



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE Face-to-Face Meeting Hilton Embassy Suites Lexington, Kentucky

**June 5, 2019
8:30 a.m. EDT**

Committee Members in Attendance:

1. Jeff Cowger (KS), Chair
2. Tracy Hudrlik (MN), Vice Chair
3. Judy Miller (AR), Designee
4. Anne Connor (ID), Designee
5. Tomiko Frierson (IL), Commissioner
6. Julie Hawkins (MO), Commissioner
7. Edwin Lee, Jr. (NJ), Designee
8. Dale Dodd (NM), Commissioner

Committee Members Not in Attendance:

1. Melanie Grimes (DE), Commissioner
2. Charles Frieberg (SD), Commissioner

Non-Voting Committee Members in Attendance:

1. Stephen Horton (NC)
2. Dawn Bailey (WA)
3. Steve Jett (NPJS) Ex officio

ICJ Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Jennifer Adkins, Operations and Policy Specialist
3. Emma Goode, Training and Administrative Specialist
4. Leslie Anderson, Logistics and Administrative Coordinator
5. Joe Johnson, Systems Program Manager
6. Rick Masters, Legal Counsel

Call to Order

Chair J. Cowger (KS) called the meeting to order at 8:35 AM ET.

Roll Call

Executive Director Underwood called the roll and a quorum was established.

Agenda

A. Connor (ID) made a motion to approve the agenda. T. Frierson (IL) seconded. The motion carried.

Minutes

J. Miller (AR) made a motion to approve the May 1, 2019 meeting minutes. E. Lee, Jr. (NJ) seconded. The motion carried.

Discussion

Final Consideration of the 2019 Proposed Rule Amendments

- The Rules Committee discussed each of the comments received during the 30-day comment period (May 1 – May 31) on the 17 proposed rule amendments and responded as described below.

Rule 1-101: Definitions Accused Delinquent (1 Comment)

- The Rules Committee discussed the one comment that disagreed with the proposal due to potential conflicts with the adult extradition proceedings.
- D. Dodd (NM) made a motion to retain the previous decision and not to recommend for adoption the proposed amendment related to Rule 1-101: Definitions Accused Delinquent. J. Hawkins (MO) seconded. The motion carried by an 8-0-0 vote.

Rule 1-101: Definitions Runaways (1 Comment)

- The Rules Committee discussed the comment, which was in support of the proposal.
- J. Miller (AR) made a motion to retain the previous decision to recommend for adoption the proposed amendment related to Rule 1-101: Definitions Runaways. D. Dodd (NM) seconded. The motion carried by an 8-0-0 vote.

Rule 200 Series New State Council Rule (Title TBD) (0 Comments)

- The Rules Committee discussed the proposal and concerns with the January 1st deadline for submitting annual reports and membership rosters to the National Office due to the holidays at the end of December and beginning of January.
- A. Connor (ID) made a motion to amend the proposal to designate it as Rule 2-107: State Councils. E. Lee, Jr. (NJ) seconded. The motion carried by an 8-0-0 vote.
- J. Hawkins (MO) made a motion to amend the proposal related to Rule 2-107: State Councils to change “January 1st” to “January 31st”. T. Hudrlik (MN) seconded. The motion carried by an 8-0-0 vote.

Rule 4-102: Sending and Receiving Referrals (4 Comments)

- The Rules Committee discussed the four comments. The discussion focused on the placement of “if available” in 4-102(2)(b), noting that it is critical that “if available” applies to all documents listed due to the change of the word “should” to the word “shall.” The Committee also discussed whether a standardized “Supervision Summary Form” should be created. Committee members noted that some states already have a standardized form, while others incorporate the relevant information into a cover letter.
- **D. Dodd (NM) made a motion to defer recommendation and refer the proposal related to Rule 4-102: Sending and Receiving Referrals back to the East Region for review and consideration of the Rules Committee’s suggestion that the proposal be amended so that in 4-102(2)(b), “(if available)” be moved to follow “provide”, as suggested by the comments submitted by Nebraska. A. Connor (ID) seconded. The motion carried by an 8-0-0 vote.**
- **A. Connor (ID) made a motion that if Rule 4-102: Sending and Receiving Referrals passes at the 2019 Annual Business Meeting, a recommendation should be made to the Technology Committee to consider development of an optional “Supervision Summary Form.” to support the amendment. J. Miller (AR) seconded. The motion carried by an 8-0-0 vote.**

Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders (1 Comment)

- The Rules Committee discussed the one comment, which was in support of the proposal.
- **J. Hawkins (MO) made a motion to retain the previous decision NOT to recommend for adoption the proposed amendment related to Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders. E. Lee, Jr. (NJ) seconded. T. Hudrlik (MN) and D. Dodd (NM) opposed. The motion carried by a 6-2-0 vote.**

Rule 4-104 (5): Authority to Accept/Deny Supervision (1 Comment)

- The Rules Committee discussed the one comment, which suggested the word “and” remain in the sentence for grammatical purposes. The Rules Committee agreed with the recommendation.
- **A. Connor (ID) made a motion to amend the proposed Rule 4-104 (5): Authority to Accept/Deny Supervision to read: “Upon receipt of acceptance of supervision in the receiving state and prior to the juvenile’s departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile’s departure to the receiving state.” T. Hudrlik (MN) seconded. The motion carried by an 8-0-0 vote.**

Rule 5-101: Supervision/Service Requirements (0 Comments)

- No comments were made. Therefore, no further action was necessary by the Rules Committee related to Rule 5-101: Supervision/Service Requirements.

Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders (2 Comments)

- The Rules Committee discussed the two comments, which each expressed concern that the proposed language “courts” may lead to misinterpretation by unauthorized officials or staff and should be amended to language that provides more clarity regarding authority. The Rules Committee agreed the current definition of “Court” in the ICJ Rules is sufficient to address concerns about who is authorized to act and sign forms for returns.
- **A. Connor (ID) made a motion to retain the previous decision to recommend for adoption the proposed amendment related to Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders. T. Frierson (IL) seconded. The motion carried by an 8-0-0 vote.**

Rule 6-102 (8): Voluntary Returns of Runaways, Probation and Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders (5 Comments)

- The Rules Committee discussed the five comments received which were all in opposition to the proposal as it was presented. Concerns addressed in the comments and discussed by Rules Committee members included: compliance related issues that could arise due to differences in the age of majority between states; conflicts with the currently published Bench Book for Judges Section 2.1.3: Extradition of Juveniles and Status Offenders and the Uniform Criminal Extradition Act; and conflicts that could result from distinctions between juvenile procedures and Constitutional due process requirements reflected in existing adult extradition proceedings.
- **A. Connor (ID) made a motion to defer recommendation and refer the proposal related to Rule 6-102 (8): Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders back to the Midwest Region for consideration and review of the comments and concerns and consider possible withdrawal of the proposal. J. Cowger (KS) seconded. The motion carried by an 8-0-0 vote.**
- **A. Connor (ID) made a motion to recommend the Executive Committee consider the formation of an Ad Hoc Committee including members of the affected states to discuss intersection between adult and juvenile courts with regards to due process in the context of returns as they are related to Rule 6-102 (8): Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders. T. Hudrlik (MN) seconded. The motion carried by an 8-0-0 vote.**

Rule 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders (2 Comments)

- The Rules Committee discussed the two comments, which each expressed concern that the proposed language “courts” may lead to misinterpretation by unauthorized officials or staff and should be amended to language that provides more clarity regarding authority. The Rules Committee agreed the current definition of “Court” in the ICJ Rules is sufficient to address concerns about who is authorized to act and sign forms for returns.

- J. Hawkins (MO) made a motion to retain the previous decision to recommend for adoption the proposed amendment related to Rule 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders. A. Connor (ID) seconded. The motion carried by an 8-0-0 vote.

Rule 6-103 (A): Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent (2 Comments)

- The Rules Committee discussed the two comments, which each expressed concern that the proposed language “courts” may lead to misinterpretation by unauthorized officials or staff and should be amended to language that provides more clarity regarding authority. The Rules Committee agreed the current definition of “Court” in the ICJ Rules is sufficient to address concerns about who is authorized to act and sign forms for returns.
- A. Connor (ID) made a motion to retain the previous decision to recommend for adoption the proposed amendment related to Rule 6-103 (A): Non-Voluntary Return of Runaways and/or Accused Status Offenders. D. Dodd (NM) seconded. The motion carried by an 8-0-0 vote.

Rule 7-104: Warrants (0 Comments)

- No comments were made. Therefore, no further action was necessary by the Rules Committee related to Rule 7-104: Warrants.

Rule 8-101: Travel Permits (3 Comments)

- The Rules Committee discussed the three comments received. Two comments opposed the proposal noting that supervision of a juvenile cannot begin prior to receipt of the supervision request. One comment supported the proposal, noting that the amendment would instruct the receiving state of their obligations and allow them to take action to decrease gaps in direct supervision and services provided to the juvenile and family which is in the best interest of the juvenile, family and community.
- J. Hawkins (MO) made a motion to retain the previous decision to not recommend for adoption the proposed amendment related to Rule 8-101: Travel Permits. T. Frierson (IL) seconded. T. Hudrlik (MN) and E. Lee (NJ) opposed. The motion carried by an 6-2-0 vote.

Rule 900 Series: Dispute Resolution, Enforcement, Withdrawal, and Dissolution Introductory Section (0 Comments)

- No comments were made. Therefore, no further action was necessary by the Rules Committee related to Rule 900 Series: Dispute Resolution, Enforcement, Withdrawal, and Dissolution Introductory Section.

Rule 9-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules (0 Comments)

- No comments were made. Therefore, no further action was necessary by the Rules Committee related to Rule 9-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules.

Rule 9-102: Formal Resolution of Disputes and Controversies (0 Comments)

- No comments were made so no further action was necessary by the Rules Committee related to Rule 9-102: Formal Resolution of Disputes and Controversies.

Rule 9-103: Enforcement Actions Against a Defaulting State (0 Comments)

- No comments were made so no further action was necessary by the Rules Committee related to Rule 9-103: Enforcement Actions Against a Defaulting State.

2019 Annual Business Meeting

- Chair J. Cowger (KS) highlighted the 2019 Annual Business Meeting events that will involve the rule proposals and training.
- He also encouraged the Rules Committee members to assist with the Public Hearing on Proposed Rule Amendments on September 9, 2019 at 4:30 p.m. ET in Indianapolis.
- Chair J. Cowger (KS), T. Hudrlik (MN), R. Masters (Legal Counsel) and A. Connor (ID) volunteered to assist. Other committee members were encouraged to participate.

Old Business

There was no Old Business to report.

New Business

There was no New Business to report.

Adjourn

- J. Hawkins (MO) made a motion to adjourn. T. Frierson (IL) seconded. Chair J. Cowger (KS) adjourned the meeting at 2:20 p.m. EDT.