

# INTERSTATE COMMISSION FOR JUVENILES

## *Executive Committee Meeting Minutes*

**September 25, 2023**

1:00 p.m. MST

Sheraton Salt Lake City

Alta-Brighton Room



### **Committee Members in Attendance:**

1. Nina Belli (OR), Chair
2. Julie Hawkins (MO), Vice Chair
3. Sherry Jones (MD), Treasurer and Racial Diversity, Equity, and Inclusion Committee Chair
4. Tasha Hunt (CT), Immediate Past Chair
5. Jacey Rader (NE), Compliance Committee Chair
6. Dale Dodd (NM), Finance Committee Chair
7. Kellianne Torres (IA), Information Technology Committee Chair
8. Stephen Horton (NC), Rules Committee Chair
9. Corrie Copeland (TN), Training Committee Chair
10. Caitlyn Bickford (NH), East Region Representative
11. Chuck Frieberg (SD), Midwest Region Representative
12. Felicia Dauway (SC), South Region Representative
13. Howard Wykes (AZ), West Region Representative

### **Committee Members Not in Attendance:**

1. Nataki Brown, Victims Representative

### **Guest in Attendance:**

1. Carla Fults Rutherford, AAICPC
2. A. J. Sharp, Hicks and Associates (via teleconference)

### **National Office Staff and Legal Counsel in Attendance:**

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Amanee Cabbagestalk, Training and Administrative Specialist
4. Jenny Adkins, Operations and Policy Specialist
5. Joe Johnson, Systems Project Manager
6. Rick Masters, Legal Counsel

### **Call to Order**

Commission Chair N. Belli (OR) called the meeting to order at 1:00 p.m. MST.

### **Roll Call**

Director Underwood called the roll and a quorum was established.

## Agenda

**C. Copeland (TN) made a motion to approve the agenda. T. Hunt (CT) seconded. Chair Belli (OR) approved the agenda as presented by unanimous consent without objection.**

## Minutes

**S. Jones (MD) made a motion to approve the August 24, 2023, meeting minutes as presented. J. Hawkins (MO) seconded. Chair Belli (OR) indicated the minutes were approved by unanimous consent without objection.**

## 2023 Fiscal Year Audit Report

- Chair Belli (OR) introduced A. J. Sharpe with Hicks and Associates, Certified Public Accounts in Lexington, Kentucky. Mr. Sharpe attended the meeting virtually to present the Commission's *2023 Audit Report* and answer any questions related to the report.
- Mr. A. J. Sharpe provided highlights from the Fiscal Year *2023 Audit Report* and the auditor's summary letter published in the Commission's *2023 Annual Report* on page 18. The audit resulted in an "unmodified opinion" which indicates a "good, clean audit" with all information and support documentation provided as requested. The largest change since 2022 was an upturn in the investments revenues. Expenses were down eight (8) percent since 2022, due in large part to the capitalization of the UNITY system costs which will be amortized over the life of the system.
- Mr. Sharpe explained totals presented in the summary letter and opened the floor for questions. There were no questions from the Executive Committee.
- Director Underwood noted that an internal control questionnaire was completed by the National Office. Mr. Sharpe explained that Hicks and Associates requires clients to complete a standardized internal control questionnaire which addresses multiple elements of the financial operations and security. He reported the questionnaire demonstrated all internal processes to be in good order. Additionally, the travel reimbursement process was selected for a deeper review as the new online process was implemented by the Commission in 2023. New process demonstrated financially sound processes.
- **S. Jones (MD) made a motion to accept the ICJ Fiscal Year 2023 Audit Report presented by Hicks and Associates. D. Dodd (NM) seconded. The motion passed.**

{A. J. Sharpe exited the meeting.}

## Commission Chair Report *by Nina Belli (OR)*

### Welcome to the ABM

- Chair Belli (OR) welcomed everyone to the 2023 Annual Business Meeting (ABM) in Salt Lake City, Utah. She noted that the week will be packed with opportunities for networking and learning.
- A total of 97 participants were anticipated on-site: 49 of the 52 member States being represented by Commissioners or voting designees. Kentucky, Montana,

and Virginia were not expected. A total of 26 Compact office staff; guests, National Office staff, and Legal Counsel were expected to participate during the week.

