

# **INTERSTATE COMMISSION FOR JUVENILES**

## **Juvenile/Adult Issues Ad Hoc Committee**



### ***Minutes***

**February 25, 2020**

**2:00 p.m. ET**

**Teleconference**

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### **Commissioners/Designees in Attendance:**

1. Julie Hawkins (MO), Chair
2. Tomiko Frierson (IL), Commissioner
3. Jeff Cowger (KS), Commissioner
4. Cathy Gordon (MT), Commissioner
5. Caitlyn Bickford (NH), Commissioner
6. Nina Belli (OR), Designee
7. Daryl Liedেকে (TX), Commissioner

### **Non-Voting Committee Members in Attendance:**

1. Howard Wykes (AZ)
2. Tracy Howard (FL)
3. Maxine Baggett (MS)
4. Stephen Horton (NC)
5. Natalie Primak (PA)
6. Amanda Behe (PA)
7. Joy Swantz (WI)

### **ICJ Staff in Attendance:**

1. Marylee Underwood, Executive Director
2. Jennifer Adkins, Operations and Policy Specialist
3. Leslie Anderson, Administrative and Logistics Coordinator
4. Joe Johnson, Systems Project Manager
5. Rick Masters, Legal Counsel

### **Call to Order**

Chair J. Hawkins (MO) called the meeting to order at 2:00 p.m. ET.

### **Roll Call**

Executive Director Underwood called the roll and a quorum was established.

### **Agenda**

**D. Liedেকে (TX) made a motion to approve the agenda. T. Frierson (IL) seconded. The motion carried.**

### **Minutes**

**C. Gordon (MT) made a motion to approve the January 15, 2020 meeting minutes as presented. D. Liedেকে (TX) seconded. The motion carried.**

### **Discussion**

○ **Proposed Rule Amendments**

• **Rule 7-104: Warrants**

- Chair J. Hawkins (MO) reported that she, N. Belli (OR) and D. Liedecke (TX) prepared a draft proposal of **Rule 7-104: Warrants** and presented it to the committee for discussion.
- The committee discussed minor amendments to the language to clarify that the rule is applied only for warrants issued by juvenile courts on juveniles classified by the home/demanding state as being subject to the Compact.
- **D. Liedecke (TX) made a motion to approve the proposal regarding Rule 7-104: Warrants and recommend it to the Rules Committee for review and consideration. T. Frierson (IL) seconded. The motion carried.**

• **Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders**

- Chair J. Hawkins (MO) presented a draft rule proposal to **Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders** to the committee for discussion.
- The committee discussed minor amendments to the language to clarify that the rule is applied only for warrants issued by juvenile courts and reviewed the definition of accused delinquent to ensure that there were no conflicts between the two.
- **N. Belli (OR) made a motion to approve the proposed rule amendment to Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders and recommend it to the Rules Committee for review and consideration. D. Liedecke (TX) seconded. The motion carried.**

• **Rule 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent**

- Chair J. Hawkins (MO) presented a draft rule proposal to **Rule 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent** to the committee for discussion.
- The committee discussed minor amendments to the language to clarify that the rule is applied only for warrants issued by juvenile courts.
- **C. Bickford (NH) made a motion to approve the proposed rule amendment to Rule 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent and recommend it to the Rules Committee for review and consideration. D. Liedecke (TX) seconded. The motion carried.**
- The National Office agreed to conduct a review of the rules to ensure the language “juvenile courts” is included where “warrants” are referenced.

○ **Advisory Opinion 04-2018**

- Chair J. Hawkins (MO) presented Advisory Opinion 04-2018 regarding whether a person should be returned as a juvenile when being detained as a juvenile in the holding state, but as an outstanding warrant from an adult court in the home state to the committee. The document was reviewed at the committees last meeting, however a recommendation regarding action to the Executive Committee was not discussed. The floor was opened for discussion.
  - The committee discussed two (2) potential recommendations. A recommendation that the opinion be considered for revision or a recommendation to withdraw the opinion.
  - R. Masters (Legal Counsel) expressed concern regarding the withdraw of the opinion with out a rule or permanent solution to the issue in place. R. Masters suggested that revisions of the opinion to ensure consistency with the Bench Book and case complexity should be considered first.
  - The committee agreed to table the discussion until their next meeting. During that time members were encouraged to review the opinion and provide suggested revisions to Chair J. Hawkins (MO) and R. Masters for consideration.
- **National Association of Extradition Officials (NAEO) Update**
    - Chair J. Hawkins (MO) reported that she had consulted with three (3) board members and the Prosecutorial Advisor of the (NAEO) regarding ICJ involvement in the extradition process when a juvenile has been charged as an adult. The NAEO affiliates consulted agreed that the charging documents should dictate the extradition process when the individual is charged as an adult. However, NAEO did not adopt a position on the issue.
- **Return for Failed Supervision when “Juvenile” Has Reached Age of Majority in Sending State**
    - D. Liedecke (TX) requested suggestions regarding cases involving failed supervision of a juvenile who is living independently with no legal guardian in either state. Rule 5-103: Reporting Juvenile Non-Compliance is silent regarding whether the demanding state would be obligated to affect the return of individuals residing independently.
    - N. Belli (OR) referred to the Eligibility Requirements listed in Rule 4-101 (2)(f.)(ii.): Transfer of Supervision and suggested that the language from the eligibility requirements could be incorporated in Rule 5-103: Reporting Juvenile Non-Compliance to provide clarification regarding returns of individuals residing independently.
    - Chair J. Hawkins (MO) asked N. Belli (OR) if she would consider drafting a proposal for Rule 5-103 (4)(c): Reporting Juvenile Non-Compliance to include language from the Eligibility Requirements that would hold the demanding state responsible for affecting the return of individuals residing independently.
    - N. Belli (OR) agreed to draft a proposal for review at the next committee meeting.

## **Old Business**

There was no Old Business to report.

## **New Business**

- **Consequences of “No Bail/Bond” when Adult Charges Pending with an Active Out of State Juvenile Warrant**

- Chair J. Hawkins (MO) introduced this topic to committee members and encouraged them to consider suggestions and ideas regarding the topic for discussion at the next meeting.

**Adjourn**

**Chair J. Hawkins (MO) adjourned the meeting by unanimous consent at 12:02 p.m. ET.**