

# **INTERSTATE COMMISSION FOR JUVENILES**

## ***Rules Committee Meeting Minutes***

January 5, 2021  
2:00 p.m. ET  
Via WebEx



### **Voting Members in Attendance:**

1. Tracy Hudrlik (MN), Commissioner
2. Judy Miller (AR), Designee
3. Tomiko Frierson (IL), Commissioner
4. Mary Kay Hudson (IN), Commissioner
5. Roy Curtis (ME), Designee
6. Julie Hawkins (MO), Commissioner
7. Caitlyn Bickford (NH), Commissioner
8. Edwin Lee, Jr. (NJ), Designee
9. Daryl Liedecke (TX), Commissioner

### **Non-Voting Members in Attendance:**

1. Kelly Palmateer (NY)
2. Stephen Horton (NC)
3. Raymundo Gallardo (UT)
4. Dawn Bailey (WA)
5. Steve Jett (NPJS, Ex Officio)

### **Members Not in Attendance:**

1. Galan Williamson (ME), Commissioner
2. Jennifer LeBaron (NJ), Commissioner
3. Maureen Clifton (WY), Commissioner

### **National Office Staff & Legal Counsel in Attendance:**

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Jenny Adkins, Operations and Policy Specialist

### **Call to Order**

Chair Hudrlik (MN) called the meeting to order at 2:00 p.m. ET.

### **Roll Call**

Director Underwood called the roll and a quorum was established.

### **Agenda**

**T. Frierson (IL) made a motion to approve the agenda as presented.**  
**J. Hawkins (MO) seconded. The motion carried.**

### **Minutes**

**J. Miller (AR) made a motion to approve the December 1, 2020 meeting minutes as presented. T. Frierson (IL) seconded. The motion carried.**

## Discussion

### Section 500: Supervision in the Receiving State

#### ***RULE 5-102 (2)***

- J. Adkins explained the comments by the ICJ National Office. Currently the ICJ Form IX has 3 check boxes for 3 separate types of reporting: Violation; Absconder; and Quarterly Progress. In UNITY the appropriate form title for the Form IX will be generated by the system. K. Palmateer (NY) affirmed that, in UNITY, the correct form title will be populated based on the data input.
- The Rules Committee agreed that the rules should be specific when and where applicable.
- **J. Miller (AR) made a motion to recommend for adoption the proposed amendment to Rule 5-102, paragraph 2, to replace *violation report* with *Form IX Absconder Report*. J. Hawkins (MO) seconded. The motion carried by a 9-0-0 vote.**

#### ***RULE 5-103 (1)***

- The Rules Committee reviewed the language in **Rule 5-103, paragraph 1**, and agreed it was correct as written using the full title of the Form IX; therefore, no further action was necessary.

#### ***RULE 5-101 (4)***

- In **Rule 5-101, paragraph 4**, the Rules Committee discussed amending the language “*written progress reports*” to “*Quarterly Progress Reports*.”
- J. Hawkins (MO) noted that a report of a juvenile’s progress may be sent sooner than quarterly and the Form IX Quarterly Progress Report would not be used in those instances. D. Liedecke (TX) concurred stating the current language in the rule is correct.
- The Rules Committee agreed and no further action was necessary.

### Section 800: Travel Permits

#### ***RULE 8-101: Travel Permits, Paragraphs 1 (a) i., ii., and iii.***

- The Rules Committee reviewed a comment posted December 4, 2019 by the ICJ National Office from the UNITY Business and Analysis Team during the early stages of UNITY development. The comment was in regards to whether or not a juvenile with a deferred adjudication would meet the stated criteria and require a travel permit.
- J. Hawkins (MO) commented that while Compact offices are mindful of the non-adjudicated juveniles traveling, the language as written allows the visit-only travel permits to be more manageable particularly for smaller Compact offices.
- The Rules Committee reached a consensus that there does not appear to be an issue or support for a rule proposal; therefore, no further action was taken.

