agency leaders to engage CWA leaders to support training and develop protocols
- Learn about your state's:
  - System for https://www.childwelfare.gov/pubpdfs/repproc.pdf;
  - Criteria for CWA involvement (also called "registering" or accepting a report);
  - Definitions of abuse and neglect
  - Differential response system; and
  - Reporting requirements and cross-reporting protocols
- Explore other resources available through the Child Welfare Information Gateway.

CWA STAFF

- Identify a CWA leader to be the point-person for ICJ-related matters
- Provide routine information sessions, trainings, and/or resources for CWA personnel, starting with supervisors
- Invite CWAs to participate in your State Council meetings to learn about ICJ, share about CWAs, and help find solutions
- Educate CWA personnel about any state statute or executive order requiring all state agencies to collaborate to implement the Compact. Many states have such statutes, such as Missouri, Minnesota, and Colorado
- Develop strong relationships with personnel responsible for implementing the Interstate Compact on Placement of Children (ICPC) and recruit them to support collaboration with other CWA personnel

OTHER GATEKEEPERS

- Provide resources and training for juvenile probation/parole supervisors/officers, district attorneys, deputy attorneys general, and court designated workers who handle ICJ cases with CWA involvement
- Educate allies about the JJDPA exemption for holding status offenders pursuant to ICJ by sharing "Secure Detention of Non-Adjudicated Juvenile Runaways" (White Paper)
- Train local probation supervisors/officers to educate CWA personnel about ICJ
- Provide quarterly, cross-training sessions for ICJ, ICPC, other CWA, and Department for Juvenile Justice (DJJ) personnel
- Collaborate through human trafficking task forces or other work teams
- Engage members of the State Council on Interstate Juvenile Supervision to address gaps in the system

2. Adopt and promote effective reporting practices

- Reports should be made directly to the CWA in the home/demanding state

- Reports should be made by the juvenile, the person to whom the abuse/neglect was disclosed, or the person who has other knowledge leading to the suspicion of abuse/neglect. Staff may support juveniles in reporting directly
- Generally, ICJ Office personnel should not make reports because they rarely have direct contact with juveniles. However, ICJ office personnel may report if abuse/neglect was disclosed directly to them or if the guardian abandons the juvenile by refusing to take action to initiate a return
- Reports should include as much information as possible about:
    - Identity, age, and location of juvenile (provide as much information as possible)
    - Identity and location of the perpetrator (to determine whether the perpetrator someone who is legally responsible for the juvenile. If not, the matter may be referred to a law enforcement agency)
    - Allegations of abuse or neglect (to determine whether, if true, the allegations would constitute abuse or neglect under the home state's law)
    - Jurisdiction (to established whether 1) the reported abuse/neglect took place in the home state; or 2) the juvenile who was reportedly abused in another state, but is now in the home state and needs protection)
- Reporters may find it helpful to:
    - Educate CWA personnel about ICJ, beginning with ICJ timelines when reporting
    - Emphasize that the juvenile is currently being held in detention (if applicable)
    - Suggest the report be handled as if the juvenile were at school, and ask that CWA assess whether they will be in "imminent danger" if they return home
- Reporters should document as much information as possible regarding their experience when reporting, including:
    - Time, date, and method of reporting (i.e., call to a child abuse hotline, submission by email, etc.)
    - Response of CWA staff regarding whether criteria were met for CWA involvement (i.e., whether was report accepted/registered, "screened out," referred to a law enforcement agency, etc.)
- Reporters should notify the holding state ICJ office of the report as soon as possible
- Holding state ICJ office should notify home/demanding state ICJ office of the report
- Document the case number in the "Details of Allegations" section in UNITY (the Commission's National Data System), as well as information about cases that are "screened out"
- Home/demanding state ICJ Offices should follow-up with the home/demanding state CWA to learn about their determination.

