



INTERSTATE COMMISSION FOR JUVENILES

Midwest Region Meeting

Minutes

May 16, 2017

11:00 a.m. EDT

Regional Commissioners/Designees in Attendance:

1. Nina Belli (OH) Representative
2. Tracy Fliger (IA) Designee
3. Roy Yaple (MI) Designee
4. Tracy Hudrlik (MN) Commissioner
5. Jacey Nordmeyer (NE) Commissioner
6. Lisa Bjergaard (ND) Commissioner
7. Charles Frieberg (SD) Commissioner

Regional Commissioners/Designees Not in Attendance:

1. Tomiko Frierson (IL) Commissioner
2. Mike Rempe (IA) Commissioner
3. Jane Seigel (IN) Commissioner
4. Jeff Cowger (KS) Commissioner
5. Dale Murray (MI) Commissioner
6. Shelley Hagan (WI) Commissioner

Compact Office Staff in Attendance:

1. Holly Kassube (IL)
2. Nita Wright (IN)
3. Kathy Christenson (SD)
4. Joy Swantz (WI)
5. Abbie Christian (NE)

Guests in Attendance:

1. Traci Marchand (NC) ICJ Commission Chair

ICJ Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Administrative and Logistics Coordinator
3. Jenny Adkins, Project Manager

Call to Order

Representative Belli called the meeting to order at 11:01 a.m. EDT

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

- Representative Belli welcomed the new ICJ Executive Director MaryLee Underwood to the Midwest Region meeting.
- Director Underwood briefed on her education and experience which has included Staff Attorney for the Kentucky Association of Sexual Assault Program and most recently the Executive Director to the Commonwealth Council on Developmental Disabilities.
- Representative Belli welcomed the newest Commissioner to the Midwest Region, Tracy Hudrlik (Minnesota).
- Representative Belli also welcomed the ICJ Commission Chair Traci Marchand (North Carolina) as a guest to the Midwest Region meeting.
- **C. Frieberg (SD) made a motion to approve the agenda. L. Bjergaard (ND) seconded. The motion passed.**

Minutes

J. Nordmeyer (NE) made a motion to approve the minutes dated January 31, 2017. L. Bjergaard (ND) seconded. The motion passed.

Discussion

Reauthorization of the JJDP

- M. Underwood updated that the Reauthorization of the Juvenile Justice Delinquency Prevention Act (JJDP) has been refiled with the same language as last year that included the ICJ 15 day detention exception. The bill has moved from committee and is well-positioned to pass both the House and Senate. The bill includes funding to states for various juvenile justice programs for which states must comply with the four core protections related to the institutionalization of status offenders. Currently, the bill would phase out the valid court order exception. There is disagreement amongst Senators regarding this provision, which will have to be resolved before the bill can be passed.
- M. Underwood updated on her communications with Naomi Smoot (CJJ Executive Director) who cautioned that an effort to re-negotiate the time frame for ICJ would delay and possibly prevent, the passage of the bill. While ICJ prefers an exception greater than 15 days, complications to the passage could have an adverse effect on states' funds that also are included in the legislation. The Executive Committee, as an expression of support for the timely reauthorization of the act, reaffirmed its prior agreement to limiting the secured detention exception in the amendment to the Juvenile Justice Delinquency Prevention Act (JJDP) to 15 days.
- M. Underwood affirmed that until the bill passes and becomes effective, it is business as usual for ICJ.

Executive Committee Updates

- Representative Belli updated on the roll out of the JIDS upgrade and acknowledged the work by Jenny Adkins and the Technology Committee. The national office continues to work with the vendor to address issues and she encouraged members to complete the JIDS helpdesk ticket when issues are incurred rather than calling or emailing Jenny Adkins.
- Representative Belli updated that now available on the ICJ website are new JIDS workflow guides, an intrastate relocation best practice., and a legal advisory opinion

regarding demanding/sending state's authority to seek return of a juvenile in cases where charges are pending in the receiving/holding state under ICJ Rule 7-103.

