

Proposed by the Technology Committee

RULE 8-101: Travel Permits

1. All travel permits shall be submitted prior to the juvenile's travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
 - a. Juveniles who have been adjudicated and are on supervision for one of the following:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death; or
 - iii. offenses committed with a weapon;
 - b. Juveniles who are one of the following:
 - i. state committed;
 - ii. relocating ~~pending a request for transfer~~ prior to acceptance of supervision, including juveniles who resided in the receiving state prior to offense and/or disposition and ~~who are subject to the terms of the Compact;~~
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to a residential facility for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days.
 - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
 - b. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
 - c. If a travel permit is issued for a juvenile prior to acceptance of supervision ~~for the purposes of testing a proposed residence,~~ the sending state shall submit a referral is ~~to be received by~~ to the receiving state's ICJ Office ~~within thirty (30) calendar~~ fifteen (15) business days of the effective date of the travel permit. This does not apply to transfers of supervision for parolees as described in Rule 4-102(2)(a)(ii) or juvenile sex offenders as described in Rule 4-103(3).

4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. ~~The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.~~

History: Adopted as Rule 5-102 December 3, 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 and renumbered as Rule 8-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018

Comment: Rule 8-101 was originally titled "Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules," adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-101, effective April 1, 2014

Justification:

The UNITY BA Team (*a subgroup of the Technology Committee*) seeks to make the new data system funnel users to the right processes based on the ICJ Rules.

Paragraph 1

Using wording in the current rule, juveniles who are relocating pending a request for transfer of supervision is not clear. Many users would see the word relocating as someone moving but not also include a juvenile who already resides in another state within this category. This leads to states not submitting travel permits for juveniles returning to their home in another state. In most probation cases, juveniles are proceeding to the receiving state pending a transfer of supervision. The new wording clarifies that travel permits shall be submitted for all juveniles proceeding to the receiving state prior to acceptance of the case. Reference to juveniles who are subject to the terms of the Compact has been stricken from b. ii., as all travel permits are for those subject to the terms of the Compact.

Requirements in the rule regarding travel permit limits and direction to the juvenile to notify of changes were not clear when they are applicable. Those sections are reorganized to make it clearer those directions apply to all travel permits.

There is no reference to testing placement of proposed residence in the list of the juveniles under number one who are required to have a travel permit. Therefore, the wording is

updated to match wording in 1(b)(ii) and is clarified to indicate a referral is due within 15 business days of the effective date of the travel permit for all juveniles who are proceeding to the receiving state prior to acceptance of supervision.

Paragraph 3

The time limit for the referral packet has been shortened based on the rationale that if a sex offender packet is due in 10 business days, then 30 calendar days for all other referral packets is a long period of time. Under the current timeframe, it could be an excess of 75 calendar days before a juvenile is being supervised by a receiving state. This time limit change seeks to make that timeframe shorter. Reference is included in this section to special rules for parole and sex offenders that are excluded from this timeframe.

Paragraph 5

It is being proposed to strike some of the language in V as ICJ rules clearly state the Sending State is responsible for victim notification as outlined in 2-105(1) and 8-101(5). Therefore, it is not clear how the Receiving State could collaborate or assist the Sending State with victim notification in the case of a travel permit when the Receiving State does not engage with the juvenile in any manner. While working on development of the new data management system, the Business Analysis team (a subgroup of the Technology Committee) was not able to determine how this part of the rule could or would be applied to a travel permit case.

Effect on Other Rules or Advisory Opinions:

No Impact

UNITY Impact:

TBD

Forms Impact:

TBD

Fiscal Impact:

TBD

Effective Date:

March 1, 2022

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

[12/01/20](#) – Rules Committee reviewed amendment and requests that the Technology Committee provide a justification for striking language from paragraph 5.

[01/05/21](#) – Rules Committee voted 8-0-0 to support amendment from the Technology Committee.