

# INTERSTATE COMMISSION FOR JUVENILES

## RULES COMMITTEE

### *Minutes*

May 5, 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. Roy Curtis (ME), Designee
4. Julie Hawkins (MO), Commissioner
5. Edwin Lee Jr. (NJ), Designee
6. Dale Dodd (NM), Commissioner
7. Daryl Liedecke (TX), Commissioner
8. Maureen Clifton (WY), Commissioner

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

1. Tomiko Frierson (IL), Commissioner

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

1. Kelly Palmateer (NY)
2. Stephen Horton (NC)
3. Dawn Bailey (WA)
4. Steve Jett (NPJS), Ex-officio

### **Guests in Attendance:**

1. Tony De Jesus (CA)
2. Anne Connor (ID)
3. Ayana Whitlock (MS)
4. Traci Marchand (NC)
5. Natalie Dalton (VA)
6. Barry Belue

### **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

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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

J. Hawkins (MO) made a motion to approve the agenda as presented. D. Liedecke (TX) seconded. The motion carried.

## Minutes

- J. Miller (AR) made a motion to approve the January 7, 2020 meeting minutes as presented. R. Curtis (ME) seconded. The motion carried.
- J. Miller (AR) made a motion to approve the April 7, 2020 meeting minutes as presented. J. Hawkins (MO) seconded. The motion carried.

## Discussion

### Rule 2-108: Emergency Suspension of Enforcement

- Regarding the rule recently adopted using the emergency promulgation procedure, Chair T. Hudrlik (MN) reported that the regular rules promulgation process would be retroactively applied. Rule 2-108: Emergency Suspension of Enforcement will be posted for comment from May 6 to June 5, 2020. Any comments will be reviewed by the Commission's Rules Committee and amendments made if necessary. The final posting will follow. The public hearing and final Commission vote regarding the proposed rule will be held in conjunction with the 2020 ICJ Annual Business Meeting, or possibly sooner.

### Amended Rules Committee 2020-2021 Calendar

- Chair T. Hudrlik (MN) presented the amended Rules Committee 2020-2021 calendar to the committee and opened the floor for discussion.
- J. Hawkins (MO) made a motion to adopt the amended Rules Committee 2020-2021 calendar as presented. M. Clifton (WY) seconded. The motion carried.

### Rules Proposal Guide

- Chair T. Hudrlik (MN) presented the amended Rules Proposal Guide to the committee and opened the floor for discussion.
- J. Miller (AR) made a motion to approve the amended Rule Proposal Guide as presented. R. Curtis (ME) seconded. The motion carried.

### Rule Proposals and Recommendations Received

- Chair Hudrlik (MN) reported that several committees had submitted rule proposals and other recommendations. She suggested that the committee retain the Commission's rules promulgation process to only bring rules forward every two years, unless a proposed change is considered an emergency.
- The committee discussed the resources required to retrain people throughout the country, as well as potential confusion as a result of frequent amendments. The committee came to a consensus to continue the systematic review of each rule section and discuss any related recommendations as they work through the related sections moving forward. Any recommendations related to sections already reviewed will be brought back for consideration when the systematic review is completed.

## **Systematic Review**

### **○ Section 400: Transfer of Supervision**

- Rule 4-101(3): Eligibility Requirements for the Transfer of Supervision
  - M. Clifton (WY) suggested further clarification to address cases that are both part of the ICJ and Interstate Compact on the Placement of Children (ICPC).
  - The committee came to a consensus that no action was recommended.
- Rule 4-102 (2)(a)(i)(b): Sending and Receiving Referrals
  - The committee discussed a recommendation from the UNITY Business Analysis Team regarding addressing the inclusion of photographs within the rules to support the capability of the UNITY system to upload photographs.
  - **R. Curtis (ME) made a motion to include the language “photograph” to the “if applicable” list of referral documents for both probation and parole cases. J. Miller (AR) seconded. The motion carried.**
- Rule 4-104(6): Authority to Accept/Deny Supervision
  - Chair T. Hudrlik (MN) presented a rule proposal from the Technology Committee and UNITY Business Analysis Team proposing additional language regarding alternate living arrangements, and the submission of an updated referral request or return the juvenile to the sending state within five (5) business days if a transfer of supervision is denied in the receiving state.
  - The committee discussed amendments to the language recommended by the Technology Committee for consistency and clarification.
  - **J. Hawkins (MO) made a motion to recommend the suggested amendments in language be referred back to the Technology Committee for review. D. Dodd (NM) seconded. The motion carried.**
- Rule 4-102 (2)(a): Sending and Receiving Referrals
  - K. Palmateer (NY) suggested clarification be made in Rule 4-104(4) regarding the ability of the receiving state to deny supervision.
  - The committee came to a consensus that clarification should be made within the rule.
  - K. Palmateer (NY) agreed to draft a proposal for committee review and discussion at the next committee meeting.
- Rule 4-102 (2)(b): Sending and Receiving Referrals
  - J. Miller (AR) suggested an amendment to the language in Rule 4-102 (2)(a)(i): Sending and Receiving Referrals to reflect the same language in Rule 4-102 (2)(b): Sending and Receiving Referrals in regards to the list of required documents.
  - J. Hawkins (MO) advised that the inconsistency was due to the different documentation that may be available for parole cases versus probation cases.

- The committee recommended no further action was required.
- Rule 4-103 (2): Transfer of Supervision Procedures for Juvenile Sex Offenders
  - K. Palmateer (NY) asked if the Form V requirement was still applicable to cases where the juvenile was already in the receiving state.
  - The committee discussed the reference to the Form V in other rules, but noted that this specific rule is silent on the matter of whether to send the Form V if the juvenile is already in the receiving state
  - K. Palmateer (NY) agreed to draft a proposal for committee review and discussion at the next committee meeting.
- **Section 500: Supervision in Receiving State**
  - The committee agreed to discuss this section at their next committee meeting due to time constraints.

### **Old Business**

- **Definition of “Proof of Entitlement”**
  - R. Curtis (ME) reported he is drafting language for review by the committee at the next committee meeting.

### **New Business**

- **Forms Recommendations**
  - T. De Jesus (CA) suggested discussion regarding forms recommendations be deferred to the next committee meeting to allow ample time for the committee to review and discuss the recommendations.
  - The committee agreed.
  - Executive Director M. Underwood reported that the comment period regarding forms recommendations was currently open for review by the Executive Committee and Rules Committee members. She provided an overview of the Forms Responsibility Policy process (01-2014). Any recommendations should be emailed to the Executive Director.

### **Adjourn**

**M. Clifton (WY) made a motion to adjourn the meeting. R. Curtis (ME) seconded. The meeting was adjourned at 4:11 p.m. ET.**