

INTERSTATE COMMISSION FOR JUVENILES

Midwest Region Meeting Minutes

January 6, 2022

11:00 a.m. ET

Via WebEx



Commissioners/Designees in Attendance:

1. Charles Frieberg (SD), Representative
2. Mary Kay Hudson (IN), Commissioner, Alternate Representative
3. Tomiko Frierson (IL), Commissioner
4. Kellianne Torres (IA), Designee
5. Roy Yapple (MI), Commissioner
6. Tracy Hudrlik (MN), Commissioner
7. Jacey Rader (NE), Commissioner
8. Jessica Wald (ND), Designee
9. Nate Lawson (OH), Commissioner

Commissioners/Designees not in Attendance:

1. Hope Cooper (KS), Commissioner
2. Lisa Bjergaard (ND), Commissioner
3. Casey Gerber (WI), Commissioner

Compact Staff in Attendance:

1. Holly Kassube (IL)
2. Angel Jones (IL)
3. Molly Dearing (IL)
4. Ian Doyle (IN)
5. April Simmons (IN)
6. Nita Wright (IN)
7. Cara Bockes (IA)
8. Matt Billinger (KS)
9. Rebecca Hillestead (MN)
10. Abbie Christian (NE)
11. Susan Barnard (NE)
12. Megan Colbenson (ND)
13. Cheryl Frost (SD)
14. Kathy Christenson (SD)
15. Joy Swantz (WI)

Guest in Attendance:

1. None

National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Joe Johnson, Project Manager
4. Amanee Cabbagestalk, Training and Administrative Specialist

Call to Order

Representative Frieberg called the meeting to order at 11:00 a.m. ET.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

T. Frierson (IL) made a motion to approve the agenda with the correct time. N. Lawson (OH) seconded. The motion carried.

Minutes

N. Lawson (OH) made a motion to approve the October 5, 2021 meeting minutes as presented. J. Wald (ND) seconded. The motion carried.

Discussion

ICJ Executive Committee Updates

- Midwest Region Representative C. Frieberg (SD) updated he was unable to attend the December 16, 2021, Executive Committee meeting and asked Director Underwood to provide an update. Director Underwood reported the following:
 - The Executive Committee members received training on the Robert's Rules of Order and are planning a 2-day face-to-face meeting in the Spring in Lexington, Kentucky.
 - Nina Belli has been appointed Commissioner for the State of Oregon and Kimberly Dickerson has been appointed Designee for the Louisiana Commissioner.
 - Regarding FY 22 Dues, all but one member has paid to date.
 - The ICJ National Office is downsizing to one office and storage room as all staff are working remote. However, the National Office mailing address remains the same.
- Director Underwood provided highlights regarding UNITY. In December, states received a video link regarding maintaining healthy data and proactive monitoring in UNITY. The new UNITY Reports are providing states information to readily available data to be proactive in monitoring cases. States are showcasing the new opportunities in the monthly UNITY Workshops, now available for all Compact staff to attend.
- She explained that both state offices and the national office are involved in proactive monitoring. For example, the National Office discovered erroneous dates for some Quarterly Progress Reports and Joe Johnson, Project Manager, reached out to those states to determine which errors resulted from errors at the time of the transition of cases from JIDS. Director Underwood assured that such contacts are about maintaining healthy data in the system and do not indicate that a compliance action has been triggered.
- To ensure everyone in a state who needs access has access to Tableau for generating reports, potential users should complete the training. Once completed, National Office will reach out to the user for access.
- New UNITY features recently added include "merge/purge" that allows combination of duplicate files and "delete unintended event."
- The Executive Committee approved a recommendation from Compliance Committee recommended to amend the ICJ Code of Conduct Policy.

Commissioners and Designees are no longer required to complete the Code of Conduct Form every year. Additionally, two Performance Measurement Assessment (PMA) Standards were updated due to the new rules effective March 1, 2022. In February, the Compliance Committee will take a deep dive to review all the PMA standards to determine what is necessary as UNITY now provides real-time data reporting.

