

INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

Minutes

June 16, 2020

2:00 PM ET

WebEx Teleconference



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. Daryl Liedecke (TX), Commissioner
7. Maureen Clifton (WY), Commissioner

Members Not in Attendance:

1. Dale Dodd (NM), Commissioner
2. Edwin Lee, Jr. (NJ), Designee

Non-Voting Committee Members in Attendance:

1. Matt Billinger (KS)
2. Kelly Palmateer (NY)
3. Stephen Horton (NC)
4. Dawn Bailey (WA)

ICJ Staff & Legal Counsel in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policy Specialist
3. Leslie Anderson, Logistics and Administrative Coordinator
4. Rick Masters, Legal Counsel

Call to Order

Chair T. Hudrlik (MN) called the meeting to order at 2:01 PM ET.

Roll Call

Director Underwood called the roll and a quorum was established.

Agenda

M. Clifton (WY) made a motion to approve the agenda as presented. T. Frierson (IL) seconded. The motion carried.

Minutes

- **J. Miller (AR) made a motion to approve the May 5, 2020 meeting minutes as presented. M. Clifton (WY) seconded. The motion carried.**

Discussion

Systematic Review

○ Section 400: Transfer of Supervision

- Rule 4-102 (2)(a)(ii): Sending and Receiving Referrals
 - K. Palmateer (NY) presented a draft proposal to ensure consistency with Rule 4-104(4): Transfer of Supervision Procedures for Juvenile Sex Offenders regarding the ability of the receiving state to deny supervision based on legal guardianship.
 - **J. Hawkins (MO) made a motion to approve the proposed amendment as presented. J. Miller (AR) seconded. The motion carried.**
- Rule 4-103 (2): Transfer of Supervision Procedures for Juvenile Sex Offenders
 - K. Palmateer (NY) presented a draft proposal to address the Form V requirement to be applicable only in cases where the juvenile is not already residing in the receiving state.
 - **J. Hawkins (MO) made a motion to approve the proposed amendment as presented. R. Curtis (ME) seconded. The motion carried.**
- Rule 4-104 (6): Authority to Accept/Deny Supervision
 - Chair T. Hudrlik (MN) presented a draft proposal recommended by the Technology Committee to ensure consistency with the language in Rule 5-103 (4)(b): Reporting Juvenile Non-Compliance, Failed Supervision and Retaking. The amended language would reflect the process currently being utilized by the Commission in cases where an alternative living arrangement is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state.
 - **J. Miller (AR) made a motion to accept the proposed amendment recommended by the Technology Committee as presented. T. Frierson (IL) seconded. The motion carried.**

○ Section 500: Supervision in Receiving State

- Rule 5-101 (1): Supervision/Services Requirements
 - Chair T. Hudrlik (MN) presented a recommendation by the Executive and Technology Committees to clarify whether the receiving state has authority to approve a change of residence and support the language in Form IA/VI.
 - The Committee discussed the memorandum submitted by the Executive Committee requesting review of specific issues related to the Form IA/VI and Advisory Opinion 01-2020 addressing if the receiving state can require the

sending state to provide revised Forms IA/VI and IV when a juvenile makes an intrastate move after transfer of supervision is approved.

- The committee came to a consensus that the rules currently do not adequately address the issues brought forward by the Executive and Technology Committees regarding processes to ensure that the juveniles are secure and supervising authorities are informed at the appropriate times during the process.
- Executive Director M. Underwood agreed to draft a proposal for committee review and discussion at the next committee meeting.
- Rule 5-101 (4): Supervision/Services Requirements
 - M. Clifton (WY) suggested that any change of address in intrastate cases be reported quarterly.
 - Executive Director M. Underwood reported that this is being addressed by the Technology Committee by amending the Form IA/VI to strike the physical address and emphasis be placed on the individual appointed has the legal guardian.
- Rule 5-101 (6): Supervision/Services Requirements
 - M. Clifton (WY) requested clarification regarding if the juvenile or adult compact maintains supervision of an individual over the age of 18.
 - The committee discussed and came to a consensus that no action was required by the committee.
- Rule 5-103 (4)(c): Supervision/Services Requirements
 - Chair T. Hudrlik (MN) presented a draft proposal recommended by the Juvenile/Adult Ad Hoc Committee.
 - J. Hawkins (MO) explained that the recommendation would address how to handle a return for failed supervision for juveniles residing independently in the receiving state, on which the rule is currently silent.
 - **T. Frierson (IL) made a motion to accept the proposed amendment recommended by the Juvenile/Adult Ad Hoc Committee as presented. D. Liedecke (TX) seconded. The motion carried.**
- Rule 5-103 (2): Supervision/Services Requirements
 - J. Miller (AR) asked how other committee members address the date the action will occur on a violation report if the date is unknown.
 - The committee discussed leaving it blank or entering an estimated date.
 - J. Adkins advised the field was an optional field and not required.
 - The committee made a recommendation to build in an option in the UNITY data system to address this issue.
 - Executive Director M. Underwood advised she will refer the recommendation to the UNITY Business Analysis Team for consideration.

Old Business

- **Rule 2-108: Emergency Suspension of Enforcement**
 - Chair T. Hudrlik (MN) reported that the comment period for Rule 2-108: Emergency Suspension of Enforcement ended on June 6, 2020. One (1) comment was received in favor of the new rule.
 - The committee discussed holding the Public Hearing virtually before the Annual Business Meeting. The panel would consist of the Commission Chair, Rules Committee Chair, Executive Director, Legal Council Representative and all Rules Committee members that were able to attend.
 - **J. Hawkins (MO) made a motion to recommend to the Executive Committee that the Public Hearing for Rule 2-108: Emergency Suspension of Enforcement be conducted virtually on July 28, 2020. R. Curtis (ME) seconded. The motion carried.**
- **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**
 - Chair T. Hudrlik (MN) reminded the committee that the comment period regarding forms recommendations was currently open for review by the Executive Committee and Rules Committee members until July 13, 2020.

Adjourn

J. Miller (AR) made a motion to adjourn the meeting. T. Frierson (IL) seconded. The meeting was adjourned at 2:59 p.m. ET.