

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

March 2, 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. Julie Hawkins (MO), Commissioner
5. Edwin Lee, Jr. (NJ), Designee
6. Daryl Liedecke (TX), Commissioner
7. Maureen Clifton (WY), Commissioner

Non-Voting Members in Attendance:

1. Kelly Palmateer (NY)
2. Stephen Horton (NC)
3. Raymundo Gallardo (UT)

Members Not in Attendance:

1. Mary Kay Hudson (IN), Commissioner
2. Galan Williamson (ME), Commissioner
3. Roy Curtis (ME), Designee
4. Caitlyn Bickford (NH), Commissioner
5. Jennifer LeBaron (NJ), Commissioner
6. Dawn Bailey (WA)
7. Steve Jett (NPJS, Ex Officio)

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 quorum was established.

Agenda

M. Clifton (WY) 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 February 2, 2021 meeting minutes as presented. D. Liedecke (TX) seconded. The motion carried.

Discussion

Proposed Rule 5-101: Supervision/Services Requirements by the Rules Committee

- Chair Hudrlik presented the proposed amendment to Rule 5-101(4) approved by the Rules Committee in August. She asked members to consider a question from the ICJ National Office about whether a five-day time frame should be included in the proposal.
- J. Adkins explained the question evolved from her review of all proposed rule amendments for UNITY impact. Director Underwood also asked whether there should be a time frame for the sending state to notify the receiving state if they are opposed to the change of residence.
- J. Miller (AR) commented about the difficulty of establishing a timeframe when there is a request for additional information by the sending state. J. Hawkins (MO) agreed and suggested that referencing another rule would be sufficient.
- The Rules Committee reviewed 5-103(3)(b). J. Hawkins (MO) noted that the sending state voices concern and makes the decision, not the receiving state.
- Chair Hudrlik added that it would be a rare occasion when a sending state would oppose the change of residence.
- The consensus of the Rules Committee was that the additional time frame language is not necessary. No action was taken.

Rule 2-103: Adoption of Rules and Amendments by the Rules Committee

- Chair Hudrlik presented a proposed amendment to Rule 2-103 related to submitting proposed rule amendments during Annual Business Meetings. She states that the current rule suggests any Commissioner or Designee could propose a rule amendment during an Annual Business Meeting. Such introductions could not be considered until later, in order to allow time for thorough consideration.
- J. Hawkins (MO) and J. Miller (AR) opposed the proposal as presented and voiced support to allow Commissioners/Designees to independently propose rule amendments, rather than being required to go through a region or committee.
- The Rules Committee reviewed the process as outlined in the ICJ Rule Proposal Guide, and indicated the guide appropriately describes the process.
- Proposed new language was suggested and agreed upon as follows in paragraph 1(a):
 1. a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee **for future consideration**. ~~during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.~~
- The Rules Committee also reviewed and agreed to amended language in paragraph 2 as follows:
 2. The Rules Committee shall ~~prepare~~ **review** a drafts of all proposed rules or amendments, and provide the drafts to the Commission for review and comments.
- **J. Miller (AR) made a motion to recommend for adoption the proposed amendment to Rule 2-103, paragraph 1(a) and paragraph 2 as state above. J. Hawkins (MO) seconded. The motion passed by an 7-0-0 vote.**

Rule 3-101: Forms by the Technology Committee

- Chair Hudrlik presented a proposed amendment to Rule 3-101 submitted by the Technology Committee.

RULE 3-101: Forms Electronic Information System

States shall use the electronic information system approved by the Commission to facilitate the supervision, travel notices, and return of juveniles pursuant to ~~for e-forms processed through~~ the Interstate Compact for Juveniles.

- J. Miller (AR), who is also a member of the Technology Committee, clarified that the amendment evolved from the new UNITY data system transition which focuses on data rather than forms.
- **J. Hawkins (MO) made a motion to recommend for adoption the proposed amendment to Rule 3-101 as submitted by the Technology Committee. J. Miller (AR) seconded. The motion passed by a 7-0-0 vote.**

Old Business

Rule 1-101: Court by the Rules Committee

- Chair Hudrlik presented a proposed amendment to the definition of Court. She reported that J. Adkins advised her that the term is also included in the ICJ Statute. Therefore, the ICJ National Office referred the matter to Rick Masters, the Commission's legal counsel, to comment on whether the proposed change was permissible. Legal Counsel's written response was shared with the committee. In summary, his comment stated that upon reviewing and comparing the statutory definition and the ICJ Rules definition, he believes that the two definitions are not in conflict.
- The Rules Committee agreed with the Legal Counsel's assessment that the definitions are not in conflict and thus permissible.
- J. Hawkins (MO) recommended that Rick Master's written response be added to the rule proposal justification and the Rules Committee concurred.
- **D. Liedecke (TX) made a motion to recommend for adoption the proposed amendment to ICJ Rule 1-101: Court as presented. J. Hawkins (MO) seconded. The motion passed by a 7-0-0 vote.**

Rule 1-101: Proof of Entitlement by Rules Committee

- Chair Hudrlik presented the updated proposal for a new definition for the term "*proof of entitlement*." She thanked members who worked together to revise the proposal to address concerns raised at the last meeting.
- **J. Miller (AR) made a motion to recommend for adoption the proposed new ICJ Rule 1-101 definition: *Proof of Entitlement* as presented. M. Clifton (WY) seconded. The motion passed by a 7-0-0 vote.**

Rule 4-102: Sending and Receiving Referrals

- Chair Hudrlik briefed that J. Miller (AR) agreed to draft proposed language to address concerns raised at the last meeting regarding Form V.