- The Finance Committee reviewed the 2022 Budget and discussed the potential increased costs for the 2022 Annual Business Meeting in Burlington, Vermont. The discussions included additional costs for COVID precautions, inflation, travel, and providing virtually options for those not in attendance.
- The Technology Committee approved changes to the Form IX due to the new rules effective March 1, 2022. The revised form is now undergoing the 30-day review period for comments by the Rules and Executive Committees. The Reports and Data Visualization Subcommittee continue to develop reports and provide assistance in the UNITY Workshops. The UNITY Enhancements Subcommittee reviewed 70 enhancements requests and narrowed to a top 20. Once quotes are received from the vendor, the recommended enhancement requests will be presented to the Technology Committee.
- The Training Committee has begun discussions for the 2022 Annual Business Meeting training sessions. They are collaborating with the Technology Committee to develop the ICJ in Action Courses. The Training Committee is in the process of developing a training regarding the new Transportation Identification Form in collaboration with the Transportation Security Administration (TSA).
- The Rules Committee will be discussing a recommendation on the definition of “relocate.” In February, there will be two live training sessions on the rule amendments going into effect March 1. Both sessions in February require registration. A recording of the training will be made available via the ICJ Talent LMS.
- The Racial Justice Ad Hoc Committee discussed the feedback from the 2021 ABM Survey relative to their work shop as they plan to for actions/goals for the upcoming year.
- The West Region formed a sub-group to work on the issue of limited options for detaining non-delinquent juveniles.
- The South Region formed a sub-group to review communications between states for a possible best practice recommendation.
- The Victim’s Representative shared information on victim services.
- The Executive Committee is discussing the upcoming Annual Business Meeting and will make decisions regarding the new requirements for in-person meetings, which may include: masks, COVID onsite testing, temperature checks, and physical distancing.
- Under the direction of Jenny Adkins, 192 ICJ resources were reviewed for necessary modifications due to the amended rules going into effect March 1, 2022. The relative modifications have been completed by the National Office and forward to their respective committees and Legal Counsel for review and approval. A comprehensive list of all amended ICJ Resources will be provided prior to the March 1, 2022 effective date.

State Updates/Concerns

- R. Yapple (MI) shared the COVID protocols taken during the meeting of the AAICPC meeting in Minnesota. Initially, administering the daily rapid test was

daunting and time consuming; however, the process and support provided attendees a sense of ease. In addition, the attendees adhered to the COVID guidelines around masks and social distancing. He suggested informing potential attendees in advance about the COVID guidelines that will be administered for the meetings, including how ice breakers and social events will be addressed.

- M. K. Hudson (IN) reported that all is well in Indiana. N. Wright (IN) updated that Indiana is using the UNITY Tableau Reports. The reports are capturing valued information which has provided guidance on training in the field.
- T. Frierson (IL) reported their first State Council Meeting was held in December and shared the council plans to meet quarterly. Staff are working hybrid schedules, and working at home more than office. There is a staff shortage due to COVID, which is causing airport surveillance to be limited.

Old Business

There was no old business.

New Business

State Practices regarding “appropriate authority” in relation to Rule 6-103 (10)

- R. Yapple (MI) explained challenges in a few cases regarding ICJ Rule 6-103 (10) and requested input from the group regarding “appropriate authority” for cases where the parent or legal guardian is unable to or refuses to file an ICJ requisition/petition Court. The ICJ Rule 6-103 (10) states: “If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile.” He shared his concern to step in front of a parent. He proposed the following questions for discussion as Michigan is considering making their own administrative rules:
 - Who is the “appropriate authority” in your state?
 - How is the appropriate authority identified; is there a state statute, regulation, ICJ policy, or local practice?
 - Has your state ever experienced jurisdictional issues when dealing with courts during this scenario?
- J. Wald (ND) shared a recent case wherein a legal guardian did not want to take the juvenile back into their home. For runaways, the juvenile court handles by reaching out to the parent or legal guardian and walks them through the process of completing the paperwork, then helps present it to the judge in the county where juvenile presides. The communication and contact continue with the legal guardian, and make the guardian aware that law enforcement and/or social services will get involved if they do not respond.
- T. Frierson (IL) shared that Illinois works each incident on a case-by-case basis. Sometimes two states must get involved to work out issues. She provided an example wherein Michigan absorbed an Illinois youth into the Michigan system because Illinois had no way to return.
- N. Lawson (OH) shared they too handle such scenarios on a case-by-case basis. Typically, when a parent/legal guardian refuse the return, the youth is referred to the local child protection services. He shared that it is not easy and he has to make many calls to prosecutors, agency directors, and child protective service agencies to determine where children will go.