3. Communicate effectively with CWA personnel and other gatekeepers

- Communicate regularly with ICPC staff, who may provide updates regarding CWA cases by reviewing the state's Comprehensive Child Welfare Information System (CCWIS) or Statewide Automated Child Welfare Information System (SACWIS)
- Explore options for requesting appointment of a guardian ad litem (GAL) or public defender who can work directly with CWAs on behalf of the juvenile

- If the CWA cannot act until the juvenile is returned, ensure the Travel Plan includes a plan of action that will be launched upon return to the home state
- Educate legal guardian(s) about the option to initiate a voluntary case service plan with the home/demanding state CWA
- Consider returning the juvenile to a non-custodial parent, trusted family member, juvenile shelter in the home/demanding state, where the CWA can begin interviewing the juvenile and investigating reported abuse/neglect
- Ask if a courtesy interview of the juvenile by the holding state CWA would be helpful to the home/demanding state CWA
- Learn about your states Office of the Ombudsman and whether they may be able to assist with resolution of challenging cases

4. Increase engagement when legal guardians refuse to act/allow juvenile to return home

- Identify a legal guardian's designee, such as a family member, who is willing to allow juvenile to return to their home. Document permission of the legal guardian and assent of juvenile
- Explain to the legal guardian that the state's CWA can file charges for abandonment
- Collaborate with your agency's counsel, deputy attorney general (DAG) or other legal resource in the home/demanding state to file a Form A: Petition for Requisition to Return a Runaway Juvenile (or similar petition) to obtain a Form I: Requisition for Runaway Juvenile, according to ICJ Rule 6-103(10)
- If the child has been abandoned and CWA custody must be established, work with the CWA and appropriate legal resources to have a "Child Dependency Petition" filed to establish that the CWA has custody
- Alternatively, judges in home/demanding and holding states may hold hearings under the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) to establish "emergency" custody
- Filing a "status petition" may be used to trigger the return of the juvenile as a status offender. Official court records, such as court minutes and court orders, can be used to initiate a CWA investigation

5. Recommend systemic changes to improve future responses

- In addition to relationships between staff members, agencies should build formal relationships to ensure safety for juveniles now and in the future. Consider creating a memorandum of understanding, cooperative agreement, business associate's agreement, or other partnership agreement.
- Develop a policy/protocol for initiating return proceedings in the courts, with support from agency leaders and state council members
- Develop a policy/ protocol for establishing the CWA's role, with support from agency leaders and state council members
- Recommend adoption of a state statute or executive order that specifically requires all state agencies to collaborate to implement the Compact, such as MRS § 210.590, Minn. Stat. § 260.57, or CRS § 24-60-708, or explore other strategies for highlighting

that all state agencies are required to do so by the Compact, as it has already been adopted by your state

STATE SPOTLIGHT: Missouri

The Missouri ICJ Office works closely with CWA staff and court personnel throughout investigations. ICJ staff generally follow up with the CWA agency investigator and often act as a member of their team. When necessary, ICJ staff educate others about MRS § 210.590, which states:

> **Courts and agencies to cooperate to promote purposes of compact.** — All courts, departments of the state and its political subdivisions, police and law enforcement agencies and other proper officers of the state and its political subdivisions shall cooperate with the compact administration and shall do all things appropriate to effect the purposes and intent of the compact which rightfully fall within their respective jurisdictions.

ICJ staff also alert court personnel in advance when it appears they may need to file a "Child Dependency Petition" to establish the CWA's custody. No specific procedure has been created for ICJ cases. Instead, the same procedures are used as in other abuse/neglect cases when it is necessary for the state to establish custody. Through careful relationship building, the ICJ Commissioner has recruited an experienced attorney to help educate other attorneys about the process. The Commissioner expressed that success is based on trust that comes from relationship building and repeatedly educating other state officials about ICJ.

STATE SPOTLIGHT: North Carolina

In North Carolina, juvenile court counselors are responsible for initiating proceedings by filing complaints that are presented to judges. When North Carolina needs to initiate a return, the juvenile court counselor files a "Juvenile Petition (Undisciplined)," which is used to initiate a wide variety of cases. Court counselors have been trained to insert the following information in order to initiate an ICJ return:

> That the juvenile is a (runaway / absconder) from the state of _____ and that on or about the ___ day of _____, 2023 the juvenile was apprehended in the state of North Carolina. That the State of _____ and the State of North Carolina are members of Interstate Compact for Juveniles and the court therefore has jurisdiction over the juvenile as set in N.C. Gen. Stat. 7B-4000, 7B- 4001, and 7B- 4002. *(References to the ICJ, as adopted in North Carolina.)*

STATE SPOTLIGHT: Virginia

Virginia uses a similar system, in which intake officers (similar to juvenile probation/parole officers) file petitions to initiate proceedings. Additionally, Virginia has created specific administrative codes within their Virginia Crime Codes to be used for ICJ cases.