- Twenty (20) persons were registered to join the live stream on Tuesday and eighteen (18) registered for the General Session on Wednesday

### **National Center for Missing and Exploited Children (NCMEC)**

- Chair Belli (OR) provided highlights from the August 25 meeting that she and Director Underwood had with the National Center for Missing and Exploited Children (NCMEC) Partnerships Program Manager.
- The National Center for Missing and Exploited Children (NCMEC) is the nation's largest and most influential child protection organization and leads the fight to protect children. Their focus includes endangered runaways, missing from care, and child sex trafficking. The pertinent resources include: Missing Child Cases; CyberTipLine; 1-800-THE-LOST Hotline for reporting missing children; Children Missing from Care Coordination; Outreach, Training, and Prevention; Team Hope provides support for survivors and family members to share their stories.
- NCMEC offered to provide training for ICJ personnel and there was a preliminary discussion of presenting the session as a part of the *ICJ Wednesday Workshops* series in October or November, while the Commission committees are re-established for the upcoming year. NCMEC and the Training Committee leaders were supportive of the idea.
- The new venture was presented for feedback and support rather than vote. The Executive Committee members acknowledged support. It was suggested that a follow-up session could be offered profiling how a state works with NCMEC and C. Bickford (NH) volunteered staff from New Hampshire. The National Office will follow-up on the collaboration and planning.

### **Engaging Ex Officio Members**

- Chair Belli (OR) shared that a list of the seven (7) ex officio members attending 2023 ABM was included in the meeting materials. The ICJ ex officio members are non-voting Commission members who represent other national organizations with related interests. Dawn Marie Rubio, who represents the Conference of State Court Administrators (COSCA), registered to join via Zoom. She previously served as the ICJ Commissioner in Utah, this year's host state. Information about each organization was included in the *Docket Book*. Chair N. Belli (OR) updated that the ex officios will be introduced on Tuesday to help participants learn more about the ex officios' organizations and the ICJ affiliations.
- Chair Belli (OR) encouraged the Executive Committee members to make special effort to greet and collaborate with them during the week.
- Director Underwood highlighted the participation of the National Council for Juvenile and Family Court Judges' (NCJFCJ) President-Elect Judge Robert Hoffman. This provides a unique relationship-building opportunity, as Judge Hoffman will likely attend the ABM as the NCJFCJ President in 2024.

### **National Office Report** *by MaryLee Underwood, Executive Director*

### **State Updates**

### California

After a brief period of retirement, Michael Farmer is once again working with the California ICJ Office to provide ICJ training for a few months and is attending the ABM as the California Designee. Jason Johnson was appointed as California's Commissioner, replacing Marvin Speed (who recently retired).

### Montana

Cathy Gordon retired in September. The Montana Governor was issued a letter regarding a new Montana Commissioner appointment.

### Rhode Island

Bill Dolan is the new Rhode Island voting designee for Commissioner Jessica Nash. He replaced JoAnn Niksa, who retired in August.

### Texas

Daryl Liedেকে has been appointed voting designee for Texas ICJ Commissioner Louis Serrano.

## **FY 2024 Dues**

Two states were overdue for the payment of the Fiscal Year 2024 dues. Written delinquency notices were issued 90-days after the beginning of the state's fiscal year. Should dues payments not be received within 120-days, the matter will be referred to the Compliance Committee.