#### ***RULE 8-101: Travel Permits, Paragraph 2***

- Director Underwood explained the comment dated November 13, 2020 by the ICJ National Office. An issue surfaced during the development of an ICJ in Action training course regarding travel permits for residential facilities. In

summary, optional travel permits for residential facility placements were issued in two cases. Afterwards, ICJ personnel discovered that the placements were not in “residential facilities” as defined by ICJ Rules. Further, one of the two cases should have been a transfer of supervision.

- Chair Hudrlik cautioned to amending rules to address all possible scenarios and questioned whether the issue should be addressed in the rules or in a collaboration between the states involved.
- D. Bailey (WA) expressed that the *optional* travel permit provides an opportunity to review situations that might otherwise go unnoticed. She shared that one of the cases was a placement by the parent who located the placement home online.
- The Rules Committee discussed the incidents while reviewing the definition of *residential facility*, noting ICJ does not define *custodial care*.
- R. Curtis (ME) updated that Maine relies on Maine ICPC when residential treatment facilities are involved and suggested that the ICPC National Office perhaps could assist ICJ.
- J. Hawkins (MO) commented that it is the responsibility of the receiving state’s agent to determine if the transfer of supervision meets eligibility requirements and that the residential facility exclusion in paragraph 2 makes the form optional.
- D. Bailey (WA) clarified she is not suggesting the form be mandatory for residential facilities but sees the issue more of an interpretation.
- Director Underwood suggested further discussion of who is responsible to confirm a program qualifies as a “residential facility” or whether a definition for custodial care is needed. Chair Hudrlik commented that when states experience interpretation differences, the Commissioners first work together to resolve and, if unsuccessful, reach out to the ICJ National Office. Director Underwood agreed.
- No rule amendment was proposed. No further action was taken.

#### ***RULE 8-101: Travel Permits, Paragraph 3***

- The Rules Committee reviewed the following questions posed by the ICJ National Office:
  - Should sending states be required to confirm when juveniles return from a travel permit?
  - What to do when a travel permit expires and the juvenile remains in the receiving state?
- K. Palmateer (NY) updated from the UNITY BA Team that currently, ICJ Training and UNITY cannot provide guidance on how to address these questions because the rule is silent. Therefore, the questions become: 1) should there be a uniform procedure to address what happens when the travel permit exceeds 90 days? and 2) how should a travel permit be closed?
- J. Hawkins (MO) noted there to be multiple variables around travel permits and tracking all them would become burdensome for smaller Compact office states. J. Miller (AR) concurred and added that Joe Johnson mentioned in the UNITY Training on Travel Permits that there will be the option for the sending state to keep the travel permit case open until the juvenile has returned, or to close the case. She added her current process in Arkansas to be when juveniles exceed the 90 days, she is alerted by the receiving state and issues another travel permit.
- J. Hawkins (MO) commented on the responsibilities in the following circumstances.

- Travel Permit for Testing Resident.
  - The sending state is responsible for testing the proposed residence and would be monitoring while awaiting acceptance of the transfer of supervision.
- Travel Permit for Visits.
  - The state approving the visit is responsible and the role of the ICJ office is notification.
- Chair Hudrlik commented that when a travel permit exceeds 90 days for a juvenile sex offender (JSO), it becomes a Compact compliance issue.
- No rule amendment was proposed. No further action was taken.

## Old Business

### Section 100: Definitions

#### *RULE 1-101: Court*

- Last month, the Rules Committee agreed to forward the proposed definition of “Court” to Rick Masters, Legal Counsel, to review. R. Masters reviewed and offered the following recommendation:  
 Court: any person or institution ~~court~~ with the constitutional and statutory authority to adjudicate legal disputes and having jurisdiction over delinquent, neglected, or dependent children.
- D. Liedecke (TX) questioned if a person could be considered a Court. J. Miller (AR) updated that the purpose of the original proposal was to clarify that Court was not limited to judges and could include other persons, such as magistrates, authorized in a state to sign legal documents. Chair Hudrlik further explained the title of such persons varies between states for those persons authorized with legal jurisdiction and court would address all of them. E. Lee, Jr. (NJ) concurred and agreed with the definition as proposed.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 1-101 Definitions: *Court* as presented. D. Liedecke (TX) seconded. The motion carried by a 9-0-0 vote.**