- R. Yapple (MI) thanked everyone for their input and asked others to email him if they have anything additional.

Concerns re “No Bond” provision in Rule 7-104 (4)

- Representative Frieberg (SD) summarized a letter from a South Dakota judge who does not like to hold juveniles in secure detention based solely on a warrant. The judge supports juvenile reform and wishes to push the issue. He asserts the decision should be made at the Judge’s discretion.
- Director Underwood updated that a similar issue has been discussed in the West Region. Some state judges are citing their state constitutional provision that entitles all persons to be released on bond, except in cases involving violent felonies. The issue came up in Executive Committee after the deadline to refer to the Rules Committee for the 2021 proposals. However, the issue is on the list this year for the Rules Committee. West Region members have expressed concern that more and more states will refuse based on state constitutions. The ICJ Rules supersede all state statutes, but not necessarily state constitutions.
- M. Billinger (KS) commented in regards to “holding on the warrant” for ICJ youth, arguing that holding an out-of-state youth is distinguishable from because it is for the safety of the runaway youth. However, he suggested that the rule should be reviewed. The state constitution argument was also discussed by the Interstate Commission for Adult Offender Supervision (ICAOS) and Rick Masters, Legal Counsel, pointed out that those constitutional rights do not apply to those already convicted or adjudicated.
- R. Yapple (MI) commented that ICJ is a pillar of safety for a child and the community. The number of juveniles impacted nationwide should be considered before amending a rule and leaving to the discretion of Judges.
- N. Wright (IN) shared that an Indiana judge previously questioned the safety of the juvenile being held in detention and preferred to bond them out.
- N. Lawson (OH) noted that the focus of the South Dakota judge’s letter is protection rather than bonding:
 - “If Courts are to protect the best interests of the child, account for public safety, and strive to find better alternatives to juvenile detention, the ICJ Rules must be interpreted on an individual case by case basis consistent with those efforts. However, the current ICJ Rules do not allow for such discretion to be exercised...”
- N. Lawson (OH) proposed the question: “What if there are situations when the ICJ Rule(s) may be counterproductive for safety?” The holding state does not have a lot of discretion and oftentimes the issue is not the bond as much as determining the best course or action.
- N. Wright (IN) agrees there are scenarios that may warrant individual decisions. The ICJ Rules are made for the protection of the child and asked what could be done to amend the ICJ Rules to allow for those incidents.
- R. Yapple (MI) suggested that the concept is jurisdiction versus supervision. The sending state has jurisdiction. However, a runaway it not a transfer of supervision. Nonetheless, the holding state is asked to supervise and care for the youth before returning.
- R. Yapple (MI) chatted: Rule 5-101(1) gives states authority to supervise to their own standards in the state (more towards local versus national), allowing holding courts discretion to rule on holding versus bond would seem to follow that general theme.

- Representative Frieberg (SD) suggested that members email him any additional input as he prepares for a discussion of the topic in the South Dakota State Council Meeting next week.

State Council Reports

- Representative Frieberg (SD) reminded members that the ICJ State Council 2021 Reports are due by January 31, 2022.

Adjourn

N. Lawson (OH) made a motion to adjourn. T. Frierson (IL) seconded. Representative Frieberg adjourned the meeting by acclamation at 11:59 p.m. ET.