- The FY18 dues invoices have been mailed; please contact the national office should your state's accounts payable need additional information to process payment due to the de-affiliation of ICJ from the Council of State Governments.

2017 Rule Proposals

Representative Belli presented the following rule proposals with a brief overview of the Rules Committee's justifications and opened the floor for discussion.

Rules 1-101 Definitions: Runaway

- Representative Belli commented that the proposal appears to eliminate adjudicated juveniles. For example, a juvenile with a pending criminal case leaves the state without permission and the state does not elect to extradite, under the current rules Ohio ICJ would return as a runaway.
- Nebraska and Illinois agreed and shared cases whereby counties will not return on a warrant due to lack of funding and ICJ returns as a runaway.
- R. Yapple (MI) commented that if the juvenile is adjudicated they become an absconder. If no one is seeking their return, an attempt is made with the home state for the return and if fails, the Court determines where the juvenile would go and the ICJ supervision is not triggered.

New Rule 2-106: Request for Juvenile Information

- H. Kassube (IL) questioned whether or not the request was for any juvenile or only ICJ juveniles.
- Wisconsin and Illinois commented that they do not have a statewide database systems and voiced concern to the sharing of information outside of the ICJ Compact offices noting that ICJ offices should not be one-stop-shops for juvenile information requests J. Swantz (WI) shared Wisconsin's concern to ICJ offices sharing confidential juvenile information concerning a youth for non-ICJ purposes and questioned whether the phrase "juvenile as defined by ICJ" limits the scope of the information-sharing to actual ICJ-eligible youth. Instead, it encompasses anyone who potentially is under juvenile court jurisdiction in any State.
- Representative Belli referenced the 2015 proposed amendment to Rule 4-101 which was rejected and the legal advisory opinion regarding records checks for juveniles under the supervision of ICJ or who potentially could be subject to the ICJ.
- T. Marchand (NC) encouraged the Midwest to post their comments on the rule proposals during the comment period which closes June 5.

Rule 4-102: Sending and Receiving Referrals

- T. Frierson (IL) spoke in support of the proposal.
- R. Yapple (MI) questioned whether the judge's signature would still be required. T. Marchand (NC) provided an example when juveniles relocate before the signature is obtained in the sending state noting that the Rules Committee could clarify that the judge's signature is in place by the sending state.

Rule 4-101: Eligibility Requirements for the Transfer of Supervision by the Midwest Region

- Representative Belli noted that the Rules Committee did not recommend the Midwest Region’s proposal to Rule 4-101 and did not offer any recommendations for modifications. The lack of support by the Rules Committee questioned the appropriateness of sending a transfer of supervision referral if the sending state knows the juvenile’s whereabouts were unknown at time the transfer request is submitted to the receiving state.
- **T. Frierson (IL) made a motion to withdraw the proposed amendment to Rule 4-101 by the Midwest Region. J. Nordmeyer (NE) seconded. The motion passed.**

Rule 7-103: Charges Pending in Holding/Receiving State

- J. Swantz (WI) read into the minutes the comments from Commissioner Hagan regarding the proposal to Rule 7-103 as follows: *It is unclear in the language as drafted specifically who or what agency in each State gives valid consent for this purpose. That’s a problem with the current language too. The Executive Committee had a lengthy discussion of this issue at the March face-to-face meeting. In addition to not defining specifically who gives “consent”, the proposed language does not address what happens if consent is given by one party State but not the other.*

Rule 7-104: Warrants

- J. Swantz (WI) read into the minutes the comments from Commissioner Hagan regarding the proposal to Rule 7-104 as follows: *It appears that the effect of the addition to paragraph 3 is to take away the ability of the home/demanding state to permit the youth to remain in the holding state. If this is indeed the intent of the Rules Committee, I’m uncomfortable in eliminating that option for the home/demanding State.*

Rule 8-101: Travel Permits and Reporting Instructions for Juveniles Testing a Proposed Residence

