

INTERSTATE COMMISSION FOR JUVENILES

Midwest Region Meeting Minutes

December 3, 2020
2:00 p.m. ET
Via WebEx



Commissioners/Designees in Attendance:

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

Commissioners/Designees not in Attendance:

1. Jacey Rader (NE), Commissioner
2. Lisa Bjergaard (ND), Commissioner
3. Casey Gerber (WI), Commissioner

Compact Staff in Attendance:

1. Holly Kassube (IL)
2. April Simmons (IN)
3. Nita Wright (IN)
4. Rebecca Hillestead (MN)
5. Abbie Christian (NE)
6. James Jackson (OH)
7. Kathy Christenson (SD)

National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist

Call to Order

Representative Frieberg called the meeting to order at 2:00 p.m. ET.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

N. Lawson (OH) made a motion to approve the agenda as presented. T. Frierson (IL) seconded. The motion carried.

Minutes

M. K. Hudson (MN) made a motion to approve the October 20, 2020 meeting minutes as corrected. N. Lawson (OH) seconded. The motion carried.

Discussion

Executive Committee Update

- Director Underwood provided an update from the Executive Committee November Meeting.
- The major projects for the year ahead include:
 - Transition to UNITY
 - New Performance Assessment Standards
 - Expansion of On Demand Training
 - Rule Amendments Year
 - ICJ Dues Structure 5-yr Review
 - New Ad Hoc Committee on Racial Justice
 - Continuation of the Leadership Development Series
- All ICJ Committees have been established and meetings have started. Director Underwood encourage members from the Midwest Region to join the new Ad Hoc Committee on Racial Justice.
- There have been some changes at the ICJ National Office. Leslie Anderson is no longer with the ICJ National Office. Emma Goode has transitioned to the Logistics and Administrative Specialist position, leaving the training specialist position open. The vacancy was posted and the position will be filled after the first of the year.
- The On Demand ICJ Rules Courses have transitioned from the Commission's website to the new TalentLMS platform. The trainings are listed in the course catalog as *optional* core courses. Director Underwood briefly noted key advantages to On Demand training, which include: availability when states require ICJ training; accessibility 24/7; topic/process specific; and shorter sessions.
- Director Underwood expressed her appreciation to the UNITY Coordinators and others diligently working to make the transition a success. UNITY will go live the latter part of February.
- Director Underwood announced that on December 8, there will be a special training session for Model 3 states to address external emails in UNITY.
- Director Underwood updated the region regarding the interagency collaborations that have been initiated and are ongoing.
 - **Warrant Notification Project.**
A Justice Re-Investment Grant was awarded to SEARCH to develop a system to ensure notification of probation and parole authorities regarding warrants issued for individuals subject to interstate supervision. Both ICAOS and ICJ are partners in the project. More information will be shared when it becomes available.
 - **TSA Partnership: ICJ Identification Form.**
During the 2019 ICJ Annual Business Meeting, Stacey Standers with the Transportation Security Administration (TSA) made provided information regarding REAL ID requirements. Afterwards, the ICJ Technology Committee began to develop an alternate identification form for use by ICJ juveniles 18 or over when traveling via air transportation without a "Real ID." ICJ continues to work with the TSA to develop an amenable alternate identification form and process.
 - **Justice System Partnership for Racial Equity.**
Last year, the Executive Committee authorized Director Underwood to participate in a new collaboration of agencies working together to promote

racial equity. To date, APPA, ICJ, ICAOS, and several national organizations have met regularly, has and created expanded potential partnership opportunities.

- In November, the ICJ Committees had not met to provide reports; however, the regions updated on the regional meetings in October regarding the suspension of the enforcement of ICJ Rules. The consensus from all regions was it was too soon to make a decision to determine a date to return to enforcement of ICJ Rules as the COVID pandemic continues. Director Underwood reported according to JIDS data that states are largely staying compliant in the wake of COVID.

Possible proposed rule amendments from the Midwest Region

- Representative Frieberg acknowledged the proposals submitted by Michigan Commissioner R. Yapple and asked Commissioner Yapple to share his proposals and justifications for consideration by the Midwest Region.

Rule 4-102: Sending and Receiving Referrals

- R. Yapple (MI) presented a proposed amendment to Rule 4-102: Sending and Receiving Referrals, paragraph 4 as noted below.
 4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state. The home evaluation shall include the results of criminal history and child abuse/neglect registry checks for all adults living in the residence or an explanation why the results of such checks are not available.
- R. Yapple (MI) suggested the additional sentence proposed would provide another way to evaluate the safety of the living environment and human interactions where the juvenile will spend much of their time while under supervision. He further stated that some of the adults may be persons whom the juvenile is living with for the first time. Criminal history and abuse/neglect registry checks are used by many states as part of home evaluations for child welfare cases including those under the Interstate Compact on the Placement of Children (ICPC). The checks could potentially protect the juvenile, allow more informed decision-making, and make ICJ supervision and a timely exit from probation/parole more successful.
- T. Hudrlik (MN) questioned why the sending state would not check before submitting to a receiving state; and secondly, the person conducting the evaluation may not have the ability or authority to check criminal history and child abuse/neglect registries.
- N. Lawson (OH) questioned whether the criminal history check is intended to be background checks from the FBI or the receiving state. Additionally, he questioned whether or not all states have a child abuse registry.
- R. Yapple (MI) responded that Michigan uses a Child Abuse/Neglect Policy and Registry which includes most states. The authority to conduct the check would be the ICJ Rules.
- Holly Kassube (IL) stated that state criminal background checks must often be conducted by law enforcement. Others expressed that they are not able to conduct such check. Even if a printed copy were acquired, it could not be shared and would be destroyed after reviewing the information.

