

# INTERSTATE COMMISSION FOR JUVENILES

## RULES COMMITTEE

### *Minutes*

January 7, 2020

2:00 PM ET

WebEx Teleconference



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### **Commissioners/Designees in Attendance:**

1. Tracy Hudrlik (MN), Chair
2. Judy Miller (AR), Designee
3. Tomiko Frierson (IL), Commissioner
4. Roy Curtis (ME), Designee
5. Julie Hawkins (MO), Commissioner
6. Dale Dodd (NM), Commissioner
7. Daryl Liedecke (TX), Commissioner

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

1. Maureen Clifton (WY), Commissioner

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

1. Kelly Palmateer (NY)

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

1. Steve Jett (NPJS), Ex officio

### **ICJ Staff & Legal Counsel in Attendance:**

1. MaryLee Underwood, Executive Director
2. Emma Goode, Training and Administrative Specialist
3. Joe Johnson, Systems Project Manager
4. Rick Masters, Legal Counsel

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### **Call to Order**

Chair T. Hudrlik (MN) called the meeting to order at 2:00 PM 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 November 5, 2019 meeting minutes as presented. D. Liedecke (TX) seconded. The motion carried.

## **Discussion**

### ○ Rule 100: Definitions

- Definition of “Absconder”
  - R. Curtis (ME) suggested a potential language change to the definition to amend to “a juvenile probationer or parolee who runs away,” citing that in certain cases it has been found difficult to prove some aspects of the current definition.
  - Chair T. Hudrlik (MN) clarified that “absconder” is more than a runaway and is a violation for failure to comply with reporting requirements.
  - The committee discussed the current ICAOS definition of “Absconder” and the revised definition of “Abscond” that will take into effect March 1, 2020.
  - K. Palmateer (NY) suggested clarification regarding “absents” and its intent in the definition.
  - The committee provided input regarding the intent and came to a consensus that if the whereabouts of a juvenile are known, however the juvenile refuses to report as required, then the case would be considered a violation and not an “absconder.”
  - J. Hawkins (MO) noted that “absconder” may be the appropriate option in cases involving technical violations as the Requisition Form does not include a field for “technical violation.”
  - Chair T. Hudrlik (MN) suggested the committee review the Requisition Form and other related forms during an upcoming meeting.
  - **D. Dodd (NM) made a motion to strike “with the intent” from the definition of “Absconder.” R. Curtis (ME) seconded. The motion carried 7-0-0.**
- Definition of “Court”
  - Executive Director Underwood reported that the Information Technology Committee recently proposed changes to forms to incorporate the change throughout ICJ Rules Section 600 of “judge” to “court” (effective March 1, 2020). She reported that several Information Technology Committee Members expressed concern about using the term “court,” which they stated refers primarily to the building. The Information Technology Committee proposed to use “court authority” instead, and suggested that the Rules Committee discuss whether a definition for “court authority” should be added.
  - The committee discussed the definitions and proposed language from the Information Technology Committee. The committee came to a consensus that the proposed language from the Technology Committee for the forms did not comply with the Rules and that the committee would draft a written response to the Technology Committee proposing the use of the language “Judge/Court.” Chair Hudrlik noted that the matter would be discussed further as part of New Business.
- Definition of “Physical Custody”
  - M. Clifton (WY) previously suggested via the Committee’s online review of the Rules that a definition of “Legal Custody” be added, citing the difference between “Legal Custody” and “Physical Custody.”
  - J. Hawkins (MO) reported that definitions for both had previously been defined in the Rules. However, the definition of “Legal Custody” has been removed.

- D. Liedecke (TX) noted that the definition of “Physical Custody” focuses on being held in detention.
  - The committee came to a consensus that an amendment was not required at this time.
- Definition of “Secure Facility”
  - M. Clifton (WY) previously suggested via the Committee’s online review of the Rules that consideration of the use of “Detention Facility” be reviewed further for clarity and consistency throughout the rules.
  - The committee discussed the current definition of “Secure Facility” and came to a consensus that the current language was sufficient and required no further action at this time.
- Definition of “Voluntary Return”
  - R. Curtis (ME) suggested the addition of a definition for “Non-voluntary Return” and “Proof of Entitlement.”
  - R. Curtis (ME) agreed to draft a definition of “Proof of Entitlement” and “Non-voluntary Return” to present to the committee for review and future consideration.
- Rule 200 Series
  - Rule 2-103: Adoption of Rules and Amendments
    - Chair T. Hudrlik (MN) suggested striking section 1.a. from Rule 2-103: Adoption of Rules and Amendments as it is potentially antiquated and does not follow the current process.
    - After discussion, the committee agreed that section 1.a. remains relevant to the current process, as it refers to a referral to the Rules Committee only. No action was taken.
  - Rule 2-106: Request for Juvenile Information
    - K. Palmateer (NY) questioned the word “may” could provide a state with permission to share information regarding a juvenile even if their own state law would prohibit it.
    - After discussion, the committee agreed that the current language was sufficient and required no further action at this time.
- Rule 300 Series
  - Rule 3-101: Forms
    - K. Palmateer (NY) suggested amending this rule to include not only the e-forms, but also the case materials submitted in the referral packet.
    - The committee discussed the suggestion and came to a consensus that this rule pertains to ICJ Forms only and does not address any other case materials requiring no further action at this time.

## **Old Business**

There was no Old Business to report.

## **New Business**

- ICJ Administrative Policy 01-2014: Forms Responsibility
  - Chair T. Hudrlik (MN) presented the changes to ICJ Forms proposed by the Technology Committee for conformity with the ICJ Rule changes effective March 1, 2020. Affected forms include: Form I - Requisition for a Runaway Juvenile; Form II - Requisition for Escapee, Absconder, or

Accused Delinquent; Form III - Consent for Voluntary Return; Juvenile Rights Form; Order Setting Hearing for Requisition for Escapee, Absconder, or Accused Delinquent; and Order Setting Hearing for the Requisition of a Runaway Juvenile.

- The committee discussed the proposed language (“Similar Court Authority”) recommended by the Technology Committee, on the grounds that it does not conform with the rules as there is no definition of “similar court authority” or “court authority,” nor are those phrases used elsewhere in the rules.
- **D. Liedecke (TX) made a motion to submit a written correspondence to the Technology Committee advising them that their proposed amendment does not conform with the amended rules. The Rules Committee recommends the language “Judge/Court” be substituted.” D. Dodd (NM) seconded. The motion carried.**

### **Adjourn**

**D. Liedecke (TX) made a motion to adjourn the meeting. T. Frierson (IL) seconded. The meeting was adjourned at 3:11 p.m. ET.**