

## **Proposed by the Juvenile/Adult Ad Hoc Committee**

### **RULE 7-105: Detention and Hearing on Failure to Return**

1. Where circumstances require the holding/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 holding/receiving state. This would include an out-of-state juvenile that is charged as an adult and is subject to extradition under the Uniform Criminal Extradition Act (UCEA), or the home/demanding state's own extradition laws.
2. If a home/demanding/sending state is required to return a juvenile and fails to do so within ten (10) business days in accordance with these rules, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of these rules. A juvenile may be discharged from detention to a legal guardian or his/her designee if the holding/receiving state's court determines that further detention is not appropriate.

***History: Adopted as Rule 6-109 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-105, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016***

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#### **Justification:**

To be consistent with the provisions of the Juvenile Justice Delinquency and Prevention Act (JJDP), this amendment to ICJ Rule 7-105 dictates the youth be detained per the laws of the holding state. Thus, requiring a juvenile to be extradited under the Uniform Criminal Extradition Act (UCEA) would have no bearing on the detention in the holding state. Additional analysis is provided in Advisory Opinion 04-2018.

#### **Effect on Other Rules or Advisory Opinions:**

Advisory Opinion 04-2018: "Whether a person should be returned as a juvenile when being detained as a juvenile in the holding state, but has an outstanding warrant from an adult court in the home state."

- Legal Counsel to review effect on Advisory Opinion.

#### **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.*

[08/18/20](#) – Rules Committee voted 7-0-0 to support amendment from Juvenile/Adult Ad Hoc Committee.