- A. Christian (NE) commented on compliancy, as the current ICJ Rules require home evaluations to be completed within 45 days. The ICPC home studies require a much longer time frame, which in part is due to the hurdles of the transfer of information between agencies and background checks.
- The Midwest Region discussed different states' nuances of intra-agencies and authorities that would cause states the inability to enforce the proposed rule amendment.
- **R. Yapple (MI) made a motion to approve the proposed amendment to Rule 4-102(4) as presented. The motion died for the lack of a second.**

Rule 5-101: Supervision/Services Requirements

- R. Yapple (MI) presented a proposed amendment to Rule 5-101: Supervision/Services Requirements, paragraph 1 as noted below.
 1. After accepting supervision, the receiving state will assume the duties of supervision over any juvenile, and in exercise of those duties will be governed by the same standards of supervision that prevail for its own juveniles released on probation or parole, except that neither the sending nor receiving state shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ. The duties of supervision shall include a documented face-to-face visit with the juvenile each calendar month unless the case is closed or the juvenile has absconded.
- R. Yapple proposed that the new sentence would help ensure that meaningful periodic direct contact occurs between the field staff and the juvenile. Additionally, this will help to ensure compliance with ICJ rules; the juvenile's terms of probation/parole; and increased ability to serve and respond to the needs of the juvenile. Furthermore, he indicated it would result in improved communication; increase public safety; and ensure conditions that were evaluated as satisfactory in the initial home evaluation remain satisfactory.
- H. Kassube (IL) commented that the proposed language conflicts with the preceding statement "... governed by the same standards of supervision that prevail for its own juveniles..."
- A. Christian (NE) concurred noting it would conflict with Nebraska's standards.
- T. Hudrlik (MN) concurred and added that it could impede an incentive for juveniles, as evidence-based practice indicates requirements should be reduced over time for juveniles who are successful with certain terms and conditions.
- R. Yapple (MI) stated that he appreciated the feedback and commented that while he is not trying to move ICPC processes into ICJ, Michigan views the suggestions as a national standard and prefers their juveniles abide by that standard when in other states. Additionally, he requested that states share off line their evidence-based practices and other criteria states use as a basis for the rationale to visit juveniles less than once a month. N. Lawson (OH) and Representative Frieberg (SC) agreed to forward the requested criteria from their states to Commissioner Yapple.
- **R. Yapple (MI) made a motion to approve the proposed amendment to Rule 5-101(1) as presented. The motion died for the lack of a second.**

State Updates/Concerns

- Representative Frieberg asked states to share any state-specific updates.
- N. Lawson (OH) updated that a smaller Court in southern Ohio is going to a one week on and one week off schedule due to COVID and budget restrictions.
- J. Wald (ND) updated they have hired a new Compact staff backup and after training completed will introduce the staff and share the contact information.
- R. Yapple (MI) updated that Michigan has operated in a state of emergency most of the year and has been involved in a Court battle which determined the Order was not proper. However, the Order has been re-issued. Michigan is considered heavily impacted by COVID and under a state of emergency.
- A. Christian (NE) updated that Catherine Corbet, who served as the ICJ backup, recently retired. Susan Barnard has replaced her in that position and the information has been updated on the Commission's website.
- M. K. Hudson (IN) reported sharing technology resources to assist in conducting Court proceedings remotely. Turran Blazier recently retired and the Indiana Compact office is in the process of filling the vacancy. Indiana State Council is pursuing discussions to allow Compact staff to access warrants in the NCIC system. The Governor issued a 30-day extension to the State-of-Emergency Order.

Old Business

Suspension of the ICJ Rules

- R. Yapple (MI) reminded that he had submitted proposed criteria for consideration by the Commission regarding when to end the suspension of rules in accordance to the new Rule 2-108.
- Representative Frieberg acknowledged receipt and updated the submission was forwarded to the ICJ Executive Committee.
- Director Underwood clarified that the new rule authorizes the Executive Committee to make a decision about ending the suspension of enforcement. The Executive Committee was soliciting input from all the regions on the matter to help them make an appropriate decision on behalf of the Commission.

New Business

There was no new business.

Adjourn

- The next Midwest Region meeting February 4, 2021 @ 11 a.m. ET.
- **Representative Frieberg adjourned the meeting by acclamation 2:53 p.m. ET.**