



## INTERSTATE COMMISSION FOR JUVENILES

### **RULES COMMITTEE Face-to-Face Meeting The Brown Hotel Louisville, Kentucky**

**June 13, 2017  
8:30 p.m. EDT**

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#### **Committee Members in Attendance:**

1. Julie Hawkins (MO) Chair
2. Judy Miller (AR) Designee
3. Alicia Ehlers (ID) Designee
4. Jeff Cowger (KS) Commissioner
5. Kevin Brown (NJ) Commissioner
6. Jessica Eldredge (UT) Designee
7. Michael Lacy (WV) Commissioner
8. Steve Jett (NPJS) Ex officio
9. Rick Masters, Legal Counsel

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

1. Dale Dodd (NM) Commissioner
2. Daryl Liedecke (TX) Commissioner

#### **Guests in Attendance:**

None

#### **ICJ Staff in Attendance:**

1. MaryLee Underwood, Executive Director
  2. Jennifer Adkins, Project Manager
  3. Emma Goode, Administrative and Logistics Coordinator
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#### **Call to Order**

Chair Hawkins called the meeting to order at 8:34 a.m. EDT.

#### **Roll Call**

M. Underwood called the roll and a quorum was established.

#### **Agenda**

**J. Eldredge (UT) made a motion to approve the agenda. A. Ehlers (ID) seconded. The motion passed.**

## Minutes

J. Miller (AR) made a motion to approve the April 13, 2017 meeting minutes. J. Eldredge (UT) seconded. The motion passed.

## Discussion

### Final Consideration of the 2017 Proposed Rule Amendments

- The Rules Committee discussed each of the comments received during the 30-day comment period (May 5 – June 5) on the 21 proposed rule amendments and reached a consensus for each of the rule proposals as described below.

#### 18 Rule Proposal Submitted by the Rules Committee

### Rule 1-101: Definitions Deferred Adjudication (0 Comments)

- The Rules Committee agreed the definition as proposed requires no additional clarification.
- A. Ehlers (ID) made a motion to **retain** the proposed amendment and recommendation for adoption to Rule 1-101: Definitions *Deferred Adjudication*. K. Brown (NJ) seconded. The motion passed by a 7-0-0 vote.

### Rule 1-101: Definitions Non-Adjudicated Juveniles (0 Comments)

- The Rules Committee agreed with the original proposal to delete the term from the rules and requires no additional clarification.
- M. Lacy (WV) made a motion to **retain** the proposed amendment and recommendation for adoption to Rule 1-101: Definitions *Non-Adjudicated Juveniles*. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote.

### Rule 1-101: Definitions Runaway (6 Comments)

- The Rules Committee discussed the six comments that opposed the proposal and agree to amend the original proposal to address the comments.
- A. Ehlers (ID) made a motion to **amend** the proposed Rule 1-101: Definitions *Runaway* to read: *Runaway: A person within the juvenile jurisdictional age limit established by the home state who has voluntarily left their residence without permission of their legal guardian or custodial agency who may or may not have been adjudicated.* M. Lacy (WV) seconded. The motion passed by a 7-0-0 vote.

### Rule 2-103: Adoption of Rules and Amendments (0 Comments)

- Rules Committee agreed the definition as proposed requires no additional clarification.
- J. Miller (AR) made a motion to **retain** the proposed amendment and recommendation for adoption to Rule 2-103: Adoption of Rules and Amendments. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote.

### Rule 2-104: Communication Requirements between States (0 Comments)

- Rules Committee agreed the definition as proposed requires no additional clarification.
- M. Lacy (WV) made a motion to **retain** the proposed amendment and recommendation for adoption to Rule 2-104: Communication Requirements between States. K. Brown (NJ) seconded. The motion passed by a 7-0-0 vote.

### **Rule 2-105: Victim Notification (0 Comments)**

- Rules Committee agreed the definition as proposed requires no additional clarification.
- R. Masters advised that the proposal is a grammatical correction and does not change the meaning and could be corrected under Rule 2-103(11).