## **Case Consultations**

- Director Underwood shared three reoccurring questions from case consultations, which may warrant further discussions.
  1. **“What do I do if a case seems to be stuck in the other state?”** The National Office's primary response has been reiterating the importance of commissioner-to-commissioner communications in challenging cases. Sometimes new staff forget that, especially if they usually work directly with the other state's Deputy Compact Administrator (DCA) or other staff. If the commissioners cannot resolve the dispute, then they can request assistance from the National Office to do so.
  2. **“Who can file a requisition (who is the “Appropriate Agency”)? Can the ICJ Office do that?”** The ICJ Rules do not specifically address this question, leaving it open to interpretation. The “Form A – Petition for Requisition suggests it should be a “Legal Guardian or Custodial Agency.” However, forms do not carry the same weight as ICJ Rules. Furthermore, use of the ICJ Form A is optional. Ultimately, the recommendation is that the ICJ staff contact the attorney who advises their agency. As this may be something the Rules or Training Committees should discuss further, it has been added to the planning notes for next year.

3. **What should we do when a judge violates the Compact?** Ideally, there are opportunities to educate judges before key decisions are made. Committee members discussed resources to educate state agency's legal counsel and judges. However, education is not always an option and judges are generally charged to exercise their discretion to resolve complicated issues in cases. While the Compact does not provide any specific remedies, the National Office generally suggests the Compact Office should consult with their agency's legal counsel to discuss what remedies are available under their state's law. In some cases, an appeal could be filed by the agency's legal counsel. That is probably simplest with decisions are made by magistrates who work directly under judges. However, return cases are most challenging, because the timelines are designed to ensure returns are made as quickly as possible. Questions on this topic have increased this year, and have been included in two formal requests for dispute resolutions filed this month.

### **Dispute Resolutions Requests**

- Director Underwood provided highlights of the [ICJ Administrative Dispute Resolution Policy #03-2009](#). She emphasized that the first step is for state commissioners to communicate direct to resolve disputes or controversies before requesting assistance with dispute resolution from the Commission.
- Director Underwood reported on two recent requests. Both involved cases where local and state authorities made decisions that were not consistent with the Compact, even though the ICJ Offices provided them with appropriate information. This highlights the fact that the entire state is required to comply, not just the ICJ Office, and that state ICJ Offices frequently need backing from the Commission to ensure that others comply.
- Director Underwood contacted the ICJ Commissioners in each state and consulted with the ICJ officers, ICJ Compliance Chair, and Legal Counsel. Next, Director Underwood will issue a written response with recommendations.
- Director Underwood commented that the work continues in both cases and updates will be provide in future Executive Committee meetings.

### **Updates from Collaboration Meetings**

- **Administration for Children and Families, Runaway and Homeless Youth program**
  - Director Underwood shared last month that a proposal to provide training about ICJ at a conference for programs funded by the Administration for Children and Families, Runaway and Homeless Youth program was accepted. Chair Belli and Jenny Adkins will present the training in the state of Washington later in the year.
- **Administration for Children and Families / Children's Bureau**
  - Director Underwood updated on a meeting related to the Administration for Children and Families. On August 31, Vice-Chair Hawkins, Jenny Adkins, and Director Underwood met with three staff from the Children's Bureau who manage grant funds and provide Training and Technical Assistance (TTA) for child welfare agencies throughout the country.

- Much of the meeting was spent learning about the role that the Children's Bureau plays and brainstorming ideas for how to collaborate. More information will be presented for discussion after hearing the panel discuss on Wednesday entitled: "ICJ and Child Welfare: A Collaborative Effort."
- **Office of Juvenile Justice and Delinquency Prevention (OJJDP)**
  - A meeting with Office of Juvenile Justice and Delinquency Prevention (OJJDP) leadership has been rescheduled to October 3, 2023.
- **ACJI Implementation Leadership Academy**
  - For members interested in participating in the ACJI Implementation Leadership Academy, the next opportunity has been tentatively scheduled for February 6 – March 26. The class will be held on Tuesdays, 2:00 -3:30 p.m. EST. Director Underwood suggested that anyone interested should save the dates.