- J. Miller (AR) presented a proposal to modify language related to the arrival date on the Form V, noting that juveniles often depart without the knowledge of the ICJO.
- J. Hawkins (MO) agreed it is an issue when a juvenile is released immediately after their hearing and stated that the proposal reflects current practice.
- Chair Hudrlik questioned if this proposal changes anything in UNITY. Director Underwood noted that after the passage of rule amendments, the National Office makes appropriate changes to all resources as applicable.
- R. Gallardo (UT) commented that Rule 4-104(5) was previously amended to provide written notice of a juvenile's departure to the receiving state. He suggested that change addressed the issue. J. Miller (AR) voiced concern to the rule which states, *prior to departure*.
- D. Liedecke (TX) noted that a date is set for probation cases. However, immediate release following parole hearings is common.
- The Rules Committee agreed to the proposed amended language as follows:

Rule 4-102, paragraph 2 (a)(i) and paragraph (b)

2 (a)(i) Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded to or at the time the juvenile relocates ~~relocating~~ to the receiving state.

2 (b).... Form V Report of Sending State Upon Parolee or Probation Being Sent to the Receiving State shall be forwarded prior to or at the time the juvenile relocates to the receiving state, ~~relocating~~ if the juvenile is not already residing in the receiving state.

- **J. Miller (AR) made a motion to recommend for adoption the proposed language as presented above to Rule 4-102, paragraph 2. (a)(i) and (b). D. Liedecke (TX) seconded. The motion passed by a 7-0-0 vote.**

Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

- J. Miller (AR) presented proposed new language regarding the Form V as follows:

Rule 4-103, paragraph 2

Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State shall be forwarded prior to or at the time juvenile relocates to the receiving state if the juvenile is not already residing in the receiving state pursuant to Rule 4-103(3).

- The Rules Committee discussed and agreed with the language proposed as a new last sentence to paragraph 2.
- **J. Miller (AR) made a motion to recommend for adoption the proposed language to Rule 4-103 (2) as presented above. D. Liedecke (TX) seconded. The motion passed by a 7-0-0 vote.**

Rule 4-104: Authority to Accept/Deny Supervision

- Chair Hudrlik questioned whether Rule 4-104(5) should be amended based on Raymundo's comment in the meeting earlier. There were no suggestions.

- Chair Hudrlik noted that the deadline for proposals is March 31, 2021. Any member who intends to propose an amendment must submit the proposal to the ICJ National Office on or before that date.

New Business

Rule 1-101: Relocate

- J. Miller (AR) questioned the definition of the term *relocate*. She noted that ICJ Rules definitions address terms specifically as they apply within ICJ. If a term is not defined in the ICJ Rules, otherwise, a standard definition is applicable.
- The definition of *relocate* is based on Rule 4-101: Eligibility Requirements for the Transfer of Supervision.
- “Relocate” is used throughout the rules in different instances. She indicated that the current definition is not applicable in all those instances.
- J. Miller (AR) suggested proposing an amendment to delete the term from the ICJ Rule 1-101: Definitions.
- Director Underwood cautioned to deleting a term that is used in multiple rules.
- J. Hawkins (MO) agreed that when we define a word it is assumed to be the same for all instances and questioned why *relocate* was defined when the parameters of the term are in the rule.
- Chair Hudrlik commented that the discussion would be tabled in the interest of time and added to the agenda for the next monthly meeting.
- The ICJ National Office will search the rules for a list of all instances of the term throughout the rules.

Rule Amendments Comments Period

- Chair Hudrlik noted that the 30-day comment rule period on proposed amendments to be considered at the 2021 Annual Business Meeting will be May 5 – June 4, 2021.
- Director Underwood added that the ICJ National Office is conducting a final review prior to posting to identify for any additional issues that the committee may need to consider, such as impact on other rules. Any issues identified will be presented in an upcoming meeting.

Proposed Effective Date for 2022 New Rules and Amendments

- Chair Hudrlik noted that historically rules passed during an Annual Business Meeting go into effect March 1 of the following year.
- The Rules Committee discussed and agreed to recommend that proposals passed in October 2021 will be effective on March 1, 2022.
- **D. Liedecke (TX) made a motion to recommend that March 1, 2022 will be the effective date for all rules passed during the 2021 Annual Business Meeting. J. Hawkins (MO) seconded. The motion passed by a 7-0-0 vote.**

Monthly Meeting Day and Time

- Chair Hudrlik reported that some members are unable to meet on the first Tuesday of each month due to state mandated meetings. She proposed that remaining monthly Rules Committee meetings be moved from the first Tuesday of the month to the first Wednesday of the month.
- J. Miller (AR) expressed concern about meeting directly after the UNITY Coordinators Meetings, which are generally held on Wednesdays at 1-2 pm ET.

- Director Underwood noted that the Rules Meeting will be scheduled at 3 pm ET. Also, some UNITY coordinators meeting could be cancelled.
- The Rules Committee agreed to move the meeting day/time beginning in April.

Adjourn

- The next meeting of the Rules Committee will be April 7, 2021 @ 3 pm ET.
- **Chair Hudrlik adjourned the meeting by acclamation without objection at 3:02 p.m. ET.**