

Proposed by the Rules Committee

RULE 5-101: Supervision/Services Requirements

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.
2. At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the ICJ if that condition would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state.
3. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
4. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in residence or in the person with whom the juvenile resides.

When the change of residence includes a change in the person with whom the juvenile resides, the sending state may request additional information regarding the new residence. If the sending state does not support this change, they shall notify the receiving state and propose an alternative living arrangement or affect the return of the juvenile.

5. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of secure facility shall be determined by the laws regarding the age of majority in the receiving state.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.

8. Supervision for the sole purpose of collecting restitution and/or court fines is not a permissible reason to continue or extend supervision of a case. The receiving state may initiate the case closure request once all other terms of supervision have been met.

History: Adopted as Rule 4-104 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 9, 2013 and renumbered as Rule 5-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020

Comment: Rule 5-101 was originally titled “Authority to Accept/Deny Supervision,” 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 4-104, effective April 1, 2014

Justification:

To clarify the duties of the Receiving State; specifically, when there is a change in a juvenile’s residence and/or the person they were initially residing with.

Effect on Other Rules or Advisory Opinions:

Advisory Opinion 01-2020: “Can receiving state require sending state to provide revised Forms IA/VI and IV when a juvenile makes an intrastate move after transfer of supervision is approved?”

- Legal Counsel to review effect on Advisory Opinion.
- Administrative edits required due to rule language change.

UNITY Impact:

Potential new Event in Transfer of Supervision cases.

Forms Impact:

No impact

Fiscal Impact:

Potential fiscal impact if new Event is required for UNITY.

Effective Date:

March 1, 2022

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

08/18/20 – Rules Committee voted 7-0-0 to recommend for adoption.