### **New Rule 2-106: Request for Juvenile Information (8 Comments)**

- The Rules Committee discussed the eight comments, six of which opposed the sharing information on juveniles citing concerns that the rule could be construed as any juvenile and questioned who is sharing the information.
- **J. Miller (AR) made a motion to amend the proposed Rule 2-106: Request for Juvenile Information to read: Upon request by a member state ICJ Office, other member state ICJ Offices may share information regarding a juvenile who crosses state lines to determine if they are or may be subject to the ICJ. K. Brown (NJ) seconded. The motion passed by a 7-0-0 vote.**

### **Rule 4-102: Sending and Receiving Referrals (6 Comments)**

- The comments addressed two concerns. First, a request for clarity in the proposed amendment to Rule 4-102(3) and second the Compliance Chair Farmer's concern related to the 2017 PMA.
- **M. Lacy (WV) made a motion to amend the proposed Rule 4-102: Sending and Receiving Referrals, the last sentence in paragraph 3 to read: If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile's signature on the Form IA/VI Application for Services and Waiver. J. Cowger (KS) seconded. The motion passed by a 7-0-0 vote.**
- The Rules Committee discussed the judge's signature on the Form IA/VI Application for Services and Waiver and referenced the advisory opinion regarding the Form IA/VI. A. Ehlers (ID) commented that some judges refuse to sign the form prior to the home evaluation. Chair Hawkins commented that the form is an application not an approval.
- The Rules Committee discussed the last section of the form and reached a consensus to recommend that the Technology Committee review the language in the last section of the Form IA/VI after the annual business meeting to determine if the language should be amended for clarity regarding the judge's signature in accordance with the rule.
- Chair Hawkins updated on discussion with Compliance Chair Farmer (CA) of an issue that surfaced during the 2017 Performance Measurement Assessment for Rule 4-102. States were being flagged for completing home evaluations prior to the 45 days.
- The Rules Committee compared Rule 4-102 to the language in Rule 4-103 and agreed to add similar language in the second paragraph and to number the paragraph's three exceptions for better visibility.
- **J. Miller (AR) made a motion to amend the proposed Rule 4-102: Sending and Receiving Referrals, paragraph 2(a) to add language: When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, except as described in Rule 4-102 (2)(a)(ii).; and to divide the paragraph into 3 sub-sections. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote.**

### **Rule 4-104: Authority to Accept/Deny Supervision (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **J. Eldredge (UT) made a motion to retain the proposed amendment and recommendation for adoption to Rule 4-104: Authority to Accept/Deny Supervision. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

**Rule 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **J. Miller (AR) made a motion to retain the proposed amendment and recommendation for adoption to Rule 5-103: Reporting Juvenile Non-compliance, Failed Supervision and Retaking. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote.**

**Rule 5-104: Closure of Cases (7 Comments)**

- The Rules Committee discussed the supported comments to Wisconsin's suggested additional language "*for a planned stay*".
- **J. Miller (AR) made a motion to amend the proposed Rule 5-104, paragraph 6 to insert *for a planned stay* and recommend for adoption. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

**Rule 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **M. Lacy (WV) made a motion to retain the proposed amendment and recommendation for adoption to Rule 6-103: Voluntary Return of Runaways and/or Accused Status Offenders. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

**Rule 6-103A: Non-Voluntary Return of Runaways and/or Accused Status Offenders (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **M. Lacy (WV) made a motion to retain the proposed amendment and recommendation for adoption to Rule 6-103A: Non-Voluntary Return of Runaways and/or Accused Status Offenders. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote**

**Rule 7-101: Financial Responsibility (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **J. Miller (AR) made a motion to retain the proposed amendment and recommendation for adoption to Rule 7-101: Financial Responsibility. J. Eldredge (UT) seconded. The motion passed by a 7-0-0 vote.**

**Rule 7-103: Charges Pending in Holding/Receiving State (3 Comments)**

- The Rules Committee discussed the opposition to the proposal, questioning who in the state gives the consent.
- **M. Lacy (WV) made a motion to amend Rule 7-103: Charges Pending in Holding/Receiving State to *Juveniles shall be returned only after charges are resolved when pending charges exist in the holding/receiving states unless consent is given by the holding/receiving and demanding/sending states' courts and ICJ Offices and recommend for adoption. K. Brown (NJ) seconded. The motion passed by a 7-0-0 vote.***

**Rule 7-104: Warrants (6 Comments)**

- The Rules Committee discussed the comments and agreed that the amended proposal for Rule 1-101: Definitions *Runaway* approved earlier in the meeting addressed some of the concerns. Additionally, the comments opposed the proposed language "*no geographic limitations*"; therefore, the Rules Committee agreed to delete the proposed language and revert back to the original language.