INTERSTATE COMPACT

Juvenile and Domestic

Cooperative Supervision Probationers and Parolees - Article I(i)	ICJ-8103-J9	§16.1-323
Return of Absconders, Escapees, Accused Delinquents - Article I(iii)	ICJ-8101-J9	§16.1-323
Return of Runaway - Article I(iii)	ICJ-8100-J9	§16.1-323

When Virginia is the holding state, the intake officer enters the VCC ICJ-8100-J9 and the text below is automatically generated.

> *RETURN OF RUNAWAY – ARTICLE I(iii)*
> *<HE/SHE> VOLUNTARILY LEFT <HIS/HER> RESIDENCE WITHOUT PERSMISSION OF <HIS/HER> (PARENTS, GUARDIANS, LAWFUL CUSTODIAN OR AGENCY ENTITLED TO <HIS/HER> CUSTODY) FROM <STATE OF THE UNITED STATES, DISTRICT OF COLUMBIA, COMMONWEALTH OF PUERTO RICO, U.S. VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, OR THE NORTHERN MARIANAS ISLANDS>, PURSUANT TO THE INTERSTATE COMPACT AUTHORIZED BY § 16.1-323, ET SEQ. OF THE 1950 CODE OF VIRGINIA AS AMENDED*

Ultimately, this petition leads to issuance of a detainer (authorizing the detention of the juvenile) and a "Form III" Hearing, at which the juvenile will have the opportunity to voluntarily agree to return to the home state.

When Virginia is the Home/Demanding State, a similar process is initiated when a Child in Need of Services (CHINS) petition is filed by the legal guardian or a juvenile intake officer (if the guardian refuses to do so). The code "VCC STA-3842-J9" is used ("STA" indicates status offense).

ADDITIONAL RESOURCES

The following resources are provided to support states in their efforts to collaborate with child welfare agencies.

Commission Resources

- ICJ Fact Sheet
- ICJ Bench Card on Returns
- ICJ Quick Reference Guide for Cases
- White Paper: Temporary Secure Detention of Non-Adjudicated Juvenile Runaways (does not violate JJDPA)
- White Paper: ICJ Returns, Human Trafficking, and Federal Authorities
- Legal Advisory Opinion 01-2021: HIPAA permits sharing information as required by the ICJ, including through the UNITY System

Summary Report from Survey

In June 2023, the Interstate Commission for Juveniles surveyed state ICJ Offices about challenges they face when returning runaways to their home states, particularly when disclosures of abuse and/or neglect have been made. The survey was distributed to ICJ Commissioners and staff in all 50 states, plus the District of Columbia and the U.S. Virgin Islands. 50 responses were received from at least 31 states (State selection was not a required question). This report summarizes data regarding responses related to collaboration, return processes, challenges, and strategies for resolution of challenges.

View the Child Welfare Survey Summary Report.

External Resources

Fact Sheets from the Child Welfare Information Gateway

- How the Child Welfare System Works
- Making and Screening Reports of Child Abuse and Neglect
- Definitions of Child Abuse and Neglect
- Differential Response: A Primer for Child Welfare Professionals
- Cross-Reporting Among Agencies that Respond to Child Abuse and Neglect
- Understanding Child Welfare and the Courts

Search Tools for State Specific Information

- State Child Abuse and Neglect Reporting Numbers
- State Child Welfare Laws
- Child Welfare State Complaint Offices (Ombudsman)
- Contact Information for Local and County Child Welfare Agencies
- State Liaison Officers for Child Abuse and Neglect

State Danger Assessment/Criteria Resource Samples

- The Danger Threshold and Impending Danger Threats to Child Safety (WI, 2011)
- Child Abuse Reporting: What Criteria Must Be Met? (NY)
- Impending Danger, Safety Threats and the Safety Threshold (MT, 2015)
- Safety Threshold (WA, 2011)

Samples Policies and Resources from Child Welfare Agencies

- Kentucky: Reporting Child Abuse, Neglect, and Dependency
- New Hampshire: Central Intake Screening
- Tennessee: Child Abuse Hotline Policy
- Utah: Child Protective Services Practice Guidelines

Other Related Resources

- Intersections of Juvenile Justice and Child Welfare Systems (OJJDP, 2021)
- Juvenile Justice Information Exchange – Dual Status Youth
- Is there an Effective Practice Model for Serving Cross Over Youth? (Case Family Programs, 2022)
- Differential Response and the Safety of Children Reported to Child Protective Services: A Tale of Six States (ASPE Research Brief, 2016)
- National Runaway Safeline (1-800-RUNAWAY)
- National Center for Missing and Exploited Children