### Section 700: Additional Return Requirements for Sections 500 and 600

#### *RULE 7-106: Transportation*

- Chair Hudrlik noted that last month the Rules Committee agreed to table further discussion regarding the language in paragraph 5, until Director Underwood met with the Transportation Security Administration (TSA).  
 5. In cases where a juvenile is being transported by a commercial airline carrier, the holding/receiving state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.
- Director Underwood updated on the meeting with the Stacey Sanders, TSA, regarding the Real ID and acceptable identification in airports. Ms. Sanders understands that ICJ juveniles 18 and over may not have a photo when traveling and that the new proposed form could be accepted without a photo. However, challenge may arise when the juvenile is traveling without a photo and it is left to the discretion of the TSA supervisor in a particular airport.
- At this time, there is no further action to be taken by the Rules Committee.

## Section 800: Travel Permits

### ***RULE 8-101: Travel Permits, recommended by the Technology Committee***

- At the last meeting, the Rules Committee reviewed the Technology Committee's proposed amendment to Rule 8-101, paragraphs 1, 3, and 5. The Rules Committee agreed with the proposed amendments to paragraphs 1 and 3; however, requested additional justification to the amendment in paragraph 5.
- Paragraph 1(b)(ii)
  - b. Juveniles who are one of the following:
    - 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;~~
- Paragraph 3
  - 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).
- Paragraph 5.
  - 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.~~
- J. Miller (AR) questioned the clarity of "that state" in the first sentence of paragraph 5 and recommended: "that **sending** state". No additional support or concern was expressed.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 8-101, paragraphs, 1, 3, and 5 submitted by the Technology Committee as presented. E. Lee, Jr. (NJ) seconded. The motion carried by a 9-0-0 vote.**

## **New Business**

### ***Definition of "Proof of Entitlement"***

- R. Curtis (ME) presented a proposed new definition to ICJ Rule 1-101 for the term *Proof of Entitlement*. He briefed that the proposal stemmed from

conversation last year within Maine's statewide council, as a response to a court's request to define the term. The proposed definition presented below was discussed:

Proof of Entitlement: For purposes of Rule 6-103, proof of entitlement is defined to mean proof that the home/demanding state is entitled to the return of the juvenile, which may be satisfied through proof, including but not limited to, that the legal guardian or custodial agency is located in the home/demanding state and that the requisition complies with all procedural requirements. For purposes of Rule 6-103A, proof of entitlement is defined as proof that the home/demanding state is entitled to the return of the juvenile, which may be satisfied through proof, including but not limited to, of the judgment, order of adjudication, order of commitment, petition alleging delinquency, and other affidavits and documents demonstrating that the home/demanding state is entitled to the return of the juvenile.

- Chair Hudrlik noted that the words *proof* and *entitlement* are used in the definition of the term Proof of Entitlement.
- J. Hawkins (MO) cautioned against including the list of documents referenced in the Rules within the definition. She agreed with the concept and suggested something like: *...Evidence or documents used as part of a requisition to verify states authority for the return of the juvenile.*
- R. Curtis (ME), J. Miller (AR), J. Hawkins (MO), and R. Gallardo (UT) agreed to discuss outside of the meeting and provide an amended version at the February meeting.
- **D. Liedecke (TX) made a motion to table the discussion of the proposed new definition until the next meeting. T. Frierson (IL) seconded. The motion carried by a 9-0-0 vote.**

#### Adjourn

- The next meeting is February 2, 2021, 2 – 4 p.m. ET.
- **D. Liedecke (TX) made a motion to adjourn. T. Frierson (IL) seconded. Chair Hudrlik adjourned the meeting without objection at 3:32 p.m. ET.**