

Proposed by the Technology Committee

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed residence is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state, except when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
5. Upon receipt of acceptance of supervision from the receiving state, prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
6. If the transfer of supervision ~~is~~ is denied by the receiving state and the juvenile is already residing in the receiving state ~~is denied~~, the sending state shall, ~~return the juvenile~~ secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state within five (5) business days. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020

Comment: Rule 4-104 was originally titled "Supervision/Services Requirements," adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 5-101, effective April 1, 2014

Justification:

Operationally, some denials are submitted, but the juvenile will not be returning to the sending state. In those cases often in the process of transfer and investigating a case a new home plan is advisable. Currently, the rules would require the return of that juvenile even if they ultimately may be approved to a different address in the receiving state. In

other rules referencing the requirement to return a juvenile, the rules specify that the sending/holding state has five (5) business days to either secure alternative living arrangements and submit a new referral OR return the juvenile to the sending state. The UNITY BA Team thinks this language should be consistent with Rule 5-103(4)(b), and this language would add clear steps to be utilized in the UNITY data system.

Effect on Other Rules or Advisory Opinions:

No impact

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 propose alternate language for Section 6, which was adopted by the Technology Committee on 5/12/2020, with minor modifications.

[06/16/20](#) – Rules Committee voted 7-0-0 to support amendment from the Technology Committee.