

## Proposed by the Rules Committee

### RULE 4-102: Sending and Receiving Referrals

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  - a. State Committed (Parole) Cases – When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, except as described in 4-102(2)(a)(ii).
    - i. The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile's anticipated arrival. The referral shall contain: Form IV Parole or Probation Investigation Request; Form IA/VI Application for Services and Waiver; and Order of Commitment. The sending state shall also provide copies (if available) of the Petition and/or Arrest Report(s), Legal and Social History, supervision summary if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded, photograph, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to or at the time the juvenile relocates ~~relocating~~ to the receiving state.
    - ii. When it is necessary for a State Committed (parole) juvenile to relocate with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state ~~under the provision of Rule 4-104(4)~~, the sending state shall determine if the circumstances of the juvenile's immediate relocation justifies the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state, it shall provide the receiving state with the approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
    - iii. If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether or not it will expedite the referral.
  - b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. The referral shall contain: Form IV Parole or Probation

Investigation Request; Form IA/VI Application for Services and Waiver; Order of Adjudication and Disposition; Conditions of Probation; and Petition and/or Arrest Report(s). The sending state shall also provide (if available) Legal and Social History, supervision summary, if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded, photograph, and any other pertinent information. Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to or at the time the juvenile relocates to the receiving state, ~~relocating~~ if the juvenile is not already residing in the receiving state.

3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile's signature on the Form IA/VI Application for Service and Waiver.
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.

***History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020***

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**Justification:**

The Rules Committee recommends adding “photograph” in paragraphs 2(a)(i) and 2(b) to support states’ ability to comply with the REAL ID requirements.

The Rules Committee recommends edits to paragraph 2(a)(i) and paragraph (2)(b) to clarify that a Form V can be submitted prior to or at the time the juvenile relocates to the receiving state.

The Rules Committee recommends edits to paragraph 2(a)(ii) to add clarity by incorporating the relevant language and removing the reference to Rule 4-104(4).

**Effect on Other Rules or Advisory Opinions**

Advisory Opinion 02-2015: "Signatures on the Form VI"

- Administrative edits required due to rule language change.

**UNITY Impact:**

No impact

**Forms Impact:**

No impact

**Fiscal Impact:**

No impact

**Effective Date:**

March 1, 2022

**Rules Committee Action:** *Click on meeting date to view approved minutes.*

[05/05/20](#) – Rules Committee voted 7-0-0 to recommend amendment to Paragraph 2(a)(i) and (2)(b) to include the juvenile’s photograph, if available.

[06/16/20](#) – Rules Committee voted 7-0-0 to recommend amendment to Paragraph 2(a)(ii) to remove the reference to Rule 4-104(4) and instead insert actual rule language from Rule 4-104(4).

[03/02/21](#) – Rules Committee voted 7-0-0 to recommend amendment to Paragraph 2(a)(i) and 2(b).