- **J. Miller (AR) made a motion to amend Rule 7-104 (1) to return to the original language “a nationwide pickup radius and”; to retain all other proposed language; and recommend for adoption. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

#### **Rule 7-106: Transportation (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- M. Lacy (WV) questioned the term “duly accredited officer”. The Rules Committee discussed defining the term and reviewing other places it is used in the rules. The consensus was that the term is intentionally vague as states’ accreditation, certifications, as well as, the title “officer” varies from state to state. No proposal was recommended noting questions could be addressed in training.
- **J. Eldredge (UT) made a motion to retain the proposed amendment and recommendation for adoption to Rule 7-106: Transportation. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

#### **Rule 8-101: Travel Permits (0 Comments)**

- The Rules Committee agreed the amendment as proposed requires no additional clarification.
- **J. Miller (AR) made a motion to retain the proposed amendment and recommendation for adoption to Rule 8-101: Travel Permits. A. Ehlers (ID) seconded. The motion passed by a 7-0-0 vote.**

### **3 Rule Proposals Submitted by the East Region**

#### **Rule 8-101: Travel Permits (9 Comments)**

- The Rules Committee discussed the comments that both supported and opposed the proposed amendment to Rule 8-101 by the East Region. A. Ehlers (ID) and other members agreed with the comment by Oregon that the rules currently do not prohibit receiving states from issuing reporting instructions leaving the decision to the discretion of the states.
- **J. Miller (AR) made a motion that the Rules Committee retains its original position not to recommend for adoption. J. Eldredge (UT) seconded. K. Brown (NJ) opposed. The motion passed by a 6-1-0 vote.**
- R. Masters noted there are two rule proposals going forward on Rule 8-101 and cited the ICJ Rule 2-103 (6)... *Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.*"

#### **Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders (4 Comments)**

- The Rules Committee discussed the comments that were split in support of heightened attention and public safety and those in opposition to mandating reporting instructions and possible supervision prior to acceptance.
- **J. Miller (AR) made a motion not to recommend for adoption the proposed amendment to Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders. The motion died for a lack of second.**
- **K. Brown (NJ) made a motion to recommend for adoption the proposed amendment to Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders. The motion died for lack of a second.**
- Due to the lack of a motion, the Rules Committee’s previous no position for recommendation stands.

### **Rule 1-101: Definitions Reporting Instructions (4 Comments)**

- The Rules Committee discussed the comments and agreed with South Carolina that “orders” implies judicial involvement. R. Masters noted that it is not necessary to define commonly understood terms in the rules.
- **J. Miller (AR) made a motion that the Rules Committee retains its original position not to recommend for adoption. J. Eldredge (UT) seconded. K. Brown (NJ) opposed. The motion passed by a 6-1-0 vote.**

### **2017 Annual Business Meeting**

- Chair Hawkins highlighted the 2017 Annual Business Meeting events that will involve the rule proposals and requested that a member volunteer from each region to present the proposal during Tuesday’s training session.
- Once the members participating on the ABM rules training presentation panel have been determined, the national office will poll for a meeting date to prepare for the presentation.

### **Old Business**

There was no old business.

### **New Business**

- Chair Hawkins noted that modifications to the Final Travel Plan Form approved by the Technology Committee are out for review by the Rules and Executive Committees for the 30-day comment period. No comments have been submitted to date and the Rules Committee had no additional comments.
- J. Cowger (KS) commended Mike Lacy (WV) on his retirement and presented him with a Certificate of Appreciation.. The Rules Committee applauded his contributions to the Rules Committee and to the Commission.
- J. Eldredge (UT) announced she has resigned from her position in Utah effective in July and will be moving to California.

### **Adjourn**

- There will be no further rules committee meetings.
- **M. Lacy (WV) made a motion to adjourn. J. Eldredge (UT) seconded. Chair Hawkins adjourned the meeting without objection at 3:25 p.m. EDT.**