{break} 2:48 p.m. MST - reconvened at 3:00 p.m. MST

### **ICJ 2023 Annual Report**

Director Underwood presented all members with printed copies of the Commission's *2023 Annual Report*. The report was also shared electronically with state ICJ offices for easy distribution to the governors, legislatures, judiciary and state councils of the compacting states and territories as required in Article IV of the Compact.

### **Legal Counsel Report**

R. Masters, Legal Counsel, advised that some state authorities refuse to apply the ICJ if there was no National Crime Information Center (NCIC) data base entry. Legal Counsel is drafting a Legal Memorandum regarding What Triggers ICJ Return Requirements to be shared in a future Executive Committee meeting.

### **Discussion**

#### **Year in Review**

Chair N. Belli (OR) moved the Year in Review discussion item to New Business to allow time Old Business first. Should time not allow discussion of the topic, it will be included on the agenda for the next Executive Committee meeting.

### **Old Business**

#### **Ad Hoc Committee to Review the UNITY Privacy Policy**

Chair Belli (OR) recalled that during the June 22, 2023 Executive Committee meeting, there was a motion to approve the creation of a new ICJ Ad Hoc Committee to review the [ICJ UNITY Privacy Policy #02-2021](#). She opened the floor for discussion for the best and most expeditious way to review the policy. An ad hoc committee is open to anyone to join and operates under the same protocol as a committee with timelines formal agendas, minutes and website space. There are seven (7) standing committees and it may be difficult to recruit members for another committee. In contrast the issue could be reviewed by a



subcommittee of the Executive Committee whose membership is most knowledgeable of the Commission's policies.

T. Hunt (CT) questioned whether shifting to a subcommittee would raise concerns for transparency. D. Dodd (NM) suggested providing a recording of the meeting if someone requested. T. Hunt (CT) commented that a subcommittee of the Executive Committee would lend itself to limited resources.

- Chair Belli recalled the initial purpose of reviewing the [ICJ UNITY Privacy Policy](#) was to determine if there was a violation to the policy when states that maintain an internal data base of cases enter ICJ juvenile information. Director Underwood added that a policy should not be so restrictive that it unintentionally causes a state to be out of compliance by adhering to their states practices.
- D. Dodd (NM) requested clarification of the issue. Director Underwood shared that during a state's audit, it was discovered that the ICJ UNITY Policy did not provide acceptance to comply with a state internal audit.
- J. Rader (NE) suggested a subcommittee would be better to address the issue than an ad hoc committee adding that it may be necessary to collaborate with other ICJ standing committees. F. Dauway (SC) asked whether Compact staff with a high degree of understanding on the topic could participate in the subcommittee discussion. R. Masters, Legal Counsel, acknowledged that could be permitted.
- **J. Rader (NE) made a motion to rescind the June 22, 2023 motion by the Executive Committee to form a UNITY Privacy Policy Ad Hoc Committee to review the [UNITY Privacy Policy](#). K. Torres (IA) seconded. The motion passed.**
- **S. Horton (NC) made a motion to create an Executive Committee Subcommittee to review and evaluate the [UNITY Privacy Policy](#). F. Dauway (SC) seconded. The motion passed.**

#### 2023 ABM – First Prizes

- Director Underwood presented several "First" prizes:
  - First to submit the region 2023 Report - Caitlyn Bickford (NH)
  - First to submit the committee 2023 Report – Jacey Rader (NE)
  - First state to pay FY24 dues - Chuck Frieberg (SD)
  - First to register for the 2023 ABM - Howard Wykes (AZ)

#### **New Business**

Chair Belli (OR) agreed that the Year in Review discussion would be included on the agenda at the next Executive Committee meeting due to time restraint.

#### **Call to the Public**

There were no comments from the public.

#### **Adjourn**

**Chair Belli (OR) adjourned the meeting by unanimous consent without objection at 3:28 p.m. MST.**