INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

Minutes
April 3, 2019
2:00 PM ET
WebEx Teleconference

Commissioners/Designees in Attendance:
1. Jeff Cowger (KS), Chair
2. Tracy Hudrlik (MN), Vice-Chair
3. Judy Miller (AR), Designee
4. Christine Norris (DE), Designee
5. Anne Connor (ID), Designee
6. Tomiko Frierson (IL), Commissioner
7. Galan Williamson (ME), Commissioner
8. Julie Hawkins (MO), Commissioner
9. Edwin Lee, Jr. (NJ), Designee
10. Dale Dodd (NM), Commissioner

Members Not in Attendance:
1. Charles Frieberg (SD), Commissioner

Non-Voting Committee Members in Attendance:
1. Stephen Horton (NC)
2. Raymundo Gallardo (UT)
3. Steve Jett (NPJS), Ex-officio

ICJ Staff & Legal Counsel in Attendance:
1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Emma Goode, Training and Administrative Specialist
4. Leslie Anderson, Logistics and Administrative Coordinator
5. Rick Masters, Legal Counsel

Call to Order
Chair J. Cowger (KS) called the meeting to order at 2:04 PM ET.

Roll Call
Director Underwood called the roll and a quorum was established.

Agenda
A. Connor (ID) made a motion to approve the agenda as amended and presented. T. Hudrlik (MN) seconded. The motion carried.
Minutes

J. Miller (AR) made a motion to approve the February 6, 2019 meeting minutes. D. Dodd (NM) seconded. The motion carried.

Discussion

Rule 4-104 (4): Authority to Accept/Deny Supervision - Interpretation of “mandatory acceptance clause” when juvenile is an adult by age (thus has no guardian)

- Chair J. Cowger (KS) reported the submission of a request received for informal discussion this month from VA and VT regarding the “mandatory acceptance clause” cited in Rule 4-104: Authority to Accept/Deny Supervision regarding juveniles who had met the age of majority. After discussion between Executive Director Underwood, the Legal Counsel and Chair A. Connor (ID), an informal interpretation was provided highlighting that the “mandatory acceptance clause” is intended to ensure that juveniles are not denied the opportunity to live with guardians legally responsible for their care. However, when individuals have passed the age of majority, they are capable of administering his/her own affairs. Thus, they do not have guardians and the “mandatory acceptance clause” does not apply. Chair J. Cowger (KS) opened the floor for discussion.

- The Rules Committee discussed the informal analysis provided by the National Office, Legal Counsel and Chair A. Connor (ID) and agreed that the “mandatory acceptance clause” does not apply to individuals who have reached the age of majority and that no amendments to Rule 4-104: Authority to Accept/Deny Supervision were warranted at this time.

- The committee agreed that the issue of whether there should be “mandatory acceptance” guidelines in such cases warrants further review and discussion in the future.

Rule 7-104: Warrants

- Chair J. Cowger (KS) presented a proposed amendment change to Rule 7-104: Warrants (1) to amend the language from “no bond amount set” to “not eligible for bond”. This would clarify that “with no bond amount set” does not imply the bond amount is $0 resulting in misinterpretation by some courts allowing juveniles under the compact to be released on their own recognizance or be released to their traffickers. Additionally, the proposed language mirrors the language utilized for entry into the NCIC system.

- The committee discussed and agreed that the proposed language change would clarify what the Commission’s original intent had been when the original language was proposed.

- D. Dodd (NM) made a motion to accept the proposed language change to Rule 7-104: Warrants (1) as presented and recommend for adoption. T. Frierson (IL) seconded. The motion carried by a 10-0-0 vote.
Draft Rules Proposals for Publication

• Chair J. Cowger (KS) noted that the Draft Rules Proposal would need to be amended to represent the recent proposed amendment to Rule 7-104: Warrants (1) and would be published and presented to the Commission for review and comments on May 1, 2019 if approved by the committee.

• A. Connor (ID) made a motion to accept the Draft Rules Proposals with the addition of the proposed amendment to Rule 7-104: Warrants (1) and approve for publication on May 1, 2019. C. Norris (DE) seconded. The motion carried by a 10-0-0 vote.

Old Business

• J. Miller (AR) stated that she submitted a proposal to amend Rule 4-102: Sending and Receiving Referrals (4) to Chair J. Cowger (KS) on January 16, 2019, and asked for it to be discussed. The proposal was to add the language “The time period for completion of the home evaluations may be extended up to an additional 10 days with the approval of both ICJ Offices.”

• Chair Cowger (KS) stated that it was not added to the agenda because it was submitted after the deadline. J. Miller (AR) stated she thought that Committee Members could still introduce proposals. National Office staff indicated that there was precedent for allowing Committee Members to submit proposals after the deadline.

• J. Miller (AR) stated there are cases in which it is not feasible to complete a home evaluation in 45 days. S. Horton responded that the current 45-day timeline seems adequate, especially since the time for sending forms via U.S. Mail is no longer required (as it was when the Rule was initially developed). J. Hawkins (MO) added that, when the juvenile is already residing in the receiving state but the home evaluation cannot be completed on time, some states have closed the case, then started a new one to restart the workflow timeline and avoid noncompliance.

• The committee also discussed potential fiscal impacts of the suggested amendment, which would require changes to three current workflows.

• J. Hawkins (MO) made a motion to accept the proposed amendment to Rule 4-102: Sending and Receiving Referrals (4) as presented with the addition of “calendar days” and recommend for adoption. J. Miller (AR) seconded. The motion carried by an 8-0-2 vote. A. Connor (ID) and T. Hudrlik (MN) abstained.

• Chair J. Cowger (KS) advised the committee that another motion to approve the Draft Rules Proposals for publication would be needed, due to the addition of the amendment to Rule 4-102: Sending and Receiving Referrals (4).

• J. Miller (AR) made a motion to approve the Draft Rules Proposals with the addition of the proposed amendment to Rule 4-102: Sending and Receiving Referrals (4) and approve for publication on May 1, 2019. J. Hawkins (MO) seconded. The motion carried by a 10-0-0 vote.
New Business
No New Business was discussed.

Adjourn
Chair J. Cowger (KS) adjourned the meeting by acclamation at 3:01 p.m. ET.