- J. Swantz (WI) read into the minutes the comments from Commissioner Hagan regarding the proposal to Rule 8-101 proposed by the East Region regarding reporting instructions as well as defining the term reporting instructions as follows: *I disagree totally with the set of proposals by the East Region to require the receiving State to issue reporting instructions in every case where a youth is sent on a travel permit testing residence. This essentially requires the receiving State to begin providing services before accepting supervision. I think that’s an overreach. The receiving State’s local agency of course has the ability to begin providing supervision and services immediately in cases where this is appropriate due to public safety and youth welfare concerns. But that’s not necessary in all cases. The sending State should retain responsibility for a youth until supervision is accepted – that’s a basic ICJ principle.*
- Several Midwest Region states agreed with the comment by Wisconsin.

Rule 5-104: Closure of Cases

- J. Swantz (WI) read into the minutes the comments from Commissioner Hagan regarding the proposal to Rule 5-104 as follows: *I think the addition of paragraph 6 permitting closure of a case when a youth is admitted to residential treatment, is a good change. I suggest a modification to the proposed language, to clear any ambiguity in the “90 days” provision, as written, it is unclear if the closure can take place upon notification of admission to the facility or after the youth has been in the facility 90 days. Commissioner Hagan suggested the following modification for clarity: The receiving state may close the supervision case upon notification that the juvenile has been admitted to a residential facility for a planned stay in excess of ninety (90) calendar days.*

- Several Midwest Region states supported Wisconsin's comment and suggested modification.

State Updates

- In addition to the state council updates, the Midwest Region States reported the following:
 - T. Frierson (IL) updated on the plan for statewide judicial training beginning with Cook County.
 - N. Wright (IN) updated that the ICJ Indiana Compact office is restructuring and updates on the new changes will be forthcoming.
 - T. Fliger (IA) updated she is preparing to conduct intrastate ICJ Trainings.
 - R. Yapple (MI) updated that Commissioner Murray has returned to work. He applauded Jenny Adkins' assistance with the JIDS upgrade issues. Currently in Michigan the JIDS icons are not visible. Users are working from memory of the location of the icons. The State's IT Department is in the process of adding JIDS to the trusted sites to correct the issue.
 - T. Hudrlik (MN) echoed the timely assistance by Jenny Adkins with JIDS and noted that the system is working faster. Minnesota awaits discussion of the rule proposals with their state council before posting comments.
 - J. Nordmeyer (NE) shared the successful "lunch and learn" judicial training event in Nebraska. A statewide webinar ICJ training was completed in February and continues to be offered annually.
 - L. Bjergaard (ND) updated that the JIDS enhancements and 2016 annual data was presented to the ND State Council at their last meeting.
 - J. Swantz (WI) updated Wisconsin awaits appointments by the Governor to the advisory boards to complete the state council membership. Additionally, the Wisconsin Department of Corrections is in the process of relinquishing the supervision of youth in Milwaukee to its local county officials. The ICJ Compact office will be impacted as it is housed under the Department of Corrections and to that end has been busy preparing for the transition.
 - Representative Belli updated that Senator John Eklund was appointed to the Ohio ICJ State Council and acknowledged his value to the their state council. She updated on her onsite trainings and upcoming multi-county and officer trainings.

Old Business

- No old business.

New Business

- Representative Belli announced that the 2017 Annual Business Meeting will be held September 25-27, 2017 in San Diego and registration opens July 1.
- Representative Belli suggested that the next Midwest Region be held on at the ABM on Tuesday September 26, 2017 at 2:45pm at the Regions face to face meeting.
- **J. Nordmeyer (NE) made a motion that the next Midwest Region meeting will be held at the face-to-face meeting on September 26, 2017 during the Annual Business Meeting. T. Hudrlik (MN) seconded. The motion passed.**

Adjourn

- Representative Belli adjourned the meeting without objection at 12:14 p.m. EDT.